



HOUSE OF LORDS

European Union Committee

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18th Report of Session 2003-04

# **Further Evidence by Caroline Flint MP on Asylum Procedures**

Report with Evidence

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The European Union Committee is appointed by the House of Lords “to consider European Union documents and other matters relating to the European Union”. The Committee has seven Sub-Committees which are:

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Law and Institutions (Sub-Committee E)  
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The Members of the Sub-Committee which conducted the inquiry are listed in Appendix 1.

### *Information about the Committee*

The reports and evidence of the Committee are published by and available from The Stationery Office. For information freely available on the web, our homepage is:

[http://www.parliament.uk/parliamentary\\_committees/lords\\_eu\\_select\\_committee.cfm](http://www.parliament.uk/parliamentary_committees/lords_eu_select_committee.cfm)

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### *Contacts for the European Union Committee*

Contact details for individual Sub-Committees are given on the website.

General correspondence should be addressed to the Clerk of the European Union Committee, Committee Office, House of Lords, London, SW1A 0PW.

The telephone number for general enquiries is 020 7219 5791.

The Committee’s email address is [euclords@parliament.uk](mailto:euclords@parliament.uk).

# Further Evidence by Caroline Flint MP on Asylum Procedures

1. In this Report we make available, for the information of the House, the oral evidence given to Sub-Committee E (Law and Institutions) on 21 April 2004 by Caroline Flint MP on the proposed Council Directive<sup>1</sup> together with her letter of the same date detailing amendments made to the proposal.
2. The Sub-Committee took evidence from the Minister as a follow-up to her oral evidence to the Committee in the last Parliamentary session.<sup>2</sup> The key topics in the evidence are:
  - Appeals procedure (QQ 64-71)
  - Border procedures (QQ 57-60)
  - Dublin II (QQ 19-21)
  - First country of asylum (QQ 30-33)
  - Implementing legislation (QQ 3-7)
  - Lowering of minimum standards (QQ 1-2)
  - Personal interviews (QQ 23-24)
  - Right to an effective remedy (QQ 61-63)
  - Right to legal assistance (QQ 8-15)
  - Safe country of origin (QQ 56, 72-73)
  - Safe third country: connection with a third country (QQ 34-48)
  - Safe third country: list of designated countries (QQ 49-55)
  - Subsequent applications (Q 22)
  - Subsidiary protection (QQ 16-18)
  - Unaccompanied minors (QQ 25-29)
  - Withdrawal of application (QQ 74-76)
3. The Justice and Home Affairs Council of 29/30 April agreed a “general approach” to the Directive. The Directive has undergone significant change since its last consideration by the European Parliament and will therefore be resubmitted to the Parliament for a new opinion. This is unlikely to take place before the autumn of 2004. The Sub-Committee formally cleared the proposal from scrutiny on 5 May.

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<sup>1</sup> Docs 14686/03, 7184/04, 7413/04 and 8413/04—Amended proposal for a Council Directive on minimum standards on procedures in Member States for granting and withdrawing refugee status.

<sup>2</sup> Evidence heard on 12 November 2003 and published: Evidence by Caroline Flint MP on Asylum Procedures (1st Report, Session 2003-04, HL Paper 8).

4. The Directive is an important first step towards achieving a common European asylum policy. When in 2000 we first considered the proposal<sup>3</sup> we pointed to the risk that the Directive might, because of the need to secure unanimity in the Council, lead to a lowering of standards. The text of the Directive has changed substantially in the meantime. Concerns remain as to whether the standards being set by the Directive are sufficiently high and whether it goes far enough to safeguard the rights of the asylum seeker. In particular, we draw attention to the criteria used to designate the safety of third countries and to establish asylum seekers' connections with third countries, and the rules relating to legal assistance and to the protection of unaccompanied minors.

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<sup>3</sup> The original proposal was the subject of a detailed inquiry by the Committee: Minimum Standards in Asylum Procedures (11th Report, Session 2000-01, HL Paper 59).

**APPENDIX 1: SUB-COMMITTEE E (LAW AND INSTITUTIONS)**

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The members of Sub-Committee E are:

Lord Brennan

Lord Clinton-Davis

Lord Denham

Lord Grabiner

Lord Henley

Lord Mayhew of Twysden

Lord Neill of Bladen

Lord Scott of Foscote (Chairman)

Baroness Thomas of Walliswood

Lord Thomson of Monifieth

## **APPENDIX 2: REPORTS**

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### **Recent Reports from the Select Committee**

Developments in the EU (13th Report session 2003-04, HL Paper 87)

Correspondence with Ministers (10th Report session 2003-04, HL paper 71)

Annual Report 2003 (44th Report session 2002-03, HL Paper 191)

The Draft Constitutional Treaty (41st Report session 2002-03, HL Paper 169)

Review of Scrutiny of European Legislation (1st Report session 2002-03, HL Paper 15)

### **Recent Reports prepared by Sub-Committee E**

The Rome II Regulation (8th Report session 2003-04, HL paper 66)

The Future Role of the European Court of Justice (6th Report session 2003-04, HL paper 47)

Evidence by Caroline Flint MP on Asylum Procedures (1st Report session 2003-04, HL Paper 8)

EU/US Agreements on Extradition and Mutual Legal Assistance (38th Report session 2002-03, HL Paper 153)

The Proposed Framework Decision on Racism and Xenophobia—an Update (32nd Report session 2002-03, HL Paper 136)

Reforming Comitology (31st Report session 2002-03, HL Paper 135)

If At First You Don't Succeed ... Takeover Bids Again (28th Report session 2002-03, HL Paper 128)

The Future Status of the EU Charter of Fundamental Rights (6th Report session 2002-03, HL Paper 48)

### **Relevant Reports prepared by Sub-Committee E**

Evidence by Caroline Flint MP on Asylum Procedures (1st Report session 2003-04, HL Paper 8)

Evidence by Lord Filkin CBE on the Proposed Council Directive Defining Refugee Status and Those In Need of International Protection (43rd Report session 2002-03, HL Paper 173)

Defining Refugee Status and Those In Need Of International Protection (28th Report session 2001-02, HL Paper 156)

Asylum Applications—Who Decides? (19th Report session 2001-02, HL Paper 100)

Minimum Standards of Reception Conditions for Asylum Seekers (8th Report session 2001-02, HL Paper 49)

Minimum Standards in Asylum Procedures (11th Report session 2000-01, HL Paper 59)