

RECENT DEVELOPMENTS IN EUROPEAN MIGRATION LAW

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BASIC OVERVIEW

- Assessment of the European migration law in the context of the European union law
 - European migration law: immigration, free movement and asylum legal rules
- Remarks to the current situation related to migration crises
 - highlighted the need for the reform of the asylum legislation as part of migration law
- Determination of the seven legislative proposals to improve the common European asylum system (CEAS)

EVOLUTION OF THE COMMON EUROPEAN MIGRATION POLICY BEFORE THE TREATY OF AMSTERDAM

- 1986 Single European Market
- 1990 The Schengen Implementing Convention
 - first set of rules on the responsibility for processing applications for asylum
- 1990 Convention Determining the State Responsible for Examining Applications for Asylum Lodged in one of the Member States of the European Communities (Dublin Convention)
 - concerning asylum jurisdiction
- 1993 Treaty of Maastricht
 - declared the whole field of asylum policy an area of common interest that was to be realised through intergovernmental decision making

EVOLUTION OF THE COMMON EUROPEAN MIGRATION POLICY AFTER THE TREATY OF AMSTERDAM

- 1999 Treaty of Amsterdam
 - First step in creating a supranational competence within the framework of today's TFEU (Article 63 EC Treaty as amended by the Treaty of Amsterdam)
 - the European Council in Tampere advanced the idea of a Common European Asylum System (CEAS)
- Asylum Reception Conditions Directive 2003/9/EC,
- Asylum Qualification Directive 2004/83/EC,
- Asylum Procedure Directive 2005/85/EC,
- Dublin II Regulation (EC) No 343/2003,
- Eurodac Regulation (EC) No 2725/2000
- 2009 Treaty of Lisbon

EVOLUTION OF THE COMMON EUROPEAN MIGRATION POLICY AFTER THE TREATY OF LISBON

- Asylum Qualification Directive 2011/95/EU,
- Asylum Procedure Directive 2013/32/EU,
- Asylum Reception Conditions Directive 2013/33/EU ,
- the Dublin III Regulation (EU) No 604/2013,
- Eurodac Regulation (EU) No 603/2013

MIGRATION CRISES OF 2015

The asylum applications have previously peaked in 1992 (672,000 applications in the EU), mostly originating from the former Yugoslavia, and in 2001 (424,000 applications in the EU), after which the number of applications fell to around 200,000 (Eurostat 2016).

- between 2010 and 2012 around 1.4 million non-EU nationals immigrated into the EU every year, and around 700,000 emigrated yearly, from 2012 onwards the attention has been focused on asylum seekers who have been making their way into the EU in unprecedented numbers:
- the number of asylum seeker in 2013 was 431,000,
- rose to 627,000 in 2014,
- more than double to 1,3 million in 2015 (Eurostat 2016).
- FRONTEX recorded 1,800,000 migrants crossing the EU borders

THE COMMON EUROPEAN ASYLUM SYSTEM (CEAS)

The reform of the common European asylum system aims to:

- 1. make the system more efficient and more resistant to migratory pressure
- 2. eliminate pull factors as well as secondary movements
- 3. fight abuse and better support the most affected member states

THE COMMISSION PRESENTED SEVEN LEGISLATIVE PROPOSALS AIMING TO

- 1) reform the **Dublin system** to better allocate asylum applications among member states and to guarantee the timely processing of applications
- 2) reinforce the **Eurodac regulation** to improve the EU fingerprint database for asylum seekers
- 3) establish a fully-fledged **EU asylum agency**
- 4) **replace the asylum procedure directive with a regulation** to harmonizes EU procedures and reduce differences in recognition rates among member states
- 5) **replace the qualification directive with a regulation** to harmonize protection standards and rights for asylum seekers
- 6) **reform the reception conditions directive** to ensure that asylum seekers benefit from harmonized and dignified reception standards
- 7) create a **permanent EU resettlement framework**

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