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COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT

Towards more accessible, equitable and managed asylum systems

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INTRODUCTION

The letter of 10 March 2003 from the Prime Minister of the United Kingdom to the EU Presidency, requesting that the Presidency put the issue of the need for a *"better management of the asylum process* " on the agenda of the Spring 2003 European Council, constituted the catalyst for an intense debate which is currently being held both within and outside the EU, and to which all stakeholders in the asylum field contribute. Attached to the letter was a paper outlining some ideas on how best to address the need for a new approach to asylum. Shortly after the launch by the United Kingdom of their paper, UNHCR also presented concrete proposals for a substantially new approach to processing asylum claims.

The Spring European Council adopted Conclusion 61, in which it is stated that: "*The European Council noted the letter from the UK on new approaches to international protection and invited the Commission to explore these ideas further, in particular with UNHCR, and to report through the Council to the European Council meeting in June 2003."* With this Communication the European Commission responds to the invitation by the European Council to explore the issues raised in the UK paper. Under this specific mandate, and bearing in mind the short time span between the two European Council meetings, the Commission has considered the ideas and relevant initiatives already in the EU pipeline. It has not sought at this stage to provide a fully-fledged and definitive analysis of the ideas set out in the UK paper, and proposed by UNHCR. However, this Communication does set out the Commission's views on the basic premises of and objectives for a possible new approach towards more accessible, equitable and managed asylum systems.

Such a new approach will need to build upon the ongoing harmonisation of existing asylum systems in the European Union. While Community legislation lays down a minimum level playing field for in-country asylum processes in the EU, the new approach intends to move beyond the realm of such processes and address the phenomenon of mixed flows and the external dimension of these flows. Embracing the new approach will not render the ongoing harmonisation obsolete, spontaneous arrivals will continue to occur in the future and should remain subject to common standards. But the new approach would reinforce the credibility, integrity and efficiency of the standards underpinning the systems for spontaneous arrivals, by offering a number of well-defined alternatives.

On 26 March 2003, the European Commission presented its *Communication on the common asylum policy and the Agenda for protection.* As that Communication also covers, to a certain extent, the issues addressed in the present Communication, both Communications need to be read in conjunction with each other.

I. THE RELEVANT GLOBAL AND EU LEGAL- AND POLICY FRAMEWORK

At a global level the 1951 Geneva Refugee Convention and the 1967 New York Protocol constitute the fundamental legal framework. As far as the global policy framework is concerned references need to be made to the so-called *"Agenda for Protection*" and the "*Convention Plus*" initiatives of UNHCR. Both mechanisms aim at adapting and reinforcing the international protection regime. The international community has established the Agenda for Protection after two years of worldwide consultations. It aims to offer a response to today's challenges in the governance of the refugee problem around the world faced with difficulties of applying international protection rules in a situation where there are mixed migratory flows and ongoing persecutions, risks and dangers forcing millions of people to go

into exile where they need protection. Building on the Agenda, the objective of the Convention Plus is to improve the operation of the Geneva Convention, boost solidarity and extend the management of asylum-related migratory flows by means of supplementary instruments or policies. It acknowledges that the asylum and international protection system can come under serious threat if it is used for other purposes or repeatedly misused, notably by networks of smugglers in human beings.

As far as the relevant EU legal framework is concerned, article 63 of the TEC provides for the legal basis for the EU to take legislative measures in the field of asylum (and immigration). The Tampere European Council Conclusions of October 1999 established a clear policy framework as far as policies on immigration and asylum are concerned, by calling for the development of a common EU policy to include the following elements: Partnership with countries of origin; A Common European Asylum System; Fair treatment of third country nationals; Management of migration flows.

More specifically, as far as the Common European Asylum System is concerned**,** the Tampere European Council reaffirmed the importance that the Union and Member States attach to the absolute respect of the right to seek asylum, and agreed to work towards establishing such a System through a two step approach. The first phase of the Common European Asylum System is to be constituted by four EU legislative "building blocks", relating to the determination of the State responsible for the examination of an asylum application, and setting minimum standards on asylum procedures, conditions for the reception of asylum seekers, and the qualification and content of refugee- and subsidiary protection status. In the second phase of the EU asylum policy harmonisation process, it was decided at Tampere that Community rules should lead to a common asylum procedure and a uniform status for those who are granted asylum, valid throughout the Union.

In discussing possible new approaches towards asylum systems, it is important to recall that the European Council at Tampere rightly stated that asylum and immigration issues are distinct but at the same time closely related issues. In particular, measures combating illegal immigration should comply with principles and obligations derived from refugee- and other human rights law. Equally, any measure taken to improve management of the asylum regime should not be to the detriment of the management of migration flows. The validity of this balanced and interlinked approach towards asylum and immigration issues was endorsed at both the Laeken- and Seville European Councils.

Furthermore, the Commission's Communication on asylum policy of November 2000[1] identified the need to explore measures which could contribute to providing legal and safe access to protection in the EU to those in need of it, whilst simultaneously deterring human smugglers and traffickers. In this Communication the Commission announced the launching of two studies further researching methods to increase orderly arrival of persons in need of international protection in the EU, namely by setting up Protected Entry Procedures and Resettlement Schemes. In the present Communication the Commission will propose how to make the best possible use of the results of these two studies.

Tampere also underlined the need for a comprehensive approach to migration and asylum, addressing political, human rights and development issues in countries and regions of origin

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[1] Communication *from the Commission to the Council and the European Parliament Towards a common asylum procedure and a uniform status, valid throughout the Union, for persons granted asylum (COM/2000/755 final)*

and transit. It also called for a greater coherence between the Union's internal and external policies, and stressed the need for more efficient management of migration flows at all their stages, in which the partnership with countries of origin and transit would be a key element for the success of such a policy. A key EU instrument relevant in this regard is constituted by the Commission's Communication on integrating migration issues in the European Union's relations with third countries[2]. In its Communication, the Commission recognises that migration and asylum issues should be further integrated in the overall framework of the EU co-operation with the third countries. This should be done along the following lines: a global and balanced approach aimed at addressing the root causes of migratory flows; partnership with the third countries, flowing from the analysis of mutual interests; and specific and concrete initiatives assisting these third countries, aimed at improving their capacity to manage migratory flows. Furthermore, the Communication stressed the burden of receiving refugees borne by host countries in the developing world, particularly in the event of protracted situations. Alleviating this burden is the main objective of the 'aid to uprooted people' budget line. This dimension should also be reinforced in the management of other external financial instruments.

II. ANALYSIS OF THE UK PAPER

The Paper presented by the United Kingdom to the Spring European Council, entitled: *"New international approaches to asylum processing and protection",* consists of two parts, an analytical part and a part in which it develops two concrete new approaches to better manage the international protection regime. In its first part, the analysis, the Paper identified four factors which all substantially undermine the credibility, integrity, efficiency of and public support for the asylum system, not only in the EU, but also globally.

– 1.(Financial) support for refugees is badly distributed

– 2.Current asylum system requires those fleeing persecution to enter the EU illegally, using smugglers whereas the majority of refugees, including probably the most vulnerable one, stay in poorly resourced refugee camps in third countries

– 3.Majority of asylum seekers in EU do not meet the criteria for refugee or subsidiary protection status

– 4.Those found not to be in need of international protection are not returned to their country of origin

In part two of the UK Paper, two new approaches are presented. The Paper firstly proposes to set up regional protection areas in regions of origin aiming to provide accessible protection, with greater support from the global community in finding durable solutions. Asylum seekers from certain countries could be returned to their home regions where "effective protection" could be offered to them, and where they would be processed with a view to managed resettlement in their home regions or, for some, access to resettlement schemes in Europe. Significantly greater processing of asylum applications in regions, attached to resettlement programmes, would need to be developed according to the Paper, in a way which avoided creating a 'pull factor' or attracting people to camps as an easy way to get to Europe, and

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[2] *Communication from the Commission to the Council and the European parliament integrating migration issues in the European Union's relations with third countries* (Brussels, 3.12.2002COM(2002) 703 final)

which avoided agencies being inundated with applications. Better regional protection should allow more equitable management of flows of irregular migrants who want to come to Europe. It might also be possible, in this concept, to return to the so-called "regional protection areas" failed asylum seekers who have reached Europe but have been found not to have a well-founded claim to refugee status, but who cannot be immediately returned to their country of origin. The aim would be to provide temporary support until conditions allowed for voluntary returns.

In addition to better protection in regions of origin, the UK Paper suggests that it is worth considering medium term action to deter those who enter the EU illegally and make unfounded asylum applications. One possibility, the Paper states, might be to establish protected zones in third countries, to which those arriving in EU Member States, and claiming asylum could be transferred to have their claims processed. These 'transit processing centres' might be on transit routes into the EU. Those given refugee status could then be resettled in participating Member States. Others would be returned to their country of origin. This approach could act, in the views of the UK, as a deterrent to abuse of the asylum system, whilst preserving the right to protection for those who are genuinely entitled to it.

The above proposals have been discussed in depth over the last few months, in various fora involving Member States, Acceding States and representatives of relevant international and non-governmental organisations. These discussions highlighted a substantial number of pertinent legal, financial and practical questions. The most basic question flowing from these discussions is whether the proposed new procedures are complementary to or substituting the current asylum system. In regard to the idea of Transit Processing Centres the question was raised where such centres would be located, within or outside the EU. First and foremost, it was stressed that an examination is required into whether such centres, or to that effect Regional Protection Areas or Zones, are compatible with EU legislation, national legislation, the legislation of the envisaged countries hosting such centres or zones, and the European Convention on Human Rights. Furthermore, it needs to be clarified by which procedural rules (EU or national legislation) such centres or zones would be governed.

Two other key legal questions surfaced during these discussions. First, in how far would it be possible, according to the 1951 Refugee Convention, EU legislation or national legislation, to transfer persons to the envisaged Regional Protection Zones and/or to Transit Processing Centres, who have not transited through or otherwise stayed in such zones/countries. Could they be kept as such outside the scope of the jurisdiction of the destination countries? In relation to the suggested Regional Protection Zones the key legal question seems to be what the exact definition of "**effective protection"** is. However, there seems to be generally agreement amongst the Member States that protection can be said to be "effective" when, as a minimum, the following conditions are met: physical security, a guarantee against refoulement, access to UNHCR asylum procedures or national procedures with sufficient safeguards, where this is required to access effective protection or durable solutions, and social-economic well being, including, as a minimum, access to primary healthcare and primary education, as well as access to the labour market, or access to means of subsistence sufficient to maintain an adequate standard of living. In certain regional contexts, it was stressed that EU Member States may need to accept higher standards.

As has become clear from the discussions, whilst there is seemingly agreement on the analysis of the deficiencies of the current asylum systems, there are still many questions outstanding on how best to achieve a better management of these systems. The various legal, financial and practical questions surrounding the proposed reshaping of asylum procedures,

proposed by the UK, in particular in relation to the notion of transit processing centres, need to be researched and answered before taking any further position.

III UNHCR'S VIEWS

UNHCR is mandated to achieve better protection and solutions for all persons of its concern and committed to co-operating with efforts designed to address migratory strains on asylum systems. The Agenda for Protection, deriving from the Global Consultations process, has spurred new thinking to tackle these problems, including through the development of special agreements in the context of the High Commissioner's Convention Plus initiative. UNHCR is therefore in the process of exploring measures to improve protection and solutions arrangements in regions of origin, while proposing an EU-based approach to deal with certain caseloads of essentially manifestly unfounded applications lodged primarily by "economic migrants" resorting to the asylum channel. These proposals should be seen to complement existing national asylum systems. UNHCR is further prepared to examine with States how national asylum systems, and in particular their procedural aspects, could be rendered more efficient.

According to UNHCR, State responsibility is a key concept, which must be maintained at all stages, but can often be better fulfilled through international co-operation and the sharing of commitments. Together with improving the working of their national asylum systems, EU Member States also have the challenge of strengthening the capacity of asylum countries at points where refugees first seek international protection. Amelioration of asylum conditions in countries hosting major refugee populations and more accessible solutions are prerequisites if the pressures driving onward movement, the so-called "secondary flows", are to be reduced. These are shared responsibilities in keeping with the principle of international solidarity and burden sharing.

3.1 Protection and solutions in regions of origin as part of the Convention Plus initiative:

A genuine and concerted effort is required, in partnership with all States and international and non-governmental organisations concerned, to improve the quality and effectiveness of protection available within the countries in regions close to the source of refugee movements, as well as to promote durable solutions. Convention Plus can serve as an important enabling mechanism to develop comprehensive approaches through multilateral special agreements. The following would be elements of such an initiative:

> Strengthened protection capacity in host countries: Effective protection must be assured. Agreement on what constitutes effective protection, identification of protection inadequacies, a willingness of the host country to address them, as well as substantial financial and material investment to enable host countries, UNHCR and other relevant actors to implement agreed objectives, are therefore required. As foreseen in the Agenda for Protection, UNHCR is working with a number of States to boost their protection capacities, focusing especially on countries from which significant secondary movements are taking place. In UNHCR's experience, improved safety and availability and access to means for self-reliance is particularly relevant to avert secondary movements, and is an important precursor to a durable solution. The High Commissioner's proposal on "Development Assistance for Refugees" (DAR) advocates additional development assistance for: improved burden-sharing for countries hosting large numbers of refugees; promoting better

quality of life and self-reliance for refugees pending different durable solutions; and a better quality of life for host communities. It is based on broad based partnerships between governments, humanitarian and multi- and bilateral development agencies. .

Comprehensive durable solutions comprising the following elements:

- Active promotion of **voluntary repatriation and sustainable reintegration**. In post-conflict situations, the High Commissioner has proposed an integrated approach, the "4 Rs" (Repatriation, Reintegration, Rehabilitation and Reconstruction) which aims to bring together humanitarian and development actors in order to facilitate sustainable reintegration and bridge the transition period between emergency relief and long-term development.

- "Development through Local Integration" (DLI) as a strategy in circumstances where the **local integration of refugees** in countries of asylum is a viable option.

- Multilateral commitments to expand **resettlement** as a protection tool, a durable solution as well as an instrument of burden-sharing with countries of first asylum.

- **Processing in countries of first asylum** if necessary to access effective protection or durable solutions, such as: i) in the context of a comprehensive framework of durable solutions, or ii) where access to effective protection or a durable solution requires formal individual recognition of status. The entire caseload present in the country of first asylum should have equal access to such arrangements.

- **Facilitated return** to and readmission by countries of asylum in regions of origin where effective protection is agreed and continues to be available, possibly as part of an integrated approach, consisting of:

  - **An admissibility procedure**: to determine whether responsibility for providing protection lies in the country of destination or the country of first asylum, based on factors such as previous stay in a country offering effective protection and continued enjoyment of such protection upon return, or as part of a comprehensive durable solutions strategy.

  - **Specially tailored readmission agreements** should ensure prompt transfer under acceptable conditions, and would benefit from assistance schemes and other supportive incentives, which could reinforce the aforementioned efforts.

3.2 An EU-based mechanism as a step towards a common asylum system:

To target caseloads of asylum seekers that are composed of primarily economic migrants and to reinforce the return of persons not in need of international protection, UNHCR proposes a special EU-based mechanism to be piloted in respect of designated countries of origin. The mechanism could be an important step towards a common asylum system and would rely on an EC Regulation or Directive. Pre-negotiated readmission agreements to effect the swift return of rejected cases would be, according to UNHCR, a prerequisite. They should be easier

to negotiate as they could be limited to nationals, and would benefit from the joint political weight of the EU and its Member States, and UNHCR facilitation. The EU-based mechanism would, in UNHCR views, also include the following elements:

- **Closed reception facilities** in which asylum seekers would be required to reside for the duration of the procedure (not to exceed one month), provided that the special needs of vulnerable persons, including children, are met. Exceptions could be made in cases where there is no fear of absconding and irregular movement. The centres could be located within one or possibly more Member States close to the external borders of the EU, probably of the enlarged EU of 2004. They would provide facilities in line with international standards and the EU Directive on Minimum Standards for the Reception of Asylum Seekers in Member States, as well as interpretation services and legal counselling for all asylum-seekers.

- **Immediate transfer** from EU Member States to the joint facilities of asylum seekers of the designated nationality, with the exception of persons who are medically unfit to travel or stay in closed reception centres, and unaccompanied or separated children.

- **Rapid determination of claims** on an individual basis by a consortium of national asylum officers and second instance decision-makers, who would determine international protection needs, in line with the future EU 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, in a single –one stop shop- procedure . Appeals could, according to UNHCR, be limited to simplified reviews. The entire process should be completed within one month, unless a particular case reveals special complexities, in which case the claim should be transferred to a regular national asylum procedure. UNHCR would monitor the determination process, provide advice, and could play a role in the simplified review process.

- **Rapid transfer to asylum state**: Persons found to be in need of international protection would be distributed fairly amongst Member States, according to a pre-determined key that would take into account effective links, including family, educational, or cultural ties.

- **Rapid return** of persons found not to be in need of international protection.

- The process would be a partnership effort involving States and relevant international organisations. It would, according to UNHCR, require **joint EU funding and operation** of the centres and for the transfer to the asylum state or return to country of origin, as applicable, possibly from a special EU budget, and the sharing of resources and expertise.

Whilst it is important to further investigate the exact legal modalities and the practical and financial consequences of implementing the proposals made by UNHCR, the Commission is of the opinion that in particular the EU-based mechanism as suggested by UNHCR is worthwhile giving further consideration. The Commission feels that such a model could usefully contribute to restoring the credibility and integrity of asylum system, as it is expected to assist in discouraging economic migrants from using such systems to gain entry to the EU.

IV. VIEWS NON-GOVERNMENTAL ORGANISATIONS

Several non-governmental organisations, active in the area of refugee policy, have contributed to the debate on the shortcomings of the current protection regime. The general gist of these contributions is that whilst welcoming, in principle, initiatives in dealing efficiently with these shortcomings, they express the fear that any new approach may shift rather than share the burden with host, third, countries. Such a shift would, according to those organisations, in particular be inappropriate, as the EU should acknowledge that many countries, especially those close to regions of origin of refugee populations, are already now hosting far greater numbers of refugees and asylum seekers than are EU Member States. To transfer domestic refugee processing to those regions would, in their views, not be in accord with the concept of international responsibility sharing and principles of international refugee law.

Two organisations in particular have expressed their opinion and issued statements in this regard. Amnesty International stated in a commentary on the UK proposals[3] that such proposals may effectively result in denying access to the EU territory and shifting asylum seekers to processing zones where responsibility, enforceability and accountability for refugee protection would, in Amnesty's views, be diminished, weak and unclear. Furthermore Amnesty International is concerned that the UK proposal will threaten the principle of international solidarity on which international protection and solutions for refugees depend, by creating two classes of asylum states: the rich and powerful states that can select whom they will accept as refugees and the rest who are compelled to host large numbers, including people returned from the rich countries.

The European Council on Refugees and Exiles, (ECRE) issued , in collaboration with the US Committee for Refugees, a report[4], relevant to the issues discussed in this framework. This report is based upon field research in a number of countries hosting large refugee populations, such as Jordan, Syria, Turkey and Kenya. It examines the feasibility of complementing the processing of asylum applications in European and North American countries of asylum with processing in regions of origin as a means to facilitating the orderly and legal admission of refugees to Europe and North America. The report notes that those countries currently do not have the legal and social-economic infrastructure to ensure the safety of large numbers of asylum seekers, and that the insecurity of their legal status places them in dangerous situations. The extremely limited role of NGOs in these countries is, in the authors' views, furthermore an important constraint in offering a secure asylum environment for refugees in those countries. None of the countries, the report notes, is currently in favour of local integration of refugees. The report concludes that the most effective way to address the asylum and access challenge is through a comprehensive engagement to resolve protracted refugee situations.

In light of the variety of views expressed and approaches reported above, the Commission believes that it is vital that the EU continues to engage itself in a constructive, transparent and open dialogue with the various stakeholders, involved in the debate on this critical issue of new approaches to the management of asylum systems, including representatives of civil society.

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[3] "Strengthening *Fortress Europe in Times of War"-Amnesty International commentary on UK proposals for external processing and responsibility sharing arrangements with third countries- London, 27 March 2003*

[4] "Responding *to the asylum and access challenge, an agenda for comprehensive engagement in protracted refugee situations"- ECRE and US Committee for Refugees- April 2003*

V. BASIC PREMISES OF ANY NEW APPROACH TO THE INTERNATIONAL PROTECTION REGIME

In the *Communication on the common asylum policy and the Agenda for protection*[5], the Commission recognises that there is a crisis in the asylum system, more and more striking in certain Member States, and a subsequent growing malaise in public opinion. It notes that abuse of asylum procedures is on the rise, as are mixed migratory flows, often maintained by smuggling practices involving both people with a legitimate need for international protection and migrants using asylum procedures to gain access to the Member States to improve their living conditions. This phenomenon, as the Communication states, is a real threat to the institution of asylum and more generally for Europe's humanitarian tradition, and demands a structural response. This response is in particular necessary at a time when the question could be legitimately put whether the Member States could not better deploy the major human and financial resources which, partly supported by the European Refugee Fund, they devote to receiving displaced persons in the context of often lengthy procedures that regularly culminate in negative decisions requiring repatriation after a long wait. The Communication therefore concludes that there is a manifest need to explore new avenues to complement the stage-by-stage approach adopted at Tampere.

Such new approaches should be underpinned by the following 10 basic premises:

- 1. The need to **fully respect international legal obligations** of Member States, in particular the full and inclusive application of the 1951 Refugee Convention, the non-refoulement principle, and the European Convention on Human Rights and Fundamental Freedoms.

– 2. The most effective way of addressing the refugee issue is by reducing the need for refugee movements. This means to address the **root causes of forced migration,** in conformity with the Council Conclusions on Migration and Development of 19 May 2003[6].

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[5] *Communication on the common asylum policy and the Agenda for protection (Second Commission report on the implementation of Communication COM(2000)755 final of 22 November 2000) Brussels, 26.03.2003 COM(2003)152 final*

[6] *"The long-term objective of the Community should be to continue to address the root causes of migration, in partnership with third countries, in due recognition of the effect of long-term development programmes on migratory flows, in particular in poverty eradication, pro-poor economic growth, job creation, promotion of good governance, support for human rights, supporting population policy measures, institution and capacity building and conflict prevention. Development resources should continue to focus on the central objective of poverty reduction and the achievement of the Millennium Development Goals, based on national poverty reduction strategies, and, where available, Poverty Reduction Strategy Papers" (Point 2 of Council Conclusions on migration and development of 19 May 2003).*

In the same meeting the Council also concluded under point 3 that 'the integration of migration aspects in the external action of the Community should respect the overall coherence of EU external policies and actions. The EU's dialogue and actions with third countries in the field of migration should be part of a comprehensive approach. This approach should be differentiated, taking account of the situation in various regions and in each individual partner country, and should be consistent with the general objectives and the six priorities laid down in the November 2000 Joint Council/Commission Statement on the Community Development Policy'.

– **3. Access to legal immigration channels**, in particular the facilitation of legal entry of third country nationals into the EU for employment (skilled, unskilled and seasonal labour) and/or family reunification purposes, will assist in discouraging migrants to use the asylum channel for non-protection related reasons.

– **4.** Whilst respecting international humanitarian obligations, **illegal immigration should continue to be combated,** as called for in Seville. **This aspect will gain significance** when the new asylum policies will become effective, since people remaining committed to enter the EU, in spite of these policies, to enter the EU, will more frequently resort to using illegal tracks.

– 5.Any new approach should be built upon a genuine burden-sharing system both within the EU and with host third countries, rather than shifting the burden to them. Any new system should therefore be based upon **full partnership with and between countries of origin, transit, first asylum and destination.** The necessary involvement of host third, countries implies a long lasting process of confidence building and planning.

– 6. Any new approach to improve the management of asylum in the context of an enlarged Europe should build upon the policy objectives identified in the March 2003 Asylum Communication: **improvement of the quality of decisions** ("frontloading") in the European Union, **consolidation of protection capacities in the region of origin**, and **treatment of protection requests as close as possible to needs**, which presupposes regulating access to the Union by establishing protected entry schemes and resettlement programmes.

– **7. Any new approach should be complementary** rather than substituting the Common European Asylum System, called for at Tampere. Such a new dimension should build upon the first phase of that System, be integrated in its second phase and pave the way for a "Tampere-II" political agenda on asylum policies, based on the new Treaty.

– 8. The Seville European Council sets clear deadlines in agreeing on the different "building blocks" of the first phase of the Common European Asylum System. Seville required agreement to be reached on the Refugee Definition- and Subsidiary Protection Directive by June and on the Asylum Procedures Directive by the end of this year. As the EU cannot afford these deadlines to be missed, **the discussions on new approaches should not result in delaying the present negotiations on these Directives**. This does not preclude, however, the possibility of additional legislative instruments, in particular in relation to asylum procedures, if the need for such instruments would derive from the present discussions.

– 9. Any new EU or Member States' initiative to refine the asylum system should be **in line with and enforcing the global**, UNHCR steered, Agenda for Protection and Convention Plus **initiatives**.

– 10. Whatever the outcome of the current discussions on a new approach to asylum systems may be, possible financial consequences for the Community budget, **need to respect the current financial perspective, as long as this remains applicable.** Development resources should continue to focus on the

central objective of poverty reduction and the achievement of the Millennium Development Goals, based on national poverty reduction strategies, and, where available, Poverty Reduction Strategy Papers.

VI. POLICY- OBJECTIVES AND APPROACHES FOR MORE ACCESSIBLE, EQUITABLE AND MANAGED ASYLUM SYSTEMS

In the light of the analysis of the deficiencies of current asylum systems, and in full respect of the above 10 basic premises, the Commission feels it is appropriate and necessary to develop a new approach complementary to those systems, to be pursued within a framework of genuine burden- and responsibility sharing. The overall aim of such a new approach to asylum systems is, to *better manage asylum-related flows in their European territorial dimension and in regions of origin, resulting in more accessible, equitable and managed asylum systems. These asylum systems should enable persons in need of international protection to access such protection as soon as possible and as closely as possible to their needs, and therewith reducing felt needs and pressures to seek international protection elsewhere*.

Such a new approach is based on three specific but complementary policy objectives, namely: 1) **the orderly and managed arrival** of persons in need of international protection in the EU from the region of origin; 2) **burden- and responsibility sharing within the EU as well as with regions of origin** enabling them to provide effective protection as soon as possible and as closely as possible to the needs of persons in need of international protection, and 3) the development of an integrated approach to **efficient and enforceable asylum decision-making and return procedures**. Each three are equally important, have cross-links and strategically reinforce each other, and in their totality aim to address the noted deficiencies, in current asylum systems, and to restore and enhance the public support for the asylum system.

In addition to these three objectives another important element in achieving the overall aim is that economic migrants should as much as possible be discouraged from abusing the asylum system for non-protection related reasons. This should lead to a decrease in the number of asylum seekers, hence to a reduction in the costs of the domestic system, and would thus liberate funds to be spent on assisting the regions of origin in providing effective protection as soon as possible to persons in need of international protection. An asylum system used by those with credible protection needs will furthermore increase public support for the institution of asylum as such. It is therefore vital that there are legal immigration channels, and that other attempts are being made to address the mixed flows issue, even if this could mean that some people, remaining committed to enter the EU, will be more frequently using illegal channels, when the asylum route is no longer available to them.

6.1 The orderly and managed arrival of persons in need of international protection in the EU from the region of origin

6.1.1 Policy Objective to be achieved

Offering channels to access protection in the EU, already in the region of origin, serves a four-fold purpose:

- it facilitates orderly arrivals in the EU, which is very much preferable from a financial, integration and national security perspective. Orderly arrival of refugees will also boost the public support for the asylum

system, as the orderly arrival of Kosovar refugees in the EU Member States during the Kosovo conflict very clearly demonstrated;

- it provides persons in need of international protection with means to access such protection in a safe and legal manner, and it provides a method of offering (procedures for accessing) protection as closely as possible to the needs, and as soon as possible being the overall aim of the new approach to the international protection regime;

- provided that it builds on protection strategies in the regions, it alleviates some of the pressures on these regions, and therefore assists in meeting the second objective of burden-sharing with these regions;

- these channels could also be used to properly inform candidate migrants to the EU on the possibilities and impossibilities of migrating for economic purposes to the EU. These channels may therefore help in deterring economic migrants from using the asylum route as the way to get entry to the EU, knowing their chances of receiving legal status would be minimal or even non-existent

6.1.2 Policy approaches needed to pursue the orderly and managed arrival of persons in need of international protection in the EU from the region of origin:

6.1.2.1. Orderly arrival can be ensured by the EU Member States participating in the UNHCR steered **Comprehensive Plan of Action,** allowing for a number of refugees to be resettled in the EU as part of the solution proposed by the UNHCR for dealing with a specific caseload in a protracted refugee situation.

6.1.2.2. Orderly arrival can also be assured by an **EU-wide resettlement scheme.** A study on the feasibility of setting up resettlement schemes in EU Member States or at EU Level, against the background of the Common European Asylum system and the goal of a Common Asylum Procedure, has been commissioned and will be released later this year. The notion of resettlement is understood to consist of transferring refugees from a first host country to a second, generally a developed country, where they enjoy guarantees of protection, including legal residence, and prospects for integration and autonomy. The resettlement process is approached in an integral manner, from policy formulation through the process of selection to transfer, arrival, settling and longer-term perspectives. In such a framework, several levels of EU harmonisation can be identified, as well as levels of discretion left to Member States in that regard.

The ideal model for the EU from the perspective of the global refugee protection regime, the increased prominence of resettlement as both a tool of protection and a durable solution, and to promote solidarity between the EU Member States and countries of first asylum, as well as among EU Member States, and between them and the traditional resettlement countries beyond, would be one in which all or almost all of the chronological steps in the resettlement process are set at EU level. However, the necessary political will to convert immediately to those models may not yet exist across the fifteen Member States (or the enlarged Union).

The Commission therefore proposes to further explore the viability of providing for an **EU legislative framework** which could establish the goals, the selection criteria -

including the definition of those to be included in consideration for resettlement- and the total annual target for resettlement. However, it would be left, in such an approach, to Member States to establish their own quota within that target. Furthermore, Member States would also establish their own selection procedures, and be free to organise their own policy and approach to issues related to the arrival of refugees, including the immigration procedures to be carried out. Finally, in that model, Member States would also develop their own policy on the reception of resettling refugees and develop their own approach to the progress of a resettled refugee from arrival towards longer-term integration.

As one of the stumbling blocks to any new policy initiative lies in budgetary support for its implementation, the financial underpinning of such a new policy is vital. It may be worthwhile considering in this respect the inclusion of **a specific strand in the new financial instrument, in succession to the European Refugee Fund** (which will end in 2004), reinforcing the collective and co-operative notion underlying an EU resettlement scheme. The goals of such a strand would be to provide an EU level budgetary mechanism to support the resettlement programme, to allow for burden-sharing, but not shifting, among EU Member States, and to ensure reasonable financial support to resettling refugees during their first year in an EU Member State without making additional cost claims on national welfare systems.

6.1.2.3. Orderly arrival in the EU can also be facilitated by setting up **Protected Entry Procedures** in regions of origin, preferably EU-wide. The notion of Protected Entry Procedures is understood to allow a non-national to approach the potential host state outside its territory with a claim for asylum or other form of international protection, and to be granted an entry permit in case of a positive response to that claim, be it preliminary or final. A Commission *study on the feasibility of processing asylum claims outside the EU against the background of the Common European Asylum System and the goal of a common asylum procedure* identified five blueprints which Member States could consider when developing Protected Entry Procedures in the future, varying from the flexible use of the Visa Regime, to the development of a Schengen Asylum Visa.

The Commission proposes to further explore the viability of the Study's proposal to set up a **EU Regional Task Force.** Whilst the exact legal and institutional nature of such a Task Force would need further clarification, the core of this proposal would be the creation of a joint regional presence of the EU, providing expertise to local authorities where needed, and operating a referral system, matching different needs with appropriate solutions. It would offer a multilateral platform, which could support varying material and operational content. The EU regional presence would allow for the establishment of a differentiated referral system, catering for migration and protection alike. To that effect, it would be staffed with persons well acquainted with the immigration and asylum policies of the EU and its Member States, and could undertake the following functions:

- *Information dissemination*: The EU presence would deliver accurate and authoritative information to potential migrants and local authorities on the immigration and asylum options on offer in the EU, and the risks of human smuggling.

- *Processing*: The EU presence could, where needed and requested, assist local authorities, or UNHCR, in carrying out refugee determination.

Hence, eligible persons could be identified and the search for durable solutions could begin, i.e. return of those rejected, local integration of those accepted or resettlement, in particular for the vulnerable cases.

– *Resettlement and Protected Entry Procedures*: In the framework of processing, the EU presence could, in close co-operation with UNHCR, identify the cases which should be lifted out from the region and protected within the EU. Such cases could have special protection needs which cannot be catered for regionally, or posess close ties to a Member State. Additional cases could be taken over by the EU within the framework of a burden sharing arrangement with countries in the region. Finally, attention would also have to be paid to the effective protection of the remaining persons.

– Procuring information for asylum determination: The EU presence could also engage in the procurement of information on countries of origin to serve domestic asylum procedures in Member States.

Another proposal suggested in the Study, namely gradual harmonisation through a Directive based on best practices, is, according to the Commission, also worth considering. It is based on the **introduction of a rudimentary form of Protected Entry Procedures in all Member States** participating in the cooperation under Title IV TEC. It is assumed that Member States wish to retain a certain degree of control at all stages of Protected Entry Procedures, whilst approximating their practices to each other. It is inspired by the logic of the first phase in building the Common European Asylum System, which aims for the dissemination of minimum standards to be respected by all Member States in their unilateral practices. The adequate form for bringing about this level of harmonisation would therefore be a **Directive.**

6.2. BURDEN- AND RESPONSIBILITY SHARING WITHIN THE EU AS WELL AS WITH REGIONS OF ORIGIN

6.2.1 Policy Objective to be achieved

The regions of origin are currently faced with great refugee flow pressure and problems resulting from this pressure. The EU should continue to substantially assist these regions in alleviating these problems, and contribute to enhancing the protection capacity in the region of origin, both in qualitative as well as in quantitative terms. Whilst acknowledging that the EU itself forms a source region for asylum seekers coming from Europe or the wider periphery of Europe, it is vital that other, less developed, source regions are assisted in offering protection to those in need of it as protection in the region is, in principle, the logical and preferred protection modality: it offers protection to persons in need of international protection, as closely as possible to their needs, and at an earlier stage, than protection enjoyed in the EU. Furthermore, if substantial parts of the current EU financial resources spent on the domestic asylum system could ultimately become available for enhancing the protection capacity in the region, more people could be offered effective protection than is currently the case.

The EU should therefore assist in developing the asylum systems of transit countries in order to turn these states into first countries of asylum. When effective protection can be offered in the region this may diminish the need for secondary movement of persons in need of

international protection, amongst others to the EU. Also, only then can the EU actively implement, in close co-operation with UNHCR, the notion of safe third country and first country of asylum vis-a-vis the countries in the region. To effectively implement such policies, readmission agreements concluded with these countries constitute vital instruments. . Furthermore, whilst not underestimating the difficulty of returns more generally, return of rejected asylum seekers from within the region of origin to the country of origin may be easier than return from the EU to country of origin. Finally, the envisaged assistance to host countries should also contribute to their "good governance", and provide tools to fight against corruption and smuggling, two key development prerequisites.

Whilst policy approaches defined below focus on burden-sharing with regions of origin, it needs to be underscored that a proper discussion on burden- and responsibility sharing should preferably be done within a *horizontal and integral framework.* This is even more important taking into consideration the changed political EU asylum landscape, resulting from the entry into force of the Regulation for determining the state responsible for examining asylum claims (Dublin-II), supported by a fully operational Eurodac fingerprinting mechanism, and in the light of the likely reference to the burden-sharing notion in the asylum-related article of the new Treaty. In this context the reference to a *horizontal framework* means that burden sharing mechanism should be constructed, not only between the EU and regions of origin, but also within the EU itself. One could rightly argue that, the European Union being a unique model of an emerging "common asylum space", if burden-sharing and responsibility-sharing cannot be successfully applied within that space, how could it possibly be expected to be to others ?

The notion of an *integrated* approach to burden-sharing in the field of migration and asylum within the EU means that in addition to the sharing of the financial costs deriving from the management of the EU external borders, one would also need to take a look at how physical burden-sharing in hosting persons in need of international protection could be achieved. Whilst a burden-sharing of the total asylum caseload in the EU amongst the Member States does not seem feasible at this particular political juncture, however, as mentioned at the end of Chapter 3, the EU-based mechanism suggested by UNHCR, where the need for reallocation amongst the EU Member States is expected to be very minimal, is worthwhile giving further consideration. Furthermore, such a model may have the advantage that it assists in deterring economic migrants from using the asylum system to gain entry to the EU. Under the third objective, it is further explored how such an EU-based approach relates to the Proposal for a Council Directive on asylum procedures, currently under negotiation.

6.2.2 Policy approaches needed to pursue burden-and responsibility sharing within the EU as well as with regions of origin:

6.2.2.1. In order to be able to access protection close to the needs, therefore in the region of origin, a step by step approach is needed. This implies long-term investments, including capacity and institution building, facilitating the development of the asylum system of the countries in the region, and effective protection capacity in regions of origin. This requires political and financial commitments, as well as the involvement of countries of origin, first asylum and destination, which will be difficult to achieve. **Enhanced protection capacity in the region** is necessary both in terms of quantity and quality, if "effective protection" is to become a true alternative to protection in the EU. As the standard of protection is currently often far from meeting the "effective protection" standard, enhancing the protection capacity in the region would require substantial financial assistance, as well as infrastructure aid, and expertise offered by the EU. Enabling third host countries to offer effective

protection to persons in need of international protection will be a long process, which might only provide solutions in the mid-to-long-term.

The need for the EU to support regions of origin in providing protection has recently been politically endorsed by the Council. In its *Conclusions on integrating migration issues in the European Union's relations with third countries: migration and development***,** adopted on 19 May 2003, conclusion 11 states that: *"Taking account of both the financial and institutional capacities of many developing countries and of the fact that refugees can put considerable strain on their social and political structures, the Commission is invited to consider ways to* ***strengthen their reception capacity*** *and to elaborate further on the use of development co-operation in the search of durable solutions for refugees, in voluntary return and reintegration as well as local integration,* ***and to develop concrete proposals on how more aid could be directed towards assisting refugees in the region,*** *while targeting poverty reduction in host communities. Added value could ensue from increasing support and devising long-term interventions that offer sustainable improvements to refugees as well as to local communities in countries hosting large populations of refugees".*

However, before undertaking any next steps in this regard, there needs to be a proper analysis and "grouping" of the various source regions and countries of first asylum possibly concerned by the new policies. At this juncture, the above call for more financial assistance needs to be framed within the current legal, political and financial frameworks (such as the Cotonou agreement process) and development programmes applicable to the various countries likely to be considered. However, in order to assess needs for the enhancement of protection capacity, proper quantification and further research are necessary. These may well point to the need for additional financial resources, to be addressed in the context of the next financial perspective.

Indeed, a comprehensive set of measures is needed to realise effective protection in the region. Creating sufficient protection capacity in developing countries will involve a number of actions ranging from ensuring the national legal framework, developing institutional capacities, as well as infrastructure and policies for reception, integration and return. In this context the Commission refers to the elements identified in the March 2003 Asylum Communication, in relation to the instruments of the European external protection policy and the means of achieving more effective co-operation and assistance.

In addition to the political endorsement of this specific policy objective, a legal base is needed for the proper implementation of Budget line **'Co-operation with Third Countries in the area of migration' (B7-667)**. It is clear that as a result of its limited financial scope this budget line can not provide for all the needs of host countries in protracted refugee situations. Nevertheless, this financial instrument could prove very useful for supporting new approaches to the asylum regime, in full co-operation with UNHCR and the host countries or regions concerned, through projects serving the multilateral interest of all stakeholders involved.. The Commission is committed to present its proposal for a Regulation shortly and invites the Council and Parliament to treat this as a matter of priority.

In order to test the ground for actions to be implemented under the future legal basis, specific **preparatory actions** could be launched under B7-667 in 2003. In the selection and implementation of these actions the Commission will, in close –co-

operation with UNHCR, take due account of the specific situation of the third countries to be involved in regard to, in particular, human rights, the rule of law and good governance. The purpose of these actions would be:

a) an identification, in-depth analysis and 'grouping' of the various source regions and third countries of first asylum, including an assessment of the requirements for achieving 'effective protection' capacity ;

b) an analysis of the legal, financial and practical questions related to Regional Protection Zones and Transit Processing Centres in third countries (cf. part II of this Communication);

c) the further exploration of the concept of EU Regional Task Forces, including a supplementary feasibility study (cf. point 6.1.2.3. of this Communication);

d) concrete proposals for future programmes/projects to be implemented with a view to foster the above goals (cf. point 6.2.2.1 of this Communication).

More specifically, projects could be taken up in regions facing protracted refugee situations, with a view to increasing, effective protection, thereby reducing secondary movements to EU Member States. Projects could also contribute to the creation of processing, reception and protection capabilities, including as regards persons returned from the EU.

6.2.2.2. Within the context of global burden- and responsibility-sharing, and in order to maintain sufficient protection capacity in the region, EU Member States should act to ease the pressure on the host countries on a permanent basis by offering durable solutions. This could in particular be effected by participating in UNHCR-steered **Comprehensive Plans of Action** for specific caseload in protracted refugee situations.

6.2.2.3. Pressure on host countries could also be eased by setting up **EU-wide resettlement schemes,** as outlined above in regard to the first objective, the managed arrival of refugees from the region in the EU**.** Resettlement, strategically used, can therefore serve a multiple purpose. In seeking to use resettlement strategically, the current and future EU resettlement Member States will need to consider how broader linkages can be achieved through partnership with first asylum states. Countries of first asylum need to be supported so that they become more open to making commitments on behalf of refugees beyond the provision of first asylum protection. This may entail commitments with respect to the maintenance of effective protection, the provision of local integration or the acceptance of returns from secondary movements. The involvement of an agreement for some action by the first asylum country in conjunction with resettlement could potentially convert a non-strategic situation into a strategic one. Such agreements would ideally arise from the collective analysis of the country of first asylum, the UNHCR and resettlement Member States. The **Convention Plus' "Special agreements"** could be used in this respect, so as to identify and concretely agree on what the different responsibilities are of the various actors involved, namely countries of origin, first asylum, destination countries, and UNHCR.

6.3. The development of an integrated approach to efficient and enforceable asylum decision-making and return procedures

6.3.1 Policy Objective to be achieved

In order to promote the credibility and integrity of the asylum system, and at the same time ensure protection to genuine refugees, EC legislation and other EU measures should provide for the legal framework enabling Member States:

(a) to quickly and correctly identify the persons genuinely in need of international protection and grant such protection;

(b) to effectively remove from the territory of the Member States, persons who have been found not to be in need of protection

Without prejudice to the outcome of the current negotiations on the first phase of harmonisation in the area of asylum procedures, the European Community must further invest into its response to two major challenges: the quality of the examination of applications, and the speed of such examinations . The Commission will intensify its work on "frontloading", in particular through further study of the question of the single ("one stop-shop") asylum procedure It will be mindful of the results of a study launched by the Commission, and *to be shortly published as "Asylum- a single procedure in the context of the Common European Asylum System and the goal of a common asylum procedure"*.

Improving the quality of decisions by "frontloading" will also substantially facilitate both objectives identified above. Objective (a), as "frontloading" will assist in the quick and correct filtering of persons in need of protection, as well as objective (b), in the sense that only those persons should be removed who, after their claim for asylum has been correctly examined, were found to be not in need of international protection.

An effective EU Return Policy will increase public faith in the need to uphold the EU humanitarian tradition of offering asylum to those in need of international protection. A quick return, in safety and dignity, immediately following rejection of the application for asylum and the appeal, where such appeal has no suspensive effect, will furthermore greatly deter migrants from abusing the asylum channels for non-protection-related reasons. The main issue at stake in this regard seems to be that of undocumented rejected asylum seekers whose identity and nationality cannot be established for the purposes of return. Following their final rejection, such persons unequivocally pose particular return problems, as the necessary prior establishment of their identity and nationality requires their co-operation and/or the co-operation of the presumed country of origin. Refusal of such co-operation often leaves Member States authorities without any possibility to remove the person concerned from their territories. If this serious problem is not satisfactorily solved, in line with the conclusions of the June 2002 Seville European Council, the November 2002 Return Action Programme, and the November 2002 General Affairs Council Conclusions on intensified co-operation on the management of migration flows with third countries, any new model proposed will most probably prove to be ineffective in the long run, however efficient it may seem in the short term.

6.3.2 Policy approaches needed in order to develop an integrated approach to efficient and enforceable asylum decision- making and return procedures

6.3.2.1. Whilst respecting the Seville deadline for adoption of the Asylum Procedures Directive, that **Directive could be adapted in such a way that it provides for specific measures aimed at setting up a complementary mechanism for examining certain categories of applications lodged in or at the border of the EU,** as defined in that Directive. Such measures would consist of uniform rules for more expeditiously processing these categories of applications to decide on the entry to and admission to the EU at particular locations, such as closed processing centres within the EU, at its external borders. This would imply that agreement on the categories of applications deserving such treatment is found in the Council, following consultation with UNHCR. It would thus be a tool enhancing the flexibility of the Common European Asylum System, in its exceptional character similar to the Temporary Protection Directive.

6.3.2.2. To the extent that certain countries of first asylum were found able to offer effective protection, as outlined earlier in this Communication, and as further explained in this Chapter under the second objective, **the asylum procedures in EU Member States could furthermore be remodelled to more quickly filter out the applications of persons proceeding from those countries**. For this purpose an EC legislative instrument could, on the basis of the framework provided in the Asylum Procedures Directive, establish a) the existence of effective protection for designated categories of persons; and b), where appropriate, particular procedural consequences that follow from this conclusion.

6.3.2.3. **Closer co-operation between the EU and the countries of origin and first asylum on return issues should be established**. This should be done in line with the conclusions of the June 2002 Seville European Council, the November 2002 Return Action Programme, and the November 2002 General Affairs Council Conclusions on intensified co-operation on the management of migration flows with third countries, and form the basis for making return more efficient and effective.

6.3.2.4. The existing approach towards the (developing) EC r**eadmission policy could be revisited in the light of possible new needs flowing from a new approach to asylum systems.** Needs in particular to be in taken into account include **the need for registration and capturing of biometric identifiers of asylum seekers at the earliest point of time**.

6.3.2.5. In addition to the conclusion of readmission agreements**, the development of further EU return programmes could be considered**, taking full account of the experiences and lessons to be learnt from the Return plan for Afghanistan the results of which will be thoroughly assessed. Provided that the conditions for "effective protection" are met future programmes could be useful to help to create economic perspectives for returnees in their countries of origin, on condition that they be open to the local population in order to avoid "revolving door" effects. The momentum of the Convention Plus' initiative could be usefully used in this context as well, by incorporating the return of persons found not to be in need of international protection into comprehensive special agreements, and thereby underscoring the state responsibility to accept returns of nationals.

VII. CONCLUSION AND WAY FORWARD

We are at a turning point in the development of the Common European Asylum System, with its first phase being nearly completed, reaching its critical mass. The time has now come to

decide how best to further shape the second phase of this Asylum System, in addition to what Tampere already decided. The UK paper is therefore a very timely one, also as it links well to the global momentum created by the Agenda for Protection and the "Convention Plus" initiatives. Furthermore, the UK paper provides the right analysis of the deficiencies in the current international protection regime and asks the appropriate questions, helping to address the challenges the EU asylum system faces.

However, care needs to be taken to devise responses in a process which will have a major impact on various policy areas. New approaches to asylum systems should therefore respect a number of basic premises, one of them being the complementarity with the Common European Asylum System, called for at Tampere. Policy developments should build upon the first phase of that System and be integrated in the second phase, thus paving the way for a Tampere-II agenda.

The Commission suggests that as part of that agenda, as far as asylum policies are concerned, the strategic use and the introduction of Protected Entry Procedures and Resettlement Schemes should be considered. Furthermore, consideration should be given to the further development of legislative measures, refining asylum procedures so that they contribute to a better management of asylum systems, and preserving asylum for those who are entitled to it. Any new approach to the international protection regime should first and foremost not result in shifting, but in genuinely sharing the asylum burden. The Commission therefore suggests that further reflection is given to substantially assisting the regions of origin through various means in order to enhance their protection capacity, and to enable them to better cope with the great burden placed on them currently. Finally, the Commission recommends that the experience gained and the lessons learnt from past projects and current initiatives such as the Afghan Return Plan are used in informing and devising follow-up strategies.

In conclusion, the Commission asks the Council and European Council to endorse this Communication as the basis for contributing to more accessible, equitable and managed asylum systems, in view of the preparation of the Tampere-II agenda, the enlarged EU and the future Constitutional Treaty.

More specifically, the Commission requests the European Parliament, Council and the European Council to endorse the following elements, needed in the short to mid long term for achieving the policy objectives of: 1) managed arrival in the EU, 2) burden-and responsibility sharing within the EU as well as with regions of origin and 3) efficient and enforceable asylum decision- making and return procedures, as identified in this Communication:

(1) a legislative instrument on an EU resettlement scheme, including on the financial underpinning of such a scheme;

(2) a legislative instrument on Protected Entry Procedures;

(3) a legal basis building upon the preparatory actions financed out of Budget line (B7-667) 'Co-operation with Third Countries in the area of migration', which would specifically, and complementary to other existing programmes, support new approaches to asylum systems in third countries.

The Commission will work towards achieving the objectives identified in the Communication, in close co-operation with Member States, Acceding States and the European Parliament, in full partnership with countries of origin, transit and first asylum, and in close co-operation with UNHCR, and, other relevant stakeholders.