

# PONT PROJECT

## WORKING EUROPE 1 SEMINAR ASYLUM AND IMMIGRATION

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# EUROPEAN UNION CONTEXT

- INTERNAL MARKET
  - FREE MOVEMENT OF PERSONS
  - FAMILY REUNIFICATION
- THIRD COUNTRY NATIONALS
  - SHORT STAY/VISA POLICY (90 DAYS)
    - TOURISTS
    - BUSINESS MAN/WOMAN
    - STUDENTS
  - LONG STAY 
    - ASYLUM
    - IMMIGRATION
      - LEGAL AND ILLEGAL

# CONTENTS

- **ASYLUM**
  - UN CONVENTION 1951
  - EURODAC
  - HARMONIZATION
  - COMMON EUROPEAN ASYLUM SYSTEM (CEAS)
  - EUROPEAN ASYLUM SUPPORT OFFICE (EASO)
- **IMMIGRATION**
  - LEGAL MIGRATION
  - INTEGRATION
  - ILLEGAL MIGRATION

# ASYLUM

- EUROPEAN VERSUS INTERNATIONAL LAW
  - UN CONVENTION OF GENEVA 1951
    - PRINCIPLE OF NON-REFOULEMENT

# EURODAC

- IDENTIFICATION OF APPLICANTS
- EU ASYLUM FINGERPRINT DATA  
BASE
- LATEST VERSION: REGULATION  
603/2013

# ASYLUM: HARMONIZATION

- RESPONSIBLE MEMBER STATE
- DEFINITION OF REFUGEE
- PROCEDURES
- RECEPTION

ALL IN ALL

- A COMMON STATUS (CEAS)

# RESPONSIBLE MEMBER STATE

- LATEST VERSION: REGULATION 604/2013
- ‘DUBLIN SYSTEM’
- ESTABLISHES THE MEMBER STATE RESPONSIBLE FOR THE EXAMINATION OF AN ASYLUM APPLICATION
- THE CRITERIA FOR ESTABLISHING RESPONSIBILITY RUN, IN HIERARCHICAL ORDER, FROM ENTERING THE TERRITORY OF A MEMBER STATE, FAMILY CONSIDERATIONS, TO RECENT POSSESSION OF VISA OR RESIDENCE PERMIT IN A MEMBER STATE, TO WHETHER THE APPLICANT HAS ENTERED THE EU IRREGULARLY OR REGULARLY

# QUALIFICATION - DEFINITION

- LATEST VERSION: DIRECTIVE 2011/95
- REFUGEE: EU DEFINITION
  - RESPECTING UN CONVENTION 1951
- **‘SUBSIDIARY’ PROTECTION**
  - NATIONALS OF THIRD COUNTRIES WHO, WITHOUT OBTAINING EUROPEAN ASYLUM, ARE IN NEED OF INTERNATIONAL PROTECTION



# TEMPORARY PROTECTION

- COUNCIL DIRECTIVE 2001/55
- MINIMUM STANDARDS
- FOR GIVING TEMPORARY PROTECTION
- IN THE EVENT OF A MASSIVE INFLOW OF **DISPLACED PERSONS**
- BURDENSARING

# DISPLACED PERSONS: ARTICLE 2(c)

- THIRD COUNTRY NATIONALS OR STATE-LESS PERSONS WHO HAVE HAD TO LEAVE THEIR COUNTRY OF ORIGIN, ....., AND ARE UNABLE TO RETURN IN SAFE AND DURABLE CONDITIONS BECAUSE OF THE SITUATION PREVAILING IN THAT COUNTRY, WHO MAY FALL WITHIN THE SCOPE OF ARTICLE 1 A OF THE GENEVA CONVENTION OR OTHER INTERNATIONAL OR NATIONAL INSTRUMENTS GIVING INTERNATIONAL PROTECTION, IN PARTICULAR
  - i. PERSONS WHO HAVE FLED AREAS OF ARMED CONFLICT OR ENDEMIC VIOLENCE
  - ii. PERSONS AT SERIOUS RISK OF, OR HAVE BEEN VICTIMS OF, SYSTEMATIC OR GENERALISED VIOLATIONS OF THEIR HUMAN RIGHTS

# RECEPTION

- LATEST VERSION: DIRECTIVE 2013/33
- IMPORTANCE OF A HUMANE TREATMENT
  - HOUSING
  - FOOD
  - EDUCATION FOR CHILDREN
  - ACCESS TO MEDICAL AND SOCIAL CARE
  - ACCESS TO THE LABOUR MARKET

# COMMON PROCEDURES

- LATEST VERSION: DIRECTIVE 2013/32
- GRANTING/ WITHDRAWING INTERNATIONAL PROTECTION
- DEADLINES
- JUDICIAL PROTECTION
  - FAIRER, QUICKER AND BETTER

## BURDEN SHARING: ARTICLE 80 TFEU

- THE POLICIES OF THE UNION  
.....SHALL BE GOVERNED BY THE  
PRINCIPLE OF SOLIDARITY AND FAIR  
SHARING OF RESPONSIBILITY,  
INCLUDING ITS FINANCIAL  
IMPLICATIONS

# EUROPEAN ASYLUM SUPPORT OFFICE (EASO)

- SEAT IN VALETTA (MALTA)
- TASK: SUPPORT OF MEMBER STATES
  - COORDINATION OF POLICIES
  - IMPLEMENTATION OF ADOPTED ACTS



# EXTERNAL RELATIONS

- PARTNERSHIP AND COOPERATION WITH THIRD COUNTRIES
  - RETURN AND READMISSION AGREEMENTS
- EU REGIONAL PROTECTION PROGRAMMES
  - RETURN
  - LOCAL INTEGRATION
  - RESETTLEMENT
- COOPERATION WITH UNHCR: UN HIGH COMMISSIONER FOR REFUGEES

# IMMIGRATION

- CONDITIONS OF ENTRY AND RESIDENCE
- RESIDENCE PERMITS
- RIGHTS OF THIRD COUNTRY NATIONALS RESIDING LEGALLY IN A MEMBER STATE
  - EQUAL TREATMENT AND NON-DISCRIMINATION
- FAMILY REUNIFICATION
- INTEGRATION



# MOST IMPORTANT CONDITIONS FOR ENTRY AND RESIDENCE

- SUFFICIENT FINANCIAL RESOURCES
- HEALTH INSURANCE
- LANGUAGE KNOWLEDGE

NB. NO BURDEN FOR THE SOCIAL  
ASSISTANCE SYSTEM OF THE HOST  
COUNTRY

# IMMIGRATION LEGISLATION 1

- *LONG TERM RESIDENTS*
  - INCLUDES PEOPLE IN NEED OF INTERNATIONAL PROTECTION
  - LEGAL STAY OVER FIVE YEARS
  - ACCESS TO THE INTERNAL MARKET
  - EQUAL TREATMENT
  - LATEST VERSION: DIRECTIVE 2011/51

# IMMIGRATION LEGISLATION 2

- *FAMILY REUNIFICATION*
  - DIRECTIVE 2003/86
    - SMALLER SCOPE COMPARED TO INTERNAL MARKET DEFINITION
  - SPOUSE (ABOVE 21 YEARS)
  - DESCENDANTS UNDER 18 YEARS
  - MINIMUM REQUIREMENTS, MEMBER STATES CAN GO BEYOND
  - POLYGAMY IS NOT RECOGNIZED

# IMMIGRATION LEGISLATION 3

- EU '*BLUE CARD*'
  - CONDITIONS OF ENTRY AND RESIDENCE OF THIRD COUNTRY NATIONALS FOR THE PURPOSES OF HIGHLY QUALIFIED EMPLOYMENT
  - DIRECTIVE 2009/50
- *SINGLE PERMIT* DIRECTIVE
  - SINGLE APPLICATION PROCEDURE TO RESIDE AND WORK
  - DIRECTIVE 2011/98

# IMMIGRATION LEGISLATION 4

- DIRECTIVE 2004/114: STUDIES, PUPIL EXCHANGE, UNREMUNERATED TRAINING OR VOLUNTARY SERVICE
  - SUFFICIENT RESOURCES, HEALTH INSURANCE, LANGUAGE KNOWLEDGE
- DIRECTIVE 2005/71: RESEARCHERS
  - FAST TRACK PROCEDURE
  - FAMILY REUNIFICATION
- DIRECTIVE 2014/36: EMPLOYMENT AS SEASONAL WORKERS
- DIRECTIVE 2014/66: INTRA-CORPORATE TRANSFER

# ILLEGAL IMMIGRATION

- INTERNATIONAL CRIME
  - HUMAN TRAFICKING/SMUGGLING
- COOPERATION WITH THIRD COUNTRIES
  - ADDITIONAL CLAUSES TO ECONOMIC COOPERATION
  - REPATRIATION AND READMISSION AGREEMENTS
    - HUMANE AND EFFECTIVE
- ROLE FOR
  - FRONTEX (EXTERNAL FRONTIERS)
  - EUROSUR (EUROPEAN BORDER SURVEILLANCE SYSTEM)



# ILLEGAL IMMIGRATION: LEGISLATION

- DIRECTIVE 2008/115: COMMON STANDARDS AND PROCEDURES FOR RETURNING ILLEGALLY STAYING THIRD-COUNTRY NATIONALS
- DIRECTIVE 2009/52: MINIMUM STANDARDS ON SANCTIONS AND MEASURES AGAINST EMPLOYERS OF ILLEGALLY STAYING THIRD-COUNTRY NATIONALS

# INTEGRATION: ART 79(4) TFEU

- THE EUROPEAN PARLIAMENT AND THE COUNCIL, ACTING IN ACCORDANCE WITH THE ORDINARY LEGISLATIVE PROCEDURE, MAY ESTABLISH MEASURES TO PROVIDE INCENTIVES AND SUPPORT FOR THE ACTION OF MEMBER STATES WITH A VIEW TO PROMOTING INTEGRATION OF THIRD-COUNTRY NATIONALS RESIDING LEGALLY IN THEIR TERRITORIES, EXCLUDING ANY HARMONIZATION OF THE LAWS AND REGULATIONS OF THE MEMBER STATES



