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Asylum in Europe

Now, it's up to you.



ECRE
EUROPEAN COUNCIL ON
REFUGEES AND EXILES


UNHCR
The UN
Refugee Agency

2011

Asylum in Europe

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2010



2009
Commission Proposal to recast the Reception Conditions Directive, the Dublin and Eurodac Regulations



2009
Commission Proposal to create a European Asylum Support Office



2009
Expected adoption of the Stockholm Programme



2009
Expected proposals to recast the Asylum Procedures Directive and Qualification Directive

2009

2008

2007

2006

2005

"It is good to give...

... other people in need the opportunity to live another kind of life somewhere else, in a peaceful place."

Samuel, Sudanese refugee resettled to Finland, based on a report from UNHCR News.

2005>2012
Second phase of the Common European Asylum System



2005
Adoption of the Asylum Procedures Directive

2004



2004
Adoption of the Qualification Directive

2004
Adoption of The Hague Programme

2003



2003
Adoption of the Reception Conditions Directive

2003
Adoption of the Dublin and Eurodac Regulations

2002

2001

2000

During the first phase of the Common European Asylum System, the European Parliament only had a consultative role. The Council adopted the first phase instruments unanimously without being bound by the proposals of the European Parliament.

In 2004, the codecision procedure was extended to all asylum issues. The European Parliament and the Council therefore are on equal footing for the adoption of instruments in the second phase of the Common European Asylum System.

1999>2005
First phase of the Common European Asylum System

1999
Entry into force of the Amsterdam Treaty

1999
Adoption of the Tampere Programme

1999



The Reception Conditions Directive

What material support (food, housing, education, health care, access to employment, etc.) will be offered to asylum seekers while they await a decision on their applications?

WHAT MATTERS

- Asylum seekers should only be detained as a last resort. If they are detained, the reasons for this and the conditions of detention should be clearly regulated.
- People with special needs, such as victims of torture and sexual violence, separated children, elderly or disabled people, should be identified as early as possible to ensure they benefit from appropriate care during their asylum procedure.
- Asylum seekers should be allowed to work no later than six months after lodging their application, if no final negative decision has been taken.

For further information,
consult our factsheets on:
www.unhcr.org/eu and www.ecre.org/EP



The Dublin Regulation

Which Member State should be responsible for processing a claim for asylum made by an individual in the EU: the country of first entry into the EU or another country where an asylum application is made?

WHAT MATTERS

- The Dublin Regulation is based on the assumption that all Member States ensure full and fair treatment of asylum claims. As long as this is not the case, it should be possible to suspend the Dublin Regulation so as not to send asylum seekers to countries where they will not have access to protection.
- The Dublin system is not a responsibility sharing mechanism. It increases pressures on the external border regions of the EU.
- Persons applying for protection should have the right to remain in the country where they have requested asylum, pending the outcome of an appeal against a decision to transfer them to the first Member State they entered.
- The Dublin Regulation must protect children by avoiding transferring them from one Member State to another unless it is in their best interest.



The Asylum Procedures Directive

What should be the procedural guarantees during the asylum procedure in order to ensure a fair and efficient examination of all asylum applications?

WHAT MATTERS

- All persons must have effective access to a fair and efficient asylum procedure.
- Sufficient procedural guarantees - including the right to a personal interview, a qualified and impartial interpreter, free legal advice, and a right of appeal with suspensive effect against deportation – must be given regardless of where the asylum application is made, including at the border, in detention and in accelerated procedures.
- The use of accelerated and border procedures with limited guarantees should be restricted, while unaccompanied children and other vulnerable persons should always be exempt from such procedures.

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The Qualification Directive

Who needs international protection? How do we ensure that persons fleeing persecution or serious harm can find the same level of protection across the EU?

WHAT MATTERS

- The European legislation specifying who should be recognised as a refugee and who does not deserve protection because they have committed serious crimes should be made fully consistent with the 1951 Refugee Convention.
- Refugees and persons given subsidiary protection have the same needs and should have equivalent rights.
- Lack of documents or late submission of claims should not automatically be considered as evidence of insufficient cooperation or lack of credibility of the applicant.



Key facts putting asylum in perspective

(2008 figures - source: UNHCR)

- > Most of the world's refugees remain in their region of origin. 80 % are hosted in developing countries.
- > The 27 EU Member States registered 238,000 asylum applications in 2008. This figure is considerably lower than at the start of the decade, when the "EU-15" alone received 388,000 asylum applications (2001 figure).



The European Asylum Support Office

How can a European Asylum Support Office (EASO) contribute – through strengthened practical cooperation among Member States – to consistent and harmonised asylum policies throughout the EU?

WHAT MATTERS

- The EASO should promote closer cooperation among Member States to help to achieve further harmonisation based on best practices and should ultimately lead to better and fairer asylum systems in the EU.
- The EASO could benefit from the expertise of the European Parliament, UNHCR, and civil society by working closely with them.
- The EASO can provide practical assistance to Member States which receive high numbers of asylum applications, to ensure they provide quality asylum and reception conditions.
- The EASO could coordinate exchanges of information and other actions with respect to resettlement of refugees from third countries to the European Union.

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The Stockholm Programme

What will be the programme and priorities of the EU in terms of law and policy on asylum and international protection from 2010 to 2014?

WHAT MATTERS

- The sovereign right of States to control their borders must be reconciled with the individual right to seek and enjoy asylum from persecution.
- A European Resettlement Programme should lead to more resettlement places in the EU to allow more refugees to rebuild their lives in safety and dignity in the European Union.
- ECRE and UNHCR acknowledge the importance of responsibility-sharing within the EU. However, intra-EU solidarity should not come at the expense of support for third countries. Member States benefiting from solidarity must continue to strengthen and improve the capacity and quality of their asylum and reception systems.
- The Stockholm Programme should put an end to the huge disparities in the quality of national asylum systems and close the gap in the asylum recognition rates. Improving quality and consistency of asylum procedures could be promoted through better and more systematic monitoring of compliance with the asylum acquis and more rigorous enforcement by the Commission.



Judith Kumin,
Director for Europe

UNHCR LEADS AND COORDINATES INTERNATIONAL ACTION FOR THE WORLDWIDE PROTECTION OF REFUGEES

UNHCR, the UN Refugee Agency, is guardian of the 1951 Refugee Convention and works in more than 110 countries around the globe to protect refugees, internally displaced and stateless people. UNHCR has 19 offices in the EU, and its Director for Europe is located in Brussels.

The full and inclusive application of the 1951 Refugee Convention is a fundamental aspect of the Common European Asylum System. The EU and the EP have important roles to play with respect to refugee protection issues inside and outside the Union, and EU law and practice have considerable influence on the development of refugee protection mechanisms in other countries. This is why the UN Refugee Agency follows EU asylum law and policy very closely. It provides views and advice to EU institutions and the 27 Member States on a wide range of issues related to refugee protection, resettlement and integration, and seeks to enhance respect for international protection norms in the EU and beyond.

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WORKING TOGETHER TO PROTECT AND RESPECT REFUGEES

The European Council on Refugees and Exiles (ECRE) is a pan-European alliance of 69 non-governmental organisations in 30 European countries, concerned with the needs of all individuals seeking refuge and protection in Europe.

As the voice of civil society, ECRE promotes the protection and integration of refugees based on the values of human rights and an ethic of solidarity. Through its policy and advocacy work, ECRE strives to ensure that European policies on asylum are of the highest quality, legally accurate and representative of a wide range of knowledge, experience and best practice throughout Europe.

Working closely with the European Parliament remains one of the top priorities for the ECRE Secretariat in Brussels.

ECRE invites all Members of the European Parliament to engage with us and consider our recommendations to ensure that Europe offers a safe haven to people who have fled war, torture and other forms of violence.



Bjarte Vandvik
Secretary General

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