

## EUROPEAN RESPONSES TO THE ASYLUM CRISIS

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**Growing numbers of people are being driven into exile from countries like Afghanistan, Iraq, Eritrea and Sudan. At first the asylum crisis – which reached a peak in 2015 – was met with almost complete indifference, before a few, initially scattered, responses began to emerge. I am concerned about some of the plans currently being discussed by the European institutions.**

I am among those who, in 2015, argued for a more organised approach to refugee reception in Europe. Because of the chaos in Calais and the Greek islands, some are drawing all too hasty links between migrants and terrorism, while others (albeit a tiny minority) are trying to use the situation to further their own agenda, in a way that could be devastating for the asylum system. OFPRA does not follow a migratory policy, it implements the right of asylum. From this perspective, the chaos and confusion are extremely damaging. I am afraid that some European responses are perpetuating the confusion, and openly disregard the fundamental principles underlying the right of asylum. What's more, these responses do not seem to be very effective.

### MORE RESOURCES TO HOTSPOTS

The first issue to address is that of legal routes to asylum. I welcome the European Commission's efforts to encourage the Member States to resettle more refugees. OFPRA is sending representatives from France to meet with Syrian asylum seekers in Turkey and Lebanon. This initiative must be broadened. Likewise, efforts to relocate refugees have been stepped up. Again, I would like to commend the European Asylum Support Office (EASO) for the support it has provided to Greece and Italy. France has relocated and resettled almost 10,000 people to date, although its assigned target is 32,000. There is still a long way to go, and I hope the target will be met by the end of the year. The main priority is to accelerate the resettlement of refugees from Turkey, Lebanon and Jordan. The European Commission is playing a key role, and the Member States must also supply reception facilities to take in these refugees.

Unfortunately, many in Europe are still under the illusion that they can cherry-pick the migrants they allow into their country. These people must

be protected as much as possible, before they have to take to the road. Migrants are telling horrific stories about their journey to Libya. But when they get to the EU's external borders, their right to asylum must be respected. That is my understanding of hotspots. I see them as places where asylum applications are processed, successful applicants are transferred to a host Member State and unsuccessful applicants are returned to their country of origin. However, these 'reception centres' do not work like that, since a migrant may be eligible for asylum and yet be sent back to Turkey because it is allegedly a 'safe third country'. Asylum applications are not being processed in hotspots. This is something I regret deeply, because it would increase efficiency and therefore address the questions and doubts emerging across Europe. Italy and Greece must take the necessary legal measures, and the EU must instruct hotspots to process asylum applications, providing them with substantial resources so they can fulfil their obligations in this respect.

### DUBLIN SYSTEM

Another priority is harmonisation. As far as creating a 'Europe of asylum' is concerned, the decision-making authorities are more in agreement than we might think. It is more on issues such as accommodation conditions and benefits that disagreements have emerged. However, there are still some serious problems in terms of harmonisation. For example, there are Afghans in France who have been refused asylum in Germany and who can, in theory, submit a second asylum application to OFPRA. There is still a great deal to do in terms of the mutual recognition of decisions. In accordance with the Dublin System, I would like Germany to review previously rejected asylum applications as quickly as possible. OFPRA should not have to re-examine these applications. On the other



hand, I do have concerns about those who are known to have travelled through Italy and Greece, but who have not applied for asylum and are therefore in an administrative limbo. The harmonisation process could include the establishment of a European Asylum Agency, as recommended by the Commission . To ensure that the future agency operates effectively, it must be completely independent from national and European political powers. There is some confusion as to the difference between right of asylum and migratory policy. The law makes it very clear. The right of asylum has nothing to do with politics, and must be enforced by a completely independent body.

### OBSTACLES TO ASYLUM CLAIMS

Lastly, I am concerned that what seem to be additional obstacles to obtaining asylum in Europe are being proposed during EU talks. It has been suggested, for example, that the arrangements currently in force between Greece and Turkey should be extended to other State Members. In other words, all asylum applications would first be examined with a view to transferring the asylum seeker to a 'safe third country', for political reasons. In my opinion, this is incompatible with the fundamental principles underlying the right of asylum. Another suggestion is to promote more widespread recourse to 'internal protection' ; however, this falls within the scope of asylum law and is therefore a matter for national determining authorities (until an independent European agency is created). I understand the confusion given the scale of today's tragedies and the large number of economic migrants, which could lead to calls to review the right of asylum. I strongly recommend dealing with migratory policy issues separately to right of asylum issues. I am worried that, in our efforts to harmonise asylum rights, we are putting up so many obstacles to asylum claims that we will end up having a Europe of asylum with no asylum seekers.

The goal of harmonisation should be to advance the right of asylum, not obstruct it. ●

### Main receiving countries of applicants in January-December 2016

	2015 Jan.-Dec.	2016 Jan.-Dec.	Relative change
<b>Germany</b>	449 792	692 552	54%
<b>Italy</b>	85 628	125 762	47%
<b>France</b>	70 405	81 236	15%
<b>Greece</b>	13 208	51 121	287%
<b>Austria</b>	83 778	42 073	-50%
<b>United Kingdom</b>	39 518	38 996	-1%
<b>Hungary</b>	177 136	29 432	-83%
<b>Sweden</b>	162 549	29 097	-82%
<b>Switzerland</b>	40 739	27 821	-32%
<b>Netherlands</b>	45 106	20 412	-55%
<b>Bulgaria</b>	20 391	19 336	-5%
<b>Belgium</b>	43 512	18 430	-58%
<b>Spain</b>	12 455	14 316	15%
<b>Poland</b>	12 149	11 822	-3%
<b>Denmark</b>	20 909	6 123	-71%
<b>Finland</b>	32 476	5 653	-83%
<b>Norway</b>	31 300	3 499	-89%
<b>Ireland</b>	3 278	2 244	-32%
<b>Cyprus</b>	1 194	2 225	86%
<b>Luxembourg</b>	2 445	2 083	-15%
<b>Romania</b>	1 311	1 793	37%
<b>Malta</b>	1 797	1 764	-2%
<b>Croatia</b>	210	1 519	623%
<b>Czech Republic</b>	1 512	1 444	-4%
<b>Portugal</b>	878	1 414	61%
<b>Slovenia</b>	277	1 308	372%
<b>Lithuania</b>	291	400	37%
<b>Latvia</b>	330	351	6%
<b>Estonia</b>	231	186	-19%
<b>Slovakia</b>	179	146	-9%

Source : EASO