



**COUNCIL OF
THE EUROPEAN UNION**

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LIMITE

CIREA 42

OUTCOME OF PROCEEDINGS

of: CIREA with representatives of candidate countries
dated: 18 June 2002

Subject : Summary of discussions

1. Transfer of CIREA

Before the arrival of the delegations from the candidate countries, **the Commission representative** presented a note to CIREA on the transfer of CIREA activities from the Council to the Commission. The new entity would be called EURASIL. Its first meeting was scheduled for September 2002. Like CIREA hitherto, EURASIL would invite delegations from the candidate countries, Canada, the United States and UNHCR to take part in its meetings, to which various NGOs would be invited too.

2. Presentation by the Presidency of CIREA proceedings since the last meeting with candidate countries

When the delegations from the candidate countries had arrived, the **Presidency** summarised the activities of CIREA over the past six months. It also provided some information concerning the future of CIREA and collaboration between the Member States and the candidate countries.

3. Exchange of information

– Asylum statistics and legislation changes

The Danish delegation stressed that its legislation on aliens, the new changes to which would come into force on 1 July 2002, remained within the Geneva Convention framework.

However, the possibility of granting asylum for reasons similar to those of the Geneva Convention (*de facto* asylum), which had existed hitherto, would no longer exist.

The Commission representative briefly mentioned the texts which the Commission intended to submit to the Council. He also stressed the Council's political agreement of April 2002 on the text of the proposal for a Directive laying down minimum standards for the reception of applicants for asylum. Towards the end of November 2002, the Commission would publish the second report on the implementation of Community asylum policy.

The Commission representative confirmed to the delegations of the candidate countries that they would be contacted after the beginning of July 2002 to prepare for future collaboration.

– Questions raised by the Swedish delegation concerning Article 25 of the Schengen Convention

The Swedish delegation clarified the terms of the questions it had asked Member States and stressed that it wanted written replies. Given the working intentions the Commission had expressed, it wanted to come back to the question at a later meeting.

– Missions to countries of origin

Belgium was currently conducting several missions. The first, which had started on 15 May 2002 in Iran, to last four to six weeks, was to study the authentication of documents and the true judicial situation there. The second mission had been in the Democratic Republic of the Congo since 16 June, to update the profile of asylum applicants. The third mission had left for Algeria on 17 June 2002 to research internal flight options.

Denmark had sent a mission to Rwanda and Somalia, jointly with the UK. A report was being drafted.

A mission had gone to Afghanistan in May this year. That mission had confirmed that about one million refugees had returned from neighbouring countries and noted the existence of relative stability and of optimism owing to the presence of international forces. It also noted that certain Pashtun minority groups wanted to flee Afghanistan for Pakistan, but were currently grouped in a no man's land between the two countries. The report on that mission had been forwarded to CIREA for translation and distribution (10203/02 CIREA 41).

4. Asylum applicants from Afghanistan and neighbouring countries

After emphasising the changes taking place in Afghanistan and noting the massive return of Afghan refugees from around the region to Afghanistan, **the Presidency**, asked delegations, over and above the information provided in writing, to report on the changes recorded in the demand for asylum and on variations in the profiles of Afghan asylum applicants. Likewise, the Presidency asked for information on the application of the exclusion clauses and on any plans to put an end to the refugee status granted to Afghans.

One candidate State (BG) and two Member States (DK/EL) emphasised that Afghan applicants constituted the largest or second-largest group of asylum applicants, one Member State (D) had noted a distinct reduction in the number of Afghan asylum applicants, and another member State (A) a marked increase. Five Member States (B/DK/D/E/NL) said that they had suspended taking decisions on applications from Afghans, while six Member States (F/IRL/A/P/FIN/UK) and four candidate States (H/PL/BG/CZ) stated that decisions were still being taken. No Member State had refused entry to Afghan applicants nor ended the refugee status granted to Afghans; such measures were not even being considered, except in one Member State (DK).

No significant change had been recorded in **Belgium**: between January and May 2002 there had been 186 Afghan applicants. The grounds usually invoked were the economic situation and the drop in safety. Afghan applicants included Hazaras and Tajiks. Belgium had suspended decisions of substance. Applicants were filtered according to risk profiles, if any: the exclusion clause was to be applied for former Taliban and Mujahedin.

Afghan applicants were the second-largest group in **Denmark**. So far in 2002, 800 applications had been registered with profiles similar to those in earlier applications, since many applicants confirmed that the Taliban were still active.

Negative decisions and decisions to withdraw refugee status were envisaged for the future. However, nobody had been refused entry for the present. In the event of future withdrawals, those affected would be repatriated, since Denmark had no subsidiary protection clause. Specific provisions had been made regarding Afghans, to examine exclusion cases: one case had been definitely confirmed.

The Danish delegation added that the Hazaras were a minority group in various places. A group of Pashtuns from the north of Afghanistan who wanted to go to Pakistan were blocked at the border; around 20 000 of them were gathered in a UNHCR camp.

Germany had recorded a 50% drop in Afghan asylum applicants compared to the second half of 2001. The profile of applicants had changed: they were currently citing the warlords' regional conflicts. No change had been noted in applicants from Iran and Pakistan. Decisions had been halted since November 2001, so no negative decisions or decisions to refuse entry had been taken; that applied also to revocations of refugee status. The application of exclusion clauses had been incorporated in national law since 9 January 2002; it had not yet been invoked, however.

Afghans have the second-largest group of asylum applicants in **Greece**. More than 550 asylum applicants were registered from January to May 2002. That number included ethnic Hazaras, who would also be pursued by the authorities in power in Afghanistan. The number of Afghan asylum applicants had increased by more than 200% compared to 2001.

There were no significant changes in asylum applications coming from Afghanistan in **Spain**, though the number had fallen. The ethnic and socio-economic profile of Afghan asylum applicants had not changed, but the stories they told had. Applicants were now saying that they were identified with the previous regime and were considered by the population to be Taliban.

Examination of Afghan asylum applications had been suspended, but decisions had been taken when Afghan nationality was not certain. The exclusion clauses had not yet been adopted. If refugee status was withdrawn, the person concerned should in theory leave the territory straight away; in practice, however, the person concerned would have the right to a residence permit corresponding to the period for which he had been in Spain.

In France, if refugee status ceased or was withdrawn, the persons concerned would retain a right of residence.

There were few Afghan asylum applicants in **Italy**: only thirty from January to May 2002, of whom four had received refugee status.

The Italian delegation also stressed the problems encountered after refugees had arrived by sea. On a number of vessels, documents had been found that revealed a large-scale organisation: procedural manuals for the people being transported. Italy was not envisaging withdrawing refugee status, but would apply a humanitarian clause instead.

Afghan asylum applications were on the rise in **Austria**: 2 911 applications had been registered from the beginning of January to the end of May 2002. There had also been a slight rise in the number of asylum applicants from neighbouring countries (Iran and Pakistan).

No change had been noted in asylum applicant profiles in **Finland**; nor had exclusion clauses been applied.

Little change in **Sweden**: 127 Afghan applicants between January and May 2002. The treatment of their applications was the same. The right of residence was granted mainly for humanitarian reasons. Exclusion clauses were sometimes applied. There had been no expulsions and none were planned.

There were no Afghan asylum applicants in **Malta**. In 2001, 5 asylum applications had been received and processed by the UNHCR. Since 13 December 2001, Malta had withdrawn its geographical reservation on the applicability of the Geneva Convention and processed asylum applications directly. From January to May 2002, 145 applicants had arrived in two large groups. That number was higher than the total for 2001, and consisted of one group of Turks and another of people coming from various African countries.

1 660 applicants had been registered from January to May 2002 in **Hungary**. Decision-taking and the option of expulsion had not been suspended. If appropriate, a temporary right of residence was granted.

A small increase in the number of Afghan asylum applicants had been noted in **Poland**: 236 had been registered from January to 26 May 2002. Those applicants seemed hesitant as to the grounds to give for their asylum applications. In Poland there had been no decision to suspend the reaching of decisions, nor to apply exclusion clauses. Residence could be granted on humanitarian grounds.

There had so far been few Afghan asylum applicants in **Romania** in 2002. No repatriation had been planned.

Estonia said that it had only had one asylum application so far in 2002, and that had not come from an applicant from Afghanistan.

Afghans were the largest group of asylum applicants in **Bulgaria**. Their number doubled each year. There had been 675 in 2000 but twice that number in 2001. 628 Afghan asylum applicants had been registered from January to April 2002. The grounds for their applications had changed: while persecution by the Taliban had been invoked previously, now it was persecution and prosecution as partisans of the Taliban regime that was claimed. Afghan applicants caused serious problems because there were many of them and they arrived in family groups.

However, decisions were still being taken and frequently resulted in residence being permitted on humanitarian grounds on a temporary basis. New refugee legislation was to come into force in November 2002 and would include the same provisions. If an asylum application were based on inadequate grounds, the procedure could be halted. The exclusion clause had not been used.

There were few applicants from Pakistan, but more were coming from Iran: 139 in 2001, but already 82 in 2002 from January to April (a rise of 100% compared to last year).

No significant change in the **Czech Republic** since 11 September 2001. However, changes had occurred over the past three years: thus, there had been more than 2000 Afghan applicants in 1999, whereas only eighteen had been registered from January to April 2002. The Czech Republic seemed to be neither a transit point nor a final destination for Afghan asylum applicants. Decisions were still being taken and led to the grant of a right of residence on humanitarian grounds for a two-year period.

Slovenia had not noted any significant changes in Afghan asylum applications:

15 applications had been registered in 2002 (6% of all applications). Applicants generally invoked the recent conflict, but many left Slovenia, which brought the procedure to a halt.

The Danish representative underscored the information provided by the Spanish and Bulgarian delegations, to the effect that the grounds now being cited by Afghan asylum applicants were that they were considered to be Taliban. Questions remained over the origin of the Pashtun asylum applicants and the possibility of finding an alternative place of flight for Pashtuns from the north of Afghanistan.

5. Examination of the situations of Kazakhstan, Turkmenistan and Uzbekistan

Member States noted that there were relatively few asylum applicants from those three countries in Central Asia, which had emerged from the former Soviet Union. They concentrated more specifically on the possibilities for citizens of those countries who were of Russian ethnic origin to obtain residence permits in the Russian Federation. The present situation in the Ferghana Valley was also discussed at length.

The **UNHCR representative** gave a summary of the situation in those countries and their development since independence, stressing that despite the totalitarian nature of their governments, efforts were being made to establish democracies there. He responded to questions, which mainly concerned the position of minorities, be they ethnic or religious, and the risks of persecution that various categories of people (e.g. certain women, homosexuals) might run. He also referred to the impact of the terrorist attacks of 11 September 2001 on the attitudes of the governments in the region.

6. Other business

The **Netherlands delegation** briefly presented the content of a document published in May 2002 by the Immigration and Naturalisation Department, giving information on the authorities responsible for asylum in various Member States of the European Union, some candidate countries, Canada, Switzerland, and the USA. Copies were issued to the delegations.

The **Czech delegation** informed delegations of the publication of the proceedings of a seminar held in Prague in February 2002 by the International Centre for Migration Policy Development (ICMPD), on information on the countries of origin of asylum applicants.