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EU-ASYLUM: AMNESTY INTERNATIONAL CALLS ON EUROPEAN JUSTICE AND HOME AFFAIRS MINISTERS TO AMEND OR WITHDRAW POLICY PROPOSALS

(Brussels 4 November 2003) In the lead-up to Thursday's EU Justice and Home Affairs Council, Amnesty International says some proposals to be discussed at the meeting (i.e. *Amended Proposal for a Council Directive on Minimum Standards for Granting and Withdrawing Refugee Status*) may lead to refugees being denied access to effective protection through the use of a "safe countries of origin list", poor screening procedures at borders and improper appeal procedures, in contravention of international refugee and human rights law.

Amnesty International has released a series of recommendations to the JHA Council to be held on 6 November 2003 detailing its concerns: (*Amnesty International's Recommendations on the Amended Proposal for a Council Directive on Minimum Standards for Granting and Withdrawing Refugee Status*) available on www.amnesty-eu.org ("documents" page).

"As we move towards the final stage of this area of the EU Common Asylum Policy, it is evident that the overall picture is a bleak one for refugees fleeing to Europe," Dick Oosting, Director of Amnesty International's EU Office said.

"The combined effect of the various proposals being discussed at this week's meeting of JHA ministers is that refugees will be hindered at every step of the way – when they try to enter EU territory, claim asylum status in particular countries or lodge a meaningful appeal."

"In particular, Amnesty International is concerned by the creeping confusion between EU asylum and immigration procedures and deplors the ambiguity that has been introduced into the proposal on border procedures, in order to tighten migration control," he said.

Amnesty International's concerns cover the following issues:

Safe country of origin

Amnesty International strongly opposes the use of lists of safe countries of origin to restrict access to asylum procedures. Such lists constitute discrimination among refugees that is strictly forbidden by the Geneva Convention. Although the draft proposal maintains the principle of an individual assessment of claims, Amnesty International fears that in practice this list may be used as an automatic bar to accessing asylum procedures and that the decision on which countries to include on the common list may be the result of political bargaining influenced by national interests, rather than human rights considerations. **Amnesty International calls for the use of lists of safe countries of origin to be abandoned altogether.**

Border procedures

Rather than ensure protection of refugees, the proposal has been distorted to put the emphasis on efficient immigration control. As a result, immigration authorities will be *de facto* involved in carrying out an assessment of how well-founded an asylum claim is, even though they do not have

the necessary qualifications, thus contributing to the confusion between asylum and immigration procedures.

Amnesty International calls for this provision to be withdrawn.

Access to EU territory

Amnesty International expresses serious concern about amendments put forward by some Member States on the basis of which access to territory and to refugee status determination procedures can be denied altogether where the applicant has transited through a safe third country, regardless of the situation of that particular individual. This provision has the potential to violate the Geneva Convention and the principle of non-refoulement.

Amnesty International calls for this provision to be withdrawn.

Appeal Procedures

Amendments put forward by some Member States may undermine the principle of “effective remedy” before a court or tribunal, or may restrict the scope of judicial control to a marginal appreciation of “relevant facts” contrary to the standards developed by the European Court of Justice and the European Court of Human Rights. Amnesty International also notes with great concern the proposal to allow Member States to derogate from the suspensive effect of appeals.

Amnesty International calls for appeal procedures to comply with international standards and the jurisprudence of supranational courts.

For further comment/background and interviews:

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