

Statement on behalf of the Meijers Committee

During the meeting of the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament of 13 April 2015

on the consideration of amendments of the Commission's proposal to amend the Dublin Regulation (Unaccompanied Minors)

By Mr. Louis Middelkoop, executive secretary

CHECK AGAINST DELIVERY

Dear Members,

On behalf of the Meijers Committee I thank you for the opportunity to reiterate our views. We are a group of legal academics, lawyers and judges with expertise in Justice and Home Affairs Laws.

I will limit myself to three points. I think that the judgment, the Commission's proposal and the Council's position are clear.

At face-value, the Council's standpoint may appear reasonable to some of you. The proposed exception for minors whose application has already been examined on the merits, discourages so-called 'asylum shopping' and thus upholds the integrity of the Dublin system. It even reduces the risk of human trafficking, according to the Council.

Essentially, the Council places this debate primarily in a framework of abuse of rights and combating crime. This narrative leaves the real problem of the EU's asylum policy invisible: And that is that the Dublin system wrongly presupposes that asylum procedures are adequate and up to standard in all Member States.

However, as you all know, a number of Member States fail to implement properly functioning procedures. All asylum seekers traveling to those member states fall victim this. Vulnerable groups such as minors suffer even more. As long as this situation continues, the very least the European Parliament can do is to refuse to expose unaccompanied minors to these inadequate legal systems. Therefore, the Meijers Committee advises you to adopt the rapport as prepared by Ms. Wikström.

I would like to turn to my second point by briefly commenting on the need to amend article 27 on the issue of legal protection.

To illustrate the necessity of this, I give you the real life example of a minor who claimed that his father legally resided in another member state. However, the verification of the child's claim

took so long that the three month period for a request to take charge, elapsed, and the minor was not reunited with his father.

The current Regulation does not provide a remedy in this situation, and I have more examples, and therefore does not ensure that the child's best interests can be enforced by a court.

Article 47 of the EU Charter requires effective remedies against all violations of the rights and freedoms afforded by Union law. Amendments 18 and 19 would bring the Regulation more into conformity with the charter. The Meijers Committee advises you to vote in favor of them, as long as cases continue to emerge in which Member States do not apply the rights afforded to minors properly.

My final point concerns asylum shopping. The Court has addressed this issue by pointing out that Article 25 of the Procedures Directive allows Member States to declare identical applications inadmissible. So that would prevent asylum shopping. Some Member States argue that this is an impractical solution. We point out that Art. 34(3) of the Dublin III Regulation provides a legal basis for sharing files. We think that as a transfer is now limited to 6 months, that in those six months' time you can also share files, translate them and make an assessment on the admissibility of the claim.

I thank you for your attention.

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About

The Meijers Committee is an independent group of legal scholars, judges and lawyers that advises on European and International Migration, Refugee, Criminal, Privacy, Anti-discrimination and Institutional Law. The Committee aims to promote the protection of fundamental rights, access to judicial remedies and democratic decision-making in EU legislation.

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