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NOTE

from : the forthcoming United Kingdom Presidency

to : the Asylum Working Group

Subject : Swift processing of asylum applications

Introduction

The United Kingdom Presidency believes that asylum applications should be decided both fairly and swiftly. Member States have previously demonstrated their commitment to the fair processing of asylum applications - in particular in the 1995 Resolution on Minimum Guarantees for Asylum Seekers. The Presidency considers that the swift resolution of asylum claims is also of vital importance.

The Presidency considers that it is in Member States' mutual interests to place a high priority on dealing with asylum applications swiftly, whilst maintaining essential safeguards. This is in the interests of creating certainty for genuine asylum seekers and of deterring and removing persons whose claims are unfounded. Our objective must be to ensure, as far as is possible, that asylum applications are not a means of bypassing or avoiding normal immigration controls and that those in need of protection are able to receive this without delay.

There are often good reasons why asylum claims cannot or should not be resolved speedily. Proper safeguards must be maintained. Also no Member State has unlimited resources to devote to dealing with asylum applications. However, the Presidency considers that there remains significant potential for innovation and improvement. The Presidency considers that this potential may be better realised if Member States committed themselves collectively to the importance of resolving claims swiftly and if specific arrangements were made for sharing and learning from each other's best practice.

Sharing best practice

The Presidency proposes to invite delegations to submit examples of best practice and new initiatives they have implemented which have had the effect of speeding up asylum procedures without compromising fairness.

It does not follow that what is a practical and effective initiative in one Member State would be so in another. There are significant differences in the administrative and legal systems of individual Member States. The Presidency is also aware that there is a good deal of general information available about the basic asylum procedures in most Member States. This does not generally address, however, whether initiatives have been aimed at or successful in terms of reducing the time taken to resolve claims and enforce decisions.

The Presidency proposes to request such information on:

- screening of asylum applications (eg identifying manifestly unfounded cases, multiple applicants and safe third country cases as early as possible in the procedure);
- obtaining information from applicants (eg use of questionnaires; training and specialisation of interview staff; recording of interviews; provision of interpreters);
- assessing substantive claims (eg accessing country information; specialisation of decision makers; training; dealing with uncooperative claimants);
- communications with applicants (eg notification of decisions and rights; keeping track of asylum seekers);
- managing and clearing backlogs (decisions, appeals and removal backlogs);
- processing appeals (eg preparation and presentation of relevant material; the resourcing, training and recruitment of those hearing appeals); and
- use of technology (for processing and managing cases; and for country information).

Delegations will be asked to provide a brief summary of the change and the impact it has had on the speed of resolution of cases. The purpose would be to provide basic information into which Member States could enquire further if the example appeared to be of value to them.

The Presidency will catalogue these initiatives in a document to be presented to the Asylum Working Group with a view to discussions on:

- establishing a set of best practice objectives or principles to be endorsed by the K4 Committee or Council;
- the possibility of collecting such information on a regular basis.

Monitoring

The Presidency believes that it would be very useful to consider alongside examples of good practice, information on how quickly Member States process asylum applications. The Presidency plans to present proposals for an exercise which would collect data on the time it takes for Member States to:

- reach an initial decision from the time of application;
- conclude any appeals/administrative review;
- remove unsuccessful applicants.

This would be in the nature of a benchmarking exercise. (The Presidency makes this proposal knowing that the United Kingdom may be one of the Member States which currently takes longest to resolve claims.)

The Presidency envisages conducting the study by means of a questionnaire. We would construct this to reflect the different systems in Member States and the different timescales associated with different types of asylum case (eg normal, manifestly unfounded, safe third country). Delegations might wish to comment on this proposed methodology.

Conclusion

Member States have a common interest in seeking to ensure that asylum applications made in the European Union are resolved fairly and quickly. We need to ensure that genuine refugees are recognised as such as swiftly as possible. Equally, we need to ensure that unfounded asylum applicants are identified as quickly as possible and that swift action is taken to ensure removal.

The proposals in this paper are designed to raise the profile of this issue and to highlight for the benefit of all Member States particular initiatives and information which might lead to improvements in the speed with which asylum applications are resolved.

The United Kingdom Presidency will place this item on the agenda of the first Asylum Working Group meeting of the Presidency.
