Asylum procedure and protection in the regions of origin

2004/2121(INI) - 25/11/2004

The committee adopted the own-initiative report on asylum protection and procedure in regions of origin drawn up by Jean LAMBERT (Greens/EFA, UK) in response to the two Commission communications. The rapporteur deplored the fact that harmonisation of asylum laws had so far been based on the "lowest common denominator of the Member States" and said that the objectives of a European common asylum policy should be: to improve the quality of asylum decision-making in the EU; to help countries provide effective protection for asylum-seekers and refugees, using international human rights standards as a benchmark; to deal with applications for protection at a level as close as possible to needs and to regulate safe access to the EU for some of the persons in need of international protection; to apply the principle of solidarity and the fair sharing of responsibility; to develop, in the area of asylum and return, a prompt and efficient decision-making process.

The committee stressed that enhancing protection capacity in the regions of origin would help ensure an "orderly and anticipated manner of entry into the EU", while further maintaining the existing right of application for asylum upon spontaneous arrival in an EU Member State. The EU should be better prepared to provide urgent assistance to the countries neighbouring states in crisis, to help them address sudden mass migration resulting from crisis situations. Extra EU funding should be made available to enhance protection capacities in developing countries that are ready to share responsibility with the EU, instead of redirecting development aid funds for this purpose.

MEPs added that support for countries of first asylum in the region of origin should be seen as a complement to a common asylum procedure within the EU "based upon high standards of delivery and in full recognition of our international obligations", and that such support could not be a replacement for such an EU asylum procedure. They further stated that holding centres for would-be migrants in countries of final transit "have no place in the consideration of durable solutions in the region, nor in offering sanctuary to those in need of international protection".

The committee was in favour of a Community-wide system of resettlement - based on respect for individual wishes and the voluntary participation of all the Member States in the system - involving the transfer of those in need of international protection from a first host country to a Member State. It also called on the EU to explore the possibility of allowing third-country nationals to submit their application for asylum, or another form of international protection, to a potential host Member State from outside its territory.

The report proposed that systems be put in place to monitor what happens to those returned to their country of origin when their claim has been deemed unfounded, in order to assess whether correct decisions have been made.

MEPs backed the Commission proposal for a single procedure for international protection, and called for the EU to have an accelerated procedure for granting asylum, taking not more than 6 months. Not only those who ask for asylum, but also those who ask for subsidiary protection should have opportunities to defend themselves and exercise their right to appeal against decisions which they consider unlawful. Such appeals should have the effect of suspending the decision. Lastly, the committee believed that responsibility for deciding asylum claims should not be transferred from the Member States to the EU, given the legal, practical and political difficulties.