Standards for the reception of applicants for international protection. Recast

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The Committee on Civil Liberties, Justice and Home Affairs adopted the report drawn up by Antonio MASIP HIDALGO (PES, ES) modifying, under the first reading of the codecision procedure, the proposal for a directive of the European Parliament and of the Council laying down minimum standards for the reception of asylum seekers (recast).

The main amendments are as follows:

Definitions: MEPs made some amendments to the definition of “family members”.

Guarantees for detained asylum seekers: under the proposal, detention shall be ordered for the shortest period possible and, in any event, the time needed to carry out the relevant procedure with a view to deciding on his/her right to enter the territory. However, MEPs specify that such procedures should be processed with all due dispatch. Moreover, Member States shall ensure that asylum seekers held in detention have access to appropriate medical treatment and psychological counselling, where appropriate, and are provided with information in a language they understand. Where minors are detained they shall have the possibility to engage in open-air activities.

Opportunity to establish contact with social workers and religious visitors: in addition to the rights of asylum seekers already provided for in the directive, MEPs ask that detained asylum seekers be granted the opportunity to establish contact with social workers and religious visitors (this provision would bring the Community text into line with the provisions of the UNHCR guidelines on the criteria and standards applicable to detention of asylum-seekers).

Free legal assistance: MEPs consider that, **in all cases**, legal assistance for asylum seekers should **remain free of charge**, in accordance with the provisions of Directive 2005/85/EC on minimum standards on procedures in Member States for granting and withdrawing refugee status. According to MEPs, asylum seekers shall not have to prove that they cannot cover the costs of legal assistance or representation.

Schooling of minors: according to MEPs, access to the education system for minors of asylum seekers shall be guaranteed, as soon as possible, once the application for international protection has been made.

Material reception conditions: the proposal for a directive sets out general rules on material reception conditions and health care of asylum seekers. However, MEPs consider that material reception conditions may be provided **in kind** or in the form of financial allowances or vouchers or in a combination of these elements. Provision in kind may ensure an adequate standard of living just as provision in money may. MEPs consider, however, that a requirement to make provision in the form of money is a significant pull factor, which would be likely to cause additional illegal immigration. Furthermore, MEPs delete the method proposed by the Commission for calculating the amount of assistance to be granted to asylum seekers.

Specific provisions for reasons of public policy or public health: contrary to the Commission, which deleted this paragraph from its proposal, MEPs reinstated a provision specifying that when it proves necessary, for example for legal reasons or reasons of public policy, Member States may confine an applicant to a specific place in accordance with their national law.

Victims of torture and other vulnerable persons: MEPs introduce a new paragraph on victims of torture. Under these new provisions, Member States shall ensure that victims of torture are quickly directed to a care centre appropriate to their situation. Moreover, MEPs added victims of female genital mutilation to the list of particularly vulnerable persons (to whom particular attention should be paid).

Legal guardian for unaccompanied minors: in addition to the safeguards already provided for in the directive for unaccompanied minors, MEPs make an additional guarantee by defining the responsibilities of the legal guardian appointed to ensure the representation of unaccompanied minors. A guardian should be appointed to advise and protect the child and to ensure that all decisions are taken in the child's best interests. A guardian should have the necessary expertise in the field of childcare so as to ensure that the interests of the child are safeguarded and that the child's legal, social, health, psychological, material and educational needs are appropriately met. According to MEPs, agencies or individuals whose interests could potentially conflict with those of the child's shall not be eligible for guardianship.

EU funds aimed at ensuring solidarity between Member States in terms of asylum: lastly, a recital specifies that, in order to cover any improvements in minimum standards for the reception of asylum seekers, there must be a proportionate increase in the funds made available by the European Union in order to cover the costs of such improvements, especially in the case of Member States which are facing specific and disproportionate pressures on their national asylum systems, owing in particular to their geographical or demographic situation.