

SAFE PASSAGE

Mutual Recognition of Positive Asylum Decisions within EU and Schengen Associate States

What does mutual recognition mean?

Mutual recognition of positive asylum decisions means that refugee statuses granted in one Member State are recognised in another Member State. Mutual recognition would give refugees the same intra-EU mobility rights (including the right to move, reside and work) that other third-country nationals or EU citizens enjoy.

The principle of mutual recognition already exists in many areas of cooperation among EU Member States, and is applied in the asylum field in reference to the recognition of negative asylum decisions, return decisions, and entry ban decisions registered in the Schengen Information System.

Mutual recognition is based upon the principle of mutual trust, as a Member State accepts to trust another Member State's decision. The achievement of a "uniform status of asylum valid throughout Europe" and recognised by all Member States is one of the key principles of the Common European Asylum System, enshrined in the Lisbon Treaty – a fundamental document outlining the functioning of the EU – and the first instruments regulating asylum in the EU.

What is the current status?

Asylum seekers arriving in Europe are not allowed to choose where to seek protection according to the Dublin Regulation, which establishes responsibility for the examination of refugee claims. If granted asylum, refugees are generally given a residence permit, geographically limited to the Member State granting protection. Before they are allowed to move to another country for a period of more than 3 months, refugees have to wait as long as five years to be able to move as long-term residents.

In practice, this means that refugees may be unable to join family members or communities already settled in another Member State or that they are unable to move to look for employment in another country if they cannot find it in the country of asylum. Considering that most people arrive in the EU through Italy and Greece, which are countries with high rates of unemployment, this also means that many people decide to move on in any case. This is called 'secondary movement' and when people move to a country while they have refugee status in another, their rights are severely restricted and they are unable to access services. Under current rules, refugees who move irregularly to another Member State are to be deported back to the country of asylum.

Although mutual recognition was one of the stated aims of the Common European Asylum System, the latest proposals put forward by the European Commission represent a step back in the opposite direction, focusing instead on the prevention of secondary movements through a punitive approach. For a detailed analysis of the proposals, read [here](#).

