Basic information

2003/2155(INI) INI - Own-initiative procedure	Procedure completed
Asylum: international protection regimes **Subject** 7.10.06 Asylum, refugees, displaced persons; Asylum, Migration and Integration Fund (AMIF)	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Citizens' Freedoms and Rights, Justice and Home Affairs	MARINHO Luís (PSE)	09/09/2003

Committee for opinion	Rapporteur for opinion	Appointed
AFET Foreign Affairs, Human Rights, Common Security, Defense	MAURO Mario Walter (PPE-DE)	08/07/2003
DEVE Development and Cooperation	SAUQUILLO PÉREZ DEL ARCO Francisca (PSE)	01/10/2003

Council of the European Union

Council configuration	Meetings	Date
Justice and Home Affairs (JHA)	2514	2003-06-05

European Commission

Commission DG	Commissioner
Justice and Consumers	

Key events

Date	Event	Reference	Summary
03/06/2003	Non-legislative basic document published	COM(2003)0315	Summary
05/06/2003	Debate in Council		
04/09/2003	Committee referral announced in Parliament		
19/02/2004	Vote in committee		
19/02/2004	Committee report tabled for plenary	A5-0144/2004	

31/03/2004	Debate in Parliament		
01/04/2004	Decision by Parliament	T5-0260/2004	Summary
01/04/2004	End of procedure in Parliament		

Technical information	
Procedure reference	2003/2155(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Initiative
Legal basis	Rules of Procedure EP 55
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/5/19864

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, single reading		A5-0144/2004	19/02/2004	
Text adopted by Parliament, single reading		T5-0260/2004 OJ C 103 29.04.2004, p. 0680-0780 E	01/04/2004	Summary

European Commission

Document type	Reference	Date	Summary
Document attached to the procedure	COM(2003)0152	26/03/2003	Summary
Non-legislative basic document	COM(2003)0315	03/06/2003	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
CofR	Committee of the Regions: opinion	CDR0249/2003 OJ C 023 27.01.2004, p. 0027-0029	09/10/2003	

Asylum: international protection regimes

2003/2155(INI) - 03/06/2003 - Non-legislative basic document

PURPOSE : to set out the views of the Commission on the basic premises of and objectives for a possible new approach towards more managed asylum systems. CONTENT : this report comes about as a response to the paper presented by the UK to the Spring European Council of 2003. The UK paper identified four factors which all substantially undermine the credibility, integrity, efficiency of and public support for the asylum system, not

only in the EU, but also globally: - financial support for refugees is badly distributed; - current asylum system requires those fleeing persecution to enter the EU illegally, using smugglers whereas the majority of refugees, including probably the most vulnerable one, stay in poorly resourced refugee camps in third countries; - the majority of asylum seekers in EU does not meet the criteria for refugee or subsidiary protection status; - those found not to be in need of international protection are not returned to their country of origin. The paper proposes the setting up set up regional protection areas in regions of origin aiming to provide accessible protection, with greater support from the global community in finding durable solutions. Asylum seekers from certain countries could be returned to their home regions where "effective protection" could be offered to them, and where they would be processed with a view to managed resettlement in their home regions or, for some, access to resettlement schemes in Europe. Significantly greater processing of asylum applications in regions, attached to resettlement programmes, would need to be developed according to the Paper, in a way which avoided creating a 'pull factor' or attracting people to camps as an easy way to get to Europe. It might also be possible, in this concept, to return to the so-called "regional protection areas" failed asylum seekers who have reached Europe but have been found not to have a well-founded claim to refugee status, but who cannot be immediately returned to their country of origin. The aim would be to provide temporary support until conditions allowed for voluntary returns. The UK also suggests medium term action to deter those who enter the EU illegally and make unfounded asylum applications. One possibility, the Paper states, might be to establish protected zones in third countries, to which those arriving in EU Member States, and claiming asylum could be transferred to have their claims processed. These 'transit processing centres' might be on transit routes into the EU. Those given refugee status could then be resettled in participating Member States. Others would be returned to their country of origin. Discussions on the highlighted a substantial number of pertinent legal, financial and practical questions, which are discussed in detail by the Commission. The Commission goes on to set out UNHCR's views, which centre on a special EU-based mechanism, to be piloted in respect of designated countries of origin. The mechanism involves elements such as closed reception facilities, rapid determination of claims, rapid transfer to asylum state and the return of persons not needing international protection. The Commission also sets out the views of NGOs, particular Amnesty International and ECRE. Amnesty feared that suchproposals may effectively result in denying access to the EU territory and shifting asylum seekers to processing zones where responsibility, enforceability and accountability for refugee protection would be diminished, weak and unclear. In addition, there would be two classes of asylum states: the rich and powerful states that can select whom they will accept as refugees and the rest who are compelled to host large numbers, including people returned from the rich countries. ECRE notes that Jordan, Syria, Turkey and Kenya, the subject of a study currently do not have the legal and social-economic infrastructure to ensure the safety of large numbers of asylum seekers, and that the insecurity of their legal status places them in dangerous situations. The Commission goes on to set out the essentials of any new approach to the international protection regime, and the policy objectives to be achieved. These are: - managed arrival in the EU; - burden and responsibility sharing within the EU as well as with regions of origin and - efficient and enforceable asylum decision- making and return procedures, as discussed in this paper. The Commission suggests that the strategic use and the introduction of Protected Entry Procedures and Resettlement Schemes should be considered. The notion of Protected Entry Procedures is understood to allow a non-national to approach the potential host state outside its territory with a claim for asylum or other form of international protection, and to be granted an entry permit in case of a positive response to that claim, be it preliminary or final. A Commission study identified five blueprints which Member States could consider when developing Protected Entry Procedures in the future, varying from the flexible use of the Visa Regime, to the development of a Schengen Asylum Visa. A resettlement scheme is understood to consist of transferring refugees from a first host country to a second, generally a developed country, where they enjoy guarantees of protection, including legal residence, and prospects for integration and autonomy. The resettlement process is approached in an integral manner, from policy formulation through the process of selection to transfer, arrival, and settling and longer-term perspectives. In such a framework, several levels of EU harmonisation can be identified, as well as levels of discretion left to Member States in that regard. The Commission feels that any new approach to the international protection regime should first and foremost not result in shifting, but in genuinely sharing the asylum burden. The Commission therefore suggests that further reflection be given to substantially assisting the regions of origin through various means in order to enhance their protection capacity, and to enable them to better cope with the great burden placed on them currently. Finally, the Commission recommends that the experience gained and the lessons learnt from past projects and current initiatives such as the Afghan Return Plan are used in informing and devising follow-up strategies. In conclusion the Commission seeks: - a legislative instrument on an EU resettlement scheme, including on the financial underpinning of such a scheme; - a legislative instrument on Protected Entry Procedures; - a legal basis building upon the preparatory actions financed out of Budget line (B7-667) 'Co-operation with Third Countries in the area of migration', which would specifically, and complementary to other existing programmes, support new approaches to asylum systems in third countries.

Asylum: international protection regimes

2003/2155(INI) - 26/03/2003 - Document attached to the procedure

PURPOSE : to present the second report on the common asylum policy and the Agenda for protection. CONTENT : the report period, December 2001 to February 2003, was an important period in getting the common European asylum system up and running. The report shows that significant progress was made in implementing the legislative programme for the first phase, determined by the conclusions of the Tampere European Council, and in developing support measures to flesh out this new policy. But progress still lagged behind, even if it met the deadlines set by the Seville European Council. Moreover the price to be paid for it was sometimes a reduction in the effectiveness of the harmonisation or a very low level of agreed standards. The need for unanimous adoption of Community instruments is the main cause, while the difficulty met by the Member States in abandoning their national agendas is another. Regarding asylum policy, there is now a manifest need to explore new avenues to complement the stage-by-stage approach adopted at Tampere. The question arises whether the Member States could better deploy the major human and financial resources which, partly supported by the European Refugee Fund, they devote to receiving displaced persons in the context of often lengthy procedures that regularly culminate in negative decisions requiring repatriation after a long wait. Three complementary objectives should now be pursued to improve the management of asylum in the context of an enlarged Europe: - improve the quality of decisions ("frontloading") in the European Union; - consolidate protection capacities in the region of origin; - treatment of protection requests as close as possible to needs, which presupposes regulating access to the Union by establishing protected entry schemes and resettlement programmes. 2003 will be a crucial year for the consolidation of the common European asylum system on the eve of enlargement of the Union. It will see the end of the first stage of harmonisation on the basis of the Commission's proposals. At the same time the second stage called for at Tampere will be sketched out, with the establishment of a common asylum procedure and a uniform status. In the spirit of the Agenda for Protection and the Convention Plus, the European Union must embark resolutely on a new approach to international protection based on better management of access for persons in need of international protection to the territory of the Member States and on consolidation of the possibilities for dealing with protection needs in the region of origin. The Commission, on the basis of,

among other things, the results of a variety of studies already carried out, will embark on this, in close cooperation with the HCR, so as to lay operational proposals before the Council and the European Parliament before the end of the year. The Commission accordingly requests the Council and the European Parliament to take note of its second report on the common asylum policy and: - asks the Council to adopt all the first-stage harmonisation proposals in accordance with the deadlines by the Seville European Council, in particular the directive on asylum procedures where the question of safe countries of origin andthird countries will demand special attention; - invites the Council and Parliament to continue considering the question of an instrument to succeed the European Refugee Fund on the basis of the Commission report of 3 December 2002 on the effectiveness of Community financial resources; - encourages the Member States to make the best use of the machinery for administrative cooperation on asylum (Argo, statistical programme) and to contribute actively to it, and undertakes to pursue the development of the Immigration and Asylum Committee and Eurasil as essential means of comparing analyses and practices to facilitate the identification of new priorities for the establishment of the common European asylum system; - recommends that a common approach be devised to the implementation of the Agenda for Protection and the Convention Plus and that it be defended in the governing bodies of the Office of the High Commissioner for Refugees and its dialogue with that organisation; - suggests that serious thought be given to possibilities offered by processing asylum applications outside the European Union and resettlement as instruments to complement a fair and efficient territorial asylum system in compliance with international obligations and with respect for dialogue and partnership with third countries; - recommends that more detailed serious thought be given to the question of access to the territories of Member States for persons in need of international protection and compatibility between stronger protection for these people and respect for the principle of non-refoulement on the one hand and measures to combat illegal immigration, trafficking in human beings and external border control measures on the other. The Commission will enter this item on the agenda for the Immigration and Asylum Committee, where it will ensure that special attention is paid to the question of protected entry procedures on the basis of the results of the study already available and the separate but related problem of resettlement; - invites the Council to look beyond the existing European Union action plan and give serious thought to a more operational definition of the content of integrated return programmes in the light of lessons learned from the implementation of the return programme for Afghanistan; - wishes special attention to be paid to refugees and displaced persons in future work by the Community institutions on integration; - invites the Council and Parliament to have regard to the contribution of developing countries in receiving refugees and applying international protection instruments and more generally to incorporate the international protection dimension more deeply into Europe's external policy on the basis of the Agenda for Protection; the Commission will consider the question in 2003 in the mid-term review of the country and regional strategy papers and will raise the objectives of the Agenda for Protection in its dialogue on questions of migration and cooperation with the relevant third countries.

Asylum: international protection regimes

2003/2155(INI) - 01/04/2004 - Text adopted by Parliament, single reading

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.