

Asylum Procedure Regulation

2016/0224A(COD) - 22/05/2018 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Laura Ferrara (EFD) on the proposal for a regulation of the European Parliament and of the Council establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU.

The committee recommended that the European Parliaments position adopted at first reading under the ordinary legislative procedure should amend the Commission proposal as follows:

Purpose: the Regulation shall establish a common procedure for granting and withdrawing international protection provided for in the Regulation on the conditions to be fulfilled by applicants for asylum. Member States may introduce or retain more favourable standards on procedures for granting and withdrawing international protection, insofar as those standards are compatible with this Regulation.

Registration of applications: all applications shall be registered as soon as possible and, in any case, no later than three working days from when it is made. The applicant shall be given a document certifying that an application has been made in accordance with this Regulation. This document shall be valid for a period of six months and should be renewed automatically where no final decision has yet been taken on the application for international protection, ensuring that the validity of that document covers the period during which the applicant has the right to remain on the territory of the Member State responsible.

Obligations of applicants: the applicant shall apply in the Member State of first entry or in the Member State established under the revised Dublin Regulation. If the applicant refuses to cooperate by not providing his/her personal information (name, date of birth, gender, nationality, statelessness, identity or travel document) or biometric data, the application shall be rejected on the grounds that it was implicitly withdrawn.

The applicant shall be informed properly of his or her rights to legal assistance and representation, including free legal assistance and representation and obligations at the latest when the application for international protection is registered, both in written and oral form, where appropriate with the support of multimedia equipment and in a language that he or she understands in a concise and easily accessible form, using clear and plain language.

Information shall be provided to minors in a child-friendly manner by appropriately trained staff and with the involvement of the guardian.

The European Union Agency for Asylum shall create specific information material intended particularly for adult applicants, with specific attention to female and vulnerable applicants, unaccompanied minors and accompanied minors.

Individual interviews: the applicant shall have the right to be heard in a substantive interview before the determining authority decides on the merits of an application for international protection. The presence of an interpreter as well as the applicant's legal counsel shall be ensured when the applicant has decided to seek legal assistance. The person conducting the interview shall not wear a military or law enforcement uniform. They shall take into account evidence that the person may have been subjected to torture in the past or may have been a victim of trafficking.

Where necessary and appropriate, the determining authority shall make available to the applicant the assistance of a cultural mediator to assist him or her during the procedure and, in particular, during the personal interview.

Specific safeguards for children: the determining authority shall ensure the right of the minor child to be heard in an individual interview unless it is clearly not in the best interests of the minor.

Border procedures shall never be applied to unaccompanied minors. Member States shall take the necessary measures to ensure that alternatives to detention are available. Minors shall never be detained as part of border procedures, at transit zones, external borders or at any stage during the determination of their asylum application.

Furthermore, an accelerated examination procedure may only apply to unaccompanied minors in the specific cases provided for in the Regulation, for reasons of national security or public order.

To ensure that unaccompanied minors have effective protection, the guardian should be appointed as soon as possible prior to the collection of biometric data and in any event no later than 24 hours after the making of the application. In any event, guardians should not be placed in charge of more than 20 unaccompanied minors.

Third country concepts: an application may be declared inadmissible if the applicant has already been recognised as a refugee in a third country (first country of asylum) or has a sufficient connection, such as previous residence, with a safe country where it is reasonably expected that the applicant may seek protection and there are reasons to believe that the applicant shall be readmitted to that country.

An applicant shall be allowed to challenge the application of the concept of safe third country in light of his or her particular circumstances at any stage of the procedure.

The concept of safe third country shall not be applied to unaccompanied minors unless it is determined to be clearly in their best interests.

Member States shall not apply the safe country of origin concept in the case of applicants that belong to a minority or group of persons that remains at risk in light of the situation in the country of origin concerned.

Designation of safe countries of origin at EU level: in view of the harmonisation of national lists of safe countries of origin, during the transitional three-year period, it shall be possible for the Member States to send the Commission proposals to add particular countries to the EU common list of safe countries of origin.

The Commission shall examine the proposals within six months of their submission, on the basis of a range of information sources at its disposal, in particular, reports from the European External Action Service (EEAS) and information provided by the Member States, the European Union Agency for Asylum, the United Nations High Commissioner for Refugees (UNHCR), the Council of Europe and other relevant

international organisations and national or international non-governmental organisations.

Where a third country is to be added to the list, the Commission shall submit a proposal in accordance with the ordinary legislative procedure to extend the EU common list of safe countries of origin.

The Commission shall keep under constant review the situation in third countries which are on the EU common list of safe countries of origin or which have been suspended from that list. The Commission shall be empowered to adopt delegated acts to suspend the entry of a third country on the EU common list of safe countries of origin.

The Regulation shall include an annex listing safe countries of origin. Members proposed to remove Turkey from this list.