



## Completing the reform of the Common European Asylum System: towards an efficient, fair and humane asylum policy

Brussels, 13 July 2016

The European Commission is today presenting proposals to complete the reform of the Common European Asylum System in order to move towards a fully efficient, fair and humane asylum policy – one which can function effectively both in times of normal and in times of high migratory pressure. To this end, and learning from experience, a more efficient and coherent asylum system requires a common and harmonised set of rules at EU level. The Commission is therefore proposing the creation of a common procedure for international protection, uniform standards for protection and rights granted to beneficiaries of international protection and the further harmonisation of reception conditions in the EU. Overall, these proposals will simplify and shorten the asylum procedure and the decision-making, discourage secondary movements of asylum seekers and increase integration prospects of those that are entitled to international protection.

First Vice-President Frans **Timmermans** said: *"The EU needs an asylum system which is both effective and protective, based on common rules, solidarity and a fair sharing of responsibilities. The proposed reforms will make sure that persons in genuine need of international protection get it quickly, but also that those who do not have the right to receive protection in the EU can be returned swiftly. With today's proposals, all the elements for the reform of the Common European Asylum Policy are on the table of the European Parliament and the Council."*

Commissioner for Migration, Home Affairs and Citizenship, Dimitris **Avramopoulos** said: *"What we propose today is the closing piece of a comprehensive reform of the EU's common asylum system. The changes will create a genuine common asylum procedure and guarantee that asylum seekers are treated in an equal and appropriate manner, regardless of the Member State in which they make their application. At the same time, we set clear obligations and duties for asylum seekers to prevent secondary movements and abuse of the procedures. Our objective is to have a common system which is quick, efficient and based on harmonised rules and mutual trust between Member States."*

The legislative proposals presented today follow the first set of [proposals adopted](#) by the Commission on 4 May to reform the Common European Asylum System as outlined in the European Agenda on Migration and the Commission's [Communication](#) of 6 April. They are aimed at building a solid, coherent and integrated European asylum system based on common, harmonised rules, which are fully in line with the international protection standards under the Geneva Convention and fundamental rights instruments.

### A fair and efficient common EU procedure

The Commission is proposing to **replace the Asylum Procedures Directive with a Regulation** establishing a fully harmonised common EU procedure for international protection to reduce differences in recognition rates from one Member State to the next, discourage secondary movements and ensure common effective procedural guarantees for asylum seekers. The proposal will:

- **Simplify, clarify and shorten asylum procedures:** The overall procedure is shortened and streamlined, with decisions normally to be taken within six months or less. Shorter time-limits (between one and two months) are introduced in particular in cases where applications are inadmissible or manifestly unfounded, or in cases where the accelerated procedure applies. Time limits are also introduced for lodging appeals (ranging from one week to one month) and for decisions at the first appeal stage (ranging from two to six months);
- **Ensure common guarantees for asylum seekers:** Asylum seekers will be guaranteed the right to a personal interview and to free legal assistance and representation already during the administrative procedure. Reinforced safeguards are provided for asylum seekers with special needs and for unaccompanied minors, for whom a guardian should be assigned at the latest five days after an application has been made;
- **Ensure stricter rules to combat abuse:** New obligations to cooperate with the authorities

are introduced as well as strict consequences if these obligations are not met. Sanctions for abuse of the process, lack of cooperation and secondary movements, which are currently optional, are made compulsory, and include the rejection of the application as implicitly withdrawn or manifestly unfounded, or the application of the accelerated procedure;

- **Harmonise rules on safe countries:** The Commission clarifies and makes mandatory the application of the safe country concepts. The Commission also proposes to fully replace the national designations of safe countries of origin and safe third countries with European lists or designations at EU level within five years from the entry into force of the Regulation.

### **Harmonised protection standards and rights**

Asylum seekers must be able to obtain the same form of protection regardless of the Member State in which they make their application and for as long as it is needed. To harmonise protection standards in the EU and put an end to secondary movements and asylum shopping, the Commission proposes to **replace the existing Qualification Directive with a new Regulation**. The proposal will ensure:

- **Greater convergence of recognition rates and forms of protection:** The type of protection and the duration of residence permits granted to beneficiaries of international protection will be harmonised. Member States will be obliged to take into account guidance provided by the European Agency for Asylum on the situation in the country of origin of an asylum seeker as well as assessing possible internal protection alternatives whilst fully respecting the principle of non-refoulement.
- **Firmer rules sanctioning secondary movements:** The five-year waiting period for beneficiaries of international protection to become eligible for long term resident status will be restarted each time the person is found in a Member State where he/she does not have the right to stay or reside;
- **Protection is granted only for as long as it is needed:** A compulsory status review is introduced to take into account, for example, changes in countries of origin which could impact the need for protection;
- **Strengthened integration incentives:** The rights and obligations of persons benefitting from international protection with regard to social security and social assistance will be clarified and access to certain types of social assistance can be made conditional on participation in integration measures.

### **Dignified and harmonised reception conditions throughout the EU**

Finally, the Commission is proposing to **reform the Reception Conditions Directive** to ensure that asylum seekers can benefit from harmonised and dignified reception standards throughout the EU, hence helping to prevent secondary movements. The reform includes:

- Ensuring Member States apply the **standards and indicators on reception conditions developed by the European Asylum Support Office** and draw up and constantly update **contingency plans** to ensure sufficient and adequate reception capacity, including in situations of disproportionate pressure;
- **Ensuring asylum seekers remain available and discouraging them from absconding** by allowing Member States to assign a residence to them or impose reporting obligations. In cases where an asylum seeker is not complying with the obligation to reside in a specific place and where there is a risk of absconding, Member States can make use of detention;
- **Clarifying that reception conditions will only be provided in the Member State responsible** and establishing clearer rules on when entitlement to material reception conditions can be scaled back and when financial allowances may be replaced with material reception conditions provided in kind;
- **Granting earlier access to the labour market**, at the latest six months after an application for asylum is lodged, thereby reducing dependency, and providing that such access is in full compliance with labour market standards;
- **Common reinforced guarantees** for asylum seekers with special needs and for unaccompanied minors, for whom a guardian should be assigned at the latest five days after an application has been made.

### **Background**

Upon taking office, European Commission President Jean-Claude Juncker entrusted a Commissioner

with special responsibility for Migration, Dimitris Avramopoulos, to work together with the other Commissioners, under the coordination of First Vice-President Frans Timmermans, on a new policy on migration as one of the 10 priorities of the [Political Guidelines](#) of the Juncker Commission.

On 13 May 2015, the European Commission proposed a far-reaching strategy, through the [European Agenda on Migration](#), to tackle the immediate challenges of the ongoing crisis, as well as to equip the EU with the tools to better manage migration in the medium and long term, in the areas of irregular migration, borders, asylum and legal migration. Three implementation packages under the Agenda were presented last year, on [27 May](#) 2015, [9 September](#) 2015 and [15 December](#) 2015.

On [6 April 2016](#), the European Commission published a Communication which launched the process for reforming the current Common European Asylum System as announced by President Juncker in his Political Guidelines and as set out in the European Agenda on Migration.

Thereafter, the Commission presented a [first package of reforms on 4 May 2016](#). The package included proposals for establishing a sustainable and fair Dublin system, reinforcing the Eurodac system and establishing a genuine European Agency for Asylum.

The Communication from 6 April also set the objective of reducing irregular migration flows including by establishing safe and legal channels for those in need of protection to reach the EU. To this end, the Commission is also today presenting a [proposal for an EU Resettlement Framework](#).

### **For more information**

[Questions and Answers](#) - Reforming the Common European Asylum System

[FACTSHEET](#) - Asylum procedures: reforming the Common European Asylum System

[FACTSHEET](#) - Qualification: Reforming the Common European Asylum System

[FACTSHEET](#) - Reception Conditions: reforming the Common European Asylum System

[FACTSHEET](#) - The Common European Asylum System

[Press release](#) - Legal Migration: Commission proposes to pool EU resettlement efforts over the long term

[Frequently asked questions](#) - Establishing an EU Resettlement Framework

[Proposal](#) for a Regulation of the European Parliament and the Council establishing a common procedure in the Union and repealing Directive 2013/32/EU

[Proposal](#) for a Regulation of the European Parliament and Council on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted and amending Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents

[Proposal](#) for a Directive of the European Parliament and of the Council laying down standards for the reception of applicants for international protection (recast)

[Press release](#): Towards a sustainable and fair Common European Asylum System

[Questions and Answers](#): Reforming the Common European Asylum System (4 May)

[FACTSHEET: The reform of the Dublin System](#)

[Communication: Towards a Reform of the Common European Asylum System and Enhancing Legal Avenues to Europe](#)

[European Agenda on Migration](#)

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