Memorandum

For a free choice of host country in the EU

Respecting refugees' interests

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For a free choice of host country in the EU
Respecting refugees' interests

With this position paper, the signatory associations have responded to the current crisis of the European asylum system and, to resolve it, they recommend introducing the principle of refugees freely choosing the state in which they seek refuge. They would be received in that country, be granted freedom of movement in the European Union and EU Member States would mutually recognise decisions on status. Distributing asylum-seekers across the European Union according to a quota system is not the best way to resolve the crisis and we therefore oppose that proposal.

The Dublin system has failed

Any refugee reception policy valid in a union with many Member States must fulfil two requirements: first, it must guarantee a **fair distribution of responsibility** for receiving refugees among the states involved and, second, it must adopt rules that allow for consideration of the states that carry too great a burden. In other words, the policy must be **implemented with solidarity**. The two goals of distributing responsibilities fairly and acting with solidarity frequently conflict with one another and they cannot always be brought into harmonious balance. The European asylum system, however, is based on the principle that all Member States are together responsible for receiving refugees. They agree on common rules and guarantee that refugees are effectively protected by the European Union. One of these rules provides that refugees can apply for protection in a given Member State, which then assumes responsibility for them on behalf of the whole Union. Yet we claim that the criteria for determining the Member State responsible need to be changed. The current Dublin system, based on the principle that the country of entry is the Member State responsible, denies the goals of fair distribution of responsibility and solidarity among the Member States, and therefore, by definition, does not do justice to the requirements based on these goals. These structural weaknesses have led to the failure of this system; in fact, no one really defends it any longer.

Structural flaws in the Dublin system

The Dublin system has two main structural flaws.

The first is that "**illegal border crossing**" as a criterion for responsibility is, in practice, placing an excessive burden on Member States at the EU's external border. For example, the number of people entering Greece via the Aegean Sea rose to 43,500 in 2014. Greece expects over 100,000 asylum-seekers to arrive in 2015. Besides the Aegean, the route across the Mediterranean to Malta or Italy is one of the most important. In 2013 over 40,000 people entered the EU this way. In 2014 the figure rose to over 170,000. However, this route is also very dangerous, because thousands of refugees drown during the crossing. In 2014 over 38,500 people attempted to enter the EU via the Turkish border with Bulgaria, with only 6000 actually managing to set foot on Bulgarian territory.

The entry criterion therefore runs counter to the goal of a fair distribution of responsibility.

The second structural flaw is that there are **no uniform standards** in the EU regarding the asylum procedure, reception conditions and the granting of status. Nevertheless, in order to have a European asylum system in place, essential standards have been assumed to be uniform, regardless of major disruptive factors in many national asylum systems. And, on the basis of this legal fiction, refugees are forced into isolation and cut off from their cultural, social or family ties.

Secondary movement in the EU as a consequence of flaws in the Dublin system

The two flaws lead to **irregular secondary movement** after entry or the granting of status. Since the asylum seekers frequently do not encounter acceptable standards they try to go to Member States with better standards. At the same time, the enforced residence in the state of entry cuts them off from their cultural, social and family ties in the Member State of their choice. These disturbing structural factors render the Dublin system dysfunctional and, in practice, produce counter-productive results that counteract the explicit political goal of reducing secondary movement.

Since no approximation of standards is on the horizon at present, secondary movement still continues, despite all efforts to curb it and the related negative consequen-

ces. We may also witness a decline in efforts to establish the necessary standards. The current Dublin system is a risk to the improvement of standards in the Member States.

Closing the border as a consequence of the "accountability" principle

The key criteria for responsibility under the Dublin System are based on the **principle of accountability**[1]. The Member State that grants a residence permit, or does not effectively control its borders, is responsible for receiving the refugee. This entails the risk that the border states affected will take measures aimed at preventing access to their territory or to the asylum procedure[2]. The past three years have seen a pattern of political reaction developing in response to flaws in the entry regulations for refugees and in their distribution within the Union. First, border controls have been stepped up, without effectively guaranteeing that refugees in need of protection are identified and allowed to enter. At the same time, increased pressure has been put on states on the EU's external border to conduct effective border controls. For example, in May 2012 the Federal Republic of Germany, Austria and five other Member States criticised the Greek government for not sufficiently securing its borders. They threatened to reintroduce border controls[3] themselves if so many refugees arriving in Greece continued to migrate onward into the Member States.

Validity of the prohibition of refoulement on the high seas

In the framework of bilateral agreements with Libya, Italy intercepted refugees in the Mediterranean in 2009 and pushed them back to Libya, without checking on their individual need for protection. The European Court of Human Rights reprimanded this practice as a major violation of the ban on refoulement laid down in Art. 3 ECHR[4]. The

1 The German concept is "Verursacherprinzip", introduced by Hailbronner, AusIR B 2 § 27a AsylVfG Rn. 30; Funke-Kaiser, in: GK-AsylVfG II - § 27a AsylVfG Rn. 64.

2 *European Council on Refugees and Exiles*, Sharing Responsibility for Refugee Protection in Europe: Dublin Reconsidered, March 2008, p. 16; *Weinzierl*, Flüchtlinge: Schutz und Abwehr in der erweiterten EU, 2005, p .160; see also *Blake*, The Dublin Convention and Rights of Asylum Seekers in the European Union, in: Implementing Amsterdam (*Guild/Harlow*), 2001, p. 94 (108 ff.; *Marx*, European Journal of Migration and Law 2001, 7 (18 f.); *Schröder*, ZAR 2003, 126 (130).

3 *Pelzer*, Unsolidarisches Europa, in: KJ 2011, 262 (263).

4 ECtHR, decision of 23 February 2012 – No 27765/09 – *Hirsi Jamaa*.

Union reacted to this and in 2014 adopted a regulation stipulating that third country nationals intercepted on the Mediterranean should be disembarked in the country from which they began their voyage[5]. At the same time, the EU entered into partnership with North African states to establish asylum systems, and completed talks on an agreement with Turkey to readmit third country nationals. This part oft the agreement is meant to be implemented in 2017.

The indirect consequence of the accountability principle is lasting harm to the fundamental principle of protecting refugees against **refoulement** (Art. 33(1) CSR51), meaning that refugees may not be forcibly returned to their home country. By extension, they must not be taken to any transit country in which they will be exposed to legal uncertainty and thereby the danger of onward deportation to their home country.

A lack of foundation for the "accountability" principle in international law

There is no foundation in international law or in generally recognised principles of refugee law for the **"accountability" principle** when it comes to granting protection to refugees. International lawyers discuss the responsibility of countries of origin whose behaviour has provoked people to flee their countries[6]. If the principle of accountability is brought into play at all it should therefore mean **accountability for causing people to flee**. By contrast, the principle of accountability practiced in the Union refers to states making mistakes in **operations to prevent the granting of protection**, including checking refugees' identity ahead of the actual border area and pushing them back; hence this cannot be recognized as a principle of law relating to refugee protection. Nevertheless the Union has made it a fundamental element of its asylum system.

The "accountability" principle is based on the tacit European consensus that **refoulement** is legitimate without identifying the refugee. Developed since 1980 to deter refugees, this system has turned into a principle of secondary Union law that, in reality, is a radical negation of refugee law.

5 Article 10 paragraph 1 letter b) Regulation (EU) No 656/2014 of the European Parliament and of the Council of 15 May 2014 establishing rules for the surveillance of the external sea borders (…).

6 *Achermann*, Die völkerrechtliche Verantwortlichkeit fluchtverursachender Staaten, 1997, p. 99 ff.; Epiney, Die völkerrechtliche Verantwortlichkeit von Staaten für rechtswidriges Verhalten im Zusammenhang mit Aktionen Privater, 1991, p. 98 ff, 135 ff.

Receiving refugees is perceived as a punishment

In addition, the accountability principle is giving rise to attitudes hostile to refugees in the host societies, which poison the mood of society. Refugees are seen as a punishment for the failure of the authorities regarding border controls and granting visas. Such attitudes feed and cement nationalist tendencies, running counter to human rights, democracy and the integration process. For this reason alone, refugee protection must not be practised according to the logic of controlling immigration. Rather, it should be carried out on the basis of rules for persons requiring protection under international law. From the start, the Dublin system has negated this fundamental responsibility deriving from international law and brought forth an asylum system that primarily followed the logic and constraints of controlling immigration. This cannot produce legally grounded responsibility and the solidarity required by Union law.

The systemic crisis of the European asylum system

The basic dysfunctional weaknesses of the Dublin system are blatantly obvious and have led to a situation where even its advocates can no longer convincingly dispute the facts. These are: the route taken by refugees to Europe has become dangerous; the reception conditions in the EU border states remain far below the agreed norms; and in some cases the national asylum systems are collapsing. The argument is – if anything – about the extent of the collapse, and particularly as to whether it is **systemic** or whether systemic weaknesses can still be alleviated. Refugees are mainly, or at least frequently, kept far away from their family and social ties, and are frequently exposed to hostile behaviour and violent attacks by the population. The consequence is irregular onward migration on the part of refugees kept, as it were, in quarantine. Hence the criminalisation and detention of refugees is becoming the norm in many Member States. Rightwing extremist and nationalist movements are swelling due to the euro crisis and rising numbers of asylum seekers, threatening democracy, human rights, refugee safety and the rule of law. The efforts of Member States and the Union to oppose these serious and constantly worsening risks remain largely unsuccessful. The official conviction that the obsolete methods and approaches are correct is too unshakable to change it. The proponents of the European asylum system still believe that its flaws can be overcome with enough effort, while critics identify precisely these methods and approaches as the structural causes of the crisis.

For a fair distribution of responsibility for refugees

The legitimacy of a system for distributing responsibility for refugees is based on its acceptance by the other states. This presupposes that it is founded on the principle of fair distribution. In this connection, policy-makers are demanding that all states in the Dublin system take the same quantity of refugees. This comes from the idea that a mathematically equivalent distribution is a fair system. However, this understanding plays down the historical development of the European Union and immigration in Europe.

Developing a European asylum law

The European Community, founded in 1957 solely as an economic community, originally had no legal framework for the refugee question. And this was the case during the first four decades of its existence. The Single European Act, in 1987 moving towards single market, made it clear that Member States needed common legal agreements on the way they treated refugees. From the mid-1980s the national governments initiated practical cooperation, without adopting Community legislation in the refugee question. Until 1997 the Member States continued to act within their respective national statutory frameworks. They discussed forms of cooperation and, to a certain extent, the creation of national instruments of deterrence. Even when in 1991 the refugee question was first mentioned in the Maastricht Treaty, it did not become an object of European law. In order to understand the crisis of European asylum law, we should not overlook the model function of the **Schengen Agreement** for Community law.

Regarding asylum, a small group of Member States first created a mechanism for their sovereign territory to determine responsibility for handling the procedure. This was soon afterwards implemented within the European Community, not by Community law but by a multilateral agreement of the Member States, the Dublin Convention of 1990. It thereby became binding on the Member States, although it did not enable the shaping, and if necessary, monitoring of national practice according to the rules and procedures of Community law. The political pattern demonstrated by the transposition of the Schengen system into Community law repeated itself in 2004 and 2007, when the twelve new Member States were presented with the whole **acquis** of refugee law as no longer changeable, even though they had not been able to share in its origins and development. In fact, central legislation on the refugee issue was

adopted only two days before the accession of ten new Member States on 1 May 2004. Yet these states were expected to immediately receive refugees on the same scale as the traditional Member States and treat them according to the existing rules, although these states had no tradition at all as countries of reception. That was another factor contributing to the present crisis of asylum law.

Differing historical backgrounds of host societies

There are historical reasons why no balanced distribution of asylum seekers and refugees has developed in the Union to date. They call for in-depth reflection and understanding them may contribute to resolving the crisis. A fundamental factor is that some EU states have increasingly become **societies of reception** since the 1950s, while other have not. It is quite right to insist on the common responsibility of all Member States for receiving refugees. However, the European states that have over time become countries of immigration now have a special responsibility in realising this objective. By contrast, the other Member States must be granted much more time before they can shoulder their share: they can only be granted equivalent participation in the European asylum system when they have turned into countries of immigration. Until this happens there are no good reasons for a quantitatively equivalent distribution of refugees in the Union. Over five decades, the societies at the heart of the EU have come to understand themselves increasingly as societies of immigration. For this reason alone these states have a special responsibility towards the states lacking a comparable history of migration.

Refugees' reasons for choosing their country of asylum

There are many reasons why refugees flee to immigration societies. On the one hand, they increasingly seek protection where refugees with their cultural and national backgrounds have already found it. Networks develop that facilitate integration. On the other hand, immigration societies are often perceived from outside to be open and attractive to those seeking protection. So there is a close connection between work-related and humanitarian immigration. This also explains why the traditional immigration countries in the Union take the vast majority of refugees.

For decades, the Member States today admitting to being countries of immigration underwent a turbulent process in this regard. In the 1950s to the early 1970s the immigration policy agenda was dominated by labour migration to, and within, Europe.

The European countries, and particularly Germany, did not understand themselves as immigration societies, in spite of the actual in-flow of migrant workers. This denial of reality necessarily led to many conflicts when, from the mid-1970s, refugees appeared on the European agenda. The countries frequently attempted to withdraw from the responsibility associated with humanitarian immigration. The EU only took up this challenge in 1997, then running into many problems due to the continuing prehistory of denying reality and turning refugees away.

Calling to mind this historical context helps us to interpret the present crisis. After all, it shows that not all Member States may be assumed to possess the same degree of social and political preconditions. Up until the historical dissolution of socialist states, the eastern European Member States had no tradition of migration and accepting refugees, and also after 25 years they are nowhere near the same level of experience as the (geographically) central European Member States. This is shown by the many violations of human rights in the treatment of refugees in e.g. Bulgaria, Romania and Hungary. Southern European Member States such as Greece, Italy and Spain first understood themselves to be classical transit states; they did not have to set up reception structures until 1997 with the introduction of the Dublin system. Regardless of the necessary transformation processes in the southern and eastern European Member States, a relatively equal distribution of refugees among the Member States would be at the expense of the refugees and run counter to the EU's goal of integration.

Figures for asylum applications in the Member States

The Eurostat statistics on asylum seeker figures from 2009 to 2014 prove that most asylum applications are lodged in the Schengen states, along with the United Kingdom, Sweden and Switzerland.

For example, 5.87 % (109,275) of all applications in the EU during this period were lodged in Belgium. In Germany it was 24.81 % (461,910), in France 16.88 % (314,225), in the UK 9.04 % (168,340), in Sweden 13.89 % (258,610), in Switzerland[7] 6.18 % (115,005), in Austria[8] 5.61 % (104,365) and in the Netherlands 4.71 % (87,625).

7 Although Switzerland is not an EU Member State, the share of asylum seekers registered in that country relates to the overall figure in the EU.

8 Austria does not give figures on first applications. Consequently this figure probably includes subsequent applications.

Except for Poland (2.56 %), Hungary (6.53%) and Bulgaria (1.35 %) the rate in the eastern European countries was mostly under one percent, e.g. in Croatia 0.16 %, Lithuania 0.12 %, Latvia 0.06 %, Estonia 0.02 %, Romania 0.48 %, Slovakia 0.10 %, Slovenia 0.08 % and the Czech Republic 0.18 %. The fact that 2.36 % of all asylum applications were filed in Greece and 9.38 % in Italy is due to the refugees' current travel routes but cannot be understood as reliably indicating that these are desired countries of destination. This is also proven by the rate of 1.05 % for Spain, which used to be a leading country of entry; since 2009 central travel routes to Europe have no longer led through Spain.

The deviant rate for Poland is due to the fact that all asylum seekers entering that country – mainly Chechens from the Russian Federation – were forced to file an application for asylum in order to avoid being deported to their country of origin. Lately, this seems to have applied increasingly to Bulgaria and Hungary, too, but it is not reflected in the statistics for 2009 to 2014. In some traditional Member States the rate is likewise very low, 0.79 % in Finland, 0.49 % in Ireland, 0.41 % in Luxemburg and 2.19 % in Denmark.

These figures are the result of the historical developments of EU Member States which have developed into countries of immigration. They prove that the societies in central and northern Europe will continue to play a leading role for the foreseeable future. The refugees regard some of these states as particularly attractive and this is reflected in the access figures.

Asylum application numbers in relation to population

2014 saw the highest number of asylum applications filed in Germany, in absolute terms (202,815). That is about one fourth of all applications in the European Union. In 2014, 64,210 were filed in France, 81,325 in Sweden and 31,945 in the UK. However, the picture changes if we compare refugee figures with the respective size of population. In 2014 8.4 applications were filed per 1000 inhabitants in Sweden (2013: 5.7). Economically strong Germany only took 7th place at 2.5 applications per 1000 inhabitants, after Austria (3.3), Hungary (4.3) and Denmark (2.6). Statistics from earlier years confirm this finding. An investigation conducted by the Federal Office for Migration and Refugees (source: "Das Bundesamt in Zahlen", 2013, 2014, p. 29) concludes for 2013 that, taken as a whole, the states with relatively small populations like Sweden and Malta received more asylum seekers, while most countries with a population of over 30 million had a rate of less than one per 1000 inhabitants.

The particular attractiveness of Germany for refugees is certainly partly due to its economic stability, which stands out in an ailing European economy. Considering the overall migration context, we note that migration has been politically fostered in Germany for years now, and hence desired. Roughly 592,000 migrants came to Germany in 2012. Germany thus holds first place compared to other European countries. Compared to the 1980s to 1990s, the migration situation has fundamentally changed. Labour migration is desired, and the former fear of the pull-effect has lost a lot of plausibility in view of humanitarian migration.

A way out of the crisis: freely choosing the country of refuge

There are three approaches on offer to resolve the European asylum crisis:

1. The first option is the current Dublin system. However, since it is characterised by insurmountable structural flaws, it cannot be considered a realistic alternative based on a fair distribution of responsibility.

2. Various **quota models** are currently being discussed as an alternative to the present system. Their aim is to distribute the asylum seekers throughout the Union. The distribution system in Germany is regarded as an example of this model. Here the federal states have agreed on a method of proportionate distribution ("**Königstein key**") according to which asylum seekers are distributed within German territory. After they have been granted status the restrictions on residence permits are dropped. Instead, the refugees enjoy freedom of settlement anywhere in Germany. This quota model would, mathematically speaking, lead to a relatively balanced distribution of asylum seekers in the Union. However, it would take as little account of the individual interests of the asylum seekers as the present system and continue to separate them against their will from their cultural, social and family networks. There would still be large-scale forcible transfers to other Member States and no effective end to the practice of detention pending removal.

The European Commission proposes a quota system for relocation or distribution in emergency cases. In order to cope with the dramatic situation in Greece and Italy, the Commission has proposed a temporary relocation mechanism for those needing protection from Eritrea und Syria. The Commission suggests a redistribution key on the basis of criteria such as Gross Domestic Product, size of population, the unemployment rate and the number of asylum seekers and refugees already received. 40,000 Eritrean and Syrian refugees from Italy and Greece are to be allocated to other countries on this basis in the next two years. Furthermore, the European Commission intends to make a legislative proposal by the end of 2015 providing for an obligatory distribution system. In the case of a "mass influx" of refugees clearly requiring international protection, the latter are to be distributed to the other EU Member States. All quota models that forcibly distribute refugees would not end the unregulated secondary movement of asylum seekers and refugees in the Union.

3. The third option under discussion is the principle of freely choosing the country of refuge. This would remedy the structural weakness of both the present system and the quota model. Furthermore, discussions also extend to granting freedom of movement in the Union to refugees and those with subsidiary protection immediately after they are granted this status. This would be within the framework of the directive on permanent residence. Status decisions of the Member States in the field of refugee law and subsidiary protection should be mutually recognised.

These measures taken together – the free choice of country after entry, the granting of free movement after acquiring status, and mutual recognition of status decisions – should be introduced in the framework of the European asylum system, because they can best satisfy the demands of refugee law and human rights.

The principle of free choice – foundations of refugee protection

It is noteworthy that, as early as in 1979, the government representatives making up the UNHCR Executive Committee decided in Recommendation 15 (XXX) that the "intentions of the asylum seeker as regards the country in which he wishes to request asylum should as far as possible be taken into account". That expresses a fundamental principle of international refugee law, which is also rooted in human rights. Refugees seek protection where they have the best preconditions for finding a new beginning and can hope for assistance and support from their communities. By contrast, imposing a form of protection on them and gearing it exclusively to state interests cannot be justified either in terms of refugee law or human rights.

Objection of unequal distribution of refugees

One objection raised against this principle is that it would lead to an excessive concentration of refugees in the Union in very few Member States. This criticism cannot be dismissed as entirely unfounded. But the present system does not equally involve all Member States either, as is shown by the statistical distribution of asylum seekers and refugees in the Union. Despite various efforts to transfer refugees back to the countries of entry they frequently find conditions there so unacceptable that they return to where they have better living conditions. A realistic assessment of European migration history must recognise that these states are at the geographical centre of the EU, and developed into societies of immigration due to labour migration in the 1950s. This work-related tradition has direct impacts on humanitarian immigration.

From the start, the structure of the prevailing Dublin system ignored the historical context of labour and humanitarian migration. Without awareness of this history, it will be hard to effectively overcome the present crisis. As long as the other Member States have not developed a tradition of migration we cannot expect that they can develop the structures necessary for receiving asylum seekers and refugees on the necessary scale. The challenges for the states of entry posed by the routes currently used by refugees and migrants are not allowing these countries enough time to set up proper structures. They really must be given more time for this. Until then, the uniform standard laid down by European law for reception conditions and for implementing procedural and status law will remain a legal fiction. No law respectful of human dignity can, however, be built on fictions.

Improvement of the situation in the whole EU in the near future

What has been missing all along in the emergence of a European asylum system is the necessary insight of governments in the traditional societies of immigration that the European asylum system needs to link into the historical events if it is not to deteriorate into a coercive regime. However, it will call for patience with the ongoing integration process in a heterogeneous society of such diverse states as the Member States represent, and the courage to hold a frank debate in one's own society. That is necessary in order to create more social acceptance of the historical fact of the unequal distribution of refugees in the Union and resultant long-term task of integrating all Member States.

With the increasing economic and political integration of Member States, those that have so far had no immigration may possibly turn into societies of immigration and thereby also become attractive for asylum seekers. However, as long as European integration has not reached this level of development, all legal attempts to establish uniform standards – against the historical, social, economic political preconditions – will fail, because the refugees will not allow themselves to be held in remote peripheral areas, permanently cut off from their relatives and cultural communities.

Since there are migrant structures in states to which labour migration traditionally flowed, humanitarian immigration will take place towards these structures, even if the Union denies this connection between labour migration and humanitarian immigration. Instead of attempting to distribute refugees by force, financial and economic incentives should be made available to the states that so far have not developed the structures necessary for receiving refugees. Such incentives to establish humane

standards could e.g. be taken into account when setting the financial share for the contribution made by the individual Member States to the overall budget of the Union. Conversely, the states primarily receiving humanitarian immigration should be given financial relief.

This detailed overall picture of refugee reception in the European Union does not justify the assumption that, given a free choice of host country, refugees would mainly seek protection in Germany. Rather, it is the EU Member States with a tradition of immigration that are taking the majority of asylum seekers and refugees in the Union, albeit with different weighting. They are the ones that have mainly inspired and promoted the European project since its inception in 1957. Regardless of the anti-European resentment that has surfaced in many societies, precisely in the traditional countries of immigration, there is a predominant understanding in these states that pursuing the European project is of fundamental importance for their own national development.

There needs to be an understanding in refugee policy that the course embarked upon since 1997 is right and that access to the EU and onward migration within Europe require common rules. The Member States must, however, review their ideas on how to continue with this course of action. The EU countries are growing closer together and we cannot turn back the clock to before 1997, quite apart from the unacceptable lack of rules prevailing then in the practice of Member States and the protection of refugees. No Member State can convincingly make the case for not contributing to refugee protection, but each one can only perform this task according to its ability and in light of its specific historical, political and economic features. The fact that the traditional countries of immigration did not appropriately considered this historical evidence when developing the European asylum system is a more deep-seated reason for the dysfunctionality of the system. Not all Member States have the economic, social, political or societal preconditions to assume responsibility for refugees according to the same rules, which is why European asylum law has plunged into a deep crisis only a few years since it was launched. When traditional countries of immigration realise that they have been privileged historically and politically and must therefore rise to the challenge of distributing responsibility for refugees in Europe fairly, solutions to the current crisis will open up.

In order to be able to overcome the crisis in the European asylum system today we therefore urge that

1. The criterion ("irregular border crossing") for determining the Member State responsible for examining an asylum application be abandoned and accordingly Art. 13 Regulation (EU) No 604/2013 (Dublin III) be revoked,

2. Asylum seekers be granted a free choice of state in which to take refuge in the framework of Regulation (EU) No 604/2013,

3. Refugees and those entitled to subsidiary protection be granted the right to freedom of movement within the European Union in the framework of the permanent residence directive at the same time as they are granted status and

4. Status decisions of Member States within the European Union be mutually recognised.

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