

Common European Asylum System

The EU is currently working on creating a new, significantly stricter, asylum regulation for all its member states. The legislative proposals aim at further limiting the possibilities of migrants within the union, and since they will be supranational, EU countries lose the possibility of choosing a more humanitarian approach.

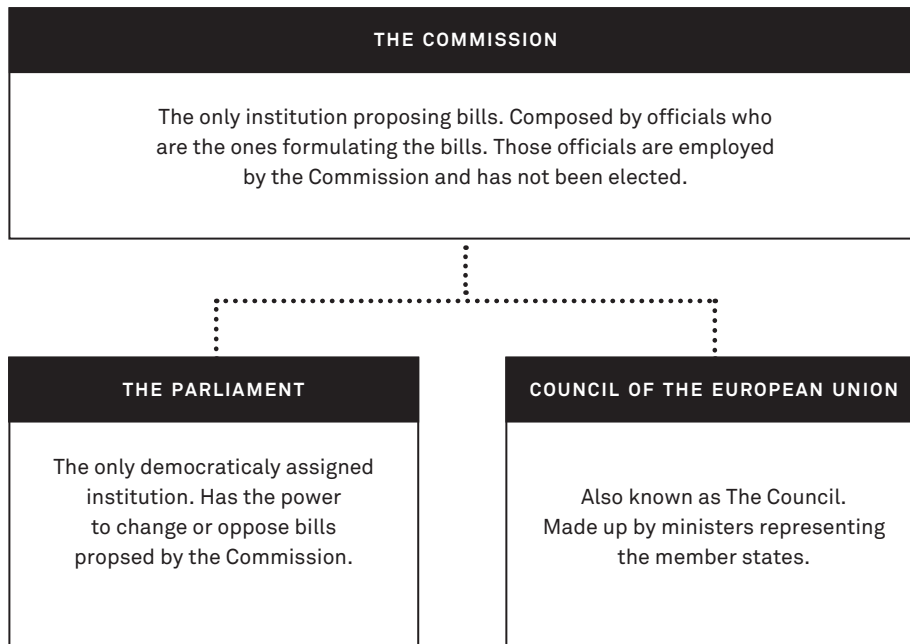
This paper is a brief summary of the EU's processing order and the suggested Common European Asylum System laws.

IN EUMANITY

This material is produced by inEumanity. inEumanity is an international campaign which gathers everyone who wants to protest against the plans within EU towards a more supranational and inhumane asylum regulation. We work primarily with information distribution and to influence public opinion. To learn more visit:

FACEBOOK [inEumanity Malmö](#) **BLOGG** [ineumanity.noblogs.org](#)

The legislating institutions of the European Union



PROCESS ORDER FOR BILLS PROPOSED IN THE EU

- ▶ **THE COMMISSION** proposes a bill. They are the only institution that has the power to propose bills.
- ▶ The proposal is sent to the **PARLIAMENT** and the **COUNCIL**.
- ▶ **THE RESPONSIBLE COMMITTEE** in the parliament gets the proposal. The committee designates a rapporteur, a person responsible for the process regarding the specific bill. The rapporteur makes amendments which are, thereafter, presented to the political groups in the parliament.
- ▶ **THE GROUPS** make further amendments.
- ▶ The rapporteur proposes a compromise to unite the groups.
- ▶ **THE RESPONSIBLE COMMITTEE** votes for or against the proposed bill.
- ▶ Parallel to this process, the **COUNCIL** discuss their take on the proposal, if they want to make amendments to it or vote yes or no. These discussions can be prolonged. In theory, decisions on bill proposals regarding migration are made through so-called qualified majority. In practice, however, the Council make decisions by consensus, which means that one member state usually can veto a proposal.

- ▶ When the parliament and the council have each made their decision on the proposal, there is a trialogue between the **COMMISSION**, the **PARLIAMENT** (as represented by the rapporteur and those different **POLITICAL GROUPS** who have followed the proposal) and the council.
- ▶ When all three institutions have reached a final compromise, the **PARLIAMENT** votes about this final compromise in plenary.

This is a description of the most common procedure when it comes to decision-making in the EU, however it does not always work in this way. Some processes are shorter – for example the Parliament voting twice is not always the case.

Common European Asylum System

Common European Asylum System is a set of bills aimed at further harmonising European asylum policy.

The system consists of seven bills. Each bill has its own rapporteur and its own separate process. The seven rapporteurs form a group called the “Asylum Contact Group”. These rapporteurs play an important role in the harmonisation process, since they are the ones suggesting amendments and proposing compromises.

All of these proposals are currently being negotiated, which means they might change. In this document, we present parts of the proposals.

THE SEVEN BILLS:

- 1 **QUALIFICATION REGULATION**
- 2 **PROCEDURES REGULATION**
- 3 **EU RESETTLEMENT FRAMEWORK REGULATION**
- 4 **EURODAC**
- 5 **DUBLIN IV**
- 6 **RECEPTION DIRECTIVE**
- 7 **EASO, EU AGENCY FOR ASYLUM (will shortly change name to EUAA)**

The Implications of the bills

► QUALIFICATION REGULATION

The EU member states already have a common qualification directive (which states the grounds for protection of asylum seekers). According to the bill, the directive will be expanded and transformed into regulation.

This expansion includes the proposal that only temporary residence permits may be issued. This rule will apply to the entire European Union, since EU regulations are above national law. One year permits will be issued to recipients of subsidiary protection, and refugees will be given three year permits. These may be prolonged several times. Permits that have already been issued can be withdrawn if the need for protection is reassessed. This can be the case if the situation in the country of origin changes. The country information will be updated continuously and the system will have built-in triggers to notice such changes, resulting in the revoking of permits. If a refugee or a recipient of subsidiary protection has their permit revoked, they will have a grace period of three months, during which they will have the opportunity to attain a permit to stay in the country. This must be based on other grounds however, such as a working permit for example.

If a person is considered to have created their own need for international protection, they will not be granted asylum. This can be the case for converts, or for LGBTQ-people who first come out in the asylum country.

► PROCEDURES AND REGULATION

This bill also aims to transform an existing directive into regulation by changing and expanding the directive. Through this new regulation, the asylum procedures of the EU will be harmonised in such a way as to hinder any member state from having a more generous policy than others. The purpose of this is to demotivate asylum seekers from moving from one country to another in search of protection. The bill also contains proposals to shorten the time limit for asylum procedures. This “accelerated border procedure” states that an asylum seeker has to apply within 10 working days of crossing a border, and that appeals have to be made within 10 working days of a decision being made. While waiting for decisions regarding asylum applications, the person seeking asylum can be detained.

The procedure includes several steps to investigate whether the person has the right to apply for asylum in the country where the application has been made.

This may be done by assessing if the applicant comes from a country included in the list of safe countries, or if the applicant passed through a safe country – where they could have applied for asylum – on their way to the country in which they are seeking asylum. Only then will the investigation of personal grounds for asylum begin. If there is reason to believe that the country the person has left will be considered safe within the near future, the procedure can be placed on hold in anticipation of this.

If an asylum seeker is regarded as non-cooperative or not following the rules – for example, if they do not want to give fingerprints, or if they are moving to another state within the union – this can lead to termination of the asylum procedure and the person may be sent back to the country from which they fled.

A proposal to establish a list of safe countries, to be used by all the member states. The bill is divided into two parts:

1) How the list is supposed to function. This part has already passed.

One single list of safe countries is going to be used by all member states, meaning that no member state can create its own list of countries regarded as safe. This also means that no source other than the European Union's own country information – such as country information from the UNHCR - can be referred to in the asylum process.

2) Which countries should be listed.

► EU RESETTLEMENT FRAMEWORK REGULATION

This bill is aimed at creating a regulation on re-settlement, which is a term used when talking about quota refugees. There is already a system for collective transfer of quota refugees, where the receiving countries state how many refugees they want to receive via the quota system. The system is run cooperatively, between the receiving countries and the UN refugee agency UNHCR. The member states base their selection on the yearly estimate made by the UNHCR about where the needs for resettlement are.

The European Union now aims to create its own framework for re-settlement, in order to use it as a political tool. For the EU to accept re-settlement from a certain country, return agreements may be demanded (meaning agreements in which the EU can deport people to said country).

Currently, countries that receive quota refugees through UNHCR's programs acquire 6000 euro per person received. According to the bill, this is to be changed. If a member state re-settles through the UNHCR's programs, it will receive 0 euros, while if it re-settles through the EU's program it will receive 10'000 euros per person. The bill also states that family reunifications are to be included in the quota system instead of remaining separate, as is the case today.

According to the bill, a refugee may be excluded from the re-settlement program for five years if they attempt to enter the EU by irregular means. Moreover, if a country rejects an application, the person will be excluded from the program permanently. Those being granted residence permits through the re-settlement program will receive temporary permits only, since the EU wants to link the quota system to the qualification regulations.

► EURODAC

Eurodac is an existing database in which the fingerprints of all asylum seekers in the EU are registered. Currently, Europol has access to this system when permission is granted by the state. The bill, however, suggests that Europol should gain immediate access to this system. It also suggests that the age for registration of children's fingerprints be lowered from 14 years to 6 years. The fingerprints will be stored for ten years, for those who receive residence permits, and for five years for those denied. It has not yet been decided where the fingerprints of quota refugees will be registered.

According to the bill, biometric data such as face recognition, will be added to the system. If an asylum seeker refuses to give this information, this may lead to administrative sanctions. Exactly what this means has not yet been defined, but detention is a probable sanction. It is also suggested that the register will be shared with third countries. If a person is being deported, the authorities in the country the person fled can access the information in the database.

► DUBLIN IV

The bill implies a reform of the existing Dublin regulation which states that one must apply for asylum in the first EU country one enters. This "first country principle" has faced harsh criticism, but is not being removed from the new bill, but is instead being reinforced.

Before a person's case is processed through the Dublin system, it will be checked against the list of safe countries described above. If an asylum seeker moves from the first EU country in which they arrived – where, according to the Dublin regulation, they are obliged to make their application – (so-called "secondary movement") they can be punished, by having their asylum procedure closed (see Procedures Regulation above).

The bill includes a cogent system to spread asylum seekers over all of the EU's member states. How many people a member state is to receive is based on the country's GDP, combined with other factors. If the applications for one country reaches 150% of its determined maximum, the residual asylum seekers will be randomly placed in another member state whose quota has not been filled.

The current rule states that fingerprints from those classified as Dublin matters should be removed after 18 months. Instead, they will be stored for ten years for those who receive residence permits, and for five years for those denied.

According to the bill, the definition of a family will be broadened to also include family ties created during the flight.

The rapporteur responsible for this bill is the Swedish liberal Cecilia Wikström.

► RECEPTION DIRECTIVE

This bill deals with the procedures related to the reception of refugees in the EU. For example, asylum seekers will be given access to the labour market as soon as possible and at the latest six months after handing in their application. The main

goal of this directive, however, is to stop so-called “secondary movement”. If an asylum seeker moves from the first EU member state of arrival to another, they will be disciplined by losing all potential support given to asylum seekers, such as financial support, during the procedure. It will also be easier for authorities to detain asylum seekers, and the detention period may last throughout the entire asylum procedure.

► **EASO**

EASO is the overall comprehensive institution intended to coordinate The Common European Asylum System. What is disputed is whether or not EASO will have a supporting or a controlling position. The Council is in favour of a supporting function, while the Parliament prefers for it to play a monitoring role.