# Asylum : minimum guarantees for asylum procedures

1995/2220(COS) - 14/11/1996 - Text adopted by Parliament, single reading

In adopting the report by Mrs Hedy d'ANCONA (PSE, NL), Parliament sharply criticized the Council resolution on minimum guarantees for asylum procedures, believing that it did not correspond to the objectives which the Council had set itself, i.e. equivalent procedures in all Member States for asylum seekers. Furthermore, the resolution contains no legal obligations and leaves Member States the possibility of resorting to derogations. Parliament considered the procedure chosen by the Council to be unacceptable: there had been no prior consultation of Parliament, the application of the resolution is removed from parliamentary scrutiny and checks by the Court, and it has no obviously binding effect. With regard to substance, Parliament called for all decisions rejecting asylum applications to be made subject to an appeal before a judicial authority and that the principle of suspensive effect should only be restricted in cases where entry is refused on the grounds that the application for asylum is manifestly unfounded. Deportation should only take place if the asylum seeker has had the opportunity of requesting the restoration of the suspensive effect of his appeal. Parliament also called on Member States to draw up a harmonized list of safe countries of origin on the basis of detailed analyses and to submit it for its approval. Parliament stressed that the authorities responsible for guarding borders must have no responsibility for a substantive examination of an asylum application. It called for the observance of certain procedural guarantees (the asylum seeker should have enough time to prepare for the interview to assess his application, the procedure should be in a language understood by the asylum seeker, etc.). It insisted that unaccompanied minors should be able to submit asylum applications of their own, and that women should be able to do so separately from their husbands. The EP also called on the Council to adopt binding provisions whereby any Member State to which applications for asylum or refugee status are made by nationals of other Member States should regard them as manifestly unjustified and always reject them.