



A battle on solidarity

State of Play of the Reform of the Common European Asylum System

Briefing by Ska Keller

The ongoing reform of the Common European Asylum System is evolving into a major battle on solidarity between the European Parliament and the Council. While the Parliament as co-legislator calls for a much stronger solidarity-based asylum system, the Council is failing to agree on a fairer sharing of responsibility among Member States and manoeuvres the reform of Dublin system into a deadlock.

The struggle is about both solidarity in the European Union and international solidarity. Key issues are:

- A mechanism for the allocation of asylum seekers among Member States, based on a fair **distribution key**
- The concept of so-called **safe third countries** which opens the possibility to send back asylum seekers to countries outside of Europe, even if they are in clear need of protection

The European Parliament is going to finalize its position this summer/autumn (see timetable in the annex). The cornerstones are already taking shape.

1. Distribution key and responsibility-sharing for asylum seekers

The European Parliament is working on a complete overhaul of the Dublin system. It aims at building the whole European asylum system around solidarity. While negotiations are still ongoing, a majority is evolving for **allocating asylum seekers among all Member States right from the start**.

The key to this approach is the abolition of the ‘first entry criteria’. Currently, the Dublin system places the responsibility for asylum seekers mainly on those few Member States where asylum seekers first enter the EU (mainly Italy and Greece). The Commission proposal for a reform of the Dublin system strengthens this first entry criteria even further. A fair allocation of asylum seekers among all Member States is envisaged only in case of a high number of arrivals. By contrast, the Parliament, on the initiative of Greens/EFA, S&D and GUE, will likely opt for a system of solidarity in which all Member States always take their fair share of responsibility, no matter how many asylum seekers arrive. The Council so far completely fails to agree on any kind of binding solidarity mechanism.

The emerging position of the Parliament on the reform of the Dublin system

	Commission proposal	Emerging position of the European Parliament
Major responsibility for asylum seekers	Member State of first entry (mainly Italy, Greece)	All Member States
Criteria for distribution key	Size of population and GDP	
Allocation of asylum seekers	If the number of asylum applications made in a Member States is above 150% of the reference share based on the distribution key	Always, without any threshold
Exemptions	Member States can buy themselves out with 250,000 € per asylum seeker	Transition phase for Member States which have less experience with asylum seekers Cutting of EU funds for Member States who refuse to take their fair share of asylum seekers No relocation of asylum seekers from a Member State which neglects controlling its borders

The Commission proposes a fully automated allocation system in which a computer determines to which Member State and asylum seeker is sent. The Parliament, by contrast, takes into account that asylum seekers might have good reasons for why they want to live in a particular EU country. They might have relatives in that Member State, studies there or speak the language.

The allocation system suggested by the EP rapporteur on the Dublin reform

1. If an asylum seeker has family in a particular member state, if she stayed in that member state before or if somebody sponsors her stay in that Member State (for instance a relative) she has a right to be allocated to that Member State.
2. If an asylum seeker speaks the language or has other meaningful links with a particular Member State he can request to be allocated to that Member State but will be sent there only if accepted by that Member State.
3. All other asylum seekers can choose between the four Member States with the lowest quota-fulfilment.
4. In addition, asylum seekers can ask to be allocated as group of up to 20 persons (coming for instance from the same region).

Several of the proposals by the EP rapporteur (drafts person) were already developed in the Green Paper [‘A Green Alternative to the Dublin System’](#).

2. International solidarity and ‘safe third countries’

The reform of the European Asylum System is overshadowed by the deal between EU Member States and Turkey. The Commission proposes to integrate key elements of the deal into the asylum reform, in particular the concept of safe third countries and obligatory admissibility checks. **This would oblige Member States to close their door for refugees.** They would have to immediately return asylum seekers to the country from which they travelled to Europe.

The Commission proposes that every asylum seeker arriving in the EU will first have to undergo an admissibility check. The sole purpose of this check is to examine if the asylum seeker travelled to the EU from a so-called safe third country in which she would enjoy sufficient protection, such as for instance Turkey. Mere transit through a safe third country would be enough to immediately return the person to this country, without even taking a look at his or her asylum request.

With this system, the EU would shift the responsibility for protecting refugees largely to countries outside of Europe. EU Member States even want to go a step further and extend the safe country concept to more states surrounding Europe. The upcoming European Council on 22/23 June will even ask the Commission to make a new proposal for lowering the criteria for safe third countries. Since Member States cannot agree on a system of solidarity within the EU, they aim at shifting the responsibility for refugees to countries outside of the EU.

The European Parliament, by contrast, has always uphold the principle that the EU should take its fair share of responsibility for refugees. The EP rapporteur on the relevant piece of the EU asylum reform, the Asylum Procedures Regulation, therefore suggest

- deleting the obligation of Member States to carry out admissibility checks,
- tightening the criteria for safe third countries and
- strengthening the safeguards for asylum seekers.

In addition, the European Parliament demands that Member States **do much more on resettlement.** They should take more refugees from camps in countries such as Lebanon where every fourth inhabitant is a refugee. While the negotiations among political groups on the Resettlement Framework Directive are still ongoing, a majority will likely call for strengthening the European resettlement framework, including

- resettlement as an obligation for Member States
- binding target number for resettlement (by contrast, the Commission proposed maximum number)
- minimum target to be defined in line with UNHCR resettlement needs.

3. Further procedure and timetable

The European Parliament is co-legislators on the reform of the European Asylum System. As the Council, it has a full say on how the reform finally will look like. Currently the Parliament is defining its position for the upcoming negotiations with the Council. The votes listed in the table below are hence votes on the Parliament's position. The final shape of the asylum reform will be defined in the negotiation between Parliament and Council.

Timetable

	Vote in the Civil Liberties Committee	Vote in Plenary*
Dublin Regulation	Probably after summer break	Autumn
Asylum Procedures Regulation	Probably after summer break	Autumn
Qualifications Regulation	15 June 2017	July
Reception Conditions Directive	25 April 2017	June
Resettlement Framework Directive	Probably in July	Probably September
Eurodac Regulation	18 May 2017	June
European Asylum Agency	8 December 2016	

* During the vote in plenary, the position by the Civil Liberties Committee can only be rejected as a whole but it cannot be amended anymore.

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