

Reception Conditions Directive

2016/0222(COD) - 10/04/2024 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 398 votes to 162, with 60 abstentions, a legislative resolution on the proposal for a directive of the European Parliament and of the Council laying down standards for the reception of applicants for international protection (recast).

The European Parliament's position adopted at first reading under the ordinary legislative procedure amends the Commission's proposal as follows:

The proposed Directive lays down standards for the reception of applicants for international protection in Member States. It applies to all third-country nationals and stateless persons who make an application for international protection on the territory, including at the external border, in

the territorial sea or in the transit zones of the Member States, provided that those third-country nationals and stateless persons are allowed to remain on the territory as applicants. The Directive also applies to family members of an applicant provided that those family members are covered by such an application for international protection in accordance with national law.

Reception conditions

Member States should provide applicants with **information** relating to the reception conditions set out in this Directive, including information specific to their reception systems, as soon as possible and in good time in order to effectively enable applicants to benefit from the rights and comply with the obligations provided for in this Directive. This information should be provided as soon as possible and no later than **three days** from the making of the application and be written in a concise, transparent, intelligible and easily accessible form, using clear and plain language and in a language that the applicant understands or is reasonably supposed to understand. In the case of an unaccompanied minor, Member States should provide the information in an age-appropriate manner.

Organisation of reception systems

Member States may freely organise their reception systems in accordance with this Directive. Applicants may move freely within the territory of the Member State concerned. Provided that all applicants benefit effectively from their rights under this Directive, Member States may **allocate applicants to accommodation within their territory** in order to manage their asylum and reception systems. When allocating or re-allocating applicants to accommodation, Member States should take into account objective factors, including family unity and applicants' special reception needs.

The provision of material reception conditions by Member States may be made subject to the **actual residence** by the applicants in the accommodation to which they have been allocated. Member States should require applicants to provide the competent authorities with their current address, a telephone number where they may be reached and, if available, an electronic mail address.

Member States may allocate applicants to a geographical area within their territory in which they are able to move freely, for the duration of the procedure for international protection.

Restrictions of freedom of movement

Where necessary, Member States may decide that an applicant is allowed to **reside only in a specific place** that is adapted for housing applicants, for reasons of public order or to effectively prevent the applicant from absconding, where there is a risk of absconding. Where necessary, Member States may require applicants to report to the competent authorities at a specified time or at reasonable intervals.

Detention

Member States should not hold a person in detention for the sole reason that that person is an applicant or on the basis of the nationality of that applicant. The detention should be based only on one or more of the grounds for detention set out in national law. The detention of applicants should be ordered in writing by judicial or administrative authorities. The detention order should state the reasons in fact and in law on which it is based as well as why less coercive alternative measures cannot be applied effectively.

Where the detention of applicants with special reception needs would put their physical and mental health at serious risk, those applicants should not be detained. As a general rule, **minors should not be detained**. They should be placed in suitable accommodation.

Where unaccompanied minors are detained, they should be accommodated in facilities adapted to the housing of unaccompanied minors. Such facilities should be provided with staff qualified to safeguard the rights of unaccompanied minors and attend to their needs.

Protecting minors

Member states must ensure every unaccompanied minor is assigned a **guardian** as soon as possible and no later than **15 days** after their lodging an application for international protection. Member States should ensure that the person suitable to provisionally act as a representative is immediately informed when an application for international protection is made by an unaccompanied minor of any relevant facts pertaining to that minor.

Victims of torture and violence

Member States should ensure that persons who have been subjected to trafficking in human beings, torture, rape or other serious acts of psychological, physical or sexual violence, including violence committed with a sexual, gender, racist or religious motive, are provided with necessary medical and psychological treatment and care, including rehabilitation services and counselling where necessary, for the damage caused by such acts.

Reception of asylum seekers

Member States should guarantee equivalent standards of reception for asylum seekers. These standards will concern, for example, housing, education and healthcare. To help enhance applicants' integration prospects they will get access to **language courses**, civic education courses or vocational training courses. Moreover, children should enter into the school system at the latest **two months** after arrival.