

**Informal Meeting
of the Justice and Home Affairs Ministers**

Luxembourg, January 27-29, 2005

**Determining an approach for the external dimension of the
European Asylum Policy**

At a time when Member States are implementing the first phase of the Common European Asylum System, the Hague Programme (adopted by the European Council of 4 and 5 November 2004) refers with emphasis to the external dimension of the European asylum and migration policy. In particular, Member States are called upon to “*contribute in a spirit of shared responsibility to a more accessible, equitable and effective international protection system in partnership with third countries, and to provide access to protection and durable solutions at the earliest possible stage*”.

A number of deadlines set out by the Hague Programme will expire in 2005, including, *inter alia*, the launching of pilot Regional Protection Programmes and the presentation of a resettlement programme. Moreover, in June 2005, the Commission is set to present the action plan detailing objectives and priorities flowing from the Hague Programme.

Accordingly, the Luxembourg Presidency proposes that a targeted discussion be held on three basic elements of the external dimension of the asylum policy, namely: 1) the strengthening of protection capacities of countries in regions of origin; 2) the strengthening of protection capacities of countries in regions of transit; and 3) resettlement.

The Presidency considers the High Level Working Group on Asylum and Migration to be the appropriate forum to ensure, according to its mandate, the necessary follow-up on the external dimension of the European asylum policy.



1) Strengthening protection capacities in regions of origin

At present, a majority of refugees first claim for asylum in a country neighbouring their country of origin. In most instances, these countries are themselves developing countries with limited financial and institutional capacities. As a consequence, the pressure placed on these countries by refugee movements and the resulting problems are often exacerbated.

The problem of refugee flows is a matter of collective concern which has to weigh equally on the international community and not only on the countries surrounding crisis regions. As such, the European Union (EU) should assist countries in regions of origin in a manner that would enable them to provide adequate refugee protection in line with international standards. Enhancing the protection capacity of regions of origin will diminish the need for refugees to search for effective protection elsewhere.

In a similar vein, the General Affairs and External Relations Council of 2 November 2004, noting that large numbers of refugees are received by third countries in regions of origin, welcomed the Commission's recommendation to develop Regional Protection Programmes, and invited the Commission to present an action plan for one or more pilot Regional Protection Programme(s) to the Council by July 2005 at the latest.

Regional Protection Programmes should propose concrete and operational measures which are developed in close partnership with the concerned countries in the regions of origin. These measures should contribute to the enhancement of protection capacities in countries of origin by enabling refugees to access durable solutions. Coherence of the Programmes with the overall strategy towards the third countries concerned as well as with existing EU initiatives, particularly in the field of development, should also be ensured.

In the long term, the measures proposed by Regional Protection Programmes should lead to the fulfilment of a range of goals: adherence to refugee and human rights instruments and treaties; adoption or amendment of national asylum legislation in conformity with international standards; establishment of registration schemes for asylum seekers;



enhancement of reception and admission standards; support for local integration by developing access of refugees to education and to basic social services; general assistance for the improvement of the local infrastructure; assistance for return to countries of origin and resettlement.

The implementation of these measures will rely on the financial assistance and expertise of the EU.

The European Council of 4 and 5 November 2004 has underlined that the Regional Protection Programmes will build on experience gained in **pilot Protection Programmes**. In light of the July 2005 deadline for the presentation of pilot Programmes and the end of 2005 deadline for their launch, it is essential that the pilot Programmes have a narrower scope than a fully-fledged Protection Programme and that the measures they contain are subject to prioritization. Moreover, the regions of origin that are to be targeted in the pilot phase should not present insurmountable obstacles to the implementation of pilot Programmes.

*In the light of the above-mentioned considerations, Ministers are invited to express their views on the following questions in relation to **pilot Programmes** :*

- *What kind of activities and which regions of origin could be included in a pilot Programme and who should ensure the implementation of these Programmes? Do Member States wish to delegate the implementation to international organizations or do they wish to undertake implementation directly by providing EU expertise?*
- *To what extent should the pilot Programmes be financed by Community funds or by existing instruments (ex. AENEAS, FER)?*
- *Would it be appropriate to include measures from other areas of cooperation between the EU and the countries in question (e.g. development cooperation) in the pilot Programmes?*



2) Strengthening protection capacities in regions of transit

A significant number of refugees are passing through regions of transit in order to access effective protection in the EU. That passage very often takes place via illegal immigration networks and involves the endangering of the lives of refugees. The enhancement of protection capacities in regions of transit could reduce these illegal movements and prevent the loss of human lives.

The European Council of 4 and 5 November 2004 underlined the need for intensified cooperation with countries in regions of transit and in particular with those on the southern and eastern borders of the EU. Such intensified cooperation would allow these countries to offer adequate protection to refugees. The European Council furthermore specified that “support for capacity-building in national asylum systems ... will be provided to those countries that demonstrate a genuine commitment to fulfil their obligations under the Geneva Convention on Refugees”.

EU support measures for regions of transit could be similar to those included in protection programmes for regions of origin.

Ministers are invited to express their views on:

- *the specific manner in which cooperation in asylum matters and support for the enhancement of protection capacities in transit countries should take place, and*
- *the manner in which intensified cooperation with transit countries should be taken into account in the new neighbourhood policy.*

3) Resettlement programmes

Resettlement consists in the transfer of a refugee from a first country of reception to a second one, in this context meaning from a country in the region of origin to an EU country. Resettlement enables refugees who cannot stay in the countries in regions of origin due to ineffective protection, to find protection elsewhere. At the same time, resettlement contributes to the diminishing of irregular movements to the EU.

By decreasing the number of refugees in countries in regions of origin, resettlement frees available resources for other refugees, and thus contributes to enhancing protection capacities. As a consequence, resettlement can become a vital instrument enabling the EU to deliver a clear message to countries in the regions of origin indicating its readiness to shoulder its share of responsibility towards refugees within those regions.

The General Affairs and External Relations Council of 2 November 2004 invited the Commission to present a proposal for a resettlement scheme by July 2005 for possible inclusion into Regional Protection Programmes. The European Council of 4 and 5 November 2004 furthermore specified that Regional Protection Programmes should include a common resettlement programme for Member States willing to participate in such a programme.

A proposed resettlement programme needs to be situation specific, flexible and designed in a way that allows Member States to participate in it or not. In its communication on durable solutions, the Commission suggests that such a resettlement programme could take on the same form as the resettlement initiatives currently undertaken by some European countries. In the framework of these initiatives, the United Nations High Commissioner for Refugees (UNHCR) plays a key role in preparing and referring the dossiers to a resettlement country for selection of a certain number of refugees. Such selection would have to be carried out on the basis of criteria which have the consensus of the Member States. These selection criteria could target particularly vulnerable refugee groups (victims of torture or sexual abuse, members of ethnic or religious groups etc.)

It is understood that any resettlement programme cannot prejudice the proper treatment of individual asylum claims expressed by refugees arriving spontaneously in the EU from regions of origin.

In the light of the Commission deadline for the presentation of a proposed resettlement programme and considering that such a proposal could initially resemble the current practice of some Member States, Ministers are invited to express their views on the following questions :



- *Should UNHCR, at the request of Member States, identify countries/regions that could benefit from a resettlement programme?*
- *On what selection and eligibility criteria should such a resettlement exercise be based? Should UNHCR identify individual cases of refugees on the basis of these common criteria?*
- *Do Member States wish to be directly involved in the process of selection, e.g., by sending delegations to interview candidates in the case they are selected by UNHCR?*