



Points of view on the Green Paper on the Future Common European Asylum System

The Swedish government strives toward increased harmonisation of asylum policy within the EU and welcomes the Commission's Green Paper on the Future Common European Asylum System. Sweden will be an active participant in the ongoing and future work towards this end.

Sweden would like to see a legally secure and open system that safeguards the ability to apply for asylum and where every asylum application is considered individually. The system must be shaped in such a way as to guarantee effective processing. A Common European Asylum System must have the shortest possible processing times. The principles of subsidiarity and effectiveness must be taken into account in this context.

It is important that the emphasis is placed on the actual access to the possibility to apply for asylum and that measures to combat illegal immigration and people smuggling are implemented in such a way that they do not undermine this possibility and the respect for fundamental human rights in the asylum procedure. A development towards closed borders and walls around Europe must be avoided.

Further development of the instrument of resettlement is important for Sweden. A common asylum system in the EU cannot only consist of a regulatory framework for those who have applied for asylum in a Member State. A common resettlement programme should be part of – although not the only – answer to the question of the role that the EU can play in a global system for protection of refugees.

A reasonable allocation of responsibility within the union is required for a Common European Asylum System to be sustainable. Matters

concerning mechanisms for allocation of responsibility and financial solidarity between the Member States are therefore central.

Sweden emphasises the importance of consultation with UNHCR and other relevant international organisations in the continued work of harmonisation.

The bases of the asylum system

The various components of the system must be harmonised for it to be meaningful to talk in terms of a Common European Asylum System. If this process is defective, there is a risk that the effectiveness of the entire system will be jeopardised.

The Swedish government regards the following as five key components of a common asylum system.

1) A common regulatory framework

The common asylum policy must be based on a full and inclusive application of the Geneva Convention and other instruments of international law relevant to the area of asylum. A common regulatory framework with regard to material as well as procedural rules is necessary to achieve a well-functioning common asylum system. Procedural rules must be shaped on the basis of the principle of subsidiarity. Common rules of assessment must not lead to a general increase in processing times. Access to the possibility to apply for asylum is fundamental.

2) National examination

Examination of applications for asylum should take place nationally and individually with a common European jurisprudence in the area of asylum. To promote the development of a common jurisprudence, the limitations on the competence of the Court of Justice of the European Communities (European Court of Justice) in the sphere of migration and asylum should be removed. At the same time, a special urgent procedure should be introduced at the European Court of Justice in order to be able to meet the requirements for swift processing in the asylum process.

3) Common support and coordinating office

A common asylum system requires support and coordination. This may involve common training courses, coordination of special measures, information, resettlement measures and administration of an information portal. An analysis should be made of the need for and forms of a common support and coordinating office. The issue of

European Added Value, as well as the principle of subsidiarity, should be central in this analysis.

4) Allocation of responsibility

A system must exist for allocation of responsibility for examining applications in the common asylum system. The allocation system should consist of well-established principles which have already been laid down in the Dublin regulations.

5) Increased emphasis on the external dimension of asylum policy

A common asylum policy cannot focus only on the asylum seekers who apply for asylum in a Member State. It must also have an external dimension. The EU has a strong interest in maintaining the international refugee protection regime and should be a central player at the international level. As part of this endeavour, the EU should strengthen its role as a partner of UNHCR.

This should include increased commitments for resettlement. The EU should strive for a common system which can assist refugees in third countries for whom no durable solution is available, and display solidarity with third countries with large refugee populations.

Responses to the Commission's questions

Processing of asylum applications

(1) How might a common asylum procedure be achieved? Which aspects should be considered for further law approximation?

The common asylum policy must be based on a full and inclusive application of the Geneva Convention and other instruments of international law relevant to the area of asylum as well as individual assessment. One way of ensuring this would be for the EU to endeavour to eventually become a party to the Geneva Convention.

The material rules should be further harmonised. The procedural rules should be harmonised on the basis of the principles of effectiveness and subsidiarity. The aim must be a general reduction in reduce processing times.

It is important to consider the entire asylum process from the time that the application is submitted until the alien either becomes a resident or leaves the Member States. A special review should be made of matters relating to central tasks in the asylum process with the aim of ensuring the quality of processing. Examples of such tasks might be

the procedure for submitting applications, interviews, the obligation to examine and the right to legal assistance. It is important to identify certain key components and focus on these.

(2) How might the effectiveness of access to the asylum procedure be further enhanced? More generally, what aspects of the asylum process as currently regulated should be improved, in terms of both efficiency and protection guarantees?

The starting point must be that a person who arrives in the EU and wishes to apply for asylum is also given an opportunity to do so. It is important to create the conditions to enable an application to be made quickly to the competent authority or equivalent, and that the asylum seeker has access to certain social and economic rights. As regards the initial reception of asylum seekers arriving in a Member State, it is also important that the application procedure is as simple as possible viewed from the applicant's perspective.

It is moreover important that the processing authority immediately starts examination of the case. Common rules that guarantee easy access to the asylum procedure are a fundamental condition as are rules that guarantee that the applicant has real access to the requisite guarantees of legal security regardless of which type of procedure is involved.

A swift and simple initial procedure requires that Member States have good resources and competent staff in the initial phase.

Proposed measures to achieve this are training of officials who are first in the chain, for instance, border control staff. The "European Asylum Curriculum"- project (EAC) which develops a uniform training for officials involved in the asylum process in Europe within the framework of the General Directors' Immigration Services Conference (GDISC), can be the main tool to achieve an asylum process harmonised from the point of view of knowledge and quality. Extensive training material is available based, inter alia, on the EU *acquis* and international law. Quality can also be enhanced in the very first link through cooperation with FRONTEX as well on training of border staff.

In this context, it must be made clear which rules apply when a person applies for asylum at sea in international waters and in transit zones at airports.

(3) Which, if any, existing notions and procedural devices should be reconsidered?

One of the greatest challenges for a Common European Asylum System is, on the one hand, to guarantee the legal security of the individual and, on the other hand, to contribute to shorter processing times. Asylum investigations must therefore be adapted for their purpose. The work that takes place in the initial phase of the asylum process is thus very important. Regardless of where a case will ultimately be considered, it is very important that the basic information about the asylum seeker is recorded at the first contact with a competent authority. Checks and ensuring that the asylum seeker has ID documents etc. must take place as early as possible as well as taking fingerprints for checking against Eurodac. It is also important to document information about the route taken, family circumstances and origin at an early stage of the process. Expanded European collaboration would be desirable in this area.

(4) How should a mandatory single procedure be designed?

Assessment of applications for asylum should take place nationally with a common European jurisprudence in the area of asylum. To facilitate this, the limitations on the competence of the European Court of Justice according to Article 68 EC should be removed as anticipated in Article 67.2 EG. At the same time, a procedure for especially urgent cases should be introduced at the European Court of Justice to be able to comply with the requirements for swift processing in the asylum process. Furthermore, it should be possible to appeal negative decisions in national courts.

Any other grounds for granting a residence permit should also be considered in conjunction with consideration of an application for asylum. This makes the entire legal process more effective and facilitates the work of enforcing the decisions made subsequently.

An integrated process, with a number of mandatory elements such as an initial investigation at the time of application, is desirable (see question 1). Balances must be struck between necessary harmonisation of key tasks and the effectiveness of the system. A prudential approach must also be maintained for parts relating to legal proceedings.

(5) What might be possible models for the joint processing of asylum applications? Under what circumstances could a mechanism for joint processing be used by Member States?

An initial condition for considering joint processing must be harmonisation of the material regulations at the same time as guaranteeing the effectiveness of processing. An important factor to facilitate effectiveness is to avoid the asylum acquis becoming too

detailed and difficult to apply on the basis of the particular conditions of individual Member States.

On the basis of national examination, consideration can be given to a system for temporary joint processing of momentary sharp increases in inflows of asylum seekers to particular Member States.

However, proposals on setting up special groups of experts and measures in cases of particularly great strains are accompanied by a number of practical problems, which have to be solved. Among other things, these concern how to define a situation of particularly great strain. Other difficult issues concern the tasks that processing officials have to carry out. The asylum system is still not sufficiently harmonised. Consequently, processing officials from the different Member States still have different methods of work and make differing assessments in particular cases. In this respect, it is particularly important that the initial tasks in the asylum process are harmonised. This would facilitate joint processing in the initial phase of temporary large inflows of asylum seekers.

Measures with temporary joint processing in the event of high inflows should be located geographically in the Member State to which the inflow has taken place. It should be possible to coordinate this measure with a joint European support and coordinating office (see questions 19 and 21-22).

Reception conditions for asylum seekers

(6) In what areas should the current wide margin of discretion allowed by the Directive's provisions be limited in order to achieve a meaningful level-playing field, at an appropriate standard of treatment?

The purpose of harmonising reception conditions is to guarantee asylum seekers fundamental rights wherever the person is in the EU and thus to avoid reception conditions influencing the choice of country of asylum and to avoid secondary movements. This is very important to guarantee the long-term sustainability of asylum reception in the EU.

The starting point must be to harmonise the reception conditions in accordance with the obligations of international law. The access of asylum seekers to the open labour market, access to health and medical care and access to schools are particularly important issues.

The rules for cessation of entitlement to benefits should also be common.

(7) In particular, should the form and the level of the material reception conditions granted to asylum seekers be further harmonised?

There are reasons for further harmonisation. However, the differences in the design of the national welfare systems among the Member States should be taken into account.

(8) Should national rules on access to the labour market be further approximated? If yes, in which aspects?

The rules concerning the access of asylum seekers to the labour market should be harmonised. The possibility to work is an important condition for the integration of the asylum seeker in the community and increases the person's well-being regardless of the outcome of the asylum application. It is also desirable that asylum seekers can contribute to their own upkeep and needs. It is also beneficial for asylum seekers whose application is rejected to have been able to work during the processing period. Restrictions in the access of asylum seekers to the labour market should only be accepted in cases where the applicant does not assist in clarifying his or her own identity, and in cases where the processing time for the asylum application is relatively short, for instance, in Dublin cases or in the case of applications that are manifestly unfounded.

(9) Should the grounds for detention, in compliance with the jurisprudence of the European Court of Human Rights, be clarified and the related conditions and its length be more precisely regulated?

Harmonisation must take effectiveness into account. It is not necessarily effective if harmonisation extends so far on the level of detail that, for instance, time limits are set for detention. In this context, the responsibility of the Member States for public order and security must be taken into account.

Granting of protection

(10) In what areas should further law approximation be pursued or standards raised regarding

- **the criteria for granting protection**
- **the rights and benefits attached to protection status(es)?**

A full and inclusive application of the Geneva Convention and other obligations of international law, as well as an individual assessment, must serve as the basis for granting protection. It is important that the

rights following on from a protection status are also harmonised and that they are on a level that is as close as possible to those of the state's own citizens.

(11) What models could be envisaged for creation of a “uniform status”? Might one uniform status for refugees and another for beneficiaries of subsidiary protection be envisaged?

(12) Might a single uniform status for all persons eligible for international protection be envisaged? How might it be designed?

Of central importance for a person's need for protection is that the person is protected from being sent back to the country where he or she cannot be. The grounds on which protection is granted is not of central importance. On the basis of the Geneva Convention, it should also be possible to give persons granted international protection on other grounds than refugees the same rights as those granted to refugees. There is no reason to differentiate between different types of protection, if the rights and obligations that follow from the status granted are the same for all those granted international protection. A uniform status would simplify both the examination of applications for asylum and administration during and after the process. However, an arrangement of this kind must be able to guarantee that the grounds are not changed in such a way as to make it more difficult for any group to be offered protection. Nor may the level of rights associated with the protection status be worse for any group.

(13) Should further categories of non-removable persons be brought within the scope of Community legislation? Under what conditions?

An asylum system must be able to deal with all matters that arise within the framework of the asylum process, that is from the time that an alien submits an application for asylum until he or she is either resident in a Member State or has been deported.

Sweden considers that there should be some form of provision for asylum seekers who do not comply with the requirements for international protection at the same time as their situation makes it impossible for them to return to their country of origin. In some cases, there may be reason to grant a residence permit. Although the rules must be clear, it is not necessary to be bound by any special situations or conditions which would be covered by the European asylum system. There must always be an individual assessment and overall consideration of the circumstances of the particular case.

Any provision to this effect must be drafted in such a way that it is clear that it is an exceptional provision.

(14) Should an EU mechanism be established for the mutual recognition of national asylum decisions and the possibility of transfer of responsibility for protection? Under what conditions might it be a viable option? How might it operate?

It should be possible for national asylum decisions to be recognised in all Member States in accordance with Community law.

As regards mutual recognition of asylum decisions, it is important that we create a system that enables each Member State to maintain public order and security. A Member State should thus be able to refuse a person a residence permit due to considerations of public order and security in the Member State despite the person in question having been granted international protection status in another Member State.

Cross-cutting issues

(15a) How could the provisions obliging Member States to identify, take into account and respond to the needs of the most vulnerable asylum seekers be improved and become more tailored to their real needs?

The work of revising provisions should be based on the report on the evaluation of the Council Directive on minimum standards for the reception of asylum seekers in Member States. A proposed approach for tackling the problems in application of the provisions is to invest in training for the actors working with these matters, for example, processing officials, judges, attorneys, psychologists and interpreters. Appropriate requirements should be made on the competence of these groups.

Apart from the manifest appropriateness of this investment in training from the point of view of the applicant, taking into consideration the problems of particularly vulnerable asylum seekers would also raise the legitimacy of the whole asylum system.

The rules should be general and not apply to particular groups. It is important to point out that the measures that are primarily intended with an increased focus on particularly vulnerable groups are the initial treatment itself and adaptation of the asylum procedure to take into account the specific needs that asylum seekers may have. As far as the grounds for a residence permit are concerned, there should, of course, be an individual assessment as in all other cases.

In the short term, training courses and other investments in this area can lead to increased expenses. However, this must be counterbalanced by the benefits that arise in the longer term. Such benefits could be that the real reasons for asylum emerge earlier in the process and that people in need of support and help initiatives are detected earlier. The former can be expected to lead to more effective processing with shorter processing times and more correct decisions. The latter primarily has a humanitarian added value but can ultimately also lead to a reduction in health care costs and other costs for treatment and rehabilitation. There is also a humanitarian added value in the support to asylum seekers.

(15b) In what areas should standards be further developed?

The principle on taking the best interests of the child into consideration must leave its imprint on future regulation and the UN Convention on the Rights of the Child in its entirety must serve as guidance when matters affecting children are to be regulated.

It is important that adequate expertise is available both on reception and during assessment. This applies, inter alia, to treatment of unaccompanied minors, certain women and other vulnerable groups. Consideration should be given to meeting possible need on the part of girls or women to have a female case officer, interpreter and legal assistant.

Another example which lies outside the individual sphere of the applicant and where standards could be developed is the assessment of the age of children. The same instruments and rules of calculation could be used throughout Europe. It is more problematic and less appropriate to develop standards to apply to *the individual circumstances of the applicant*.

(16) What measures should be implemented with a view to increasing national capacities to respond effectively to situations of vulnerability?

It should be possible for a joint support and coordinating office to coordinate training in various ways depending on the extent and purpose of the training course. Joint central courses of training can be arranged targeted on all Member States as well as targeted measures in similar forms as in the twinning projects financed by the EU where the existing Member States assist candidate countries to build up administrative capacity to take responsibility for EU's extensive acquis.

The “European Asylum Curriculum” project (EAC) can also be developed into a tool to achieve harmonisation from the point of view of knowledge and quality in matters relating to asylum seekers (see question 2 above).

Besides joint training programmes, exchanges of personnel between Member States may be a measure which increases knowledge and moreover affects attitudes and approaches to asylum seekers in a positive way.

(17) What further legal measures could be taken to further enhance the integration of asylum seekers and beneficiaries of international protection, including their integration into the labour market?

Giving asylum seekers access to the labour market at an early stage of the asylum process is a path into the community for many people (see question 8 above). There is considerable added value in asylum seekers being able to contribute to their own upkeep and meet their own needs, both for the community and for the asylum seeker. The main rule should also be that decisions on residence permits automatically entail access to the labour market.

Many third country nationals are a direct resource for the European societies today due to their professional training and other skills acquired abroad. Unfortunately, discrimination, negative attitudes and insufficient knowledge are barriers to full use being made of this resource in working life.

Energetic initiatives and measures are required to enable persons granted international protection to participate in all areas and levels of working life on equal terms. This is of crucial importance to prevent the growth of fragmented segregated societies and to ensure long-term sustainable growth and welfare. Besides legislation that prohibits both direct and indirect discrimination on ethnic grounds, demands should be made on employers to undertake measures to counteract discrimination and to remove existing barriers to enable everyone to use their skills in working life and receive equal treatment.

Mutual recognition of foreign educational courses and examinations and exchanges of knowledge and experience as well as validation of foreign professional experience are examples of other possible measures to improve integration. A common programme for supplementary courses should also be considered. Moreover, it should provide added value to harmonise rules against discrimination and

facilitate the acquisition of bank accounts, identity documents and the like.

(18) In what further areas would harmonization be useful or necessary with a view to achieving a truly comprehensive approach towards the asylum process and its outcomes?

The suggestions and points of view that are given to the questions above and below contain various overlapping issues. Presently, there are no specific issues in addition to those mentioned that we would like to raise.

Implementation – accompanying measures

(19) In what other areas could practical cooperation activities be usefully expanded and how could their impact be maximised? How could more stakeholders be usefully involved? How could innovation and good practice in the area of practical cooperation be diffused and mainstreamed?

Increased practical cooperation is essential for a common asylum system.

The practical cooperation at agency level which takes place today through, for instance, General Directors' Immigration Services Conference, GDISC, and Eurasil, is a good basis to build on. Areas for further development of practical cooperation could be, for example, a common support and coordinating function for training courses, interpreter services, coordination of special measures, coordination of matters relating to resettlement and coordination of information.

A common portal for country and other case-related information is an idea that can be developed provided that issues relating, for instance, to languages, quality assurance, who is to input information and how information is to be updated, are resolved. It is also important that a common information portal is open and only deals with material that is not subject to secrecy. An alternative is a simpler variant that serves more as a link guide than as an integrated portal. ICONet might serve as an example or a basis on which to build a common information portal.

Common guidelines for interviews may also be a good area for cooperation. The value of common guidelines for translation of documents and other evidential material submitted is, however, more doubtful due to differences between the services available for translation in the Member States and because there may be problems

with guidelines for matters that can be best determined in the particular case. The person in charge of a particular case can best assess whether translation of a document is necessary taking into account evidence in the particular case.

Another simple measure with a considerable added value is to draw up common transcription rules.

It would be of value to make it possible for more stakeholders to be involved in the European asylum process. In particular, UNHCR but also NGOs such as Save the Children and the Red Cross have a natural place in work with asylum seekers. Many international organisations can contribute to a better and more effective European asylum system with knowledge on customary practices, the situation in the countries of origin and on various cultural phenomena.

(20) In particular, how might practical cooperation help to develop common approaches to issues such as the concepts of gender- or child-specific persecution, the application of exclusion clauses or the prevention of fraud?

A common asylum system must be able to respond in a coherent way to the question of when responsibility ceases. It would be unfortunate if a Member State starts to send back people who have had residence permits at the same time as another Member State permits a person to stay in the same conditions. This is primarily a matter for the application of the law. The issue of how a common approach can be developed in different matters should therefore primarily be answered in the common regulatory framework. The decisions of the European Court of Justice will then provide guidance as to how the provisions shall be applied.

Even if a common regulatory framework, common processing and common jurisprudence at the European Court of Justice contribute to coherence, there are, however, crucial practical problems that must be solved through common procedures and practical coordination. The issue of how the responsible agencies in the individual Member States identify cases involving cessation is central in this context and should be further investigated.

An expanded network of contact points for national asylum authorities can be a way of achieving a more common approach in certain issues. Another may be the system with liaison officers already used by some Member States.

(21) What options could be envisaged to structurally support a wide range of practical cooperation activities and ensure their sustainability? Would the creation of a European support office be a valid option? If so, what tasks could be assigned to it?

A common asylum system requires support and coordination. The need of and forms for a common support and coordinating office should be analysed, where important starting points should be the Member States' initiatives and their insight into the activity.

The question of European added value should be central in the analysis, as well as consideration to the principle of subsidiarity. A support and coordinating office is probably beneficial from the perspective of harmonisation and with a view to promoting the sustainability of collaboration. The office should be open and available for, for instance, EU candidate countries as well.

The focus for a common support and coordinating office should be to provide training courses, interpreter services, coordinate special measures (see questions 5 and 34), coordinate matters relating to resettlement (questions 30-32) and coordinate information (see question 19). The office should also work for development of the systematic collaboration between countries in which exchange of experiences, think tanks, problem solutions of in particular an international character, should be on the agenda.

Other tasks might be exchange of information relating to cases, jurisprudence and exchange of experiences in other forms by creating fora for meetings and collaboration groups at the level of officials.

(22) What would be the most appropriate operational and institutional design for such an office to successfully carry out its tasks?

A common support and coordinating office should have the Member States as its principal and be subject to influence by the Member States. It is also important that the operational responsibility for various types of measures lies with the Member States even if they are coordinated by a common function. The question of the form taken by the office should be carefully investigated on the basis of the needs in the activity (see question 21).

Solidarity and burden sharing

(23) Should the Dublin system be complemented by measures enhancing a fair burden-sharing?

The evaluation of the Dublin regulation and Eurodac has shown that the Dublin system has generally worked well and is a system that serves the purpose of determining which Member States should be responsible for consideration of an application for asylum. The problems that have been noted have mainly concerned application of the regulatory framework. At present, there is no reason to depart from the well-established principles laid down in the Dublin regulation.

In general, it is important that the points of view that emerge in the evaluation of the Dublin regulation and Eurodac are taken into account in the work of harmonisation.

(24) What other mechanisms could be devised to provide for a more equitable distribution of asylum seekers and/or beneficiaries of international protection between Member States?

The consequences must be carefully investigated before considering increased inputs of financial solidarity with a view to evening out the costs for assessment of asylum applications made in the Member States. Such solutions must take into account the principles of subsidiary and proportionality, have a European added value and meet the requirements for sound financial management. A further important point should be that there is a national responsibility and clear demands for performance linked to the transfer system. In the first place, however, solutions should be considered which do not involve the establishment of new transfer systems in the EU.

(25) How might the ERF's effectiveness, complementarity with national resources and its multiplier effect be enhanced? Would the creation of information-sharing mechanisms such as those mentioned above be an appropriate means? What other means could be envisaged?

Priority must be given to the issue of common statistical documentation and forms for calculation of costs and the equivalent. Programmes that entail cooperation between Member States providing funds must be given priority within the frameworks that the ERF now functions.

(26) Are there any other specific financing needs which are not adequately addressed by the existing funds?

A development of regional protection programmes and a common resettlement system (see questions 27 and 30 below) may entail requirements for different types of financing as well as an

intensification of other measures within the external dimension of migration policy. These possible cost increases are to be handled within the framework of the multi-year budget limits.

External dimensions of asylum

- Supporting third countries to strengthen protection

(27) If evaluated necessary, how might the effectiveness and sustainability of Regional Protection Programmes be enhanced? Should the concept of Regional Protection Programmes be further developed and, if so, how?

As noted in the Green Paper, the two pilot programmes initiated to date are still in a very early stage of implementation. Any reworking of this type of programme must be based on the conclusions from evaluation of the programmes.

Sweden has supported the production of regional protection programmes and the intention must reasonably be that the use of this EU instrument in support of capacity-building for provision of international protection should be expanded. It has been hoped that they would become a strategic complement to other forms of humanitarian support and capacity-building. Work on integrating asylum issues and development cooperation is important.

(28) How might the EU best support third countries to deal with asylum and refugee issues more effectively?

It is important that the Commission intensifies its work in integrating asylum-related issues in its development cooperation strategies. Broad measures are important to enable people to support themselves. To promote sustainable solutions, the Commission should support measures in the host countries that contribute to refugees becoming self-supporting and contributing to development themselves. Corresponding measures in the countries of origin should also be considered in return situations. They should be implemented in such a way as to benefit both refugees, returnees and the host countries.

The Söderköping process financed by the Commission can also serve as an example. The intention of this process is to promote the transfer of knowledge and experience between the new EU Member States in Eastern Europe and neighbouring countries Ukraine, Belarus and Moldova as well as contributing to administration in the area of migration in the latter countries developing in accordance with the EU *acquis* and international law.

The coordination of Member States' measures in third countries should be developed. It is not beneficial if several parallel projects with similar aims take place at the same time in a country without the various actors being aware of one another's presence or aims. Coordination of measures could be a task for the support and coordinating office.

(29) How might the Community's overall strategies vis-à-vis third countries be made more consistent in the fields of refugee assistance and be enhanced?

As mentioned above, the work of integrating asylum-related issues in strategies for development cooperation, including in new country and region strategy documents, is very important. It is positive that a discussion is taking place on the types of measures which would best help third countries to cope with refugee situations, including drawing attention to the needs of refugees and returnees and their ability to contribute to development in their host countries and to take into account how the EU's measures in relation to the regions and third countries concerned could be more consistent and effective.

UNHCR has been given a global mandate by the international community to provide protection and assistance to refugees and it is the organisation with the best overview and ability to prioritise among needs. Now that overall strategies are being developed within the Community, it is therefore important that they develop together with UNHCR. As regards long-term strategies, it is important to take a holistic approach to situations. Other instruments should also be considered as well as traditional assistance to refugees and development cooperation.

- Resettlement

(30) How might a substantial and sustained EU commitment to resettlement be attained?

The issue of a European resettlement programme is prioritised.

The purpose of resettlement is to provide protection for people who cannot obtain durable protection where they now are and to show solidarity with other countries outside the EU with substantial refugee populations.

The resettlement instrument can be used strategically to create scope for solutions in host countries and countries of origin and thus ultimately contribute to resolving very difficult and long-term refugee situations. It is important that these intentions are not confused with

matters concerning allocation of responsibility for consideration of asylum applications within the EU or issues of financial solidarity between the Member States.

A support function is, in the way discussed above under questions 19 and 21, appropriate for coordinating resettlement measures by Member States. Various forms of incentives should be considered to make it more attractive for Member States to increase their resettlement quotas.

The Member States with less experience of resettlement should be offered practical guidance and support from more experienced countries. It may also be appropriate for this to be coordinated by the above-mentioned support function.

(31) What avenues could be explored to achieve a coordinated approach to resettlement at EU level? What would be required at financial, operational and institutional level?

Resettlement should be coordinated on several levels to achieve an increased strategic effect. Financial coordination is necessary and should take place within the framework of the European refugee fund, ERF (see question 26 above). Operational collaboration with UNHCR should be developed. There are also great strategic gains in coordinating resettlement measures, in particular regarding measures to solve major refugee situations. The EU should have a close dialogue and expanded cooperation with both UNHCR as well as the United States and Canada.

Sweden is prepared to offer practical assistance to the countries that intend to start resettlement. Other resettlement countries such as UNHCR should also be able to provide this kind of assistance, which, as stated above, should be coordinated by a support office or other support function.

(32) In what other situations could a common EU resettlement commitment be envisaged? Under what conditions?

Common EU undertakings have great benefits in targeted measures to handle particularly difficult refugee situations. This may involve mass flight situations where neighbouring countries to countries at war, countries where civil war or large natural disasters are taking place, are suddenly obliged to receive an enormous number of people at the same time. The EU should have a preparedness and internal coordination in such situations. The EU should also develop collaboration with UNHCR and with other large resettlement

countries with a view to being able to deal with the above-mentioned situations better and more quickly.

The role of the EU in this context could be to provide funds and to compensate the Member States that assume greater responsibility and increase their refugee quotas in difficult mass flight situations and other situations that entail major strains on recipient countries outside the EU. Sweden is in favour of a system based on increased financial solidarity with the Member States that assume greater responsibility for reception of quota refugees.

- Addressing mixed flows at the external borders

(33) What further measures could be taken to ensure that protection obligations arising out of the EU *acquis* and international refugee and human rights law form an integral part of external border management? In particular, what further measures could be taken to ensure that the implementation in practice of measures aimed at combating illegal migration does not affect the access of asylum seekers to protection?

There are a number of problems relating to border administration, in particular regarding the overlap between sea rescue and border control and dealing with the mixed migration groups which may be on board the ships that Member States come into contact with. It is important that the international regulatory frameworks that govern border control operations at sea and the international law instruments in the sphere of refugees and human rights are taken into account in relation to the Community *acquis* that is now developing in the area of asylum. More effective control of the external borders must not take place at the expense of the individual's access to the possibility of applying for asylum.

To fill the gaps in the existing international regulatory framework, it is also important that there are common clear guidelines for the border control and sea rescue operations that are undertaken jointly by the Member States. The consequences of a more effective management of the external borders for the possibility of obtaining access to protection within the Union should also be investigated.

Measures to combat illegal immigration must not undermine the actual access to the possibility of applying for asylum at the EU's external borders. It is desirable that the issue of mixed migration flows to the EU be discussed in the same context as the Common European Asylum System.

(34) How might national capacities to establish effective protection-sensitive entry management systems be increased, in particular in cases of mass arrivals at the borders?

The Council has recently decided to set up a European border fund and established groups for swift measures at the borders (RABIT). Both decisions aim to strengthen the national border authorities, the fund in the somewhat longer term and RABIT in acute situations. Neither of the mechanisms have yet been considered and it is therefore too early to evaluate these or the need for new measures in the sphere of border control.

- The role of the EU as a global player in refugee issues

(35) How could European asylum policy develop into a policy shared by the EU Member States to address refugee issues at the international level? What models could the EU use to develop into a global player in refugee issues?

The maintenance of the international refugee protection regime requires measures for international allocation of responsibility and burden sharing to support the countries with the largest refugee populations. UNHCR has the mandate of the international community to ensure that refugees are provided with protection and assistance. The EU should reinforce its role as partner to the organisation. One component of this would be to work to strengthen the Commission's role as an observer in UNHCR's Executive Committee. The EU's stronger role should also entail increased undertakings for resettlement (see above question 30). Humanitarian measures in refugee situations through other channels should also be strengthened, and consideration should be given to targeted development assistance to contribute to refugees and returnees becoming self-supporting and able to contribute to development in the host countries and their countries of origin.