



ADOPTED TEXT N° 359  
Provisional Act

# NATIONAL ASSEMBLY

CONSTITUTION OF 4 OCTOBER 1958

FIFTEENTH LEGISLATURE

2019-2020 ORDINARY SESSION

30 November 2019

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## EUROPEAN RESOLUTION

*on the reform of the European right to asylum.*

Is considered as final, pursuant to Article 151-7 of the Rules of Procedure, the resolution which reads as follows:

See numbers: 2343 and 2410.

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## Single Article

The National Assembly,

Having regard to Article 88-4 of the Constitution,

Having regard to Article 2 of the Treaty on European Union,

Having regard to the proposal for a regulation of the European Parliament and of the Council establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast) (COM[2016] 270 final),

Having regard to the proposal for a regulation of the European Parliament and of the Council on the European Union Agency for Asylum and repealing Regulation (EU) n° 439/2010 (COM[2016] 271 final),

Having regard to the proposal for a regulation of the European Parliament and of the Council on the creation of a ‘Eurodac’ for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person, and for identifying third-country nationals or stateless persons residing without authorisation, and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, (COM[2016] 272 final),

Having regard to the proposal for a directive of the European Parliament and of the Council laying down standards for the reception of applicants for international protection (recast) (COM[2016] 465 final),

Having regard to the proposal for a regulation of the European Parliament and of the 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 2011/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents (COM[2016] 466 final),

Having regard to the proposal for a regulation of the European Parliament and of the Council establishing a common procedure for international protection in the Union and repealing Directive 2013/32/UE (COM[2016] 467 final),

Having regard to the proposal for a regulation of the European Parliament and of the Council establishing a Union Resettlement Framework and amending Regulation (EU) N° 516/2014 of the European Parliament and the Council (COM[2016] 468 final),

Considering that European asylum law is primarily based on the Geneva Convention relating to the Status of Refugees of 28 July 1951, which defines both the rights of uprooted persons and the legal obligations of States to ensure their protection, and must therefore be analysed separately from, and in parallel with, a European migration policy;

Considering the international, and not just European, nature of current migration crises, confirmed by the latest available data, especially those of the Organisation for Economic Cooperation and Development;

Considering that European asylum law must comply both with the moral obligation of Member States and European values, and with the need to cope with significant increases in applications for international protection, including when peaks are reached, as was the case in 2015;

Considering that differing treatments of asylum applications between Member States are part of the factors which encourage internal secondary movements within the territory of the Union, causing challenging human situations and significant financial costs;

1. Believes that a reform of the European right to asylum is necessary, despite the difficulty for Member States to achieve progress on the ‘asylum package’ texts within the Council of the European Union;

2. Welcomes the choice to mostly use regulations in order to successfully achieve this reform, since their direct implementation leads to clarity and efficiency;

3. Believes, therefore, that it is necessary to deal with these various issues in a global manner, with an emphasis on coordinating adoption of the texts;

4. Believes that an ambitious solidarity mechanism must be at the heart of the reform, in order to better share the burdens connected with the recep-

tion and integration of asylum seekers borne mainly by the Member States that, because of their geographical position, are appointed as States of first entry on European territory, and that such a mechanism must be primarily based on the relocation of persons in need of protection;

5. Considers that the legal channels to reach the European Union must be strengthened so that the right of asylum may be fully exercised, with the support of European consular authorities present in the countries of origin;

6. Invites the European Commission to respond to the European Parliament's request concerning the establishment of legal channels of migration, as one of the means to fight the economic model used by smugglers;

7. Proposes, therefore, that a discussion be initiated within the European Union on the possibility of delivering specific entry visas on the territory, designed to enable asylum applications to be made in the right conditions;

8. Believes that, in exchange for these legal channels, the resources deployed to return rejected asylum seekers must be enhanced, especially through the Frontex agency;

9. Encourages the conduct of a regular review of the asylum applications by the Member States when these are made in certain third countries which benefited from the liberalisation of the European visa policy with a view, if need be, to apply the visa exemption suspension clause provided for in Council Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing Member States' external borders and those whose nationals are exempt from that requirement;

10. Asks that compliance with fundamental rights be given special attention in the procedure at the European Union's external borders, as provided for in the proposal for a Regulation called 'Procedures', in accordance with the conclusions of the European Council of 28 and 29 June 2018;

11. Opposes the recognition of the notion of 'safe third countries', which would exclude from the right to asylum persons whose exile route would have made them cross certain countries, but proposes that a list of 'safe countries of origin' be established at the European Union level, while enabling Member States to include an additional, national list;

12. Supports the proposals of the European Commission to create a European Union Agency for Asylum, whose role will be enhanced to de-

termine a European asylum attribution mechanism and render it operational;

13. Encourages discussions on the opening up of reception centers for asylum seekers within the European Union, with streamlined management conditions and within which information and effective exercise of the right of asylum would be guaranteed;

14. Calls for the fight against human trafficking and criminal activity by smugglers to be specifically dealt with by means of an ad hoc judicial cooperation between Member States;

15. Calls for intensifying discussions on measures to deal with the particular situation of unaccompanied minors, by establishing a specific European policy and framework;

16. Encourages an assessment of the European protection schemes that take into account vulnerability factors which are not necessarily tied to the asylum seeker's country of origin;

17. Encourages, if appropriate, discussions on a European protection scheme that is separate from, and complementary to, the right to asylum, and which should be granted to persons whose vulnerability is not necessarily linked to their country of origin.

Paris, 30 November 2019.

President,  
Signed: RICHARD FERRAND





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