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Asylum qualification directive: better, clearer and more harmonised standards for identifying persons in need of international protection

The Council approved today amendments to the directive on minimum standards for the qualification and status of third country nationals or stateless persons as beneficiaries of international protection and the content of the protection granted ([PE-CONS 50/11](#)). The new provisions of the qualification directive need to be transposed into national law within two years.

The directive sets standards for the identification of people in need of international protection in the EU either as refugees¹ or as beneficiaries of subsidiary protection². The text also ensures a minimum level of benefits and rights for both categories of beneficiaries of international protection throughout the EU. Member states that wish to do so can provide for more favourable rules for beneficiaries of international protection.

¹ A refugee is a third-country national or stateless person that fears or has experienced prosecution in his country of origin or former habitual residence for reasons of race, religion, nationality, political opinion or membership of a particular social group and applies for international protection in another country.

² A person eligible for subsidiary protection is a third-country national or a stateless person who does not qualify as a refugee but who, if returned to his country of origin or former habitual residence, would face a real risk of suffering serious harm (e.g. death penalty, torture or indiscriminate violence in an armed conflict).

P R E S S

Although differences continue to exist between the two categories, the new directive approximates the benefits and rights of refugees and of beneficiaries of subsidiary protection offering, in some fields, higher protection standards as in the previous text. The new rules also strengthen the rights of beneficiaries of international protection by taking into account the specific integration challenges they face.

Overall, the amendments clarify several legal concepts used to define the grounds for protection thereby ensuring coherence with the case-law of the European Court of Justice (ECJ) and the European Court of Human Rights (ECtHR).

What's new?

The main new elements of the amended qualification directive include:

- clarification of the legal concepts of "actors of protection", "internal protection" and "membership of a particular social group" which enable member states to identify quicker the persons in need of protection, to make more robust decisions at first instance and to prevent better abuse of the asylum system;
- an enlarged family definition which, in the future, will cover not only the spouse or unmarried partner as well as unmarried children, but also any other adult legally responsible for an unmarried minor who applies for asylum;
- approximation of the rights of refugees and beneficiaries of subsidiary protection with regard to family unity, access to employment and health care while allowing member states to continue differentiation between these two protection statuses as regards the residence permit as well as access to social welfare and integration facilities;
- on the duration of the residence permit: while the rules continue to allow member states to differentiate between refugees and beneficiaries of subsidiary protection, they do enhance the rights of the latter: any renewal of the residence permit after the initial validity of one year must be valid for at least two years. The rules for refugees remain unchanged, i.e. their residence permit must be valid for at least three years and must be renewable;
- better access to employment related education opportunities and vocational training as well as to procedures for recognition of professional qualifications.
- improved conditions for access to accommodation and integration facilities;
- better standards for vulnerable persons with special needs such as unaccompanied minors.

Background

The qualification directive will be the first in a package of five legal instrument to be adopted for the creation of the Common European Asylum System (CEAS) by end 2012, a date confirmed by the European Council in June 2011 (see point 30 of the [European Council conclusions](#)). The other proposals concern the Dublin regulation, Eurodac regulation, reception conditions directive and asylum procedures directive.

The main goal of the CEAS is more harmonisation of national asylum systems and higher levels of protection for applicants for international protection.

In the asylum area, two agreements have been reached recently. They concern the [European Asylum Support Office \(EASO\)](#) and the [long term residence directive](#).
