

The Common European Asylum System (CEAS)

Asylum is granted to people who are fleeing persecution or serious harm in their own country and therefore in need of international protection. Asylum is a fundamental right and granting it is an international obligation, stemming from the 1951 Geneva Convention on the protection of refugees. Those who seek, or have been granted, protection do not have the right to choose in which Member State they want to settle. To this end, the Common European Asylum System (CEAS) provides common minimum standards for the treatment of all asylum seekers and applications. The CEAS consists of a legal framework covering all aspects of the asylum process and a support agency - the European Asylum Support Office (EASO). However, in practice, the current system is still characterised by differing treatment of asylum seekers and varying recognition rates amongst EU Member States. This divergence is what encourages secondary movements and is partly due to the fact that the current rules grant Member States a lot of discretion in how they apply the common EU rules.

The large-scale, uncontrolled arrival of migrants and asylum seekers since early 2015 has put a strain on many Member States' asylum systems and on the CEAS as a whole. The EU now needs to put in place the tools to better manage migration flows in the medium and long term. The overall objective is to move from a system which, by design or poor implementation, encourages uncontrolled or irregular migratory flows to one which provides orderly and safe pathways to the EU for third country nationals.

The European Commission has presented proposals in May and July 2016 to establish a sustainable system for the future, based on common rules, a fairer sharing of responsibility, and safe legal channels for those who need protection to get it in the EU.

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Asylum is granted to people fleeing persecution or serious harm

An application for asylum is made.



EASO is an EU agency assisting EU States in fulfilling their European and international obligations in the field of asylum.

Asylum applicants benefit from common minimum material reception conditions, such as housing and food. (Reception Conditions Directive)

Refugee or subsidiary protection status is granted. This gives the person certain rights, like a residence permit, access to the labour market and healthcare (Qualification Directive).

If the negative decision is overturned on appeal, the applicant can be granted asylum

The asylum applicant is interviewed to determine whether he/she may qualify for refugee status or subsidiary protection (Qualification Directive and Asylum Procedures Directive).

The applicant is fingerprinted. The information goes to the Eurodac database (Eurodac Regulation). This data is used to help identify the country responsible for the asylum application (Dublin Regulation). The database is managed by eu-LISA (European Agency for the Operational Management of large-scale IT Systems in the Area of Freedom, Security and Justice)

Asylum is not granted to the applicant at first instance, but this refusal may be appealed in court.

Confirmation of the negative decision by the court. The applicant may be returned to the country of origin or transit.

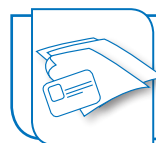
THE MAIN LEGISLATION ON ASYLUM IN THE EU



ASYLUM PROCEDURES DIRECTIVE: establishes common standards of safeguards and guarantees to access a fair and efficient asylum procedure.



RECEPTION CONDITIONS DIRECTIVE: establishes minimum common standards of living conditions for asylum applicants; ensures that applicants have access to housing, food, employment and health care.



QUALIFICATION DIRECTIVE: establishes common grounds for granting international protection and foresees a series of rights for its beneficiaries (residence permits, travel documents, access to employment and education, social welfare and healthcare).



DUBLIN REGULATION: determines which Member State is responsible for examining a given asylum application.



EURODAC REGULATION: establishes an EU asylum fingerprint database. When someone applies for asylum, no matter where in the EU, their fingerprints are transmitted to the EURODAC central system.

THE REFORM OF THE COMMON EUROPEAN ASYLUM SYSTEM

The reform of the Common European Asylum System as proposed by the Commission in May and July 2016 establishes a fully efficient, fair and humane asylum policy which functions effectively both in times of normal and in times of high migratory pressure. It ensures a fair allocation of asylum applications among Member States and provides for a common set of rules at EU level to simplify and shorten the asylum procedure, discourage secondary movements and increase the prospect of integration.

	Reason for reform	Legislative proposal
Reform of the Dublin system	Creating a fairer, more efficient and more sustainable system for allocating asylum applications among Member States.	Proposal for a new Dublin Regulation
Reinforcing the EURODAC system	Adapting and reinforcing the Eurodac system and expanding its purpose in order to facilitate returns and help tackling irregular migration, and overall to support the practical implementation of the reformed Dublin System.	Proposal for a new Eurodac Regulation
A new mandate for the EU's asylum agency, currently EASO	Transforming the existing European Asylum Support Office into a fully-fledged European Union Agency for Asylum with an enhanced mandate and considerably expanded tasks to address any structural weaknesses that arise in the application of the EU's asylum system.	Proposal for a Regulation on the European Agency for Asylum
Greater convergence in the EU asylum system	Establishing a common EU procedure for asylum applications as well as harmonised protection standards and rights for asylum seekers and harmonised reception conditions throughout the EU to reduce differences in recognition rates from one Member State to the next, discourage secondary movements and ensure common effective procedural guarantees for asylum seekers.	Proposal for a new Asylum Procedures Regulation Proposal for a new Receptions Conditions Directive Proposal for a new Qualification Regulation