Basic information

2008/2305(INI) INI - Own-initiative procedure	Procedure completed
Future of the European common asylum system **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	CATANIA Giusto (GUE/NGL)	26/06/2008

Committee for opinion	Rapporteur for opinion	Appointed
AFET Foreign Affairs	The committee decided not to give an opinion.	
DEVE Development	BUDREIKAITĖ Danutė (ALDE)	05/11/2008
EMPL Employment and Social Affairs	The committee decided not to give an opinion.	
CULT Culture and Education	The committee decided not to give an opinion.	
FEMM Women's Rights and Gender Equality	The committee decided not to give an opinion.	

European Commission

Commission DG	Commissioner
Justice and Consumers	BARROT Jacques

Key events

Date	Event	Reference	Summary
17/06/2008	Non-legislative basic document published	COM(2008)0360	Summary

18/12/2008	Committee referral announced in Parliament		
10/02/2009	Vote in committee		Summary
13/02/2009	Committee report tabled for plenary	A6-0050/2009	
09/03/2009	Debate in Parliament		
10/03/2009	Decision by Parliament	T6-0087/2009	Summary
10/03/2009	Results of vote in Parliament		
10/03/2009	End of procedure in Parliament		

Technical information

Procedure reference	2008/2305(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Strategic initiative
Legal basis	Rules of Procedure EP 55
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/6/68959

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE415.022	20/11/2008	
Amendments tabled in committee		PE418.158	08/01/2009	
Committee opinion	DEVE	PE415.288	21/01/2009	
Committee report tabled for plenary, single reading		A6-0050/2009	13/02/2009	
Text adopted by Parliament, single reading		T6-0087/2009	10/03/2009	Summary

European Commission

Document type	Reference	Date	Summary
Non-legislative basic document	COM(2008)0360	17/06/2008	Summary
Document attached to the procedure	SEC(2008)2029	17/06/2008	
Document attached to the procedure	SEC(2008)2030	17/06/2008	
Commission response to text adopted in plenary	SP(2009)3244	06/10/2009	

Future of the European common asylum system

2008/2305(INI) - 17/06/2008 - Non-legislative basic document

PURPOSE: to present a Policy Plan on Asylum; an integrated approach to protection across the EU.

BACKGROUND: work on the creation of a Common European Asylum System (CEAS) started immediately after the entry into force of the Treaty of Amsterdam in May 1999. During the first phase of the CEAS (1999-2005), the goal was to harmonise Member States' legal frameworks on the basis of common minimum standards.

The Hague Programme set as the aims of the CEAS in its second phase the establishment of a **common asylum procedure and a uniform status** for those who are granted asylum or subsidiary protection, as well as strengthening practical cooperation between national asylum administrations and the external dimension of asylum.

The Commission considered that, before proposing any new initiative, an in-depth reflection and debate with all the relevant stakeholders on the future architecture of the CEAS was also necessary. It therefore presented a Green Paper in June 2007, which aimed at identifying possible options for shaping the second phase of the CEAS.

CONTENT: the policy plan on asylum presented by the Commission provides for the architecture of the second phase of the Common European Asylum System (CEAS). It addresses the remaining elements on immigration and asylum of the Hague Programme. Building on the existing and future legal framework, this Policy Plan defines a road-map for the coming years and lists the measures that the Commission intends to propose in order to complete the second phase of the CEAS.

The paper discusses the trends in asylum matters and notes the historically low levels of asylum applications in most Member States, which mean that the latter’s asylum systems are currently under less pressure than in the recent past (though some border States have witnessed an increase in the asylum flows resulting, notably, from their geographical position). This appears to be the right moment to concentrate efforts on improving their quality.

A genuinely coherent, comprehensive and integrated CEAS should:

- ensure access for those in need of protection: asylum in the EU must remain accessible. Legitimate measures introduced to curb irregular migration and protect external borders should avoid preventing refugees' access to protection in the EU while ensuring a respect for fundamental rights of all migrants. This equally translates into efforts to facilitate access to protection outside the territory of the EU;
- provide for a single, common procedure for reasons of efficiency, speed, quality and fairness of the decisions;
- establish uniform statuses for asylum and for subsidiary protection, which share most rights and obligations, whilst allowing for justified differences in treatment;
- incorporate gender considerations and take into account the special needs of vulnerable groups;
- increase practical cooperation in order to develop, inter alia, common training, as well as jointly assessing Country of Origin Information and organising support for Member States experiencing particular pressures;
- determine responsibility and support solidarity: the CEAS must include rules on the determination of the Member State responsible for examining an asylum application and provide for genuine solidarity mechanisms, both within the EU and with third countries;
- ensure coherence with other policies that have an impact on international protection, notably: border control, the fight against illegal immigration and return policies.

To attain these objectives the Commission proposes a three-pronged strategy in this Policy Plan, based on:

I. Better and more harmonised standards of protection through further alignment of Member States' asylum laws. The Policy Plan proposes to improve definition at EU of standards for protection, in order to achieve the ambitious objectives set out in the Hague Programme, by amending the existing legal instruments. These include the Directive on Reception Conditions for asylum-seekers, the Directive on the Qualifications for becoming a refugee or a person needing international protection; and the Asylum Procedures Directive.

II. Effective and well-supported practical cooperation. This will be ensured through the establishment of a European Asylum Support Office that will consolidate all activities related to practical cooperation in the area of asylum: country of origin information, training, common curriculum, asylum expert teams, etc.

III. A higher degree of solidarity and responsibility among the Member States, as well as between the EU and third countries. Internally, solidarity mechanisms between the Member States will be proposed, in order to offer adequate support to the Member States whose system is overburdened; existing EU instruments such as the Dublin Regulation and EURODAC (a system allowing comparison of fingerprints in order to assist Member States in the identification of asylum applicants) will be amended to make them more effective. The external aspects of asylum policy are reflected in proposals aimed at alleviating asylum pressure in third countries: Regional Protection Programmes, Resettlement and Protected Entry Procedures. Resettlement, in particular, consists of receiving in the EU refugees who are hosted in countries of first asylum but who do not have a perspective for a durable solution there.

The provisions of the Geneva Convention, the evolving jurisprudence of the European Court of Human Rights (ECtHR) and the full respect of the Charter of Fundamental Rights will be a constant reference for this strategy.

The Commission believes that the following principles should guide the EU's asylum policy:

- uphold the Union's humanitarian and protection tradition and ensure respect of fundamental rights;

- establish a level playing field where all asylum seekers will have access to a high lever of protection under the same conditions, wherever in the EU they make their asylum claim;

- enhance the efficiency of the asylum system: Member States should be provided with tools which increase the efficiency of their decision making systems;

- provide solidarity within and outside the Union: it is essential to support those Member States which have more pressures on their systems, as well as helping countries outside the EU which host large numbers of refugees.

Future of the European common asylum system

2008/2305(INI) - 10/03/2009 - Text adopted by Parliament, single reading

The European Parliament adopted by 593 votes to 65 with 18 abstentions, a resolution on the future of the Common European Asylum System (CEAS).

The resolution notes that, in the past year, the number of refugees has grown to more than 12 million refugees and 26 million internally displaced people. In this context, it supports the establishment of a Common European Asylum System (CEAS) and welcomes the Commission's Policy Plan on Asylum. It regrets, however, that, owing to the change of legal basis which will result from the entry into force of the Lisbon Treaty, there are plans to put back to 2012 the deadline for completion of the second phase of the common European asylum system.

Parliament states that the harmonisation of standards leading to a common asylum procedure and uniform asylum status should result in a **high level of protection** throughout the EU. In this context, it regrets that the concept of the institution of asylum has been severely eroded in recent years and reiterate the need for full respect of the rights and needs of asylum seekers and the principle of non-refoulement.

Frontex – towards a renewed mandate: in order for the CEAS to be established under the best conditions, Parliament calls on the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) to provide detailed data relating to the number of asylum seekers, and calls on the Commission to table a proposal for a revision of Frontex's mandate in order to explicitly state that protection and **human rights concerns** are an integral part of the management of the EU external borders.

Improvement of existing legislation: Parliament welcomes the provisions mentioned in the latest Commission proposals that Member States shall not hold a person in detention for the sole reason that he or she is an applicant for international protection. It considers that asylum seekers should, as a **matter of principle, not be placed in detention, in view of their particularly vulnerable position**. It also believes that where an asylum seeker is held in detention, that person should have a right to a remedy before a national court.

Moreover, Parliament considers that the scope of the new Reception Conditions Directive must be clarified in order to cover holding centres, transit areas, border procedures and Dublin transferees. Like the Commission, Parliament considers that a single asylum application procedure and single standards for qualification as refugees or persons needing international protection should be established, covering all requests for 'international protection' (refugee status, subsidiary protection and temporary protection). In addition, it welcomes the recast of the Dublin regulation and the proposed provisions for a mechanism to suspend Dublin transfers if there are concerns that they could result in applicants not benefiting from adequate standards of protection in the responsible Member States.

This recast also includes measures aimed at ensuring that certain Member States faced with a large influx of refugees are not faced with too heavy a burden. **Parliament fears, however, that these provisions would in the end be a political statement** rather than an effective instrument. It therefore proposes the establishment of a binding instrument that includes the following elements:

- the secondment of officials from other Member States, under the aegis of a European Asylum Support Office, to assist those Member States which are faced with specific and problematic situations;
- a scheme to relocate beneficiaries of international protection from Member States which are faced with specific and problematic situations to others.

Integration of beneficiaries of international protection: Parliament regrets that the rules laid down by the Dublin system do not take account of the wishes of applicants (certain criteria relating to family, cultural and linguistic considerations should be given greater consideration). Parliament calls on the Council to reach an agreement on the extension of the scope of Council Directive 2003/109/EC to cover refugees and beneficiaries of subsidiary protection. It also recommends that no difference be made between rights granted to refugees and beneficiaries of subsidiary protection.

Solidarity mechanisms: Parliament takes the view that **solidarity cannot be confined to the granting of financial resources** and calls for the effective implementation of internal resettlement and relocation mechanisms on a voluntary basis as envisaged by the European Pact on Immigration and Asylum. It encourages the creation, under the aegis of the future European Asylum Support Office, of teams of asylum experts who can assist Member States experiencing sudden and mass influxes of asylum seekers with which they cannot cope. The Commission should consider the possibility of setting up a European mechanism for transferring international protection, under the supervision of the future European Asylum Support Office, to allow the movement of refugees in Europe upon their request.

Cooperation with third countries: lastly, Parliament considers that the CEAS should be fully coherent with the objectives and activities in the area of refugee protection of EU instruments for cooperation with developing countries. It also requests that an evaluation should be given of the adequacy of the funds available for measure relating to third countries.