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GREEN PAPER

on the future Common European Asylum System

(presented by the Commission)

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1. INTRODUCTION

Creating a Common European Asylum System (CEAS) as a constituent part of an Area of Freedom, Security and Justice emerged from the idea of making the European Union a single protection area for refugees, based on the full and inclusive application of the Geneva Convention and on the common humanitarian values shared by all Member States. The Hague Programme Action Plan foresees the adoption of the proposal for CEAS by end 2010.

The Commission is committed to further pursuing this ambitious goal. In this spirit, it hereby launches a comprehensive consultation process on the form this CEAS should take. This Green Paper aims to identify what options are possible under the current EU legal framework for shaping the second stage of the construction of the CEAS.

The basic layout of the CEAS, as defined in the Tampere Programme and confirmed by the Hague Programme, consists in the establishment of a common asylum procedure and a uniform status valid throughout the EU. The ultimate objective pursued at EU level is thus to establish a level playing field, a system which guarantees to persons genuinely in need of protection access to a high level of protection under equivalent conditions in all Member States while at the same time dealing fairly and efficiently with those found not to be in need of protection.

The goal pursued in the first stage was to harmonise Member States' legal frameworks on the basis of common minimum standards ensuring fairness, efficiency, and transparency. Considerable progress was accomplished in the years 1999-2006, in particular through the adoption of the four main legislative instruments which make up the current *acquis* and which lay the foundations for the CEAS[1]. The Commission will ensure that the legal instruments already adopted are transposed in a timely manner and effectively implemented by Member States.

The process of evaluating the first stage instruments and initiatives is still underway, but , given the need to come forward with the proposals for the second phase in time for their adoption in 2010, it is essential to embark already now on an in-depth reflection and debate on the future architecture of the CEAS. However, due account has been taken in the preparation of the Green Paper of all information which is already available on the implementation of the first stage instruments and on the deficits detected in practice, so as to allow for an informed reflection and debate. **The results of this broad reflection will be synthesized with the results of the evaluation, in time to form the basis for the work that will have to be carried out in the very near future for the construction of the CEAS by 2010.**

The goals in the second stage should be to achieve both a higher common standard of protection and greater equality in protection across the EU and to ensure a higher degree of solidarity between EU Member States.

In this second stage, it is important to adopt **an integrated, comprehensive approach to asylum,** seeking to improve **all aspects of the asylum process,** starting from the moment individuals seek access to protection in the EU until the moment a durable solution is found for those in need of international protection.

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[1] All relevant legislative instruments and policy documents are listed in Annex 1. An Annex 2 is also attached to this document, and contains relevant statistical data.

In line with this approach, it is essential (1) to enhance the conditions under which persons seeking protection in the EU can effectively present and pursue their claims and receive an adequate response to their individual needs and (2) to boost the capacity of all stakeholders involved in the asylum process to successfully accomplish their tasks, thereby improving the overall quality of this process. It is also necessary to provide national asylum administrations with adequate tools enabling them to efficiently manage asylum flows and effectively prevent fraud and abuse, thereby preserving the integrity and credibility of the asylum system.

Achieving these objectives will mean filling existing gaps in the current asylum *acquis* and pursuing legislative harmonisation based on high standards. Asylum practices will also need to be harmonised through the implementation of a set of accompanying measures relating to the practical cooperation between Member States.

Furthermore, there is a pressing need for increased solidarity in the area of asylum, so as to ensure that responsibility for processing asylum applications and granting protection in the EU is shared equitably. Ways also need to be explored for increasing the EU's contribution to a more accessible, equitable and effective international protection regime.

2. LEGISLATIVE INSTRUMENTS

2.1. Processing of asylum applications

Council Directive 2005/85/EC ("the Asylum Procedures Directive") provides for a number of procedural standards rather than for a "standard procedure". This Directive allows a large degree of flexibility in many areas, such as the provisions on accelerated procedures, border procedures, and inadmissible applications. Further law approximation is needed if the objective of the EU wide common procedure set by the Hague Programme is to be met.

In this context, particular emphasis should be placed on enhancing the **effective access** to the possibility to request asylum and thus the access to international protection in the EU. This could imply strengthening the legal safeguards accompanying the crucial initial stage of border procedures and in particular the registration and screening process.

National rules would also need to be **further approximated** regarding aspects of asylum processing which were not - or not sufficiently - covered by the first-stage provisions, such as the quality of the decision-making, the assessment of evidence submitted by applicants, and the appeals procedures.

It might also be necessary to **re-assess the content and added-value of certain procedural devices** introduced at the first stage of harmonisation, such as the concepts of safe countries of origin, safe third countries, and safe European third countries.

Significant progress towards the establishment of a common asylum procedure may furthermore be achieved by including as a mandatory element in the CEAS **a single procedure** for assessing applications for refugee status and for subsidiary protection. Aspects to be considered include its scope, the sequence of examining the different protection grounds, the appeals procedures as well as the need to impose time limits or targets regarding the duration of the asylum procedure.

By calling for a study on the implications, appropriateness and feasibility for **joint processing** of asylum applications, the Hague Programme holds up joint processing as an additional possibility for further harmonisation. Within the current legal framework, the responsibility for determining asylum claims lies with individual Member States. The added value, the exact modalities and the practical and financial consequences of establishing such a joint processing mechanism, which could build on the specific experiences and capacities of Member States for processing certain caseloads, will have to be carefully considered in view of the conclusions of the above mentioned study.

(1) How might a common asylum procedure be achieved? Which aspects should be considered for further law approximation?

(2) How might the effectiveness of access to the asylum procedure be further enhanced? More generally, what aspects of the asylum process as currently regulated should be improved, in terms of both efficiency and protection guarantees?

(3) Which, if any, existing notions and procedural devices should be reconsidered?

(4) How should a mandatory single procedure be designed?

(5) What might be possible models for the joint processing of asylum applications? Under what circumstances could a mechanism for joint processing be used by Member States?

2.2. Reception conditions for asylum seekers

Ensuring a high level of harmonisation with regard to reception conditions of asylum seekers is crucial if secondary movements are to be avoided. However, according to the information already available on the implementation in practice of Council Directive 2003/9/EC (the "Reception Conditions Directive"), the wide margin of discretion left to Member States by several key provisions of this Directive results in negating the desired harmonisation effect.

For instance, there exist wide divergences with regard to the **access of asylum seekers to the labour market:** different Member States impose a variety of conditions that have to be fulfilled (e.g. obtaining a work permit), some Member States allow such access immediately while others restrict it for a year. This situation begs the question whether the conditions and the timeframe for access to the labour market should be more precisely regulated.

Closely linked to the above mentioned issue of the ability of asylum seekers to work is how to effectively ensure more generally an **adequate level of material reception conditions.**

Serious problems have also been detected regarding the **applicability of this Directive to detention centres** as well as regarding the **overall application of detention measures** to asylum seekers, to the extent that such measures result in obstructing the effective enjoyment of the rights guaranteed by the Directive.

(6) In what areas should the current wide margin of discretion allowed by the Directive's provisions be limited in order to achieve a meaningful level-playing field, at an appropriate standard of treatment?

(7) In particular, should the form and the level of the material reception conditions granted to asylum seekers be further harmonised?

(8) Should national rules on access to the labour market be further approximated? If yes, in which aspects?

(9) Should the grounds for detention, in compliance with the jurisprudence of the European Court of Human Rights, be clarified and the related conditions and its length be more precisely regulated?

2.3. Granting of Protection

In response to the call of the Hague Programme for **uniformity of protection,** several options could be envisaged regarding the eligibility criteria for protection and the content of the relevant protection status (or statuses) to be granted.

One such option could consist in the **fuller harmonisation of the eligibility criteria** and the clarification of the concepts used to define the grounds for protection, so as to minimise the margin

for divergent interpretations and applications in different Member States, which is currently allowed by the provisions of Directive 2004/83/EC (the "Qualification Directive").

Further approximation of the rights and benefits attached to the protection granted (regarding, inter alia, residence permits, social welfare and healthcare, education and employment) could also be considered. The existing acquis grants two different sets of rights and benefits to refugees and beneficiaries of subsidiary protection, based on distinctions between the two categories stemming from the current International Law regime and reflecting important differences in grounds for protection. If uniformity were to be understood as meaning a higher degree of harmonisation, this option would result in **one uniform status for refugees and another for beneficiaries of subsidiary protection.** This would mean reducing the flexibility allowed by the current legal framework regarding the content and duration of the rights to be granted as well as the possibility to limit or refuse access to certain rights.

A further possible option to be considered could be to grant all persons who under the current legal framework would be eligible either for refugee status or for subsidiary protection **one single uniform status**, i.e. a protection status comprising a uniform set of rights for both categories. Such a status, providing the same rights independently of the grounds for protection, would have one benefit – reduction of the incentives for applicants to appeal the decisions granting subsidiary protection, in order to seek refugee status.

Reflection could also be useful on the need to **harmonise the status granted to categories of persons who** are not eligible for international protection as currently defined in the first stage legal instruments, but who nonetheless **are protected against removal** under the obligations that are imposed on all Member States by international refugee or human rights instruments or on the basis of principles flowing from such instruments. Examples of such categories include persons who are not removable on ill health grounds and unaccompanied minors. Provisions for a harmonised status for such categories of persons would have to draw on the relevant case-law of the European Court of Human Rights. [2]

Finally, the concept of a **status valid throughout the Union** invites reflection on the establishment at Community level of a mechanism for the **mutual recognition of national asylum decisions** and the possibility of **transfer of protection responsibilities** once a beneficiary of protection takes up residence in another Member State. Exact legal modalities and precise conditions would need to be thoroughly discussed. Such a mechanism could draw in particular on the relevant provisions of the Geneva Convention and on the 1980 European Agreement on Transfer of Responsibility for Refugees concluded in the framework of the Council of Europe.

(10) In what areas should further law approximation be pursued or standards raised regarding

- **the criteria for granting protection**
- **the rights and benefits attached to protection status(es)?**

(11) What models could be envisaged for the creation of a "uniform status"? Might one uniform status for refugees and another for beneficiaries of subsidiary protection be envisaged? How might they be designed?

(12) Might a single uniform status for all persons eligible for international protection be envisaged? How might it be designed?

(13) Should further categories of non-removable persons be brought within the scope of Community legislation? Under what conditions?

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[2] See, in particular, the judgements pronounced by this Court in the cases of D. v. UK, of 2 May 1997 and Mubilanzila Mayeka and Kaniki Mitunga v. Belgium, of 12th October 2006.

(14) Should an EU mechanism be established for the mutual recognition of national asylum decisions and the possibility of transfer of responsibility for protection? Under what conditions might it be a viable option? How might it operate?

2.4. Cross-cutting issues

2.4.1.Appropriate response to situations of vulnerability

All first stage instruments underline that it is imperative to take account of the special needs of vulnerable people. However, it appears that serious inadequacies exist with regard to the definitions and procedures applied by Member States for the **identification of more vulnerable asylum seekers** and that Member States **lack the necessary resources, capacities and expertise** to provide an appropriate response to such needs.

It appears therefore necessary **to prescribe in more depth and detail** the ways in which **the special needs of the most vulnerable asylum seekers should be identified and addressed** in all stages of the asylum process. This kind of comprehensive approach would focus in particular on issues such as regulating more precisely what constitutes **adequate medical and psychological assistance and counselling** for traumatised persons, victims of torture and trafficking and a proper identification and response to the needs of minors, especially unaccompanied minors; the development of **appropriate interview techniques** for these categories, based *inter alia,* on cultural, age and gender awareness and inter-cultural skills as well as on the use of specialised interviewers and interpreters, and laying down more detailed rules regarding what should be relevant to the **assessment of claims based on gender- and child-specific persecution.**

Furthermore, ways need to be found for **enhancing national capacities,** by **reaching out to all actors involved** in devising and implementing measures designed to address the special needs of more vulnerable categories of asylum seekers and refugees – such as professionals in the fields of health and education, psychologists, interpreters, linguistic experts, cultural anthropologists, lawyers, social workers and NGOs. This could involve specific **EU-wide training programmes** for such professionals, the establishment at EU level of mechanisms (including databases and other information exchange tools) for the **dissemination of best practices at operational level** or even the establishment of **common standards regarding the qualifications and skills** required and, possibly, of a **monitoring mechanism** aimed at ensuring high standards of quality in services provided to more vulnerable people.

(15) How could the provisions obliging Member States to identify, take into account and respond to the needs of the most vulnerable asylum seekers be improved and become more tailored to their real needs? In what areas should standards be further developed?

(16) What measures should be implemented with a view to increasing national capacities to respond effectively to situations of vulnerability?

2.4.2.Integration

As the EU's policies focus increasingly on the integration of third-country nationals, it is timely to reflect overall on how to enhance the integration of beneficiaries of international protection. The extension to this category of long-term residence rights, as envisaged by the proposal of the Commission for an amendment of Council Directive 2003/109/EC (the "Long-Term Residents Directive") of 6 June 2007, is bound to significantly contribute to this effect.

In this context, thought should be given in particular to **enhancing the standards** prescribed by the Qualification Directive regarding **the integration of beneficiaries of subsidiary protection** and on **developing integration programmes** designed to **take into account the specific needs (in terms**

for example of housing and access to healthcare and social services) and potential of beneficiaries of international protection.

Entitlements to work (and limits thereon) are important in this respect as employment is accepted as a major element which facilitates integration. In this context, ways need to be found to raise the awareness of the labour market actors on the value and potential contribution that beneficiaries of international protection can bring to their organisations and companies. Particular attention should also be devoted to the identification of their working experience, skills and potential and to the **recognition of their qualifications**, since beneficiaries of international protection are often unable to provide the documentary evidence, such as diplomas and other relevant certificates, from their countries of origin that Member States' legislation may normally require as a precondition to lawful employment in certain fields. The acquisition of necessary inter-cultural skills and competences should also be promoted, not only regarding the beneficiaries of international protection, but also regarding the professionals working with them. Diversity management should also be supported.With a view to taking a comprehensive approach, it might also be necessary to consider providing asylum seekers **access to specific selected integration measures and facilities,** inter alia to facilitate a speedy integration of those individuals ultimately granted international protection.

(17) What further legal measures could be taken to further enhance the integration of asylum seekers and beneficiaries of international protection, including their integration into the labour market?

2.4.3.Ensuring second stage instruments are comprehensive

It would also be timely to reflect on other areas which are currently not covered by Community legislation but where there would be an added value in approximating national rules.

(18) In what further areas would harmonization be useful or necessary with a view to achieving a truly comprehensive approach towards the asylum process and its outcomes?

3. IMPLEMENTATION - ACCOMPANYING MEASURES

The Hague Programme called for greater practical cooperation between national administrations with a view to enhancing the convergence of national practices, and to improving the quality of decision-making and increasing the efficiency of asylum management. The wide range of activities set out in the Commission's Communication on "Strengthened Practical Cooperation" are currently being carried out within the framework of Eurasil, an expert group chaired by the Commission.

However, as the results of this Green Paper will set for medium and long-term objectives it is important to go beyond what was proposed already and to consider **further areas** where practical cooperation between Member States **might be usefully extended.** This consideration shall encompass also the **ways for maximising the impact** of this cooperation in terms of further approximating national practices and jurisprudences, e.g. the **development of common guidelines** on the interpretation and application of different procedural and substantial facets of the EU asylum *acquis*. To cite a few examples, based on the joint assessment of situations in countries of origin, of certain types of cases or of certain aspects of asylum applications that require specific legal or factual expertise, Member States could adopt common approaches to exclusion or cessation clauses with regard to certain caseloads, to concepts such as gender- or child-specific persecution, to the detection and prevention of fraud or abuse, or to the translation of documents and the methods and procedures for interviews.

Consideration should also be given to ways for further developing the EU wide COI common portal, notably by linking it to other databases regarding immigration and integration and by enabling it to provide information on a broad range of migration-related issues.

Greater emphasis could also be given to enlarging the circle of stakeholders involved in the exchange of good practices, capacity-building and training activities and the development of guidelines and to **engaging the whole range of stakeholders**, including appeal authorities at the administrative or judicial level, legal and linguistic experts, health, education and vocational guidance professionals, cultural anthropologists, border guards and law enforcement officials.

Moreover, to keep pace with the rapid expansion in scope of practical cooperation embracing different aspects of the asylum process, it is becoming increasingly urgent to ensure **adequate structural support** for all relevant activities and an **effective and systematic follow-up to consider the results** of those activities**.**

The Commission plans to launch this year a feasibility study with a view to explore in a thorough and comprehensive manner the different options that could be envisaged to this effect.

One of these options, envisaged by the Hague Programme, is the transformation of the structures involved in practical cooperation into a European support office. If this solution was chosen, such an office could take over and systematically coordinate all the current activities of common practical cooperation. Furthermore, it could incorporate a **training facility** for all parties involved in the asylum process and **provide structural support for any processing activities** that Member States may undertake **jointly** in the future. It could also **support Member States' joint efforts to address particular pressures** on their asylum systems and reception capacities resulting from factors such as geographical location. It could set up and manage **teams of asylum experts** to be deployed to Member States facing particular pressures. It could play a role in the **implementation of the Regional Protection Programmes** and in the **coordination of any new policy initiative adopted in the future,** for instance regarding resettlement at the EU level. It could further be entrusted with **monitoring the implementation of reception conditions** granted to asylum seekers.

(19) In what other areas could practical cooperation activities be usefully expanded and how could their impact be maximised? How could more stakeholders be usefully involved? How could innovation and good practice in the area of practical cooperation be diffused and mainstreamed?

(20) In particular, how might practical cooperation help to develop common approaches to issues such as the concepts of gender- or child-specific persecution, the application of exclusion clauses or the prevention of fraud?

(21) What options could be envisaged to structurally support a wide range of practical cooperation activities and ensure their sustainability? Would the creation of a European support office be a valid option? If so, what tasks could be assigned to it?

(22) What would be the most appropriate operational and institutional design for such an office to successfully carry out its tasks?

4. SOLIDARITY AND BURDEN SHARING

4.1. Responsibility sharing

The Dublin system (Dublin and EURODAC Regulations) was not devised as a burden sharing instrument. Its primary objective was to quickly establish which Member State is responsible for the examination of an asylum application lodged on EU territory, on the basis of fair and objective criteria, and to prevent secondary movements between Member States. As the Evaluation Report published on 6 June 2007 has shown, the Dublin system has to a large extent achieved these

objectives, though questions remain regarding its effectiveness as a means of reducing secondary movements.

This Evaluation Report also showed that transfers which take place under the Dublin System are equally balanced between border and non-border Member States. Nevertheless, the Dublin System may *de facto* result in additional burdens on Member States that have limited reception and absorption capacities and that find themselves under particular migratory pressures because of their geographical location.

Further approximation of national asylum procedures, legal standards and reception conditions, as envisaged in creating a Common European Asylum System, is bound to reduce those secondary movements of asylum seekers which are mainly due to the diversity of applicable rules, and could thus result in a more fair overall distribution of asylum applications between Member States.

However, even the establishment of a common asylum procedure and a uniform status will not completely eradicate all reasons why asylum seekers may find one Member State a more attractive destination that another. **Therefore, a system which clearly allocates responsibility** for the examination of an asylum claim within the EU **will still be necessary** in order to avoid the phenomena of 'asylum shopping' and 'refugees in orbit'.

Further reflection is necessary on the underlying principles and objectives of the Dublin system and whether there is a need **to complement it with additional mechanisms. Other factors could be taken into account,** such as Member States' capacities to process asylum applications and to offer long-term solution to recognised refugees. This reflection is necessary if **the application of the system is to result in a more balanced distribution between Member States.**

In the past, **possible alternative systems for the allocation of responsibility were considered**. These included for example a system which allocates responsibility according to where the asylum application is lodged, the applicant's country of origin, or the last known transit country.

However, thought should mainly be given to **establishing "corrective" burden-sharing mechanisms** that are **complementary to the Dublin system,** for instance providing for the distribution of beneficiaries of international protection between Member States after they have been granted protection status. Intra-EU resettlement is an important way to pursue. Extending the provisions of the Long-Term Residents Directive to beneficiaries of international protection is also expected to alleviate the burden on certain Member States by allowing those persons, under certain conditions, to move to another Member State.

(23) Should the Dublin system be complemented by measures enhancing a fair burden-sharing?

(24) What other mechanisms could be devised to provide for a more equitable distribution of asylum seekers and/or beneficiaries of international protection between Member States?

4.2. Financial solidarity

We need to consider ways of further **maximising the effectiveness of the European Refugee Fund** (ERF) as a supporting instrument for Member States' efforts to implement EU asylum policy. More specifically, ways must be explored to ensure ERF funding can be put to better use in order to complement, stimulate and act as a catalyst for the delivery of the objectives pursued, to reduce disparities and to raise standards.

To maximise the Fund's impact, for example, **specific consultation or information sharing mechanisms could be set up at national level** to produce accurate analyses of deficits that need to be addressed with the support of the Fund. To avoid fragmentation and duplication of efforts and to create synergies and promote best practices, an **information sharing mechanism might also be set**

up at EU level to disseminate information on projects and programmes which could serve as models.

However, in addition to optimising the existing funding possibilities, adopting a comprehensive approach also raises the question whether there are any specific financing needs which are not adequately covered by the existing funds. Such needs might arise for instance regarding the funding of an integrated response to situations of vulnerability throughout the asylum process or of the accompanying measures related to cooperation between Member States (ranging from financing the secondment of personnel from national administrations and judicial bodies or their participation in joint activities to funding the future European Support Office).

(25) How might the ERF's effectiveness, complementarity with national resources and its multiplier effect be enhanced? Would the creation of information-sharing mechanisms such as those mentioned above be an appropriate means? What other means could be envisaged?

(26) Are there any specific financing needs which are not adequately addressed by the existing funds?

5. EXTERNAL DIMENSION OF ASYLUM

5.1. Supporting third countries to strengthen protection

Given that 6.5 million of the world's 8.7 million refugees are estimated to live in developing countries[3], it is important to consider ways to support third countries in addressing with asylum and refugee issues. In an effort to enhance effective protection and the availability of durable solutions for refugees in their region of origin and transit, the Commission developed the concept of EU-Regional Protection Programmes, as a complement to various types of EU assistance to third countries in the area of asylum. It should be noted that the two pilot Programmes launched so far in the Western Newly Independent States and in Tanzania are still at a very early stage of their implementation and that any future reshaping of the concept will have to be based on the conclusions of their evaluation. Thus, if concluded as useful, the discussion could move towards developing further **their added value and ensuring the sustainability of their results.**

Furthermore, acknowledging the importance of development aid as a means for achieving durable solutions for refugees, the Commission has in recent years undertaken to systematically **mainstream asylum** in its development cooperation strategy, and important financing from various relevant instruments is dedicated to this issue.

In this context, it is necessary to reflect on the types of actions which are most effective in supporting third countries to manage refugee situations, **including addressing** the needs of refugees and returnees and their potential to contribute to the development of their host countries, and on **how to improve the coherence and the effectiveness of the EU's action** vis-à-vis the regions and third countries concerned.

(27) If evaluated necessary, how might the effectiveness and sustainability of Regional Protection Programmes be enhanced? Should the concept of Regional Protection Programmes be further developed and, if so, how?

(28) How might the EU best support third countries to deal with asylum and refugees issues more effectively?

(29) How might the Community's overall strategies vis-à-vis third countries be made more consistent in the fields of refugee assistance and be enhanced?

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[3] Source: 2005 UNHCR Statistical Yearbook.

5.2. Resettlement

In its function as a tool of protection, of providing durable solutions and of establishing an effective mechanism for responsibility sharing, resettlement forms an important part of the external dimension of EU asylum policy..Resettlement of refugees in EU territory also reflects the EU's commitment to show international solidarity and share the burden of the countries in the regions of origin which accommodate the vast majority of refugees. The achievement of the ambitious goals set out regarding the development of an EU Resettlement Scheme requires a proactive approach. The Commission is currently looking to provide comprehensive financial support for the resettlement activities undertaken by Member States as well as to facilitate a significant EU commitment to resettlement in the context of the Regional Protection Programmes.

If this area is to be developed, we could explore different ways **of encouraging** Member States. This could involve **helping them to expand and enhance** their national resettlement programmes and encouraging them to **significantly participate** in the resettlement component of the Regional Protection Programmes. It could also be useful to consider **how a common approach could be developed** regarding the means to implement resettlement activities in the context of the Regional Protection Programmes to achieve greater efficiency, coordination and economies of scale. Evidently, any future steps in this direction will need to build on the conclusions of the evaluation of the pilot Regional Protection Programmes.

It might also be worth looking at other areas – beyond Regional Protection Programmes - where a collective resettlement effort at EU level could **help to resolve protracted refugee situations or provide an effective response to emergency situations.**

(30) How might a substantial and sustained EU commitment to resettlement be attained?

(31) What avenues could be explored to achieve a coordinated approach to resettlement at EU level? What would be required at financial, operational and institutional level?

(32) In what other situations could a common EU resettlement commitment be envisaged? Under what conditions?

5.3. Addressing mixed flows at the external borders

A further core element of the external dimension of asylum is the need to address **mixed flows**, where the migratory flows arriving at a Member State's external borders include both illegal immigrants and persons in need of protection. The response to this challenge implies guaranteeing and enhancing access to protection at external borders.

Measures to combat illegal migration and the smuggling of human beings should be implemented in a manner which does not deprive the right to asylum of its practical meaning. The Commission's efforts are focusing on **providing operational and financial assistance** to help Member States to establish effective protection-sensitive entry management systems, **in particular when they are confronted with emergency situations caused by mass arrivals at their borders**.

Proposals should focus in particular on the establishment of **teams of asylum experts,** which could be called to assist Member States on a temporary basis facing pressures in performing the initial profiling of individual cases at points of arrival, and on the provision of emergency financial assistance to these Member States, to help them to provide adequate reception conditions and to conduct fair and efficient asylum procedures. If the option of setting-up a European support office materializes, it could be envisaged to entrust it with the coordination of the deployment of these asylum expert teams. Existing or new voluntary schemes on national and European level (notably the European Voluntary Service) could also contribute to mobilise energies, enhance the reception capacities and strengthen the solidarity among the Member States.

(33) What further measures could be taken to ensure that protection obligations arising out of the EU *acquis* and international refugee and human rights law form an integral part of external border management? In particular, what further measures could be taken to ensure that the implementation in practice of measures aimed at combating illegal migration does not affect the access of asylum seekers to protection?

(34) How might national capacities to establish effective protection-sensitive entry management systems be increased, in particular in cases of mass arrivals at the borders?

5.4. The role of the EU as a global player in refugee issues

Member States' asylum systems are increasingly seen as forming a single regional protection area. This is an effect that will be magnified by the establishment of a common procedure and a uniform status. At the same time, as the external dimension of EU asylum policy grows in importance, greater expectations arise as to the role of the EU, as an entity encompassing 27 States, within the global refugee protection system. The EU is thus increasingly called upon to present **a common vision on refugee policy issues** at the international level and to **develop common positions vis-à-vis international organisations.**

(35) How could European asylum policy develop into a policy shared by the EU Member States to address refugee issues at the international level? What models could the EU use to develop into a global player in refugee issues?

6. CONCLUSION

In this Green Paper, the Commission has sought to outline the main issues at stake and invites constructive suggestions to take these issues forward.

In line with the integrated approach to asylum described above, the Commission aims to launch a broad discussion among all relevant stakeholders. All EU institutions, national, regional and local authorities, candidate countries, third country partners, intergovernmental and non-governmental organisations, all state actors and private service providers involved in the asylum process, academia, social partners, civil society organisations and individuals are invited to contribute.

The results of this comprehensive consultation will inform the preparation of a **policy plan** to be issued in the first quarter of 2008 in which the Commission will set out all the measures that it will adopt to construct the CEAS, along with a timeframe for the adoption of those measures.

In order to prepare for a public hearing on 18 October 2007, the Commission invites all interested parties to send their responses to this consultation in writing no later than 31 August 2007 to:

Immigration and Asylum Unit – "Green Paper on Asylum"

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All relevant contributions will be published on the web portal 'Your Voice in Europe' http://europa.eu.int/yourvoice/consultations/index_en.htm

ANNEX I

BIBLIOGRAPHY

I. EUROPEAN COUNCIL CONCLUSIONS

The Hague Programme: Strengthening Freedom, Security and Justice in the European Union, (2005/C 53/01), 03/03/2005

The Tampere European Council, 15 and 16 October 1999, Presidency Conclusions, available at the European Council website:

http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/00200-r1.en9.htm

II. LEGISLATIVE INSTRUMENTS

A. Instruments establishing minimum standards

Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status (O J L 326, 13/12/2005, p.13)

Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted (OJ L 304, 30/09/2004, p.12)

Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers (OJ L 31, 06/02/2003, p. 18)

Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (OJ L 212, 07/08/2001, p.12)

B. Dublin System

Commission Regulation (EC) No 1560/2003 of 2 September 2003 laying down detailed rules for the application of Council Regulation (EC) No 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national (OJ L 222, 05/09/2003, p. 3)

Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national (OJ L 50, 06/02/2003, p.1)

Council Regulation (EC) No 407/2002 of 28 February 2002 laying down certain rules to implement Regulation (EC) No 2725/2000 concerning the establishment of "EURODAC" for the comparison of fingerprints for the effective application of the Dublin Convention, OJ L 62, 05/03/2002, p.1)

Council Regulation (EC) No 2725/2000 of 11 December 2000 concerning the establishment of 'EURODAC' for the comparison of fingerprints for the effective application of the Dublin Convention (OJ L 316, 15/12/2000, p.1)

C. Financial Programmes

Framework Programme on Solidarity and the Management of Migration Flows for the period 2007-2013, *[reference to be completed as soon as it is adopted]*

Regulation (EC) No 1905/2006 of the European Parliament and of the Council of 18 December 2006 establishing a financing instrument for development cooperation (OJ L 378, 27/12/2006, p. 41)

Regulation (EC) No 491/2004 of the European Parliament and of the Council of 10 March 2004 establishing a programme for financial and technical assistance to third countries in the areas of migration and asylum (AENEAS) (OJ L 80, 18/03/2004, p.1)

Council Decision 2002/463/EC of 13 June 2002 adopting an action programme for administrative cooperation in the fields of external borders, visas, asylum and immigration (ARGO programme) (OJ L 161, 19/06/2002, p.11)

Council Decision 2004/904/EC of 2 December 2004 establishing the European Refugee Fund for the period 2005 to 2010 (OJ L 381, 28/12/2004, p. 52)

Council Decision 2000/596/EC of 28 September 2000 establishing a European Refugee Fund (OJ L 252, 06/10/2000, p. 12)

D. Legislative Proposals

Proposal for a Council Directive amending Directive 2003/109/EC to extend its scope to beneficiaries of international protection *[reference to be completed as soon as it is adopted]*

E. Other

Council Decision 2006/688/CE of 5 October 2006 on the establishment of a mutual information mechanism concerning Member States' measures in the areas of asylum and immigration (OJ L 283, 14.10.2006, p. 40)

III. COMMISSION COMMUNICATIONS AND STAFF WORKING DOCUMENTS

Commission Communication on 'Reinforcing the management of the European Union's Southern Maritime Borders', 30/11/2006, COM (2006) 733 final

Commission Communication on 'Strengthened practical cooperation - New structures, new approaches: improving the quality of decision making in the Common European Asylum System', 17/02/2006, COM (2006) 67 final

Commission Communication on 'A Strategy on the external dimension of Freedom, Security and Justice', 12/10/2005, COM (2005) 491 final

Commission Communication on 'Regional Protection Programmes', 01.09.2005, COM (2005) 388 final

Commission Communication on 'A More Efficient Common European Asylum System: The Single Procedure as the Next Step', 15.07.2004, COM (2004) 503 final

Commission Communication on 'Improving access to durable solutions', 04.06.2004, COM (2004) 410 final

Commission Communication 'Towards more accessible, equitable and managed asylum systems', 03.06.2003, COM (2003) 315 final

Commission Communication on 'The common asylum policy and the Agenda for protection' (Second Commission report on the implementation of Communication COM (2000) 755 final), 26.03.2003, COM (2003) 152 final

Commission Communication on 'The common asylum policy, introducing an open coordination method' - First report by the Commission on the application of Communication COM (2000) 755 final, 28.11.2001, COM (2001) 710 final

Commission Communication 'Towards a common asylum procedure and a uniform status, valid throughout the Union for persons granted asylum', 22.11.2000, COM (2000) 755 final

Commission Staff Working Paper, 'Revisiting the Dublin Convention: developing Community legislation for determining which Member State is responsible for considering an application for asylum submitted in one of the Member States', SEC (2000) 522

IV. STUDIES

Study on *'The Transfer of protection status in the EU, against the background of the common European asylum system and the goal of a uniform status, valid throughout the Union, for those granted asylum'*, Nina M. Lassen, Leise Egesberg, Joanne van Selm, Eleni Tsolakis, Jeroen Doomernik, European Commission, DG Justice and Home Affairs, Brussels 2004, ISBN 92-894-8276-1, available at the following website:

http://ec.europa.eu/justice_home/doc_centre/asylum/studies/docs/transfer_protection_status_rev_160904.pdf

Study on *'The feasibility of setting up resettlement schemes in EU Member States or at EU level, against the background of the Common European Asylum system and the goal of a common asylum procedure'*, Erin Patrick, Joanne van Selm, Tamara Woroby, Monica Matts,

European Commission, DG Justice and Home Affairs, Brussels 2004, ISBN 92-894-6524-7, available at the following website:

http://ec.europa.eu/justice_home/doc_centre/asylum/studies/docs/resettlement-study-full_2003_en.pdf

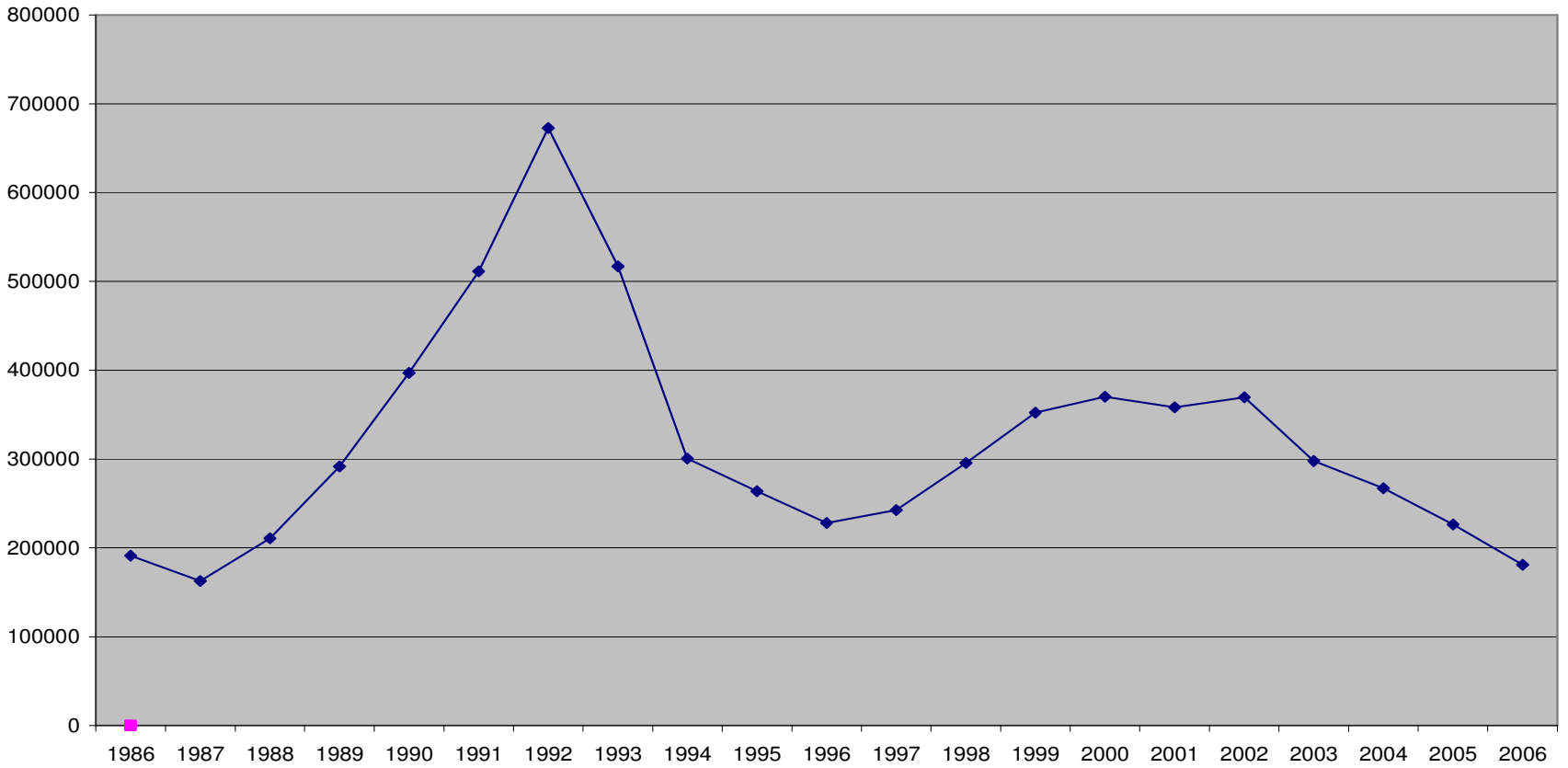
Study on "*the feasibility of processing asylum claims outside the EU against the background of the Common European Asylum System and the goal of a common asylum procedure'*, Noll Gregor, Jessica Fagerlund and Fabrice Liebaut, European Commission, DG Justice and Home Affairs, Brussels 2003, ISBN 92-894-5163-7, available at the following *w*ebsite:

http://ec.europa.eu/justice_home/doc_centre/asylum/studies/asylumstudy_dchr_2002_en.pdf

Study on "*the single asylum procedure "one-stop shop" against the background of the common European asylum system and the goal of a common asylum procedure'*, Hailbronner K., European Commission, DG Justice and Home Affairs, Brussels 2003, ISBN 92-894-5256-0, available at the following website: http://ec.europa.eu/justice_home/doc_centre/asylum/studies/docs/study_one_stop_shop_en.pdf

ANNEX II - ASYLUM STATISTICS

First asylum applications in EU 1986-2006



1986-2003 = Applications in EU15

2004-2006 = Applications in EU25

New asylum applications

TOTAL

	2002	2003	2004	2005	2006
EU27	**405455**	**337235**	**268565**	**227425**	**181770**
Belgium	18800	13585	12400	12575	8870
Bulgaria	2890	1320	985	700	500
Czech Republic	8485	11400	5300	3590	2730
Denmark	5945	4390	3235	2280	1795
Germany	71125	50565	35605	28915	21030
Estonia	10	15	10	10	5
Ireland	11635	7485	4265	4305	4240
Greece	5665	8180	4470	9050	12265
Spain	6310	5765	5365	5050	5295
France	51085	52205	50545	42580	26270
Italy	n.a.	13705	9630	9345	n.a.
Cyprus	950	4405	9675	7715	4540

Latvia	25	5	5	20	10
Lithuania	365	395	165	100	150
Luxembourg	1040	1550	1575	800	525
Hungary	6410	2400	1600	1610	2115
Malta*	350	455	845	1035	*1065*
Netherlands	18665	13400	9780	12345	14465
Austria	39355	32360	24635	22460	13350
Poland	5170	6810	7925	5240	4225
Portugal	245	115	115	115	130
Romania	1000	885	545	485	380
Slovenia	650	1050	1090	1550	500
Slovak Republic	9745	10300	11395	3550	2870
Finland	3445	3090	3575	3595	2275
Sweden	33015	31355	23200	17570	24320
United Kingdom	103080	60045	40625	30840	27850

Remarks:

2006 - MT - Jan-Oct only

Only first applications are recorded

Decisions on asylum applications

TOTAL

	2002				2003				2004				2005				2006			
	Total decisions	Total positive decisions	Rejections	Other non-status decisions	Total decisions	Total positive decisions	Rejections	Other non-status decisions	Total decisions	Total positive decisions	Rejections	Other non-status decisions	Total decisions	Total positive decisions	Rejections	Other non-status decisions	Total decisions	Total positive decisions	Rejections	Other non-status decisions
EU27	**433430**	**63260**	**281050**	**91165**	**415125**	**41825**	**291185**	**82060**	**343005**	**35870**	**237630**	**69435**	**292225**	**46740**	**179570**	**65910**	**234060**	**52555**	**136325**	**45070**
Belgium	n.a.	n.a.	n.a.	n.a.	19975	1340	17985	645	15435	2350	12060	1020	17585	3700	10345	3545	8135	2230	5905	n.a.
Bulgaria	2235	720	755	760	1930	420	985	520	965	270	335	360	945	85	380	480	695	95	215	385
Czech Republic	12065	115	5135	6810	13400	260	7800	5340	7880	185	4635	3065	4375	330	2635	1410	3020	365	2195	460
Denmark	n.a.	n.a.	n.a.	n.a.	3430	765	2660	n.a.	2155	210	1945	n.a.	1325	230	1100	n.a.	985	190	790	n.a.
Germany	130130	8105	78845	43175	93885	4705	63000	26180	61960	3030	38600	20330	48100	3120	27450	17530	30760	1950	17780	11025
Estonia	n.a.	n.a.	n.a.	n.a.	15	0	15	0	10	0	10	0	15	5	10	0	5	0	5	0
Ireland	n.a.	n.a.	n.a.	n.a.	8190	345	7845	n.a.	6890	430	6460	n.a.	5240	455	4785	n.a.	4245	395	3845	n.a.
Greece	n.a.	n.a.	n.a.	n.a.	4810	40	4770	0	3865	50	3745	n.a.	10420	125	4585	5710	11170	195	9600	1380
Spain	6235	275	5960	n.a.	6985	405	6580	n.a.	6670	370	6305	n.a.	5140	345	4790	n.a.	4065	205	3860	n.a.
France	49960	6240	43720	n.a.	66345	6525	59820	n.a.	68120	6360	61760	n.a.	51270	4185	47090	n.a.	37715	2930	34785	n.a.
Italy*	16875	1255	15620	2050	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	20055	5295	7285	7475	*12125*	*3030*	*2685*	*6410*
Cyprus	n.a.	n.a.	n.a.	n.a.	405	10	265	130	5335	75	2735	2525	5795	160	3125	2510	5585	170	1780	3635
Latvia	25	0	25	0	10	5	5	0	10	0	5	5	10	0	5	5	15	10	0	5
Lithuania	385	285	45	55	775	490	55	230	560	420	50	90	385	345	30	10	445	315	30	20
Luxembourg	1050	80	970	n.a.	1205	170	995	n.a.	n.a.	n.a.	n.a.	n.a.	1480	670	555	255	890	350	495	25
Hungary	9200	1580	2570	5045	3930	950	1545	1435	1785	325	930	525	1655	190	855	610	2020	200	1215	605
Malta*	n.a.	n.a.	n.a.	n.a.	470	260	210	0	755	535	225	0	1085	535	550	n.a.	*965*	*440*	*525*	n.a.
Netherlands	34255	3555	26480	4220	21765	4620	14560	2585	15655	4535	8180	2940	19750	8820	8085	2850	14180	4345	7520	2320
Austria	29880	1075	4285	24525	35610	2085	4950	28575	25425	5135	5070	15220	18585	4530	5425	8635	15490	4065	5865	5560
Poland	5415	255	4670	490	7750	245	3140	4365	5895	1130	2000	2765	8840	2145	2285	4415	7280	2465	935	3875
Portugal	230	30	165	30	100	15	85	0	75	10	60	0	90	15	75	0	105	30	75	0
Romania	1160	130	950	80	835	110	655	70	555	90	405	65	470	55	415	0	365	55	270	40
Slovenia	740	5	120	615	1195	50	145	995	1035	35	325	670	1785	25	665	1095	900	10	570	325
Slovak Republic	n.a.	n.a.	n.a.	n.a.	7420	10	830	6580	13390	15	1595	11780	3785	25	825	2935	2815	10	860	1945
Finland	3035	595	2265	175	3320	495	2440	385	4730	790	3395	540	3455	570	2515	370	2520	695	1540	285
Sweden	27115	5500	18480	3135	31005	4320	22660	4025	34945	3165	27765	4010	23920	5355	15930	2635	40220	22755	12675	4790
United Kingdom	103450	33460	69990	n.a.	80370	13185	67185	n.a.	58915	6355	49040	3520	36650	5425	27780	3440	27345	5055	20305	1985

Remarks:

2006

IT - Jan-Sep only

MT - Jan-Oct only

New asylum applications by citizenship (only data disaggregated by citizenship inlcuded)

	Cumulated 2002-2006*		2002*		2003*		2004*		2005		2006*	
	Number	% of total applications	Number	% of total applications	Number	% of total applications	Number	% of total applications	Number	% of total applications	Number	% of total applications
TOTAL	**1250020**	100,0%	**258370**	100,0%	**323530**	100,0%	**258935**	100,0%	**227425**	100,0%	**181760**	100,0%
Russia	96075	7,7%	8615	3,3%	30150	9,3%	26390	10,2%	18160	8,0%	12760	7,0%
Iraq	93895	7,5%	33995	13,2%	21965	6,8%	7910	3,1%	10805	4,8%	19215	10,6%
Serbia and Montenegro	84935	6,8%	16475	6,4%	18875	5,8%	17375	6,7%	19485	8,6%	12725	7,0%
Turkey	71505	5,7%	17940	6,9%	21945	6,8%	13600	5,3%	10790	4,7%	7225	4,0%
Afghanistan	52080	4,2%	19125	7,4%	11625	3,6%			6765	3,0%	7430	4,1%
China	46480	3,7%			15155	4,7%	11445	4,4%	7765	3,4%	5410	3,0%
Nigeria	43935	3,5%	9445	3,7%	11775	3,6%	10030	3,9%	7545	3,3%		
Somalia	41735	3,3%	10200	3,9%	13065	4,0%					5825	3,2%
Iran	41350	3,3%	8015	3,1%	10475	3,2%	8760	3,4%	7485	3,3%	6610	3,6%
India	37835	3,0%	8055	3,1%	10750	3,3%	9710	3,7%				
Zimbabwe			9095	3,5%								
Pakistan							8940	3,5%	6810	3,0%	6250	3,4%
Congo, the Democratic Republic of the							7580	2,9%				
Georgia									6345	2,8%		
Bangladesh											5935	3,3%
Other (non TOP10)	640195	51,2%	117405	45,4%	157750	48,8%	137190	53,0%	125475	55,2%	92375	50,8%

Remarks:
2002 - no data disaggregated by citizenship available for DK, FR, IT, NL, PT, FI, SE, CY, CZ, EE, HU, LV, MT, PL, SK, SI, BG
2003, 2004, 2006 - no data disaggregated by citizenship available for IT
2006 - MT, Jan-Oct 2006

year 2005	RUSSIA				IRAQ				SERBIA AND MONTENEGRO			
	Number of asylum applications	% of positive decisions	% of rejection decisions	% of other non status decisions	Number of asylum applications	% of positive decisions	% of rejection decisions	% of other non status decisions	Number of asylum applications	% of positive decisions	% of rejection decisions	% of other non status decisions
EU27	**18160**	**33,6%**	**33,8%**	**32,7%**	**10805**	**29,2%**	**55,1%**	**15,7%**	**19485**	**7,8%**	**55,9%**	**36,3%**
Belgium	1010	65,4%	22,1%	12,5%	825	13,8%	62,9%	23,3%	740	1,4%	64,7%	33,9%
Bulgaria	10	0,0%	61,5%	38,5%	45	48,9%	2,2%	48,9%	5	0,0%	50,0%	50,0%
Czech Republic	235	30,1%	38,6%	31,3%	45	2,6%	7,7%	89,7%	30	0,0%	84,6%	15,4%
Denmark	120	83,3%	16,7%	0,0%	265	7,0%	93,0%	0,0%	385	0,3%	99,7%	0,0%
Germany	1720	14,5%	52,6%	33,0%	1985	3,7%	73,5%	22,8%	5520	1,0%	43,4%	55,7%
Estonia	5	0,0%	100,0%	0,0%	5	25,0%	75,0%	0,0%	0	-	-	-
Ireland	45	3,5%	96,5%	0,0%	55	15,7%	84,3%	0,0%	30	10,9%	89,1%	0,0%
Greece	355	2,1%	9,6%	88,3%	970	1,3%	82,3%	16,4%	0	0,0%	100,0%	0,0%
Spain	135	33,1%	66,9%	0,0%	40	57,7%	42,3%	0,0%	45	17,3%	82,7%	0,0%
France	1980	30,3%	69,7%	0,0%	105	16,1%	83,9%	0,0%	2570	12,4%	87,6%	0,0%
Italy	70	11,8%	50,0%	38,2%	320	8,4%	40,6%	51,0%	775	10,6%	49,3%	39,7%
Cyprus	355	7,2%	59,4%	33,3%	145	15,5%	2,8%	81,7%	0	-	-	-
Latvia	5	0,0%	50,0%	50,0%	5	0,0%	0,0%	100,0%	0	-	-	-
Lithuania	70	94,7%	5,0%	0,3%	5	40,0%	0,0%	60,0%	0	-	-	-
Luxembourg	55	n.a.	n.a.	n.a.	10	n.a.	n.a.	n.a.	215	n.a.	n.a.	n.a.
Hungary	35	10,9%	41,3%	47,8%	20	44,4%	25,9%	29,6%	245	10,0%	39,8%	50,2%
Malta	0	-	-	-	25	50,0%	50,0%	0,0%	5	12,5%	87,5%	0,0%
Netherlands	285	40,5%	44,7%	14,8%	1620	58,1%	26,5%	15,4%	335	19,5%	63,6%	16,9%
Austria	4355	74,1%	7,7%	18,2%	220	38,0%	14,3%	47,7%	4405	20,0%	43,9%	36,0%
Poland	4825	25,4%	23,1%	51,5%	10	12,5%	31,3%	56,3%	0	0,0%	0,0%	100,0%
Portugal	5	0,0%	100,0%	0,0%	0	-	-	-	0	0,0%	100,0%	0,0%
Romania	5	0,0%	100,0%	0,0%	70	40,3%	59,7%	0,0%	0	0,0%	100,0%	0,0%
Slovenia	10	7,7%	15,4%	76,9%	15	0,0%	20,0%	80,0%	525	2,8%	45,9%	51,3%
Slovak Republic	1035	0,0%	12,0%	88,0%	35	2,0%	44,0%	54,0%	30	17,5%	42,5%	40,0%
Finland	225	15,4%	61,2%	23,3%	285	42,3%	49,5%	8,2%	445	9,0%	81,9%	9,0%
Sweden	1010	11,5%	74,9%	13,6%	2100	51,1%	42,7%	6,3%	2980	18,4%	71,0%	10,6%
United Kingdom	200	15,6%	76,3%	8,0%	1595	8,6%	88,1%	3,3%	195	7,3%	54,8%	37,9%

Remarks:
Recognition rates are calculated here as the number of positive decisions in the reference year divided by the total number of decisions in that year.

Refugee population of UNHCR regions

UNHCR regions	Population end-2005
East and Horn of Africa	772,000
Central Africa and the Great Lakes	1,193,700
West Africa	377,200
Southern Africa	228,600
Total Africa	2,571,500
CASWANAME	2,725,200
The Americas	564,300
Asia and Pacific	825,600
Europe	1,975,500
TOTAL	8,662,100

Source: 2005 UNHCR Statistical Yearbook