

Analysis of stakeholders' contributions to the Green Paper

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Executive Summary

Legislative Instruments: Processing of asylum applications

- Relevance attributed to the harmonization of types of procedures, together with the revision of specific notions adopted (safe country of origin, safe third country, etc.)
- NGOs insist on procedural safeguards (access to asylum procedure, legal assistance and suspensive effect of right to appeal)
- Need for more training of asylum case officers requested
- Agreement on the necessity of examining subsidiary protection after refugee status refusal, but no agreement on the system to manage the proposed procedure (in particular not on the creation of a single authority)
- No agreement on the joint processing of asylum application unless possibly in exceptional situations, such as for sharp increases in asylum applications

Executive Summary

Legislative Instruments: Reception conditions for asylum applicants

- Overall consensus to further harmonization of reception conditions:
 - MS Gov express a general consensus, with specific reserves depending on the subject (especially concerning access to labor market)
 - NGOs actively support harmonization process
- Focus, mainly expressed in NGOs contributions, on the possibility to give access to the labor market to asylum seekers after 6 months of permanence in EU, differently from what established in the current Directive, where one year is the time limit for having access to the labor market
- Consensus on the necessity of further standardization in the form and level of material reception conditions through intensified practical cooperation
- Length and conditions for detention are considered as the main aspects to be more precisely regulated concerning detention both by MS Gov and NGOs

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Executive Summary

Legislative Instruments: Granting of protection

- Consensus on the necessity of further harmonizing the criteria for awarding refugee and subsidiary protection statuses
- Approximation of rights attached to refugee status and subsidiary protection supported by NGOs but not by MS Gov, which are generally supporting the definition of 2 different uniform statuses
- Introduction of categories of protection for non-removable persons supported by NGOs but much less by MS Gov
- General support in principle for the mutual recognition of national asylum decisions and the possibility of transfer of protection, but according to MS Gov it is too early to currently define a EU mechanism of mutual recognition

Executive Summary

Legislative Instruments: Cross cutting issues

1. Appropriate response to situations of vulnerability

- Consensus on the necessity of improving the rules on vulnerable asylum seekers, regarding in particular situations related to healthcare and gender and child specific issues
- Proposed methods for intervening on these issues are:
 - Exchange of best practices and definition of guidelines
 - Compliance with, and amendment of, legislation
 - Training of staff

2. Integration

- Positive attitude towards measures to enhance integration of asylum-seekers expressed by NGOs, while MS Gov showed a general opposition to this initiative

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Executive Summary

Legislative Instruments: Cross cutting issues

3. Comprehensiveness

- General support to harmonization to achieve a comprehensive approach by NGOs, while MS Gov focus on specific areas for further harmonization

Implementation – Accompanying measures

- Methods to support practical cooperation, retained to be used by stakeholders, must be focused on:
 - training of staff
 - definition of EU guidelines on practical issues
 - improvement of the availability of information on the country of origin
- Complete agreement on the creation of an European Support Office (without decision-making power in the view of MS Gov)

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Executive Summary

Solidarity and Burden Sharing: Responsibility sharing

- MS Gov support the current Dublin system, but accept as NGOs the necessity or even request more burden sharing (through financial solidarity and asylum expert teams)
- It is necessary to improve the Dublin system on some points, in particular regarding family unity

Solidarity and Burden Sharing: Financial solidarity

- According to stakeholders the functioning of ERF must be simplified and must become more flexible
- There is a necessity of a major information sharing regarding projects and best practices
- Some financing needs are considered by stakeholders as not adequately addressed, such as situations of particular or unpredicted pressure

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Executive Summary

External Dimension: Supporting third countries to strengthen protection

- Need to evaluate Regional Protection Programmes before a further development and extension of the programmes themselves
- Capacity building considered as the main instrument for supporting third countries in dealing with asylum issues

External Dimension: Resettlement

- EU common approach to resettlement is welcomed by the stakeholders, especially for facing particularly difficult situations: (i) mass flights situations; (ii) large natural disasters; (iii) civil war
- The form of EU financial support also considered as viable

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Executive Summary

External Dimension: Addressing mixed flows at the external borders

- Training of border guards and the support of asylum experts considered as the main measures through which increasing national capacities to establish effective protection-sensitive management systems

External Dimension: The role of the EU as a global player

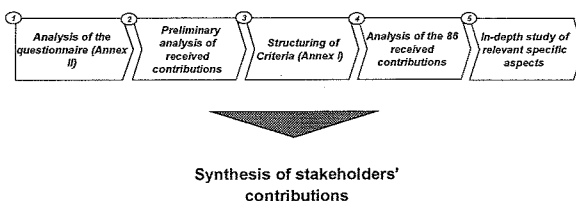
- Expressed the necessity of :
 - more common positions and practices at EU level
 - closer cooperation with UNHCR
- NGOs insist on EU responsibility for upholding refugee protection in third countries

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Introduction

- The present document is aimed at presenting the main findings emerging from the Analysis of stakeholders' contributions to the Green Paper on the future Common European Asylum System
- The approach followed for drafting the analysis is the following:



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Limits and specifications on the analysis

- Identification of criteria was made through the preliminary analysis and revision of stakeholders' contributions, in order to provide a systematic and clear interpretation and synthesis of the main elements emerging from GP contributions: the criteria are as comprehensive as possible to categorize the different answers given
- For some of the questions, due to the particular openness of the answers and to the occasional overlapping of answers from stakeholders over a series of questions (sometimes due to aggregated answers to GP sections), the analysis was conducted only on a qualitative basis
- The numbers indicated in the analysis refer to the number of preferences expressed, for each question, per each of the single criteria identified (i.e. 3/7 MS Gov = 3 preferences expressed for a certain criteria on 7 total preferences expressed by respondent MS Gov)

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Redemption and distribution between stakeholders: total numbers on submitted contributions

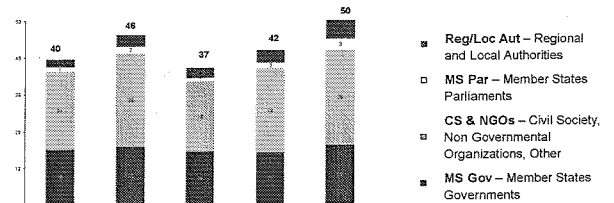
	Member States: National governments	National governments of third countries	Member States: National parliaments and other authorities	Regional and local authorities	Civil Society, Non-Governmental Organisations, Others	TOTAL
TOTAL NUMBER OF SUBMITTED CONTRIBUTIONS	20	2	4	6	54	86

- DG JLS received 86 contributions to the Green Paper, articulated by category of stakeholders as introduced in the table above
- In the following slides, on redemption and distribution of answers between stakeholders, the number of contributions by category of stakeholders and section of the Green Paper were calculated as an average of the number of contributions given by category of stakeholder per each question of the section

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Redemption and distribution between stakeholders: GP sections 2.1, 2.2, 2.3, 2.4.1, 2.4.2 (1/3)

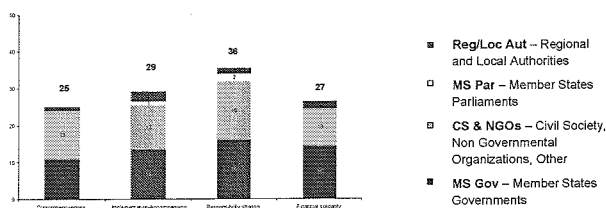


- The main interest of stakeholders, with an average number of contributions varying between 37 and 50, concentrated on the first 5 sections of GP
- Homogeneous distribution of MS Gov contributions among these sections (around 15)
- More focus by NGOs and CS on reception conditions and integration issues (26)

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Redemption and distribution between stakeholders: GP sections 2.4.3, 3, 4.1, 4.2 (2/3)

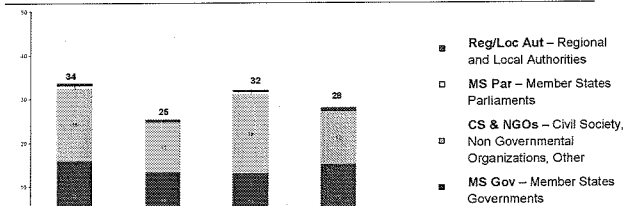


- Questions on practical cooperation, responsibility sharing and financial solidarity answered in particular by MS Gov (respectively 14,16,15), receiving less attention from NGOs and CS
- Financial solidarity among MS received less attention from NGOs (10)
- Comprehensiveness issue collected only 25 contributions and, in particular, few attention by MS Gov (11)

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Redemption and distribution between stakeholders GP sections: 5.1, 5.2, 5.3, 5.4 (3/3)



- Among sections related to external dimension, questions on supporting third countries (34) and mixed flows management (32) collected more contributions
- Resettlement issues received less attention by NGOs, while the opposite occurs about mixed flows

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Legislative Instruments

Legislative Instruments: Sections of Analysis

The analysis on Legislative Instruments is articulated according to the following sections:

- Processing of asylum applications
- Reception conditions for asylum seekers
- Granting of Protection
- Cross-cutting issues
 - Appropriate response to situations of vulnerability
 - Integration
 - Ensuring second stage instruments are comprehensive

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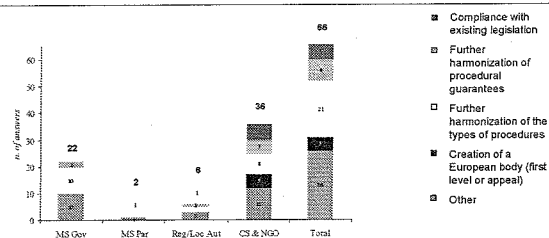
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Legislative Instruments

Processing of asylum applications

Q.1 Achievement of a common asylum procedure and aspects for a further law approximation (1/3)



- Recognition of the importance of better defining a common asylum procedure by the majority of the contributions, intended in terms both of reaching adequate compliance with existing legislation and of defining a new instrument at EU level
- Request for a new intervention related to some specific aspects: (i) harmonization of types of procedure (21/66); (ii) harmonization of procedural guarantees (10/66); (iii) institution of a European body (5/66)

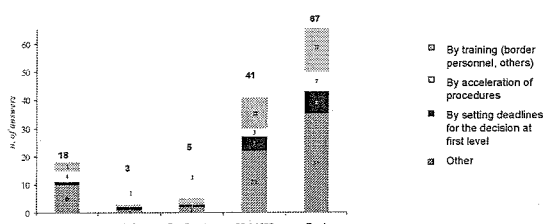
Q.1 Achievement of a common asylum procedure and aspects for a further law approximation (2/3)

- MS Gov stressing the necessity for a further law approximation and/or common asylum procedure mainly focused on the following aspects:
 - the definition of a new EU legislative instrument harmonizing the types of procedures for asylum applications (10/22 (i.e. DK, EL))
 - the harmonization of guarantees linked to asylum procedures
- Various indications on behalf of MS Gov (i.e. FR) and NGOs to create European guidelines for interpretation or implementation of EU legislation, associated also with reflections (i.e. SE) on the possibility of EU of becoming party to the Geneva Convention as a single entity
- DE supported the implementation of CEAS, but with the necessity of not defining detailed or binding procedural dispositions (especially on specific issues like access to labor market)
- The need for a preliminary evaluation of the first phase of implementation of CEAS, before taking the legislation further, highlighted by a few MS Gov (i.e. UK) together with Reg/Loc Aut

Q.1 Achievement of a common asylum procedure and aspects for a further law approximation (3/3)

- NGOs contributions stressed the following elements:
 - the basic need to have all MS legislations complying with EU existing legislation
 - the necessity of supporting the creation of a European judicial body as a means for going towards the definition of a common asylum procedure
 - the necessity of granting the fundamental right of appeal on behalf of asylum applicants

Q.2 Enhancement of effectiveness of access to asylum procedure and areas of improvement for efficiency and protection guarantees (1/3)



- Low concentration of indications on how to enhance the effectiveness of access to asylum procedures, apart from a certain convergence on the necessity of training (18/67) asylum staff
- The definition of deadlines for the decision at first level (8/67) and the acceleration of procedures (7/67) considered as two relevant aspects on which to intervene

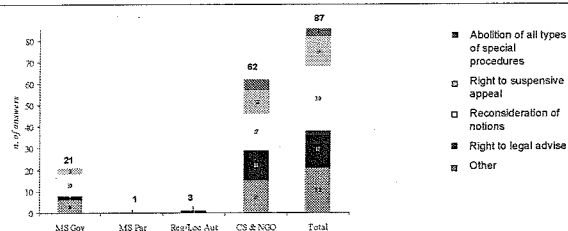
Q.2 Enhancement of effectiveness of access to asylum procedure and areas of improvement for efficiency and protection guarantees (2/3)

- The enhancement of the effectiveness of access to asylum procedures considered as a main issue on which to intervene by MS Gov, with specific referral to:
 - the need for acceleration of procedures (4/18 (i.e. SE, LV))
 - the importance of training of personnel (3/18 (i.e. MT, SE))
 - the necessity of revising the concept of "safe European third country" (CZ)
 - the relevance of setting deadlines for first level decision (LV)
- DE did not find shortcomings in the current regulations, suggesting to identify national deficiencies during the evaluation process of the first phase of CEAS

Q.2 Enhancement of effectiveness of access to asylum procedure and areas of improvement for efficiency and protection guarantees (3/3)

- NGOs and CS supported the following as means for enhancement of effectiveness of asylum procedure and improvement of efficiency and protection guarantees:
 - the granting of professional and legal assistance to asylum seekers before and during the asylum procedure
 - the setting of deadlines for first instance decisions
 - the training of personnel
 - the access to information on behalf of the applicants
 - the efficient circulation and exchange of information between the national authorities in charge of the procedures
 - the improvement of airport and sea procedures

Q.3 Reconsideration of existing notions and procedural devices (1/3)



- Focus on the necessity of revising some relevant notions (30/87): (i) first country of asylum, (ii) safe third or third European country, (iii) safe country of origin
- Right to legal advice (17/87) and to suspensive appeal (14/87) considered as crucial procedural devices on which to intervene

Q.3 Reconsideration of existing notions and procedural devices (2/3)

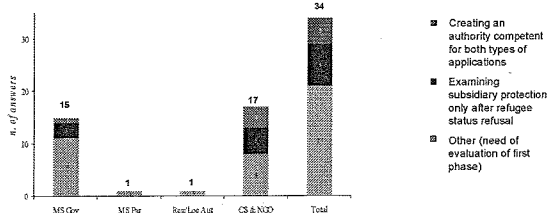
- Revision wanted for notions* of:
 - "Safe third country" (EE, DE, PT)
 - "Safe European third country" (CZ, FR, PT)
 - "Safe country of origin" (EE, PT, SI)
- An EU list suggested for:
 - "Safe countries" (CZ, SI)
 - "Safe countries of origin" (FR, DE)
 - "Safe European third countries" (HU)
- Right to suspensive appeal and right to legal assistance mentioned by some MS Gov (i.e. FR and SE respectively) as concepts to be reviewed further
- A review supported also by a meaningful number of NGOs (11/62 and 14/62 respectively)
- The abolition of any kind of special procedures separate from the regular asylum procedure supported by various NGOs as such procedures diminish applicants' protection guarantees

* LV supports existing concepts of first country of asylum, safe third country and safe country of origin

Q.3 Reconsideration of existing notions and procedural devices (3/3)

- NGOs generally asked for a more precise definition and improved application of two concepts:
 - access to asylum procedures
 - procedural guarantees
- Personal interview to the applicant and refusal of asylum applications also mentioned by some NGOs as a matter of further revision

Q.4 Design of a mandatory single procedure for assessing applications for refugee status and for subsidiary protection (1/3)



- Low concentration of indications on how to design a mandatory single procedure
- Examination of subsidiary protection only after discarding refugee status emerging as a possible procedure (8/34) to achieve a more efficient system at EU level for processing applications

Q.4 Design of a mandatory single procedure for assessing applications for refugee status and for subsidiary protection (2/3)

- The design of a mandatory single procedure supported in principle by some MS Gov (i.e. FR, DE), with no particular uniform indication emerging on how such a procedure should be designed:
 - reference to the Geneva Convention and international refugee law to develop a single procedure suggested by some (i.e. PT)
 - procedure to be based on the following steps according to NL: (i) registration (with restricted reception); (ii) interim period (medical examination, legal assistance, information), (iii) asylum application period (interviews, Dublin research, assessment of the type of procedure to be applied)
 - definition of an authority competent for both procedures (MT)
 - divergences in suggesting either independent authorities or cooperation amongst existing authorities
- Examination of subsidiary protection after the denial of refugee applications considered as a correct procedure by a few MS Gov (3/15 (i.e. HU))

Q 4 Design of a mandatory single procedure for assessing applications for refugee status and for subsidiary protection (3/3)

- Moderate consensus on the need for a better and more in-depth evaluation of the first phase of implementation of CEAS before proceeding with a single procedure and the second phase of harmonization in general (i.e. UK, HU and few NGOs)
- The examination of subsidiary protection after the denial of refugee applications (5/17) and the definition of an authority competent for both procedures (4/17) collecting appreciations on behalf of NGOs

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Q 5 Models for joint processing of asylum applications (1/2)

- Different MS Gov contributions on the model to be used for a joint processing of asylum applications:
 - SE, SK, FI, and DE proposed the use of joint processing in exceptional situations, such as for sharp increases in asylum applications, with DE generally upholding the competence of MS
 - FR refers to the possibility of distribution of applicants between MS
 - according to LT practical cooperation through best practices could be used as a model for joint processing
 - EI proposal based on the implementation of the joint processing within specific closed processing centers
 - CZ and LV refer to a joint processing limited to the preparatory phase of the procedure

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Q 5 Models for joint processing of asylum applications (2/2)

- MT proposal based on the creation of an EU body assigned to the preparation of a dossier on the applicants to be then sent to the MS asylum determination authorities
- according to NL, joint processing could be based on: a practical Community model (common asylum procedure) or a national model which refers to a central institution (common asylum system)
- A centralized procedure, even through a single EU institution, mentioned also by FR, CZ and a couple of NGOs (2/10)
- Opposition to joint processing of asylum applications at the current stage flagged by some MS Gov (i.e. DK, EE, HU, LV) and NGOs (2/10), also because of the preliminary need to evaluate current mechanisms and procedures
- The concepts of asylum expert teams and of decentralized offices flagged among NGOs and CS (4/10) as possible components of future joint processing models

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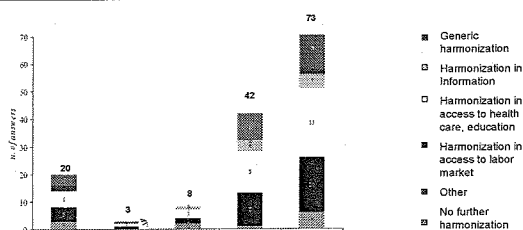
Legislative Instruments

Reception conditions for asylum seekers

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Q 6 Areas of limitation of the current margin of discretion allowed by the Directive's provisions (1/3)



- Recognition of the importance of further harmonization in reception conditions by the vast majority of the contributions (67/73)
- Evident request for harmonization on some specific aspects: health care or education (25/73), access to labor market (20/73)

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Q 6 Areas of limitation of the current margin of discretion allowed by the Directive's provisions (2/3)

- Further harmonization of reception conditions generally called for by MS Gov (17/20): lack of harmonization considered as the reason for difference in attractiveness of host countries and secondary movements of refugees
- Some MS Gov focus on specific aspects on which establishing further harmonization: 5 refer to labor market (EE, LT, MT, PL, SE) and 6 to health care or education (DK, EL, LT, SI, SK, SE), while other MS Gov ask for a generic further harmonization (i.e. DE*, PT)
- Opposition or uncertainty regarding further harmonization highlighted by 3 MS Gov mainly based on the socio-economic differences among MS and the related economic difficulty to provide similar standards of reception conditions (LV) and on granting access to the labor market (EI)
- According to UK, adequate time should be given to MS to implement the first phase of CEAS and a full evaluation should be carried out on it before embarking on the second phase of CEAS

* DE excludes the access to labor market in considering harmonization

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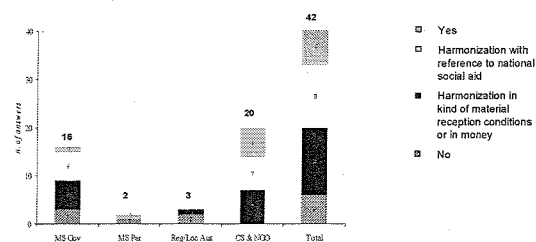
Q 6 Areas of limitation of the current margin of discretion allowed by the Directive's provisions (3/3)

- NGOs and Civil Society strongly support harmonization (41/42), calling for compliance with international standards and focusing particularly on the importance to provide higher standards regarding health care, education, addressing special needs (24/42)

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Q 7 Further harmonization of the form and the level of the material reception conditions granted to asylum seekers (1/2)



- Positive attitude to further harmonization of the form and level of the material reception conditions (14/42)
- Necessity to take care of the current situation concerning social aid granted at MS level in establishing a common approach on this specific issue (13/42)

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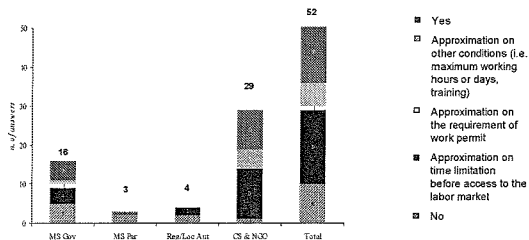
Q 7 Further harmonization of the form and the level of the material reception conditions granted to asylum seekers (2/2)

- Further harmonization, when supported by MS Gov (13), to be pursued by taking alternatively into consideration:
 - the existing differences among MS concerning social aid and welfare systems (i.e. HU, PL, SE)
 - the necessity of granting common standards in terms of material reception conditions in kind or in money (i.e. FR, EL), also with some degree of flexibility and discretion left to MS (i.e. DE)
- NGOs and CS' contributions 100% in favor of harmonization, asking for compliance with international standards

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Q 8 Further approximation of the national rules on access to the labor market (1/2)



- Positive attitude of stakeholders on further approximation of national rules on access to labor market (40/52)
- Focus on the establishment of a common approach on time limitations for granting access to the labor market (19/52)

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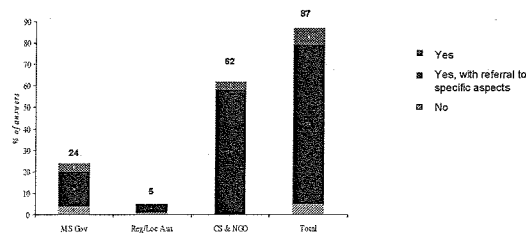
Q 8 Further approximation of the national rules on access to the labor market (2/2)

- Further approximation called for by most MS Gov (11/16), with particular attention (4/16) on the necessity for approximating time limitations for granting access to the labor market, generally indicated between 3 months (LV, FI) to one year (MT)
- Recognition and acceptance of diplomas also indicated by NL
- Opposition to further approximation mainly due to the absence of a uniform EU labor market and the necessity for national flexibility (i.e. FR, DE)
- Access to labor market considered as necessary for integration and, to a certain extent, as a fundamental right in NGOs and CS' contributions (28/29)
- Specific focus dedicated by NGOs and CS to the approximation on the time limitation (13/29), but also to other conditions (maximum working days, etc.)

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Q 9 Clarifications on grounds for detention and regulation on conditions and length of detention (1/2)



- Recognition of the importance of further clarification and harmonization on the use for detention (82/87)
- Length and conditions for detention (18/87) are considered as the main aspects to be more precisely regulated, followed by the necessity for clarification on the grounds for detention (14/87)

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Q 9 Clarifications on grounds for detention and regulation on conditions and length of detention (2/2)

- Clarifications considered necessary by almost all MS Gov contributions (20/24), but mainly with reference to specific issues:
 - length of detention credited as a main aspect (i.e. EL, PL, SI)
 - conditions (i.e. FR, EE) and reasons of detention (i.e. PL) also considered relevant
 - less focus on the exclusion of certain categories and on the principle of proportionality
 - judicial review of detention decisions (i.e. NL)
- EU intervention not deemed necessary since:
 - current regulations under national law satisfy, or will satisfy, relevant provisions of the European Convention on Human Rights (DE, LV, SK)
 - the issue of detention should be managed at national level (MT)
- NGOs and CS' contributions judge the harmonization urgent, stressing that detention should be restricted as much as possible and should not be prejudicial for the asylum seeker

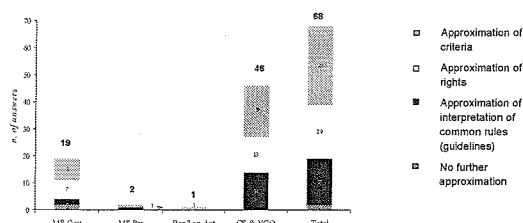
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Legislative Instruments

Granting of protection

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Q 10 Further law approximation or standards raising regarding: (i) criteria for granting protection; (ii) rights and benefits attached to protection status(es) (1/2)



- Almost complete agreement on further approximation, intended in terms of:
 - criteria for granting protection (29/68),
 - guidelines to be used for interpretation of common rules (17/68)
 - approximation of rights, mainly intended also as approximation of rights between refugees and beneficiaries of subsidiary protection (20/68)

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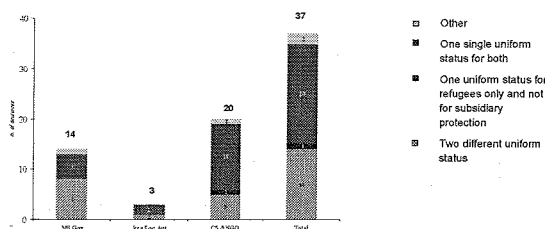
Q 10 Further law approximation or standards raising regarding: (i) criteria for granting protection; (ii) rights and benefits attached to protection status(es) (2/2)

- Approximation considered necessary by almost all MS Gov contributions (17/19), with the major focus of MS Gov (15/19) on the necessity of approximation and/or clarification of:
 - criteria for awarding refugee and subsidiary protection status (i.e. DE, PT)
 - rights and benefits attached to the protection status, mainly intended also as approximation of rights between refugees and beneficiaries of subsidiary protection (i.e. EL, LV, NL)
- Opposition from DK and SK to a further approximation at this stage, especially considering the necessity of assessing the current rules*
- Support of NGOs and CS' contributions of a further approximation, asking in particular for more comprehensive criteria (19/46)
- Better instruments for a more standardized interpretation of common rules (14/46) and approximation of rights between refugees and beneficiaries of subsidiary protection also significantly supported by NGOs and CS (13/46)

*: DK however agrees with the principle of the approximation of rights between refugees and beneficiaries of subsidiary protection

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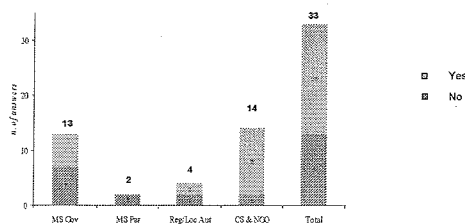
Q 11 Models for the definition of the statuses of refugees and beneficiaries of subsidiary protection (1a/2)



- Significant positioning in favor of the definition of uniform models for refugees and beneficiaries of subsidiary protection (35/37)
- Prevailing preference for the option of defining one single uniform status for both the figures (20/37) if compared to the one of establishing two different uniform statuses (14/37)

47 ! @

Q 12 A single uniform status for all persons eligible for international protection (1b/2)



- Preference for the definition of a single uniform status for refugees and beneficiaries of subsidiary protection mainly driven by the positioning of NGOs and CS
- Opposition to the uniform single status by the remaining 13 out of the 33 stakeholders, considering this option feasible only on a long term basis

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Q. 11 and 12

Models for the definition of the statuses of refugees and beneficiaries of subsidiary protection: the option of a single uniform status for both (2/2)

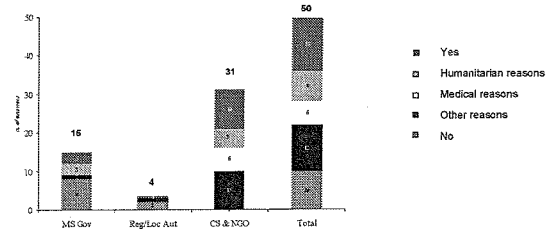
- Refusal of a "single uniform status" from some MS Gov: the fact that the two statuses respond to different situations and should be maintained is clearly pointed out (i.e. FR, DE)
- Uniform status for both the refugees and the beneficiaries of subsidiary protection sustained by a residual part of MS Gov (DK, NL, SE), but on a long term basis and with caution on the model to be implemented
- Prevalent orientation from NGOs and CS' contributions for supporting the uniform status for both the categories, encouraging the entitlement of the same set of rights for both the refugees and the beneficiaries of subsidiary protection
- The "two different uniform statuses" representing the other main option for NGOs and CS, as the grounds of protection are retained as different
- The "two different uniform statuses" supported also by National Parliaments, while positioning of Reg/Loc Authorities appears quite differentiated

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Q. 13

Further categories of non removable persons to be brought within the scope of Community legislation and under what conditions (1/2)



- Positive attitude towards the introduction of other categories of non removable persons within the scope of EU legislation (42/50)
- Humanitarian (8/50) and medical (6/50) emerged as the main reasons for identifying further categories of non removable persons to be protected by EU legislation

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Q. 13

Further categories of non removable persons to be brought within the scope of Community legislation and under what conditions (2/2)

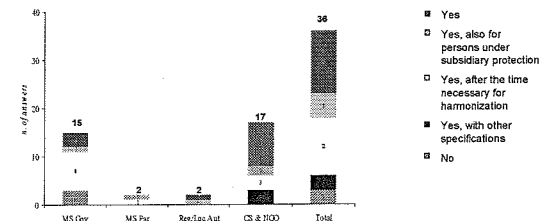
- Relevant quota (8/15) of MS Gov (i.e. DE, FR, PL, SK) against the introduction of other categories of non removable persons within the scope of EU legislation: these categories go beyond the scope of subsidiary forms of protection within the meaning of Directive 2004/83/EC in the context of the harmonization of asylum law
- Introduction of new categories, when supported by MS Gov (7), to be established when:
 - an individual assessment and overall consideration of the circumstances of the particular case imply the necessity of such an approach (i.e. SE, LV)
 - humanitarian reasons are subsisting (i.e. EE)
- NGOs and CS' contributions 100% is in favor of the introduction of further categories on non removable persons: (i) humanitarian reasons (10/31); medical reasons (6/31); other (5/31)

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Q. 14

EU mechanism for the mutual recognition of national asylum decision and the possibility of transfer of protection: conditions and model of functioning (1/3)



- Relevant incidence of stakeholders requiring the definition of a mechanism at EU level for the mutual recognition of national asylum decision (33/36)
- Focus on the establishment of a common framework under which granting the functioning of the mutual recognition principle and the possibility of transfer of protection (12/36)

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Q. 14

EU mechanism for the mutual recognition of national asylum decision and the possibility of transfer of protection: conditions and model of functioning (2/3)

- MS Gov (12/15) supported a shared EU mechanism:
 - those supporting the definition of a common framework under which operating for mutual recognition (8/15 (i.e. DE, FR, HU, FI, SI, DK)): currently it is too early for the mutual recognition of asylum decisions and transfer of responsibility, therefore it seems more appropriate to proceed with these issues with national asylum procedures sufficiently harmonized
 - those supporting the intervention in an unconditioned way with respect to the current situation (SE, PL, MT)
- Opposition to the establishment of a EU mechanism for mutual recognition represented by LV: transfer of protection possible only on the basis of mutual agreement between Member States or of the European Agreement on Transfer of Responsibility for Refugees (Council of Europe, 1980)

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Q. 14

EU mechanism for the mutual recognition of national asylum decision and the possibility of transfer of protection: conditions and model of functioning (3/3)

- Support of a mutual recognition system that permits freedom of movement among MS by NGOs and CS: no indication on an opposition to the establishment of transfer of protection and mutual recognition

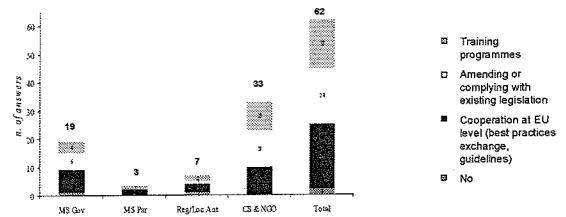
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Legislative Instruments

Cross-cutting issues: Appropriate response to situations of vulnerability

Q 154 Means of improvement of provisions rules for MS for vulnerable asylum seekers (1/3)



- Almost complete agreement on the necessity of intervening on the provisions obliging MS to address vulnerable asylum seekers' needs, intended in terms of:
 - cooperation at EU level through best practices exchange and definition of guidelines (23/62)
 - amending or complying with existing legislation (20/62)

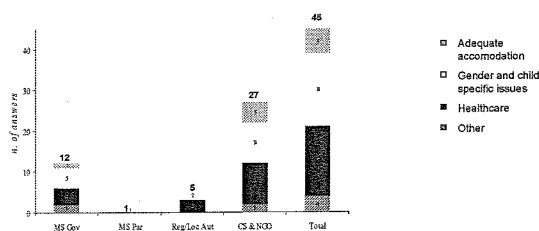
Q 154 Improvement of provisions rules for MS on vulnerable asylum seekers (2/3)

- The major part of MS Gov contributions indicated the following as means of improvement of provisions for vulnerable asylum seekers:
 - amendment or compliance with the existing EU legislation (6/19) (i.e. MT, SK)
 - cooperation of authorities at EU level through the exchange of best practices and creation of guidelines (8/19) (i.e. FR)
- Implementation of personnel training programmes also considered by MS Gov (4/19 (i.e. SE)), and various NGOs and CS' contributions (10/33), functional to matching vulnerable applicants' needs
- Further legislation and provisions for vulnerable asylum seekers retained either ineffective or unnecessary by DE given that all current directives deal fully with their conditions and that an evaluation of their implementation is all that is needed
- A uniform assessment system for the most vulnerable asylum seekers proposed by SK

Q 154 Improvement of provisions rules for MS on vulnerable asylum seekers (3/3)

- NGOs and CS' contributions mainly supporting:
 - the necessity of focusing on the existing EU legislation (13/33)
 - the need of cooperation at EU level (10/33)
 - the need of personnel training programmes

Q 155 Areas of standards development (1/2)

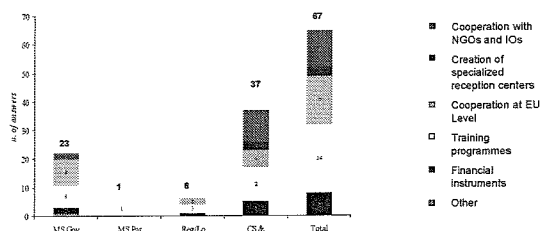


- Relevant incidence of stakeholders requiring the further development of standards concerning healthcare (17/45) and specific issues related to gender and child conditions (18/45)
- Standards development on adequate accommodation supported by the residual part of stakeholders (6/45), especially NGOs and CS

Q 155 Areas of standards development (2/2)

- Provision of healthcare services to vulnerable asylum seekers identified by MS Gov (4/12) (i.e. EE, HU) as the main area in which developing further standards
- Additional focus is placed by a reasonable share of MS Gov (5/12) (i.e. EI) on gender and child specific issues
- NGOs and CS' contributions mainly focused on healthcare services (10/27) and on gender and child specific issues (10/27)
- The notion of adequate accommodation for vulnerable people brought forward by some NGOs (5/27) as well as by SI who mentions it among the other highlighted areas where standards should be developed
- Relevant attention on age assessment procedures and guardianship systems for asylum seeking children placed by NGOs and CS, in addition to better standards for family reunification mechanisms

Q. 16 Measures to be implemented to respond effectively to situations of vulnerability (1/2)



- Adequate response to situations of vulnerability through concentration on different measures:
 - training programmes (24/67)
 - cooperation with NGOs and IOs (13/67) and at EU level (17/67)
 - financial instruments (8/67)

61 ! @

Q. 16 Measures to be implemented to respond effectively to situations of vulnerability (2/2)

- Focus of MS Gov (9/23) on cooperation at EU level, in the form of personnel exchange (i.e. SE) or best practice sharing (i.e. FR, SL),
- Recognized importance also of training programs for personnel dealing with vulnerable people by MS Gov (8/23): programmes should be held by professionals (psychologists, etc.) with a multi-sectoral approach (i.e. HU) and focused on how to address particular needs of vulnerable people
- The possibility of a joint support and of a coordinating office for the management of training programs also proposed in some cases (i.e. SE)
- Attention dedicated to cooperation with IOs or NGOs by EL, HU and LV
- NGOs and CS mainly supporting:
 - training programs to be focused on issues related to traumatized people and victims of torture or rape (12/37),
 - the cooperation of MS with IOs and NGOs (11/37)
 - the definition of adequate financial instruments (5/37)
 - the creation of dedicated reception centers (3/37)

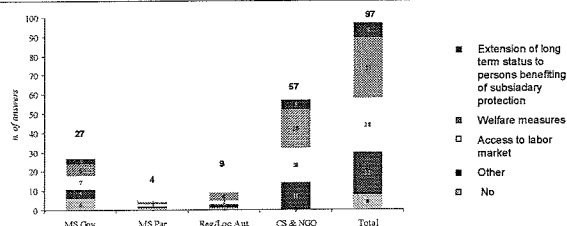
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Legislative Instruments

Cross-cutting issues: Integration

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Q. 17 Further measures to enhance the integration of asylum seekers and beneficiaries of international protection, including integration into the labor market (1/3)



- Positive attitude towards the introduction of measures for enhancing the integration of asylum seekers and beneficiaries of protection (89/97)
- Welfare (31/97) and access to labor market (28/97) considered as the main measures for favoring integration

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Q. 17 Further measures to enhance the integration of asylum seekers and beneficiaries of international protection, including integration into the labor market (2/3)

- General opposition to the launching of further measures from MS Gov (6/8), considering integration:
 - not necessary (i.e. CZ)
 - not applicable to asylum seekers (i.e. DK, DE) but only to long term protection beneficiaries (SI)
- Access to labor market perceived in different ways among MS Gov:
 - as an integration measure (i.e. HU, DK, FI, SE)
 - explicitly excluded (i.e. EL)

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Q. 17 Further measures to enhance the integration of asylum seekers and beneficiaries of international protection, including integration into the labor market (3/3)

- Integration considered as necessary from the first day of arrival and not only after the obtaining of protection by NGOs and CS, strongly supporting:
 - the adoption of welfare measures (access to education, language courses, healthcare, accommodation) (20/57)
 - the access to labor market (18/57), considered as a key element for integration and reduction of dependency
- Among other measures suggested by NGOs and CS:
 - the recognition of qualifications (often associated to labor market access)
 - additional financial support
 - the respect of the principle of family reunification

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Legislative Instruments

Cross-cutting issues: Ensuring second stage instruments are comprehensive

Q 18 Further areas where harmonization would be useful or necessary to achieve a truly comprehensive approach (1/2)

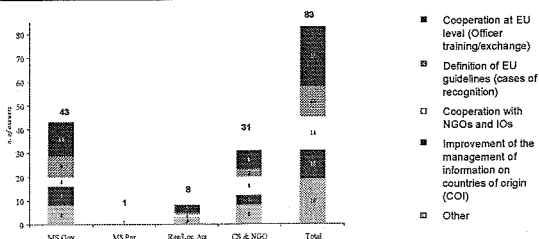
- The importance of more harmonized special procedures highlighted by SI (manifestly unfounded applications, border and airport procedures, new application for asylum, safe countries) and LT (qualified interpretation)
- Return conditions considered as the main aspect on which intervening by LV: stress on the need to intensify the work on common standards and procedures in MS for returning illegally staying third-country nationals
- MT expressed general appreciation for the current system, with eventually more harmonization on vulnerable people issues
- CZ stressed the necessity of establishing which legal regulation has priority in the case of a clash of the rules provided by the EU legislation
- EE sustaining the introduction of a common certificate for asylum-seekers
- The creation of IT systems supported by HU, besides the opportunity to consider to extend the scope of CEAS to stateless persons in need of international protection (besides refugees and beneficiaries of subsidiary protection)

Q 19 Further areas where harmonization would be useful or necessary to achieve a truly comprehensive approach (2/2)

- Opposition to the definition of further areas for harmonization expressed by DE: the adaptation of contradictory or insufficiently coordinated provisions, besides the approximation of national decision making practices, considered more pressing than opening up new areas
- NGOs asking for further harmonization on the following aspects:
 - the definition of monitoring systems
 - the general improvement of decision making process
 - the system for granting information to asylum seekers
 - the way for dealing with people whose application has been rejected
 - the way of managing the family reunification issue
 - the personnel training
 - the transparency of procedures and decisions

Implementation – Accompanying Measures

Q 19 Practical cooperation: areas of expansion, maximization of impact, stakeholders involvement and diffusion of innovation and good practices (1/3)



- Main focus of contributions on the necessity of further improving cooperation:
 - between EU MS (25/83)
 - between EU MS and NGOs and IOs (14/83)
- The definition of EU guidelines (13/83) and of a better way of managing information on countries of origin (12/83) also required

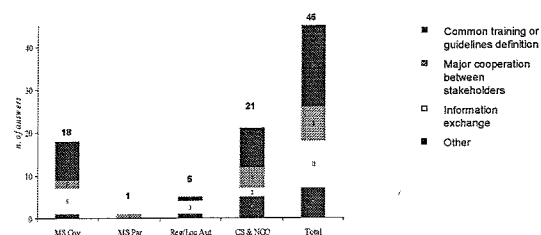
Q 19 Practical cooperation: areas of expansion, maximization of impact, stakeholders involvement and diffusion of innovation and good practices (2/3)

- Support to cooperation at EU level by MS Gov (14/43) in form of personnel exchange/training (i.e. DK, FR, DE, MT) and twinning programs (i.e. HU)
- New EU guidelines and common approach on practical issues also welcomed (9/43 (i.e. EE, EL, SI, SE).
- Fair agreement on the necessity of improving the availability of information on the country of origin of the beneficiaries of international protection (common tools, databases etc.) (8/43 (i.e. EE, DE, EL, LT)), with a specific focus on the improvement of COI portal functioning (EE, SI)
- According to UK, further developments could include:
 - Phase II of European Asylum Curriculum (EAC) Project
 - Interpreter Pool Project
 - European Country of Origin Sponsorship (ECS) project

Q. 19 Practical cooperation: areas of expansion, maximization of impact, stakeholders involvement and diffusion of innovation and good practices (3/3)

- Focus on MS cooperation with IOs and NGOs working directly with asylum seekers and refugees (8/31) by NGOs and CS: cooperation on the ground of training and exchange of best practices at EU level (basis of common application and interpretation of regulation)
- NGOs and CS supporting also:
 - the promotion of COI, associated to the necessity of access to information rights for stakeholder and refugees (4/31)
 - a better monitoring and evaluation of the system

Q. 20 Practical cooperation for developing common approaches to specific issues: gender or child-specific persecution, exclusion clauses, fraud (1/2)

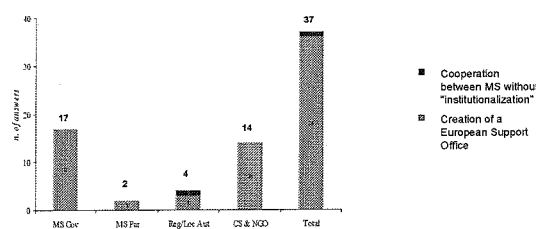


- Common training and definition of guidelines (19/45) considered as the main fields on which intensifying cooperation for developing common approaches to specific issues
- Information exchange (11/45) and major cooperation between stakeholders (8/45) considered as the other two main aspects on which to intervene

Q. 20 Practical cooperation for developing common approaches to specific issues: gender or child-specific persecution, exclusion clauses, fraud (2/2)

- Definition of common guidelines and execution of training considered by MS Gov (9/18 (i.e. CZ, DE)) as the main important means on which further improving practical cooperation for the development of common approaches for managing gender or child-specific persecution, exclusion clauses and fraud
- Information exchange retained also important by MS Gov contributions (6/18) (i.e. MT, SE, UK)
- Enhancing of cooperation with NGOs and IOs emerging as crucial in HU contribution, but explicitly excluded by DE
- Regional and local authorities focus on information exchange (3/5) through an EU common portal or a consultation network avoiding duplication of structures
- Appreciation expressed by NGOs and CS on common EU guidelines and training (9/25), besides cooperation with IOs and NGOs (5/25), which could be improved through the direct involvement of association of refugees

Q. 21 Options to support practical cooperation activities and ensure their sustainability: creation of a European support office and tasks assigned (1/3)



- Complete agreement on the creation of an European Support Office (ESO) between stakeholders (37/1)
- The only contribution not supporting the ESO (Reg/Loc authorities) focused on the definition of an higher level of cooperation between MS, but without institutionalization

Q. 21 Options to support practical cooperation activities and ensure their sustainability. Creation of a European support office and tasks assigned (2/3)

- The creation of a European Support Office supported by all MS Gov, with some specifications issued in some cases:
 - necessity of discussion on operational and institutional model (PL)
 - necessity, in the short term, of greater emphasis on the activities of GDISC network to create the ESO in a longer term perspective (EI)
 - impossibility to assign to ESO regulatory or decision powers (i.e. EL, DK)
 - necessity of networking already existing structures, in order to avoid duplication
- Coordination and support to MS, together with training activities, considered as the main tasks to be assigned to ESO (i.e. EE, FR, HU, CZ, SI)
- Some MS Gov made specific referral to a possible role to be assigned to ESO in responding to emergencies (i.e. CZ, SI)

Q. 21 Options to support practical cooperation activities and ensure their sustainability. Creation of a European support office and tasks assigned (3/3)

- ESO supported also by NGOs (14/14), indicating the following as the main tasks to be assigned to it:
 - training and coordination activities
 - granting the possibility of access to information and jurisprudence

Q 22
Most appropriate operational and institutional design for European Support Office (1/2)

- 7 MS Gov contributions collected on the design to be assigned to the ESO:
 - DK proposal based on two main elements: (i) no decision competences to be assigned to the office; (ii) cooperation with UNHCR to gain further technical knowledge about refugee conditions and protection standards
 - DE supported the following elements: (i) a flexible and streamlined organization avoiding unnecessary bureaucratization; (ii) an intensive and effective networking of already existing structures and information systems
 - LV proposal based on the conviction that ESO must be constituted only if the use of existing structures and bodies is insufficient for the achievement of specific aims
 - according to SE, MS should have operational responsibility and the form of ESO should be carefully studied

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Q 22
Most appropriate operational and institutional design for European Support Office (2/2)

- NL asks for a small permanent staff with competencies on management of information, comparison of MS' asylum practices, training and resettlement projects
- MT thought to an ESO partly operational and partly involving cooperation
- LT proposal based on an ESO playing a significant role in implementing the EU asylum acquis, improving legislation, and analyzing the efforts of MS to implement their obligations under international, EU and national law
- The independence of the office (7/14) and more cooperation - with UNHCR, GDISC, etc. - (4/14) generally required by NGOs and CS
- The issue of attributing to ESO monitoring powers towards MS compliance with their obligations also raised by NGOs and CS

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Solidarity and Burden Sharing: Sections of Analysis

The analysis on Solidarity and Burden Sharing is articulated according to the following sections:

- Responsibility sharing
- Financial solidarity

Solidarity and Burden Sharing

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Q 23
and 24

General opinion about Dublin: MS contributions

- Member States in general welcome and support existing Dublin system (in particular explicitly CZ, DK, DE, LV, PT, SE)
- In particular because it avoids asylum shopping (DE, DK, EI, UK)
- Even if some insist about necessity to improve it (FR, HU, LT)
- Despite recognition of the need for solidarity and burden sharing

Solidarity and Burden Sharing

Responsibility sharing

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Improvement of Dublin system: MS contributions

- Specifying existing criteria or their extension in certain aspects like family unity (CZ)
- Limit Member States discretion with more binding criteria (LT), for instance medical or exceptional circumstances (GR)
- Need to perform in transfers (SE)
- Harmonising detention measures during the Dublin procedure (EE)
- Improve Commission Regulation 1560/2003 implementing Dublin Regulation (LT)
- Making fingerprinting of category 3 of Eurodac (aliens found illegally present in a Member State) mandatory and store the data (CZ)

Improvement of Dublin system: NGOS and UNHCR

- Applying Reception Conditions Directive to Dublin cases
- Granting full information to asylum seekers about Dublin procedure of responsibility determination
- Broadening the family unity criteria (extending definition of family member, allowing reunification at any stage of asylum procedure and under subsidiary protection)
- Defining a strict limitation for detention
- Granting suspensive effect to appeal against Dublin transfers
- Reducing time limits for replies and transfers
- Clarifying conditions of transfer and ensuring compliance with human rights

General positions on burden sharing

- Member States accept necessity of (FR, DE, HU, LV, PL, UK) or request (CY, GR, MT, SL) solidarity and burden sharing
- General support of main NGOs (ECRE, Save the children, AI, Exodus) and UNHCR to burden sharing

General opinion on burden sharing: MS contributions (1/2)

- Limiting burden sharing to cases of lack of reception capacities of concerned Member States (DE, UK and also LV)
- If necessary, including burden sharing mechanism within Dublin regulation to avoid two systems (CZ)
- Burden sharing taking the form of practical assistance (UK) or financial compensations (LV, SL) but need to assess previously consequences in order to limit costs of asylum processing (SE)
- No opening for resettlement of asylum seekers between Member States (EE) except MT in favor of quotas on the basis of labor market needs of member States
- Solution to burden sharing will come from a more harmonised Common European Asylum System taken in a very large sense and including return policy (PT, UK)

General positions on burden sharing: MS contributions (2/2)

- Share views regarding:
 - Financial burden sharing to compensate MS facing particular pressures
 - Technical assistance at EU level (common structures, asylum expert teams, interpreters, etc)
 - Programs for joint responses to large scale humanitarian crises

General positions on burden sharing : NGOS and UHNCR (1/2)

- Specific proposals for exceptions to Dublin mechanism:
 - Pooling of places including financial compensation with MS willing to take over responsibility on basis of Article 3(2) of Dublin regulation if responsible MS faces particular pressures (UNHCR)
 - Releasing MS facing particular pressures from its responsibility under Article 10(1). Responsibility would rest with MS where asylum application is lodged on basis of article 13 (UNHCR)
 - Exception to Dublin transfer mechanism for MS with rate of new asylum applications above the EU average of previous year (EXODUS Network)

General positions on burden sharing: NGOS and UHNCR (2/2)

- NGOs and UNHCR support for intra-EU reallocation of beneficiaries of international protection:
 - Consent of the individuals mandatory
 - Voluntariness of Member States without excluding legally binding solution
 - Access to long-term residence status and transfer of protection considered as natural solution to burden sharing

Solidarity and Burden Sharing

Financial Solidarity

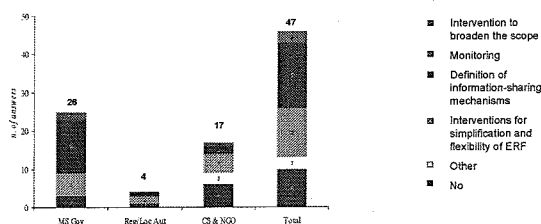
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Q 25 Measures to enhance ERF's effectiveness, complementarity with national resources and multiplier effect (1/2)



- Almost complete agreement on the necessity of intervening to favor the effectiveness of ERF, intended especially in terms of:
 - major simplification and flexibility of ERF functioning (13/47)
 - definition of information sharing mechanisms (17/47)
 - broadening the scope of ERF (3/47)

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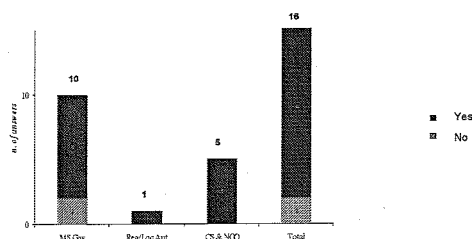
Q 25 Measures to enhance ERF's effectiveness, complementarity with national resources and multiplier effect (2/2)

- The institution of an information sharing mechanism also fairly supported by MS Gov (14/26), mainly focused on:
 - ongoing projects and best practices (PT, SK)
 - common statistical documentation (SE)
- A more flexible/simple system for ERF also supported by MS Gov (6/26 (i.e. HU, MT, FI, SI)), specifying the necessity of relaxing the eligibility criteria (UK)
- Broadening the scope of the current ERF application considered by EI for financing exchange programmes and by PL to alleviate particular pressures
- Ensuring that funds are used where more needed flagged by DE
- Funding from ERF considered to be used to facilitate exchange programmes and experience sharing by EI
- More flexibility and a simplification of criteria and procedures with less delay in payments considered by NGOs crucial for better implementing projects
- Importance of transparency and monitoring (3/14) of ERF also supported by

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Q 26 Specific financing needs not adequately addressed by the existing funds (1/3)



- The presence of financing needs not adequately addressed by the existing funds signaled in almost all stakeholders contributions (14/16)
- Attention to be paid on the scarce relevance of the number of contributions collected on this issue

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Q 26 Specific financing needs not adequately addressed by the existing funds (2/3)

- Different requests to be addressed by ERF specified by MS Gov (8/10):
 - increase of funds distributed to national authorities (EL)
 - different financial allocation at national level in accordance with the broadening of the scope of emergency measures* (HU)
 - funding of: (i) situation of particular pressures and unpredictable nature arising in individual MS; (ii) practical asylum cooperation (PL)
 - Increase of funding eventually associated to the development of regional protection programmes and of a common resettlement system (SE)

* See Article 5 of the Decision No 573/2007/EC of the European Parliament and of the Council of 23 May 2007

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Q 26

Specific financing needs not adequately addressed by the existing funds (3/3) ..

- Necessity signaled by NGOs of more funding, especially after implementing asylum procedures directive, for:
 - interpretation services
 - language courses
 - legal assistance to asylum seekers and refugees
- Assistance of not admitted and refused asylum seekers as a further area proposed to ERF funding in accordance to NGOs contributions

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External dimension of Asylum

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External Dimension of Asylum: Sections of Analysis

The analysis of the contributions on the External Dimension of Asylum is articulated according to the following sections:

- Supporting third countries to strengthen protection
- Resettlement
- Addressing mixed flows at the external borders
- The role of the EU as a global player in refugee issues

External dimension of Asylum

Supporting third countries to strengthen protection

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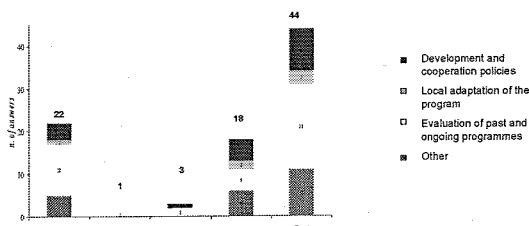
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Q 27

Effectiveness, sustainability and development of Regional Protection Programmes (1/2)



- Great emphasis placed on the evaluation of implemented Regional Protection Programmes before proceeding to further implementation or improvement (20/44)
- Development cooperation policies connected with Regional Protection Programmes flagged by some stakeholders (10/44) as well as a need for adapting the programmes to local situations (3/44)

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Q 27

Effectiveness, sustainability and development of Regional Protection Programmes (RPPs) (2/2)

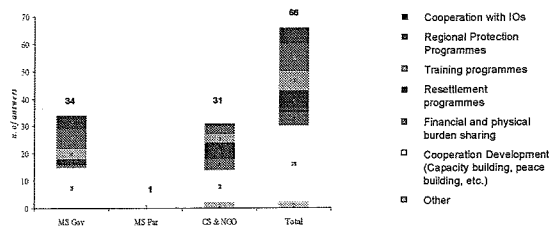
- An evaluation of the current Regional Protection Programmes deemed necessary before a further development and extension of the programmes themselves by a major share of MS Gov (12/22) (i.e. CZ, FR, DE, HU, MT, PL, PT, SI, SE, UK) and a number of NGOs (5/18)
- A closer connection of RPPs with development cooperation policies (i.e. capacity building) supported by HU, LV and SE, and some CS and NGOs (5/18) to enhance effectiveness and sustainability of RPPs
- The extension of RPPs to further areas, eventually after a pertinent evaluation of the ongoing RPPs, signaled by a few MS Gov (DE, HU, MT)
- Compliance of RPPs with human rights recognized at international level considered desirable by DE, NGOs and CS
- Involvement of major actors and stakeholders (i.e. NGOs, UNHCR, etc.) indicated as preferable by a couple of MS Gov (EL, HU) and NGOs
- A support for countries of origin and transit, as well as avoiding using RPPs as buffer zones, considered important by CS and NGOs

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Q. 28

Support to third countries in dealing with asylum issues (1/2)



- Cooperation development, in terms of capacity building, peace building, etc., considered as the main field on which intervening for supporting third countries to deal with asylum and refugees issues (28/66)
- Training and resettlement programmes (7/66) and financial and physical burden sharing (5/66) considered as the other two main aspects on which focusing EU attention

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Q. 28

Support to third countries in dealing with asylum issues (2/2)

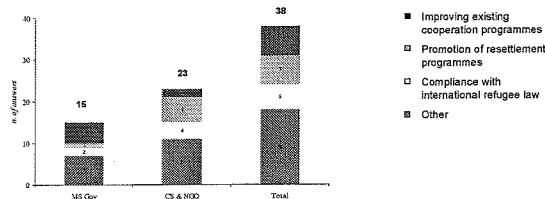
- Development of cooperation through general capacity-building initiatives considered as an important instrument for supporting third countries in dealing with asylum issues by many MS Gov (15/34) (i.e. FR, EI, UK)
- The potential support of Regional Protection Programmes highlighted by a number of MS Gov (7/34) (i.e. DK, DE, MT) and some NGOs (3/31)
- Training programmes in third countries related to: (i) the assignment of refugee status, (ii) the compliance with international standards, and (iii) the creation of asylum systems flagged by a few MS Gov (4/34) (i.e. LT, PL) and some NGOs (3/31)
- Cooperation with international organizations also indicated as a means to support third countries:
 - Cooperation with UNHCR signaled by FR and some NGOs and CS
 - Cooperation with NGOs indicated by LT and some NGOs and CS
- General calls for supporting third countries to comply with international legislation and to promote capacity-building strategies by NGOs and CS

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Q. 29

Enhancement and consistency of Community's overall strategies vis-à-vis third countries in the fields of refugee assistance (1/3)



- Adequate support to the enhancement and consistency of EU strategies vis-à-vis third countries through concentration on different aspects:
 - promotion of resettlement programmes both at EU and third countries level (7/38)
 - compliance with international refugee law (6/38)
 - improvement of existing cooperation programmes (7/38)

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Q. 29

Enhancement and consistency of Community's overall strategies vis-à-vis third countries in the fields of refugee assistance (2/3)

- MS Gov support to the improvement of existing cooperation programmes (5/15) focused on:
 - sustaining third countries development and not only crisis management (CZ)
 - sustaining countries of first arrival (FR)
 - undertaking a preliminary comprehensive analysis of EU projects (LT)
- Necessity of favoring the compliance with international refugee law at EU and Third Countries level expressed by DE and UK
- Among other MS Gov contributions (7/15) the following approaches and measures emerged as right means of intervention:
 - cooperation with UNHCR (SE)
 - involvement of asylum experts (LV)
 - dialogue on migration as a part of regular political dialogue with key Third Countries (good governance, rule of law, human rights) (MT)

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Q. 29

Enhancement and consistency of Community's overall strategies vis-à-vis third countries in the fields of refugee assistance (3/3)

- Promotion of resettlement programmes (6/23) and compliance with international refugee law (4/23) mainly asked in NGOs contributions
- Among other NGOs contributions (11/23) highlighted the importance of:
 - role of UNHCR
 - fostering self-reliance and integration of refugees
 - pre-return training and post-return integration programmes
 - capacity building programmes

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External dimension of Asylum

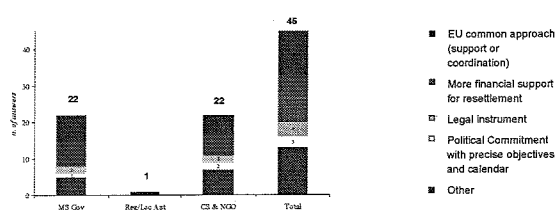
Resettlement

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Q. 30

Attainment of substantial and sustained EU commitment to resettlement (1/3)



- The preference for an EU common approach to resettlement through support or coordination measures expressed by a fair share of stakeholders (12/45)
- Few indications collected for a legal instrument (4/45) or a precise political commitment (3/40), while more preferences flagged for financial support to resettlement programmes (13/45)

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Q. 30

Attainment of substantial and sustained EU commitment to resettlement (2/3)

- Indications regarding common support or coordinating approaches on behalf of EU made by various MS Gov (7/22) (i.e. PT):
 - a European support office considered useful to attain a general EU commitment to resettlement by SE and by various NGOs (4/22)
 - a European common coordinated approach considered valuable by FR for resettled people eligible for refugee status and under UNHCR mandate
 - a European coordination of MS resettlement schemes considered preferable by EI and LV
 - Cautiousness about centralized resettlement operations, but willingness to cooperation and twinning projects expressed by UK
- General calls for further financial support to resettlement programmes deemed necessary by EE, HU (through ERF), EI and LV, as well as by various CS and NGOs (6/22)

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Q. 30

Attainment of substantial and sustained EU commitment to resettlement (3/3)

- The adoption or amendment of a legal instrument considered an option by PL (i.e. amendment of Council Directive 2001/55/EC) and SI
- Resettlement programme indicated as supplementary (CZ) or complementary (LV) to other programmes such as RPPs, repatriation and integration programmes
- A political commitment with a calendar and objectives considered by some NGOs (2/22), in addition to the creation of consultation groups (formed by EU, UNHCR, NGO experts) and pre-departure support programmes

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Q. 31

Coordinated approach to resettlement at EU level: requirements at financial, operational and institutional level (1/2)

- MS Gov generally in favour of resettlement designed on voluntary basis ((9/18) i.e. EE, DE, EI, MT), by focusing on some crucial aspects:
 - the necessity of encouraging complementarity between the demand for labor migration and the provision of resettlement opportunities (MT)
 - the establishment of advisory forum and team (EL)
 - the opportunity of defining a EU resettlement programme as a result of national programmes (EI)
- Among other contributions:
 - solidarity and cooperation as basis of EU resettlement mechanism highlighted by some MS Gov (UK, PL)
 - caution expressed by UK about centralizing resettlement operations
 - a need of a certain degree of coordination recognized by CZ, but not the definition of a common resettlement programme

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Q. 31

Coordinated approach to resettlement at EU level: requirements at financial, operational and institutional level (2/2)

- Very few contributions from NGOs and CS, generally supporting the idea of a voluntary design for EU resettlement programs
- Other comments from NGOs and CS suggest a number of issues to better implement resettlement at EU level, focusing in particular on:
 - cooperation with UNCHR and other NGOs
 - possible coordination role of the European Support Office

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Q. 32

The situations in which a common EU resettlement commitment could be envisaged and the necessary conditions (1/2)

- 6 MS Gov contributions collected on this issue:
 - SE and DE refer to particularly difficult situations: (i) mass flight situations, (ii) large natural disasters, (iii) civil war
 - MT proposal based on two main elements: (i) the voluntary basis of resettlement commitments; (ii) the necessity of taking into consideration the absorption capacity of MS
 - according to CZ, national responsibility on final decision must be granted
 - FI proposal based on intervention in prolonged refugee situations in cooperation with UNHCR

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Q.32 The situations in which a common EU resettlement commitment could be envisaged and the necessary conditions (2/2)

- 9 NGOs and CS contributions, mainly focused on:
 - protracted refugee situations and emergencies
 - use of UNHCR criteria of resettlement
 - prioritizing vulnerable cases and revising the integration potential criterion for applicant selection
 - the necessity of clearly separating the responsibilities between EU and MS: EU dealing with refugee groups (national or ethnic), while MS with individual cases
 - EU protocols, procedures and plans of action for unexpected humanitarian disasters related to large flows of asylum seekers
 - establishment of an Evacuation Transit Facility for emergency situations
 - revision of the notion of Protected Entry Procedures (UNHCR)

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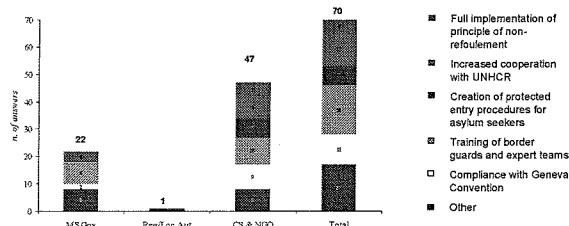
External dimension of Asylum

Addressing mixed flows at the external borders

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Q.33 Integrating protection obligations in the external border management and combating illegal migration not affecting asylum seekers access to protection (1/3)



- Training of border guards and experts teams indicated as the right measure integrate protection obligations in the external border management by the more relevant quota of stakeholders (18/70)
- Compliance with Geneva Convention (11/70) and increased cooperation with UNHCR (12/70) also supported in collected contributions

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Q.33 Integrating protection obligations in the external border management and combating illegal migration not affecting asylum seekers access to protection (2/3)

- Training for border guards and use of experts team at the border considered by MS Gov (8/22 (i.e. DE, FR, MT)) a valuable option to ameliorate protection
- Among other emerging elements:
 - enabling asylum application at the border, maintaining national responsibility on deciding who admitting in the country (CZ)
 - necessity of a EU effort for increasing the capacity of transit countries and neighboring countries' authorities, besides a major cooperation with UNCHR (DK)
 - necessity of operational and financial assistance by EU to MS to define effective protection-sensitive entry management systems (EE)
 - use of operational manuals and action plans to eliminate any deficiencies in law practical application (DE)
 - common guidelines for border control and sea rescue operations (SE)

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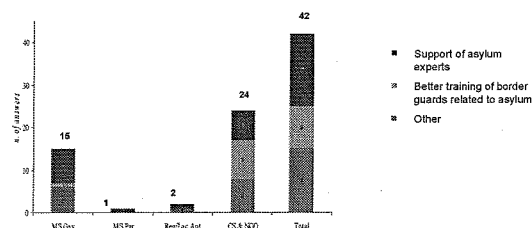
Q.33 Integrating protection obligations in the external border management and combating illegal migration not affecting asylum seekers access to protection (3/3)

- Training and expert teams (10/47), more compliance with Geneva Convention at EU level (9/47) and cooperation with UNHCR (8/47) considered by NGOs and CS as the main options to fully integrating protection obligations in the external border management
- Protected entry procedures (7/47) and full implementation of principle of non-refoulement (5/47) also identified as crucial issues by NGOs and IOs
- Other NGOs and CS proposals (8/47): (i) use of Berne initiative to waive VISA requirement; (ii) change of transporter penalties; (iii) exclusion of asylum seekers from readmission agreements; (iv) further coordination at EU level

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Q.34 Increase of national capacities to establish effective protection-sensitive entry management systems, in particular in cases of mass arrivals at the borders (1/3)



- According to stakeholders contributions (17/42) the support of asylum experts emerging as the main measure through which increasing national capacities to establish effective protection-sensitive management systems
- Better training of border guards considered as the second preferred option by stakeholders (10/42), due to the relevance attributed to it by NGOs

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Q. 34 Increase of national capacities to establish effective protection-sensitive entry management systems, in particular in cases of mass arrivals at the borders (2/3)

- Creating asylum expert teams to face emergencies supported by the major part of MS Gov (8/15 (i.e. FR, MT, PT)), with some specifications:
 - necessity of integration of these experts teams with Rapid Border Intervention Teams (RABIT) (PT)
 - necessity of clearly exploring practical and legal issues related to experts teams definition (EI)
 - experts teams interventions to be subsequent to the specific request of the MS facing the mass influx of asylum seekers (LT)
- Among other proposals (6/15):
 - increase of transit capacity of third countries (DK)
 - closer cooperation with neighboring countries and more emphasis on FRONTEX (HU)
 - definition of a mechanism for rapid and effective assistance by other MS in case of massive influx and pressure on a single MS Gov (PL)

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Q. 34 Increase of national capacities to establish effective protection-sensitive entry management systems, in particular in cases of mass arrivals at the borders (3/3)

- Focus on training of personnel at the border (8/24) and on the creation of expert teams (7/24) from NGOs and CS
- Other NGOs and CS proposals (8/24) refer to: (i) better use of External Borders Fund; (ii) amendment of RABIT system; (iii) introduction of a burden sharing mechanism among MS

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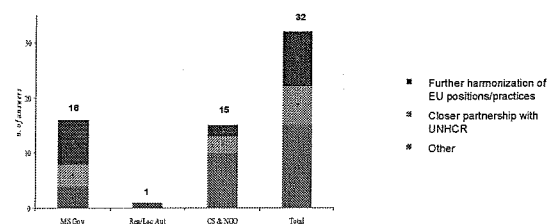
External dimension of Asylum

The role of EU as a global player in refugee issues

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Q. 35 EU as a global player at international level (1/3)



- According to stakeholders contributions (10/32) the further harmonization of EU positions/practices to be considered as the main measure through which facilitating the role of EU as a single global player
- A closer partnership with UNHCR as the other main option around which focusing stakeholders opinions (7/32)

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Q. 35 EU as a global player at international level (2/3)

- Common positions and practices at EU level called by MS Gov to develop a EU global policy on asylum (i.e. CZ, MT (8/18)), by focusing on some specific aspects:
 - the difficult achievement at this stage of the possibility of EU "to speak with one voice" (EE)
 - the necessity of further developing CEAS (i.e. MT)
 - the necessity of solidarity and burden sharing among MS (HU)
- Closer cooperation with UNHCR as the other main option supported by MS Gov to ameliorate the condition of EU as a global player (CZ, FR, NL, SE (6/18))
- The necessity of enhancing cooperation with third countries (MT) and the capacity to meet the need of refugees (EL) also stressed by MS Gov
- EU global player role not retained instead a priority matter by DE

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Q. 35 EU as a global player at international level (3/3)

- Closer partnership with UNHCR (3/15) requested by NGOs and CS contributions
- Among other proposal (10/15) the following aspects must be stressed:
 - EU responsibility in upholding high levels of refugee protection responsibility in third countries and supporting host countries to ensure protection of asylum-seekers and refugees
 - need to improve standards through good practices and increase resettlement international solidarity and responsibility-sharing

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