

Qualification Directive

2016/0223(COD) - 10/04/2024 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 340 votes to 249, with 34 abstentions, a legislative resolution 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 European Parliament's position adopted at first reading under the ordinary legislative procedure amends the Commission's proposal as follows:

New Regulation

The current directive will be updated and replaced by a directly applicable regulation in order to **ensure harmonisation and greater convergence of asylum decisions** and the content of international protection, to reduce incentives to move within the EU, to encourage beneficiaries of international protection to remain in the Member State which has granted them protection and to ensure equal treatment of beneficiaries of international protection.

The main objective of this Regulation is, on the one hand, to ensure that Member States apply common criteria for the identification of persons genuinely in need of international protection and, on the other hand, to ensure that a common set of rights is available for beneficiaries of international protection in all Member States.

Recognition of refugee status or subsidiary protection

The qualification regulation sets out criteria for granting and withdrawing international protection status. This can either be the **refugee status**, which requires a causal link between persecution based on race, religion or belief, nationality, political opinion or membership of a particular group and the acts of persecution in the country of origin. A **distinct subsidiary protection status** applies in cases of persons who do not qualify for refugee status but face a real risk of suffering serious harm if returned to the country of origin, for example due to indiscriminate violence irrespective of personal circumstances, torture, death penalty or execution.

The refugee status is based on the **Geneva Refugee Convention**, representing the cornerstone of the international legal regime for the protection of refugees.

When assessing whether the grounds on which the granting of international protection was based have ceased to exist, the determining authority should take into account all relevant and available national, Union and international sources of information and guidance, including recommendations issued by the UNHCR.

The principle of **non-refoulement** should be respected in accordance with Union and international law.

Maintaining family unity

The competent authorities of the Member State that granted international protection to a beneficiary of international protection should issue, in accordance with national procedures, residence permits to the

family members of that beneficiary of international protection who do not individually qualify for international protection and who apply for a residence permit in that Member State.

The application of the provisions on family unity should always be based on **genuine family relationships** and should not include forced marriages and marriages or partnerships contracted for the sole purpose of enabling the person concerned to enter or reside in the Member States.

Unaccompanied minors

The best interests of the child should be a primary consideration in the application of this Regulation. As soon as possible after international protection is granted in respect of an unaccompanied minor, competent authorities should take the necessary measures, under national law, to **appoint a guardian**.

In order to encourage continuity in assistance and representation for unaccompanied minors, Member States should seek to ensure, in so far as possible, that the same natural person remains responsible for an unaccompanied minor, including during the asylum procedure and following the granting of international protection.

Residence permits

Beneficiaries of international protection should have the right to a residence permit for as long as they hold refugee status or subsidiary protection status. A residence permit should be issued as soon as possible after refugee status or subsidiary protection status has been granted, and at the latest **90 days** from the notification of the decision to grant international protection, using a uniform format. It should be issued free of charge or for a fee not exceeding the fee payable by nationals of the Member State concerned for the issuing of identity cards.

A residence permit should have an initial period of validity of at least three years for beneficiaries of refugee status and at least one year for beneficiaries of subsidiary protection status.

On expiry, residence permits should be renewed for at least three years for beneficiaries of refugee status and for at least two years for beneficiaries of subsidiary protection status.

Obligation to stay in the EU country of protection

In order to prevent secondary movements, the new rules clearly state that beneficiaries of international protection should **reside in the Member State which granted them international protection**. They can travel freely within the Member States applying Schengen acquis within the authorised periods of stay in accordance with Schengen Borders Code. They should also have the right to apply for residence and to be authorised to reside in another Member State under the national law of that Member State or the relevant provisions of Union law or international agreements.

Sanctions should be possible as regards the calculation of the five-year period after which beneficiaries of international protection may apply for long-term resident status where the beneficiary of international protection does not follow the applicable rules and overstays, in breach of the Convention Implementing the Schengen Agreement, or stays or resides without authorisation in another Member State.

Beneficiaries of international protection should also benefit from **rights related to integration** such as: access to employment, education, housing, procedures for recognising qualifications and validating skills, social security and social assistance, healthcare, repatriation, etc.