

Memorandum to the JHA Council

With a view to the meeting on 26 and 27 February 2009



AD/23/02/2009-AB/AP/MDM

In view of the upcoming JHA Council meeting on 26 and 27 February 2009, The European Council on Refugees and Exiles (ECRE)¹ would like to bring to your attention the following key comments and concerns with regard to the EASO, the resettlement of Iraqis to the EU and the extension of the Long Term Residence Directive.

The issues mentioned are great opportunities for the EU to show that it can share the responsibility for asylum seekers externally as well as internally in a way that shows that Europe is to live up to its humanitarian traditions and international obligations to protect refugees.

European Asylum Support Office

ECRE has on earlier occasions welcomed the establishment of a European Asylum Support Office (EASO) provided that this Office will be well resourced and strongly founded on the principles of transparency and democratic accountability. On 18 February the Commission published its Regulation to establish an EASO, which will have to be adopted under co-decision between the European Council and the European Parliament. While progress has been made towards the creation of a Common European Asylum System (CEAS) in terms of legal harmonisation, the huge discrepancies in recognition rates between the Member States indicate that the EU is yet to become a level playing field in the area of asylum. The creation of the EASO has the potential to improve convergence in asylum decision-making by the Member States. However, to ensure that it fulfils this purpose, the EASO should be able to assess the quality and capacity of Member States' determination systems and to make recommendations as to how these can be improved.

The EASO could also take the lead in ensuring more responsibility sharing within the EU and developing a credible human rights approach to the challenge of mixed flows. ECRE welcomes the inclusion of asylum expert teams in the proposal as a means to assist Member States experiencing particular pressures but believes that participation of UNHCR and independent asylum experts, such as NGOs, in those teams is essential to maintain a focus on identifying and protecting refugees. UNHCR and NGOs can provide substantial and valuable input due to their knowledge and expertise in working with asylum seekers and refugees on a daily basis and can highlight different aspects of the asylum process. It should be noted that in many EU Member States NGOs do formally cooperate with governments in consultation and implementation partnerships for the provision of services to refugees, which is crucial to guarantee that an adequate level of protection is afforded.

Resettlement of Iraqis to the EU

¹ ECRE is an umbrella organisation of 69 refugee-assisting organisations in 30 countries working towards fair and humane policies for the treatment of asylum-seekers and refugees.

The sectarian violence has forced millions of Iraqis to flee their homes. Last year Iraqi asylum seekers again formed the largest group of asylum seekers in Europe, but this number remains modest in comparison to the total number of refugees and IDPs in Iraq and in its neighbouring countries like Syria and Jordan. Last year the Commission carried out a mission in Syria and Jordan to examine the possibilities for the resettlement of Iraqi refugees in the EU. On 27 November the JHA Council concluded that for a certain number of Iraqi refugees resettlement is the only available durable solution to their plight, since return and local integration in Syria and Jordan are no realistic options. The situation of Palestinians who have fled to Syria was particularly noted since also for them no other option than resettlement appears to be feasible. ECRE and other NGOs warmly welcomed the announcement of the JHA Council that EU member States could take in 10,000 refugees as a very positive first step. The announcement shows that the EU is in principle willing to share the responsibility for this large crisis with the countries they sought refuge in.

In order to show that the EU can really go from words to action it is now time for Member States to join forces and make an effort to reach the number of 10,000. The counting of the number of resettled Iraqis should start from the date the Conclusions were taken: 27 November 2008. Some Member States have already shown commitment and announced to resettle a number of Iraqis, which ECRE very much welcomes. However, a lot still has to happen to reach the proposed number in a reasonable time. ECRE especially encourages Member States which do not have regular resettlement programmes to start resettlement. The resettlement of Iraqis by the EU provides a great opportunity for practical cooperation between Member States. Furthermore ECRE urges all Member States, which resettle or will start resettlement to refrain from using integration potential in their national resettlement programmes, in order to maintain the central humanitarian objectives and character of resettlement. In order for resettlement to be a true durable solution ECRE stresses that resettled refugees should always be given a permanent legal status so they can start building a new life in the EU with a secure legal basis.

Extension of the Long Term Residence Directive

ECRE has noted with regret that the Commissions proposal to extend the scope of the Long Term Residence Directive to refugees and beneficiaries of subsidiary protection is not on the agenda of this JHA Council meeting. ECRE believes that extending the scope to refugees and beneficiaries of subsidiary forms of protection is a crucial and necessary development that would demonstrate that EU Member States are serious about promoting the integration of refugees in their societies. Granting free movement to protection beneficiaries who are long-term residents would at the same time be a positive step forward in terms of responsibility sharing within the EU. ECRE urges Member States to revive the negotiating process as soon as possible to include refugees and beneficiaries of subsidiary forms of protection under the scope of the Long Term Residence Directive.

ECRE, 23 February 2009

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