

*Chair of  
the House*  
*Chairman of  
the Committee of  
Foreign Affairs*  
*13/6/17*



Il Presidente

Onor. Anġlu Farrugia  
Speaker  
Kamra tad-Deputati  
Triq Ir-Repubblika  
Valletta VLT 1115  
Malta

*Speaker  
House of Representatives*

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Sur Speaker,

Wara l-kriżi tar-rifugjati tal-2015, l-Istituzzjonijiet tal-Unjoni bdew jaħdmu bis-sħiħ fuq ir-riforma tas-Sistema Ewropea Komuni tal-Asil. Il-proposta ewlenija f'dan il-pakkett hija r-riforma tar-Regolament ta' Dublin. Nixtiequ nittrasformawha minn sistema li ma taħdimx tajjeb għal waħda li tkun il-pedament ta' politika tal-asil razzjonali, prammatika u solidali fl-Ewropa.

F'Novembru 2017, il-Parlament Ewropew ikkonkluda n-negozjati dwar il-pożizzjoni komuni tagħna billi adotta mandat b'maġġoranza ta' żewġ terzi, bis-saħħa ta' politiki minn kwazi kull Stat Membru li jirrappreżentaw 118-il partit politiku nazzjonali u ħames gruppi politiki ewlenin mill-ispettru politiku kollu.

Ħdimna kemm flaħna biex insibu approċċ bilanċjat u verament Ewropew li jindirizza d-dgħuffijiet fil-ġestjoni tal-migrazzjoni fl-Ewropa, sabiex il-gvernijiet u l-awtoritajiet Ewropej jingħataw lura l-kontroll fuq il-flussi migratorji. Issa għandna opportunità unika li noħolqu Sistema Ewropea Komuni tal-Asil prammatika u bbażata fuq is-solidarjetà. Sfortunatament, l-Istati Membri fil-Kunsill s'issa ma nrexsilhomx jaslu għal pożizzjoni komuni li tkun tista' tagħti bidu għan-negozjati bejn il-Kunsill u l-Parlament Ewropew.

Il-laqgħa tal-Kunsill Ewropew fi tmiem Ġunju x'aktarx se tkun l-aħħar ċans f'din il-legiżlatura biex jintlaħaq ftehim li jippermetti lill-Kunsill jidhri f'negozjati mal-Parlament.

Kif wera l-Ewrobarometru ta' Mejju tas-sena li għaddiet, il-migrazzjoni hija waħda mill-kwistjonijiet ewlenin li fuq minn 70% taċ-ċittadini tagħna jistennew lill-UE ssib soluzzjonijiet għallhom matul din il-legiżlatura. Huwa kruċjali li nitgħallmu mill-iżbalji tal-passat. Wasal iż-żmien li fl-Ewropa nibnu sistema tal-asil stabbli u reżiljenti li tiffunzjona kemm fi żminijiet ta' normalità u kemm jekk tinqala' kriżi importanti.

Aħna norbtu fuq l-appoġġ tiegħek biex nibnu pontijiet bejn l-Istituzzjonijiet tagħna u nrawmu spirtu ta' kooperazzjoni Ewropea li jippermetti riforma prammatika tas-Sistema Ewropea Komuni tal-Asil.

Nittamaw li tgħaddi din l-ittra, flimkien man-nota spjegattiva li qed nehmzu rigward il-pożizzjoni tal-Parlament Ewropew dwar ir-riforma ta' Dublin, lill-kumitat responsabbli u lill-Membri inkarigati minn dawn il-kwistjonijiet.

## **Briefing note on the European Parliament's position on the Dublin reform**

### **A bold but pragmatic proposal**

The Dublin Regulation determines which EU member state should be responsible for examining an application for international protection. The refugee crisis of 2015 clearly showed that the Dublin regulation needs a fundamental reform to enable a structured and dignified reception of asylum seekers in Europe, whilst at the same time allowing Member States to effectively manage their borders. Since the flaws of the current Dublin Regulation are of a fundamental and structural nature, only a fundamental and structural reform can properly address these issues.

The European Parliament is proposing a system that will work in practice, on the ground. To achieve this we need to ensure that both Member States and applicants are incentivised to follow the rules within the Dublin system. Member States, all signatories of the Geneva Convention, will need to accept a fair sharing of the responsibility to receive asylum seekers in Europe. Applicants will need to accept that they do not have a free choice as regards the Member State that will conduct the evaluation of their asylum claims.

The system proposed by the European Parliament would be functional in times of normal migratory flows as well as in times of crisis. It would also be able to cope with a crisis on any of the common borders of the union. The Council is clearly allowed to decide on this regulation by majority voting and their focus must now be on finding a system that will work on the ground, and not only one that can reach unanimity in the Council.

### **Main elements of the proposal**

#### **A permanent and automatic relocation mechanism, without thresholds**

Applicants who have family members or who have links with a particular Member State, for example after having had a prior residence or having studied there shall be relocated to these Member States. Applicants lacking such links with a particular Member State shall be relocated through the corrective allocation system. The relocation system thus replaces the previous "fall-back-criterion" of the Member State of first entry. The system applies at all times, not only in times of crisis and with no thresholds as suggested by the European Commission.

#### **Registration of applicants directly on arrival and security**

The European Parliament position includes strong incentives for both Member States and applicants to register immediately upon arrival in the EU. This will allow our authorities to have a much better control over who is present on our territory. The proposal also requires mandatory security controls of all applicants with checks against relevant national and European databases. Applicants posing a security risk will not be transferred to other countries.

#### **Appropriate procedures in the first Member States of arrival**

The current Dublin Regulation places an unreasonable burden on the first Member State of arrival. The procedures need to be swift and ensure that applicants needing to be relocated to other Member States are moved quickly. A light procedure for family reunification and other genuine links is therefore introduced.

Member State and it will then effectively become impossible for the applicant to alter it. The only path to international protection within Europe for them will be to remain in the responsible Member State.

#### **A filter for applicants with very small chances of receiving protection**

In order to know if an applicant for international protection fulfils the requirements to receive protection, thus separating them from so called "economic migrants", it is necessary to assess their claim on an individual basis. This is a complex process which is done in the responsible Member State.

It is not however in the interest of a well-functioning asylum system to relocate applicants with next to no chances of receiving international protection. At the same time a system that would place too heavy burdens on frontline Member States would not work in practice. A carefully calibrated "filter" for applicants that have very low chances of receiving international protection is therefore included in the proposal.

These applicants would not be relocated but their applications would be treated in the Member State of first entry which would receive additional EU-support to deal with them. The system thus respects the right to a fair asylum procedure for the applicant as well as the interests of having an effective asylum system, without creating undue burdens on frontline Member States or unnecessary relocations.

#### **Incentivise applicants to remain within the official system**

Through a radically improved provision of information, legal aid and support for applicants for international protection, combined with more effective procedures, applicants will be incentivised to cooperate with the authorities.

#### **Safeguards for minors**

The European Parliament has placed a great emphasis on securing strong safeguards for minors, both accompanied and unaccompanied. Among the main provisions are strengthened rules on best interest assessments, strict requirements on the provision of guardians and the provision of adapted information to children. No transfers of unaccompanied minors will be made without a best-interest assessment by a multidisciplinary team and the presence of a guardian in the receiving Member State.

#### **Ensuring full participation of all Member States**

The European Parliament assumes that all EU Member States respect democratic decision making, also in cases where they are not in favour of the outcome. In order to ensure that Member States are incentivised to follow the rules, coercive measures directed at Member States which would not follow the rules have been included. Frontline Member States that refuse to register applicants would see the relocation of applicants from their territory stop. Member States refusing to accept relocation of applicants to their territory would face limits on their access to EU-funds and would not be able to use EU-funds for returns of applicants that had their asylum claims rejected.