



Council of the  
European Union

**Brussels, 4 March 2016**  
**(OR. en)**

**6797/16**

**ASIM 26**  
**FRONT 114**  
**COMIX 184**

**COVER NOTE**

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**From:** Angelino Alfano, the Minister of Interior of Italy and Thomas de Maizière, the Federal Minister of Interior of Germany

**To:** Vice President Frans Timmermans and  
Commissioner Dimitris Avramopoulos, EU Commission

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**Subject:** Joint letter by Ministers Alfano and de Maizière and a German-Italian non-paper on "Save Schengen/Beyond Dublin"

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Delegations will find attached a joint letter sent by Ministers of Interior of Italy, Angelino Alfano, and Germany, Thomas de Maizière, to First Vice President of the Commission, Frans Timmermans, and Commissioner Dimitris Avramopoulos and a German-Italian non-paper "Save Schengen/Beyond Dublin".

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Encl.: Joint letter sent by Ministers Alfano and de Maizière

Non-paper on "Save Schengen/Beyond Dublin"



March 2, 2016

To:  
Vice President Timmermans  
Commissioner Avramopoulos  
EU Commission  
Bruxelles

Dear Mr. Vice President, dear Commissioner,

The refugee crisis has revealed the limitations of the European Policy on Migration and Asylum, and in particular of the Dublin Regulation as well as substantial shortcomings in the protection of the external borders of the Union. It has become evident that the existing refugee procedures and mechanisms in Europe are not viable. Our legislation has not been designed for managing so large a number of refugees.

What we need is an ambitious reform of the Dublin Regulation within a readjusted Common European Asylum System. We need to develop a protection system in which the burden of illegal migration and persons in need of protection are not just borne by the member states of first arrival and on the external borders and a few other receiving countries.

We need updated and effective procedures. This applies to the asylum procedure as such, to harmonized standards for accommodation and basic services, the procedures on the recognition of the status of refugees but also on legal redress and return issues. An accelerated appeal procedure should be introduced for all cases.

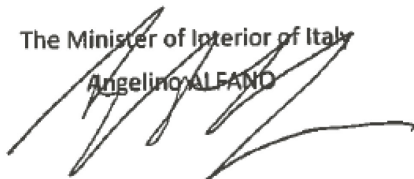
An essential part of our overall obligation and efforts to improve the protection of the external borders of the European Union must be an enhanced European mechanism for identification and registration of all migrants entering the EU. This requires a substantial strengthening of EASO. Through comprehensive legal, organizational, personnel and financial measures, EASO must be transformed into an EU asylum agency.

Repatriation activities are crucial for the effectiveness of the whole migration management system. We urge the Commission to arrange, in cooperation with Frontex, repatriation initiatives which should be complemented by reinstallation programs (i.e. in the field of vocational training and in the start up of new micro-entrepreneurial businesses).

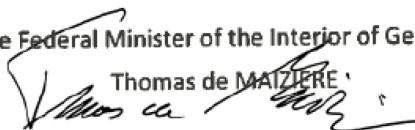
In order to manage the difficult situation in Europe all member states and the European Commission must work together in a constructive manner. For this reason, we suggest that the attached non-paper be taken into account in the context of the upcoming revision of the Common European Asylum System, which we are awaiting with great interest.

Yours sincerely,

The Minister of Interior of Italy  
Angelino ALFANO



The Federal Minister of the Interior of Germany  
Thomas de MAIZIERE



**Save Schengen/Beyond Dublin****Introduction**

The Dublin Regulation on Asylum belongs to a past era when the pressure of immigration was lower than today. The context and challenges were also deeply different.

Today, the numbers have dramatically changed and the existing national systems fail to cope with the growing influx of arrivals in Europe. The burden is unevenly distributed since only a few member states receive the vast majority of applications.

We therefore highly welcome the intention of the European Commission to soon present a proposal for the reform of the Dublin Regulation. The Dublin Regulation, which is an integral part of the Common European Asylum System (CEAS), can only be reformed within a further development of the whole CEAS. We firmly believe that the current migration crisis demands a much higher convergence of the asylum and reception systems of the MS.

Time is short and we have to act soon if we want to save the free movement of persons and prevent a disintegration of Schengen, one of the founding pillars of the European Union.

A concerted action is needed along a three-pronged strategy: short-term coordinated ad-hoc measures to immediately lower the arrival flows; strengthening the joint EU control of external land and maritime borders; agreeing on a revision of the Common European Asylum System based on the core principles of solidarity and responsibility.

**Indicative Guidelines****➤ Border Protection**

Strengthening the protection of the EU-External borders is a precondition to safeguard EU-internal free circulation and the stability of the European Union. The introduction of the EU Border and Coast Guard Agency is a top priority goal that must be pursued by taking into account national specificities. Speeding up this process is crucial. In order to achieve an immediate reduction of the influx, ad-hoc measures should be adopted in a coordinated manner and for limited time. In parallel, targeted and tailor-made assistance to non-member states on the migration routes should be provided. With the entry into force of the new EBCG-Regulation operational cooperation with third countries has to be initiated.

**➤ EU-Registration-Mechanism**

A comprehensive EU registration mechanism including security checks (SIS, Eurodac) of all migrants and asylum seekers crossing EU-external borders is the cornerstone of all EU migratory and asylum policies. Member States have to ensure the compliance with this necessary obligation. Frontex has to play a major role in this development.

**➤ Burden sharing on Asylum**

Our challenge is to design and implement a system of distribution of asylum seekers which goes beyond the principle of the state of the first arrival. It should be a system in which the burden of illegal Migration and persons in need of protection are not just borne by the member states of first

arrival and on the external borders and a few other receiving countries. We need an EU fair burden sharing procedure based on objective criteria (e.g.: population, per capita income, rate of unemployment, number of refugees received in the last five years etc.). Procedures should be speeded up and streamlined. The current system of national *hotspots* must be properly integrated within a wider EU arrival and registration mechanism in order to curtail asylum-shopping.

➤ **Harmonized conditions**

Harmonized conditions of reception, evaluation procedures and applicants' rights will greatly help to establish a truly European Asylum System, reduce the pull-factor and curtail asylum shopping. EASO should be strengthened with adequate human and financial resources and wider legal competences so as to develop into a real an EU-Asylum agency. Additional effective Measures to counter secondary movement are required.

➤ **Accelerated procedures**

Both the Asylum Procedures Directive and the Reception Conditions Directive (2013/33) contain key provisions which must be revised, along with the Dublin Regulation and the Eurodac Regulation. We need effective and harmonized procedures for admitting refugees, for granting them protection but also for returning those who are not in need of international protection. An accelerated legal procedure should be established in all cases, in particular for remedies against EU decisions for jurisdiction, distribution and transfer.

➤ **Returns**

- A well-functioning, robust and coordinated European Repatriation Mechanism is needed to return illegal economic migrants. Experience shows that single Member States find it hard to successfully implement repatriations in adequate numbers. Repatriation activities are crucial for the effectiveness of the whole migration management system. An effective EU-Repatriation Mechanism together with a stronger role of Frontex will disincentive perspective economic migrants. While EU-readmission agreements will certainly play a crucial role, joint cooperation among member states should be pursued to enhance the efficiency of the EU return policy also by taking advantage of existing well-functioning bilateral relations of MS. We urge the Commission to arrange, in cooperation with Frontex, repatriation initiatives which should be complemented by reinstallation programs (i.e. in the field of vocational training and in the start-up of new micro-entrepreneurial businesses).

➤ **Management of migration flows**

Information sharing and analysis in order to obtain reliable prevision on migration flows should be improved and enhanced, taking into consideration the relevant role of the competent Agencies. EU and Member States should use policy instruments of the CSDP to strengthen capacities of third countries in managing and better controlling migration flows and coordinate a common communication-strategy towards potential migrants and Countries of origin and transit in order to inform and curtail illegal migrants.

➤ **Cooperation with third countries**

To reduce migration flows, a much stronger EU External Action is needed. Cooperation with African countries must be intensified and properly focused. The fight against human trafficking and illegal migration should be at the core of all EU-contacts with third countries. Capacity Building and

Training in Border and Migration Management should become an integral part of our Cooperation. During this process UNHCR and IOM will be import partners. We have to speed up the implementation of the Khartoum and the Rabat process and fully implement the EU Trust Fund for Africa as well as the North Africa Regional Protection programs. In the short term, Turkey will continue to play a major role in managing the refugees' flows. A concrete follow-up of the Valletta Summit should also be ensured.

- **Resettlement: Pre-Screening in countries of origin and/or countries of transit and safe countries**  
Persons in need of protection could be already identified in countries of origin or transit countries, thus preventing refugees from taking risks of the journey as well as contributing to the common sound management of migration and asylum flows in the years to come. Establishment of an institutionalized EU resettlement scheme, based on annual quota to be distributed among all Member States, should be developed. Furthermore, an EU-list of safe countries must be agreed upon and communicated.