

The creation of transit centres outside the European Union

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Motion for a resolution

presented by Mr Wilkinson and others

This motion has not been discussed in the Assembly and commits only the members who have signed it

1. Over fifty million people in the world live in refugee camps, of whom Europe takes in only a relatively small number. Of the 17 million refugees and persons under the responsibility of the United Nations High Commissioner for Refugees (UNHCR) in 2004, only some 400 000 (5%) sought refuge in Europe. Despite these figures, there is still a feeling in Europe that the asylum system is overloaded by the steadily increasing number of asylum-seekers and illegal immigrants trying to reach Europe.

2. A few years ago, policy-makers in several European Union member states began to discuss the idea of creating centres outside the Union, although their functions are not quite clear. The idea of processing asylum applications outside Europe was first proposed by the British government, which, in early 2003, initiated a project comprising two main elements. The first was the establishment of 'protection zones' in refugees' countries of origin to improve the regional management of migratory flows, the aim being to deal with the problem in the places of origin of displaced populations and thus prevent them from moving on into the European Union by providing them with a safe haven. The second was the creation of 'transit processing centres' just outside the borders of the European Union to process the applications for asylum prior to the applicants' admission to European territory. Foreign nationals would only be admitted to European Union territory after being granted refugee status. This proposal has been shelved owing to a lack of consensus between member states.

3. In 2002, UNHCR drew attention to the need for countries of origin and host countries to share the burden by launching its 'Convention Plus' programme, which was designed to reinforce the principles of the Geneva Convention, under which refugees were supposed to remain in areas close to their country of origin. To counter the British initiative, UNHCR proposes a programme for the establishment of 'reception centres' within the borders of the Union and offering simplified procedures for processing asylum applications mainly from economic migrants arriving from countries which do not normally produce refugees. These centres would help ease the strain on national systems and result in all EU member states' policies being brought into line with each other.

4. Plans for the externalisation of asylum procedures were revived in September 2004 by an Italian-German proposal, based on the principles of burden-sharing and humanitarian need, suggesting that a genuine European institution be set up to receive and examine asylum applications, establishing transit processing camps outside the European Union. According to the originators of the proposal, these centres would improve the management of immigration and asylum while controlling migratory flows.

5. The Assembly recalls that it has already, in [Recommendation 1624](#) (2003) on Common policy on migration and asylum, broached the question of off-territory asylum processing arrangements. In the light of the recent initiatives and with a view to ensuring that everyone has access to an effective and fair asylum procedure that respects human rights and human dignity, the Assembly repeats its warnings and calls on member states to comply fully with their international obligations under the Geneva Convention relating to the status of refugees, its 1967 Protocol and the European Convention on Human Rights.

6. The Assembly welcomes the member states' proposal to share responsibilities and to help each other to manage asylum-seekers in Europe. However, it draws their attention to the need to clarify a number of legal and humanitarian issues concerning the extra-territorial processing of asylum applications. Firstly the question of who would have access to these centres: would they cater only for asylum-seekers or also for illegal immigrants? What form would these centres take: would they, for example, be holding centres? Who would exercise jurisdiction over them and what procedures would be applied? Finally, who would be responsible for monitoring security and living conditions in these centres?

7. The Assembly stresses the fact that these extra-territorial centres must in no way be used to relieve member states of their responsibilities, effectively enabling them to waive their international commitments with regard to the protection of refugees while failing to look after asylum-seekers. The European Convention on Human Rights must be applicable in these centres, ensuring that asylum-seekers have the right to appeal to the European Court of Human Rights. Finally, if such centres are established, the countries which host them must respect the principles laid down by the Council of Europe.

8. To ensure that no future policy of the European Union or its member states is in breach of the international instruments for the protection of refugees and human rights, the Parliamentary Assembly recommends that, in the event of off-territory processing of asylum applications:

i. account should be taken of the principle of international responsibility for the protection of refugees, and lasting and appropriate solutions that meet refugees' humanitarian needs should be proposed;

ii. care should be taken to ensure that asylum policies comply with the principles set out in the 1951 Geneva Convention relating to the status of refugees and the European Convention on Human Rights;

iii. problems arising from the massive inflow of asylum-seekers to Europe should be sensibly managed, and all asylum-seekers should be protected by legal and procedural safeguards;

iv. a long-term approach should be taken to asylum policies, by studying the reasons for which people opt for exile and by providing political and economic co-operation guidelines for countries of origin.

Signed ^[1]:

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EPP Group of the European People's Party
EDG European Democratic Group
LDR Liberal, Democratic and Reformers' Group
UEL Group of the Unified European Left
NR Not registered in a group