Displaced persons: temporary protection

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OBJECTIVE: to bring together the existing national policies and practices with regard to the temporary protection of displaced persons in the Member States and to step up cooperation in this field through a Joint Action. SUBSTANCE: the proposal for a Joint Action seeks to set up a single legal framework - the temporary protection regime - which can be used in any crises occurring following the large-scale displacement of people in Europe. The aim is to encourage greater approximation of the existing national policies and practices in this field and to increase cooperation between the Member States. A fair sharing of responsibilities between the Member States is provided for (in particular with regard to the distribution of people fleeing from regions in crisis and to the financial implications). The measure makes provision specifically that, in the case of the mass influx of persons in need of international protection, the Council decides by a qualified majority to establish a temporary protection regime setting for these persons the minimum rights enabling them to live with dignity on the territory of the Community (housing, work, access to schools, family reunification, social assistance, care) without discrimination. To this end a common procedure is provided for establishing and phasing out the temporary protection regime. The regime is reviewed each year and at least six months before its end on the basis of a Commission report to be submitted to the European Parliament and the Council. In drawing up its report the Commission will take into account the situation in the country of origin, the application of the regime in the Member States and its financial implications. If the Council decides to phase out gradually the temporary protection regime the displaced persons will be returned to their country of origin. In organizing the return priority will be given to voluntary repatriation. The proposal also makes provision that the examination of an application for asylum introduced by a beneficiary of the temporary protection regime may not be postponed for more than five years from the date of the beginning of the regime. The provision contains an exclusion clause: the temporary protection regime may be refused to anyone with respect to whom there are reasons for considering that he or she has committed a crime against peace, a war crime, a crime against humanity or other serious non-political crimes. This regime may also be refused to any person who could be regarded as a danger to the security of the Member State where the regime has been implemented. After five years of a temporary protection regime the Member States should examine whether long-term measures should be introduced for beneficiaries of this regime.