



HOW THE FUTURE ASYLUM REFORM WILL PROVIDE SOLIDARITY AND ADDRESS SECONDARY MOVEMENTS



No Member State should be left alone or put under disproportionate pressure be it from primary or secondary movements. The reform of EU asylum rules initiated by the Commission in 2015 is designed to do both: stop secondary movements, and ensure solidarity for Member States of first entry. The reform will ensure humane and dignified treatment of asylum seekers, simplified and shortened asylum procedures alongside stricter rules to combat abuse.

There are 7 legislative proposals that constitute the asylum reform. 5 are ready to be concluded:

READY TO BE CONCLUDED

<p>RECEPTION CONDITIONS This proposal will harmonise reception conditions throughout the EU.</p>	
<p>ASYLUM QUALIFICATION This proposal will harmonise protection standards in the EU and put an end to secondary movements and asylum shopping.</p>	
<p>ASYLUM AGENCY This proposal will establish a fully-fledged European Union Agency for Asylum.</p>	
<p>EURODAC This proposal will adapt and reinforce the Eurodac fingerprint database to facilitate returns and help tackle irregular migration.</p>	
<p>RESETTLEMENT FRAMEWORK This proposal will align how EU Member States resettle recognised refugees from outside EU territory, such as those in refugee camps.</p>	
<p>DUBLIN SYSTEM This proposal aims to create a fairer, more efficient and more sustainable system for allocating asylum applications among Member States.</p>	
<p>ASYLUM PROCEDURES This proposal will reduce differences in recognition rates, discourage secondary movements and ensure common effective procedural guarantees for asylum seekers.</p>	

Until the completion of the reform, Member States could decide to apply interim measures, foreshadowing some elements of the future system to ensure that there is already now visible, strong and timely solidarity between Member States (including relocation commitments, financial and human resources and other commitments) as well as measures to tackle secondary movements (such as establishing adequate detention and accommodation facilities, processing asylum requests and transfer requests immediately).





PREVENTING SECONDARY MOVEMENTS AS PART OF THE ASYLUM REFORM

The reform of the Common European Asylum System will discourage secondary movements and abuse of the rules. Harmonised procedures across the EU will take away the incentive to travel onwards from the country of first entry. Accelerated procedures for manifestly unfounded claims will also discourage primary movements.



A REFORMED RECEPTION CONDITIONS DIRECTIVE WILL:

- Ensure that the full right to reception conditions is **only provided in the country responsible** for the asylum seekers' application, nowhere else. It also introduces the possibility to provide parts of reception conditions in kind only.
- Discourage asylum seekers from absconding by introducing the possibility for Member States to **assign a residence and impose reporting obligations**.
- Provide the possibility to **reduce or completely withdraw** reception conditions or make use of **detention**, in full respect of fundamental rights, in cases where an asylum seeker is not complying with the obligation to reside in a specific place or not respecting reporting obligations.
- Grant access to the **labour market** no later than 6 months after an application for asylum is registered.



A NEW QUALIFICATIONS REGULATION WILL:

- Discourage secondary movements by introducing **sanctions**. For example, the clock will be restarted on the 5-year waiting period needed to apply for EU long-term resident status each time the refugee is found in a Member State where he/she does not have the right to stay or reside.



A REINFORCED EURODAC SYSTEM WILL:

- Facilitate returns and help tackle irregular migration by providing the information needed to **identify persons found irregularly present** in the EU for the purpose of return and readmission.
- Ensure that Member States can **better track secondary movements** of refugees or persons granted international protection within the European Union as well as irregular migrants and asylum applicants by allowing for the relevant data to be stored and the necessary searches to be made.



A NEW EUROPEAN ASYLUM AGENCY WILL:

- Ensure a greater convergence in the assessment of applications for international protection across the EU by developing **common guidance** on the situation in third countries of origin.
- Provide **training on assessments** of asylum applications to encourage harmonised procedures. **A pool of experts** will be available to support Member States with operational and technical assistance.



THE NEW ASYLUM PROCEDURES REGULATION AS PROPOSED BY THE COMMISSION WILL:

- **Simplify, clarify and shorten asylum procedures.**
 - The overall procedure is shortened and streamlined, with decisions normally to be taken within 6 months or less.
 - Shorter time-limits (between 1 and 2 months) are introduced in particular in cases where applications are inadmissible or manifestly unfounded, or in cases where the accelerated procedure applies.
 - Time limits are also introduced for lodging appeals (ranging from 1 week to 1 month) and for decisions at the first appeal stage (ranging from 2 to 6 months).
- **Make accelerated procedures compulsory** in cases where applicants make clearly inconsistent or false representations, mislead the authorities with false information, or come from a safe country of origin.
- **Ensure stricter and compulsory** rules to combat abuse and new obligations to cooperate with the authorities, including strict consequences if these obligations are not met.
- **Sanctions for abuse** of the process, lack of cooperation and secondary movements - which are optional under the current rules - will be made compulsory under the new rules and include the rejection of the application as implicitly withdrawn or manifestly unfounded, or the application of the accelerated procedure.
- Provide for the possibility to decide at the **border or transit zones** of a Member State on the admissibility of an applicant and the substance of certain applications within 4 weeks.



EU LISTS OF SAFE COUNTRIES OF ORIGIN AND SAFE THIRD COUNTRIES WILL:

- Ensure all new arrivals would be checked against the common EU lists to see if their applications could be declared inadmissible and the person sent back to a third country or whether the application could be quickly rejected on the grounds that the person comes from a safe country of origin and is not in need of protection.



THE NEW DUBLIN SYSTEM AS PROPOSED BY THE COMMISSION:

- Will **speed up and facilitate transfers** of asylum seekers between Member States through shorter time limits for the different steps of the determination procedure, transfers and access to the asylum procedure.
- Requests from 1 Member State to **take over responsibility** for an application ('take charge request') have to be sent within 1 month. No reply within 1 month will be tantamount to accepting the request.
- Requests from 1 Member State to another to **take back** an applicant for whom the latter is responsible and who has absconded ('take back requests') will be transformed into simple take back notifications and have to be submitted within 2 weeks. A reply will no longer be required, only a confirmation of receipt.
- All Member States will now be under **a clear obligation** to take back applicants they are responsible for.
- Appeals against transfer decisions will be dealt with within 15 days.



SHOWING SOLIDARITY

The asylum reforms are also designed to correct the current imbalance whereby the burden of dealing with the vast majority of asylum claims is placed on a small number of Member States. The solidarity support measures to Member States receiving primary movements (arrivals) complement and balance out the measures to limit secondary movements.

The reforms currently being discussed could provide for:

RELOCATION

Fair measurement of the asylum burden of every Member State and a well-functioning, effective and easy-to-trigger solidarity mechanism for when that burden becomes disproportionate.

FINANCIAL RESOURCES

Automatic significant financial support to be provided to the Member States under pressure as well as to those taking part in solidarity efforts, with dedicated lump sums for integration or returns.

HUMAN RESOURCES

Automatic expert, technical and operational support in the areas of asylum and return.

EU AGENCIES

Increased support by the future EU Asylum Agency as well the European Border and Coast Guard Agency will be provided to Member States under pressure.

EXTERNAL DIMENSION

Increased cooperation and partnership with non-EU countries is an important component to better manage and decrease migratory flows and further reduce the pressure on EU Member States.