



## State of the Union 2018: A reinforced European Union Agency for Asylum – Questions and Answers

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### Why is the Commission proposing to reinforce the European Union Agency for Asylum?

EU Leaders meeting in June 2018 [agreed](#) that migration is a challenge *"not only for a single Member State but for Europe as a whole"*. To effectively manage migration, address the current needs and possible future challenges, the European Union has to boost its means of providing European solidarity, the future European Union Agency for Asylum being an essential tool for this.

As a key pillar of an efficient Common European Asylum System, the EU's Asylum Agency must be able to provide the operational and technical assistance Member States need, when they need it, to better manage migration. This support should go hand in hand with the work of the European Border and Coast Guard and other EU Agencies to offer fully integrated European support on borders, asylum and returns.

This is why the Commission is proposing targeted amendments to the proposal on the EU Agency for Asylum: to extend the operational and technical assistance the Agency can provide to Member States, including as regards the deployment of migration management support teams. The reinforcement of the Agency will be crucial in helping Member States manage asylum procedures better and faster and prevent secondary movements.

### What is changing between today's proposal and the proposal for a European Union Agency for Asylum presented in 2016?

The original [proposal from May 2016](#) will transform the existing European Asylum Support Office into a fully-fledged European Union Agency for Asylum with an enhanced mandate and considerably expanded tasks. The Agency will be able to offer greater support to Member States in times of increased migratory pressure, including through a rapid deployment of asylum experts.

Learning from the experience of the last two years, today's targeted amendments build on the 2016 proposal and expand even further the operational and technical assistance the Agency will be able to offer to Member States, including the possibility to assist by carrying out the entire administrative stage of the procedure. The amendments also take into account the new proposal for a reinforced European Border and Coast Guard, to ensure the two Agencies can work in full complementarity.

The assistance the Agency will be able to provide includes deployment of Migration Management Support Teams composed of staff from the Agency, the European Border and Coast Guard, Europol and other EU Agencies. The reinforced Agency will be able to assist not only in times of increased migratory pressure, but at any point Member State may require it, throughout the asylum procedure as well as during procedures under the Dublin Regulation.

Under the new proposal, the Agency's new tasks will include:

- **Greater technical and operational assistance** which the Agency would be able to finance itself;
- **Administrative support** in carrying out the entire, or parts of the, administrative procedure for international protection as well as the procedure under the Dublin system. The Agency will also be able to offer assistance in the **appeal stage**, by providing legal research and analysis or producing reports at the request of courts or tribunals;
- **Deployment of Migration Management Support Teams**, including in hotspots and controlled centres. The teams will include the Agency experts as well as staff from the European Border and Coast Guard Agency, Europol and other EU Agencies.

In addition, today's proposal modifies the nomination process for the Deputy Executive Director of the Agency. Under the new process, the Commission rather than the Executive Director will propose a shortlist of candidates to the Agency's Management Board. The changes are being proposed to align the selection procedure for the Deputy Executive Director with that of the Agency's Executive Director and other decentralised EU Agencies.

## **What support will the Agency be able to provide?**

The Agency will be able to assist Member States where needed and in particular where their asylum and reception systems are subject to increased pressure, for instance when faced with a disproportionate number of applications for international protection. Wherever needed, the Agency will deploy Asylum Support Teams to provide operational and technical assistance to Member States. The Agency will organise and finance its activities.

The changes being proposed will also strengthen cooperation between the European Border and Coast Guard Agency and the EU Agency for Asylum. This is, in particular, the case with the deployment of migration management support teams to offer integrated support on borders, asylum and return where needed, including in hotspots and controlled centres, in liaison with the Commission, who will be responsible for coordination on the ground.

Any assistance provided will always take place in full respect of fundamental rights and international law.

### **Examples of operational and technical assistance:**

- **identification and registration** of third-country nationals, including taking biometric data and providing information to migrants of these procedures;
- **providing initial information** to third-country nationals who wish to make an application for international protection and referring them to the relevant national authorities;
- assisting with or carrying out the **registration of applications** for international protection;
- assisting the relevant national authorities with the **examination of applications** for international protection;
- assisting or coordinating the **setting up of reception facilities** by Member States and, specifically, emergency accommodation, transport or medical assistance;
- providing **interpretation services**;
- deploying **technical equipment** for the asylum support teams as appropriate;
- **assisting Member States** with their obligations under the Dublin Regulation.

## **How will cooperation between the Agency and the European Border and Coast Guard Agency be reinforced?**

The revised proposal for a European Union Agency for Asylum and the proposal for a stronger European Border and Coast Guard Agency are designed to mutually reinforce each other and ensure a strong working link between the Agencies, in order to improve the management of migration flows across the Union's external borders.

The proposals ensure that both Agencies coordinate their activities and support Member States, for example with the deployment of Migration Management Support Teams, including to existing hotspots or future 'controlled centres', in order to facilitate asylum and return procedures and offer a fully integrated European support on migration.

This integrated approach will ensure a strong link between asylum and return procedures, in coordination with the national authorities, so people who are in genuine need of international protection can receive it as quickly as possible, and those whose who are not can be effectively returned.

## **What are migration management support teams and how are they deployed?**

Migration management support teams are comprised of experts in all aspects of migration, including from the Asylum Agency, the European Border and Coast Guard and experts from Europol and other EU Agencies. Upon request of a Member State, the teams can be deployed to provide the full range of support activities on borders, asylum and return. The Commission will coordinate requests from Member States, assess the needs and will be in charge of coordination on the ground.

Experts to be deployed can include asylum and return experts, border surveillance officers, registration, fingerprinting and screening experts, as well as interpreters and cultural mediators and experts in child protection, trafficking in human beings and protection of fundamental rights.

## **How will the Agency be able to provide support during the asylum procedure?**

The amended proposal gives Member States the possibility to request the Agency's involvement and support throughout the entire, or during parts of, the asylum procedure at the administrative stage.

The Agency will be able to draft decisions on asylum applications and provide these to the national authorities responsible for their consideration. Such assistance would be provided at a Member State's specific request and the decisions on individual applications remain their sole responsibility. The Agency will also be able to support Member States in the appeal process, with legal research, reports and analysis, at the request of the courts or tribunals, and in full respect of their judicial independence and impartiality.

Ultimately, Member States will be able to process asylum applications, including possible appeals, more quickly, which will allow for the efficient and orderly functioning of their asylum and reception systems and – by extension – the Common European Asylum System as a whole.

## **Will the Agency take over asylum decisions and appeal decisions?**

No. The Commission's amended proposal does provide a number of possibilities for the Agency to offer Member States more comprehensive operational and technical assistance throughout the process, but the final decision on applications for international protection will remain the responsibility of national authorities in the Member States.

The Agency will also be able to assist national authorities in the appeal stage with legal research for individual cases. If a final decision is negative, the Asylum Agency, together with the strengthened European Border and Coast Guard Agency, will be able to assist in the return procedure.

The entire process will take place in full respect of fundamental rights and international law, in particular the principle of *non-refoulement*.

## **Will the Agency decide on the distribution of asylum seekers and migrants between Member States?**

No. The responsibility for applicants for international protection in Member States will continue to be governed by the Dublin Regulation.

The European Council has repeatedly stated that the current Dublin Regulation is unsustainable in its current form, and has called for a speedy solution to the entire reform of the Common European Asylum System. The Commission is ready to assist both Parliament and Council in concluding the reform as soon as possible. Today's 3 proposals – reinforcing the asylum and borders Agencies and improving the effectiveness of return procedures – should provide the additional elements needed to find a compromise on the reform as a whole.

The Commission's proposal for a revised Dublin Regulation, tabled in May 2016, provides for the creation of an information system to be managed by the EU's Asylum Agency. The system will keep record of the Member State responsible for a given application for international protection. The Agency will also be able to assist with the logistical organisation of an applicant's transfer to the Member State responsible for examining an asylum application.

## **Who can request the Agency's support?**

The Agency will be able to provide operational and technical assistance to Member States when:

- a Member State requests assistance when its asylum and reception systems are under disproportionate pressure;
- a Member State requests assistance from Migration Management Support teams in for example hotspot areas or 'controlled centres';
- on the Agency's own initiative and in agreement with the Member State concerned, where disproportionate pressure is being placed on its asylum and reception systems.

## **What will change regarding the budget and staff of the new Agency?**

The Commission's initial proposal foresaw a budget for the strengthened Agency of €364 million until the end of 2020. It also foresaw a need to recruit an additional 357 members of staff bringing the total staff number to 500 by the end of the year 2020.

The Commission is now amending its initial budget proposal to reinforce it with an additional €55 million per year between 2019 and 2027. The additional funding will support the enhanced operational and technical assistance that the Agency can provide to Member States.

The total financial resources that the Agency will require to fulfil its mission under the revised – and

further expanded mandate – amount to €321 million for the period 2019-2020 and €1.25 billion for 2021-2027.

## **Will this reviewed proposal affect the negotiations on the reform of the Common European Asylum System?**

The Commission welcomes the progress that has been made on the overall work to reform the Union's Common European Asylum System. The intense efforts made mean that 5 out of the 7 proposals that the Commission tabled in 2016 are close to being finalised.

The 3 new proposals presented today are intended to help achieve a compromise on all proposals taken together.

The Commission respects the provisional agreement reached between the European Parliament and the Council on the proposal for the EU Asylum Agency and has taken it into account in today's targeted amendments. The amended proposal should be discussed in the context of the on-going negotiations on the Common European Asylum System reform and should not in any way further delay the adoption of the Regulation.

## **For More Information**

[Webpage on the State of the Union 2018](#)

Press release: [Commission proposes last elements needed for compromise on migration and border reform](#)

Factsheets, legal documents and other useful documents – all available [here](#)

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