Trócaire Development Review, Dublin, 1993-94, pp.97-111, ISSN 0790-9403

The Asylum Policies of the European Union: a Developing Problem[1]

■ *Andy Storey*

This article examines the development of European Union (EU) asylum policy with particular reference to the implications of inter-governmental Conventions, the provisions of the Maastricht Treaty, and the use by member states of Resolutions and Recommendations. It is argued that there are many problems with this emerging policy from the point of view of asylum-seekers, most notably the undemocratic way in which policy is formulated and the lack of minimum common standards across the EU.

Introduction

The Irish government is committed to introducing legislation covering applications for refugee status in Ireland: the asylum application procedure (including provision for appeal) is to be placed on a statutory footing, and all cases will be considered by an independent tribunal. While there are some problems with the proposed legislation it still represents a welcome step forward in terms of human rights protection in Ireland.

The Irish government is also involved in asylum debates in a wider context in terms of the moulding of a policy for the European Union (EU). This issue has, understandably, received less attention in Ireland than has the need for domestic legislation, but it would be unfortunate if it were lost sight of because it is at the European level that many important decisions

in this area are now being made. This article sets out to chart the evolution of the emerging EU policy, and to suggest how Ireland might seek to improve that policy.

The article is, in large part, a sequel to one in the 1992 *Trócaire Development Review*,[2] which mainly explored the implications of inter-governmental Conventions being introduced in the asylum area at EU level. The first section of this article briefly reviews (and expands on) the issues raised in that earlier article, and some of the criticisms of those Conventions. The article then goes on to discuss in more detail than previously the Maastricht Treaty's provisions regarding asylum policy, before turning to a review of more recent policy developments.

Cooperation through Conventions

Cooperation between countries in the area of asylum has been established by member states of the EU in inter-governmental agreements.

The Schengen Implementation Agreement or Convention, was signed in June 1990 by the Benelux countries, France and Germany, and has since been joined by Italy, Spain, Portugal and Greece. Though Ireland is not a member of Schengen, its provisions are important to us because of their "forerunner" implications for EU policy.

At EU-12 level, an Ad Hoc Group on Immigration (AHGI), answerable to the interior or justice ministers in the context of the inter-governmental conference, has been working on common EU policies in this area. It has developed the so-called Dublin and (draft) External Borders Conventions.

Both the Schengen and External Borders Conventions provide for cooperation in the imposition of visa requirements on nationals of particular states and for sanctions on airlines which carry passengers who do not possess adequate travel documentation.

The practical effect of the latter provision is that employees of airline and shipping companies, anxious to ensure their companies are not fined, will act, in effect, as immigration officers. This is a cause for concern: transport personnel are unlikely to have the training and skills necessary to determine whether a claim to asylum is valid, and they will be making hazardous "on the spot" assessments. As one commentator

observed: "Airline ticket collectors are now deciding the fate of tens of thousands of people who are genuinely in need of political asylum".[3]

At the moment only six EU states, not including Ireland, apply carrier sanctions of this sort, but all will ultimately have to do so under this and other agreements. A European Parliament report has argued that "carrier sanctions... should be terminated".[4]

Visa requirements also cause concern in their own right, apart from the question of how they are enforced: a requirement of this sort can prove an impossible barrier to a potential refugee who is often in no position to apply for such a document - in particular, those fleeing persecution have traditionally travelled without documentation of any sort. The European Parliament report already referred to has advised that "visa policies... should not be an impediment to access to the territory and the [asylum] procedure".[5]

The Schengen Convention was to be fully operational by the end of 1993, but full implementation has been prevented by technical difficulties.[6] The Dublin Convention has so far been ratified by only six of the EU member srates and the External Borders Convention is awaiting final agrecment. However, a meeting of the relevant EU ministers in late 1992 agreed on implementation of certain articles of the Dublin Convention: "It appears that we have implementation of the Convention proceeding while we still lack a ratified Convention".[7] The official press release from that ministerial meeting also referred to plans to implement the common visa policy of the External Borders Convention, raising the prospect of that Convention being implemented without it even being agreed. Therefore, the provisions of these Conventions are of immediate practical importance.

Of the many criticisms that have been made about the above described Conventions, two stand out. Firstly, all these Conventions - the Schengen Convention, the Dublin Convention and the Draft Convention on the Crossing of External Borders - are lacking in basic elements of democracy. The drafting process of all of these Conventions took place behind closed doors, without any input by the national parliaments of the member states, non-governmental organisations (NGOs) or lawyers' groups.

Furthermore, because the inter-governmental conference approach to cooperation operates outside the EU institutions, the European Commission and the Court of Justice, as well as

the European Parliament, have been largely divorced from the decision-making process. This means that there is no meaningful, independent, supervisory body in place at European level to monitor the implementation of these Conventions.

The second major criticism of the Conventions is that no attempt was made in any of these instruments to incorporate uniform principles of asylum law and policy, and asylum procedures in particular, amongst the member states. For example, the Dublin Convention formalises criteria for determining which state should be responsible for examining an asylum request, but does not set out common minimum standards for the determination of those claims. A European Parliament committee has criticised "the differing and frequently inadequate standards and procedures applied by the Member States".[8] As Amnesty International has pointed out, from the refugees' point of view the Convention could work in such a way as to prevent an asylum seeker from applying for asylum in the particular EU state where there is the best chance of obtaining protection.[9]

Provisions for the establishment of uniform procedures are, according to most independent commentators, a necessary accompaniment to existing cooperation, *provided* such uniform rules are in accordance with the fundamental principles of international asylum law (hereafter referred to as "principled standardisation").

Unfortunately, some member state officials seem to have taken the view that the pursuit of uniformity in asylum regimes is not necessary and could, in fact, be damaging to their overall project. A confidential document prepared by the AHGI for the Maastricht Summit stated that while "uniformisation" might be desirable, "If, in striving for harmonisation of asylum law, one lays too much weight on the uniformisation of procedures for the Twelve, the process of harmonisation is likely to be slowed down.... In the short term it would... be advisable to give priority to the work aiming at the harmonisation of the basic rules governing asylum law... If one can thus obtain tangible results, one will at least make sure that the outcome of the procedure will be the same everywhere, no matter how the procedure is organised in the various states".[10]

The issues of allowing more democratic control over the EU asylum regime and implementing uniform standards are returned to in the concluding section.

The Maastricht Treaty

Laffan has accurately noted that the asylum policy provisions of the Maastricht Treaty do "little more than codify existing practice within an intergovernmental framework".[11] Nonetheless, some of the Treaty's provisions regarding asylum policy would appear to have some positive *potential.*

Article K.3 provides that member states shall inform and consult one another within the Council of Ministers with a view to coordinating their action on asylum. Decisions on these areas are to be taken by unanimous vote of the Council. While the Court of Justice is not to have any prima facie competence in these areas, Article K.3 does provide some potential for a supervisory role for the Court of Justice if member states make specific stipulations for same.

The European Commission is, under Maastricht, given the right of initiative with regard to at least some of these areas; and the relevant Commissioner, Padraig Flynn, has since tabled a proposal designed to achieve the closer coordination of asylum and immigration policy within the EU (including agreement on the definition of who is a refugee and on how to deal with those whose applications are rejected).[12] The Commission's approach is, however, likely to be strongly resisted by some member states, and unanimous ministerial agreement would be needed for the proposals to be accepted.[13]

The European Parliament has, according to Maastricht, the right to be fully informed and to put questions and make recommendations with regard to these matters. Most significantly, provision is made in Article K.9 for the Council to decide unanimously that the areas covered can be dealt with under the terms of Article 100c (described below), which would be a means of involving full Community structures more closely in decision-making.

A declaration attached to the Treaty states that "the Council will *consider* as a matter of priority questions concerning Member States' asylum policies, with the aim of adopting, by the beginning of 1993, common action to harmonise *aspects* of them" (emphasis added). Attempts by the Belgian Presidency of the EU to bring forward proposals in this regard at the end of 1993 foundered on Spanish anger over the fact that Belgium was considering granting political asylum to alleged Basque terrorists, and also over the Dutch government's need to consult with its national parliameut.[14] The declaration also states that before the end of 1993, the Council was to consider applying

the terms of K.9 (see above) to Community asylum policy; this, however, appeared to imply no binding commitments.

Article 100c of the Treaty provides that the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, shall determine the third countries whose nationals must be in possession of a visa when crossing the external borders of the member states. (The Commission has already proposed a draft list of 129 countries, almost all 'Third World' ones, for this purpose.[15]) After 1996, Council decisions in this regard are to be made on a qualified majority basis, which would mean that the decision-making structure in this particular area, including the roles assigned to the Parliament and the Commission, would closely resemble normal Union practice. It is for this reason that a European Parliament committee has endorsed the provisions of this Article as a model for the way in which overall asylum policy (rather than just visa policy) should evolve: "The legal base and the jurisdiction given by Article 100e is the best way of achieving the common ambition of an effective, efficient and humane asylum regime".[16]

However, the Parliamentary committee's enthusiasm for Article 100c may be considered excessive: after all, no more substantive role for Parliament is envisaged than a purely consultative one, and there is, for example, no mention in the Article of a role for the European Court of Justice. Article 100c also goes on to provide for a special procedure whereby in the event of an emergency situation in a third country which could lead to a sudden influx of nationals from that country into the Union, the Council, acting by a qualified majority on a recommendation from the Commission, may impose a visa requirement for nationals coming from the country in question for a period not exceeding six months. It might have been expected that a sudden refugee-creating emergency in a third country would be cause for the *dropping* of such a visa requirement, but an opposite reasoning clearly applies here. There is no provision for the involvement of the European Parliament in the making of this initial six month decision.

The Maastricht Treaty, it should also be noted, retains the dangerous practice (standard in this area) of associating asylum and immigration issues with criminality: the articles dealing with asylum policy also refer to "combating terrorism, unlawful drug trafficking and other serious forms of international crime".

Finally, Article K.4 of the Treaty provides for the establishment of a Coordinating Committee of senior officials to help formulate and direct Council policy in this area.

From Conventions to Resolutions

The EU's immigration/justice/home affairs ministers met in London on 30 November and 1 December 1992 to continue inter-governmental cooperation in this field. This particular meeting, and the results flowing from it, are focussed on in this section because they provide a good indicator of the trend of EU cooperation in the area of asylum policy. The subject matter of the meeting was shrouded in seerecy; with the exception of the Netherlands, no national parliament, including Ireland's, was informed in advance of the meeting's agenda.[17] The Immigration Law Practitioners Association has observed that:

> it is extraordinary that 12 democracies should all consider it acceptable to proceed towards harmonisation of an area of such vital importance as immigration and asylum law while excluding from the process all non-governmental interested parties, most parliamentarians and, in some Member States, coalition partners of government.[18]

Attempts by the Committee on Civil Liberties and Internal Affairs of the European Parliament to gain advance information about the London discussions were rebuffed by British Home Secretary Kenneth Clarke (then chairman of the ministerial council).[19]

In the specific field of asylum, the meeting agreed two Resolutions - on "manifestly unfounded applications" and "host third countries" - as well as issuing a Conclusion on "countries in which there is generally no serious risk of persecution". Before considering the content of these decisions, the reasons for opting for this form of cooperation need to be examined - specifically, why proceed through the form of Resolutions and Conclusions rather than a Convention?

A principal factor here is probably the difficulty of getting formal Conventions agreed and ratified, as evidenced by the slow pace of ratification of the Dublin Convention and an inordinate delay in agreeing the External Borders Convention (see above). A Resolution is a non-legally binding statement of principle in accordance with which ministers undertake to adapt their national laws; a Conclusion is similar in nature but probably carries less practical force, and a Recommendation (also now deployed in the general immigration/asylum area) less again.

Doubts have been expressed about the likelihood of ministers quickly seeking to adapt their national regimes in line with non-

binding Resolutions, etc., in the light of their tardiness regarding implementation of the provisions of supposedly binding Conventions. But, in practice, progress may actually proceed faster through these mechanisms because the emphasis will be on largely administrative adaptation of national regimes, in whatever way national governments consider most appropriate, to fulfil the broad principles outlined at EU level - there will be no necessary requirement to incorporate all the detailed provisions of commonly agreed Conventions.[20] And there is no need for governments to seek parliamentary approval.[21] Governments are in this way allowed a greater degree of discretion than before. Amnesty International has suggested that the move towards reliance on Resolutions limits the possibilities for legal challenge of EU asylum agreements.[22] It should be noted that this new direction also means there will be even less pressure than before for standardisation of asylum procedures across countries, which is in line with the programme outlined in the earlier quote from the AHGI (see above).

The Resolntion on "manifestly unfounded applications" (MUAs) is intended to establish procedures whereby claims for asylum which the authorities consider patently spurious can be quickly dismissed and the applicants ejected. Member states have pledged to introduce the concept into their asylum regimes and may introduce accompanying administrative measures such as the abridgement of appeals procedures in certain cases. The recently unveiled draft Irish legislation has proposed the adoption of procedures in Ireland for dealing with such "manifestly unfounded" applications. The Resolution states that the rights of "genuine" asylum applicants will be upheld and allows for some (albeit truncated) form of appeal where an application is deemed an MUA.

Most concern about the MUA concept has focussed on the criteria to be used in determining who falls into this category. One such criterion is if the applicant comes from a "country in which there is generally no serious risk of persecution", as per the terms of the Conclusion also agreed at London (see above). Some of the means of determining what constitutes a "safe" country in this sense are reasonable, such as a country's willingness to leave its human rights reeord open to scrutiny by NGOs. But one of the elements of assessment governments will use in deciding whether persecution risk is minimal in a particular country, alongside consideration of the human rights record, is "the previous number of refugees and recognition rates"[23] for that country i.e., the more asylum applications from

that country are rejected, the safer the country will be assumed to be. As the Immigration Law Practitioners' Association has pointed out:

> the logic is elliptical. Once a country is determined generally not to give rise to serious risk of persecution then a high proportion of applications will be alleged to be clearly unfounded which in turn will re-enforce the fact that it is a country which does not give rise to serious risks.[24]

Furthermore, "The assessment of no serious risk is made by each Member State individually.... Therefore, the assessment can result in a manifestly unfounded decision in one State but not in another",[25] thus replicating the problems of lack of "principled standardisation" referred to earlier regarding the Dublin Convention: if one country's assessment of a "safe" country is faulty then the implications for the application(s) in question are EU-wide.

For example, Denmark lists Afghanistan as a "safe" country for these purposes, despite UN evidence of summary executions and imprisonment of opposition leaders there: an Afghan whose request for asylum in Denmark was turned down on the grounds that the applicant came from a "safe" country would not be able to re-apply to another EU country even if that other country did not classify Afghanistan as "safe".[26]

The same issue of leaving the determination procedure to the individual EU state arises in relation to the Resolution concerning host third countries. These are countries which asylum seekers passed through on their way to the EU and in which they could reasonably have been expected to apply for asylum. If a country is deemed a host third country in this sense, involving assessment of whether the applicant could expect a fair hearing in that country, then the applicant can be returned there and, in some cases, their application deemed "manifestly unfounded". In practice, what it means has been described as follows by Mortimer:

> To qualify as a host third country, you must not threaten the life or freedom of the applicant, or subject him [sic] to torture or inhuman or degrading treatment, or send him back to the country whose persecution he originally sought to escape. As soon as you pass this test, your reward is to be expected to keep all the refugees that arrive on your territory, and to accept back all those that have tried to move on to more prosperous and stable countries, which one might think better equipped to look after them.[27]

In order to persuade the countries likely to be treated as host third countries for these purposes to accept the return of asylum-seekers (and other migrants) who have passed through their territory, some financial inducements are on offer. Germany, for example, has signed a re-admission agreement with Poland and any person travelling through Poland who subsequently applies for asylum in Germany is now automatically returned to Poland to be dealt with there.[28] In return, Germany will pay Poland DM120 million in 1993 and 1994 to establish/modernise Polish reception camps and improve border controls. Similar agreements are being negotiated by Germany with the Czech Republic and other countries. Slovakia, it is reported, has already become a "buffer zone" for asylum seekers from eastern Europe, with 2,000 spread around holding centres thronghout the country.[29] Despite the offers of financial compensation, Amnesty International has argued that these new measures will "put heavy, possibly intolerable, pressure on the still fragile protection systems of some of the countries of Central and Eastern Europe".[30]

Not only Central and Eastern Europe may be affected: Germany, for example, has insisted that at least some asylum seekers from Afghanistan be sent back to Iran, throngh which they had presnmably travelled.[31] And, "under an agreement between Spain and Morocco, Africans snspeeted of wanting to attempt the dangerous sea-crossing to Spain are held in prisons in Morocco, and 2,500 Moroccan troops patrol the Moroccan coastline to prevent the 'illegal' departure of the little people-smuggling boats".[32]

The host third country provision clearly has implications for the asylum applicants themselves if the countries to which they are to be increasingly re-directed are not capable of expeditiously processing their applications, or if those countries seek to avoid difficulty by not allowing the applicants to enter in the first place. One response being adopted is for Central European and other countries concerned to sign re-admission agreements of their own with countries further east and south - so-called "cascade agreements" of the sort the Czech Republic is trying to negotiate with Bulgaria and Romania.[33]

With asylum applicants likely to be cascaded in this manner, the dangers to applicants are obvious; already Amnesty International has recorded cases where "asylum-seekers have been sent to 'host third countries' deemed to be safe and have been subsequently returned to countries where they have suffered serious human rights violations".[34] The UNHCR has

described third country rules of this sort as in breach of the 1951 Geneva Convention governing the status of refugees under international law.[35]

Conclusions and Recommendations

In the discussion to date, a number of issues have emerged where a clear Irish policy stance at EU level would be appropriate. The specific policies which the Irish government could seek to have adopted are as follows:

* an ending of the association between asylum and criminality issues - these matters should not be discussed in the same fora;
* the termination of carrier sanctions;
* the termination of the use of visa requirements as an impediment to access to asylum procedures (including the provision of the Maastricht Treaty which allows for the imposition of visa requirements in the event of a sudden refugee-generating emergency);
* the ending of the excessive secrecy which surrounds EU-level meetings in this area (including the positions adopted by Irish representatives at those meetings);
* the non-use of Resolutions and Conclusions in such a way as to limit transparency and accountability on asylum issues;
* the non-use of historical refugee recognition rates for particular sending countries as a means of assessing whether a country gives rise to a "serious risk of persecution";
* the harmonisation of assessment of host third countries and countries in which there is generally no serious risk of persecution, with information to be drawn from a wide variety of sources and to be made as accessible as possible;
* the non-use of the host third country concept (and re-admission agreements) as a means of placing excessive strains on countries in Central and Eastern Europe (or elsewhere) and/or potentially endangering the safety of asylum applicants.

In addition to these specific recommendations, Ireland could, in theory, press for two principal improvements in asylum policy at EU level - democratisation and principled standardisation.

Democratisation essentially involves, at least in the first instanec, making asylum policy the subject of strict Union competence, removing it from the scope of secretive, inter-governmental fora. This is a feasible objective and one which would be endorsed by a number of other EU governments, especially if related to a broader campaign to correct the Community's democratic deficit.

It is also, in principle, feasible for Ireland to argue for closer standardisation of procedures on the basis of common adherence to fundamental tenets of international human rights and asylum law. This could attract some degree of support from those states which already operate relatively high standards and which are wary of a subsidiarity-based strategy of allowing each state to set much of its own agenda; this latter course could allow some countries to retain below-par standards and thus shift asylum seekers onto those countries with better procedures.

However, it must be accepted that this approach would carry less prospect of success at EU level, under existing structures, than would pursuing the objective of democratisation. The reasons for this relate to the dismantling of internal barriers to movement within the EU. Some traditionally liberal asylum states, such as Denmark and Germany, have demonstrated a willingness to harmonise downwards, i.e., adjust their asylum laws to avoid being seen as more attractive locations for asylum seekers than elsewhere in the EU. It could be argued that countries such as Denmark could achieve a similar result by a process of principled standardisation which ensured that all states observed the same relatively high standards as themselves. But the problem from their point of view is that if asylum seekers succeed in gaining entry to *any* part of the EU, those entrants are ultimately, for economic reasons, likely to drift towards the more prosperous parts of a barrier-free EU – countries like Denmark and Germany.

Free movement within the EU may apply only to those who successfully gain entry and who then assume an EU nationality; EU *residents* who retain non-EU *nationality* may not be allowed to travel freely within the Union, though the Commission has proposed that they *should* be allowed such free travel rights.[36] In practice, it is anticipated that a barrier-free EU will allow for substantial movement of workers and others within the Union, whatever their legal status. In other words, it is not seen as

enough for the burden of asylum *applicants* to be shifted more evenly across the Union through principled standardisation, the absolute number of entrants into the Union has to be curtailed if the wealthier states are to avoid bearing an undue "burden" of *residents*.

It is for this reason that the direction of pressure from these previously liberal states on their EU partners is most likely to be along lines described in relation to Greece:

> Recent changes in policy have sought to restrict... the number of asylum seekers, and there have been procedural changes in the determination of refugee status. In part, this is in response to pressure from northern European states who are concerned that countries like Greece represent a "soft underbelly" and make vulnerable the protective armour of the new "Fortress Europe".[37]

And the Greek example illustrates that such pressure need not by any means involve the promotion of uniform principles of international asylum law: "an increasing number of asylum seekers are being denied entry to the asylum determination procedure, by the Aliens Police who inform refugees that it is simply not possible for them to apply for asylum".[38]

Perhaps the most important lesson of the Greek example (and similar trends are reported in Italy)[39] is that the project of European union, as *currently organised*, inevitably involves an EU-wide worsening of conditions for asylum seekers, for the reasons just outlined.

The issues of democratisation and principled standardisation are not, however, unconnected. If moves towards democratisation were to be successful, it is likely that the Parliament (which is more responsive than the Council of Ministers to the arguments of human rights groups and the pressure of public opinion) and the European Court of Justice (with its attentiveness to human rights law) would make use of their enhanced roles to ensure greater concern for the adoption of common and adequate asylum policy standards. So the prospects for principled standardisation depend, in part at least, on the extension of strict Union competence to the field of asylum.

Footnotes

1. An earlier version of rhis article was presented to the Trócaire/Institute of European Affairs seminar, "Ireland, the EU and the Developing Countries: what difference does Ireland's EU membership make?", 5 March 1993. Subsequently, an amended and shortened version formed the basis of a submission in Jnly 1993 by Trócaire to the Interdepartmental Committee on Non-Irish Nationals. The origins of the paper lie in earlier research co-wrirten by the author with Kathy Kennedy, "Third World Migrants and Refugees in the 'Common Enropean Home'", Trócaire *North-South Issues* paper, no. 18, 1992; and "European asylum policy: a fortress under construction", *Trócaire Development Review 1992* (co-writren with Suzanne Egan). In particular, sections from the *Development Review* article written by, and based on research carried out by, Suzanne Egan (UCD Law Faculty) are re-printed here. However, the author accepts sole responsibility for the interpretations and conclusions drawn from this and all other material used in this present paper.
2. S. Egan, and A. Storey, (1992), op. cit.
3. An official of the United Nations High Commissioner for Refugees, quoted in *The Independent*, 4 June 1993
4. Report of the Committee on Civil Liberties and Internal Affairs of the European Parliament on the Harmonisation within the European Communities of Asylum Law and Policies (A3-0337/92), Part A: motion for a resolution, 5 November 1992, p.8
5. Ibid.
6. *European Report*, no. 1920, 26 January 1994
7. Immigration Law Practitioners Association, Update, London, 6 January 1993, p.1
8. European Parliament report, op. cit.
9. Amnesty International, (1991), *Europe: Human Rights and the Need for a Fair Asylum Policy* (AI Index: Eur 01/03/91), p. 25
10. Quoted in N. Busch, "'Deregulation' of legal and institutional frameworks - a handy tool for shifting power from legislative to executive bodies", Platform Fortress Europe?, *Circular Letter*, no. 11, December 1992/January 1993, p.7
11. B. Laffan, "Cooperation in justice and home affairs", in P. Keatinge, (ed.), *Maastricht and Ireland: What the Treaty Means*, Studies in European Union, Institute of European Affairs, 1992, p.77
12. *The Guardian*, 6 January 1993
13. See, for example, *The Guardian*, 28 January 1993
14. *Financial Times*, 30 November 1993
15. *The Guardian*, 25 November 1993
16. Report of the Committee on Civil Liberties and Internal Affairs of the European Parliament on the Harmonisation within the European Communities of Asylum Law and Policies, (A3-0337/92), Part B: explanarory statement, p.8
17. Past practice suggesrs that when national parliaments are subsequently informed of deeisions taken at such fora, they tend to unquestioningly ratify them for fear that failure to do so would stamp the country as a "soft option" regime open to being swamped by asylum seekers.
18. Immigration Law Practitioners Association, Update, London, 3 November 1992, p.1
19. *The Guardian*, 25 November 1992
20. The official press release after the London ministerial meeting stated that ministers wonld look at the *possibility* of turning Resolutions into binding Conventions, but no time scale was given for this.

21. T. Bunyan, "Trevi, Europol and the European state", in T. Bunyan, (ed.), Sratewatching the New Europe: A Handbook on the European State, *Statewatch*, 1993, p. 32
22. *Financial Times*, 30 November 1992
23. Offieial text
24. Immigration Law Practitioners Assoeiation, Update, London, 7 December 1992, p.6
25. Ibid.
26. Institute of Race Relations, *European Race Audit*, Bulletin no. 4, June 1993, p.1. The Turkish government has called on Germany to recognise it as a safe country and thus not to entertain any asylum claims from Turks; if accepted, such a decision would have EU-wide significance. Plarform Fortress Europe?, *Circular Letter*, No. 13, March 1993, p.6
27. E. Mortimer, "Pass the human parcel", *Financial Times*, 9 December 1992
28. This discussion of the German-Polish example is drawn from Platform Fortress Europe?, *Circular Letter*, no. 16, June 1993, p.4
29. Institute of Race Relations, *European Race Audit*, Bulletin no. 6, December 1993, p. 2
30. In an open letter to the Danish EU presidency, quoted in *The Independent*, 28 May 1993
31. Institute of Race Relations, *European Race Audit*, Bulletin no. 6, December 1993, p. 8
32. F. Webber, "The new Europe: immigration and asylum", in T. Bunyan, (ed.), op. cit., p. 133
33. Platform Fortress Europe?, *Circular Letter*, no. 16, June 1993, pp. 5-6
34. In an open letter to the Danish EU presidency, op. cit.
35. *Statewatch*, vol, 3, no. 5, September-October 1993, p. 1
36. As part of the overall Commission package designed to achieve a common EU policy in immigration and asylum policy - see *The Guardian*, 28 January 1994.
37. R. Black, "Asylum in Greece: legal changes and vulnerability of refugees", *Refugee Participation Network*, no. 14, January 1993, p.14
38. Ibid., p.15
39. Speech by F. Webber at a conference in London on 27 March 1993, "Statewatching the new Europe"