



**Recommendation 2135 (2018)<sup>1</sup>**

Provisional version

## Extra-territorial processing of asylum claims and the creation of safe refugee shelters abroad

Parliamentary Assembly

1. The Parliamentary Assembly welcomes the higher legal standards for the protection of asylum seekers set by the European Union, while noting that these standards are not applicable in many member States of the Council of Europe and that the granting of refugee status and of humanitarian visas is not a legislative competence of the European Union. Therefore, the Assembly believes that the Council of Europe could serve all its member States, whether a member of the European Union or not, by setting human rights-based common standards in this field and by ensuring mutual legal assistance and administrative co-operation in matters regarding refugees and migrants.
2. Referring to its [Resolution 2227 \(2018\)](#) on extra-territorial processing of asylum claims and the creation of safe refugee shelters abroad, the Assembly recommends that the Committee of Ministers:
  - 2.1. instruct its European Committee on Legal Co-operation (CDCJ) to analyse whether and to what extent a revision is required of:
    - 2.1.1. the European Agreement on the Abolition of Visas for Refugees (ETS No. 31), in order to allow persons who have received refugee status through an extra-territorial procedure to transit or enter the territory of another party without a visa;
    - 2.1.2. Chapter IV of the European Convention on Consular Functions (ETS No. 61), in order to allow consular officers of a sending State to issue humanitarian visas or grant refugee status to persons in a receiving State or on board a vessel registered in that sending State;
  - 2.2. invite member States to sign and ratify the Protocol to the European Convention on Consular Functions concerning the Protection of Refugees (ETS No. 61A) and to consider updating this protocol in view of the present challenges and requirements regarding the protection of refugees by consular services abroad.

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1. *Assembly debate* on 27 June 2018 (24th Sitting) (see [Doc. 14571](#), report of the Committee on Migration, Refugees and Displaced Persons, rapporteur: Mr Domagoj Hajduković; and [Doc. 14585](#), opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Egidijus Vareikis). *Text adopted by the Assembly* on 27 June 2018 (24th Sitting).

