Asylum: international protection regimes

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The European Parliament adopted an own-initiative report drafted by Luis MARINHO (PES, P) on equitable and managed asylum systems.

The European Parliament considers that the Commission's Communication of 26 March 2003 to be most timely, since it is linked to implementation of the Agenda for Protection, which has been drawn up by the international community and approved by the UNHCR's Executive Committee. It welcomes the progress made in recent months at Community level on the subject of asylum, but expressly calls for unanimous agreement to be reached as soon as possible with regard to the two directives concerning, respectively, minimum procedural rules and the definition of refugees and of persons enjoying subsidiary protection, with particular reference to activities focusing on NGOs with a view to bringing about efficient procedures on the ground. In this connection hopes that the European Refugee Fund will

be renewed. It calls in addition for Community solidarity to be supported by fostering partnership with local and regional authorities and with NGOs.

Parliament notes that, in all the Member States, there is currently a crisis within the asylum system which is reflected in increasing disquiet amongst the general public, since asylum procedures are being abused on account of an increase in 'hybrid' migrant flows (frequently fed by 'people smugglers' operating across borders) which comprise both individuals who are in legitimate need of international protection and economic emigrants who make use of asylum channels and procedures in order to enter the Member States' territory in search of better living conditions, for which reason many applications for international protection are rejected as groundless.

The European Parliament addresses the following recommendations to the Commission and the Council:

- to increase aid to the regions of origin of the migratory flows to fund cooperation projects that will improve living conditions, bringing about a decrease in the number of migrants;

- to introduce or, where necessary, to increase aid to safe regions bordering the countries of origin of genuine asylum seekers and the countries through which they travel; if the protection of asylum seekers were guaranteed in other places, the pressure at EU borders would be eased; however, in order to achieve that, protection will need to be guaranteed, for which it is necessary to contribute to the work of the UNHCR, Red Cross, etc. and to monitor human rights in refugee camps and calls, to this end, for the implementation of specific programmes aimed at providing financial and technical aid contributing to ensuring protection in border and transit regions;

- action to facilitate, by means of the necessary technical assistance, the integration of those present on EU territory who are entitled to the protection deriving from the right to asylum, with the participation of competent EU bodies, local and national authorities, trade unions, employers' associations, NGOs, and cultural, social and sporting organisations.

The House calls on the EU to ensure that the new approaches in the field of asylum systems start

from the following basic premises:

- the Member States must fully honour their international legal obligations, such as the 1951 Geneva Convention on the Status of Refugees and the European Convention on the Protection of Human Rights and Fundamental Freedoms,

- the underlying causes of forced migration must be tackled,

- addressing first the fundamental causes of migration by encouraging a better understanding of migratory patterns and establishing a genuine preventative policy,-

- an assessment should be made of the economic and demographic trends in the Union, the situation in the countries of origin and the reception capacity of each Member State;

- legal entry into the European Union by third-country nationals for the purposes of employment or family reunification must be facilitated and must necessarily be combined with the existence of minimum reception conditions and an integration policy,

- illegal immigration must be combated in strict compliance with international humanitarian obligations, and no collective expulsions are to be allowed, but a fair and case-by-case evaluation of asylum applications is to be applied; organized networks of criminal gangs and individuals engaged in the trafficking of human beings should be punished instead of victims of trafficking,

- there should be joint management of migration flows, particularly of visa policy and, in parallel, more stringent controls at external borders;

- the burden of taking in refugees must be shared both within the European Union and with third countries on the basis of a partnership involving the countries of origin, transit, initial refuge and destination,

- efficient management of the distribution of financial aid to refugees,

- there must be better protection in the regions of origin and requests for protection must be considered in the light of needs, once access to the EU has been regulated through the introduction of protected-entry systems and resettlement programmes,

- the new approach must complement (rather than replace) the common European asylum system laid down at Tampere and must be incorporated into the future development of that system,

- discussions over new approaches may not be used to justify any delays in the adoption by the Council of proposals for Directives which have yet to be finalized in the initial stage of the common European asylum system,

- both the EU's and the Member States' new initiatives should be compatible with the global initiatives laid down in the UNHCR's Agenda for Protection and Convention Plus, the possible budgetary impact of the new approaches should not result in any infringement of the EU's financial perspective.

Parliament takes the view that in the light of the shortcomings of the current asylum systems it is essential to examine new ways and develop a new approach to supplement them, which should be realised in the context of a real sharing of burdens and responsibilities, the overall objective of which would be to guarantee better management of asylum flows in the territory of Europe and in the regions of origin, in order to arrive at better managed and more accessible and just asylum systems.

The EU is urged to take into account (with a view to swift implementation) the fact that a new approach designed to complement existing asylum systems must be based on (and must pursue as its prime policy

objective) the well-organised and managed arrival of persons in need of international protection into the EU from their region of origin by means of: a Community-wide resettlement scheme involving the transfer of refugees from an initial country of reception to the European Union for which purpose a legislative instrument for creating such a scheme should be devised and a specific chapter should be included in the new financial instrument which replaces the European Refugee Fund (which will cease to exist in 2004). The establishment of protected-entry procedures under which a third-country national would be able to submit an application for asylum (or for some other form of international protection) to a potential host country (although from outside the latter's territory) and secure an entry permit if his application is accepted, for which purpose a legislative instrument regulating such matters should be adopted.

Moreover, Parliament deplores the practice of placing asylum-seekers in detention centres, in particular vulnerable groups such as women and children, and encourages the use of other available options such as reporting requirements and non-custodial methods.

Lastly, Parliament calls on the Commission, should an EU regional operative group be set up with responsibility for the dissemination of information, handling of dossiers and reinstallation and protected entry procedures, to ensure that such a task force includes the participation of NGOs which are specialised and active in the field of migration and asylum, both in the countries of origin and in the EU.