

To: Mr Jacques Barrot – Vice President of the European Commission

**Cc: Mr Benoît Le Bret, Mr Miguel Sagredo (Cabinet of Mr. Jacques Barrot);
Mr Carlo Presenti, Ms Karolina Kottova (Cabinet of Mr. Franco Frattini);**

03 April 2008

RE: The treatment of asylum seekers in Greece and reform of the Dublin Regulation

Dear Mr Barrot,

I am writing to you on behalf of ECRE's member organisations across Europe to express our serious concern about the continuing failure of Greece to comply with its obligations under Community law, specifically in relation to the Dublin Regulation. ECRE first raised these issues in its March 2006 report on the application of the Dublin Regulation, and a number of other stakeholders have expressed similar concerns.

ECRE welcomes the European Commission's instigation of infringement proceedings against Greece for its failure to comply with the Dublin Regulation, and its 31st January referral of the matter to the European Court of Justice. We understand that this action relates to the lack of legal guarantees regarding the substantive examination of asylum claims following transfer to Greece. Given the seriousness of this issue, and pending judgement from the Court or remedial action by the Greek authorities, we believe that all States party to the Dublin Regulation should follow the example of Norway and suspend all transfers to Greece. We have therefore today written to all Member States calling on them to utilise Article 3 (2) to avoid such transfers. We hereby ask you to support this initiative by formally notifying all Member States of the basis for the infringement proceedings, and by recommending that they suspend transfers to Greece in the meantime.

However, ECRE believes that the current problems in Greece are only a symptom of fundamental and far-reaching flaws inherent in the Dublin system. Earlier this week ECRE published a new report entitled *Sharing Responsibility for Refugee Protection in Europe: Dublin Reconsidered* that highlights the limitations and injustices of the current system, and outlines recommendations to improve its fairness and efficiency. After ten years in operation, the Dublin system still fails to achieve its aims. Responsibility is assigned but not carried out, multiple claims and secondary movement persist, and an expensive layer of bureaucracy sits superimposed on a nascent European asylum system. These inefficiencies and contradictions do not only affect governments and public finances, but also impact refugees' rights and harshly disrupt human lives. By requiring that those fleeing persecution must claim asylum in the first country they reach, the Dublin system is premised on a level playing field of protection across the EU which does not exist in practice. For example, recognition rates for Iraqi asylum seekers in 2007 varied from over 80% in some states to literally zero in others. Meanwhile families are kept apart, the best interests of separated children are not respected, and torture survivors remain untreated.

ECRE welcomes the fact that later this year the European Commission will propose amendments to the Dublin Regulation, and we urge you to consider the recommendations in our attached report. These include proposals to ensure that the exercise of responsibility determination criteria does not result in transfer to Member States that cannot guarantee a full and fair hearing of asylum claims, or where reception conditions are inadequate. Amendments to the Regulation should explicitly require that all transferred cases be examined fully on their merits, that all claimants subject to Dublin procedures receive the same reception conditions as are required for other asylum seekers, and that detention may be used only as an extraordinary measure of last resort, where non-custodial measures have demonstrably failed. The definition of a family member should be extended, and unification should be allowed with family members holding any legal residence status in the EU. The humanitarian clause should not be limited to uniting family members, but

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should also apply to vulnerable groups such as torture victims, or persons with serious health problems. Determination of responsibility for children and other vulnerable applicants should follow a separate process that focuses on their best interests and particular needs. Amendments to the Regulation should require that all applicants receive full information about the system and its implications, in a form they can understand. Officials should receive comprehensive training, and oversight mechanisms must be established. The proposed European Asylum Support Office should share good practices, help Member States to support one another, and monitor respect for human rights.

Ultimately the Dublin Regulation should be replaced entirely under the 'Stockholm Programme', proposals currently under discussion to take the Common European Asylum System (CEAS) forward after completion of the Hague Programme. As it enters its second decade, the Dublin regime faces a greatly changed Europe, in which the integration of long term residents is a top priority. The Dublin system impedes integration by delaying the start of refugee determination procedures, and by uprooting refugees and forcing them to have their claims determined in Member States with which they may have no strong connection. Discussions on the 'Stockholm Programme' present an opportunity to design a responsibility allocation system that would operate with, rather than against, a CEAS. In our report we propose new responsibility allocation criteria to better connect individuals with states, thereby enhancing integration prospects and maximising refugees' contributions to their host societies. Also tabled are proposals by which EU states could better share resources and the financial costs associated with receiving refugees.

ECRE's member organisations believe that Europe cannot afford to miss the present opportunity to devise a responsibility-sharing regime that serves efficiency, solidarity, and the integration of people who seek, and deserve, international protection.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Bj. Vandvik', written in a cursive style.

Bjarte Vandvik
Secretary General, European Council on Refugees and Exiles (ECRE)