



THE MINISTRY OF REFUGEES,
IMMIGRATION AND INTEGRATION AFFAIRS

The European Commission
Directorate-General for Justice, Freedom and Security

The Minister

Date: 30 August 2007

Ref.: 2007/4050-1006

On 6 June 2007, the Commission adopted a Green Paper on the Common European Asylum System, COM(2007) 301 final. The aim of the Green Paper is to provide a starting point for further considerations of the design of the second phase of the Common European Asylum System.

The Commission states in the Green Paper that the goals in the second stage of the Common European Asylum System should be to achieve both a higher common standard of protection and greater equality in protection across the EU and to ensure a higher degree of solidarity. The Green Paper's point of departure is that integrated and broad access to asylum should be adopted in this second stage, and that improvement of all aspects of the asylum process should be sought. Against this background, the Green Paper outlines a number of possible areas for further harmonisation of the Member States' legislation relating to asylum measures.

On behalf of the Danish Government, the Danish Ministry of Integration would make the following provisional comments:

Notwithstanding the fact that Denmark has a reservation in the area of justice and home affairs, Denmark has always deemed it important for close collaboration to take place between Member States in the sphere of asylum. The Danish Government therefore supports the work going on within the EU on laying down a common asylum policy and common asylum rules. With this in mind, Denmark appreciates the Commission's Green Paper, which forms a sound and well-prepared basis for an important debate within the EU.

Processing of asylum applications

Denmark considers it important that further discussions of any additional harmonisation of Member States' laws relating to the processing of asylum application should take place on the basis of Member States' experience and assessments of the EU's rules in effect in this area.

Denmark adopts the position that a standard procedure should be introduced for processing applications for refugee status and other forms of protection: our experience of such a procedure in Denmark has been good. A standard procedure of this kind is both effective and equitable. The crucial question for Denmark, however, is what kinds of application would be covered by a standard procedure of this kind.

A possible standard procedure should, in Denmark's view, cover applications for asylum in accordance with the 1951 Geneva Convention and applications for residence permits on the basis of the Member States' international commitments concerning non-refoulement.

It should accordingly be up to the individual Member States to determine whether there is a willingness to adopt a possible standard procedure for other categories of applicants in accordance with national law. This option will ensure maximum flexibility.

Common processing of asylum applications assumes, in Denmark's view, that virtually complete harmonisation of the Member States' asylum legislation should have undertaken. Denmark therefore maintains that common processing of asylum applications is currently neither necessary nor appropriate, among other things because considerations of the degree of harmonisation of asylum rules remain unresolved.

Reception conditions for asylum seekers

Regardless of whether an asylum seeker is to find his or her future in an EU Member State or return home, it is important that the EU and Member States assume responsibility for the individual in question being able to lead a decent life and receive proper treatment, not only in relation to basic services but also in respect of relevant activities, including schooling for children pending a decision on the applicant's case.

It is crucial for Denmark that further discussions of matters relating to reception conditions for asylum seekers should be based on a thorough assessment of Community rules in effect in this area.

Denmark does not consider it necessary to change current EU rules governing asylum seekers' access to the labour market. The individual Member States should, however, continue to be able to adopt more favourable rules according to the circumstances. In this context, it may be pointed out that Denmark gives asylum seekers the option of applying for residence and work permits in accordance with the rules that apply to qualified aliens.

Granting of protection

Denmark supported the European Council's adoption of both the Tampere programme in 1999 and the Hague programme in 2004 and thus supports the establishment of common asylum rules in the EU and the Dublin system, and the performance of further work in the second stage of the Common European Asylum System. Denmark has therefore also supported the introduction of common rules in relation to conditions for achieving international protection in the EU.

From the Danish perspective, we consider it important that Member States be given the opportunity to gain sufficient experience and become sufficiently familiar with EU rules already in force governing the granting of international protection, and that Member States

have a thorough assessment of these rules undertaken before further harmonisation of EU rules in this area takes place.

Denmark considers it important that refugees and individuals in need of international protection on a basis other than the Refugee Convention be granted the same rights – apart from the possibility of securing a Convention passport.

Denmark considers it interesting to discuss scope for the introduction of a single uniform status for these groups of people. Future discussions should, in Denmark's view, concern the question of how to implement a uniform status for the groups of people already covered by the relevant EU rules in this area. Denmark points out in this connection that any extension of the group of people covered to include individuals not already covered by the relevant EU rules in this area will mean harmonising Member States' laws on aliens who do not need international protection.

It is Denmark's assessment that the introduction of an effective EU mechanism for joint recognition of national asylum decisions and the possibility of transfer of responsibility for granting protection requires complete harmonisation of the Member States' rules on the recognition of refugees and others in need of international protection. It will therefore be neither necessary nor appropriate to focus on these measures at the present time, but it is important to be aware of these matters, which can be very important for the individual refugee.

Appropriate response to situations of vulnerability

The situation and treatment of vulnerable groups are, in Denmark's view, aspects of key importance. Denmark is therefore also positive about further consideration and discussion of possible measures being carried out in these areas. Further consideration should, as in other situations, be based on suitable investigations and analyses.

Integration

In the light of our own experience in the sphere of integration, it is Denmark's view that Member States' integration efforts should also cover refugees and other aliens in need of international protection. Denmark consequently recognises the Commission's request concerning improvement of the integration of people granted international protection as improved integration, not only for refugees but also for other groups of people, benefits not merely the individuals in question but also the EU as a whole.

It is particularly important to ensure that people with international protection are – in conformity with other aliens – integrated into and secure lasting links with the labour market and gain an understanding of European societies.

Denmark further considers that it is important that asylum seekers be galvanised so that they are equipped to undergo integration programmes, if they are recognised as refugees or

granted residence permits on a different basis, and also that they can be equipped to cope better in their homeland in the event of their return. It should also be emphasised, however, that it will not, in Denmark's view, be appropriate to introduce actual integration programmes for asylum seekers. Such programmes could arouse expectations in applicants at a time when the outcome of their applications is still unknown.

Implementation – accompanying measures

Denmark has always regarded practical cooperation on asylum as very important and looks forward to the future discussions on possible further measures and initiatives, including considerations concerning a European Support Office. The crucial point in connection with considerations of the establishment of a European Support Office is the definition of possible tasks and functions. Possible tasks that could be considered include the collection and exchange of country of origin information and asylum practice as well as education and – depending on the circumstances – tasks relating to the establishment and management of asylum expert teams, where appropriate inspired by the work going on in the border area within the framework of Frontex. A possible European Support Office should, however, not be assigned decision-making competence in specific cases. Nevertheless, it is important under all circumstances that a possible European Support Office comes to work closely together with, first and foremost UNHCR, in order, for example, to gain further technical knowledge about refugee conditions and protection standards.

Solidarity and burden-sharing

The Dublin and Eurodac systems, in which Denmark participates on an interstate basis, form, in Denmark's view, one of the cornerstones of the Common European Asylum System. It is therefore also positive that, in its latest assessment, the Commission concludes that the system overall has functioned as intended. Denmark is open to ongoing consideration of possible improvements and adjustments of the Dublin system. If the Dublin system is to function as intended, i.e. among other things counteract secondary movements and asylum shopping, it is nevertheless crucial that the relevant criteria and factors for laying down responsibility for the processing of asylum applications are still maintained.

Denmark is satisfied with the European Refugee Fund, including in particular on account of its corrective burden-sharing mechanisms, which can be said to supplement the Dublin system.

The external dimension

Denmark considers that the external dimension forms an important element of the EU's asylum policy. Denmark has therefore also supported the EU's regional protection programmes and is positive about possible considerations concerning their further development. It is essential in this context that such programmes are implemented in open collaboration with the authorities in the countries in question to achieve viable results. Another area of practical significance is the implementation of twinning programmes,

whether this takes place as part of the implementation of regional protection programmes or in some other context. The adoption of common resettlement initiatives in conjunction with regional protection programmes is an option which, in Denmark's view, should be investigated further.

Resettlement of refugees is also in itself an important area. As a resettlement country, Denmark considers firstly that work should be carried out to ensure that as many Member States as possible introduce resettlement programmes. In addition, one should be alert to the specific benefits that strategic use of resettlement could bring in relation to prolonged refugee situations. An example is the refugee situation in Nepal, where a group of like-minded resettlement countries are working to use resettlement as part of an overall lasting solution to Bhutanese refugees. Such a resettlement policy could be combined with support for promoting repatriation and dealing with remaining refugees who are not resettled, and supporting local integration programmes.

While it is important that the EU continues, in its collaboration with countries of origin, to tackle the underlying causes of irregular and illegal migration, it is Denmark's view that the difficult challenges associated with mixed flows of refugees should also be handled via common EU efforts to increase the capacity of transit countries and neighbouring countries' authorities. Such measures could contribute to the countries in question enacting and implementing the relevant national legislation and establishing the necessary infrastructure so that they can in the long run handle the migration flows better, including by granting protection to refugees and asylum seekers in accordance with their international commitments. At the same time, it is also important that the relevant steps are taken in close co-operation with UNHCR.

Finally, Denmark considers it interesting that, in the Green Paper, the Commission is planning a debate on the EU's role as a global player in the refugee arena, and clearly supports this.

Yours faithfully,

Rikke Hvilshøj