





Procedure file

Basic information		
COS - Procedure on a strategy paper (historic)	1995/2220(COS)	Procedure completed
Asylum : minimum guarantees for asylum procedures		
Subject 7.10.06 Asylum, refugees, displaced persons; Asylum, Migration and Integration Fund (AMIF)		

Key players			
European Parliament	Committee responsible		Rapporteur
	 Civil Liberties and Internal Affairs		Appointed 29/09/1995
			PSE D'ANCONA Hedy
	Committee for opinion		Rapporteur for opinion
	 Legal Affairs, Citizens' Rights		Appointed 21/11/1995
			PSE ZIMMERMANN Wilmya
Council of the European Union	 Women's Rights		27/02/1996
			PPE LULLING Astrid

Key events			
20/07/1995	Non-legislative basic document published	05585/1995	Summary
18/09/1995	Committee referral announced in Parliament		
08/10/1996	Vote in committee		Summary
08/10/1996	Committee report tabled for plenary	A4-0315/1996	
13/11/1996	Debate in Parliament		
14/11/1996	Decision by Parliament	T4-0613/1996	Summary
14/11/1996	End of procedure in Parliament		
02/12/1996	Final act published in Official Journal		

Technical information	
Procedure reference	1995/2220(COS)
Procedure type	COS - Procedure on a strategy paper (historic)

Procedure subtype	Commission strategy paper
Legal basis	Rules of Procedure EP 142
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/4/06936

Documentation gateway

Non-legislative basic document		05585/1995	20/07/1995	CSL	Summary
Committee report tabled for plenary, single reading		A4-0315/1996 OJ C 347 18.11.1996, p. 0005	08/10/1996	EP	
Text adopted by Parliament, single reading		T4-0613/1996 OJ C 362 02.12.1996, p. 0232-0270	14/11/1996	EP	Summary

Asylum : minimum guarantees for asylum procedures

OBJECTIVE: the Council's draft resolution aims to ensure that all Member States take decisions on requests for asylum on the basis of equivalent procedures and therefore adopts common procedural guarantees for asylum seekers which take account of the conclusions of the executive committee of the United Nations High Commission for Refugees and Council of Europe recommendation no. R81. CONTENT: the draft resolution on minimum guarantees for asylum procedures lists some of the main principles of the right to asylum and makes express provision for the application of the Geneva Convention, especially the definition of "refugee", the principle of "non-refoulement" and cooperation with the UNHCR. It deals mainly with the following points: - guarantees concerning the examination of requests for asylum; - the rights of asylum seekers during the examination, appeal and revision procedures; - manifestly unfounded requests for asylum; - requests for asylum presented at the border; - additional guarantees for unaccompanied minors and women; - the residential status of those who qualify as refugees.?

Asylum : minimum guarantees for asylum procedures

The Committee on Civil Liberties severely criticized the Council Resolution on minimum guarantees for asylum procedures in adopting (by 17 votes for, none against and 11 abstentions) the report by Mrs Hedy d'ANCONA.. In particular, the committee considered that the procedure used by the Council was unacceptable: the EP was not consulted in advance, the application of the Resolution was placed outside parliamentary and judicial review and there was a question mark over its binding nature. As for the content of the Council Resolution, the committee called for it to be possible to appeal to a court of law against any decision to reject an application for asylum and for such appeals to have suspensory effect so that the asylum seeker can remain in the host country until the court gives a ruling. The committee was also against the use of lists of 'safe countries of origin', which would be inconsistent with the principle that applications for asylum should be considered on a case-by-case basis. The d'ANCONA report stated that if the Council insisted on compiling such lists, they should in any case be submitted to the EP. Moreover, the asylum seeker should be able to challenge the alleged safety of the country in question. The report also points out that the decision on the substance of an asylum application should not be a matter for the frontier authorities. Certain procedural guarantees must be respected. Asylum seekers should be allowed sufficient time to prepare for the interview with the authority considering their applications and the procedure should be in a language understood by the asylum seeker). The committee stressed that unaccompanied minors should be able to make asylum applications and that women should be able to make separate applications from their husbands. ?

Asylum : minimum guarantees for asylum procedures

In adopting the report by Mrs Hedy d'ANCONA (PSE, NL), Parliament sharply criticized the Council resolution on minimum guarantees for asylum procedures, believing that it did not correspond to the objectives which the Council had set itself, i.e. equivalent procedures in all Member States for asylum seekers. Furthermore, the resolution contains no legal obligations and leaves Member States the possibility of resorting to derogations. Parliament considered the procedure chosen by the Council to be unacceptable: there had been no prior consultation of Parliament, the application of the resolution is removed from parliamentary scrutiny and checks by the Court, and it has no obviously binding effect. With regard to substance, Parliament called for all decisions rejecting asylum applications to be made subject to an appeal before a judicial authority and that the principle of suspensive effect should only be restricted in cases where entry is refused on the grounds that the application for asylum is manifestly unfounded. Deportation should only take place if the asylum seeker has had the opportunity of requesting the restoration of the suspensive effect of his appeal. Parliament also called on Member States to draw up a harmonized list of safe countries of origin on the basis of detailed analyses and to submit it for its approval. Parliament stressed that the authorities responsible for guarding borders must have no responsibility for a substantive examination of an asylum application. It called for the observance of certain procedural guarantees (the asylum seeker should have enough time to prepare for the interview to assess his application, the procedure should be in a language understood by the asylum seeker, etc.). It insisted that unaccompanied minors should be able to submit asylum applications of their own, and that women should be able to do so separately from their husbands. The EP also called on the Council to adopt binding provisions whereby any Member State to which applications for asylum or refugee status are made by nationals of other Member States should regard them as manifestly unjustified and always reject them.?

