Basic information

1995/2220(COS) COS - Procedure on a strategy paper (historic)	Procedure completed
Asylum : minimum guarantees for asylum procedures **Subject** 7.10.06 Asylum, refugees, displaced persons; Asylum, Migration and Integration Fund (AMIF)	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties and Internal Affairs	D'ANCONA Hedy (PSE)	29/09/1995

Committee for opinion	Rapporteur for opinion	Appointed
JURI Legal Affairs, Citizens' Rights	ZIMMERMANN Wilmya (PSE)	21/11/1995
FEMM Women's Rights	LULLING Astrid (PPE)	27/02/1996

Council of the European Union

Key events

Date	Event	Reference	Summary
20/07/1995	Non-legislative basic document published	05585/1995	Summary
18/09/1995	Committee referral announced in Parliament		
08/10/1996	Vote in committee		Summary
08/10/1996	Committee report tabled for plenary	A4-0315/1996	
13/11/1996	Debate in Parliament		
14/11/1996	End of procedure in Parliament		
02/12/1996	Final act published in Official Journal		

Technical information

Procedure reference	1995/2220(COS)

Procedure type	COS - Procedure on a strategy paper (historic)
Procedure subtype	Commission strategy paper
Legal basis	Rules of Procedure EP 148
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/4/06936

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, single reading		A4-0315/1996 OJ C 347 18.11.1996, p. 0005	08/10/1996	
Text adopted by Parliament, single reading		T4-0613/1996 OJ C 362 02.12.1996, p. 0232-0270	14/11/1996	Summary

Council of the EU

Document type	Reference	Date	Summary
Non-legislative basic document	05585/1995	20/07/1995	Summary

Asylum : minimum guarantees for asylum procedures

1995/2220(COS) - 20/07/1995 - Non-legislative basic document

OBJECTIVE: the Council's draft resolution aims to ensure that all Member States take decisions on requests for asylum on the basis of equivalent procedures and therefore adopts common procedural guarantees for asylum seekers which take account of the conclusions of the executive committee of the United Nations High Commission for Refugees and Council of Europe recommendation no. R81. CONTENT: the draft resolution on minimum guarantees for asylum procedures lists some of the main principles of the right to asylum and makes express provision for the application of the Geneva Convention, especially the definition of "refugee", the principle of "non-refoulement" and cooperation with the UNHCR. It deals mainly with the following points: - guarantees concerning the examination of requests for asylum; - the rights of asylum seekers during the examination, appeal and revision procedures; - manifestly unfounded requests for asylum; - requests for asylum presented at the border; - additional guarantees for unaccompanied minors and women; - the residential status of those who qualify as refugees.

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.