Basic information

2004/2121(INI) INI - Own-initiative procedure	Procedure completed
Asylum procedure and protection in the regions of origin **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, Justice and Home Affairs	LAMBERT Jean (Verts/ALE)	13/09/2004

Committee for opinion	Rapporteur for opinion	Appointed
AFET Foreign Affairs	KASOULIDES Ioannis (PPE-DE)	13/10/2004
DEVE Development	The committee decided not to give an opinion.	
EMPL Employment and Social Affairs	The committee decided not to give an opinion.	
FEMM Women's Rights and Gender Equality	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
General Affairs	2614	2004-11-02

Key events

Date	Event	Reference	Summary
04/06/2004	Non-legislative basic document published	COM(2004)0410	Summary
28/10/2004	Committee referral announced in Parliament		
02/11/2004	Resolution/conclusions adopted by Council		Summary

25/11/2004	Vote in committee		Summary
29/11/2004	Committee report tabled for plenary	A6-0051/2004	
14/12/2004	Debate in Parliament		
15/12/2004	Decision by Parliament	T6-0100/2004	Summary
15/12/2004	Results of vote in Parliament		
15/12/2004	End of procedure in Parliament		

Technical information

Procedure reference	2004/2121(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/6/23157

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee opinion	AFET	PE350.074	22/11/2004	
Committee report tabled for plenary, single reading		A6-0051/2004	29/11/2004	
Text adopted by Parliament, single reading		T6-0100/2004 OJ C 226 15.09.2005, p. 0073-0226 E	15/12/2004	Summary

European Commission

Document type	Reference	Date	Summary
Non-legislative basic document	COM(2004)0410	04/06/2004	Summary
Document attached to the procedure	COM(2004)0503	15/07/2004	Summary
Document attached to the procedure	COM(2005)0388	01/09/2005	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
	Economic and Social Committee:	CES1643/2004		

EESC	opinion, report	OJ C 157 28.06.2005, p. 0092-0095	15/12/2004	

Asylum procedure and protection in the regions of origin

2004/2121(INI) - 15/12/2004 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution based on the own-initiative report by Jean LAMBERT (Greens, UK) on a single procedure for the European Asylum System. (Please see the summary of 25/11/04). Parliament rejected the 'outsourcing' of the application process by sending applicants for refugee status to a third country, not least because it makes it more difficult for applicants to be properly represented and removes the process from democratic oversight. It felt that a resettlement mechanism constitutes the way to offer rapid access to protection without refugees falling victim to illegal immigration and human-trafficking networks or having to wait years before their status is recognized.

Parliament stated that additional resources required for the improvement of support in the regions of origin must be additional monies allocated and coordinated from existing budget lines and not a re-allocation of the existing aid and development budget. This should be taken into account in deliberations on the Financial Perspective.

Parliament backed the proposal for a single procedure for international protection, since it is convinced that a single procedure administered by a single competent authority will save economic resources, but above all will make the procedure swifter and more efficient and provide better guarantees for persons seeking protection : the single authority will assess the international protection needs of the applicant, either in order to grant him refugee status or subsidiary protection or, if appropriate, turn down his application.

Asylum procedure and protection in the regions of origin

2004/2121(INI) - 01/09/2005 - Document attached to the procedure

This Communication has been prepared by the Commission in response to the Council Conclusions of November 2004 and the Hague Programme, in which the Commission was invited to present an action plan for one or more pilot “Regional Protection Programmes”.

In its July 2004 Communication dealing with refugee protection programmes, the Commission proposed a three pronged approach to refugee protection initiatives, otherwise known as the three durable solutions, namely: repatriation, local integration and resettlement in a third country. The later option (resettlement in a third country) should only happen in cases where the first two options are not possible. The Communication also proposed the setting up of an “EU wide settlement scheme” in order to deliver a high level of protection to the increasing number of refugees world-wide. Such a scheme would also have the added advantage of guaranteeing a more orderly and managed entry into the EU.

In the Hague Programme, the EU Heads of States accepted the need to share responsibility for refugees fleeing conflict and accordingly called for a more accessible, equitable and effective international protection system, which could provide not only greater refugee protection but also a more durable solution to refugee protection. At the same time the European Council drew a distinction between countries and regions of origin and countries and regions of transit. The Commission was invited to develop “Regional Protection Programmes” the purpose of which would be to include a joint resettlement programme for those Member States which may be ready to participate on a voluntary basis. Concerning transit countries and regions the European Council emphasised the need for intensified co-operation and capacity building on the southern and eastern borders of the EU to enable those countries to manage better migration issues and to provide adequate protection for refugees. The programmes themselves should be situation specific and protection oriented, drawing on a range of measures, they should enhance protection capacity, offer better access to registration and local integration and assistance for improving the local infrastructure and migration management. Close co-ordination and implementation should be sought with the UNHCR. Based on existing programmes (AENAS and TACIS), the new programmes should not operate on a new financial framework.

In the Communication, the Commission has decided to focus on the wider policy background in the first section, the second section focuses on the possible content of the pilot programmes, the third examines the selection of geographic areas for the programme’s application whilst the fourth and fifth sections deal with the specific regions to which the first two programmes could apply. The last section addresses how the pilot Regional Protection Programmes should be evaluated and what the next steps in the process should be.

As far as the geographical areas for the programme are concerned the Commission proposes that the Western Newly Independent States (Ukraine, Moldova, and Belarus) could be suitable candidates. A pilot regional programme for this region would seek to build on and complement the work already begun with the co-operation of the authorities in the Western NIS countries. Initial work would be carried out through the AENAS initiative, which allocates an indicative EUR 2 million for asylum and international protection in this region. Other Regional Protection Programmes could include developing a pilot initiative in the Great Lakes region. The opportunity here lies in the possibility of developing well co-ordinated and strategic action on protection and resettlement with relevant third countries and in full respect of the principles of ownership.

The Communication recognises the need to provide accurate monitoring and evaluation of the programmes. As such the Commission proposes that an independent, external evaluator carry out a study on the programmes in 2007. On the basis of that assessment, the Commission will evaluate and report on the impact of pilot Regional Protection Programmes and examine the need to provide a more systematic approach – such as potential structure partnership with international organisation.

To conclude, the Commission points out that Regional Protection Programmes are a first step in a strengthened approach towards international protection. They also represent an opportunity for the EU to deliver a series of operational outcomes with the objective of better protecting refugees on the ground. Their added value lies in sharing responsibility provided for resettlement and the commitment to deliver an additional complementary effort

on changing refugee situations for the better. The Commission suggests that its role should be one of co-ordinator, ensuring a smooth synergy of actions between the Member States and countries of origin.

Asylum procedure and protection in the regions of origin

2004/2121(INI) - 02/11/2004

The Council welcomes the Commission's Communication on managed entry in the EU of persons in need of international protection and the enhancement of the protection capacity of the regions of origin. The Council considers it important to address the question of how more refugees worldwide can access effective protection and durable solutions, as quickly as possible and as close to home and to their needs as possible. It notes the large numbers of refugees which are received by third countries in regions of origin and underlines the need for the EU to assist in the enhancement of the protection capacity of regions of origin. Therefore, the Council welcomes the Commission's recommendation to develop Regional Protection Programmes, as well as the idea of developing these programmes in accordance with the Regional and Country Strategy papers framework.

The Commission is invited to present an action plan for one or more pilot Regional Protection Programme(s). A pilot project should draw on a range of measures, such as assistance to third countries to comply with international obligations, to enhance protection capacity, better access to registration and local integration, and assistance for improving the local infrastructure and migration management. The pilot project must take account of the causes of the refugee situation in question and of the situation of the local population.

The Programme should be developed in close partnership and in a spirit of co-ownership and be the result of direct negotiations with the third countries concerned. The development and the implementation of these programmes should be taken forward in close cooperation with UNHCR and other international organisations. Proposals for pilot projects should indicate possible EU and other funding sources.

The Council endorses the view that voluntary repatriation, local integration, and resettlement are the durable solutions for refugees. The targeted use of resettlement will demonstrate the Community's commitment towards international efforts to find comprehensive and effective solutions to protracted refugee situations. The Council welcomes the inclusion of resettlement in Regional Protection Programmes, and invites the Commission to present a proposal for a resettlement scheme by July 2005. Such a scheme needs to be situation specific, flexible and allow Member States to choose whether or not to participate.

Asylum procedure and protection in the regions of origin

2004/2121(INI) - 04/06/2004 - Non-legislative basic document

This Communication follows the conclusions at the Thessaloniki European Council and builds on the the Commission's related Communications on managing asylum (see COM(2003)0315.) It makes recommendations on how to enhance protection capacities for refugees and also proposes an EU-wide Resettlement Scheme.

The Communication is set out in four chapters:

- Chapter I looks at the first objective of Conclusion 26 of the Thessaloniki European Council, the need "to explore all parameters in order to ensure more orderly and managed entry in the EU of persons in need of international protection.

- Chapter II addresses the second objective of Conclusion 26, the need "to examine ways and means to enhance the protection capacity of regions of origin".

- Chapter III examines how to operationalise the Thessaloniki's European Council's clear call for an integrated, comprehensive, balanced, flexible and situation specific approach to asylum and migration issues in which both the mechanisms ensuring a more orderly entry in the EU of persons in need of international protection as well as the enhancement of the protection capacity of regions of origin play a key role.

- Chapter IV provides the conclusions of this Communication and outlines the best way forward.

The Commission proposes the strategic use and the introduction of EU Resettlement Schemes should be considered as a tool to ensure more orderly and managed entry in the EU of persons in need of international protection. This Communication discusses why the policy objective of this kind of managed entry could be beneficial for all concerned and create a win/win situation for those in need of international protection, countries of first asylum and destination countries, such as EU Member States. In terms of the financing of such an EU resettlement scheme the explicit inclusion of resettled refugees as beneficiaries of the second phase of the European Refugee Fund, will reinforce the collective and cooperative notion underlying any such scheme.

Furthermore the Communication highlights the need to assist the countries in the regions of origin, often merely transit countries, in becoming proper countries of first asylum allowing persons in need of international protection to access effective protection sooner and closer to their needs. In this context it is vital that these countries are assisted in a multi-annual engagement by the EU in this transformation process, and the Communication identifies identified the various elements of protection capacity enhancement on which such technical and financial assistance could be focused.

This Communication also proposes the crafting of EU Regional Protection Programmes which aim at addressing protracted refugee situations globally in a comprehensive and concerted approach. EU Regional Protection Programmes would need to be flexible and situation-specific and their added value would lie in the improved coordination and systematisation given to each of the identified possible elements of which such Programmes could be comprised. EU Regional Protection Programmes would provide a "tool box" comprising a range of measures. These tools would be mainly protection oriented. However, the following specific characteristics might in particular be included in such a "tool box":

- Action to enhance protection capacity;

- Registration Scheme: The UNHCR registration scheme "Profile", which will ultimately utilise biometric technology, constitutes a fundamental protection tool to better manage who requires protection in a third country. Such a scheme could also prove invaluable in terms of evaluating the effects of the action taken under the EU Regional Protection Programmes.

- An EU-wide Resettlement Scheme;

- Assistance for improving the local infrastructure;

- Assistance in regard to local integration of persons in need of international protection in the third country;

- Cooperation on legal migration;

- Action on migration management;

- Return: this could be aimed at the third country's own nationals, as well as other third country nationals for whom the third country has been or could have been a country of first asylum, if this country offers effective protection.

The Commission envisages taking charge of the drawing-up of a pilot EU Regional Protection Programme in relation to a protracted refugee situation identified by the Commission in close cooperation with UNHCR and consulting the relevant Council groups with a plan of action by July 2005 and a fully-fledged EU Regional Protection Programme by December 2005.

Asylum procedure and protection in the regions of origin

2004/2121(INI) - 15/07/2004 - Document attached to the procedure

The Council has adopted in April 2004 the Council Directive on minimum standards for the qualification and status of third country nationals and stateless persons as refugees or as persons who otherwise need international protection (the Qualification Directive) and reached political agreement on the Amended proposal for a Council Directive on minimum standards on procedures in Member States for granting and withdrawing refugee status (the Asylum Procedures Directive). Following consultation of the European Parliament, the first phase of the Common European Asylum System will be complete.

The Thessaloniki European Council of June 2003 called for further reinforcement of asylum procedures in order to make them more efficient with a view to accelerating as much as possible the processing of non international protection related applications. This calls for a response on how the EU can build such reinforcement and acceleration into the procedures which lead to the two forms of international protection defined in the Qualification Directive. The Commission sets out in this paper the reasons why it feels that taking steps towards a single procedure would answer those demands.

The reasons for a single procedure are as follows:

- speed and efficiency: Member States who operate a single procedure point out these effects of its introduction. A procedure which focuses on assessment of the protection needs defined in the Qualification

Directive and where a single authority makes a decision on the basis of either of those two sets of criteria clearly has the potential to be quicker than the scenario of consecutive applications to one or more authorities where similar facts are assessed and appeals against the decisions of different authorities run in parallel. The centralisation of resources for dealing with applications for protection can also deliver clear benefits.

- protection: the minimisation of possible trauma and the transparent nature of one inclusive procedure are also encouragements to the applicant to present his or her case in a comprehensive manner covering all aspects which make it impossible for him or her to return to the country of origin. This avoids the possibility of significant facts being revealed after the main asylum procedure has been completed when the guarantees applicable to the asylum process no longer apply.

- public perception: Where one decision on protection follows a quick, comprehensive procedure (followed by the possibility of an appeal against that decision), ambiguity and the damaging perception that there are myriad possibilities to stay in a country for protection reasons can be dispelled.

- returns: Where all possible protection obligations are included in one procedure, the chance of further protection-related obstacles being raised to delay or prevent removal is all but removed.

The Commission goes on to discuss why action is required qt EU level.

In order to initiate this change and provide the technical assistance to prepare Member States for the possibility of legal and infrastructural adjustments the Commission recommends two approaches:

- Preparatory Phase. A period of consultation and preparation on what Member States need to do to unify the procedures which lead to the two types of status set out in the Qualification Directive. This will be initiated by the Commission in a series of operational actions and technical projects including Commission-chaired experts meetings which look at how the practices applicable to refugee status determination could be extended to the assessment of whether an applicant qualifies for subsidiary protection and how the whole procedure could further be made more efficient and speedy.

The Preparatory Phase would prepare the ground and establish broad consensus for bringing forward:

- Community legislation. First step legislative action to extend the guarantees agreed as applicable to claims for refugee status in the Asylum Procedures Directive to those for subsidiary protection status in the Qualification Directive. Consideration would need to be given to how the Asylum Procedures Directive might need to be amended to take into account the particularities of the assessment of claims for subsidiary protection. Also whether the Reception Conditions would need to be amended and if the Dublin II Regulation might be extended to cover applications for subsidiary protection.

The paper discusses the key questions on the legislative approach, the timescale of the legislation and the scope of the single procedure. On the latter point, the Commission states that as a first step, at least Chapter II of the Asylum Procedures Directive, which deals with access to the procedure, the right

to remain in the Member State pending examination, examination requirements, interviews, rules on legal assistance and procedures for withdrawal) must be made equally applicable to applications for subsidiary protection. The standards are essential for fair procedures and will constitute the foundation of all common procedures under future Community law.

The paper goes on to discuss how appeals should be handled in a single procedure, safeguarding the integrity of the Geneva Convention and maintaining the quality of decisions.

The Commission asks the Council and the European Parliament to endorse the two step approach set out in this Communication as the next step along the road to achieving the common asylum procedure leading to a uniform status valid throughout the Union for those granted asylum in view of the progress made so far on the Tampere agenda.