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### **Reception conditions for asylum seekers: Better and more harmonised living standards and more effective rules for fighting abuse**

The Council adopted today a political agreement on the directive laying down standards for the reception of asylum seekers (recast) ([14112/1/12](#)). This political agreement fully reflects the result of negotiations with the European Parliament. Once formally adopted, member states will need to transpose the new provisions into national law within two years. Denmark, Ireland and the United Kingdom are not bound by the directive.

The amended reception conditions directive will provide better and more harmonised standards of living to applicants for international protection throughout the European Union, irrespective in which member state the application has been made. Particularly important are the new rules concerning detention and the better standards for vulnerable persons including (unaccompanied) minors. Member states that wish to do so can provide for more favourable rules.

The new EU rules take also better into account the different national legal systems, avoid unnecessary administrative and financial burden and enable member states to fight abuse of their asylum systems more effectively.

#### **What's new?**

- An extensive set of rules governing **detention** of applicants for international protection. These rules provide that detention is only possible on the basis of an individual assessment which has to show that other less coercive alternative measures cannot be applied effectively.

# P R E S S

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Moreover, an applicant for international protection can only be detained if at least one of the grounds listed in the directive applies.

The new rules on detention also provide important guarantees for detained applicants, in particular in relation to the review of their detention order and access to free legal assistance and representation. Furthermore, as a rule, applicants for international protection must be detained in special reception facilities. If this is not possible prison accommodation is allowed, but only under the condition that the applicants is kept separate from criminals.

Finally, a regime providing additional safeguards is established in relation to the detention of vulnerable persons and persons with special reception needs. The amended directive specifies for instance that unaccompanied minors can be detained only in exceptional circumstances and never in prison accommodation.

- The time limit for granting **access to the labour market** is shortened from the currently applicable twelve month to , at the latest, nine months after the lodging of the application. The goal is to enhance self-sufficiency as well as integration of applicants for international protection.
- More specific rules on granting, reducing and withdrawing **material reception conditions** for applicants for international protection. On the basis of the new rules, member states may reduce or, in exceptional and duly justified cases, withdraw material reception conditions when an applicant has lodged a subsequent application.
- More clear and specific rules as regards the conditions under which applicants for international protection can benefit from **free legal assistance and representation** in appeal procedures. Member states may provide that such legal assistance and representation is not made available in case the appeal is considered to have no tangible prospect of success. Such a "merits test" is, however, not possible in case of an appeal against a detention order.
- A more specific regime concerning the assessment of **special reception needs of vulnerable persons** such as minors and victims of torture. This assessment need not take the form of an administrative procedure and may be integrated in existing national procedures.

- **Minor and dependent adult applicants** will enjoy more guarantees to be housed jointly with family members and relatives. Furthermore, the qualifications of the representatives that represent and assist **unaccompanied minors** are further specified.
- The provisions on **health care** explicitly include essential treatment of serious mental disorders and, where needed, appropriate mental health care.
- Member states must ensure that **persons who have been subject to torture, rape or other serious acts of violence** receive the necessary treatment, in particular access to appropriate medical and psychological treatment or care. Furthermore, those working with such persons must have had and continue to receive the appropriate training and be bound by confidentiality rules.

## Background

The European Council has committed itself to establish by 2012 a Common European Asylum System based on further harmonisation of national asylum systems and higher levels of protection.

The amended reception conditions directive is one of the five legislative instruments for establishing the Common European Asylum System. The Council and the European Parliament have already reached agreement on the **qualification directive**<sup>1</sup> which entered into force in January 2012. The asylum procedures directive, the Dublin regulation and the Eurodac regulation are in different stages of negotiation between the two co-legislators.

Furthermore, three other important asylum related dossiers have been adopted over the past two years:

- The [long term residence directive](#) adopted in April 2011.
- The creation of the [European Asylum Support Office \(EASO\)](#) which started operations in spring 2011.
- The decision taken in March 2012 to establish common [EU resettlement priorities for 2013](#) as well as new rules on EU funding for resettlement activities carried out by member states.

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<sup>1</sup> Directive 2011/95/EU 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 ([OJ L 337, 20.12.2011, p. 9](#))