

# Reform of the EU asylum rules - creating a new Dublin system that works

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On 9 March 2017, Parliament's lead MEP on the reform of the Dublin system, Swedish liberal Cecilia Wikström, will present her draft report to the Civil Liberties Committee.

The draft report is a first response to [the Commission's proposal](#), presented in May 2016, for reform of the Dublin regulation. This regulation, which determines which member state is responsible for processing an asylum application, constitutes the cornerstone of the EU asylum system, which is currently undergoing a major revamp.

In the report, Ms Wikström proposes ways to remedy the weaknesses of the current EU asylum rules, which became obvious in 2015 when more than one million people fled war, conflicts and persecution and applied for international protection in the EU, resulting in the near-total collapse of the system. To ensure that the new asylum system will work in practice, the rapporteur sets out three key priorities:

- all member states must share responsibility for asylum seekers,
- accelerating procedures: people needing international protection should get it much faster while those who do not have the right to asylum should be returned to their home countries in a swift and dignified manner, and
- all asylum seekers should be registered upon arrival in the EU and member states with EU external borders must protect and maintain them.

The aim is to ensure that member states on the southern borders are no longer left to shoulder a disproportionate share of the EU's obligations to applicants for international protection. The system should not encourage member states to turn a blind eye or apply "wave-through" policies, and asylum seekers should be certain that their applications will be treated swiftly and fairly in all countries.

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# Background

## What are the key proposals?

### The rapporteur's key proposals are:

- **registration** – “frontline” member states (countries of first arrival) must register all asylum seekers and guard and maintain their borders to prevent unregistered asylum seekers passing through Europe,
- **transferring asylum seekers to other EU countries** - if a country experiences an uncommonly high influx of asylum seekers, their transfer/relocation to other EU countries should be triggered automatically when the country has reached 100% of its allocated share (not 150%, as proposed by the European Commission) to ensure that no country has to host a bigger share than others due to its location,
- **suspending the automatic transfer of asylum seekers** - if a member state fails to guard its borders and lets unregistered asylum seekers travel on to other EU countries, it should be possible for the Council to suspend transfers from this member state,
- **no admissibility checks ahead of relocation** - the Commission's proposal to impose a requirement to establish whether an asylum application is admissible before determining the responsible member state for processing it would create an insurmountable administrative burden for “frontline” member states. Relocation should take place swiftly and admissibility should be checked by the country responsible for processing the application,
- **faster family reunification** - to speed up procedures, an asylum seeker should be transferred immediately to the country in which he or she claims to have family. It should then be for this member state to establish whether the claim is correct. Should this turn out not to be the case, the asylum seeker would be transferred onwards to another member state,
- **taking country preferences into consideration** - in general, asylum seekers are not entitled to choose which member state they go to. However, they should be able to express a preference for a particular country. By voluntarily taking this wish into consideration, member states would get applicants with better prospects of integrating. Accepting the applicant would also count towards fulfilling the country's quota,
- **allocating groups** - applicants for international protection should have the option to register as a group (max. 30 people) upon arrival in Europe. This group registration would not imply a right to be transferred to a particular member state, but a right to be transferred together,
- **special focus on children** - children and in particular unaccompanied minors should be given better care. Appointing guardians quickly (within five days), improving “best interest of the child” assessments, and establishing multidisciplinary assessment teams will enable the authorities to build trust with minors and break the negative influence of smugglers and traffickers,
- **a system based on solidarity among all member states** - all member states should share the responsibility for asylum seekers. It should not be possible to “pay your way out” of responsibility (e.g. opting out by paying a “financial solidarity” contribution as proposed by the European Commission). If a member state does not participate in the relocation system, it should not be eligible for solidarity payments from other member states, through the European Structural and Investment Funds, and

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- **Five-year transition period** - to give countries time to adapt and prepare to receive asylum seekers, a five-year transition period should be introduced for the “distribution key” determining quotas for each member state. At the start, this key should be based on how many asylum seekers the country has been dealing with hitherto. This historical key should then gradually be replaced by the key suggested by the European Commission based on GDP and population size.

# Background

## Which MEPs are dealing with the Dublin reform?

Parliament's lead MEP is Cecilia Wikström (ALDE, SE). As rapporteur on the Dublin regulation, she is responsible for drafting a first response to the Commission's proposal (the draft report), steering negotiations through Parliament and then, once a majority has agreed on a common position, heading negotiations with the EU member states.

In addition, the Parliament's political groups have each appointed an MEP of their own to negotiate on their behalf ("shadow rapporteurs"). These are:

EPP: Alessandra Mussolini (IT)

S&D: Elly Schlein (IT)

ECR: Daniel Dalton (UK)

GUE: Cornelia Ernst (DE)

Greens: Jean Lambert (UK)

EFDD: Laura Ferrara (IT)

The lead committee on the substance of the proposals is the Civil Liberties, Justice and Home Affairs Committee. The committees on Foreign Affairs, Budgets and Legal Affairs will also give opinions. The lead MEPs in these committees are:

Foreign Affairs: Ramona Nicole Mănescu (EPP, RO)

Budgets: Gérard Deprez (ALDE, FR)

Legal Affairs: Marie-Christine Boutonnet (ENF, FR)

# Background

## What else is Parliament doing on migration?

In addition to the Dublin proposal itself, several other pieces of legislation are also on the table to complete the overhaul of the EU asylum system, notably proposals laying down:

- **reception conditions** - (lead MEP Sophie in't Veld - ALDE, NL),
- **procedures** - (lead MEP Laura Ferrara - EFDD, IT), and
- **qualification** for international protection - (lead MEP Tanja Fajon - S&D, SL).

The Civil Liberties Committee recently backed a proposal on the reform of the **EU Asylum Office, EASO** (lead MEP Peter Niedermüller - S&D, HU), currently being negotiated with the Council and Commission in three-way “trilogue” talks. MEPs are also working on a **Union Resettlement Framework** to streamline the EU’s acceptance of UN quota refugees (lead MEP Malin Björk - GUE, SE). A proposal for a **Blue Card** on legal migration is also in the pipeline (lead MEP Claude Moraes - S&D, UK).

# Background

## Next steps

The draft report will form the basis for further discussions within the Civil Liberties Committee and Parliament as a whole with a view to defining Parliament's negotiating position in the talks with the member states on the final shape of the text.

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