



Towards more humane reception conditions for asylum seekers

Committees: Committee on Civil Liberties, Justice and Home Affairs

Limited grounds for detention, better detention conditions, swifter access to the labour market and an early assessment of possible medical or psychological needs are among the improvements to the current EU rules on the reception and treatment of asylum seekers endorsed on Wednesday by the civil liberties committee.

The draft legislation lays down a set of standards for the reception and treatment of asylum seekers, concerning in particular detention grounds, detention conditions, detention of vulnerable persons, access to the labour market and identification of special needs. The draft law, which has been agreed provisionally with the Council, modifies the current directive dating from 2003.

"After four years of negotiations we have reached an agreement with the Council. Asylum seekers will only be detained for a limited number of reasons and minimum conditions will be guaranteed in reception centres. Civil liberties committee MEPs have seen asylum seekers detained in EU prisons in conditions that should not be replicated", commented the rapporteur, Antonio Masip Hidalgo (S&D, ES), after the committee vote.

Detention grounds

Under the agreed text, an asylum seeker could only be detained for the following reasons:

- to check his/her identity;
- to verify the elements of his/her application for international protection;
- to decide on his/her right to enter the member state's territory;
- to protect national security and public order;
- to prepare his/her return to his home country if the member state "can substantiate on the basis of objective criteria (...) that there are reasonable grounds to believe that he makes the application for international protection merely in order to delay or frustrate the enforcement of the return decision";
- in the context of a transfer to another member state, under the "Dublin II" regulation on responsibility for asylum seekers.

The 2003 directive does not include any detention grounds, thus leaving it open to member states' interpretation.

Detention conditions

As a general rule, detention should take place in specialised detention facilities. However, if an EU country cannot provide accommodation in one of these centres and is obliged to place the asylum seeker in a prison, he/she should be kept separately from ordinary prisoners and have access to open-air spaces. Detained asylum seekers should also be provided with information explaining their rights and obligations in a language that they understand "or are reasonably supposed to understand".

Detention of vulnerable persons

Press release

Under the agreed text, minors could only be detained as a last resort. It would be for the shortest period and all efforts should be made to release them and place them in more suitable centres. Unaccompanied minors would only be detained "in exceptional circumstances" and they could not be kept in prisons. They should be provided with accommodation in centres with staff and facilities adapted to their needs. They should also be kept separately from adults.

Access to the labour market

Asylum seekers should have access to a member state's labour market no later than nine months after filing an application for international protection.

Currently, an asylum seeker can access the national labour market one year after lodging an application. Although, as the Commission pointed out in its 2008 report on the application of the current directive, "additional limitations imposed on those asylum seekers who have already been granted access to the labour market, such as the necessity of a work permit, might considerably hinder such access in practice".

Special needs

Member States should assess whether an asylum seeker needs special attention, such as medical or psychological help. Under the agreed rules, such an assessment should take place "within a reasonable period of time" after an application is filed and EU countries should ensure that these special needs are properly addressed.

Next steps

The draft directive was backed by 45 votes to 9, with 4 abstentions. Member states will now have to endorse the agreed text, which would then come back to Parliament. The final text is expected to be voted in plenary before the end of the year. Once adopted, EU countries will have two years to transpose the new rules into domestic law. The reception conditions directive is one of the five acts forming the backbone of the Common European Asylum System (CEAS).

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