
**RESPONSE OF IRELAND TO THE GREEN PAPER FROM
THE EUROPEAN COMMISSION ON THE FUTURE
COMMON EUROPEAN ASYLUM SYSTEM**

1. GENERAL

Ireland welcomes the Green Paper on the future Common European Asylum System (CEAS) published by the European Commission in June 2007.

The text of the Green Paper recognises many of the key challenges faced by European Union Member States in relation to the operation of their asylum policies and procedures; and the need for increased co-operation (and indeed harmonisation) of approaches at EU level, in order to prevent ‘asylum shopping’; while at the same time ensuring that those individuals who are in genuine need of protection receive this protection as soon as possible.

Ireland notes the considerable work that has been undertaken by EU Member States in relation to the development of minimum standards, which has given rise to a number of substantial Directives at EU level.

Ireland is of the view that a major emphasis in the period ahead should be on the transposition of the Directives already adopted; the analysis of the operation of these Directives; and on the enhancement of practical co-operation between EU Member States in the area of asylum procedures.

Ireland is also strongly of the view that the adequacy of the present legislative framework needs to be considered before proposing any additional legislative instruments given rise to common standards. It is by no means certain that the present legislative basis in the Treaty, which is based very much on minimum standards, would provide an adequate foundation for the introduction of common standards.

2. LEGISLATIVE INSTRUMENTS

2.1 Processing of asylum applications

The Green Paper raises a number of interesting questions in relation to the processing of asylum applications.

Subject to discussion on the details of any proposal, Ireland would be favourably disposed to the possibility of a mandatory single procedure for the examination of applications for protection being provided for at EU level based on minimum standards. This would enable national determining authorities to have regard to basic principles and standards for determining applications for both refugee status and subsidiary protection. However, Ireland would not support any approach which would incorporate minimum time-limits for the finalisation of asylum applications.

Ireland would also support the provision of a legal framework based on minimum standards for the purpose of facilitating the joint processing of asylum applications by EU Member States. Ireland would be willing to contribute to any study of the feasibility of joint processing of asylum applications by sharing our experiences of certain caseloads or by participating in pilot studies to examine the modalities and practical implications of joint processing of asylum claims.

Although it is the view of Ireland that agreement on such a proposal may be difficult to achieve, Ireland would welcome a proposal for the joint processing in closed processing centres of application caseloads for countries which experience shows have a high proportion of applications which are clearly unfounded. The basis of a proposal such as this could be the ideas put forward by the UNHCR¹.

¹ UNHCR Working Paper – A Revised “EU Prong” Proposal (22 December 2003 (UNHCR Geneva))

2.2 Reception conditions for asylum seekers

Ireland does not currently participate in *Council Directive 2003/9/EC laying down minimum standards for the reception of asylum seekers*. In Ireland's view, national rules on access by asylum seekers to the labour market should not be approximated, as Ireland does not provide access to the labour market for asylum seekers in any circumstances.

2.3 Granting of protection

In general, Ireland would have no difficulty with the further harmonization of the eligibility criteria for protection, in order to minimize the margin for different interpretations which are currently possible under EU law. Ireland could also agree to the harmonization of entitlements of persons who are granted refugee protection and subsidiary protection status; which, in any event, is the case in Ireland at the present time. Ireland is actively contributing to the harmonisation of eligibility criteria through staff of the Office of the Refugee Applications Commissioner facilitating a workshop on the assessment of credibility of protection claims at a forthcoming GDISC² conference in Madrid.

Ireland could also agree to the further exploration of the idea of mutual recognition of national asylum decisions, provided it is based on common processes and interpretation of EU law.

2.4 Cross-cutting issues

2.4.1 Appropriate response to situations of vulnerability

Ireland would be favourably disposed to the development of initiatives aimed at addressing the needs of vulnerable groups in the asylum system, for example common approaches to interviewing techniques, including the assessment of gender and child specific issues. Ireland would also support the development of EU-wide training

² General Directors' Immigration Services Conference

programmes (including the exchange of training materials) and for the establishment at EU level of mechanisms to exchange best practise in this area.

2.4.2 Integration

Ireland would **not** support any proposals at EU level dealing with access to the labour market for asylum seekers. Ireland would fully support and participate in any initiatives aimed at the development of integration initiatives for persons granted refugee protection or subsidiary protection status.

3. IMPLEMENTATION - ACCOMPANYING MEASURES

Ireland fully supports the development of strategies to encourage enhanced cooperation at EU level in the area of asylum. This could include the development of common training programmes for case-workers, the development of common guidelines for interpreters and the development of an EU portal for country of origin information. Ireland has already contributed to the EURASIL project to produce common guidelines for country of origin information research and is willing to participate in similar initiatives.

Ireland could also, for example, support exchange programmes between EU asylum determination bodies, whereby case-workers could learn from the best practice of individual States. Ireland would also support the idea of a feasibility study being undertaken by the Commission with a view to determining what is possible in this area.

While Ireland would have no fundamental difficulties with the establishment of a European support office in due course (including the provision of caseworkers to teams to be deployed to Member States facing pressures or participation in joint assessments of cases which Ireland has a particular expertise in), our view is that in the short term greater emphasis should be placed on the activities of GDISC, which is already progressing a number of significant initiatives, including the design of a European Asylum Curriculum (EAC).

4. SOLIDARITY AND BURDEN SHARING

4.1 Responsibility Sharing

Ireland agrees with the assessment that there is a continuing need for the Dublin system, in order to avoid the phenomena of ‘asylum-shopping’ and ‘refugees in orbit’. It is an essential element of the CEAS that there is a common framework, based on objective criteria, to establish the Member State responsible for the examination of an asylum application.

The possibility of intra-EU resettlement of beneficiaries of international protection is one which would require the most careful consideration; having regard to the potential to influence the behaviour of asylum-seekers and inadvertently lead to the creation of ‘pull factors’.

4.2 Financial solidarity

Ireland would support the utilisation of funds from the European Refugee Fund for exchange programmes between Member states to facilitate the sharing of best practice amongst national application and appellate bodies.

5. EXTERNAL DIMENSION OF ASYLUM

5.1 Supporting third countries to strengthen protection

Ireland would support measures aimed at enhancing the capacity of third countries to strengthen their protection frameworks. In particular, Ireland would support the integration of enhanced protection co-operation/funds into development policies. Ireland could also support, for example, the establishment of EU expert teams for the purpose of developing and delivering refugee status determination training programmes in third countries and any other measures in the general area.

5.2 Resettlement

Ireland supports the development of national resettlement programmes and the use of EU funds for this purpose. The development of a common EU resettlement programme, while worthy of further examination, should not be mandatory. Rather it should be the sum total of national programmes.

5.3 Addressing mixed flows at the external borders

Ireland would be favourably disposed to the establishment of teams to assist Member States who are facing pressures of mixed inflows and consider national experts being seconded for short periods of time, in order to process large influxes. However, legal and practical issues would need to be explored in greater detail before any further commitment could be made. Consideration should also be given to using the existing GDISC framework to develop such initiatives.