



**COUNCIL OF
THE EUROPEAN UNION**

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LIMITE

ASILE 30

OUTCOME OF PROCEEDINGS

from : Asylum Working Party

on : 7 July 2000

No. prev. doc.: 9703/00 ASILE 28

Subject: Conditions for the reception of asylum seekers

I

At its meeting on 7 July 2000, the Asylum Working Party held its first exchange of views on the French delegation's discussion paper on conditions for the reception of asylum seekers (9703/00).

The delegations' comments are set out in section II.

II

A. GENERAL COMMENTS

The delegations said that any views they expressed were merely preliminary, pending closer scrutiny of the French delegation's paper.

Most delegations were positive about the paper and could subscribe to its broad lines subject to certain specific comments (set out below).

The Netherlands and Swedish delegations wanted harmonisation to go further than the French delegation's proposal, to provide more extensive and uniform protection for asylum seekers.

The Swedish delegation also wanted provision for greater participation by NGOs.

The Belgian delegation would have liked the various aspects touched on in the paper to be treated more evenly. It felt that some of those aspects were not dealt with in as much detail as others.

The Irish delegation said that the minimum standards to be established should allow Member States the flexibility to take rapid decisions in the event of crises, enabling them to depart from the normal procedures in situations such as massive influxes of people.

The possibility of derogations for cases of abusive or unfounded applications was also raised. The Chairman said that a more appropriate forum for discussion of this question would be in the context of the future instrument on the procedure for granting or withdrawing the right to asylum.

B. SPECIFIC COMMENTS

1. Scope

(a) Scope in relation to persons

Although most delegations agreed with the French delegation's suggestion on this point, or did not express a view, **the Netherlands and Swedish delegations** wanted the scope to be wider, covering all forms of international protection in a single procedure, rather than being restricted to those laid down in the Geneva Convention.

The German delegation pointed out that the scope was determined by the Treaty and it would be difficult to extend it.

The Austrian delegation also felt that more detail was needed. It spelt out all the consequences flowing from the definition of the scope in relation to other aspects, including the financial aspects.

(b) Scope in relation to time

Some delegations (D/NL/A) wanted more details regarding the scope in time: it must be clearly laid down when reception began and ended, but also possibilities for appeal, alternative applications, whether or not decisions were final, etc.

The Swedish delegation also felt that the question of the rights of persons whose asylum applications were rejected and who could return to their country should be dealt with.

2. Conditions for movement

The German delegation said that in Germany asylum applications were dealt with by the "Länder" administrations and consequently freedom of movement was restricted to the territory of the corresponding "Land". That territorial restriction enabled procedures to be processed more quickly as it made it easier to locate and contact asylum seekers.

However, **the Belgian delegation** felt that freedom of movement should be more forcefully expressed, avoiding the use of the conditional.

3. Financial and material assistance

Some delegations pointed out that the destination of migratory flows was influenced by the widely divergent practices in this area in the different Member States.

The Irish and United Kingdom delegations were completely satisfied with the text on this point.

4. Work

Most delegations agreed with the French delegation's paper and said that allowing the right to work could swell the numbers of asylum applications on purely economic grounds.

The possibility of the right to work should therefore be exceptional and be allowed only if, after a certain time, the host Member State had not been able to take a decision on the asylum application.

The German delegation said that this matter required further discussion, particularly the period of one year suggested in the paper.

The Portuguese delegation said that in Portugal, asylum seekers who submitted justified applications for scrutiny by the administration were, after a brief period, granted a temporary residence permit which carried the right to work.

The Netherlands and Swedish delegations felt that the proposed text was too restrictive and that a more generous right to work should be allowed.

5. Vulnerable individuals

The Swedish delegation said that there must be more specific measures to assist exposed groups (women and children subjected to abuse and torture).

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Concluding, the Chairman said that the Asylum Working Party would continue its examination of the discussion paper and report to the Strategic Committee on Immigration, Frontiers and Asylum.

A set of draft conclusions would then be drawn up so that the JHA Council in December could adopt them before the end of the year.

Those conclusions would serve as a basis for the Commission when drafting the proposal it intended to submit to the Council.
