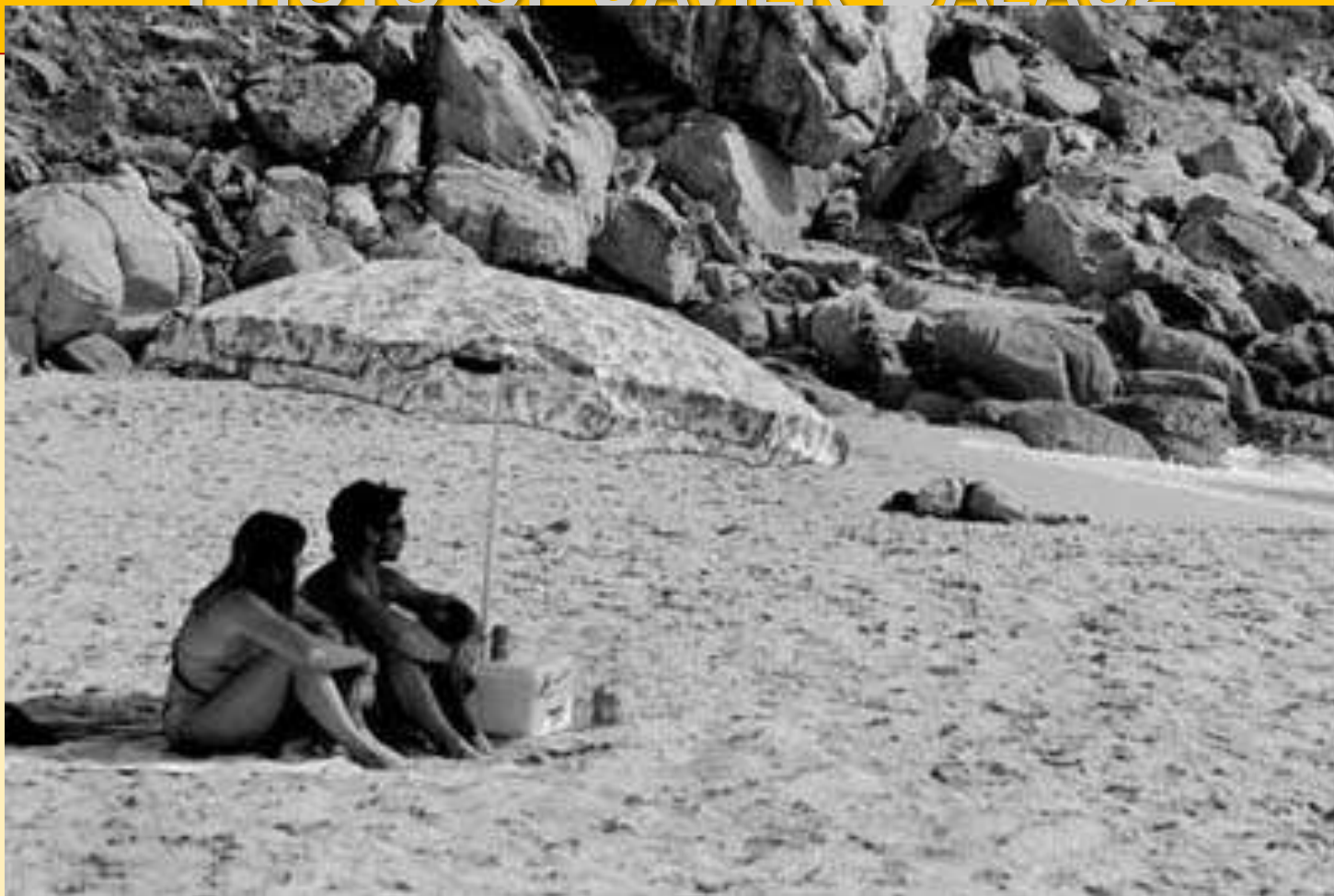


European Refugee Law
The institutional and legal
framework

Presented by Boldizsár Nagy,
Moscow
2014

PHOTO OF JAVIER BALAUZ



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PHOTO OF JAVIER BALAUZ



THE BERLIN WALL 1961 – 1989 AND THE FRONTIER AROUND EUROPE

During the Wall's existence there were around 5,000 successful escapes into West Berlin. Varying reports claim that either 192 or 239 people were killed trying to cross and many more injured.

http://en.wikipedia.org/wiki/Berlin_Wall visited 25 February 2006

List of 16264 documented refugee deaths through Fortress Europe

13/06/2012

Documentation on 13-06-2012 by UNITED

UNITED for Intercultural Action, European network against nationalism, racism, fascism and in support of migrants and refugees

Postbus 413 NL-1000 AK Amsterdam phone +31-20-6834778, fax 31-20-6834582, info@unitedagainstracism.org, www.unitedagainstracism.org

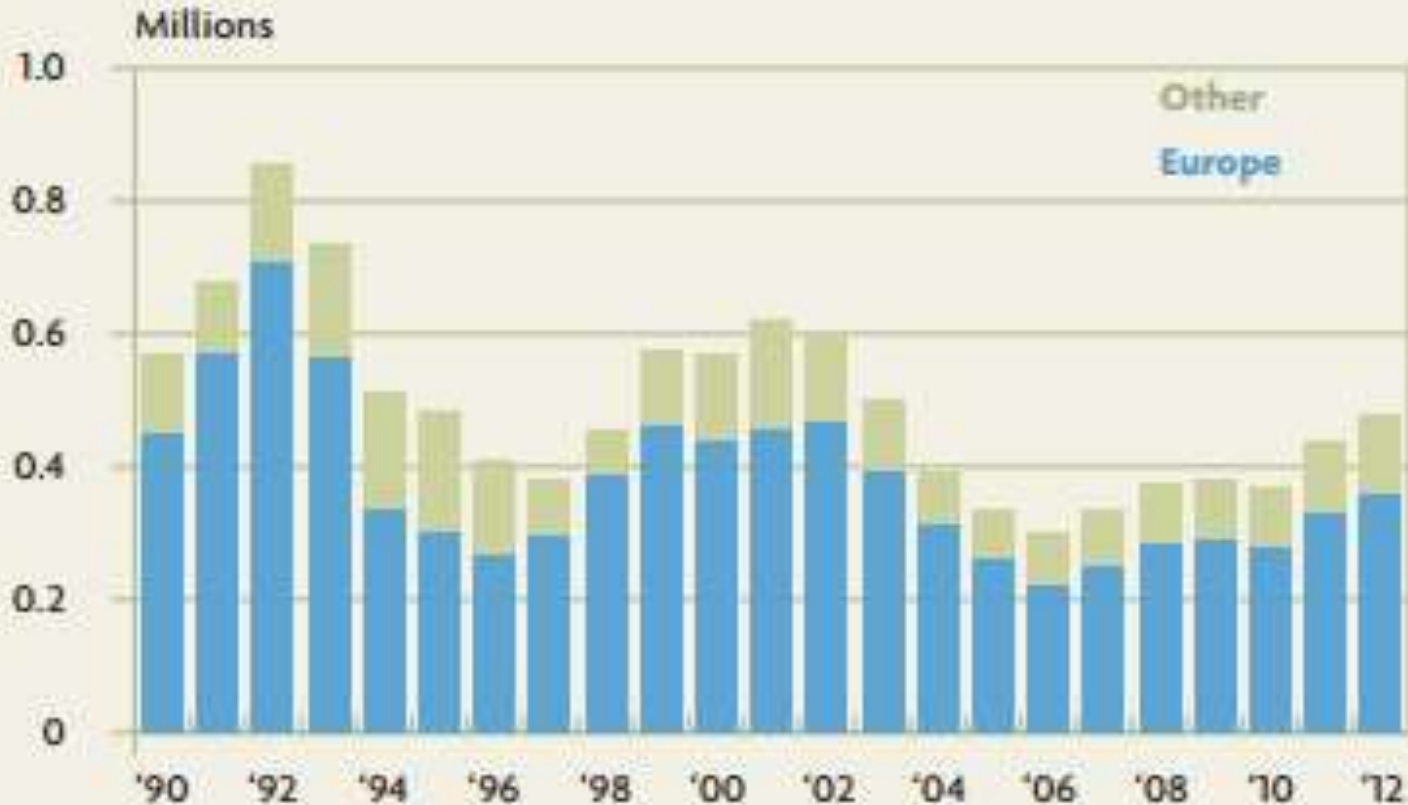
found dead	number	name	country of origin	cause of death	source
26/05/12	20	N.N.	unknown	drowned, after an inflatable dinghy on way to Italy started to deflate off the coast of Lybia	Migreurop/LRP
19/05/12	5	N.N.	Anjouan Island, Comoros	drowned, after boat of 43 migrants sank off the coast of Mayotte (F)	Le Monde/AFP/Migreurop
19/05/12	15	N.N.	Anjouan Island, Comoros	missing, after boat of 43 migrants sank off the coast of Mayotte (F)	Le Monde/AFP/Migreurop
02/05/12	1	N.N. (16, boy)	Afghanistan	stowaway, suffocated in a truck into which he had hidden to avoid the border police checks	Migreurop/PICUM/AdnKMP
01/05/12	7	N.N.	Somalia	died in a boat during a week-long voyage from LY to Malta, boat came ashore at Riviera Bay	UNHCR
29/04/12	3	N.N.	unknown	died in car accident while trying to escape a FRONTEX control, 2 migrants and the smuggler	Migreurop/KTG/TF1/PICUM/Clandestina/Age
28/04/12	1	N.N. (boy)	Egypt	drowned, after being thrown off a boat of 80 by smugglers when a patrol boat approached	Migreurop/LRP
26/04/12	1	N.N. (40, man)	Afghanistan	drowned, after being thrown overboard by smugglers dozens of meters from Calabria's coast	LR/Migreurop/PUCUM/FE
12/04/12	1	Alain Hatungimana (man)	Burundi	suicide, killed himself in the Netherlands in fear of being deported with his two children	DutchN/Migreurop/RNW/PICUM/ENAR
29/03/12	1	N.N.	unknown	body found in an advanced state of decay in the rural area of Tichero, Evros Prefecture (GR)	PICUM/Age/Clandestina
17/03/12	1	N.N. (±28)	unknown	drowned while trying to cross Evros River to enter GR, body found in area of Nea Vissa	PICUM/Age
16/03/12	5	N.N.	unknown	bodies found in boat of 57 on way to Lampedusa (I) rescued by Italian auth. in Lybian waters	PICUM/LR
15/03/12	1	N.N.	unknown	drowned while trying to cross Evros River to enter GR, body found near river in area of Soufli	PICUM
12/03/12	1	N.N. (28, man)	Eritrea	rolled over by the truck he tried to hide under to leave Greece, near the new port in Patras	PICUM/patrasT
29/02/12	1	N.N. (man)	Egypt	died of hypothermia, body found in a warehouse in the area of Korinthia (GR)	PICUM/Proto
21/02/12	1	N.N. (±20, woman)	Africa	died of hypothermia while trying to leave TR via Evros River, body found near Orestiada (GR)	PICUM/Infomob/Skai/Clandestina
21/02/12	1	N.N.	Sub-Saharan Africa	drowned while trying to enter Ceuta (E) by swimming along the coast from Morocco	MUGAK
21/02/12	1	N.N. (±23, woman)	Africa	body found by border guards in the Evros River (GR)	MNS
10/02/12	1	N.N. (±40)	unknown	died of hypothermia while trying to cross Evros River to enter GR, body found near Tichero	PICUM/Rizo
07/02/12	1	N.N. (25)	unknown	died of hypothermia in Health Centre of Soufli after crossing Evros River to enter Greece	PICUM/Skai
07/02/12	3	N.N. (±20)	Afghanistan	stowaway, suffocated on an Italy-bound truck and abandoned by smugglers near Parga (GR)	MNS
06/02/12	3	N.N. (±20)	Afghanistan	stowaway, died of asphyxiation in truck on way to Igoumenitsa (GR), a port leading to Italy	PICUM/TVXS
29/01/12	1	N.N. (29, man)	Iran	suicide, found hanged in asylum seekers house in Wurzburg (D), was in cure for depression	HRS/SD/MainPU4IB/SOS/Karawane
25/01/12	15	N.N.	Somalia	drowned, after their vessel of 55 migrants sank, bodies found off the coast of Misrata (LY)	MNS
25/01/12	40	N.N.	Somalia	missing, after their vessel of 55 migrants sank off the coast of Misrata (LY)	MNS
22/01/12	1	N.N. (±25, man)	North Africa	body found floating in an advanced state of decomposition 7 miles from Cabo de Palos (E)	MUGAK/Verdad
15/01/12	15	N.N. (12women; 2men; 1baby)	Somalia	bodies found on Libyan beaches after shipwreck of boat part of 4 boats group on way to I	PICUM/FE/TimesM/AFP/JW
15/01/12	1	N.N.	Somalia	found dead alone in shipwrecked boat that was part of group of 4 boats on way from LY to I	PICUM/FE/TimesM/AFP/JW

Source: <http://www.unitedagainstracism.org/pdfs/listofdeaths.pdf>

visited 13 September 2012

LONG TERM TENDENCIES – INDIVIDUAL APPLICATIONS

1 Asylum claims lodged in 44 industrialized countries | 1990-2012

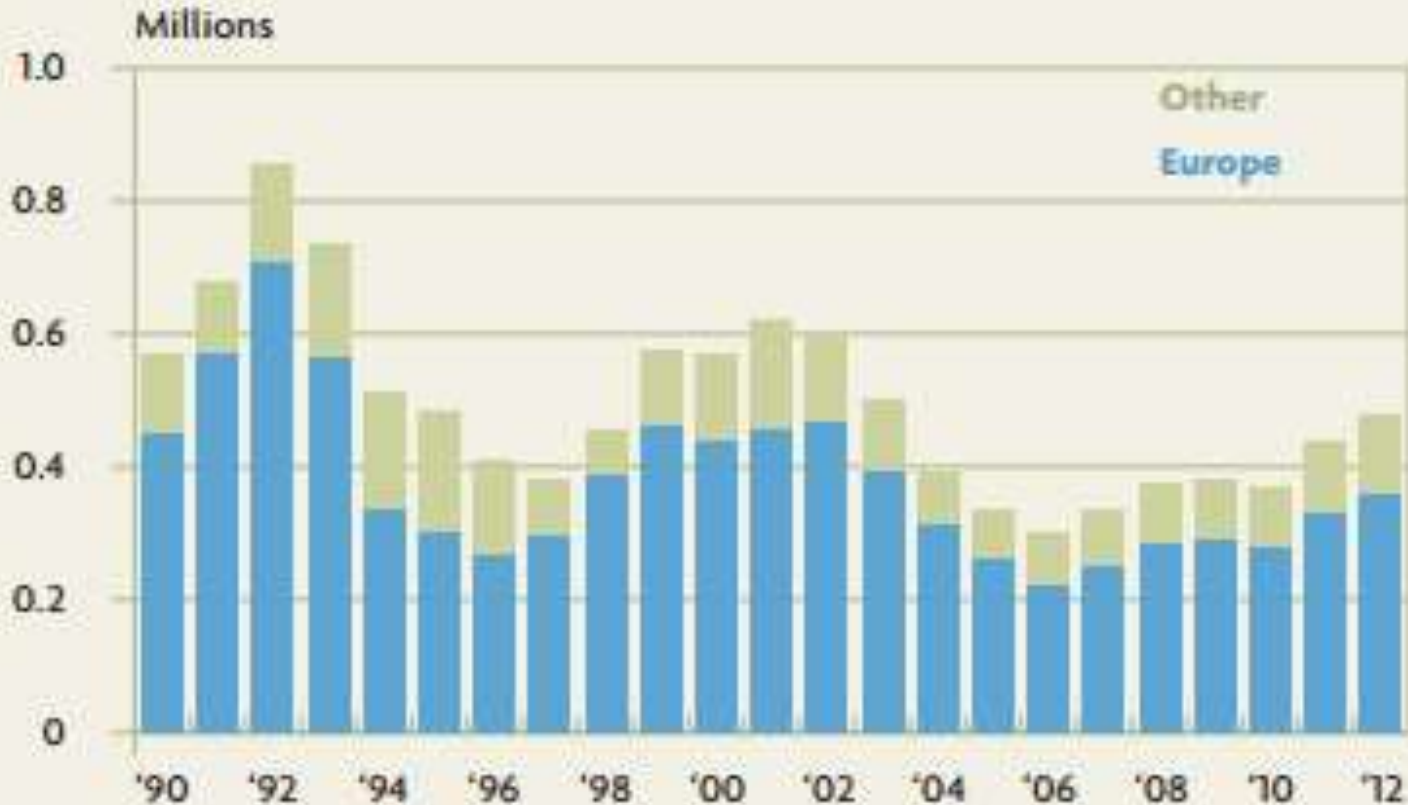


Forrás:
UNHCR:
Asylum
Levels and
Trends in
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Countries –
2012,
Geneva,
2013, 7. old.
1. ábra
<http://www.unhcr-centraleurope.org/pdf/resources/statistics/asylum-levels-and-trends-in-industrialized-countries-in-2012.html>

Látogatva
2013.
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LONG TERM TENDENCIES – INDIVIDUAL APPLICATIONS

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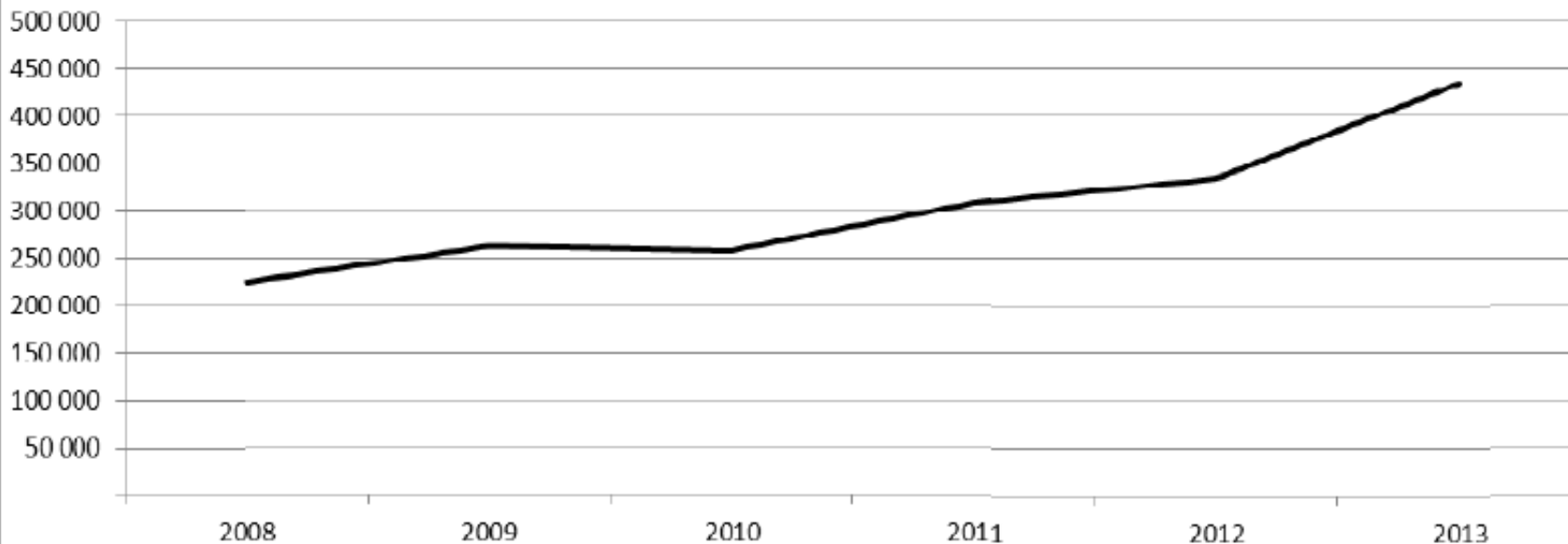


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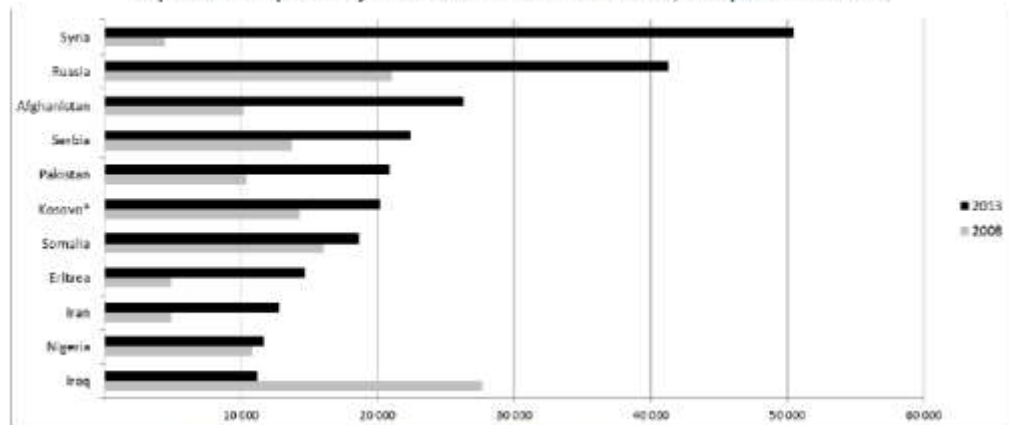
EU, APPLICATIONS 2008 -2013

Asylum applicants in the EU*, 2008-2013



* EU refers to EU27 for the years 2008 to 2012 and to EU28 for 2013

Top citizenships of asylum seekers in the EU in 2013, compared with 2008



* Kosovo under UN Security Council Resolution 1244; 2008 data instead of 2009

Source: Asylum in the EU28
Large increase to almost 435 000 asylum applicants registered in the EU28 in 2013
 Largest group from Syria Eurostat News release, 46/2014, 26 March 2014

Early history

THE ROAD UNTIL MAASTRICHT

1976: Trevi

1985: Commission proposal for a Europe without internal borders

1986 Group of ministers responsible for immigration creating treaties and other documents (e.g. , /failed/ Convention on crossing the external borders)

Cooperation in customs issues and fight against drugs

= **Up to Maastricht: intergovernmental cooperation**

Schengen Agreement (1985) and Convention implementing the Sch. A. (1990)

The Dublin Convention on determining the state responsible for the asylum procedure (1990)

Treaty on the European Union (Maastricht. 1992) 12 member states agree on **3 pillars** of which the third („Justice and home affairs”) declares 9 fields matters of common interest

THE MAASTRICHT TREATY ON THE EUROPEAN UNION

Title VI, a single Article „K” Cooperation in justice and home affairs

Nine matters of common interest:

1. **asylum policy;**
2. **rules governing the crossing by persons of the external borders of the Member States and the exercise of controls thereon;**
3. **immigration policy and policy regarding nationals of third countries;**
 - (a) conditions of entry and movement by nationals of third countries on the territory of Member States;
 - (b) conditions of residence by nationals of third countries on the territory of Member States, including family reunion and access to employment;
 - (c) combating unauthorized immigration, residence and work by nationals of third countries on the territory of Member States;
4. **combating drug addiction in so far as this is not covered by 7 to 9;**
5. **combating fraud on an international scale in so far as this is not covered by 7 to 9;**
6. **judicial cooperation in civil matters;**
7. **judicial cooperation in criminal matters;**
8. **customs cooperation;**
9. **police cooperation for the purposes of preventing and combating terrorism, unlawful drug trafficking and other serious forms of international crime, including if necessary certain aspects of customs cooperation, in connection with the organization of a Union-wide system for exchanging information within a European Police Office (Europol).**

Forms of decision

Consultation - without formal decision

Joint position

Joint action

International convention.

Evaluation of the Maastricht period (1993 – 1999)

Insistence on representing national interests, on the elements of sovereignty, considered inalienable..

A lack of clear goal and motivation.

Confused competences (e.g. in the field of drugs, customs)

Complicated decision making system

Dubious legal status of adopted decisions (joint positions and actions)

Democratic deficit, lack of democratic control, especially by the ECJ

**THE RATIONALE BEHIND DEVELOPING
AN EU ACQUIS:
SCHENGEN**

SCHENGEN

I. The creation of the Agreement (1985) and the Convention, implementing it (1990)

CONVENTION IMPLEMENTING THE SCHENGEN AGREEMENT OF 14 JUNE 1985 BETWEEN THE GOVERNMENTS OF THE STATES OF THE BENELUX ECONOMIC UNION, THE FEDERAL REPUBLIC OF GERMANY AND THE FRENCH REPUBLIC, ON THE GRADUAL ABOLITION OF CHECKS AT THEIR COMMON BORDERS
19 JUNE 1990 (OJ (2000) L 239/19)

II. The essence (see next slides)

SCHENGEN

Purpose:

Abolition of controls at the internal borders

Implementation of appropriate flanking measures

protecting the external borders with the same level of security including checks and surveillance

intensive co-operation in customs, police and criminal justice matters

establishing a system to determine which state is responsible for the examination of asylum applications

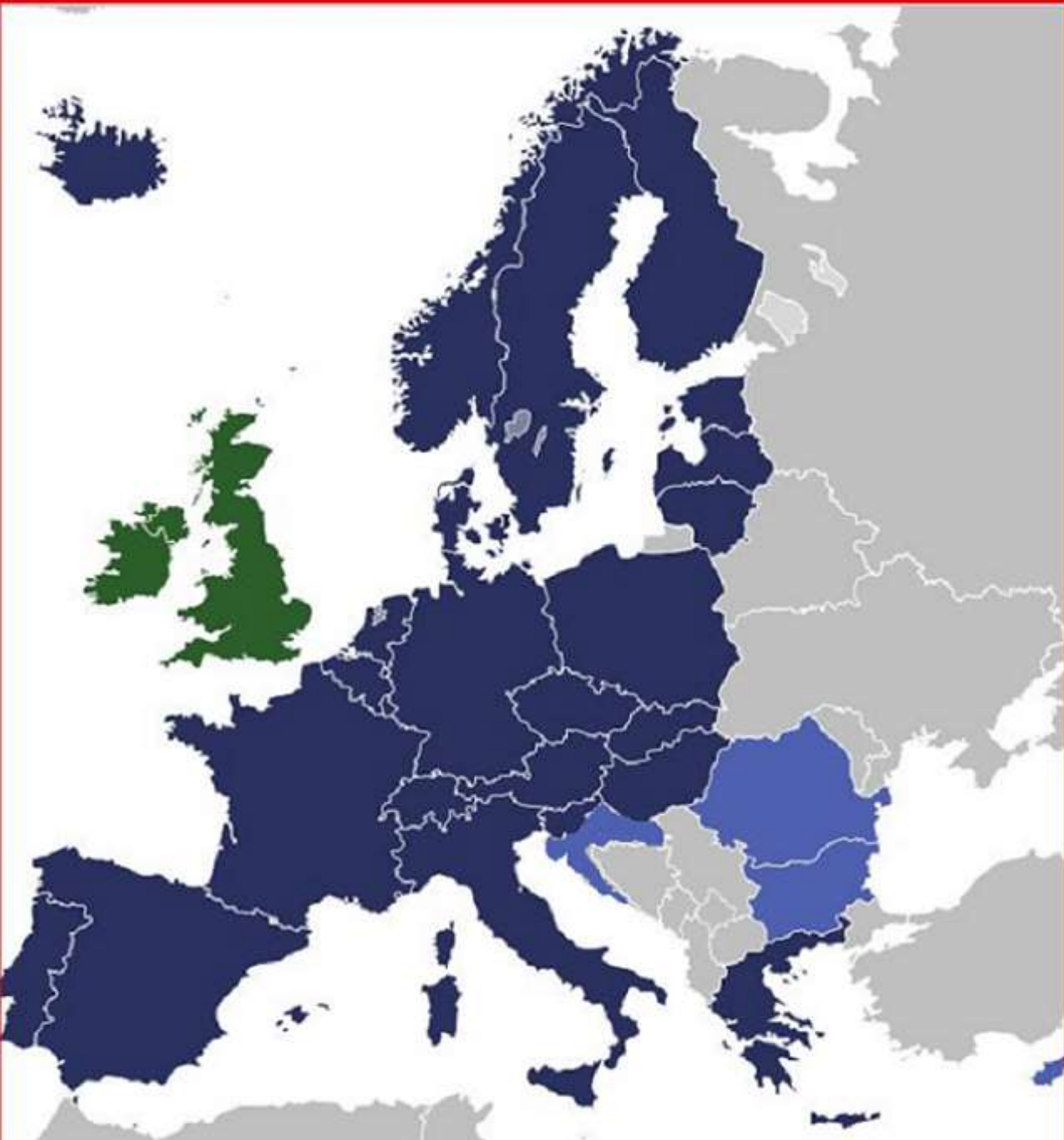
SCHENGEN

Territorial and personal scope

Territorial - see map on next slide

Personal: nationals of member states or “aliens”

“**Internal borders** shall mean the **common land borders** of the Contracting Parties, their **airports for internal flights** and their **sea ports for regular ferry connections exclusively** from or to other ports **within the territories** of the Contracting Parties and not calling at any ports outside those territories;”



**THE
SCHENGEN
AREA
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THE FUNDAMENTAL INSTITUTIONAL STRUCTURE AND THE BASIC NOTIONS

THE AREA OF FREEDOM, SECURITY AND JUSTICE

THE METAMORPHOSIS OF CONCEPTS

1958 - 1993 = Up to Maastricht: **intergovernmental** cooperation

Schengen Agreement (1985) and Convention implementing the Sch. A.
(1990)

The Dublin Convention on determining the state responsible for the asylum
procedure (1990)

1993 – 1999 = Between Maastricht (1 November 1993) and Amsterdam (1 May
1999) = **Justice and home affairs** = **III pillar** = **9 matters of common
interest** as in Article K (Title IV) of the **TEU** (Maastricht treaty)

1999 - 2009 = From entry into force of the A.T. till entry into force of the Lisbon
Treaty (1 December 2009) = **Justice and home affairs** = **Area of freedom,
security and justice** =

I pillar = Title IV. of TEC (**Visas, asylum, immigration** and other policies
related to free movement of persons + civil law cooperation)
+

III pillar = Title VI. of TEU (Provisions on **police and judicial cooperation
in criminal matters**)

2009 December 1 - = Area of freedom, security and justice **reunited in Title V of
the Treaty on the Functioning of the European Union** = Border checks,
asylum, immigration; civil law cooperation; criminal law cooperation; police
cooperation = **no pillar structure but CFSP is outside** of the „normal” EU
regime

THE AREA OF FREEDOM, SECURITY AND JUSTICE

Freedom = freedom of movement + immigration and asylum+ non-discrimination+ data protection

Security = fight against organized crime (including terrorism) and drugs + police cooperation (Europol, Eurojust, Frontex)

Justice („Recht“) = cooperation among civil and criminal courts, approximation of procedures, mutual recognition of decisions, simplification of transborder actions (litigation in another member state)

THE MESSAGE OF THE TAMPERE EUROPEAN COUNCIL CONCLUSIONS (1999)

2. ... The challenge of the Amsterdam Treaty is now to ensure that **freedom**, which includes the right to move freely throughout the Union, can be enjoyed in conditions of security and justice **accessible to all**. ...
3. This freedom **should not, however, be regarded as the exclusive preserve of the Union's own citizens**. Its very existence acts as a draw to many others world-wide who cannot enjoy the freedom Union citizens take for granted. It would be **in contradiction with Europe's traditions to deny such freedom to those whose circumstances lead them justifiably to seek access to our territory**.

This in turn requires the Union to develop **common policies on asylum and immigration**, while taking into account the need for a consistent **control of external borders to stop illegal immigration** and to combat those who organise it and commit related international crimes.....

THE MESSAGE OF THE TAMPERE EUROPEAN COUNCIL CONCLUSIONS (1999)

4. The aim is an open and secure European Union, fully committed to the obligations of the Geneva Refugee Convention and other relevant human rights instruments, and able to respond to humanitarian needs on the basis of solidarity. A common approach must also be developed to ensure the integration into our societies of those third country nationals who are lawfully resident in the Union.

THE STOCKHOLM PROGRAM PROGRAM, 2009

The development of a Common Policy on Asylum should be based on a **full and inclusive application** of the 1951 Geneva Convention relating to the Status of Refugees and other relevant international treaties.

THE ACTION PLAN IMPLEMENTING THE STOCKHOLM PROGRAMME, 2010 APRIL

...the European Union has more than ever the duty to **protect and project our values** and to **defend our interests**. Respect for the **human person and human dignity, freedom, equality, and solidarity** are our everlasting values at a time of unrelenting societal and technological change. These values must therefore be at the heart of our endeavours.

**THE RULES IN FORCE AFTER THE
ENTRY INTO FORCE OF THE
LISBON TREATY**

THE STRUCTURE OF THE UNION AFTER LISBON (SINCE 1 DECEMBER 2009)

Designation	European Union		European Atomic Energy Community
Legal Basis	Treaty of Rome, 1957 (+ SEA, Maastricht, Amsterdam Nice, Lisbon)	Treaty of Maastricht 1992 (+ Amsterdam Nice, Lisbon)	Treaty establishing the European Atomic Energy Community (1957) (+ SEA, Maastricht, Amsterdam Nice, Lisbon)
Present designation	Treaty on the Functioning of the European Union	Treaty on the European Union	Same Short: Euratom Treaty
Field of cooperation	Justice and home affairs + Economic cooperation (internal market, external action)	Common foreign and security policy Fundamental principles, Institutional rules	Nuclear
Types and forms of legal acts	Type Legislative – delegated – implementing Form: Regulation, directive, decision	No legislative acts. General guidelines Decisions on actions, positions and their implementation (TEU § 25)	Regulation, directive, decision
Court control (ECJ)	Yes	No (except: personal sanctions)	Yes

DECISION MAKING IN MATTERS RELATED TO ASYLUM

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During the first five years (1999-2004)

After 1 May 2004

After 1 December 2009

Initiative

Commission and
Member State

Only the Commission
(M. S. may request that the
Commission submit a
proposal to the Council)

Only the Commission

Decision making process

Unanimous, after
consultation with
Parliament

Ordinary legislation according
to Art. 251 after adoption of
common rules and basic
principles (practically **since
December 2005**)

Ordinary decision making
according to Art. 294

Decision

Regulation, directive,
decision,
recommendation,
opinion

Regulation, directive,
decision,
recommendation,
opinion

Regulation, directive, decision,
recommendation, opinion

FORMS OF DECISIONS

Article 288 TFEU

...

A regulation shall have general application. It shall be binding in its entirety and directly applicable in all Member States.

A directive shall be binding, as to the result to be achieved, upon each Member State to which it is addressed, **but shall leave to the national authorities the choice of form and methods.**

A decision shall be binding in its entirety upon those **to whom it is addressed.**

DIRECT APPLICABILITY, DIRECT EFFECT, PRIMACY OF EC LAW

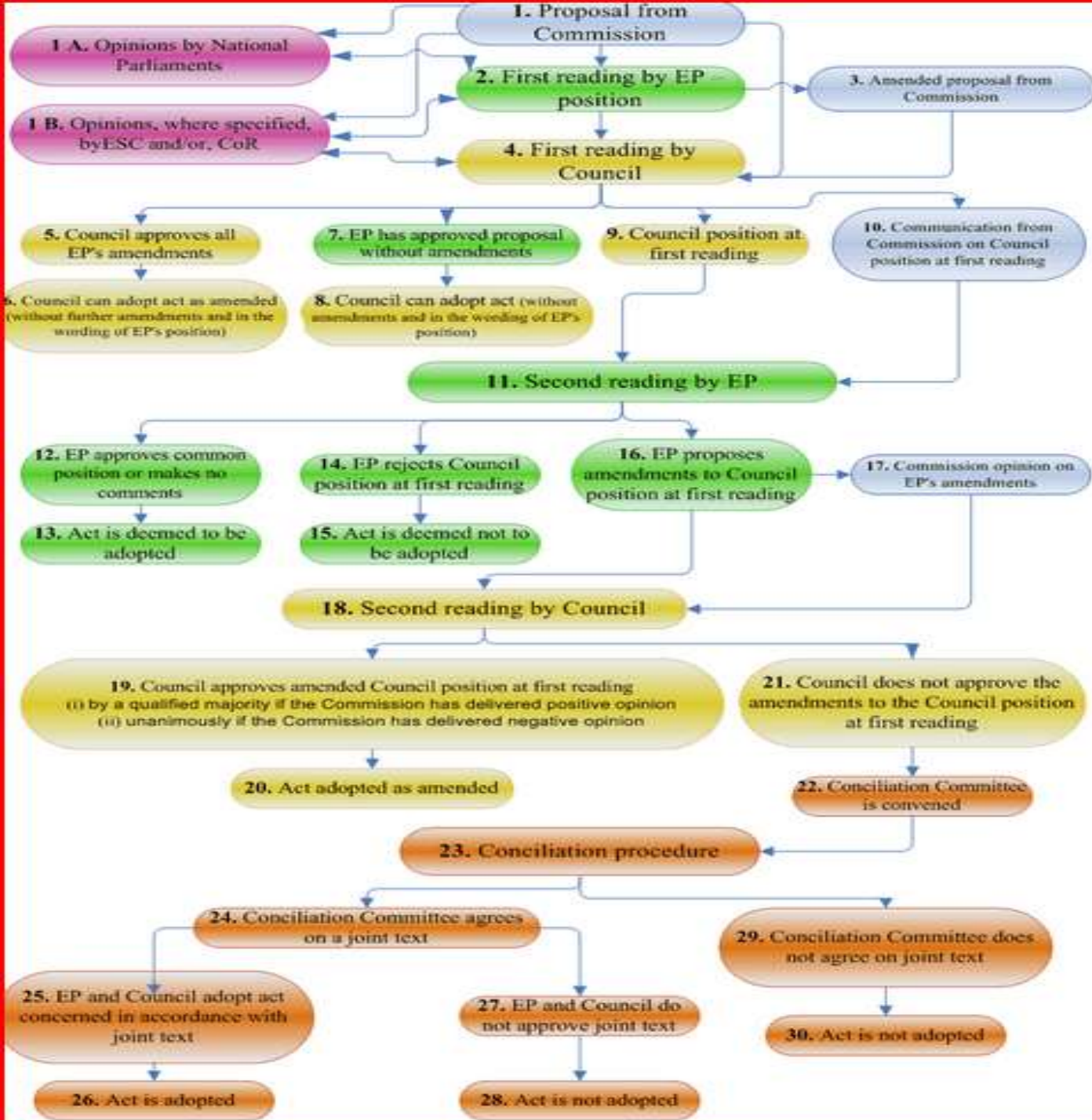
Direct applicability: a regulation „automatically forms part of the (highest) provisions of a Member State’s legal order” – without transposition

Laenarts – Van Nuffel (Bray, ed), Constitutional Law of the European Union, second ed .2005, p. 764

Direct effect: if the *regulation* is clear and precise and leaves no margin of discretion then individuals can rely on it against the state and against each-other

Directive: no direct applicability (needs transposition) but *may have direct effect* if unconditional and sufficiently precise – and the state fails to transpose it on time.

Primacy/Supremacy of EC law: In case of conflict it has primacy even over later national acts, including statutes.



ORDINARY DECISION MAKING

AS DEPICTED ON
[HTTP://EC.EUROPA.EU/
 CODECISION/IMAGES/
 ODECISION-
 FLOWCHART_EN.GIF](http://ec.europa.eu/codecision/images/odecision-flowchart_en.gif)

DECISION MAKING STRUCTURE IN THE EU TITLE V TFEU

COUNCIL OF MINISTERS (JHA COUNCIL)

High-Level Working Group on Asylum and Migration	COREPER		Standing Committee on Operational Cooperation on Internal Security (COSI) (see § 71 TFEU)
Strategic Committee on Immigration, Frontiers and Asylum (SCIFA)	Coordinating Committee in the area of police and judicial cooperation in criminal matters (CATS)		Working Party on Civil Law Matters
Working party on Integration Migration and Expulsion	Law Enforcement Working Party	Working Party for Schengen Matters	Working Party on Fundamental Rights Citizens Rights and Free Movement of Persons
Visa Working Party	Working Party on Cooperation in Criminal Matters	Working Party on General Matters including Evaluation	Working Party on Civil Protection
Asylum Working Party	Working Party on Substantive Criminal Law	Working Group on Information Exchange and Data Protection	JAI -RELEX Working Party
Working Party on Frontiers	Working Party on Terrorism		Customs Cooperation Working Party

Votes distribution – qualified majority

	Before accessions of 2004, 2007	Now, with Bulgaria and Romania until 2014	After 1 November 2014			
France	10	29	1 member – 1 vote			
Germany	10	29				
Great Britain	10	29				
Italy	10	29				
Spain	8	27				
Poland	-	27				
Romania	-	14				
The Netherlands	5	13				
Belgium	5	12				
Greece	5	12				
Portugal	5	12	Qualified majority = „double majority”			
Czech republic	-	12				
Hungary	-	12				
Ausztria	4	10				
Sweden	4	10				
Bulgaria	-	10				
Denmark	3	7				
Finland	3	7				
Ireland	3	7				
Lithuania	-	7				
Slovakia	-	7	<p>On a proposal from the Commission or the High Representative</p> <p>On any other proposal</p> <p>55% of the ministers (countries) (15) representing 65% of the population of the EU</p> <p>72 % of the ministers (20) representing 65 % of the population of the EU</p>			
Luxembourg	2	4				
Cyprus	-	4				
Estonia	-	4				
Latvia	-	4				
Slovenia	-	4				
Malta	-	3				
Total	87	345				
Qualified majority	62 (71,26%)	255 (73,91 %)			Blocking minority : minimum 4 countries even if 3 represent more than 35 % of the population	
Blocking minority	26	91				

VARIABLE GEOMETRY IN THE FIELD OF AFSJ

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	TFEU Title V. not related to Schengen	Building on Schengen under Title V.	Schengen acquis in former title VI of the TEU	Other elements of former Title VI	TFEU and TEU SIS, visa rules abolition of internal borders
UK Ireland	Opt in or out	Opt in or out	Opts in or out	Opts in or out	No participation
Denmark	No participation	No participation, but creates an obligation under international law	Binding, frozen	Binding, frozen	Takes part
Norway, Iceland	No participation	Binding	Binding	No participation	Takes part
Switzerland	No participation	Binding	Binding	No participation	Applied since 12 December 2008 (on airports since 29 March 2009)
NMS of 2004	Binding	Binding	Binding	Binding	Applied since 21 December 2007, on airports since March 2008.
Bulgaria Croatia Cyprus Romania	Binding	Binding	Binding	Binding	Not yet (fully) applied

THE ROLE OF THE COURT OF JUSTICE OF THE EUROPEAN UNION (CJEU) IN ASYLUM AND MIGRATION MATTERS

Procedures against states

Infringement procedure = Commission against state for failure to fulfil obligations *Article 285 TFEU (ex Article 226 TEC)*

Interstate dispute = State against state for failure to fulfil obligations (*Hardly ever used*) *Article 259 (ex Article 227 TEC)*

Enforcement procedure = Commission against MS - when a state fails to implement a judgment of the CJEU *Article 260 (ex Article 228 TEC)*

Challenging the legality of an act or the failure to act

Annulment procedure = review of legality of acts *Article 263 (ex Article 230 TEC)*

MS, Parliament, Council or Commission challenging an act (of the other bodies) on grounds of lack of competence, infringement of an essential procedural requirement, infringement of the Treaties or of any rule of law relating to their application, or misuse of powers + Natural and legal persons also, if personally and directly affected

Challenging failure to act = MS and institutions against any institution, body or organ if the latter fails to act in infringement of the Treaties

Preliminary ruling

MS's courts may (any level) must (highest level) request a preliminary ruling on

- the interpretation of the Treaties;
- the validity and interpretation of acts of the institutions, bodies, offices or agencies of the Union



**Cecilia
Malmström**
Home affairs

THE COMMISSIONERS BEFORE THE NEW COMMISSION OF 2014

Borders, visa, immigration asylum
Fight against economic, cyber and financial crimes;
Organised crime, trafficking of people and drugs, drug-trade,
corruption;
Fight against terrorism;
Police and criminal justice co-operation (e.g.I.FRONTEX,
EUROPOL)



**Viviane
Reding**

Vice president of the
Commission
Access to law, fundamental
rights, EU citizenship

Access to law

Judicial co-operation in civil and commercial matters
Co-operation in criminal law matters
Contract law and consumer rights

Fundamental rights

Charter of Fundamental Rights and the Fundamental Rights Agency (Vienna)
Rights of the child
Gender issue, discrimination (Roma issues)

Union citizenship

Rights of an EU citizen
Active citizenship

ASYLUM PROVISIONS

Location: Title V of the „Treaty on the Functioning of the European Union”, on an „area of freedom security and justice”.

Article 78 (1)

1. The Union shall develop a **common policy on asylum, subsidiary protection and temporary protection** with a view to offering appropriate **status to any third-country national** requiring international protection and **ensuring compliance with the principle of *non-refoulement***. This policy must be in **accordance with the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees, and other relevant treaties.**

MAIN NOVELTIES

Uniform status

„asylum” = Convention refugee status
subsidiary protection

Common procedure

No longer minimum standards! Goal was: to adopt them in 2012

↔ recasts adopted in 2011 and 2013! NOT creating uniform status and common procedure

Partnership with third countries

Not mentioned in the Lisbon treaty, but reality: European Asylum Support Office

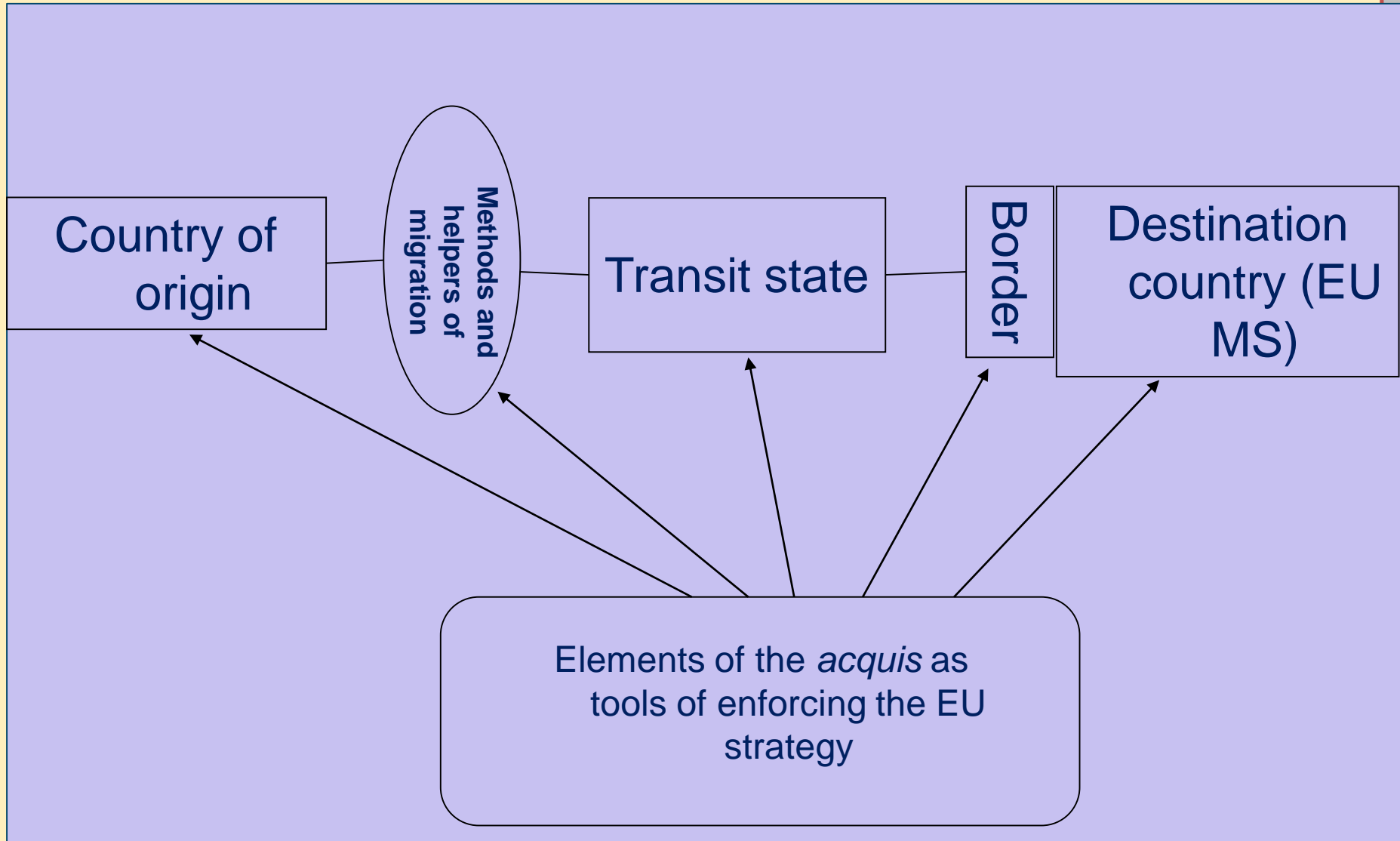
DECISION MAKING PROCEDURES AND MAJORITIES IN TITLE V, TFEU, CONCERNING ASYLUM

Numbers refer to TFEU articles and paras	Majority	Procedure	Start	Legal basis
Uniform status of asylum and subsidiary protection for third country nationals 78 § 2 (a) and (b)	Qualified majority	Ordinary legislation	1/12/2009 (1/12/2005)	Lisbon (Nice)
Common system of temporary protection in case of mass inflow 78 § 2 (c)	Qualified majority	Ordinary leg.	1 /12/2009 (1/12/2005)	Lisbon (Nice)
Common procedures for granting and withdrawing status 78 § 2 (d)	Qualified majority	Ordinary legislation	1 /12/2009 (1/12/2005)	Lisbon (Nice)
Criteria and mechanisms for determining which Member State is responsible for considering an application („Dublin”) 78 § 2 (e)	Qualified majority	Ordinary legislation	1/12/2005	Nice
Standards concerning reception conditions during asylum and subsid prot . procedures 78 § 2 (f)	Qualified majority	Ordinary legislation	1 /12/2009 (1/12/2005)	Lisbon (Nice)
Partnership and cooperation with third countries for the purpose of managing inflows of asylum seekers 78 § 2 (g)	Qualified majority	Ordinary legislation	1 Dec. 2009	Lisbon treaty

MIGRATION

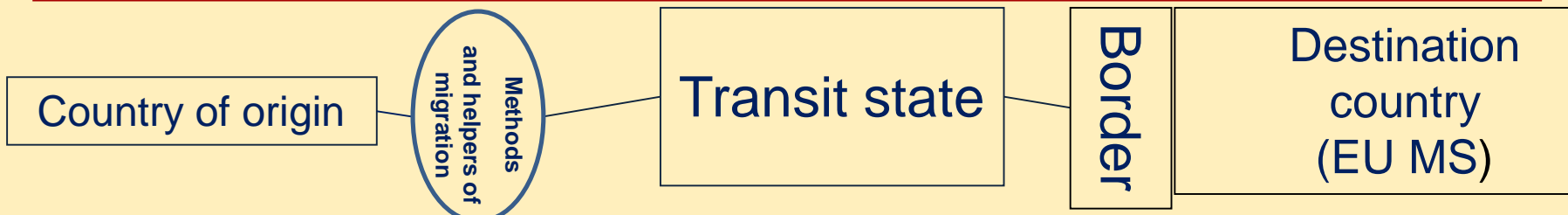
AN OVERVIEW OF THE SITES, LEVELS AND TYPES OF EU RESPONSES

PHASES/SITES OF MIGRATION



DIMENSIONS OF THE ANALYSIS –MAIN ELEMENTS OF THE MIGRATION ACQUIS

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Immigration rules (their impact);	Man smuggling, Fight against trafficking		External border Surveillance conditions of crossing; abolition of internal borders Frontex Eurosur	EU Immigration policy - workers, - service providers - researchers, - students - „blue card” – highly skilled - family unification -intra corporate transferees - seasonal workers
Co-operation with third states in the management of migration	Carrier sanctions	Transit visa	Visa; Alerts (Schengen)	Integration Fight against racism, xenophobia and discrimination
Tackling the root causes of asylum seeking	Interception in international waters	Safe third country		Asylum acquis Burden and responsibility sharing
Safe country of origin	Document protection (from falsification)	Return agreements		Cooperation in removal/return

DIMENSIONS OF THE ANALYSIS – OVERVIEW OF THE JUNCTURES)

Type of migrant ↓	The position of the migrant from the EU's point of view →	Preferred	Reservations	Pawn in the game	Unwanted
Regular		National of the EU MS or of the EEA MS or of Switzerland	New MS, Europe Agreements, Associated states (Turkey)	ACP and Maghreb countries; nationals of states with return agreements; Eastern Europe	Visa rejected
	S. Peer's category:	Market citizen	Worker	„Alien“	
Irregular	Refugee	Resettlement „Quota refugees“ „protected entry“	Asylum seeker arriving directly from the territory of persecution	Asylum seeker arriving through third countries	Intercepted outside the EU; Arriving from safe country of origin; Rejected claimant
	Illegal migrant			Regularisation Victims of trafficking	Those to be removed or already removed

The Common European Asylum System (CEAS)

- Goal: Common European Asylum system
 - First phase: harmonized rules (minimum standards)
 - Second phase common procedure and uniform status

(Majority decision-making only after first phase complete – from 2005 December)

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Asylum issues

Adopted measures

1. Regulation on **Eurodac** (2000) recast: **2013**
2. Directive on **temporary protection** (2001)
3. **Reception conditions** directive (2003) recast: **2013**
4. **Dublin II** Regulation and its implementing rules (2003) recast: **2013**
5. Qualification (**Refugee definition**) directive (2004) recast: **2011**
6. **Asylum procedures** directive (2005) recast: **2013**
7. Decision on the (third) **European Refugee Fund** (2007) new Asylum and Migration Fund – to be adopted in 2014
8. Establishment of an **European Asylum Support Office** (2010)

Overview of the recasts

Secondary rule	Is there a recast?	State of play
European refugee Fund 2007/573/EK határozat	None	Replaced by a new Fund on Asylum Migration and Integration (AMIF) March 2014
Temporary Protection Directive Council Directive 2001/55/EC	None	Commission raised the idea of a recast in 2014
Eurodac Council Regulation 2725/2000/EC	Yes	Revised Eurodac Regulation: Reg. 603/2013: (OJ 2013 L 180/1) – deadline July 2015
Dublin II regulation Council Regulation 343/2003 EC	Yes	Revised Dublin Regulation: Reg. 604/2013: (OJ 2013 L 180/31) – applicable from 1 Jan. 2014
Reception Conditions Directive Council Directive 2003/9/EC	Yes	Revised reception conditions Directive 2013/33 (OJ 2013 L 180/96) – deadline July 2015
Qualification directive Council Directive 2004/83/EK irányelv	Yes	Revised Qualification directive 2011/95/EU 20 December 2011 transformation deadline deadline Dec. 2013
Procedures directive Council Directive 2005/85/EC	Yes	Revised procedures Directive 2013/32 (OJ 2013 L 180/60) – transformation deadline July 2015

Thanks!

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