

## **Estonian contribution to the Green Paper on the future Common European Asylum System**

Estonia welcomes the publication of the Green Paper on the future of the Common European Asylum System (CEAS). We believe it is important to continue work in order to achieve the asylum system that provides to persons genuinely in need of protection access to a high level of protection under equivalent conditions in all Member States while at the same time dealing fairly and efficiently with those found not to be in need of protection. Hereby we would like to express the views of the Estonian Government regarding to the substance of the Green Paper.

### ***Legislative instruments***

#### **Processing of asylum applications**

Estonia supports individual processing of asylum claims. Therefore as comes to the reassessment of some procedural devices introduced during the first phase of the harmonization, we are on the opinion that the concepts of safe third countries and the safe countries of origin might not have justified itself very well in practice. We think that it is not the most efficient way of dealing with asylum applications, as it demands regular update of the lists (time consuming) and might leave some people without protection even if they really need it. It might be more beneficial to harmonize practices of granting protection to some specific categories of people, for example on the basis of their nationality or origin (e.g Chechens, Iraq, Afghanistan etc). Therefore we believe that the EU should consider defining critical areas or nationalities and develop a common approach for relevant asylum seekers. This might help to reduce differences between Member States regarding to the decision-making on persons arriving from critical regions. As comes to the introduction of the mandatory single procedure for assessing applications for refugee status and for subsidiary protection, we are on the opinion that it is important to pay attention to the order whereby the legal basis for international protection and its applicability will be looked through during the processing of asylum applications. Regarding to the feasibility of joint processing of asylum applications, we are on the opinion that further analyses is needed.

#### **Reception conditions for asylum seekers**

Since the possibility to work in the EU is one pull-factor for asylum seekers, it might be advisable to approximate the legislation regarding to the access to labour market. Therefore we welcome the respective amendments to the Directive 2003/9/EC. Estonia is also in favour of having common rules for the detention measures, more precisely harmonizing the legal grounds, conditions and length of the detention.

However we oppose to the idea of harmonizing material reception conditions. Due to the fact that Member States have huge economic differences it is not possible neither sensible to create a level playing field regarding to the material reception conditions. We believe that this kind of harmonization might take place only in case Member States have reached to more or less equal economic level.

#### **Granting of Protection**

We are in favour of creating a common protection status comprising a uniform set of rights for refugees and beneficiaries of subsidiary protection. However we are on the opinion that

the duration of the residence permit should be different for both categories. We can also support the idea of harmonizing the status for categories of persons who are not eligible for international protection, but who nonetheless are protected against removal under the obligations that are imposed on all Member States by international refugee or human rights instruments or on the basis of principles flowing from such instruments.

As comes to the idea of mutual recognition of national asylum decisions and the possibility of transfer of responsibility for protection, we are on the opinion that there is a need for further analysis and more background information before any decision will be taken (for example background information regarding to the movement of beneficiaries of international protection between EU Member States).

### ***Cross-cutting issues***

#### ***Appropriate response to situations of vulnerability***

We believe it might be appropriate to include in the Directive on reception conditions a provision whereby Member States will ensure preliminary medical examination for asylum seekers in order to identify their special needs. Minimum level of adequate medical and psychological help should be provided to the relevant persons as well. Nevertheless it is also important to specify the overall concept and target-group of people with special needs.

In order to enhance national capacity to respond effectively to situations of vulnerability, there is a need for further development of services provided to the persons with special needs. For that purpose it would be useful to establish special training programmes and work out guidelines for decision makers and other relevant actors involved in the process. In this regard we are also on the opinion that networks for specialists at national and EU-level might be helpful.

#### ***Integration***

Estonia supports the idea of extending long-term residence rights to beneficiaries of international protection. Regarding to other integration measures we are on the opinion that the current legislation already gives Member States sufficient opportunities to integrate beneficiaries of international protection, therefore we do not find it necessary to go further with harmonization at EU level, but sharing best- practices might be beneficial.

#### ***Ensuring second stage instruments are comprehensive***

We believe that the introduction of a common certificate for asylum-seekers might be a useful idea, with a general purpose of ensuring more comprehensive approach to the asylum process.

### ***Implementation – Accompanying measures***

Estonia supports the development of common guidelines on the interpretation and application of different procedural and substantial facets of the EU asylum *acquis*, as it will facilitate similar implementation practice in all Member States. We are also in favour of the further development of the EU wide Country of Origin Information (COI) portal, especially by linking it with other relevant databases. As the Eurasil network has turned out to be very beneficial in the field of COI, this example of networking might be used as well for the benefit of the first instance decision makers. It might be also worth considering

the idea of establishing a common database for all asylum seekers (e.g on the basis of EURODAC).

We are on the opinion that the creation of the European support office is definitely worth considering, as to ensure adequate structural support for all relevant activities in the field of asylum. We think that the coordination of activities regarding to the asylum area, enhancement of the practical cooperation and relevant training, should be based on common grounds and there is a need for a permanent structure, as the coordination in the form of cooperation between Member States seems to be too complicated. The role of the support office might be similar to FRONTEX, so that it would coordinate practical cooperation, develop guidelines and best practices, take care of the training events etc. It should be also responsible for the set up and management of the likely asylum expert teams deployed to Member States facing particular pressure.

### ***Solidarity and burden sharing***

#### **Responsibility sharing**

Estonia does not support the idea of linking Dublin system with the resettlement of asylum seekers between Member States. We think that the discussion over Dublin system should concentrate mainly on technological developments, for example on the further development of the Eurodac system by creating a common database about all asylum-seekers, where Member States can enter information related to the Dublin procedure. Also the application of detention measures during the Dublin procedure could be harmonized.

#### **Financial solidarity**

Estonia agrees that it is important to find ways in order to maximise the effectiveness of the European Refugee Fund. For example it may be beneficial to further develop the ERF web-site, using it as a forum whereby Member States could look for partners. It might be also used as an environment whereby responsible authorities and the Commission could communicate and solve problems (one example of the information sharing mechanism mentioned in the Green Paper).

### ***External dimension of Asylum***

#### **Strengthening protection in third countries**

Estonia supports the Commissions activities in helping third countries to strengthen their protection capacity. Besides helping countries of origin and transit with their asylum systems, it is also important to deal with the root causes for migration. Therefore it is essential to intensify cooperation with DG Development, since poverty and lack of development is one of main reasons for leaving.

#### **Resettlement**

Estonia is on the position that resettlement of refugees should continue to be voluntary for Member States. We believe that it is important to take account the proportion of immigrants already living in the host-society in the course of discussions over respective measures for resettlement. Since the proportion of immigrants in Estonia is relatively high compared to other Member States, our first priority is to work for the integration of people already living in Estonia. However we believe it is very important to ensure financial support to Member States who are willing to participate in resettlement activities.

#### Addressing mixed flows at the external borders

Estonia supports the Commissions proposals for addressing the issue of mixed flows at the external borders. It is important to guarantee access to protection at external borders. Therefore the Commissions operational and financial assistance to help Member States to establish effective protection-sensitive entry management systems is important. As mentioned before the set-up and management of expert teams for asylum might be left in the hands of the European support office.

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

We think that it is an important objective to ensure that the EU will speak with a common voice. Nevertheless it is also obvious that since there are huge differences between Member States, regarding to the asylum policies and practices, it is difficult to find a common ground presently. The EU role on the international fora should develop hand in hand with the establishment of the CEAS, since common system will also provide common vision of the refugee policy.

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