DOWNLOAD PDF MINIMUM STANDARDS IN ASYLUM PROCEDURES WITH EVIDENCE

Chapter 1 : Greece: Government Defies Court on Asylum Seekers | Human Rights Watch

criticized rules that would allow sources of evidence in RSD to be withheld from asylum-seekers or their counsel. Minimum Standards on Procedures in Member States.

Assessment of policy options Presentation of sub-policy options To ensure access to asylum procedures To remove derogations and improve procedural safeguards To improve guarantees for applicants with special needs To approximate accelerated procedures To consolidate the application of the safe country of origin notion To enhance accessibility and quality of remedies Summary of an additional policy option identified Presentation of Preferred Policy option Assessment of Preferred Policy Option Respect for the principle of proportionality Summary of relevance, feasibility and expected impacts Potential magnitude of financial impacts Tackling any increase in abuse of the asylum system Evaluation and monitoring criteria In the longer term, Community rules should lead to a common asylum procedure and a uniform status for those granted asylum valid throughout the Union. The Hague Programme further expanded on the Tampere objectives and called for the Commission to submit the second-stage measures to the Council and the European Parliament with a view to their adoption before the end of The European Pact on Immigration and Asylum, adopted on 17 October , provided further political endorsement and impetus to this objective, by calling for initiatives to complete the establishment of the CEAS with a view to offering a higher degree of protection. The Directive aims at establishing minimum standards on procedures in Member States MS for granting or withdrawing refugee status. It was adopted by the Council by unanimous vote after consulting the European Parliament. These procedural requirements brought implications for the content of the Directive which has been described by many commentators as achieving only modest level of harmonisation of asylum procedures in MS. This strategy equally applies to the Asylum Procedures Directive. On 3 December , the Commission adopted proposals for the amendment of three first-phase instruments, e. Further measures to be taken in the short-term in accordance with the Policy Plan include a proposal for the amendment of the Qualification Directive 4 , to be adopted together with the proposal for the amendment of the Asylum Procedures Directive, as well as measures to reinforce the external asylum dimension, including by establishing a joint EU resettlement scheme and further developing Regional Protection Programmes. The current political feasibility of revising the Directive There are several reasons why, in the present settings, a revision of the Directive can be realistically expected to achieve higher and more harmonised protection standards than those established in the first phase: The MS have acknowledged the need to introduce more precise standards on access to procedures, safe countries of origin, and accelerated procedures. Support has also been expressed to measures aimed at streamlining, facilitating and enhancing the quality and efficiency of the first-instance examinations. Similarly, in the Pact, the European Council pointed to the persistence of wide disparities amongst MS in the granting of protection as the main problem to be addressed and called for a higher degree of protection. However, it has become clear that further efforts towards the achievement of a levelplaying field are urgently needed with a view to ensuring that the Dublin System can operate in a fair and efficient manner. This in particular includes standards on access to procedures, types of accelerated procedures and border procedures, the notion of applicants with special need, guardianship arrangements for unaccompanied minors, admissibility arrangements and access to effective remedy. Organisation and timing, consultation and expertise Procedural notions and devices, enshrined in the Asylum Procedures Directive, were discussed extensively in the course of the consultation, based on the Green Paper, presented by the Commission on 6 June The response to the public consultation encompassed 89 contributions from a wide range of stakeholders 5 , including 20 MS, regional and local authorities, the Committee of the Regions and the European Economic and Social Committee, UNHCR, academic institutions, political parties and a large number of NGOs. These contributions provided the Commission with both valuable information on the implementation of the directive and ideas for shaping policy options in view of developing further common standards on asylum procedures.

These consultations involved Government experts, NGOs and legal practitioners providing legal advice to asylum applicants in national asylum procedures, and focused on the key elements of the Directive, as transposed into national legislation. Also, the Commission ordered an external study to support the preparation of the present report. Thus, further information was collected and analysed by the contractor. The methods used included additional questionnaires addressed to both Governments and non-Governmental organisations providing services to asylum seekers and refugees in MS 6 , desk research and bilateral consultations with the stakeholders. Important data were collected from literature reviews in the form of reports by international and nongovernmental organisations i. Important information on practical aspects of the implementation of the directive was also found in reports on the implementation of projects co-funded by European Refugee Fund and in the report on asylum procedures in the IGC participating states the Blue Book 7. In particular, the IA provides a quantified analysis of the identified problems, discusses the expected impacts of legislative action on the quality and coherence of minimum standards on procedures and distribution of asylum applications between MS, and systematically assesses the proportionality of the policy options. To the extent possible, the report provides estimates as to the MS and numbers of asylum applicants potentially affected by the envisaged measures and indicates the magnitude costs needed to implement them in the MS concerned. Scope of the problem The EU Member States are important destination countries for displaced persons seeking international protection in the industrialised world. This reflects a long term tendency: In the period the overall number of asylum seekers in the EU decreased sharply, from a total of , asylum applications lodged in to , in Despite rises and falls of asylum claims, protection motivated arrivals have had a modest weight in overall migratory flows to the EU, estimated at 1. Report on policies and practices in IGC participating states. What is the issue or the problem that may require action? The flows of asylum seekers across the EU and the ways that individual MS choose to address these flows and handle asylum applications are interrelated in complex ways. The diversity of national asylum legislations and practices was recognised from the beginning as one of the main factors affecting asylum flows It was precisely with a view to limiting the impact of this factor on asylum flows the Tampere programme called for the adoption of legislative instruments harmonizing national asylum rules on the basis of minimum standards. However, as will be demonstrated below, the adoption of such standards was not sufficient in itself: There are several interlinked causes for these persistent divergences. These factors in clude: The Commission is constantly and systematically monitoring the implementation of the asylum acquis by MS and any problems identified as flowing from the incomplete transposition or the incorrect implementation of these rules can only be addressed by infringement procedures. As regards the possibility for MS to go beyond the minimum standards prescribed by the acquis, this possibility reflects the sovereign right of States to go beyond the minimum core of obligations established by human rights instruments and it is fundamental and inherent in Human Rights Law. Accordingly, all asylum Directives allow MS to introduce or retain more favourable standards, in so far as those standards are compatible with their rules This possibility cannot be precluded and the ensuing divergences cannot be addressed by legislative measures. It is the European Court of Justice that, by applying this compatibility test, could eventually impose certain limits and define more clearly which more favourable national standards undermines the objectives of a relevant asylum instrument. However, the last factor, i. As will be discussed below under section 2. The different measures aimed at helping those MS adequately deal with these flows relate to financial solidarity, to burden sharing through relocation of beneficiaries of international protection and to tasks to be assigned to the future EASO. Harmonization on the basis of minimum standards: These standards should i be common and capable of ensuring fair and efficient examinations 15 , ii be in compliance with the Refugee Convention and other relevant treaties 16 , and iii respect the fundamental rights flowing from general principles of Community law, which, themselves, are the result of common constitutional traditions of MS and of the European Convention of Human Rights the "ECHR" , as enshrined in the EU Charter of Fundamental Rights the "Charter" To this effect, the basic requirements include the principle of a single responsible authority, the opportunity of a personal interview by a competent official, the availability of

a competent interpreter, the right to remain in the territory, and access to effective remedy in the case of a negative decision Indeed, the whole human rights edifice is based on international treaties establishing a common core of obligations, whilst allowing states parties to go beyond this minimum The general principles of Community Law further imply that procedures should be easily accessible and make it possible to deal with the claims objectively and within a reasonable time 21 , and the right to be heard, the principle of "equality of arms", and the right to effective judicial protection should be fully respected. Finally, since the standards are common and aim at harmonising national laws, the procedural notions, even if not directly flowing from international or Community obligations, should be based on common denominators and facilitate efficient procedures, while respecting the principles of proportionality and of procedural autonomy. N otions designed to respond to specific challenges faced by 15 The Tampere European Council conclusions, as reiterated in Recital 3 of the Asylum Procedures Directive. These deficiencies mainly result from the unanimity requirement and compromises reached at the level of the more restrictive interpretation of what is required under International Law. They have also led to the proliferation of disparate procedural arrangements between MS. Some MS consider themselves bound by their international and Constitutional obligations to provide higher standards, while others put an emphasis on fast processing of unfounded claims. This primarily concerns the safe country of origin notion, the safe third country notion and the right to effective remedy. The ways MS implement corresponding national legislation also vary and in some cases may be inadequate to ensure compliance with the agreed standards, in particular those on access to procedures, the conditions of personal interviews and the reasoning of first instance decisions. On the other hand, certain MS apply procedural standards which are higher than those established by the Directive. These include inter alia quality control and assurance mechanisms, provision of free legal assistance in first instance procedures, video and audio recording of personal interviews, the use of medico-legal reports and the possibility for applicants to comment on draft decisions of the determining authority. More favourable procedural standards normally lead to higher percentages of positive 1 st instance decisions and therefore have an impact on the distribution of asylum applications between MS. The insufficient fairness and quality of standards have evidently hampered the efficiency of procedures, since a large share of first instance decisions are annulled on appeal and a number of MS have reported a rise of subsequent applications. In , subsequent applications amounted to In the same year, out of , applications recorded in EURODAC, in 31, cases the same person had already made at least one asylum application before. Statistical evidence of insufficient harmonization Data points to a causal link between the fairness and quality of procedures and the numbers of persons qualified for international protection under the Qualification Directive QD. This has brought two implications on the effectiveness of the asylum acquis, namely: Yet, the ways these notions have been implemented in national systems vary significantly between MS. Consequently, the objectives pursued by the Union policy on asylum have not yet been achieved, as illustrated by extensive statistical evidence. The effect of insufficient harmonization on secondary movements and distribution of asylum seekers amongst MS The Dublin system has significantly limited the possibility for asylum seekers to choose a destination MS. However, the asylum "lottery" resulting from deficiencies in procedural and substantive standards has been a driver behind continuous secondary movements. Asylum seekers evidently find certain MS more "attractive" destinations than others. Thus, between January and December 25 , Belgium, Germany, France, Sweden and the United Kingdom received more than multiple applications while countries such as Cyprus and Portugal had received less than such applications and Estonia one. The harmonization achieved by the Directive has not led to more equal distribution of applications. Based on the numbers of asylum seekers per 1, inhabitants in , two groups of MS appear to be most affected by arrivals: There may be a series of reasons behind personal choices of asylum seekers as to where to seek protection, including linguistic and cultural ties, community networks and economic factors. Yet, several examples are supportive to a stronger role of the outcomes of procedures. Trends in applications and positive decisions are illustrated in annex 8. Germany they increased from 4, in to 7, for Jan-Oct , in the Netherlands from 2, in to 4, for Jan-Oct and in Finland from in to for Jan-Oct ; Source:

Difficulties in quantifying assessments There are serious limitations for estimating impacts of EU wide policy measures on asylum procedures. Asylum flows, being a form of forced displacement, essentially differ from economically motivated migration, such as labour migration. It is apparent from statistical data that peaks in numbers of applications in the EU normally occur around large scale conflicts characterised by intensive and indiscriminate violence, and wide spread Human Rights violations While any major conflict in Eurasia or Africa will inevitably produce flows of asylum seekers to the EU, the occurrence and intensity of such conflicts can not be predicted. The closer the conflict is, the higher numbers should be expected, as proved by wars in former Yugoslavia and the Caucasus.

Chapter 2 : Home Office to opt out of asylum claims EU directive | UK news | The Guardian

*Minimum Standards in Asylum Procedures: Report with Evidence (House of Lords Papers) [Select Committee on the European Union] on theinnatdunvilla.com *FREE* shipping on qualifying offers.*

Judge My Lords, earlier today, your Lordships had the pleasure of listening to an excellent debate on the Motion of the noble Baroness, Lady Harris of Richmond, to take note of a report by the European Union Committee on a Community immigration policy. It is now my privilege, at this rather late hour, to initiate a further debate on a report from the European Union Committee. The topic this time is a proposal for a Council directive on minimum standards in asylum procedures. This proposal may be seen as perhaps one further step along the road towards a Community asylum policy. Once again, we are concerned with one of the most basic of all the problems faced by the EU; that is, how to deal with people from other countries who, often for very good reasons, wish to enter and live in the Community. But your Lordships will appreciate that the context for this debate has shifted from that of the previous one--from the generality to the particular. Its subject matter can be identified, quite precisely, by two things. First, this time we are concerned with asylum seekers or refugees and with the obligations which all member states owe to those who seek asylum under the Geneva Convention of relating to the status of refugees. Secondly, we are concerned with a proposal which is limited in its scope to minimum standards in matters of procedure. The procedures with which we are concerned are those for granting or withdrawing refugee status from those who seek asylum in a member state of the EU. As your Lordships know, obligations and procedures are matters that lawyers like to think about. Nevertheless, although this is a discussion about obligations and procedures, discussions about procedures relating to the status of refugees and asylum seekers cannot be said to lack human interest. The principle on which the convention is based--its very cornerstone, indeed--is that no refugees should be returned to a country where their life or freedom would be threatened on account of their race, religion, nationality, membership of a particular social group or political opinion. It is no exaggeration to say that the fate of those who are unfortunate enough to find themselves in that position--people who are forced by circumstances legitimately to seek protection in the Community because of the risks that they face in their own country--may depend in the end on rules of procedure. Their applications for asylum must be examined swiftly to prevent abuse and remove uncertainty, and those who are in need of protection need to be identified correctly and speedily. Therefore, effective access to procedures throughout the decision-making process is an essential safeguard for the individual. But the member states, too, have an obvious interest in the efficiency, speed and accuracy of those procedures. After all, the purpose of the convention is to provide protection to those who are genuinely in need of it. Abuse of the system must, of course, be weeded out. It is enormously wasteful in time, money and resources. It gives the system as a whole a bad name. The origins of the proposal can be traced back to the meeting of the European Council which took place in October at Tampere. At that meeting, the Council agreed to work towards a common European asylum system. The process which it envisaged involved two stages. The target for the longer term was to be a uniform asylum procedure and a unified status for all those granted asylum in any member state of the EU. Five distinct topics were included for attention in the shorter term. The aim was to establish minimum standards on asylum matters in all member states with a view to their harmonisation in the longer term. As I said, we are concerned here with the proposal for minimum standards of procedure. As it happens, shortly before Parliament was dissolved in May, the Commission published another draft directive on minimum standards for the reception of asylum seekers. The aim of that directive is to harmonise the legal position of and assistance given to asylum seekers while member states are considering their applications. A high priority is to be attached to it by the Belgian presidency. A brief investigation into this matter is currently being conducted by Sub-Committee E. That background of activity brings me to the first point in our report. The first of the five topics to emerge for consideration was this one dealing with procedure. Not surprisingly, some of our witnesses expressed the view that it would have been better if some

of the more fundamental points, such as the approximation of the rules relating to the recognition and content of refugee status, had been addressed first. There was perhaps a hint here that the committee would have been better to wait for the other proposals before becoming involved in this one concerning procedure. On the whole, we were not much impressed by that criticism. Although there is plainly something to be said for the view that matters of substance should be sorted out before agreement is reached on procedure, the proposals about procedure raise distinct issues which can properly be subjected to scrutiny at this stage. As events have turned out, it appears that draft proposals on the other items will not be far behind. That on the reception conditions is already with us, as I have said, and is to be accorded a high priority. So perhaps the most important point to bear in mind is the fact that we are dealing in this debate with only part of a more substantial package, the overall aim of which is to establish those common minimal standards before embarking on the aim for the longer term of establishing a common asylum procedure and a uniform status for all those who are granted asylum anywhere in the EU. That brings me to another general conceptual point, which was raised by some of our witnesses. It relates to the concept of minimum standards. The risk to which they drew our attention was that of setting the minimum standards by reference to the lowest common denominator. We agree that care must be taken not to fall into that trap. The aim, as we see it, should be to raise standards wherever possible. That applies to the procedural standards to which we adhere in this country just as much as it does to those in other member states. We believe that the United Kingdom should be setting the highest standards, not seeking to shelter among those whose standards are low. I turn to some points of detail. The directive contains 46 articles and two annexes and it covers the entire field of asylum procedure. Inevitably, our report is full of much more detail than can conveniently be covered in this debate. I shall concentrate on just a few points that we have identified. If the Minister wishes to comment on them, the committee would welcome that. The first point involves the question of rights to translation and interpretation and access to legal advice. Articles 7, 8 and 9 of the directive contain a comprehensive package of guarantees that are designed to ensure that, with respect to all the procedures that are provided for in the directive, all applicants for asylum understand fully their rights and obligations, are fully informed of the decision and of the possibility for it to be reviewed, are given the opportunity of a personal interview and have access to legal advice at all stages of the procedure. Those include quite extensive rights to translation and interpretation. In the ideal world, of course, all asylum seekers would have access to an interpreter who could speak to them at every opportunity in their own language and to the provision of translations into their own language of all the relevant literature. At first sight, the article seems to subscribe to that principle because it states that they must be informed of the procedure to be followed and of their rights and obligations during the procedure in a language that they understand. We recognise that, taken literally, that would run the risk of placing an impossible burden on member states, in view of the great number of languages and of dialects within languages that might have to be covered by the rule. So we accept that there is room for some modification in the extent to which translation facilities must be made available, provided that the essential point is recognised that all applicants, from whatever country they may come, must be made fully aware of their rights and the way in which they may exercise them. Nevertheless, as we put it in our report, the determining authority has to make sure that the individual concerned can exercise his or her rights under the convention. That is particularly important at the outset and again at the stage when a decision has been taken on the application, so that applicants are fully aware of its import and implications. That is an area of domestic asylum practice in which increased investment may well be needed for the provision and training of more interpreters and the translation into more languages of the relevant documents. Related to that problem is that of access to advice. It was suggested to us that a large number of asylum applications are currently being refused in this country because the statement of evidence form, which must be filled in in English, has not been completed correctly or in time. Where that occurs it leads to rejection of the application on non-compliance grounds and to an appeal, which may in its turn be refused on the same grounds. If that is true, it is a matter for very real concern because it undermines the basic principle of the convention that no refugee should be returned to a country in

which his or her life or freedom would be at risk. That is a case of bad decisions resulting from defective procedure. There are also strong objections to this situation on practical grounds. The appeal process is being clogged by cases that should not be there. Where judicial review is resorted to, it brings with it further delay and expense. The result of a successful application for judicial review is a decision that takes far longer and costs far more. Every effort should therefore be directed towards achieving fair and sustainable decisions on the merits at first instance, which are based on an accurate presentation of the facts. The prompt giving of legal assistance in the handling of applications with that in view is likely to contribute to the efficiency of the whole process. My next point relates to the question of the application of "safe country" concepts. As we pointed out in our report, substantial criticisms were made by our witnesses about the use and definition of the concepts that are embraced by the phrases, "safe third country" and "safe country of origin". Article 18, in brief, provides that a member state can dismiss an application for asylum as inadmissible if a third country with which, for example, an applicant has a connection or close links can be considered as a safe third country for him. Article 27 permits the use of accelerated procedures to process applications that are suspected of being manifestly unfounded. Included in that category are those in which the applicant is from what is described as a safe country of origin. That area of asylum practice requires very careful scrutiny. The problem lies in the principles that the directive lays down for the designation of countries as safe and in the temptation for member states to adopt an automatic, list-based approach to those applications. It may well be said that the use of safe country concepts is likely to promote efficiency and to contribute to speedy decision making. However, there is a risk that resort to lists will replace the consideration of individual cases on their own facts and that the lists themselves will prove to be erroneous and unreliable. Our conclusions are that it is essential that those concepts should not be allowed to create presumptions that are irrebuttable, that there should be strong independent supervision of the designation of countries as safe countries and of their inclusion in any lists and that their use in practice should be monitored. The annexes in which the principles for designation are set out appear to be incomplete and in other respects unsatisfactory. That whole area is one to which we urge the Government to give careful consideration during the discussion of the draft directive. There is one other point of detail with which I want to deal before concluding. It relates to the special case of unaccompanied minors, to whom a legal guardian or adviser is to be appointed to assist and represent them. There are, however, other classes of applicants for whom special provision on the same lines might be made. It drew our attention to the special needs of the survivors of torture and the victims of violence of other kinds, such as women who have been abused sexually and those who are disturbed psychologically. It is, we think, an open question as to whether a separate article is needed in their case, although those who are disturbed psychologically may be as much in need of a guardian or adviser as children are. However, we would welcome an assurance from the Government that the position of those other special cases will be recognised in some way. What is needed is the provision of safeguards to reduce the risk of prejudice against those who cannot adequately represent their own interests because they have been so acutely traumatised by their experiences that they are incapable of understanding what is going on or of describing the situation in which they find themselves. There is no time for me to go into further details but my opening remarks would not be complete without my paying tribute to all those who assisted us in our inquiry by providing us with written and oral evidence. The commission consulted several of the relevant organisations before drafting its proposal. We have continued the same process. In matters of procedure there is, after all, no substitute for practical experience. One of the strengths of our committee procedure is the extent to which it enables us to draw upon the knowledge and experience of those who are, so to speak, in the front line. That is a most important aspect of the process of parliamentary scrutiny.

Chapter 3 : Evidence in European Asylum Procedures | International Journal of Refugee Law | Oxford Aca

Evidence and credibility â€¢ asylum procedures and the principle of APD Council Directive /85/EC of 1 December on minimum standards on procedures in.

You will receive a subsequent report shortly that will identify some possible implementation issues for Connecticut. The federal Secretary of Homeland Security is responsible for administering the new requirements and is authorized to determine the official purposes for which the prohibition applies, but the law specifically mentions accessing federal facilities, boarding federally regulated commercial airlines, and entering nuclear power plants. Identification cards issued according to the new standards and procedures can be accepted for federal purposes and those not issued to these standards cannot be accepted and must contain a statement on their face stating that they cannot be accepted for federal identification and other official purposes. The bill establishes 1 minimum items of information and features that must be on licenses and ID cards; 2 documentary evidence that someone must submit to establish their identity and primary residence address; and 3 procedures the state agency must follow to verify the issuance, validity, and completeness of the identification documents with the agency that issued them before it issues the license or ID card. It also prohibits an agency accepting any foreign document other than an official passport. The new law, in effect, limits those who can receive licenses or ID cards that qualify under its requirements to nine categories of people who are either citizens of the United States or aliens who can document their lawful status in the United States. If there is no definite end to the period of authorized stay, the temporary document can be issued for a period of no more than one year. It can be renewed only if valid evidence is presented that the Secretary of Homeland Security has extended the status of the person under which he qualified for the license or ID card initially. The law establishes several other responsibilities for agencies in order for their documents to qualify for federal purposes. The new law provides for grants to states to help them implement its requirements, but the amounts authorized for the grants do not appear to be specified. President Bush signed it on May The provisions are very much like, but not identical to, a bill adopted by the House of Representatives several weeks ago known as the Real ID Act of and the new requirements are still essentially being referred to as the Real ID Act provisions. Since it cleared Congress on May 10 and was signed into law by the President on May 11, this essentially means that the prohibition probably begins sometime around mid-May of The law was written so that it does not direct states to comply but the implication of not complying is that its licenses and identification cards will not be accepted for identification purposes by any federal authority anymore. Thus, states will almost certainly have to comply with the standards. Thus, while it applies to the non-driver photo identification cards the DMV issues, it also applies to any other state or locally issued identification card. This does not necessarily mean that all state and local identification cards have to comply, but those that do not, will not be valid to for federal identification purposes. It is not clear whether this is the same process of document submission and verification through the issuing agencies that must be used for new licenses and ID cards or a separate, but nonetheless sufficiently rigorous and effective process established just for confirming the information holders of existing licenses and ID cards already have on record with the agency. One possible reading of this provision is that the new requirements are applicable to both initial issuance and renewal at least for the first such renewal of licenses and ID cards. Before issuing a license or ID card, a state must require, at a minimum, valid documentary evidence that the person: Thus a full term license or identification card may only be issued to a U. All others can only be issued a temporary document that can only be valid during the period of time of their authorized stay in the United States. In the absence of a definite end to the period of authorized stay, the temporary document can be valid for no longer than one year. The temporary document must clearly indicate that it is temporary and state the expiration date. It can only be renewed if valid documentary evidence is presented showing that the Secretary of Homeland Security has extended the status through which the applicant qualified for the temporary document. Section of

the Illegal Immigration Reform and Immigrant Responsibility Act of established the federal status verification system. Employ technology to capture digital images of identity source documents so that the images can be retained in electronic storage in transferable format. Retain paper copies of source documents for at least seven years or images of source documents presented for at least 10 years. Subject each applicant for a license or ID card to mandatory facial image capture. Confirm through the Social Security Administration the social security account number a person gives using the full account number or, if the number is already registered to or associated with another person to which the state has issued a license or ID card, the state must resolve the discrepancy and take appropriate action. Establish fraudulent document recognition training programs for appropriate employees engaged in issuing licenses and ID cards. Limit the term of all licenses and ID cards that are not temporary to a maximum of eight years. Provide electronic access to information contained in its motor vehicle database to all other states. Extensions The Secretary of Homeland Security may grant a state a time extension to meet the minimum standards if it provides adequate justification for noncompliance. Authorized amounts are not specified. Regulations The law makes the Secretary of Homeland Security responsible for issuing regulations and standards and awarding implementation grants in consultation with the states and the Secretary of the U.

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Chapter 4 : Use of medical reports - Germany | Asylum Information Database

Current social science research on the asylum procedures in sev- monial evidence of witnesses and victims of human rights abuses. The minimum standards set.

Hotspots on the Greek islands were originally designed for short-term stays, but since the EU-Turkey deal have become places of indefinite containment. Parliament members should oppose such changes and press the government to respect the ruling. Parliament began discussing the draft law on April But the government has preempted the debate on the bill, including the issue of the containment policy by reinstating it. On April 20, the new director of the asylum service reissued an administrative order setting down the reasons for the containment policy. Among grounds given to justify the restrictions imposed by the policy are the need to implement an EU-Turkey deal on migration and a broader public interest claim. The ruling also highlighted that the disproportionate distribution of asylum seekers has overburdened the islands. The ruling is limited, however, applying only to new arrivals. The bill seeks to provide a legal basis for the containment policy. While the draft bill would possibly bring some improvements to the Greek reception system, the directive allows restricting the movement of asylum seekers when the government considers it necessary for rapid processing and effective monitoring of claims. The Greek government presumably believes that the legislation would provide a stronger legal basis for maintaining the containment policy. By the latest government count, more than 15, asylum seekers are on the Greek islands. Many are living in crowded and filthy processing centers , and many spent the winter in lightweight tents or even sleeping outside on the ground. The Greek government contends that the containment policy is necessary to carry out its commitment under the March EU-Turkey migration deal , under which asylum seekers must be returned to Turkey to have their asylum claims processed there, although the text makes no reference to such a policy. The case was brought before the Council of State by the Greek Council for Refugees, a non-governmental organization providing legal support to asylum seekers. Nongovernmental groups began a campaign to OpenTheIslands in December , calling on Greece and its EU partners to transfer asylum seekers to the mainland before winter and end the containment policy. In seeking to justify the containment policy, the Greek government, EU institutions, and governments point to increasing numbers of migrants and asylum seekers crossing the Aegean Sea, some fleeing intensified conflict in Syria. Yet there is no evidence that lifting the containment policy would be a pull factor, as Greece and others claim, especially given the largely closed borders along the Western Balkan migration route into Western Europe. It is evident that the Greek authorities cannot meet the basic needs and protect the rights of asylum seekers while they remain on the islands, the groups said. The containment policy traps people in conditions below EU minimum standards, impedes their access to necessary services, and denies them access to fair and efficient asylum procedures because of the overcrowding on the islands and the lack of basic services. Rather than restoring its abusive containment policy, the Greek Government should respect the rule of law, immediately carry out the Council of State ruling by allowing asylum seekers to move to the mainland, and along with its EU partners ensure protection for all asylum seekers in Greece, the groups said. The government should rapidly expand safe accommodation and access to services on the mainland and create a system to move people quickly to mainland accommodation that provides for their medical and mental health needs while their asylum application is processed. The EU should look at sharing responsibility across member states and increasing availability of more safe and legal channels into the EU. Organizations Signing the News Release:

Chapter 5 : Asylum procedures should be harmonised and improved | European Union Agency for Fundam

The emphasis has moved from the minimum standards approach to international protection issues under Article 63 of the Treaty on European Union (TEU) to that of uniform status recognised by common procedures pursuant to Article 78

of the Treaty on the Functioning of the European Union (TFEU).

Chapter 6 : New Federal Requirements for Issuing Drivers' Licenses and Identification Cards

The topic this time is a proposal for a Council directive on minimum standards in asylum procedures. This proposal may be seen as perhaps one further step along the road towards a Community asylum policy.