

Courtesy translation



THE SENATE
OF THE PARLIAMENT OF THE CZECH REPUBLIC
10TH TERM

548th

RESOLUTION OF THE SENATE

Delivered on the 28th session held on 19th October 2016

on the Asylum law reform package

Senate Print No. N 105/10 - Proposal for a Regulation of the European Parliament and of the Council on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted and amending Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents

Senate Print No. N 106/10 - Proposal for a Regulation of the European Parliament and of the Council establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU

Senate Print No. N 107/10 - Proposal for a Directive of the European Parliament and of the Council laying down standards for the reception of applicants for international protection (recast)

The Senate

I.

1. Got acquainted

with the proposed documents and understands the Commission's effort to further unify and clarify the legislation regulating the conditions for claiming international protection, the procedural rules and the reception conditions, because it may help to reduce the differences in the approach of individual Member States that influence the asylum seekers' choice of their destination;

2. Reiterates, however,

that factual differences in living standards and social and family ties of asylum seekers in individual Member States play a much more significant role in the asylum seekers' choice of a Member State of destination and these differences cannot be eliminated by means of law;

3. Is afraid, therefore,

that given minimal substantive changes in the individual legal acts, the established objectives may not be achieved and the proposals may not significantly contribute to a systemic solution of the migration crisis;

II.

1. Agrees

in general with the Positions of the Government; especially requests that the powers of Czech Republic authorities related to the responsibility for the stay of the persons concerned in its territory are retained;

2. Supports

especially the duty of the asylum seekers and beneficiaries to remain in the Member State that granted them international protection and the possibility to impose penalties for violation of this duty, the duty of the asylum seekers to present in time all the relevant information and cooperate with all the relevant authorities of the Member State, as well as the emphasis on the temporal limitation of international protection; any integration measures should correspond with this temporal limitation;

3. Points out, however,

that although the introduced measures against the abuse of Member States' asylum systems and unwanted secondary movements within the EU are in principle aimed in the right direction, they may not be sufficiently discouraging;

4. Is of the opinion,

regarding the demands to integrate asylum seekers even before the decision on granting the international protection is made, that the objective should rather be to speed up the decision-making process than to provide significant integration measures during the consideration of the application;

5. Emphasizes repeatedly,

that all the conceptual and analytical tools and outputs of the EU Agency for Asylum must only be recommendatory and must not intervene, beyond the applicable EU and national law, in the decision-making in international protection proceedings conducted by a Member State and in the judicial review of these decisions;

6. Points out, furthermore,

that the change of the legal instrument from a directive to a regulation should be a way to faster applicability of the adopted rules because the regulations will require the adoption of adaptation measures in the national legal order;

7. Therefore in accord with the Government calls for

a prolongation of the transposition limit of the proposed directive to at least one year and a corresponding postponement of the applicability of both regulations;

III.

1. Requests

the Government to inform the Senate about the way this position was taken into account, and about further development of negotiations;

2. Authorises

the President of the Senate to forward this Resolution to the European Commission.

Milan Štěch
sign manual
President of the Senate

Zdeněk Papoušek
sign manual
Senate Verifier