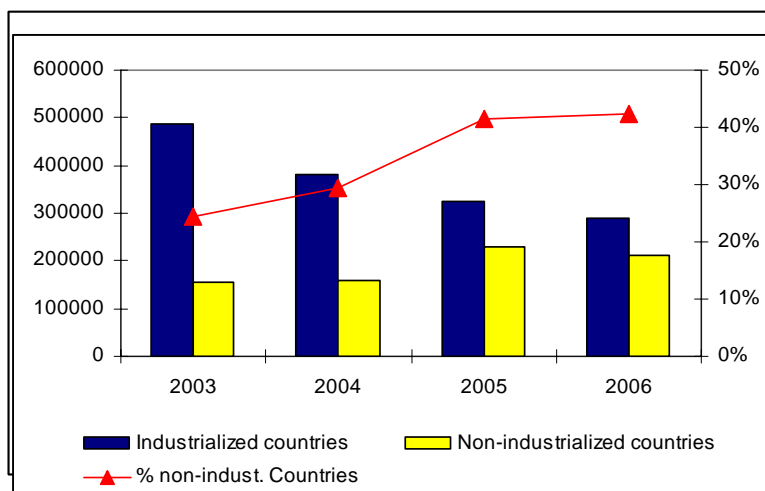


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ANNEX 2 – Statistical Data

Graph 1 New asylum claims lodged in industrialized and non-industrialized countries, 2003-2006



Source: UNCHR, Statistical Yearbook 2006

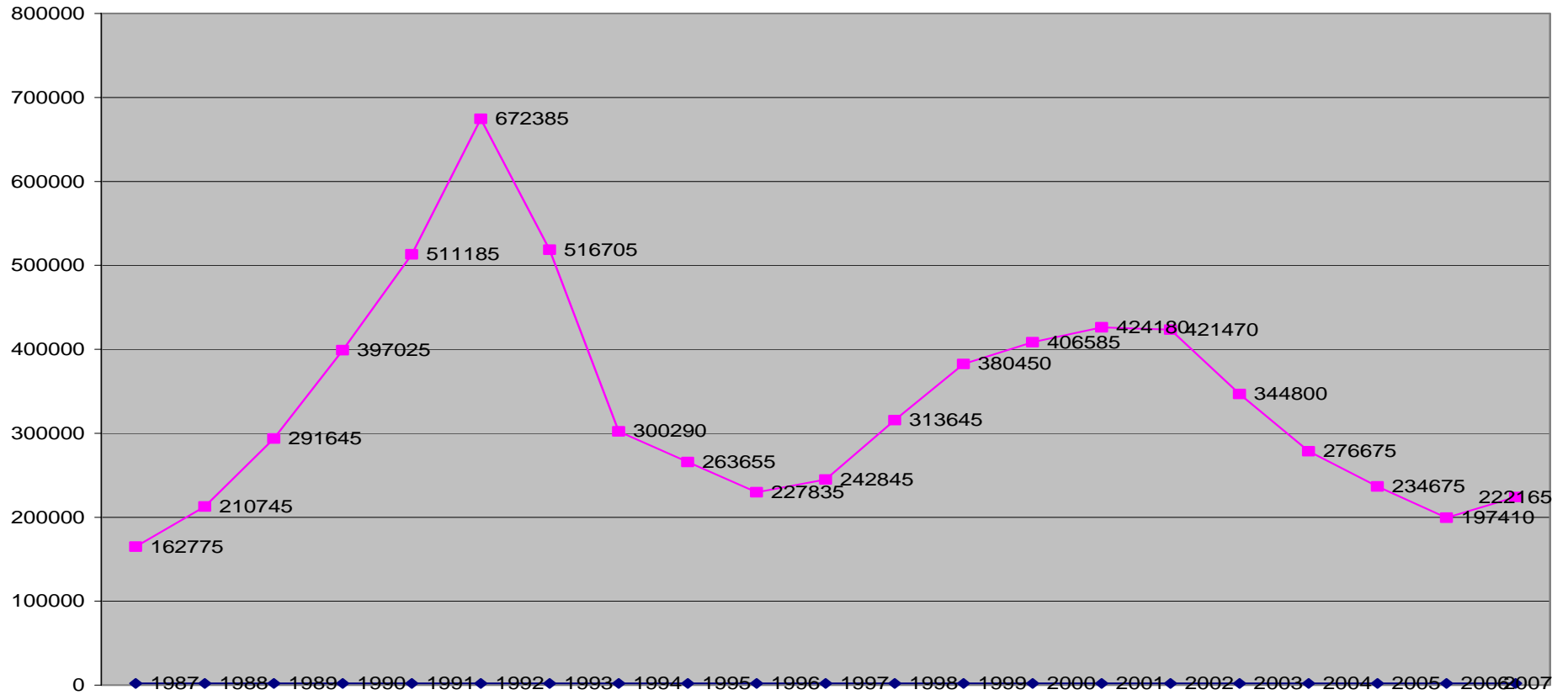
Graph 2 New asylum applications in EU-27, 1987-2007 (absolute numbers)

1987-1997: EU15

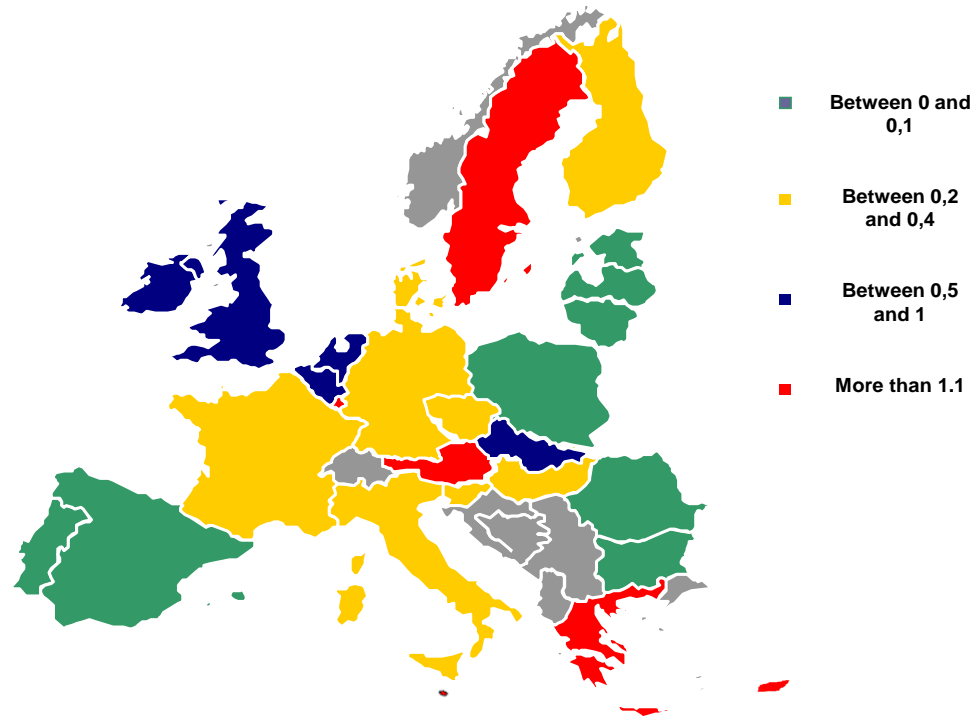
1998-2007: EU27

Source: EUROSTAT

Applications EU 1987-2007



**Map 1 New Asylum Applications relative to population size (per 1000 of inhabitants):
distribution of burden between MS**



Source: EUROSTAT

Table 1 Number of asylum decisions in the EU 27 MS, 2003-2006

	2003 ¹	2004 ²	2005	2006
Total number of decisions (absolute number)	415,130	343,460	292,295	237,971
Positive and negative decisions as a percentage of total decisions				
Total positive decisions³	10.08%	10.53%	16.41%	23.46%
Geneva Convention status granted⁴	5.09%	5.92%	7.26%	7.08%
Humanitarian status and subsidiary protection⁵	4.57%	4.20%	8.66%	15.57%
Other positive decisions	0.42%	0.41%	0.50%	0.81%
Rejections⁶	70.14%	69.23%	61.35%	57.64%
Other non-status decisions⁷	19.77%	20.22%	22.25%	18.90%
Applications pending at the end of the period	16.10%	14.72%	34.34%	22.27%

Source: EUROSTAT

¹ Data is missing for Italy.

² Data is missing for Italy and Luxembourg.

³ The asylum-seekers are granted with a form of international protection.

⁴ Including recognition under the 1951 Refugee Convention, the 1967 Protocol, or the 1969 OAU Convention.

⁵ An asylum-seeker may be granted a complementary form of protection. This refers to formal permission, under national law, to persons who are in need of international protection, to reside in a country, even though they might not qualify for refugee status under conventional refugee criteria.

⁶ The asylum-seeker is found not to be in need of international protection.

⁷ Those decisions which are defined neither as “rejections” nor as “positive” (withdrawals of applications, write-offs, abandonment of cases, any discontinuation of a claim not included in positive decisions or rejected applications).

Table 2 Multiple applications - EURODAC

	EURODAC registered asylum applications	All multiple applications		3rd and subsequent multiple applications	
		Total n.	All multiple applications/ EURODAC registered asylum applications	Total n.	3rd and subsequent multiple applications/ EURODAC registered asylum applications
2003	238,325	16,429	6.89%	1,860	0.78%
2004	232,205	31,307	13.48%	7,873	3.39%
2005	187,223	31,636	16.90%	9,307	4.97%
2006	165,958	28,593	17.23%	9,236	5.57%
Total	823,711	107,965	13.11%	28,276	3.43%

Source: own elaboration on data produced by EURODAC Central Unit

Table 3

New asylum applications in EU, 1987-2007

	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	
EU27												313645	380450	406585	424180	421470	344800	276675	234675	197410	222165	
EU15	162775	210745	291645	397025	511185	672385	516705	300290	263655	227835	242845											
BE	5975	4510	8190	12945	15445	17675	26715	14340	11410	12435	11790	21965	35780	42690	24505	18800	13585	12400	12575	8870	11120	BE
DK	2725	4670	4590	5290	4610	13885	14345	6650	5105	5895	5100	5700	6530	10345	12510	5945	4390	3235	2280	1960	2225	DK
DE	57380	103075	121320	193065	256110	438190	322600	127210	127935	117335	104355	98645	94775	78565	88285	71125	50565	35605	28915	21030	19165	DE
GR	6300	9300	6500	4100	2700	2110	860	1105	1280	1640	4375	2950	1530	3085	5500	5665	8180	4470	9050	12265	25115	GR
ES	2500	4515	4075	8645	8140	11710	12645	11990	5680	4730	4975	4935	8405	7925	9490	6310	5765	5365	5050	5295	7195	ES
FR	27670	34350	61420	54815	47380	28870	27565	25960	20415	17405	21415	22375	30905	38745	47290	51085	59770	58545	49735	30750	29160	FR
IE	50	50	40	60	30	40	90	360	420	1180	3880	4625	7725	10940	10325	11635	7485	4265	4305	4240	3990	IE
IT	11000	1300	2240	3570	24490	2590	1320	1830	1760	680	1890	13100	18450	15195	17400	16015	13705	9630	9345	10350	14050	IT
LU	100	45	85	115	240	120	225	260	280	265	435	1710	2930	625	685	1040	1550	1575	800	525	425	LU
NL	13460	7485	13900	21210	21615	20345	35400	52575	29260	22855	34445	45215	39275	43895	32580	18665	13400	9780	12345	14465	7100	NL
AT	11405	15790	21880	22790	27305	16240	4745	5080	5920	6720	13805	20130	18285	30125	39355	32360	24635	22460	13350	11860	11860	AT
PT	180	250	115	60	235	655	2090	615	330	270	250	355	305	225	235	245	115	115	115	130	225	PT
FI	50	65	180	2745	2135	3635	2025	835	850	710	970	1270	3105	3170	1650	3445	3090	3575	3595	2275	1405	FI
SE	18115	19595	30335	29420	27350	84020	37580	18640	9045	5775	9680	12840	11220	16285	23500	33015	31355	23160	17530	24320	36205	SE
UK	5865	5740	16775	38200	73400	32300	28500	32830	43965	29640	32500	46015	71160	80315	71365	103080	60045	40625	30840	28320	27905	UK
CY												225	790	650	1620	950	4405	9675	7715	4540	6770	CY
CZ											2110	4085	7355	8790	18095	8485	11400	5300	3590	2730	1585	CZ
EE											0	25	25	5	10	10	15	10	10	5	15	EE
HU										1260		7120	11500	7800	9555	6410	2400	1600	1610	2115	3420	HU
LV												35	20	5	15	25	5	5	20	10	35	LV
LT											240	160	145	305	425	365	395	165	100	145	125	LT
MT											70	160	255	160	155	350	455	995	1165	1270	1380	MT
PL								600	840	600	3580	3425	3060	4660	4480	5170	6810	7925	5240	4225	7205	PL
SK						85	95	140	360	415	645	505	1320	1555	8150	9745	10300	11395	3550	2850	2640	SK
SI								30	35	35	70	335	745	9245	1510	650	1050	1090	1550	500	370	SI
BG											370	835	1350	1755	2430	2890	1320	985	700	500	815	BG
RO					315	425	930	645	635	585	1425	1235	1665	1365	2280	1000	885	545	485	380	660	RO

Remarks:

Annual total for 2007 for some MS is based on aggregation of monthly figures Jan-Dec.

In following MS UNHCR data for 2007 have been used:

BE
IE
NL
IT

Table 4

New asylum applications by citizenship, 2005-2007 (only data disaggregated by citizenship included)

	Cumulated 2005-2007		2005		2006		2007	
	Number	% of total applications	Number	% of total applications	Number	% of total applications	Number	% of total applications
TOTAL	620811	100,0%	234675	100,0%	187065	100,0%	199070	100,0%
Iraq	67076	10,8%	11055	4,7%	19285	10,3%	36735	18,5%
Russia	49107	7,9%	19310	8,2%	13530	7,2%	16265	8,2%
Serbia and Montenegro	34460	5,6%	20880	8,9%	13580	7,3%		
Pakistan	26238	4,2%	6845	2,9%	6315	3,4%	13080	6,6%
Turkey	24206	3,9%	11040	4,7%	7435	4,0%	5730	2,9%
Afghanistan	21432	3,5%	6780	2,9%	7455	4,0%	7195	3,6%
Somalia	20122	3,2%			5930	3,2%	8325	4,2%
Iran	19590	3,2%	7560	3,2%	6655	3,6%	5375	2,7%
China	18636	3,0%	7775	3,3%	5495	2,9%	5365	2,7%
Nigeria	17708	2,9%	7625	3,2%				
Congo, the Democratic Republic of the			6825	2,9%				
Bangladesh					5955	3,2%	5300	2,7%
Serbia							11880	6,0%
Other (non-TOP10)	322236	51,9%	128980	55,0%	95430	51,0%	83810	42,1%

Remarks

Data rounded up to the nearest 5.

Italy - no data for 2006 (breakdown by citizenship) and 2007 available.

Annual total for 2007 for some MS is based on aggregation of monthly figures Jan-Dec.

In following MS only partial statistics for 2007 available:

BE - 2007 Jan-Oct

IE - 2007 Jan-Sep

NL - 2007 Jan-Jul

LV - 2007 Jan-Nov

Table 5

Decisions on asylum applications in EU, 2005-2007

EU27	2005						2006						2007					
	Total decisions	Geneva Convention	Humanitarian status	Other positive decisions	Rejections	Other non-status decisions	Total decisions	Geneva Convention	Humanitarian status	Other positive decisions	Rejections	Other non-status decisions	Total decisions	Geneva Convention	Humanitarian status	Other positive decisions	Rejections	Other non-status decisions
BE	17585	3700	na	na	10345	3545	8345	2230	210	na	5905	na	15135	1855	555	na	12725	na
DK	1325	95	135	na	1100	na	925	110	60	na	755	na	850	70	405	na	375	na
DE	48100	2465	655	na	27450	17530	30760	1350	605	na	17780	11025	28570	7195	675	na	12750	7955
GR	10420	40	85	0	4585	5710	11180	65	130	0	9600	1380	20990	95	75	na	20685	140
ES	5140	235	110	na	4795	na	4065	185	20	na	3860	na	5400	240	5	na	5155	na
FR	51270	4075	110	na	47090	na	37715	2745	185	na	34785	na	29450	3390	145	na	25915	na
IE	5240	455	na	na	4785	na	4245	395	na	na	3845	na	2820	280	na	na	2540	na
IT	20055	940	4355	na	7285	7475	9260	880	4340	na	3680	365	na	na	na	na	na	na
LU	1480	95	205	370	555	255	890	40	290	45	495	25	1035	155	345	40	430	65
NL	19750	965	7855	na	8085	2850	14180	360	3985	na	7520	2320	na	na	na	na	na	na
AT	18585	4530	na	na	5425	8635	15490	4065	na	na	5865	5560	15330	4090	na	na	7145	4095
PT	90	5	10	0	75	0	105	25	5	0	75	0	110	5	20	0	85	0
FI	3455	10	135	425	2515	370	2520	40	100	560	1540	285	2025	65	490	280	1050	140
SE	23920	335	4425	600	15925	2640	46395	680	20765	1295	12680	10970	32470	855	13720	1065	12185	4650
UK	36650	2470	2955	na	27780	3440	27520	2630	2410	na	20430	2050	27630	4480	2325	na	19485	1340
CY	5795	40	120	na	3125	2510	5585	30	140	na	1780	3635	7170	25	185	na	2318	4640
CZ	4375	210	40	80	2635	1410	3020	220	85	60	2195	460	2275	140	250	0	1570	315
EE	15	0	0	5	10	0	5	0	0	0	5	0	15	0	0	0	10	0
HU	1655	95	95	0	855	610	2020	100	100	0	1215	605	2805	170	85	0	1375	1175
LV	10	0	0	0	5	5	15	0	10	0	0	5	20	5	5	0	10	5
LT	95	15	45	0	25	10	130	10	85	0	25	10	145	10	50	na	50	35
MT	1160	35	485	na	580	60	1185	30	520	na	635	na	955	5	620	na	330	na
PL	8840	310	1830	na	2285	4415	7280	420	2045	na	935	3875	6190	150	2870	15	1835	1315
SK	3785	10	15	0	825	2935	2815	5	0	0	860	1945	2970	10	80	0	1180	1695
SI	1785	15	10	0	665	1095	900	0	10	0	570	325	540	0	5	0	270	260
BG	945	10	80	0	380	480	695	10	85	0	215	385	770	15	320	0	245	190
RO	470	40	15	0	415	0	365	45	5	0	270	40	590	125	5	0	340	120

Table 6

Decisions on asylum applications in EU, percentages, 2005-2007

	2005						2006						2007					
	Total decisions	Geneva Convention	Humanitarian status	Other positive decisions	Rejections	Other non-status decisions	Total decisions	Geneva Convention	Humanitarian status	Other positive decisions	Rejections	Other non-status decisions	Total decisions	Geneva Convention	Humanitarian status	Other positive decisions	Rejections	Other non-status decisions
EU27	100%	7,3%	8,1%	0,5%	61,4%	22,6%	100%	7,0%	15,3%	0,8%	57,8%	19,0%	100%	11,4%	11,3%	0,7%	63,1%	13,6%
BE	100%	21,0%	na	na	58,8%	20,2%	100%	26,7%	2,5%	na	70,8%	na	100%	12,3%	3,7%	na	84,1%	na
DK	100%	7,2%	10,2%	na	83,0%	na	100%	11,9%	6,5%	na	81,6%	na	100%	8,2%	47,6%	na	44,1%	na
DE	100%	5,1%	1,4%	na	57,1%	36,4%	100%	4,4%	2,0%	na	57,8%	35,8%	100%	25,2%	2,4%	na	44,6%	27,8%
GR	100%	0,4%	0,8%	0,0%	44,0%	54,8%	100%	0,6%	1,2%	0,0%	85,9%	12,3%	100%	0,5%	0,4%	na	98,5%	0,7%
ES	100%	4,6%	2,1%	na	93,3%	na	100%	4,6%	0,5%	na	95,0%	na	100%	4,4%	0,1%	na	95,5%	na
FR	100%	7,9%	0,2%	na	91,8%	na	100%	7,3%	0,5%	na	92,2%	na	100%	11,5%	0,5%	na	88,0%	na
IE	100%	8,7%	na	na	91,3%	na	100%	9,3%	na	na	90,6%	na	100%	9,9%	na	na	90,1%	na
IT	100%	4,7%	21,7%	na	36,3%	37,3%	100%	9,5%	46,9%	na	39,7%	3,9%	na	na	na	na	na	na
LU	100%	6,4%	13,9%	25,0%	37,5%	17,2%	100%	4,5%	32,6%	5,1%	55,6%	2,8%	100%	15,0%	33,3%	3,9%	41,5%	6,3%
NL	100%	4,9%	39,8%	na	40,9%	14,4%	100%	2,5%	28,1%	na	53,0%	16,4%	na	na	na	na	na	na
AT	100%	24,4%	na	na	29,2%	46,5%	100%	26,2%	na	na	37,9%	35,9%	100%	26,7%	na	na	46,6%	26,7%
PT	100%	5,6%	11,1%	0,0%	83,3%	0,0%	100%	23,8%	4,8%	0,0%	71,4%	0,0%	100%	4,5%	18,2%	0,0%	77,3%	0,0%
FI	100%	0,3%	3,9%	12,3%	72,8%	10,7%	100%	1,6%	4,0%	22,2%	61,1%	11,3%	100%	3,2%	24,2%	13,8%	51,9%	6,9%
SE	100%	1,4%	18,5%	2,5%	66,6%	11,0%	100%	1,5%	44,8%	2,8%	27,3%	23,6%	100%	2,6%	42,3%	3,3%	37,5%	14,3%
UK	100%	6,7%	8,1%	na	75,8%	9,4%	100%	9,6%	8,8%	na	74,2%	7,4%	100%	16,2%	8,4%	na	70,5%	4,8%
CY	100%	0,7%	2,1%	na	53,9%	43,3%	100%	0,5%	2,5%	na	31,9%	65,1%	100%	0,3%	2,6%	na	32,3%	64,7%
CZ	100%	4,8%	0,9%	1,8%	60,2%	32,2%	100%	7,3%	2,8%	2,0%	72,7%	15,2%	100%	6,2%	11,0%	0,0%	69,0%	13,8%
EE	100%	0,0%	0,0%	33,3%	66,7%	0,0%	100%	0,0%	0,0%	0,0%	100,0%	0,0%	100%	0,0%	0,0%	0,0%	66,7%	0,0%
HU	100%	5,7%	5,7%	0,0%	51,7%	36,9%	100%	5,0%	5,0%	0,0%	60,1%	30,0%	100%	6,1%	3,0%	0,0%	49,0%	41,9%
LV	100%	0,0%	0,0%	0,0%	50,0%	50,0%	100%	0,0%	66,7%	0,0%	0,0%	33,3%	100%	25,0%	25,0%	0,0%	50,0%	25,0%
LT	100%	15,8%	47,4%	0,0%	26,3%	10,5%	100%	7,7%	65,4%	0,0%	19,2%	7,7%	100%	6,9%	34,5%	na	34,5%	24,1%
MT	100%	3,0%	41,8%	na	50,0%	5,2%	100%	2,5%	43,9%	na	53,6%	na	100%	0,5%	64,9%	na	34,6%	na
PL	100%	3,5%	20,7%	na	25,8%	49,9%	100%	5,8%	28,1%	na	12,8%	53,2%	100%	2,4%	46,4%	0,2%	29,6%	21,2%
SK	100%	0,3%	0,4%	0,0%	21,8%	77,5%	100%	0,2%	0,0%	0,0%	30,6%	69,1%	100%	0,3%	2,7%	0,0%	39,7%	57,1%
SI	100%	0,8%	0,6%	0,0%	37,3%	61,3%	100%	0,0%	1,1%	0,0%	63,3%	36,1%	100%	0,0%	0,9%	0,0%	50,0%	48,1%
BG	100%	1,1%	8,5%	0,0%	40,2%	50,8%	100%	1,4%	12,2%	0,0%	30,9%	55,4%	100%	1,9%	41,6%	0,0%	31,8%	24,7%
RO	100%	8,5%	3,2%	0,0%	88,3%	0,0%	100%	12,3%	1,4%	0,0%	74,0%	11,0%	100%	21,2%	0,8%	0,0%	57,6%	20,3%

Table 7

New asylum applications and asylum decisions concerning Iraq, Russia and Somalia citizens, 2005-2007 (only data disaggregated by citizenship included)

	IRAQ							RUSSIA						SOMALIA							
	Asylum applications	Total decisions	Geneva Convention	Humanitarian status	Other positive decisions	Rejections	Other non-status decisions	Asylum applications	Total decisions	Geneva Convention	Humanitarian status	Other positive decisions	Rejections	Other non-status decisions	Asylum applications	Total decisions	Geneva Convention	Humanitarian status	Other positive decisions	Rejections	Other non-status decisions
EU27	36735	31730	6870	11025	160	10830	2835	16265	16090	3215	3200	80	6550	3035	8325	5610	1430	2215	20	1670	265
BE	590	1005	120	265	na	615	na	930	1930	480	0	na	1450	na	65	125	10	25	na	90	na
DK	1070	380	0	335	na	45	na	115	35	0	15	na	15	na	35	10	0	5	na	10	na
DE	4325	7780	5760	35	na	1025	960	770	1210	200	25	na	570	415	120	180	65	50	na	35	30
GR	5475	4030	65	10	0	3950	10	50	35	0	5	0	25	5	175	125	0	0	0	115	5
ES	1580	1040	20	0	na	1020	na	75	115	20	0	na	95	na	145	100	0	0	na	100	na
FR	145	170	70	25	na	75	na	3220	1675	300	0	na	1375	na	45	65	30	0	na	35	na
IE	200	170	75	na	na	95	na	45	35	5	na	na	30	na	115	95	20	na	na	75	na
IT	0	na	na	na	na	na	na	0	na	na	na	na	na	na	0	na	na	na	na	na	na
LU	15	na	na	na	na	na	na	15	na	na	na	na	na	na	0	na	na	na	na	na	na
NL	645	na	na	na	na	na	na	45	na	na	na	na	na	na	1025	na	na	na	na	na	na
AT	455	395	180	na	na	100	115	2685	3215	2015	na	na	735	465	430	265	155	na	na	35	75
PT	0	0	0	0	0	0	0	5	5	0	0	0	5	0	20	0	0	0	0	0	0
FI	290	330	20	165	40	100	10	165	185	25	5	0	130	25	80	240	0	225	0	10	0
SE	18560	13610	155	9565	120	2380	1390	790	1000	5	240	65	460	230	3350	1930	115	1415	20	270	110
UK	2075	1675	210	135	na	1265	60	125	150	10	0	na	130	5	1960	1980	975	110	na	860	35
CY	200	225	5	115	na	20	90	60	400	0	0	na	15	385	10	5	5	0	na	0	0
CZ	45	80	15	35	0	10	20	70	185	20	45	0	95	20	5	15	10	5	0	0	0
EE	0	0	0	0	0	0	0	5	5	0	0	0	5	0	0	0	0	0	0	0	0
HU	135	120	65	5	0	5	45	50	50	0	0	0	10	40	100	40	30	0	0	0	10
LV	0	0	0	0	0	0	0	5	5	0	0	0	0	0	0	0	0	0	0	0	0
LT	0	0	0	0	0	0	0	55	60	0	35	0	20	10	0	0	0	0	0	0	0
MT	5	5	0	5	na	0	na	0	0	0	0	na	0	na	585	380	5	370	na	5	na
PL	20	45	5	15	0	15	5	6670	5440	135	2830	15	1280	1180	10	0	0	0	0	0	0
SK	130	145	0	40	0	20	80	305	340	0	0	0	95	245	10	10	0	10	0	0	0
SI	5	5	0	0	0	5	0	10	5	0	0	0	0	5	0	0	0	0	0	0	0
BG	530	330	0	275	0	10	40	0	5	0	0	0	5	5	0	5	0	0	0	0	0
RO	245	190	105	0	0	75	10	5	5	0	0	0	5	0	30	40	10	0	0	30	0

Remarks

Data rounded up to the nearest 5.

EU27 - data for not all MS available.

Italy - no data for 2006 (breakdown by citizenship) and 2007 available.

Luxemburg - no decision data by citizenship available.

Annual total for 2007 for some MS is based on aggregation of monthly figures Jan-Dec.

In following MS only partial statistics for 2007 available:

BE - 2007 Jan-Oct

IE - 2007 Jan-Sep

NL - 2007 Jan-Jul

Table 8

Tab. II.b Refugee population by UNHCR regions				
UNHCR regions	Start-2006	End-2006	Annual change	
			Absolute	%
- Central Africa and Great Lakes	1,193,700	1,119,400	-74,300	-6.2%
- East and Horn of Africa	772,000	852,300	80,300	10.4%
- Southern Africa	228,600	187,800	-40,800	-17.8%
- West Africa	377,200	261,800	-115,400	-30.6%
Total Africa*	2,571,500	2,421,300	-150,200	-5.8%
CASWANAME**	2,716,500	3,811,800	1,095,300	40.3%
Americas	564,300	1,035,900	471,600	83.6%
Asia and Pacific	825,600	875,100	49,500	6.0%
Europe	1,975,300	1,733,700	-241,600	-12.2%
Total	8,653,200	9,877,800	1,224,600	14.2%

* Excluding North Africa.
** Central Asia, South West Asia, North Africa and Middle East.

Annex 3

Existing EU asylum measures

The main achievement during the first phase of the CEAS (1999-2005) was the adoption of several **EU instruments**, establishing for the most part common minimum standards. As these instruments were often Directives, they had to be transposed into national law.

- **Council Directive 2003/9/EC** laying down **minimum standards for the reception of asylum seekers**: the Directive guarantees minimum standards for the reception of asylum seekers (certain material reception conditions, family unity, medical and psychological care, access to education for minor children), in order to ensure a dignified standard of living, comparable in all EU Member States.
- **Council Directive 2004/83/EC on minimum standards for the qualification and status of third country nationals** or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted: it establishes common criteria for the identification of persons who need international protection and ensures a minimum level of rights and benefits in all Member States for those granted protection.
- **Council Directive 2005/85/EC on minimum standards on procedures** in Member States for granting and withdrawing refugee status: the Directive is intended to ensure fair and efficient procedures for granting and withdrawing the refugee status, to reduce the disparities between national examining procedures and to safeguard the quality of decision-making in the Member States.
- **Council Regulation (EC) No 343/2003** establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national: the regulation (also called Dublin II Regulation) is intended to identify the Member State responsible for examining an asylum application in a time-efficient fashion, to establish reasonable time limits for each of the phases of determination of the Member State responsible, and to prevent abuse of asylum procedures in the form of multiple applications. The basic principle is that each asylum application should be examined by one, and only one, Member State and the system is designed to prevent phenomena such as "asylum shopping" (where a third-country national goes to several Member States to seek asylum) and "asylum in orbit" (where no Member State considers itself responsible for examining an asylum application).
- **Council Regulation (EC) No 2725/2000** concerning the establishment of 'EURODAC' for the comparison of fingerprints for the effective application of the Dublin Convention: it establishes a system for comparing the fingerprints of asylum seekers and illegal immigrants in order to facilitate the implementation of the Dublin II Regulation. Indeed, by comparing fingerprints, the EURODAC system enables Member States to determine whether an asylum applicant or a foreign national which is found to be in an illegal situation within a Member State has previously claimed asylum in another Member State or whether an asylum applicant entered the Union territory unlawfully.

Other relevant instruments in the area of asylum and international protection are identified as follows:

- **Council Directive 2001/55/EC on minimum standards for giving temporary protection** in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof.

- The **European Refugee Fund (ERF)**: the ERF promotes economic and social integration, as well as fostering solidarity between Member States by supporting their efforts in the reception of refugees and displaced persons in the event of a massive influx. The Fund, which was initially set up for a period of five years (2000-04), has been extended twice: for the 2005-2010 period and for 2008-2013.
- The **Regional Protection Programmes (RPPs)** do not have a precise legal base but are currently being implemented and financed as Community cooperation programmes with third countries in order to improve the protection available and the asylum systems in specific regions of the world.

It is important to note that the different times of adoption of the legislative instruments mentioned above have entailed a certain lack of consistency. For instance, the procedural guarantees of the Procedures Directive are not included in the Dublin procedures as the Directive was adopted two years after the adoption of the Dublin Regulation. The same occurs with the scope of the Dublin Regulation, which does not cover applicants for subsidiary protection, as that status was created by the Qualification Directive (adopted after the Dublin Regulation).

Annex 4

Assessment criteria

In this section, a systematic comparison of the policy options is presented, by using a common grid summarizing the **preliminary assessment** of each policy option with respect to a set of criteria. This analysis will form the basis for ranking the various policy options and formulating a judgment on the expected success of each of them.

The criteria for performing the comparison between the different policy options considers the policy objectives, the expected impacts as well as the other issues influencing the EU action in the field of asylum.

On these bases, the expected impact of each policy option has been assessed by using a synthetic evaluation code. In view of the broad scope that a Policy Plan on a Common European Asylum System can have, the assessment is inevitably carried out according to macro and intermediate impacts of each policy option, given the need to consider the interrelated effects that each policy area has on the other. Thus, the assessment is carried out on a purely qualitative basis and the judgment of policy options is expressed on a ‘intuitive scale’ of positive impact from one to five (√ = little positive impact; √√√√√ = extremely positive or easily feasible). Neutral effects are highlighted by the sign “0”.

Moreover, in the grid used for the comparison, the motivation of the rating is provided as well as a brief analysis of each policy option with respect to the assessment criteria.

Assessment of each Policy Option

Main Impacts identified	
<i>Main areas of impacts</i>	<i>Specific impacts</i>
Social impacts at EU and national level	Flows of asylum seekers into the EU Flows of illegal immigration from third-countries Secondary and illegal movements between Member States, human trafficking and other illegal trafficking Perception of refugee population
Economic impacts at EU and national level	Matching EU demand for migrant labour Illegal working and informal economy
Financial impacts at EU and national level	Kind and level of material reception conditions Level of services and facilities granted to asylum seekers Administrative costs
Impacts on persons seeking for international protection	Effective access to international protection Equality in protection and uniform status throughout the EU Legal certainty Economic (access to labour markets) and social integration (acquisition of residency) Access to services and facilities
Impacts on third-countries	Impacts on countries of origin Impacts on countries of transit

Main Impacts identified	
<i>Main areas of impacts</i>	<i>Specific impacts</i>
	Impacts on countries neighboring conflict areas
Fundamental rights	Dignity
	No torture or inhuman or degrading treatment
	Right to liberty and security
	Protection of personal data
	Right to asylum
	Protection in the event of removal, expulsion or extradition

Annex 5

Cost assessment

The sign (–) before √ means a saving.

0 means no cost.

The more √, the higher the cost.

Policy Option B1: Full scale harmonization of EU legislation

Overall financial and administrative costs assessment
<p>The considerable amendments and additional legislative measures this policy option entails can only lead towards increased financial impacts on EU and MS.</p> <p>Given the high degree of harmonisation this policy option aims to achieve, the additional requirements regarding especially procedures and reception conditions all would have considerable effects on costs to be sustained, increasing the financial and administrative burden MS have to bear.</p> <p>The positive aspect is that the modifications concerning procedures and reception conditions, associated with the system of structural solidarity, would determine a redistribution of incoming asylum flows between Member States, eliminating the situation of overburden currently affecting some Member States, and generating a more equitable financial costs' allocation between them. Furthermore, the harmonized and unconditional access to the labour market would allow asylum seekers to be more self-dependent, possibly cutting service costs and gaining from labour taxation.</p>

Policy Option B1: Full scale harmonisation of EU legislation		
Field of intervention	Rating	Motivation of the rating and aspects of the policy option necessary to achieve the impact
Legal Framework		
Reception conditions	√√√√	<p>The extension of legislation to subsidiary protection status and the confirmation of the applicability of legislation to situations of detention in those MS where such provisions are not already in place are likely to produce significant. The expected increase of costs would seem to be strongly dependent also on the necessity of taking the financial allowances provided in some MS to an adequate level with reference to national standards (social aid or minimum salary), and on the expenditures related to the granting of full access to health care (gap between current and full access rights). Moreover, these costs will need to be sustained in a continuous and long term perspective.</p> <p>Limited implementing costs are foreseen in relationship with the legal duty of facing the situation of persons in need of international protection with special needs, due to: (i) <i>una tantum</i> costs related to training of staff involved in individuating special needs; (ii) permanent costs associated to obligation of information on special needs on behalf of the staff.</p> <p>Finally, there could be long-term cost-efficiencies given from providing harmonised and unconditional access to the labour market, which would allow asylum seekers to be economically more independent and to contribute to Member States' tax systems.</p>
Qualification	√√(√)	<p>The establishment of a single uniform status for both refugees and beneficiaries of subsidiary protection could significantly increase costs.</p> <p>A quite relevant rise in costs will be observed in those MS: (i) with a narrow definition of international protection statuses in national legislation with respect to the common definition to be established at EU level; (i) with a narrow set of rights granted to non removable persons with respect to what will be established at EU level. In this case, the financial and administrative costs are expected to be on a permanent basis.</p> <p>Finally, costs will increase in a limited amount in relation to the new system aimed at managing the situation of non removable persons who do not currently receive protection (expenditures for their reception conditions, etc.).</p>

Policy Option B1: Full scale harmonisation of EU legislation		
Field of intervention	Rating	Motivation of the rating and aspects of the policy option necessary to achieve the impact
Procedures	√√√	<p>Permanent and quite significant costs will be generated through the definition of harmonized types of procedure with common attached guarantees (i.e. legal assistance, suspensive appeal). These additional costs will be mainly sustained by those MS which currently grant more feeble guarantees related to procedures compared to the planned stronger common guarantees, also due to the necessities of <i>una tantum</i> training to administrative personnel involved in the management of the procedures.</p> <p>Extending the scope of application of the procedure directive (i.e. to Dublin cases and to subsidiary protection status) would require additional but limited costs in terms of personnel assigned to the performance of these procedures or in terms of man/hours needed for such procedures.</p> <p>Finally, the setting up of additional common procedural safeguards to answer situations of mixed arrivals or interception at sea will generate costs partly dependent by the expenses for the <i>una tantum</i> training of staff, but that will be mainly related to the incidence of exceptional and specific situations like mixed arrivals or interceptions at sea.</p>
Practical cooperation		
Institutional framework	0	No additional financial or administrative costs would be generated.
Promoting responsibility and solidarity		
Responsibility determination	√√√	A more effective implementation of the Dublin system could lead to higher costs (more transfers would take place)
Solidarity mechanism	√	<p>In this case costs will increase for those MS which are currently less affected by the asylum phenomenon because of the burden sharing mechanism, but at an overall EU level there should not be any increase in costs determined by the introduction of measures on structural solidarity between MS.</p> <p>Also, a limited rise in costs will be created with the introduction of a legally binding instrument providing for common procedural standards for Protected Entry Procedures (PEPs).</p>
European Refugee Fund	0	No additional financial or administrative costs would be generated.
Cooperation and solidarity with third countries	√	<p>There will be a permanent rise in costs due to the establishment of a mandatory resettlement scheme at European level. Moreover, a relevant increase in financial expenses will depend on the funding of Capacity building programmes for third countries, including Regional Protection Programmes.</p> <p>In the first case, the costs will arise mainly in terms of reception conditions for accepting additional flows of people in need of international protection, while in the second case the rise in costs will be driven by the financial support to be granted for the implementation of capacity building programmes (Regional Protection Programmes) in third countries.</p>

Policy Option B2: Further harmonization of EU legislation

Overall financial and administrative costs assessment
In an optic of comparison, the less binding characteristic of the present policy option would entail lower costs in comparison to a full-scale harmonisation process . There are however measures such as the extension of reception conditions to beneficiaries of subsidiary protection and the stronger guarantees related to procedures which inevitably entail higher financial and administrative costs compared to the current CEAS . Finally, the improved access to the labour market can slightly dilute the overall financial impacts.

Policy Option B2: Further harmonisation of EU legislation		
Field of intervention	Rating	Motivation of the rating and aspects of the policy option generating costs
Legal Framework		
Reception conditions	√√	<p>The extension of legislation to persons applying for subsidiary protection status and the applicability of legislation to situations of detention in those MS where such provisions are not already in place are likely to produce significant financial and administrative costs (to be assessed in specific IA for amendments of the Reception conditions Directive). The expected increase of costs would seem to be strongly dependent also on the general level of material reception conditions (costs for increasing in kind and/or financial allowances). Moreover, these costs will need to be sustained in a continuous and long term perspective.</p> <p>There could be long-term cost-efficiencies given from providing access to the labour market which would allow asylum seekers to be economically more independent . Although the administrative costs for providing labour market services may rise in relative terms, these would be compensated by these people's fiscal contributions through labour taxation.</p>
Qualification	√(√)	<p>The financial and administrative costs are expected to be marginally high for those MS whose definitions of international protection statuses are narrower than the programmed harmonised definitions, given that these MS would have to include a wider range of people within legislation. Costs of the amendments to the Qualification Directive will be specifically assessed in the IA for the amendment of the Qualification Directive.</p> <p>Limited and mainly <i>una tantum</i> bureaucratic costs would arise from the definition of a transfer of protection mechanism.</p>
Procedures	√	<p>The costs are likely to be relatively limited. They will be assessed in the specific IA for the amendment of the Procedures Directive</p> <p>However, marginally high and continuous costs are foreseen for the definition of a single procedure through the harmonization of stronger common attached guarantees (i.e. legal assistance, suspensive appeal). These costs will be mainly sustained by those MS which currently grant more feeble guarantees related to procedures compared to the planned stronger common guarantees. Limited <i>una tantum</i> costs would also occur for the necessity of training administrative personnel involved in the management of the procedures.</p> <p>Extending the scope of application of the Procedures Directive (i.e. to Dublin cases and to subsidiary protection status) would require unpredictable but possibly permanent costs in terms of personnel assigned to the performance of these procedures or in terms of man/hours needed for such procedures. The additional personnel costs are however expected to be limited.</p> <p>Finally, the setting up of additional common procedural safeguards to answer situations of mixed arrivals or interception at sea would generate limited costs partly dependent on the expenses for the <i>una tantum</i> training of staff. The costs would however be mainly related to the incidence of exceptional and specific situations like mixed arrivals or interceptions at sea.</p>
Practical cooperation		

Policy Option B2: Further harmonisation of EU legislation		
Field of intervention	Rating	Motivation of the rating and aspects of the policy option generating costs
Institutional framework		No additional financial or administrative costs would be generated.
Promoting responsibility and solidarity		
Responsibility determination	√√	<p>The financial and administrative costs are expected to be relatively limited. These would be generated by the improvement of the existing Dublin mechanism and will be specifically assessed in the IA for the amendments to the Dublin and EURODAC regulations. These provisions would require a permanent increase in personnel costs (i.e. number of staff in charge of procedures, training of staff) as well as an initial limited expense for legal adaptation.</p> <p>Freezing returns would entail limited and <i>una tantum</i> costs in circumstances of particular asylum pressure (on a responsible MS) for those MS where asylum seekers would stay (instead of being transferred to another MS). With the temporary and unpredictable nature of this mechanism, this option would generate relatively limited costs in the long run.</p> <p>Limited costs of legal adaptation and subsequent implementation would be borne by the EU and MS when defining modifications to ensure the consistency of legislation with the evolved asylum acquis as well as improving the existing EURODAC regulation.</p>
Solidarity mechanism	0(√)	<p>The financial and administrative costs are unpredictable but are expected to be quite limited given that the definition of a principle of exceptional financial solidarity would simply require <i>una tantum</i> costs. Its implementing costs are described in the “European Refugee Fund” cost assessment below.</p> <p>Those MS which currently do not use PEPs would incur limited permanent costs in terms of administrative personnel needed to guarantee the implementation of the new procedure.</p>
European Refugee Fund	√	<p>The financial and administrative costs would be limited for incrementing the budget since this measure would only respond to cases of particular asylum pressure on certain MS. This would mean a pooling of MS financial resources for occasional events which, because of the sharing of the financial solidarity burden itself, would be <i>una tantum</i> and limited.</p>
Cooperation and solidarity with third countries	√	<p>The only costs that would have to be sustained are the legislative ones needed to establish a voluntary resettlement scheme at EU level. Additional costs would be incurred only by those MS which decide to participate to such a scheme and these would mainly be in terms of reception costs provided for the resettled quota of people in need of international protection.</p>

Policy option C: Cooperation and exchange of best practices

Overall financial and administrative costs assessment
<p>Financial costs are likely to rise due to the need to back up the various cooperation measures with adequate financial support (i.e. shared financial support to projects and training, financing capacity building programmes in third countries). Administrative costs are also inclined to grow given the increased utilization of asylum personnel necessary to respond to the foreseen cooperation measures and to effectively conform to the EU guidelines covering the various asylum issues. The creation of the European Support Office (ESO) would however help national administrations to moderate the increase in administrative costs in the long term.</p>

Policy option C: Cooperation and exchange of best practices		
Field of intervention	Rating	Motivation of the rating and aspects of the policy option generating costs
Legal Framework		
Reception conditions	0	No additional costs would be generated.
Qualification	0	No additional costs would be generated.
Procedures	0	No additional costs would be generated.
Practical cooperation		
Institutional framework	√√√(√)	<p>The creation of the European Support Office (ESO) will produce quite significant financial and administrative costs extremely concentrated in the short term at EU level, mainly related to: (i) costs for the structure of the ESO; (ii) costs for the personnel to be involved in the ESO. These costs will be assessed in the separate IA following the ongoing feasibility study on how to improve support for practical cooperation activities.</p> <p>In the long term the national costs will decrease as the ESO will take up some of the national costs related to practical cooperation.</p>
Promoting responsibility and solidarity		
Responsibility determination	√	The financial and administrative costs are expected to be limited since the facilitation and improvement of the implementation of the Dublin mechanism through cooperation between MS would generate additional costs for a limited number of actions such as <i>una tantum</i> creating and distributing information or possible permanent costs of personnel for improved coordination
Solidarity mechanism	0	No additional costs would be generated.
European Refugee Fund	0	No additional costs would be generated.
Cooperation and solidarity with third countries	√√(√)	<p>Limited costs would have to be sustained on a permanent basis for the personnel needed to coordinate a voluntary resettlement scheme at EU level and capacity building programmes with third countries.</p> <p>Additional costs would be incurred only by those MS which decide to participate to such a scheme and these would mainly be in terms of reception costs provided for the resettled quota of people in need of international protection.</p>

Policy Option D: Overall comprehensive legal instrument on Asylum

Overall financial and administrative costs assessment

The **considerable amendments and additional legislative measures** this policy option entails can only lead **towards increased financial impacts on EU and MS**.

Given the **high degree of harmonization** this policy option aims to achieve, the additional requirements regarding especially **reception conditions** all would have their effects on the **financial and administrative costs** to be sustained would likely be considerable, increasing the financial and administrative burden MS have to bear.

The positive aspect is that the **modifications concerning reception conditions**, associated with the system of **structural solidarity**, would determine a **redistribution of incoming asylum flows between MS**, eliminating the situation of overburden currently affecting some MS, and generating a more equitable financial costs' allocation between MS. Furthermore, harmonized and unconditional access to the labour market would allow asylum seekers to be more self-dependent, possibly cutting service costs and gaining from labour taxation.

Moreover, it must be stressed that the financial and administrative costs would probably be extremely **high in the short term** due particularly to the creation of the **European Asylum Authority**, whereas the centralized management of the CEAS would subsequently lower them for the functioning of the European Asylum Authority and its relative bodies (i.e. the European appeal authority) and the reduction of competent national administrations.

Policy Option D: Overall comprehensive legal instrument on Asylum

Field of intervention	Rating	Motivation of the rating and aspects of the policy option necessary to achieve the impact
Legal Framework		
Reception conditions	√√√√	<p>The extension of legislation to subsidiary protection status and the confirmation of the applicability of legislation to situations of detention in those MS where such provisions are not already in place are likely to produce significant, but unpredictable, financial and administrative costs. The expected increase of costs would seem to be strongly dependent also on the necessity of taking the financial allowances provided in some MS to an adequate level with reference to national standards (social aid or minimum salary), and on the expenditures related to the granting of full access to health care (gap between current and full access rights). Moreover, these costs will need to be sustained in a continuous and long term perspective.</p> <p>Limited implementing costs are foreseen in relationship with the legal duty of facing the situation of persons in need of international protection with special needs, due to: (i) <i>una tantum</i> costs related to training of staff involved in individuating special needs; (ii) permanent costs associated to obligation of information on special needs on behalf of the staff.</p> <p>Finally, there could be unpredictable long-term cost-efficiencies given from providing harmonised and unconditional access to the labour market, which would allow asylum seekers to be economically more independent and to contribute to MS tax systems.</p>
Qualification	√√√(√)	<p>The measure on establishing of a single uniform status for both refugees and beneficiaries of subsidiary protection is directly linked to the significant increase in financial and administrative costs already analyzed and mentioned in case of reception conditions.</p> <p>Instead, a quite relevant rise in administrative costs will be observed in those MS: (i) with a narrow definition of international protection statuses in national legislation with respect to the common definition to be established at EU level; (i) with a narrow set of rights granted to non removable persons with respect to what will be established at EU level. Also in this case, the financial and administrative costs are unpredictable, but expected on a permanent basis.</p> <p>Finally, costs will increase in a limited amount in relation to the new system aimed at managing the situation of non removable persons that do not currently receive international protection (expenditures for their reception conditions, etc.).</p>
Procedures	-√	<p>Costs concerning procedures will decrease significantly due to the processing of applications at EU level by the European Asylum Authority. This measure will indeed generate savings on the current system managed at MS level, which implies problems related to: (i) multiple applications; (ii) inefficient resources allocation (cost of personnel with the system managed at EU level vs cost of personnel with the system managed at MS level); (iii) transfers under the Dublin system; etc.</p>

Policy Option D: Overall comprehensive legal instrument on Asylum

Overall financial and administrative costs assessment

Practical cooperation

Institutional framework	√√√(√)	<p>The creation of the European Asylum Authority will produce high financial and administrative costs extremely concentrated in the short term at EU level, mainly related to: (i) costs for the structure of the Authority; (ii) costs for the personnel to be involved in the Authority. But, on a long term perspective (as already stressed in the section on procedures) the substitution of the national structures dedicated to procedures and Dublin system with the centralized Agency will produce an efficiency in costs for the entire system.</p> <p>A low permanent increase in the level of costs will be also implied by the activities to be performed in order to make effective the established Quality Review Mechanism (obligation of information to be respected, <i>una tantum</i> training of staff dedicated to the activities, personnel involved at EU level), while a minor and una tantum cost will be associated also to the creation and implementation of adequate guidelines on the new asylum system (<i>una tantum</i> training of staff dedicated to the realization of guidelines at EU level, <i>una tantum</i> training of staff dedicated to the implementation of guidelines at MS level).</p> <p>An unpredictable but permanent low decrease in costs will be determined thanks to the higher level of efficiency.</p>
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Promoting responsibility and solidarity

Responsibility determination	0	<p>As already stressed in describing the costs associated to the creation of the European Asylum Agency, costs would stay level and then decrease since MS staff dealing with Dublin system would be substituted with staff at EU level dealing with physical allocation and long-term cost efficiencies could be reached by a central institution.</p> <p>Concerning the costs depending on performing allocation of asylum seekers between MS, it is not predictable if they would be lower or higher than the costs sustained currently for the transfers under the Dublin system since it will be dependent by the analysis case by case.</p>
Solidarity mechanism	√	<p>In this case costs will increase for those MS which are currently scarcely affected by the asylum phenomenon because of the burden sharing mechanism, but at an overall EU level there should not be any increase in costs determined by the introduction of measures on structural solidarity between MS.</p> <p>Also, a limited rise in costs will affect, in accordance with the introduction of a legally binding instrument providing for common procedural standards for Protected Entry Procedures (PEPs), those MS with no PEPs compared to the common standards on PEPs that will be established.</p>
European Refugee Fund	0	No additional financial or administrative costs would be generated.
Cooperation and solidarity with third countries	√√√	<p>There will be a permanent rise in costs due to the establishment of a mandatory resettlement scheme at European level. Moreover, a relevant increase in financial expenses will depend on the funding of Capacity building programmes for third countries, including Regional Protection Programmes.</p> <p>In the first case, the costs will arise mainly in terms of reception conditions for accepting additional flows of people in need of international protection, while in the second case the rise in costs will be driven by the financial support to be granted for the implementation of capacity building programmes in third countries.</p>

Preferred policy option: Further harmonization of EU legislation (B2) associated with cooperation and exchange of best practices (C)

Overall financial and administrative costs assessment
<p>The less binding characteristic of option B2 would entail lower financial and administrative costs in comparison to a full-scale harmonisation process (option B1). There are however measures such as the extension of reception conditions to beneficiaries of subsidiary protection and the stronger guarantees related to procedures which inevitably entail higher financial and administrative costs compared to the current CEAS. Finally, the improved access to the labour market for asylum-seekers can slightly dilute the overall financial impacts.</p> <p>Measures of practical cooperation will entail additional costs due to the need to back up the various cooperation measures with adequate financial support (i.e. shared financial support to projects and training, financing capacity building programmes in third countries). Costs are also inclined to grow given the increased utilization of asylum personnel necessary to respond to the foreseen cooperation measures. The creation of the European Support Office would however help national administrations to moderate the increase in administrative costs in the long term.</p>

Preferred Policy Option: Further harmonization of EU legislation associated with cooperation and exchange of best practices		
Field of intervention	Rating	Motivation of the rating and aspects of the policy option generating costs
Legal Framework		
Reception conditions	√√√	For a general overview on the financial and administrative costs refer to the assessment of policy options B2 and C.
Qualification	√√(√)	For a general overview on the financial and administrative costs refer to the assessment of policy options B2 and C.
Procedures	√√	For a general overview on the financial and administrative costs refer to the assessment of policy options B2 and C.
Practical cooperation		
Institutional framework	√√√(√)	For a general overview on the financial and administrative costs refer to the assessment of policy options B2 and C.
Promoting responsibility and solidarity		
Responsibility determination	√√	For a general overview on the financial and administrative costs refer to the assessment of policy options B2 and C.
Solidarity mechanism	0(√)	For a general overview on the financial and administrative costs refer to the assessment of policy options B2 and C.
European Refugee Fund	√	For a general overview on the financial and administrative costs refer to the assessment of policy options B2 and C.
Cooperation and solidarity with third countries	√√√	For a general overview on the financial and administrative costs refer to the assessment of policy options B2 and C.

Annex 6

Glossary

Asylum

Asylum is a form of protection given by a State on its territory based on the principle of ‘non-refoulement’ and internationally or nationally recognised refugee rights. It is granted to a person who is unable to seek protection in its country of citizenship and/or residence in particular for fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.

Common European asylum system

Rules and principles at European Union level leading to a common asylum procedure and a uniform status, valid throughout the Union, for those granted asylum. The major aims and principles were agreed to in October 1999 at the European Council in Tampere (Finland) by the Heads of State or Government. The second phase in the establishment of the common European asylum system started with the adoption of The Hague programme in November 2004.

Dublin system

The Dublin Convention and its successor, the Dublin Regulation, set the rules concerning which Member State is responsible for handling an asylum application. The objective of the system is to avoid multiple asylum applications, also known as ‘asylum shopping’. The Dublin system comprises the Dublin and Eurodac Regulations and their implementing regulations.

Eurodac

The Commission has launched a database called Eurodac to store fingerprints of asylum-seekers, in order to help Member States to determine whether a person has previously applied for asylum status in another Member State.

Geneva Convention

The convention relating to the status of refugees done at Geneva on 28 July 1951. The convention is supplemented by the New York Protocol of 31 January 1967. All Member States are party to the convention and the protocol, which are the basis on which the Common European Asylum System is built.

Mixed flows

Mixed flows are created when persons in need of protection move/travel together with migrants whose motivation is mainly the search of better living conditions, without protection motivations. Within these flows it is often difficult to identify the persons in need of protection, who therefore risk 'refoulement'. These flows are increasingly important at the Southern EU maritime border.

Non-refoulement

The key principle of international refugee law, which requires that no State shall return a refugee in any manner to a country where his/her life or freedom may be endangered. The principle also encompasses non-rejection at the frontier. Its provision is contained in Article 33 of the 1951 Convention Relating to the Status of Refugees and constitutes the legal basis for States' obligation to provide international protection to those in need of it. Article 33(1) reads as follows: 'No Contracting State shall expel or return (refouler) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion'. Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, in the light of the jurisprudence of the European Court of Human Rights and Article 3 of the UN Convention Against Torture and Other Cruel, Inhumane and Degrading Treatment or Punishment, are also considered as bases for 'non-refoulement' obligations.

Non-removable persons

In general, these are the persons covered by the principle of non-refoulement. The expression however often refers to the persons who are in a Member State and who have not been granted any type of international protection status but who cannot be returned to their country of origin. For example, certain persons do not qualify for obtaining international protection (because they are not being persecuted or because they do not fulfil all the requirements to receive international protection) but cannot be sent back for humanitarian, medical or other reasons. Currently there is no common approach for the treatment of these persons.

Protected Entry Procedures

These are procedures implemented from diplomatic representations of some Member States, allowing a non-national to approach the potential host country outside its territory with a claim for asylum or other form of international protection and subsequently to be granted an entry permit in case of a positive response to that claim, be it preliminary or final. Protected entry procedures, if they are well crafted, can drain parts of the market for human smuggling and partially eliminate the problem of returning the rejected caseload. There are currently no EU rules on this type of procedure.

Refugee

A person who fulfils the requirements of Article 1(A) of the Geneva Convention, Article 1(A) defines a refugee as any person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or owing to such fear, is unwilling to avail himself of the protection of that country; or who not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

Refugee status

This is defined in the EU legislative instruments as the status granted by a Member State to a person who is a refugee and admitted as such to the territory of that Member State. In terms of the Geneva Convention refugee status is defined as the status possessed by a person who fulfils the requirements of the refugee definition as laid down in the convention.

Regional Protection Programmes

Regional Protection Programmes were first proposed by the Commission in a 2005 Communication as a tool to enhance the capacity of areas close to regions of origin to protect refugees. The aim should be to create the conditions for one of the three Durable Solutions to take place – repatriation, local integration or resettlement. The development of Regional Protection Programmes, in cooperation with UNHCR and third countries in regions of origin requires the coordination of EU, refugee, humanitarian and development policies to address the full range of protection needs as well as the impacts of refugee populations on local communities to ensure that benefits are maximised for all. However, humanitarian aid operations in favour of refugees are not as such part of the Regional Protection Programmes. Currently there are Regional Protection programmes being implemented in Tanzania, Ukraine, Moldova and Belarus.

Resettlement

Resettlement means the transfer of third-country nationals or stateless persons on the basis of an assessment of their need for international protection and a durable solution, from a third country of first asylum to a Member State, where they are permitted to reside with a secure legal status. UNHCR usually advises the Member States which implement resettlement programmes on the most adequate caseloads of refugees to be resettled. The main countries of resettlement of refugees in 2006 were the US (41,300 resettled refugees), Australia (13,400), Canada (10,700) and Sweden (2,400). Only a limited number of EU Member States implement resettlement schemes and there is currently no common EU resettlement scheme.

Subsidiary protection

The EU Qualification Directive created the subsidiary protection status in order to give protection to certain categories of persecuted people, who are not covered by the 1951 Geneva Convention on refugees. It grants a lower level of rights than the Geneva Convention status.

Tampere European Council

In October 1999 the Tampere European Council adopted a comprehensive approach to put into practice the new political framework established by the Treaty of Amsterdam in the area of Justice and Home Affairs. The Council set ambitious objectives and deadlines for action in all relevant areas, including asylum and immigration, police and justice cooperation and fight against crime.

Temporary protection

People sometime need temporary protection after being temporarily displaced from their homes, e.g. Kosovo in 1999. The EU adopted a directive on temporary protection in July 2001, the provisions of which have not been enacted so far.

The Hague programme

The Tampere programme, adopted at the Tampere European Council in 1999, set the agenda for work in the area of Justice and Home Affairs for the period 1999-2004. Likewise, the European Council adopted in 2004 the Hague programme, which covers the period 2005-2010, and provides, among others, for the continuation of the efforts in establishing common European asylum and immigration policies.