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"PRACTICAL COOPERATION IN THE FIELD OF ASYLUM"

1. POLICY BACKGROUND

The Hague Programme adopted by the Brussels European Council of 2004¹ set up the blueprint in the area of Justice and Home Affairs at EU level for the coming years. As far as the Common European Asylum System (CEAS) is concerned, it says that the ultimate goal should be the establishment of the common asylum procedure and uniform status for those granted asylum or subsidiary protection. Second phase legislative instruments should be adopted in order to complete the CEAS by 2010.

The Hague Programme also recognizes that, apart from the legislative approach, **practical co-operation** between the national asylum administrations of Member States will play an important part in fostering the necessary spirit of solidarity and responsibility sharing to achieve a truly common approach in the field of asylum.

Appropriate structures should be established to assist Member States to achieve a Single Procedure, to standardize Country of Origin Information and to help address particular pressures arising from factors such as geographical location. These structures should lead in the longer term to the creation of a European Support Office to oversee all forms of cooperation between Member States on the CEAS.

In the Communication 'New structures, new approaches: improving the quality of decision making in the Common European Asylum System'² 18 February 2006, the

¹ Dated 4/5 November 2004, Council Conclusions 14292/1/04.

² Dated 17 February 2006, COM (2006) 67 final.

Commission put forward its plans with respect to strengthened practical co-operation. The main goal of this co-operation is to improve convergence in decision-making by Member States within the framework of rules set by Community asylum legislation.

At the JHA Council in April 2006 the Council supported in general the approach proposed by the Commission in the Communication on strengthened practical co-operation and acknowledged the need to ensure appropriate management of the ambitious programme of activities envisaged in the Communication.

Further strengthening of practical co-operation in developing a CEAS is required which was also noted in the European Council Presidency **conclusions** of 15-16 June 2006. European Council **conclusions** of 14-15 December 2006 stressed that the development of second CEAS phase will be accompanied by the strengthening of practical co-operation in the area of asylum, in particular through the creation of asylum expert teams and setting up of an asylum cooperation network. The possible creation of an European Support Office will also be examined. The European Council Presidency **conclusions** of 21-22 June 2007 reaffirmed its commitment to realizing, as part of the comprehensive European migration policy, the CEAS by the end of 2010.

In the **Green paper on the future Common European Asylum System**, adopted on 6 June 2007, attention was drawn to the need to keep pace with the rapid expansion in the scope of practical co-operation, embracing different aspects of the asylum process and noting that it is becoming increasingly urgent to ensure adequate structural support for all relevant activities, as well as an effective and systematic follow-up to consider the results of such activities. One option put forward by the Green Paper in order to respond to this challenge, is the transformation of the structures involved in practical co-operation into an European Support Office. Such an office could take over and systematically co-ordinate all the current activities of common practical cooperation. Many of the contributions from Member States and other stakeholders to the Green paper emphasized the positive role played by practical cooperation and the idea of creating an European Support Office received solid backing from different organizations and many of the EU Member States.

European Council Presidency **conclusions** of 14 December 2007 underlined the need for progress on the future CEAS with a view to its realization by 2010.

2. EXISTING STRUCTURES ON PRACTICAL COOPERATION

2.1. Practical cooperation within the "EU-structures"

Eurasil is a network of asylum experts and practitioners from the EU Member States, in which also five "observer States" (Switzerland, Norway, Iceland, Canada and USA) and UNHCR usually participate. The objective of Eurasil is to exchange information and to enhance common understanding, which should have a harmonizing effect on asylum practices in the different Member States. Presently, the emphasis of Eurasil, is on the collection and assessment of country of origin information (COI) with respect to the countries where asylum seekers originate from and on its consequences for status determination and asylum practices in general (including subsidiary and temporary protection).

Contact Committees in the area of asylum are expert groups convened on an ad-hoc basis by the Commission to allow Member States to present and discuss the difficulties they encounter in the transposition of the relevant legislative instruments. Contact Committees therefore put particular emphasis on practical needs of the Member States, e.g. comparing practices etc.

2.2. Other forms of practical cooperation

There are **other fora which are not part of EU-structures, but** which have activities in the field of practical co-operation on asylum, such as the IGC (Inter-governmental Consultations – 11 EU Member States, USA, Canada, New-Zealand and Australia participate into this), G-DISC (partly funded by the EU, Directors-General of the Immigration Services of all 27 Member States and 5 other European States) and the 'A8' (co-operation network between Immigration Services of United Kingdom, France, Germany, Sweden, Netherlands, Belgium and Switzerland). These last two groups are very informal co-operation networks among the immigration departments of Member States and other European countries. Two EU-co-funded projects on asylum (European Asylum Curriculum and Interpreters' pool) are carried out within the framework of G-DISC.

3. WHAT IS NEEDED TO BETTER GUARANTEE A SUSTAINABLE AND MORE COORDINATED PRACTICAL COOPERATION?

Continuing and enhancing the existing practical co-operation is of key importance for a more uniform implementation of EU asylum legislation, since it could also supplement the adoption of new legal instruments. Extensive efforts will be needed, for complete harmonization and practical co-operation is only one component of activities towards CEAS.

"**The purpose** of the practical cooperation is to enable Member States to become familiar with the systems and practices of others, and to develop closer working relations among asylum services at the operational level. This builds a basis for wider areas of collaboration, with the development of trust and a sense of mutual interest. **The main goal** of practical co-operation is to improve convergence in decision-making by Member States within the framework of the rules set by the Community asylum legislation. In this view, strengthened cooperation will deliver a “common tool box” for asylum authorities of the Member States answering to daily and operational needs of practitioners in the EU. This should contribute to a better assessment of the application of the first stage of the Common European Asylum System. For example, the need for all Member States to apply country of origin information in the same way and using the same sources is inherent in the agreement of the Common European Asylum System. Improving quality is in the interest of both the Member States and asylum-seekers. Better quality decision-making would contribute to level the EU asylum playing field and build a single asylum space which gives protection to those who require it and deal fairly and efficiently with those without protection requirements. "

The shortcomings are particularly visible in harmonizing the interpretation of existing legislation and reception criteria. Further cooperation is necessary also with regard to country of origin information and the Dublin Regulation. Here it is important to underline that a phased step-wise approach towards enhancing practical co-operation should be followed, as soon as possible with assistance of the European Support office.

The current EU-framework does not yet provide enough structural support for practical cooperation. Many activities are, as described above, carried out on a project led basis and/or

via workshops. However, these activities which are extremely relevant in order to ensure harmonization of practices between national administrations, once established, need proper funding for maintenance, administration and further development, which at present cannot be ensured. This is essential to build up a solid basis for continuous and well co-ordinated practical cooperation.

Concerns relate, on the one hand, to the proper continuation of the activities carried out by the several groups mentioned above, which demand heavy investments in terms of, for example, human resources, co-ordination, preparation of relevant documents, translations. On the other hand, concerns related to the sustainability of more technical activities, such as, for example, the management (update of information, technical maintenance, translation of documents) of the future common EU COI portal which is currently under development.

The creation of a more permanent structure would provide possibilities to have **adequate human and financial resources to ensure sustainability and better coordination of all the above mentioned practical cooperation activities.**

One of the possible options, **being considered, to best respond to the needs of practical co-operation**, is the creation of an **European Support Office**, as envisaged by the Hague Programme³. Such an office would have the institutional and operational design and the financial underpinning of an agency. It could take over and systematically coordinate all the activities in the field of practical co-operation as currently undertaken in the framework of Eurasil and of the Contact Committees, and could further be entrusted with other tasks.

The following tasks could be carried out by the European Support Office:

Activities related to and joint assessment of Country of Origin Information
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- Establishment and maintenance of a common EU portal/database.
- Organization of Fact Finding missions and guidelines on the production of COI.

³ The Hague programme states the following: "The European Council invites the Council and the Commission to establish in 2005 appropriate structures involving the national asylum services of the Member States with a view to facilitating practical and collaborative cooperation. Thus Member States will be assisted, inter alia, in achieving a single procedure for the assessment of applications for international protection, and in jointly compiling, assessing and applying information on countries of origin, as well as in addressing particular pressures on the asylum systems and reception capacities resulting, inter alia, from their geographical location. After a common asylum procedure has been established, these structures should be transformed, on the basis of an evaluation, into a European support office for all forms of cooperation between Member States relating to the Common European Asylum System".

- Updating and further development of COI guidelines.

Practical assistance to Member States
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- Support to translation and interpretation in asylum procedures.
- Co-operation in language analysis and document verification.
- Development of a common asylum curriculum for state officials and possibly also for a wider range of stakeholders involved in the asylum process.
- EU-wide training and learning facility on asylum, including reception conditions for asylum-seekers.
- Dissemination of best practices and other activities which contribute to the uniform interpretation and implementation of the asylum legislation.
- Support to Member States' efforts to address Particular Pressures, through the establishment, management and coordination of deployment of pools of asylum experts.

Activities related to the external dimension

- Tasks regarding the implementation of Regional Protection Programmes (advisory, supervisory, other).
- Other aspects of the external dimension of asylum (for instance regarding resettlement at the EU level).

QUESTIONS FOR DISCUSSION:

- Do you agree with the above identification of needs in the area of practical cooperation?
- Do you think that currently ongoing activities in the field of practical cooperation should be continued and accomplished and are there any needs not covered above which you consider should be included?
- Do you think that an European Support Office should be created? Or are there better ways to satisfy the needs in the area of practical cooperation?
- If you consider the creation of an European Support Office as a positive development, what should be its tasks?