**GERMANY AND FRANCE: POLICY PROPOSAL**

**A “New Approach” to the sustainable Common European Asylum System (CEAS)**

In light of the long-blocked and unfruitful negotiations about the reform of the Common European Asylum System (hereinafter referred to as CEAS), **Germany and France have decided to come up with their own Policy Proposal** to improve the current, non-functioning system based predominantly on the Dublin Regulations. By this, our countries also want to react on the fact, that the European Commission has given up on completing the reform of the CEAS in December last year.

We are well aware of the fact, that the current situation around migrants and refugees, located predominantly in the Southern European countries, has revealed significant structural weaknesses in both, the design and implementation of the CEAS and of the Dublin III Regulation regime. Simultaneously, we perceive that all hitherto failures to reform the CEAS and the Dublin III Regulation are obvious indications of the disaggregating and nationalistic pulsion spreading across the Union and show that not the migration and refugees themselves, but the incapacity to elaborate a common solution to migration based on balanced responsibilities is the main problem at the moment. In other words, **the situation is not one about numbers and migrants but one about trust and mistrust.**

As of today, the European Union has not found a common agreement on the long-needed reform of the CEAS, despite some valuable attempts, and thus, Germany and France come up with their own inputs and suggestions. Since all unsuccessful reform plans and attempts have shown, that **the legislation alone is insufficient to manage both the current situation and the prospective migrant flows,** we have decided to propose **a balanced mixture of the legislative proposals and practical political steps, which seek to contribute to the common agreement and which go as follows:**

1. We call upon all EU Member States **to adopt the exact definitions and clear distinctions between the terms describing illegal economic migrants and asylum seekers.** These definitions should be adopted unanimously on the European level and incorporated to the EU law system in order to avoid future discrepancies and inconsistencies in our approach;
2. We uphold **stronger readmission policy in relation to the migrants that demonstrably do not come from the territories afflicted by war, persecution, famine, genocide, etc.** We consider this step for strict but at the same time, the most effective way how to tackle the economic migration and by that we aim to decrease the pressure for countries, mostly affected by the migration flows, especially Italy and Greece;
3. We call upon all EU Member States **to adopt the exact definition of all appropriate procedures, which need to be administrated by the bodies in the first Member State of the arrival of migrants and asylum seekers together with an exact timeframe for all necessary administrative duties** of the detention on the European level. The personal and other capacities of these bodies should be supported by internal, as well as external sources in a case of unexpected overload of applications. In this regard, France also brings its detention period into line with the European average, where the maximal duration of the administrative detention will be increased **up to 90 days** and accordingly, we suggest this time frame become common for all EU Member States;
4. We assert **the protection of the asylum seekers’ best interests should be undoubtedly maintained,** with a strong guarantee for unaccompanied minors. Our „New Approach” should adhere to the key concepts of **the family unity and the best interests of refugee children (up to 15 years) and elderly (over 60 years),** in order not to split the families of the asylum seekers. In this regard, we welcome and agree with the previous Commission suggestion to broaden the scope of “family members” so as to include siblings and any further widening of this scope should be discussed collectively;
5. As our mutual objective should be to integrate the asylum seekers to the everyday life, we welcome and agree with all propositions that **take into account previous experience, language or other skills of the asylum seekers**, because this approach could offer pragmatic solutions where the then protected person could easily play the role of an economic actor, instead of depending on social assistance. This should be accompanied by **additional EU financial assistance to frontline states such as Greece and Italy**, where unprocessed asylum seekers disproportionately live. Importantly, this step would help also **to discourage and partially prevent secondary movements of asylum-seekers;**
6. We suggest the development of **the common automated computer system**, which determines the qualities and characteristics of the asylum seekers and thus helps to fulfil the activities described in the previous point. At this point, we leave upon the further discussion on the European level, whether this system should be operated within the FRONTEX agency or any other body;
7. We call upon **the development of an effective mechanism for returning unsuccessful asylum applicants.** Currently, the rate of deportation for failed asylum seekers is very low, and rejected asylum seekers often disappear in the informal or shadow economy. The EU should find **a way to reduce disappearances and through transparent and enforceable measures, such as identity cards or biometric information, controlled by employers, social workers or welfare agencies,** can help to identify illegal migrants, who need to be returned either to a regional haven country or to their country of origin;
8. We call upon **all EU Member states, which have in past years reintroduced the Schengen internal border checks to cancel these controls until 31 December 2019,** in order to show solidarity and confidence about the strength and high added value of the Schengen system. In this regard, France and Germany want to lead this initiative by example and commit themselves to do so even one month earlier, i.e. before 30 November 2019;
9. We call upon building overall stronger support for the sustainable CEAS. This involves support for those states that face larger numbers of arriving asylum seekers, and greater turbulence at their borders. **The earlier-realized steps and initiatives such as the creation of hotspots, bilateral deals with transit countries or FRONTEX strengthening need an urgent evaluation from the side of the Commission, and subsequently, a common decision whether to continue in them or not;**
10. To sum up, **a consistent distinguishing and differentiation, together with a timely identification** (up to the proposed 90 days long time frame) **of those migrants who are deemed not to be in need, in a combination with the protection status and more effective integration of those in need, are crucial for the future credibility of not only the CEAS, but also any EU cooperation on asylum and immigration.**

*We openly admit, that our “New Approach” Policy Proposal is significantly inspired by already foregoing suggestions and propositions made by the European institutions, academia, or the relevant NGOs. However, they have been remarkably mixed and adequately adjusted to our negotiations reality with an intention to contribute maximally to the achievement of the final policy solution and agreement of all concerned parties and thus, also to the unanimous adoption of the new Multiannual Financial Framework (MFF) for the years 2021-2027.*

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