

Asylum: refugee status for third-country nationals and stateless persons, minimum standards

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The Council reached agreement on certain provisions of the amended proposal Directive on minimum standards on procedures in Member States for granting and withdrawing refugee status, in particular those concerning the detention of asylum seekers and the procedure to be followed in case of implicit withdrawal or abandonment of an application for asylum. The Council instructed the Permanent Representatives Committee to further examine the Directive with a view to reaching an agreement within the time limit decided by the Seville European Council (end 2003). According to the agreement, Member States shall not hold a person in detention for the sole reason that he/she is an applicant for asylum. Where an applicant for asylum is held in detention, Member States shall ensure that there is the possibility of speedy judicial review. Furthermore, and concerning the procedure in case of implicit withdrawal or abandonment of an application for asylum, Member States shall ensure that the determining authority takes a decision either to discontinue the examination or to reject the application on the basis that the applicant has not established an entitlement to refugee status. The Council and the Commission also took note of the statements presented by several Member States concerning the establishment of a common minimal list of safe countries of origin.