

Effective Solidarity: a way forward on Dublin revision

Experience shows that the current Dublin system does not function satisfactorily. This is the case either in situation characterised by regular numbers of arrivals or in cases of high or exceptionally high levels of arrivals. In this circumstances, the Presidency aims - in line with the Bratislava roadmap - to broaden the consensus on long term migration policy.

The objective should be to conceive a system in a way that will guarantee a Europe without internal borders and achieving a system grounded on the principles of solidarity and responsibility. A common understanding of what solidarity and responsibility mean in practice has to be found.

A sustainable system, which works for all 28 Member States, needs to be designed so as to ensure immediate reactivity in practice to all external factors. All Member States must continue investing in effective and EU compliant national asylum systems. At the same time, Member States should ensure effective control of external borders of the Union. But unforeseeable and uncontrollable events can arise, requiring collective support from all Member States.

In that case, effective solidarity should be ensured. The starting point is that all Member States will contribute to share the burden of migration crises, within a predictable framework. But there are many ways how to make this contribution, from relocation of those who deserve our protection to financial support, support for protection of our external borders, sharing reception capacities or having stronger role in return operations. In order for the framework to be seen as objectively fair, each Member State should be ready to contribute in different ways.

A three pillar strategy could be pursued in this respect, adapted each time to the level of arrivals in the Union:

1) An upgrade of the current system for normal circumstances

In normal circumstances, where the number of arrivals is moderate, we need to work on the basis of the present system: the main criteria for the allocation of responsibility, linking responsibility in the field of asylum and respect by Member States of their obligations to protect the external borders should be retained. At the same time, while keeping the system's foundations, there are clear shortcomings which need to be remedied: we need to do more to increase its efficiency, stabilise Member States' responsibilities and reduce secondary movements. We need therefore to work towards upgrading the system.

2) A tailored solidarity contribution mechanism for deteriorating circumstances

Where Member States' asylum systems are put under strain due to high numbers of arrivals, a solidarity component needs to complement the upgraded system. All Member States should take part in a form or another to this collective effort. A structured system needs to be put in place for that purpose, with predictable, fair and objective targets (trigger and ceiling). Most often, relieving the pressure from the affected Member States would require the transfer of a well-defined proportion of applicants to other Member States. But the solidarity component could also equally take other forms, from specific financial contributions to tailor-made wider contributions relevant for both the internal and external migration field and taking into account the perspective and capacity of each Member State, such as:

- Financial contributions to the MS under pressure and/or countries of origin/transit of migrants dedicated to relieving the effects of migratory pressure, supporting the functioning of the asylum system; stronger role in the implementation of Compacts; and
- Increased contributions to EASO and EBCG to support the benefiting MS in the processing of applications, protection of external borders, joint return operations; and
- Sharing reception facilities (notably in the case of neighbouring Member States) during the process of examining the applications for all/certain groups (e.g. specifically aimed at vulnerable asylum seekers who face specific challenges (unaccompanied minors etc.)); joint processing of applications; and
- Relocation of returnees, meaning taking over the responsibility for return of unsuccessful asylum applicants. This could be done by relocating (taking over the responsibility for an asylum application) specifically those applicants who are, due to their nationality or other circumstances, very unlikely to be given any sort of international protection.

A structured system should enable the planning of the capacity to be deployed in deteriorating circumstances, including in terms of contributions from the EU budget, the level of participation in different solidarity components as well as the concrete implementation of the contributions. This system should include a regular/annual analysis of likely migratory pressures, and the situation regarding the deployment of common capacity of supportive measures.

3) An exceptional crisis mechanism for severe circumstances

Severe circumstances, characterised by an exceptionally high number of arrivals making the Dublin system totally dysfunctional, with a domino effect in related policy areas, would require an exceptional, collective response. Each Member State would be part of the solution, under the steer of the European Council. The European Council should in this case decide on additional supportive measures, on a voluntary basis.