



EUROPEAN POLICY CENTRE

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Towards a Common European Asylum System

Hungarian Europe Society Workshop

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Content

1. Why establish a Common European Asylum System?
 2. What has been achieved so far?
 3. What is left to be done?
 4. Unanswered questions
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The European Policy Centre (EPC) and the Speaker

- **EPC:** Brussels-based think-tank
 - Mission: To make European integration work
 - 400 member organisations
 - Independent, providing objective and impartial analysis, focus on concrete policy recommendations

 - **Sheena McLoughlin:** EPC Migration and Integration Forum
 - 3 years experience following EU policy-making process
 - Recent career change after Masters in Migration Studies
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1. Why establish a Common European Asylum System?

EU-27 signatories of 1951 Convention Relating to the Status of Refugees

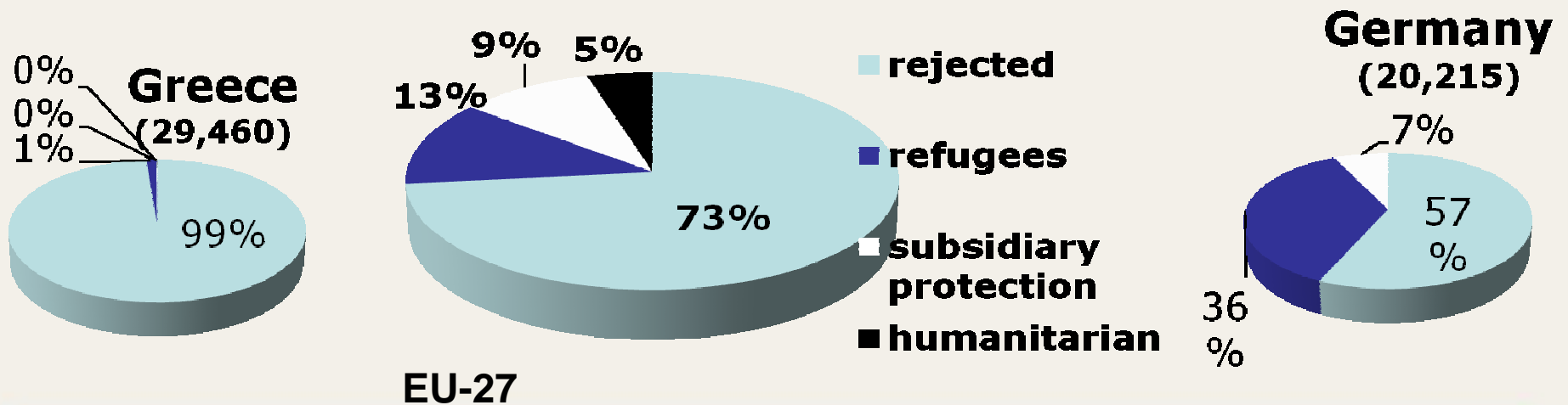
- Must grant protection/asylum to any person who:
“... owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”

 - Principle of non-refoulement: a refugee cannot be returned to a place where life is in danger
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1. Why establish a Common European Asylum System?

Reality: Very different Asylum systems in each Member State

Challenge: Secondary movement to EU Member State with more favourable practices (“Asylum-Shopping”)



Source: UNHCR (2008)

2. What has been achieved so far?

- **Other relevant legislation**

- Temporary Protection Directive (2001/55/EC)
 - Family Reunification Directive (2003/86/EC)
 - Long Term Residence Directive (2003/109/EC)
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1. Why establish a Common European Asylum System?

Desired: Member States want to limit irregular migration but must adhere to obligations to grant asylum

Solution: A degree of harmonisation of Asylum Practices
Common European Asylum System

Origins: 1990 - Dublin Convention
1999 - Tampere European Council

2. What has been achieved so far?

2000-2005 First phase: setting minimum standards

1) Determining responsibility

- Dublin Regulation: 343/2003 plus 1560/2003
- EURODAC Regulation: 2725/2000 (plus 407/2002)

2) Reception conditions

- Reception Directive: 2003/9/EC from 27.01.2003

3) Who qualifies for being a refugee?

- Qualification Directive 2004/83/EC from 29.04.2004

4) Procedures for refugee status determination

- Procedures Directive 2005/85/EC from 1.12.2005
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CEAS? Not yet.

Main issues:

- Unequal distribution of burden between Member States
- Quality of legislation implementation varies
- Calais-like situations (Heated public debate)

2008: 238,000 asylum applicants in the EU

Source: Eurostat

	2008 total	per million inhabitants*	First group	#	%
EU27**	238 365	480	Iraq	29 045	12
BE	15 940	1 495	Russia	2 765	17
BG	745	100	Iraq	350	47
CZ	1 650	160	Ukraine	320	19
DK	2 375	435	Iraq	560	24
DE	26 945	330	Iraq	8 155	30
EE	15	10	Belarus	5	33
IE	3 865	880	Nigeria	1 010	26
EL	19 885	1 775	Pakistan	6 915	35
ES	4 440	100	Nigeria	795	18
FR	41 845	655	Russia	3 730	9
IT***	:	:	Nigeria	:	18
CY	3 450	4 370	Syria	935	27
LV	55	25	Georgia	15	27
LT	520	155	Russia	400	77
LU	455	940	Serbia	220	48
HU	3 175	315	Serbia	1 640	52
MT	2 605	6 350	Somalia	1 080	41
NL	15 255	930	Iraq	5 310	35
AT	12 750	1 530	Russia	3 445	27
PL	8 515	225	Russia	7 760	91
PT	155	15	Colombia	25	16
RO	1 180	55	Pakistan	255	22
SI	260	130	Serbia	80	31
SK	905	170	Georgia	120	13
FI	3 770	710	Iraq	1 195	32
SE	24 875	2 710	Iraq	6 325	25

3. What is left to be done?

Second phase of Common European Asylum System: ongoing

- **European Asylum Support Office (EASO)**
 - Aims to strengthen practical cooperation between MS
 - Proposed by EC in Feb 2009, now in second reading in EP
 - Should 'solidarity' measures to support 'over-burdened' Member States be binding or voluntary?
 - **Amending existing legislation**
 - *Qualification Directive* – to clarify concepts used to define grounds for protection and to eliminate differences in rights granted to refugees and beneficiaries of subsidiary protection
 - *Asylum Procedures Directive* – aims to have single procedure and to review way that Courts review first instance decisions
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3. What is left to be done?

Stockholm Programme for 2010-2014 (to be adopted next week)

Common European Asylum System by 2012

- ✓ A 'uniform status' of asylum
- ✓ A 'uniform status' of subsidiary protection'
- ✓ A 'common procedure'
- ✓ Solidarity mechanisms for voluntary sharing of responsibility for asylees with "over-burdened" Member States

Spring 2010 Action Plans to outline how to achieve these objectives

3. Unanswered questions?

- How to ensure entry on our borders that are sensitive to protection needs of individuals?
 - (is the Italy-Libya bilateral agreement the best solution to 'boat people'?)
- What are the alternatives to the detention of asylum seekers especially minors who are unaccompanied?
- What future for the flawed Dublin system?

Resettlement schemes, detention and external dimension of the Common European Asylum System not addressed in this presentation



Towards a Common European Asylum System

Thank you for your attention

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