

Qualification Directive

2016/0223(COD) - 28/06/2017 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Tanja FAJON (S&D, SL) on the proposal for a regulation of the European Parliament and of the Council on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted and amending Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents.

The committee recommended that the European Parliament's position adopted at first reading in accordance with the ordinary legislative procedure should amend the Commission proposal as follows.

Objective: the main objective of this Regulation is to: (i) ensure that Member States apply common criteria for the identification of persons genuinely in need of international protection and; (ii) ensure that a common set of rights is available to refugees and beneficiaries of subsidiary protection in all Member States. The distinction in terms of rights between refugees and subsidiary protected persons would thus be minimised.

This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union, the European Convention on Human Rights (the ECHR) and the European Social Charter.

Assessment of applications: where aspects of the applicant's statements are not supported by documentary or other evidence, he or she should be given the benefit of the doubt if he or she has made a genuine effort to substantiate his or her application and has submitted all relevant elements at his or her disposal, and his or her statements are found to be coherent and plausible.

The assessment of the best interests of the child should be a primary consideration of the relevant authorities when assessing the conditions for internal protection in the case of minors, including the availability of appropriate care and custodial arrangements where the applicant is an unaccompanied minor.

Unaccompanied minors should be provided with a designated guardian, if possible the same since their arrival in the EU, and be placed with close relatives, host families or in open centres specialised in accommodation for minors, which take account of their vulnerability and ensure their safety

Acts of persecution: Members pointed out that such acts may take such forms as: (i) trafficking for the purpose of sexual exploitation; (ii) prosecution or punishment for refusing to perform military service on moral, religious or political grounds or on grounds of belonging to a specific ethnicity or nationality; (iii) recruitment of minors, genital mutilation, forced marriage, child trafficking and child labour, domestic violence, trafficking for sexual exploitation and violations of economic, social and cultural rights.

Exclusion: any third-country national or stateless person shall be excluded from refugee status where there are serious grounds for believing that he was convicted of participation in the activities of a terrorist group.

Refugee status shall be withdrawn from a third-country national if there are reasonable grounds for regarding that he or she, having been convicted by a final judgment of a particularly serious crime, is a danger to the security of the Member State in which he or she is present.

Protection shall also be withdrawn if the beneficiary has committed a serious non-political crime outside the country of protection prior to his or her admission as a beneficiary of subsidiary protection or has been convicted of participation in the activities of a group terrorist.

These provisions shall not apply to minors.

Decisions taken by the determining authority under the Regulation shall be subject to an appeal under procedures laid down by national law.

Status re-examination: Members deleted the proposal for a mandatory refugee status review and subsidiary protection status following a significant change in circumstances in the country of origin, making it optional for national authorities.

Residence permits: Members proposed amending the new EU standard period of validity of the residence permits for both refugees and beneficiaries of the subsidiary protection. As soon as possible and in any event no later than 15 days after international protection has been granted, a residence permit shall be issued.

In order to encourage beneficiaries of international protection to remain in the Member State which granted them protection, the residence permit for beneficiaries of international protection should have a period of validity of at least five years, renewable for periods of at least five years.

Integration: Members stated that integration should promote inclusion rather than isolation. They suggested that Member States should act at national, regional and local levels to provide beneficiaries of international protection with support and opportunities for integration into their host society.

This support should include accommodation, literacy and language courses, inter-cultural dialogue, access to education and professional training, and effective access to democratic structures in society.