

CITIZEN'S SUMMARY

Higher standards for asylum protection across the EU

What is the problem?

The main factors driving people out of their home countries and forcing them to seek protection elsewhere are political instability, lack of respect for human rights, poor rule of law, undemocratic regimes, wars and civil conflicts. Although most refugees remain in the region close to their countries of origin, many seek protection in the EU. In 2007 approximately 220.000 people applied for asylum in the EU. This historically low figure nevertheless represents an increase by 12% compared to 2006.

The main problems are that:

- Legitimate measures against irregular immigration (e.g. reinforced border controls and stricter visa requirements) may hamper access to protection in the EU;
- Secondary movements and multiple asylum applications ('asylum-shopping') result in an unfair strain on some national administrations and on the asylum seekers themselves;
- The asylum systems of some Member States are overburdened, due to geographical and other reasons;
- Divergent national practices lead to extreme differences as to the recognition of the right of protection and cause inequalities in the level of protection across the EU;
- Third countries in the developing world shoulder too heavy a burden when it comes to refugee flows and need support.

The existing common minimum standards for asylum, agreed at EU level, leave a wide margin of discretion to the Member States as to their application. This does not guarantee equality of protection across the EU. In a common area based on respect of fundamental rights, it is not acceptable that a fundamental right, such as the right to asylum, is not applied in the same way by all national authorities.

What are the benefits of the proposal?

The European Commission proposes a *Policy Plan on Asylum*, which tries to adapt and complement the existing body of EU asylum legislation so that it may offer higher common standards. Its ultimate goal is to enhance access to protection in the EU, under equal conditions for any person seeking and deserving asylum based on agreed criteria. Higher common standards of protection and the establishment of a level playing field throughout the EU will result in a fairer distribution of the number of asylum seekers and refugees, as well as to a decrease in 'asylum-shopping'. In addition, some of the measures proposed will enhance the integration prospects for protected persons, reducing the risk that these persons become marginalised.

The Policy Plan does not just focus on harmonisation of national legislations; it also proposes a *reinforcement of practical cooperation*. This will allow synergies and rationalisation for national asylum administrations and promote approximation of practices and convergence on asylum decisions. The plan underlines the importance of creating new solidarity mechanisms between the Member States and between the EU and third countries - which is essential as developing countries often lack the resources required to offer adequate support to refugees.

Why is action taken at EU level?

In 1999 the EU Heads of State and Government called for the establishment of a Common European Asylum System. Since then, asylum has been considered a European issue, to be tackled at EU level. Indeed, in a Europe with no borders, it makes sense to harmonise conditions for asylum seekers and avoid that one country is seen as more attractive than others. This will reduce unwarranted secondary movements; asylum seekers will no longer have the impression that some Member States have a more generous - or restrictive - attitude than others.

How will this work?

The Policy Plan proposes a number of overarching objectives and is based on three pillars:

1. Reaching higher common standards of protection by further alignment of Member State asylum legislation. This will require amendments to the three most important EU asylum directives: dealing with *reception conditions* for asylum seekers, *asylum procedures* and *standards for qualification* as refugees or persons needing international protection.
2. Effective and well supported practical cooperation. This will be ensured through the establishment of a European Support Office that will consolidate all activities related to practical cooperation in the area of asylum: country of origin information, training, common curriculum, asylum expert teams, etc.
3. Higher degree of solidarity and responsibility among Member States, as well as between the EU and third countries. This focuses on the establishment of solidarity mechanisms between the Member States, in order to offer adequate support to Member States whose system is overburdened, and on existing EU instruments such as EURODAC (a system allowing comparison of fingerprints in order to assist Member States in the identification of asylum applicants and to determine whether an applicant has previously applied in another Member State). Moreover, it proposes three ways for the EU to alleviate asylum pressure in third countries: Regional Protection Programmes, Protected Entry Procedures and Resettlement.

The measures proposed would apply to all Member States, except Denmark. The United Kingdom and Ireland may choose not to participate in some or all of the proposed measures. The full text of the proposal is on the Internet: http://ec.europa.eu/justice_home/news/intro/news_intro_en.htm.

When will these proposals take effect?

Most of the proposals described will be made by the European Commission in the second half of 2008 and during 2009, with a few being presented in 2010. It will take approximately 2 years to negotiate most of the legislative proposals in the EU Council of Ministers and in the European Parliament. Another 2 more years will be needed to implement them at national level. Certain other measures could be adopted and implemented more quickly, especially those regarding practical cooperation between national asylum administrations, or external aspects of the asylum policy.

In the meantime, existing EU measures in the area of asylum must continue to be transposed into the national legislation of each Member State and correctly implemented. The European Commission will closely monitor that process.