

British Refugee Council response to the European Commission's public consultation "Future of Justice and Home Affairs"



1. Introduction

- 1.1 The British Refugee Council is the largest organisation in the United Kingdom working with asylum seekers and refugees. We not only give help and support to asylum seekers and refugees, but also work with them to ensure their needs and concerns are addressed by decision-makers.

2. An NGO agenda for improving the asylum system

- 2.1 The British Refugee Council has recently published a working paper, in partnership with 10 other leading UK refugee-assisting and human rights NGOs, that begins to set out an agenda for improving the asylum system. *Refugees: Renewing the Vision*¹ (annex) was developed in response to repeated signals from the British government that the fundamental basis of the asylum system in Europe should be re-negotiated.
- 2.2 *Refugees: Renewing the Vision* proposes a number of principles and approaches to improving the asylum system that flow from a number of fundamental premises. The first principle is that the 1951 Refugee Convention has saved countless lives. How we respect the fundamental human right to seek and enjoy asylum is a mark of our commitment to the idea that all human beings have inalienable rights. The paper goes on to propose some concrete ways in which those principles might be applied in the EU, as well as in the UK, in countries of first asylum and transit and in refugees' countries of origin.
- 2.3 Most of the *Refugees: Renewing the Vision* agenda is applicable to the EU as a whole as much as to the UK and will not be replicated here. Instead, the Refugee Council commends that paper to the European Commission's consultation, while making the following additional points.

3. Additional Points

- 3.1 In its Communication assessing the Tampere programme and future orientations, the European Commission states that in most areas of justice and home affairs "progress to date has been undeniable and tangible." The British Refugee Council supports the views set out in the European Council on Refugees and Exiles (ECRE)'s evaluation of Tampere²:

¹ Refugee Council (June 2004) *Refugees: Renewing the Vision. An NGO working paper on improving the asylum system.* Online at <http://www.refugeecouncil.org.uk/publications/pub007.htm#renewing>

² ECRE (June 2004) *Broken Promises – Forgotten Principles.* Online at http://www.ecre.org/positions/Tampere_June_04.shtml

"Progress towards the realisation of the commitments made at the 1999 Tampere summit has been disappointing. The last five years represent a missed opportunity to focus on the protection and integration of refugees, rather than deterrence, and to set standards in line with international refugee and human rights law."

- 3.2 From the British Refugee Council's perspective, the process of harmonisation has been a relentless downward spiral to the lowest common denominator. At the end of this first stage towards a Common European Asylum System it is essential that the process of transposition of the new legislation is monitored and evaluated before progressing further with harmonisation.
- 3.3 Since 1999, EU member states have failed to uphold their Tampere commitment to balance efforts to control migration with guarantees of access to protection in the EU for those in need. Member States have agreed on a plethora of measures that aim to tackle illegal immigration but that also effectively prevent asylum seekers from reaching safety in Europe. Few, if any, safeguards have been put in place to ensure that persons in need of protection are not caught up in measures to tackle illegal immigration, but are properly identified and protected. Any future orientation of Justice and Home Affairs policy must recognise that the EU has a duty to identify and protect those refugees it actively prevents from reaching its borders.
- 3.4 In its contribution to the House of Lords' inquiry into new approaches to asylum in Europe, the British Refugee Council called for the establishment of an EU resettlement programme that would demonstrate a real commitment to sharing responsibility with developing countries.³ The experiences of major resettlement countries such as Canada, as well as Europe's experience of the Bosnian and Kosovan evacuations, show that an EU resettlement programme would help the public to better understand the causes of refugee flight and thereby foster support for the institution of asylum.

4. Conclusion

The British Refugee Council urges the European Commission to use its influence to ensure that the Tampere commitments remain at the heart of the area of Freedom, Security and Justice and that the focus of asylum policy shifts from reducing asylum claims to providing protection to those who need it.

British Refugee Council
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Appendix

Refugee Council (June 2004) *Refugees: Renewing the vision. An NGO working paper on improving the asylum system.*

³ *Handling EU asylum claims: new approaches examined.* House of Lords HL Paper 74, April 2004