

Activity report on the Centre for Information, Discussion and Exchange on Asylum (Cirea) for 1994 and 1995

(Text approved by the Council on 26 May 1997)

(97/C 191/05)

The ministerial decision establishing the Centre for Information, Discussion and Exchange on Asylum (Cirea) stipulates that Cirea is to draw up activity reports for the Council. Cirea has already submitted a report on the first and second halves of 1993. The present report describes Cirea's activities in 1994 and 1995.

I. GENERAL

(a) Number of meetings

Cirea held four meetings in 1994⁽¹⁾ (21 January, 23 September, 19 October and 8 December) and eight in 1995 (13 February, 5 April, 4 May, 1 June, 7 September, 6 October, 8 November and 12 December).

From the second half of 1994 in particular Cirea increased the number of meetings and gave greater depth to its work through more diversified and more detailed discussion on asylum.

Generally, national experts responsible for examining asylum applications attend Cirea meetings. However, the heads of bodies responsible in the Member States for granting refugee status met in Cirea for the first time on 1 June 1995, under the French Presidency.

(b) Participation of the UNHCR in meetings

Further to initiatives to that end, first within Cirea and subsequently confirmed by Coreper (Part 2), the Office of the United Nations High Commissioner for Refugees was invited to attend Cirea meetings as from the first half of 1995. The UNHCR was not given observer status, but was called upon to cooperate in Cirea's proceedings on specific issues on its agenda.

Its presence was a useful contribution to discussions in Cirea. The UNHCR also submitted written contributions concerning source third countries of asylum-seekers. The information in question was established by the UNHCR's Centre for Documentation on Refugees on the basis of public data, the source of which is indicated in the document.

(c) Preparation of the new Member States for accession

Cirea continued the informal talks, begun in 1993 with the new Member States — at the time candidates for accession to the European Union — in order to learn more about the situation as regards asylum policy in those countries. Cirea held meetings with Austrian and Swedish representatives. The issues discussed were domestic legislation on asylum, the institutional structure laid down for decision-making on asylum, the number and provenance of asylum-seekers and certain aspects relating to displaced persons from former Yugoslavia.

Cirea did not hold a meeting with Finland, but received a document from it containing a detailed description of several aspects of importance as regards asylum (processing of applications for asylum, reasons for decisions, situation regarding appeals and decision-making procedure in the field of asylum).

II. ADOPTION OF ACTS TO ESTABLISH CIREA

The following decisions relating to Cirea were taken by the Council in 1994:

- the procedure for preparing reports in the framework of the common assessment of the situation in third countries;
- guidelines on the content of joint reports on third States⁽²⁾;
- the rules on the dissemination and confidentiality of joint reports on the situation in certain third countries⁽³⁾.

III. CIREA'S WORK IN 1994 AND 1995

(a) Examination of the situation of source third countries of asylum-seekers

In 1994 and 1995 Cirea carried out a detailed examination of the situation in the following source third countries or regions of asylum-seekers in a number of Member States:

⁽¹⁾ Of which three were in the second half.

⁽²⁾ OJ No C 274, 19. 9. 1996, p. 52.

⁽³⁾ OJ No C 274, 19. 9. 1996, p. 43.

- Albania,
- Bhutan,
- Bhutan nationals of Nepalese origin,
- Caucasus,
- Bulgaria,
- Myanmar,
- Iraq,
- independent Republics (Georgia, Azerbaijan) and Republics of the Russian Federation (North Ossetia, Ingushetia, Chechnya),
- Romania,
- Sri Lanka,
- Islamic fundamentalist (Iran, Egypt, Tunisia, Algeria),
- Turkey,
- Zaïre.

Cirea also discussed some aspects concerning other third countries, albeit in less detail than those referred to above, namely:

- Cuba,
- Burundi,
- Mauritania,
- Rwanda,
- Sierra Leone,
- Albanians from Kosovo.

Those discussions were generally held in the light of Member States' replies to a questionnaire on the country or region concerned. The following in particular were taken into account:

- statistics (asylum applications and rates of recognition),
- classification of asylum applications (profile of the applicant, such as ethnic origin or religion),
- reasons given,
- itineraries followed since leaving the country of origin,
- evaluation of the application having regard to the Geneva Convention (method of analysing asylum applications; the concept of internal asylum; processing of specific cases),
- the current situation in the country of origin,
- the practice of asylum-seekers being assessed by the Member State concerned, and
- the measures taken in the event of refugee status not being recognized.

In some cases Member States were able to examine the situation in the light of joint

reports prepared initially by the Heads of Mission of the Member States in the third State in question and finally approved by the CFSP bodies. Those reports made it possible to take into account an overall evaluation *in situ*, insofar as that had a bearing on asylum⁽¹⁾.

The Office of the High Commissioner for Refugees systematically submitted an information document on the situation in those third countries, putting forward the salient points for Cirea. Those documents were prepared on the basis of public information available on the matter.

Cirea also benefited from the input of on-the-spot mission reports from one or other Member State. Those reports took into account the major principles governing the organization of the country and the impact of the situation on people living in it (see III(b)).

Lastly, Cirea received reports prepared by non-governmental organizations sent to it on the initiative of those organizations.

(b) Joint missions to the countries of origin of asylum-seekers

In 1995 Cirea looked at the possibility of joint missions, with the participation of several Member States, to the countries of origin of asylum-seekers. Such missions should also make possible a clearer identification of the situation obtaining on the spot, taking into account certain technical or general aspects which were difficult to pinpoint from a distance and knowledge of which would provide a better evaluation of asylum applications. Cirea and the Steering Group did not have the opportunity to adopt a definitive position on the matter.

As an alternative, it was agreed that each Member State would undertake to inform the other Member States of the outcome of missions it had carried out in any third country insofar as they related to asylum. Furthermore, before the beginning of each mission, the Member State concerned could invite other Member States to join the mission, or collate the questions or points of view put forward in Cirea by the other Member States, so that they could be taken into account during the mission. It was accordingly agreed to enter an item on the agenda for each Cirea meeting concerning missions carried out

⁽¹⁾ Joint reports on the following were prepared in 1994 and 1995: Zaïre, Albania, Bulgaria, Turkey, Sri Lanka, China, Angola and Nigeria.

or to be carried out by the Member States in the countries of origin of asylum-seekers.

In 1995 Cirea received reports on missions to Sri Lanka, Zaïre and Ethiopia.

(c) Exchange of information on asylum

At the beginning of each meeting the members of Cirea exchanged oral and written information on internal aspects or developments. That exercise focused, *inter alia*, on the following aspects:

- legislative or administrative changes regarding asylum made or under examination in the Member States. It should be noted that a fairly large number of Member States have amended their domestic legislation on asylum in several areas (notably NL/EL/E/DK/P). Those amendments, further to those initiated in 1993 by several Member States, have on occasion involved considerable changes to the rules on asylum. In other cases the changes made relate to specific questions such as aid for voluntary repatriation, residence permits to be issued to asylum-seekers or the reception arrangements for aliens at reception centres,
- the case-law applicable in some Member States,
- the regions or countries of origin which have, over the months prior to each meeting, given rise to the largest number of asylum-seekers in each Member State,
- national procedures applicable to asylum-seekers arriving at the frontier,
- any readmission agreements concluded by each Member State with third States,
- measures taken in respect of visas, where that can affect asylum,
- exchange of views on the repatriation of rejected asylum-seekers,
- exchange of views on the legislation applicable in the Member States to the possibility of granting residence permits to asylum-seekers who do not satisfy the conditions laid down in the 1951 Convention,
- applications for asylum in Member States by unaccompanied minors: frequency and proposed solutions,
- legal aid for asylum-seekers,
- education for the children of asylum-seekers.

(d) Representations to be made to the authorities of third States

In line with the initiatives begun in 1993, Cirea collated the necessary information to enable the competent authorities to make representations to the Chinese authorities as a result of the increase in the number of asylum-seekers of Chinese origin who had been rejected and remained illegally in the territory of one or other Member State. That information had been forwarded to the CFSP with a view to specific representations *in situ*.

Cirea carried out a comparable exercise with regard to Vietnamese asylum-seekers, with a view to preparing representations to the Vietnamese authorities.

(e) Examination of the Member States' different rates of recognition of refugee status

Cirea examined the Member States' different rates of recognition of refugee status. Member States were able to examine in detail the grounds justifying, in certain instances, the different rates of recognition from one Member State to another in respect of asylum-seekers from the same third country or region of origin. This exercise was also carried out in the context of examining the situation in source third countries of asylum-seekers.

(f) Statistics

Cirea prepared a fairly large number of statistics on asylum-seekers who had lodged an application in one of the Member States and on the rate of recognition accepted by them. Those data were for 1994 and 1995. They were prepared by geographical region (whole world, Europe, Asia, Africa, America and Oceania) in respect of those source third countries of the largest number seeking asylum in the European Union.

Those statistics are a way of informing Member States rapidly on asylum trends, in particular the situation with regard to the number of applications for asylum submitted in the Member States. It is not their objective to provide final statistical data for each Member State.

(g) More detailed examination of matters relating to the common position on the harmonized application of the definition of 'refugee' within the meaning of Article 1 of the Geneva Convention

In 1994 and 1995 the Asylum Working Party examined a draft common position on the harmonized application of 'refugee' within

the meaning of Article 1 of the Geneva Convention⁽¹⁾.

In order to provide greater support for the proceedings of the Asylum Working Party, Cirea examined several situations:

- the processing of applications for asylum lodged by persons originating in a zone of civil war or of violent or widespread internal conflict. In particular, the question was discussed whether fear of persecution would be justified, in such instances, by one of the grounds set out in Article 1A of the Geneva Convention. For that purpose Cirea took into account the situation of certain third countries undergoing internal upheaval (Angola, Somalia and Liberia),
- the application of Article 1C (5) of the Geneva Convention to Romanians with refugee status,
- Member States' practice as regards the application of Article 1F of the Geneva Convention and the list of international instruments likely to be covered by that Article.

(h) Guidelines for the dissemination and confidentiality of joint reports⁽²⁾

During 1994 the Council laid down guidelines for the dissemination and confidentiality of joint reports on the situation in certain third countries. In particular, it was agreed that:

- national authorities responsible for asylum matters and questions relating to aliens could use those reports amongst the information at their disposal,
- depending on national procedures, those reports might be brought to the knowledge of the parties involved in appeal proceedings against a decision by the authorities responsible for matters relating to asylum or aliens.

(i) Preparatory specialist meetings of Cirea on countries of origin

Cirea began discussing the desirability of examining the situation of certain third States of

particular importance only to some Member States. That initiative derived from the importance which the Member States attach to such an evaluation in Cirea. Such meetings would be composed by those Member States which wanted them and felt a pressing need for them to be held. Cirea had not yet completed its discussions on these matters at the end of 1995.

(j) Compilation on asylum

Cirea updated the compilation of texts on European practice with respect to asylum. It contains the most important acts and other texts on asylum adopted by Member States before and since entry into force of the Treaty on European Union.

(k) Implementation of cooperation between the CDR/UNHCR and Cirea

The ministerial decision establishing Cirea stipulates that, in the framework of the exchange of information to be established between the Member States with regard to asylum, account should be taken of the data stored by the Office of the United Nations High Commissioner for Refugees. It was further provided that Cirea should suggest that any cooperation deemed worthwhile in the matter should be introduced.

Against this background, Cirea discussed the desirability of setting up a system giving Member States access to the data stored by the Centre for Documentation on Refugees (CDR) of the UNHCR by means of a database to be installed in the General Secretariat of the Council.

During the discussions on this point the idea was put forward of considering the possibility of establishing a system of information exchange on an electronic basis. Each Member State would introduce into the electronic system aspects on which it wanted a reply from the other Member States. That message would automatically be disseminated to all members of Cirea simultaneously. Each Member State would endeavour to give the desired reply within the time limit set by the requesting Member State. Cirea was unable to adopt a final position on this question by the end of 1995.

⁽¹⁾ This instrument has since been adopted by the Council (OJ No L 63, 13. 3. 1996, p. 2).

⁽²⁾ OJ No C 274, 19. 9. 1996, p. 43.