

The Stockholm Programme

Asylum in Europe
Now, it's up to you.



The Stockholm Programme

The Stockholm Programme, due to be adopted by the European Council in December 2009, will determine the EU's priorities and action on international protection from 2010 to 2014. The programme provides an opportunity to bring the Common European Asylum System (CEAS) closer to what it should be: a fair and efficient common asylum system across the Union, which could also serve as a model to other regions of the world. So far, the EU has been able to set common minimum standards in the field of asylum. However, these standards are still subject to varying interpretation and derogations, and the way they are implemented in EU countries varies widely. Moreover, building a CEAS will be meaningless if persons seeking protection are not able to reach the EU. Border control measures must therefore be sensitive to the needs of people seeking protection.

What matters

- **Persons seeking protection should be able to access Europe and asylum procedures**

The sovereign right of States to control their borders must be reconciled with the individual right to seek and enjoy protection from persecution. Methods employed to prevent unauthorised entry of migrants in the EU should allow for those seeking protection to be identified so that they can claim asylum.

In order to reach Europe, refugees are forced to travel irregularly using the same means and routes as other migrants. For example, 75% of persons who arrived irregularly by sea to Italy in 2008 applied for asylum; 50% of the applicants were subsequently recognised as being in need of protection.

Good initiatives to ensure compliance with human rights standards at the borders and better access for asylum seekers to the asylum procedure exist in the EU. For example, tripartite border monitoring agreements, which provide UNHCR and NGO partners with permission to visit border areas and detention centres, are in place in Hungary, Slovenia, Romania and the Slovak Republic. The European Parliament should support the expansion of such border monitoring activities to all countries, with assistance from the External Borders Fund.

- **Decisions made on asylum claims should be consistent and of high quality**

Is it acceptable that two persons of the same nationality, with similar histories, receive different decisions on their claims for asylum, depending on which EU country takes the decision? Given the continuing disparities in the quality of national asylum systems and positive decisions (so-called recognition rates), better and more systematic monitoring of compliance with the EU legislation is required. Mechanisms guaranteeing the quality of EU asylum procedures should be developed in cooperation with UNHCR and NGOs. EU countries should increase their practical cooperation and share information on asylum practices to address problems of consistency and quality. This will support the fundamental rights of people needing protection, discourage secondary movements and help the EU to reach its harmonisation objective.

- **Responsibility sharing must focus on offering the best possible level of protection**

A number of options are possible to answer certain Member States' calls for assistance in the face of significant numbers of people arriving irregularly at their frontiers and straining the capacity of their asylum, reception and integration systems (so-called "particular pressure"). Responsibility-sharing could include relocating people recognised as refugees, or in need of other form of international protection, to another EU Member State; family reunification, the suspension of returning of an applicant back to the point of entry into the EU, and sending asylum support teams to reinforce the capacity of a particular Member State. Intra-EU solidarity should not come at the expense of solidarity with third countries (including through resettlement). Member States benefiting from responsibility-sharing mechanisms must continue to strengthen and improve the capacity and quality of their asylum and reception systems.

What is resettlement? Some refugees cannot go home because of continued fear of persecution, and cannot stay in the first country where they have sought protection because the situation is perilous or because they have specific needs which cannot be addressed there. In such circumstances, resettlement to another country which can provide protection is the answer. The resettlement country provides the refugee with legal and physical protection and the possibility to rebuild his/her life. Nevertheless, resettlement is not a substitute for States' obligations under international and European law to consider applications of spontaneously arriving asylum seekers.

- **The EU shows solidarity by resettling refugees**

The number of EU countries involved in resettlement and the numbers of refugees resettled in the EU remains low but is slowly rising. While UNHCR identified 121,000 people in need of resettlement in 2008, EU countries offered a home to only 5,603 people that year through resettlement programmes in ten countries. By comparison, over 60,000 refugees were resettled to the US. A Common European Resettlement Programme would be a welcome development as it should lead to a greater number of resettlement places in the EU and as a result offer a new future to more refugees in need, and show the EU's solidarity vis-à-vis countries in the developing world which host large numbers of refugees.

