



# Responding to the EU refugee 'crisis': Reform of the Common European Asylum System and enhancing external engagement

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# Refugees and asylum seekers – an EU challenge

- *EU 2016 to end October: c. 1,1 m. asylum app's (marginally higher than same period in 2015) [Note that figures still reflect backlog in DE from 2015]*
- *EU 2015 + preceding years: EU 28 received c. 1,25 m. asylum app's in 2015 – more than double the number in 2014, and number has been steadily rising since 2008 (c. 230.000).*
- *Where from?: Top 3 nationalities (2015) = 53% of total applicants: SY = 29% of applicants, AFG = 14%, IQ = 10%*
- *An uneven distribution: With 441,800 asylum claims, Germany was largest recipient (= 35% of EU total; [61% in Q2 2016]), followed by Hungary (174,400 = 14% of EU total), Sweden (156,500 = 12% of EU total), Austria (85,500 = 7% of EU total), Italy (83,200), France (70,600)*
- *Resulting backlog: 922,800 pending applications at end 2015 [1,1 m. at end of Q2 2016]*



# Refugees and asylum seekers – a global challenge

*UNHCR estimates:*

- *c.65 million individuals forcibly displaced worldwide (21.3 million = refugees) as a result of persecution, conflict, generalized violence, human rights violations – highest levels of displacement in the post-World War II era*
- *top ten refugee-hosting States: Turkey hosts largest number of registered refugees worldwide (c.2.5 million), followed by Pakistan (c.1.6 million), Lebanon (c.1.2 million), Iran (c.1 million), Ethiopia (c. 736,000), Jordan (c.665,000), Kenya (c.550,000), followed by Uganda, Chad, Sudan.*
- *top ten refugee-hosting States per 1000 pop: Lebanon, Jordan, Nauru, Chad, Turkey, S, Sudan, Mauritania, Djibouti, Sweden, Malta*



# Refugee protection legal framework – worldwide & EU

- *1951 Geneva Refugee Convention (+ 1967 Protocol) – all EU MSs = signatories*
- *1950 ECHR (Art. 3)*
- *1990 Dublin Convention*
- *2000 EU Charter of Fundamental Rights – now enshrined in Treaties (incl. 'right to asylum')*
- *Tampere European Council conclusions 1999 ... CEAS launched – 'first generation' CEAS (2001-5)*



# CEAS today – 'second generation' completed

## *CEAS legal framework:*

- *Temporary Protection Directive (2001)*
- *Rev. Qualification Directive (2011)*
- *Rev. Dublin Regulation; Rev. Eurodac Regulation; Rev. Procedures Directive; Rev. Reception Conditions Directive (2013)*
- *EASO Regulation (2010)*
- *ERF (2007), AMIF (2014)*



# A comprehensive approach to migration

- *EAM (May 2015) advocates comprehensive approach to migration*
- *Overall philosophy of COM approach: moving from chaos to managed migration – addressing root causes of displacement – assisting third countries of first refuge/transit – preventing + deterring irregular, dangerous journeys to EU – greater efficiency / harmonisation of EU migration/asylum system – more fair + effective burden-sharing in EU*

# Why reform the CEAS now?

*'Crisis' questions 'fitness for purpose' of current instruments – COM Communication 06.04.2016; unprecedented influx of migrants, incl. many seeking asylum = huge strain on national asylum systems, exposing structural weaknesses in design + implementation of EU asylum system, incl.:*

- **Inequitable distribution of asylum-seekers / beneficiaries across the EU**
- **Differing treatment of asylum-seekers / beneficiaries across the EU**
- **Widespread 'secondary movements'**

## Helping the 'front-line' States

- *Council relocation decisions Sept. 2015: 160,000 asylum-seekers 'in clear need of international protection' to be relocated from Italy and Greece; COM proposal f. permanent crisis relocation mechanism*
- *'Hotspot' approach*
- *Deployment of Member State asylum experts via EASO Support Teams*
- *EU emergency funding*



# Dublin Regulation

- *System for identification of MS responsible – little changed in its essentials since 1990 Dublin Convention – primary reliance on irregular entry as default criterion: places main 'burden' on frontline States, raising questions of fairness + sustainability*
- *Implementation shortcomings (widespread absconding, evidentiary problems, etc.)*
- *Impossibility to effect transfers to MSs with 'systemic deficiencies'*



# Dublin Regulation

*COM Proposal (May 2016):*

- *'Corrective allocation mechanism' (triggered if MS reaches 150% of 'fair' allocation, by ref. to population/GDP – 'financial solidarity' = Euro 250.000/applicant – no relocation of inadmissible applicants or applicants from SCOs)*
- *Obligation to apply in first MS of irregular entry or MS of legal stay (no choice of MS)*
- *Removal of rules on cessation of responsibility*
- *Changed definition of family members*
- *Shorter deadlines*
- *Poss. to transfer beneficiaries of int. protection ('take back')*



# Eurodac

*COM Proposal (May 2016):*

- Adjustments to match Dublin changes*
- Lowering of age f. 14 to 6 (in minors' interests; reliability confirmed – ref JRC report)*
- Poss. to store + search data for purposes of facilitating detection of irregular migrants + return*
- Poss. to store more data (incl. alpha-numeric, s.a. name), facial images etc.*



# Asylum Agency

*COM Proposal (May 2016):*

- From a Support Office (EASO) to a fully-fledged Agency (EUAA) ..*
- Reinforce operational role of agency (incl. standing Intervention Pool of 500 experts)*
- Enhanced guidance on COI/eligibility*
- Monitoring + evaluation role*
- Significant increase in resources*
- Guidelines/best practices development*
- Oversight of new Dublin system*

# Asylum Procedures

*COM Proposal (July 2016):*

- Transform Directive into Regulation – a single asylum procedure across all MSs (directly applicable), incl. removal of discretionary provisions*
- Harmonisation of use of procedural tools (accelerated procedures etc.), and of (shorter) deadlines (incl. for appeal)*
- EU approach to use of 'safe country' provisions (5 yr. transition)*
- Stricter rules for preventing abuse + secondary movements*
- Free legal assistance at first instance + first appeal level, with limited exceptions*
- More detailed provisions re minors/guardianship*



# Asylum Qualification

*COM Proposal (July 2016):*

- Transform Directive into Regulation (directly applicable), incl. removal of discretionary provisions (e.g. internal protection)*
- Convergence facilitated by common EUAA guidance on countries-of-origin*
- Systematic, regular status reviews (in early stages post-recognition + where EUAA guidance on COI changes)*
- Further harmonisation of content of protection (residence permit validity period, clarification of scope of social benefits)*
- Certain social benefits contingent on cooperation in integration*
- Addressing secondary movements: adjustments to Dublin + LTR*

# Reception Conditions Directive

*COM Proposal (July 2016):*

- Further harmonisation of reception conditions, incl. taking account of common standards developed by EASO*
- To tackle secondary movements: obligation to apply in first MS of irregular entry / MS of legal stay = underpinned by only granting full reception rights in MS where 'required to be present' + possibility to impose residence restrictions (even detention if necessary)*
- Earlier access to the labour market (after 6 months unless from SCO/accelerated), to facilitate integration + self-sufficiency*
- Stricter rules on travel documents*
- Obligation to draw up contingency plans*

# Why an external dimension to EU asylum policy?

*Three main objectives:*

*Humanitarian motive: to ensure the EU plays its part as responsible member of international community to assist in supporting refugee protection globally*

*Solidarity motive: to support third countries hosting the greatest number of refugees worldwide*

*Migration management motive: to help better manage migration flows to the EU, in our social, economic, security interests*

*.. but all 3 are inter-linked, as 2015/16 has demonstrated ..*





# Achieving the EU external asylum policy objectives

*Achieving the objectives:*

*Advocacy of adherence by third countries with international standards & engagement in international initiatives*

*Leveraging EU position in trade/FP/mobility dialogues/enlargement*

*Humanitarian aid and capacity-building in third countries*

*Resettlement – durable solution to protracted refugee situations & solidarity with host countries (+ advocacy of alternative legal avenues to access protection in the EU)*

*Bilateral migration management arrangements*

*New multilateral migration management arrangements?*

# Support, advocacy and leverage

*'Soft' advocacy in international fora, neighbourhood policy, migration/VF dialogues – support/encouragement to host countries, partner countries, international organisations*

*Enlargement: asylum-related benchmarks for opening + closing of 'Chapter 24' [Candidates: Serbia, Albania, TK, Montenegro, FYROM; potential candidates ('EU perspective'): BiH, KV] = approximation with EU acquis*

*Visa liberalisation process: asylum-related benchmarks (e.g. WB, Moldova = visa requirement lifted; UKR, Georgia = COM proposal to lift visa requirement; Russia: process suspended, etc.)*

# Facilitating voluntary repatriation + integration in regions of origin

*Conflict resolution initiatives*

*Encouragement to return, where possible, but  
c.50% of world's refugees in 'protracted'  
situations*

*Advantages of voluntary repatriation + 'local'  
integration over resettlement*

*Humanitarian / development aid to refugee-  
hosting countries: facilitating integration in  
regions-of-origin*

# Humanitarian / development aid

*COM Communication of 26/4: strategic vision on how EU external action can support refugees, IDPs + their host communities – fostering self-reliance, harnessing potential (emphasis on education, access to economic opportunity + social protection) = development-led approach*

*Emergency Trust Fund for Africa (launched at Valetta Summit Nov 2015) – initial allocation = 1.8bn EUR*

*Humanitarian aid to refugees = Eur1.064bn. in 2015 (72% of total EU humanitarian aid budget 2015 = for refugees/displacement), on top of 854m. in 2014*

## Aid to Syria + neighbouring States

*c. Eur 6bn. in aid since beginning of crisis  
(humanitarian, development, stabilisation) – both  
in SY + neighbouring States, esp. TK, JOR, LEB  
EU London Feb. 2015 pledge = Eur 2.4bn.  
Syria Trust Fund, for resilience needs of  
neighbouring States = Eur 427m.  
Facility for refugees in TK = Eur 3bn. for 2016-17  
+ further Eur 3bn. for until end 2018*

## RDPPs

*Regional Development and Protection Programmes (RDPPs) = specific tool for refugee-related capacity building in regions of origin:*

*North Africa (since 2015; Eur 30m. to date),  
Middle East (since 2014; Eur 41m. to date), Horn  
of Africa (since 2015-; Eur 120m. + to date)*

*Actions financed include variety of protection +  
development-oriented actions, w. particular focus  
on asylum system capacity building*

# Resettlement - a developing EU dimension

*Advantages of resettlement: focus on vulnerability – managed process as opposed to spontaneous arrivals – planned integration*

*EU versus rest of industrialised world*

*pre-2012: voluntary process involving only some Member States*

*since 2012 (ERF + later AMIF): funding incentives and linkage with agreed EU priorities – focus on inclusiveness – new role for EASO*



# Resettlement – a new EU framework?

*COM Recommendation June 2015, leading to July 2015 Resettlement Conclusions – 22,504 to be resettled over 2 years: to date, 10.000+ resettled to MSs to date*

*December 2015 VHAS proposal (linkage w. EU-TK migration management)*

*1-1 EU-TK (resettled from TK to EU): 1.600+ SY so far*

*COM Proposal of July 2016: a new EU 'Resettlement Framework'?*

*Key features of proposal include:*

- Annual Union Resettlement Plan (Council IA, based on COM proposal)
- Targeted resettlement schemes (COM IA)
- A common resettlement procedure (ordinary/expedited)





# Bilateral arrangements: Compacts, EU-TK Statement of 18 March

*JAP agreed November 2015: TK to manage irregular flows  
in return for certain concessions*

*COM VHAS proposal December 2015*

*EU-TK Statement, 18/3:*

- All new arrivals from 20/3, including asylum seekers to  
be returned to TK, after claims found inadmissible or  
unfounded*
- 1-1 resettlement for every Syrian returned*

*New 'Partnership Framework with third countries' (COM  
Communication, 07/06/16) – 'Compacts'*

# Future for global management of refugees/displaced

*Migration/displacement's potential to increasingly undermine global stability ..*

*1951 Refugee Convention – underlying spirit of solidarity needs to be respected*

*Bilateral arrangements to play an increasingly important role for EU and rest of the world?*

*Need / prospects for a new multilateral compact to ensure a fair, sustainable repartition of responsibilities worldwide? UNGA NY Sept. 2016..*

Thank you for listening!

*Disclaimer: The views expressed in this presentation are the personal views of the author and do not represent an official position of the European Commission*