

EU asylum policy: reforming the Dublin rules to create a fairer system

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The Civil Liberties Committee approved proposals for a new Dublin regulation, the cornerstone of the EU asylum system, in a vote on 19 October. It suggests ways to remedy current weaknesses and deliver a robust system for the future. The European Parliament is now ready to start negotiations with member states.

The Dublin system is the EU law that determines which EU country is responsible for processing an application for international protection. The right to apply for asylum is laid down in the Geneva Conventions, which all EU member states have signed and which have been incorporated into the EU Treaties. The Dublin rules spell out how EU member states are to fulfil this common, international obligation and share the responsibility for people in need of protection.

The refugee crisis of 2015 exposed the flaws of the current system, and notably its inability to handle a sudden surge in the number of people in need of protection, which brought the system near to collapse. A new Dublin system must therefore be able to ensure that asylum seekers are swiftly and fairly relocated among member states.

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Background

The key principles of the draft report approved by the Civil Liberties Committee

The key principles of the draft report approved by the Civil Liberties Committee are that:

- all member states must participate and share responsibility for asylum seekers, to reduce the disproportionate burden on “frontline” member states,
- security measures should be stepped up. All asylum seekers must be registered upon arrival and member states must maintain their external borders,
- asylum seekers should follow the rules of the system and not attempt to move between countries on their own, and
- faster procedures: people in need of international protection should get it much faster, whilst also allowing those who do not have the right to stay to be returned to their home countries in a swift and dignified manner.

The draft report prepared by lead MEP Cecilia Wikström (ALDE, SE) and approved in committee constitutes Parliament’s negotiating mandate for future talks with the member states with a view to reaching a final compromise on the law. This means that Parliament is now ready to start negotiations with Council, pending formal confirmation by Parliament as a whole at the November plenary session in Strasbourg.

Background

What is Parliament proposing that is new?

The draft report sets out some innovative proposals to ensure that a new Dublin system would work in practice and on the ground:

- **links to a particular country first relocation criteria:** asylum seekers that have a “genuine link” with a particular member state should be transferred to it, since this increases their chances of integration and reduces the risk of secondary movements. Such links would be defined as having family members present in that country, as well as prior residence or studies in a particular EU country.
- **a permanent and automatic relocation mechanism:** asylum seekers that do not have a genuine link with a particular Member State will automatically be assigned to an EU country which will take responsibility for them upon arrival in the EU, according to a distribution “key”. This country will then be responsible for processing the asylum application, i.e. the country of first arrival will no longer be automatically responsible, as is the case today, and there will be no thresholds before the relocation mechanism sets in, as proposed by the European Commission. This is to prevent member states on the borders having to shoulder a disproportionate share of the EU’s international obligations,
- **registration and security verification upon arrival:** countries of first arrival must register all asylum seekers and check their fingerprints against relevant EU databases, such as the Europol Information System, as well as the likelihood of an applicant being eligible for international protection, before he or she is transferred to another EU country. These initial checks will, however, be much faster than the current admissibility checks and have been carefully calibrated to avoid creating bottlenecks in “frontline” member states. If a member state fails to register the asylum seekers, transfers will be suspended,
- **early filtering of applicants with very small chances of being accepted:** to avoid relocating applicants who have almost no chance of fulfilling the criteria for receiving international protection, applicants will be filtered in the countries of arrival. Instead of being immediately relocated, their applications would be treated in the member state of first entry. All costs of this extra work will be covered by the EU, to avoid placing undue burdens on frontline member states,
- **taking country preferences into consideration:** asylum seekers will be able to choose among the four countries which at that given moment have received the fewest asylum seekers based on the distribution key. If the asylum seeker has previously resided or obtained a diploma in a member state, and thus has a link to that particular country, he or she will be transferred to this place. By taking these preferences into consideration, member states would get applicants with better prospects of integrating.
- **special focus on children:** MEPs want to strengthen the provisions on children, to ensure that the best interest of the child is always the focal point. Minors should always be interviewed in a child-friendly manner by specially trained staff. Unaccompanied minors must have a guardian appointed at the latest 24 hours after applying for asylum. The guardian must be present if fingerprints are taken and also during the interview. If an unaccompanied minor is transferred from one country to another, the receiving member state must appoint a guardian before the child is moved,
- **faster family reunification:** to speed up procedures, asylum seekers should be immediately transferred to the country in which they claim to have family. It should then be for this member state to establish whether the claim is correct, and not, as is the case today, the member state where the applicant is present. Should it turn out not to be the case, the asylum seeker will be transferred onwards to another member state selected by the distribution key,

Background

- **allocation of groups:** applicants for international protection should have the option to register as a group (max. 30 people) upon arrival in Europe. Such a group registration would not imply the right to be transferred to a particular member state, but a right to be transferred together with people you know, whether from your home town or someone you have become attached to while travelling,
- **incentives to stay within the system:** should an asylum seeker attempt to avoid registration, or wrongly claim a link to a particular member state, he or she would be allocated to a random member state according to the distribution key. The principle is simple: you follow the rules, you get to choose between four member states as your future country. However, should you try to move outside the system, you will be given no choice.
- **ensuring full participation of all member states:** all member states should share responsibility for asylum seekers and abide by the obligations set out in the law which has been democratically agreed. “Frontline” member states that fail to register applicants would see the relocation of applicants from their territory stop. Member states refusing to accept relocation of applicants to their territory would face limits on their access to EU funds and would not be able to use these funds to return applicants whose asylum claims are rejected.
- **giving member states time to adjust to the new asylum system:** to give countries time to adapt and prepare to receive asylum seekers, a three-year transition period should be introduced during which member states which have historically received many asylum seekers will continue to shoulder a greater responsibility and where those with a more limited experience of welcoming asylum seekers would start with a lower share of the responsibility. During these three years, member states will then automatically see their shares move towards the fair share determined by the distribution key based on GDP and population size. The European Agency for Asylum (EASO) will support and monitor member states to help them build the necessary capacity.

Background

How would the system work?

As soon as an asylum seeker arrives in the EU, be it in a country on the southern borders or at an international airport, he or she must be fingerprinted and checked against relevant EU data bases, such as the Europol Information System or the Schengen Information System. An initial assessment will also be done to establish whether the asylum seeker is likely to be eligible for international protection.

If this is the case, and the asylum seeker does not constitute a security threat, a check will be done to ascertain whether he or she has family members in the EU, has previously lived in the EU, or holds a diploma from an EU country. If so, the asylum seeker will be transferred to this country.

If not, the asylum seeker will be given a choice among the four countries which have, at that particular moment, received the lowest ratio of asylum seekers compared to a distribution key calculated on the basis of population size and GDP.

Upon arrival in the member state that will become responsible for the asylum seeker, the authorities of this country will carry out a longer security assessment and also assess the applicant's right to international protection. If the country decides to grant the applicant protection, in accordance with international conventions and EU rules, the country remains responsible for the refugee for five years, after which the person would be able to apply for a permanent residence permit.

Should the refugee decide to leave the country to go to another member state during the first five years, he or she should be returned to the country responsible, as soon as spotted by the authorities. The only path to international protection within Europe will be to remain in the responsible member state.

Background

Statistics on migration

In 2015, 1.3 million people applied for international protection in the EU, according to the UNHCR. In 2016, the number was down to 1.2 million applications. During the first half of 2017, 315,000 people applied for asylum in the EU.

Currently, around 23 million people worldwide are refugees in a foreign country and another 40 million are refugees within their own home country, according to UNHCR. Europe is sheltering 17% of global refugees. In 2016, the conflict in Syria, now in its seventh year, was the world's biggest producer of refugees (5.5 million), followed by Afghanistan (2.5 million) and South Sudan (1.4 million). The countries that shelter the most refugees are Turkey, Pakistan, Lebanon, Iran and Uganda.

Last year, one third of asylum applicants in the EU were women and 32% were children. 63,000 unaccompanied minors applied for asylum in Europe this year.

Germany was the EU country that received the most asylum applications: 722,000 out of total 1.2 million in the EU in 2016.

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 was responsible for drafting a first response to the Commission's proposal (the draft report), and steering negotiations through Parliament. She will also be 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.

The Civil Liberties Committee has already voted its reports on the proposal to harmonise **reception conditions** for asylum-seekers across the EU (lead MEP Sophie in't Veld - ALDE, NL), and on the new **Qualification Regulation** (lead MEP Tanja Fajon - S&D, SL). Parliament wants all beneficiaries of international protection in the EU to get five-year residence permits, regardless of which member state they are in.

MEPs are currently working on a new **Procedures Regulation** (lead MEP Laura Ferrara - EFDD, IT), which will lay the common procedures to be followed when assessing an asylum request. This text will be put to a vote by the Civil Liberties Committee in December.

Last June, EP and Council negotiators reached a preliminary agreement on the reform of the **EU Asylum Support Office, EASO** (lead MEP Peter Niedermüller - S&D, HU). The new EU Agency for Asylum will be equipped with an intervention pool of 500 experts supplied by the member states, to be deployed in cases where the asylum and reception systems of an EU country are under “disproportionate pressure”.

Inter-institutional talks are under way on the review of the **Blue Card** scheme (lead MEP Claude Moraes - S&D, UK), a legal access channel to the EU for highly-skilled workers already in place, but whose results have been so far limited.

In October, the Civil Liberties Committee backed the establishment of a **Union Resettlement Framework** (lead MEP Malin Björk - GUE, SE) designed to provide a safe passage to the EU for recognized refugees in third countries. MEPs aim for the the EU to take on at least 20% of the annual projected global resettlement needs. In 2017, this would amount to around 250,000 people.

Background

Timeline - what has happened so far?

The Commission presented its [proposal for a new Dublin system](#) in May last year as part of the first migration package presented in 2016. A second package of proposals for an overall revamp of the EU asylum system was tabled in June 2016.

Parliament's rapporteur on the file, Cecilia Wikström (ALDE, SE) presented her [draft report](#) to the Civil Liberties Committee on 8 March 2017. Since then, MEPs from all political groups in the European Parliament have been tabling amendments and negotiating compromises to facilitate the vote in the Civil Liberties Committee which took place on 19 October.

The outcome of the vote represents the committee's position on the Dublin reform and, once confirmed in plenary session, Parliament's negotiating mandate for talks with the member states on the draft law.

Background

Next steps

MEPs at the November plenary session in Strasbourg will be formally asked to confirm the Civil Liberties Committee's decision to enter into negotiations with member states in the Council.

Parliament's negotiators and Council representatives will decide on an equal and democratic footing on the final wording of the new rules.

The Council has yet to adopt its negotiation mandate on Dublin.