

**Ministerial Conference « Quality and Efficiency in the Asylum Process »,  
13-14 September 2010, Brussels**

**Non paper by the Belgian presidency**

I. BACKGROUND TO THE ASYLUM CONFERENCE

At the informal JHA Council on 15-16 July presented its strategy on how to come to a Common European Asylum System by 2012. General consensus was found among Member States to move forward quickly with the negotiations for the Dublin and Eurodac Regulations and the Long Term Residents and Qualification Directives. At the same time Member States and the European Commission acknowledged that further reflection was needed for the Reception Conditions and Asylum Procedures Directive in order to come to an agreement on all of the legislative instruments in the field of asylum by 2012. In this regard the European Commission invited Member States to actively contribute to this reflection. It also became clear that a general debate on intra-European solidarity, addressing all aspects of responsibility sharing in the field of asylum was much needed.

A fundamental element in the background to the Asylum Conference is the **actual situation in the Member States**. Firstly it has to be acknowledged that Member States have recently put in a serious effort to implement the first phase legislative instruments. This has certainly contributed to the development of the Common European Asylum System. However several studies have shown that major divergences still remain with regard to different aspects of the asylum process, such as reception conditions, recognition rates, procedural guarantees, ... Secondly overall EU Member States have been confronted with an increase in asylum claims over the last two years, notably for multiple asylum claims. There are still obvious differences in asylum intake and in asylum flows – both in relative and in absolute terms – between Member States and in the specific issues each country has to address. Thirdly the global financial crisis has had a serious impact on the budgetary means of the national asylum and migration services.

Notwithstanding these issues of concern several Member States have set up initiatives, either at national or international level, to enhance and monitor the quality and efficiency of their asylum process. In this respect the establishment of the **European Asylum Support Office (EASO)** later this year will be of fundamental importance. In its Action Plan implementing the Stockholm Programme the European Commission highlights four areas of action for EASO that are of relevance for the Asylum Conference: methods to better identify those who are in need of international protection in mixed flows, a common methodology with a view to reducing disparities of asylum decisions, procedures for facilitation of the secondment of officials in order to help those Member States facing particular pressures and a common educational platform for national asylum officials.

In this **Action Plan** the **Commission** also puts forward the objective of issuing Communications on both a general strategy to combat violence against women, domestic violence and female genital mutilation and on enhanced intra-EU solidarity and of establishing a mechanism to review the Member States' national asylum systems and identify the issues related to capacities which will enable Member States to support each other in building capacity, all in 2011.

## II. OBJECTIVES

The Belgian Presidency puts forward the following objectives for the Ministerial Asylum Conference:

- determine good practices that can contribute to making the asylum processes in EU Member States more efficient while respecting quality standards
- contribute to the debate on some of the outstanding issues where negotiations are advancing with difficulty
- generate a debate on all aspects of intra-European solidarity in order to determine what are the tools needed for fair and efficient responsibility sharing between Member States

To achieve these objectives the Belgian Presidency aims for a bottom up approach, building on existing good practices at national and EU level. This should lead to a constructive dialogue with UNHCR and civil society, who have also developed good practices and constructive cooperation platforms with national authorities.

## III. QUESTIONS FOR THE MINISTERIAL DEBATE

In order to clearly focus the Ministerial meeting on the second day of the Asylum Conference around the aforementioned objectives, while ensuring a link with the more technical discussions at the first day of the Asylum Conference, the following questions will be submitted to the high level participants to the Ministerial debate:

- 1) In the Stockholm programme the European Council recalls the importance of common rules, as well as a better and more coherent application of them, in order to prevent or reduce secondary movements within in the European Union, and increase mutual trust between the Member States. The European Council furthermore acknowledges the importance of EASO as an instrument for the development and implementation of the Common European Asylum System. What should be the guiding principles for the ongoing legislative negotiations? What elements could best be dealt with through enhanced practical cooperation in order to complement these common rules.
- 2) How can intra-European solidarity and responsibility sharing be enhanced in terms of a comprehensive approach to financial, physical (such as relocation) and material solidarity? Which activities should EASO engage in in order to contribute to fair and efficient responsibility sharing between EU Member States?
- 3) Considering the objectives of the European Asylum Support Office, on which activities should EASO focus primarily? Which good practices identified at the Asylum Conference should be further developed by EASO?