

EU STANDARDS FOR THE RECEPTION OF APPLICANTS FOR INTERNATIONAL PROTECTION

SOOJIN HYUNG, ASSOCIATE PROTECTION OFFICER



BACKGROUND

- European Commission and the Member States agreed to put in place common minimum standards for the reception of asylum-seekers.
- Council Directive 2003/9/EC of 27 January 2003
- Stockholm Programme (adopted on 10-11 December 2009)- the commitment to the objective of establishing by 2012 a common area of protection and solidarity based on a common asylum procedure
- New directive adopted at the European Parliament on 26 June 2013

OBJECTIVE

- A common policy on asylum, including a Common European Asylum System
- Principle of solidarity and fair sharing of responsibility
- Ensure asylum seekers a dignified standard of living and comparable living conditions in all Member States
- Limit the secondary movements of applicants influenced by the variety of conditions for their reception

SCOPE

- Apply to all foreigners who make an application for international protection on the territory, including at the border as well as to family members
- Shall not apply in cases of requests for diplomatic or territorial asylum submitted to representations of Member States.
- Shall not apply for giving temporary protection in the event of a mass influx of displaced persons

MORE FAVORABLE PROVISIONS

- Member States are encouraged to introduce or retain more favorable provisions in the field of reception conditions for humanitarian reasons, insofar as these provisions are compatible with this Directive.

INFORMATION

- Information about any established benefits and of the obligations relating to reception conditions should be informed to applicants, within a reasonable time **not exceeding 15 days after they have lodged their application.** The information should be given in writing and, in a language that the applicant understands.
- Ensure providing information on organisations that provide specific legal assistance or inform them concerning the available reception conditions, including health care.

DOCUMENTATION

- Shall provide a document issued in the applicant's own name certifying the status within three days of the lodging of an application
- Travel document can be provided when serious humanitarian reasons arise that require their presence in another State.

RESIDENCE AND FREEDOM OF MOVEMENT

- Freedom of movement within the territory of the host State or within an area assigned to them
- Member States may decide on the residence of the applicant for reasons of public interest, public order or, when necessary, for the swift processing and effective monitoring
- Possibility of granting applicants temporary permission to leave the place of residence
- Obligation to inform current address and notify any change of address

DETENTION

- An applicant may be detained only:
 - in order to determine or verify his or her identity or nationality;
 - in order to determine those elements on which the application for international protection is based which could not be obtained in the absence of detention, in particular when there is a risk of absconding of the applicant;
 - in order to decide, in the context of a procedure, on the applicant's right to enter the territory
 - when he or she is detained subject to a return procedure, in order to prepare the return and/or carry out the removal process
 - when protection of national security or public order so requires

An applicant shall be detained only for as short a period as possible

DETENTION

- Ensure the rules concerning alternatives to detention
- Ensure the possibility of challenging the detention order (judicial review), as to request free legal assistance and representation

CONDITIONS OF DETENTION

- Specialised detention facilities required
- As far as possible, detained applicants shall be kept separately from other third-country nationals who have not lodged an application
- Access to open-air spaces
- Possibility to communicate with and be visited by UNHCR, family members, legal advisers or counsellors and NGO representatives
- Systematically provided with information which explains the rules applied in the facility and sets out their rights and obligations in a language which they understand

DETENTION OF VULNERABLE PERSONS AND OF APPLICANTS WITH SPECIAL RECEPTION NEEDS

- Where vulnerable persons are detained, Member States shall ensure regular monitoring and adequate support
- Minors shall be detained only as a measure of last resort for the shortest period of time
- Detained families shall be provided with separate accommodation guaranteeing adequate privacy

FAMILY UNITY

- Maintain as far as possible family unity as present within their territory

EDUCATION/EMPLOYMENT/TRAINING

- Access to the education system under similar conditions as their own nationals. Such education may be provided in accommodation centres.
- Access to the education system shall not be postponed for more than three months
- Access to the labour market no later than 9 months from the date when the application was lodged
- Access to vocational training irrespective of whether they have access to the labour market

GENERAL RULES ON MATERIAL RECEPTION CONDITIONS AND HEALTH CARE

- Material reception conditions provide an adequate standard of living for applicants
- Standard of living to be met in the specific situation of vulnerable persons
- In case of financial allowances or vouchers, the amount shall be determined on the basis of the level(s) to ensure adequate standards of living for nationals

MODALITIES FOR MATERIAL RECEPTION CONDITIONS

- Accommodation centres or private houses, flats, hotels or other premises adapted for housing applicants should guarantee:
 - Protection of their family life
 - Possibility of communicating with relatives, legal advisers or counsellors, persons representing UNHCR, other relevant organizations
 - Family members, legal advisers or counsellors, persons representing UNHCR and relevant non-governmental organisations are granted access in order to assist the applicants.
- Gender and age-specific concerns and the situation of vulnerable persons considered
- Measures to prevent assault and gender-based violence
- Persons working in accommodation centres shall be adequately trained and shall be bound by the confidentiality rules
- Involve applicants in managing the life in the centre through an advisory board or council representing residents

HEALTH CARE

- Ensure that applicants receive the necessary health care which shall include, at least, emergency care and essential treatment of illnesses and of serious mental disorders
- Provide necessary medical or other assistance to applicants who have special reception needs

PROVISIONS FOR VULNERABLE PERSONS

- Special considerations given to:
 - Minors
 - Unaccompanied minors
 - Disabled people
 - Elderly people
 - Pregnant women
 - Single parents with minor children
 - Victims of human trafficking
 - Persons with serious illnesses
 - Persons with mental disorders
 - Persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation

Thank you!
Any questions?