



Towards a sustainable and fair Common European Asylum System

Brussels, 4 May 2016

Towards a sustainable and fair Common European Asylum System

Today the European Commission is presenting proposals to reform the Common European Asylum System by creating a fairer, more efficient and more sustainable system for allocating asylum applications among Member States. The basic principle will remain the same – asylum seekers should, unless they have family elsewhere, apply for asylum in the first country they enter – but a new fairness mechanism will ensure no Member State is left with a disproportionate pressure on its asylum system. Today's proposals also include transforming the existing European Asylum Support Office (EASO) into a fully-fledged European Union Agency for Asylum to reflect its enhanced role in the new system and reinforcing of the EU's fingerprinting database, Eurodac, in order to better manage the asylum system and to help tackle irregular migration.

First Vice-President **Frans Timmermans** said: *"Managing migration better requires action on several fronts, to manage our external borders more effectively, cooperate better with third countries, put an end to smuggling and resettle refugees directly to the EU. We also know that people will keep arriving at our borders and ask for asylum, and we will need to make sure those who need protection receive it. Yet we have seen during this crisis how just a few Member States were placed under incredible strain because of the shortcomings of the present system, which was not designed to deal with situations of this kind. There's simply no way around it: whenever a Member State is overwhelmed, there must be solidarity and a fair sharing of responsibility within the EU. This is what our proposal of today is meant to ensure."*

Commissioner for Migration and Home Affairs, **Dimitris Avramopoulos**, said: *"If the current refugee crisis has shown one thing, it is that the status quo of our Common European Asylum System is not an option. The time has come for a reformed and more equitable system, based on common rules and a fairer sharing of responsibility. With the proposed reform of the Dublin system, the reinforcement of Eurodac and the transformation of EASO into a true European Agency for Asylum, today we are taking a major step in the right direction and putting in place the European-level structures and tools necessary for a future-proof comprehensive system. We will now put all our efforts into working side-by-side with the European Parliament and Member States. We must turn these proposals into reality as swiftly as possible."*

Today's proposals are part of a first set of legislative proposals the Commission is presenting in the context of a major reform of the Common European Asylum System, as outlined in the Commission's [Communication](#) of 6 April 2016. This reform is intended to form the medium term response to future migratory challenges. In the meantime, existing Dublin rules and the two emergency relocation decisions continue to apply and will be enforced by the Commission to the full.

Reforming the 'Dublin' System

The EU's rules for determining which Member State is responsible for dealing with each asylum application (known as the Dublin System) were not designed to ensure a sustainable sharing of responsibility across the EU and guarantee timely processing of applications. Today's proposal will make the Dublin System more transparent and enhance its effectiveness, while providing a mechanism to deal with situations of disproportionate pressure on Member States' asylum systems. The new system is designed to be fairer but also more robust, one that is better able to withstand pressure. The new system will ensure quick determination of Member States' responsibility for examining an asylum application, protecting those in need, and discouraging secondary movements ('asylum shopping').

The new elements include:

- **A fairer system based on solidarity:** with a corrective allocation mechanism (the fairness mechanism). The new system will automatically establish when a country is handling a disproportionate number of asylum applications. It will do this by reference to a country's size and wealth. If one country is receiving disproportionate numbers above and beyond that reference (over 150% of the reference number), all further new applicants in that country will (regardless of nationality) be relocated, after an admissibility verification of their application, across the EU until the number of applications is back below that level. A Member State will also have the option to

temporarily not take part in the reallocation. In that case, it would have to make a solidarity contribution of €250,000 for each applicant for whom it would otherwise have been responsible under the fairness mechanism, to the Member State that is reallocated the person instead;

- **A mechanism that also takes account of resettlement efforts:** the fairness mechanism will also factor in the effort being made by a Member State to resettle those in need of international protection direct from a third country. This will acknowledge the importance of efforts to implement legal and safe pathways to Europe.
- **A more efficient system:** with shorter time limits for sending transfer requests, receiving replies and carrying out transfers of asylum seekers between Member States, and removing shifts of responsibility;
- **Discouraging abuses and secondary movements:** with clearer legal obligations for asylum applicants, including a duty to remain in the Member State responsible for their claim, geographic limits to the provision of material reception benefits and proportionate consequences in case of non-compliance;
- **Protecting asylum seekers' best interests:** with stronger guarantees for unaccompanied minors and a balanced extension of the definition of family members;

The UK and Ireland are not required but instead determine themselves the extent to which they want to participate in these measures, in accordance with the relevant Protocols attached to the Treaties. If they do not opt in, the current rules as they operate today will continue to apply to them, in line with the Treaties.

Reinforcing the Eurodac system

To support the practical implementation of the reformed Dublin System, the Commission is also proposing to adapt and reinforce the Eurodac system and to expand its purpose, facilitating returns and helping tackle irregular migration. The proposal will extend the scope of the Eurodac Regulation to include the possibility for Member States to store and search data belonging to third-country nationals or stateless persons who are not applicants for international protection and found irregularly staying in the EU, so that they can be identified for return and readmission purposes. In full compliance with data protection rules, it will also allow Member States to store more personal data in Eurodac, such as names, dates of birth, nationalities, identity details or travel documents, and facial images of individuals. Increasing the information in the system will allow immigration and asylum authorities to easily identify an irregular third-country national or asylum applicant without having to request the information from another Member State separately, as is currently the case.

Establishing a European Union Agency for Asylum

The proposal will transform the existing European Asylum Support Office into a fully-fledged European Union Agency for Asylum with an enhanced mandate and considerably expanded tasks to address any structural weaknesses that arise in the application of the EU's asylum system.

One of the main new tasks of the Agency will be to operate the reference key in order to apply the fairness mechanism under the new Dublin system. The Agency will also be tasked with ensuring a greater convergence in the assessment of applications for international protection across the Union, strengthening the practical cooperation and information exchange between Member States and promoting Union law and operational standards regarding asylum procedures, reception conditions and protection needs.

Similarly to what was proposed by the Commission for the [European Border and Coast Guard Agency](#) on 15 December 2015, the role and functions of the Asylum Agency regarding operational and technical assistance will be expanded. This will include the possibility to deploy asylum support teams from a reserve of experts composed of a minimum of 500 experts from Member States and experts seconded by the Agency, as well as a capacity to provide operational and technical assistance in cases where a Member State is subject to disproportionate pressure which places exceptionally heavy and urgent demands on its asylum or reception systems.

Background

On [6 April 2016](#), the European Commission published a Communication which launched the process for a reform of the Common European Asylum System. The Communication presented:

- options for a fair and sustainable system for allocating asylum applicants among Member States;
- a further harmonisation of asylum procedures and standards to create a level playing field across Europe and thereby reduce pull factors inducing measures to reduce irregular secondary movements;
- and a strengthening of the mandate of the European Asylum Support Office (EASO).

Today's package is therefore the first major step in the comprehensive reform of the Common European Asylum System. A second stage of legislative proposals reforming the Asylum Procedures, Qualification Directives, as well as the Reception Conditions Directive- will follow, to ensure the full reform of all parts of the EU asylum system.

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 manage migration in the medium and long term better, in the areas of irregular migration, borders, asylum and legal migration.

Three implementation packages under the Agenda, on [27 May](#) 2015, on [9 September](#) 2015 and [15 December](#) 2015 have already been adopted.

For More Information

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

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

[Regulation 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 \(recast\)](#)

[Regulation on the European Union Agency for Asylum and repealing Regulation \(EU\) No 439/2010 Annex](#)

[Regulation on the establishment of EURODAC \(recast\)](#)

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

IP/16/1620

Press contacts:

[Natasha BERTAUD](#) (+32 2 296 74 56)

[Tove ERNST](#) (+32 2 298 67 64)

[Markus LAMMERT](#) (+ 32 2 298 04 23)

[Tim McPHIE](#) (+ 32 2 295 86 02)

General public inquiries: [Europe Direct](#) by phone [00 800 67 89 10 11](#) or by [email](#)