



PROPOSALS FOR REFORM OF THE DUBLIN REGULATION

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1: The focus of any new Dublin Regulation should be on how to increase operability, efficiency and expediency in all situations.

2: The Dublin Regulation needs to focus on simplification so that there can be better implementation of the rules.

3: The basic principles of Dublin must still apply. In the absence of proper implementation we mustn't reinvent the wheel. Dublin draws inspiration from the basic principles of international asylum law and the Geneva Convention. We must not complicate an already chaotic situation with the uncertainty of an entirely new asylum acquis and the lengthy implementation challenges which accompany such a decision.

4: We must learn from previous mistakes. The emergency relocation system was not a success. Instead; we should create a system which focuses upon unanimity and full support from all Member States involved. Solidarity cannot be forced upon the EU, but should instead be built by a legal framework that all can support.

5: The Dublin Regulation and the EU need to create objective criteria; so that Member States can apply the Dublin Regulation in a uniform manner across the EU; therefore speeding up the process, and avoiding loopholes and weaknesses in the system which can be exploited. Clearer definitions will also reduce the number of challenges made against Member States and incorrect decisions made.

6: Any revision of the Dublin Regulations should look at the current deadlines for both detention periods, and transfers. Both create a system which is inflexible, and often does not reflect the reality of the situation on the ground.

7: As a basic principle the decision of asylum claims must lie with the country which the asylum seeker has entered the EU through.

8: The EU cannot continue the current system of pushing asylum seekers and migrants around the EU; the Dublin Regulation needs to create a clear guide for Member States and who is responsible for processing an application if there has been movement of an individual across the EU from the first point of entry.

9: In the event of Dublin returns to a particular Member State being suspended, a Member State should have the right to return the individual to the nearest functioning "hotspot" to the original point of entry. This should discourage secondary movement, and it should discourage Member States from allowing asylum seekers to travel to another Member State; and the necessary resources should be allocated to enable this.

10: Secondary movement must be controlled. Member States should be encouraged to return failed asylum seekers as much as implementing any other part of the EU asylum acquis. The European Commission should make sure this key piece of the EU Acquis is being carried out.

11: Dublin has historically shown weaknesses due to lack of proper implementation; not just because of the instrument itself. There have been systematic failures such as detention conditions, slow processing, and the failure to fingerprint and process asylum applications immediately upon arrival. For the Dublin system to work properly, it needs to be seen as part of a larger legal framework. Dublin will only work if asylum seekers are being properly processed and returned where necessary.

12: Dublin should not create an immediate distribution of asylum seekers, within the Regulation. Relocation upon arrival and processing should be a second phase instrument used in emergency and crisis situations and not as the norm. As previously stated the emergency relocation system has proven that any system of relocation upon arrival as the norm will not be effective.

13: A clear two step approach should be adopted in two separate instruments:

Dublin Regulation - Dublin should not be the mechanism of relocation, distribution of asylum seekers, or emergency situations.

Permanent Relocation Mechanism - (in emergency circumstances), where clear, limited and specific conditions are applied. In the event that a Member State does not wish to participate in the relocation system, they shall have the option to instead participate in the direct resettlement programme of asylum seekers from conflict regions, under the auspices of the UNHCR.

14: If a Member State can no longer accept Dublin transfers to them, or a Member State wants to suspend Dublin rules voluntarily as we have seen in 2015, then this must only be done after an impact assessment of the European Commission.

15: Member States would as a consequence have its Schengen border suspended, or they shall accept the assistance of the EU border guard; this would help protect the integrity of the rest of the EU's asylum system across the EU; and avoid secondary movement.

16: Member States as a rule should be able to return individuals to where their applications were first processed / submitted.



17: Where there is reasonable ground / evidence to prove an individual has been in a previous Member State for a set period of time without applying for asylum, they should be returned to that Member State, even if it is not the original point of entry into the EU. Again this would discourage secondary movement, and the "pushing" around of asylum seekers.

18: The current rules on family reunification should not be further expanded.



It's time to take
A NEW DIRECTION

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