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Mitglied des Europäischen Parlaments

## Position of the European Parliament on reforming the Dublin system

Legislative procedure: With the vote today, the Parliament defines its position for the trilogue negotiations with the Council. The Council is still far from reaching an agreement on its position. In their forthcoming joint trilogue negotiations the EP and the Council will have to agree on an identical text in order for the new Dublin Regulation to become European law.

### Key points

The European Parliament wants a complete overhaul of the Dublin system. It aims at building the whole European asylum system around solidarity. **Key elements of the EP position are inspired by our “Green Alternative to the Dublin System”.**

The key to the EP 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 opts 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 fails to agree on any kind of binding solidarity mechanism.

### The position of the Parliament on solidarity in the Dublin system

|  | Commission proposal   | Position of the European Parliament   |
|--|---|---|
| <b>Major responsibility for asylum seekers</b> | Member State of first entry (mainly Italy, Greece)  | All Member States   |
| <b>Persons to be allocated</b>                 | Only asylum seekers who do not come from a safe third country such as for instance Turkey (admissibility check)                 | All asylum seekers except those <ul style="list-style-type: none"> <li>• who are a danger to national security (security verification check) or</li> <li>• whose claim to qualify for international protection is clearly unconvincing</li> </ul> |
| <b>Criteria for distribution key</b>           | Size of population and GDP  |   |
| <b>Allocation of asylum seekers</b>            | 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   |

|                   |   |  |
|-------------------|---|--|
| <b>Exemptions</b> | Member States can buy themselves out with 250,000 € per asylum seeker | <p>Transition phase for Member States which have less experience with asylum seekers</p> <p>Cutting of EU funds (including return funds) for Member States who refuse to take their fair share of asylum seekers</p> <p>No relocation of asylum seekers from a Member State which does not properly register asylum seekers upon arrival</p> |
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### **The allocation system: taking meaningful links into account**

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. This increases their prospects for integration and reduces secondary movement. The Parliament suggests in particular:

1. **Light family procedure** in order to speed up family reunification: If an asylum seekers claims that he has close family in a certain Member State, she/he will have a right to be allocated to that Member State, provided that there is no prima facie evidence that she/he is lying. In case it turns out after relocation that the asylum seeker has actually no family in that member state, he will be relocated randomly to another Member State. The definition of family is slightly extended to siblings, married minors, and dependent adult children.
2. An asylum seeker also has a right to be allocated to a particular Member State, if she **stayed in that member state before**, including for educational or professional training.
3. If an asylum seeker has other **meaningful links** with a particular Member State such as extended family, cultural or social ties or language skills, he can request to be allocated to that Member State but will be sent there only if accepted by that Member State.
4. All other asylum seekers can choose between the four Member States with the lowest quota-fulfilment.
5. In addition, asylum seekers can ask to be allocated as **group of up to 30 persons** to the same Member State (coming for instance from the same region).
6. Organisations such as churches or NGOs can **sponsor** the allocation of an asylum seeker to their Member State.

### **Further aspects**

**Non-compliance:** The Commission suggests to punish asylum seekers who move irregularly to another Member State by withdrawing material reception conditions such as social and housing benefits and by channelling such asylum seekers from a normal asylum procedure into an accelerated procedure. The Parliament objects such disproportionate measures and suggests instead that asylum seekers who moved on

irregularly will have no possibility whatsoever to stay in that Member State. They will be relocated to another Member State without having any choice.

**Discretionary clause:** The Parliament broadens the discretionary clause significantly. Thus Member States can in any case decide to take care of an asylum seeker even if another Member State would normally be responsible for that person.

**Guarantees for minors:** strengthened safeguards for children such as the swift appointment of a guardian within 24 hours and a multidisciplinary assessment before transferring an unaccompanied minor to another Member State.

**Detention:** improved guarantees against detention such as limiting detention of asylum seekers who irregularly moved to another Member States to cases where there is a “proven significant risk of absconding” based on an individual assessment; prohibition to detain minors.