

Qualification Directive

2016/0223(COD) - 22/05/2024 - Final act

PURPOSE: to establish 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.

LEGISLATIVE ACT: Regulation (EU) 2024/1347 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, amending Council Directive 2003/109/EC and repealing Directive 2011/95/EU of the European Parliament and of the Council.

CONTENT: this Regulation is part of the EU Pact on migration and asylum. It lays down **standards** for the qualification of third-country nationals or stateless persons as beneficiaries of international protection and the content of the international protection granted. It incorporates the Geneva Convention into EU law and aims to ensure that Member States apply common criteria to qualify people as beneficiaries of international protection.

The Regulation aims 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.

Recognition of refugee status or subsidiary protection

The 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.

Greater convergence of asylum practices and decisions

The Regulation will foster greater convergence of asylum practices and decisions across Member States by obliging Member States:

- to assess whether there is an internal protection alternative (safe part within the country of origin), and not grant refugee status in such a case;
- to withdraw the international protection status when and where certain criminal acts have been committed or the person otherwise poses a security threat;
- to take into account up-to-date European Union Agency for Asylum (EUAA) guidance on the country concerned in this regard. Furthermore, the information materials and guidance from the EUAA should be taken into account during the whole decision-making process.

Conditions for being considered a refugee

An act is considered to be persecution within the meaning of the Geneva Convention when it is sufficiently serious in nature or repeated to constitute a serious violation of fundamental human rights.

When assessing the grounds for persecution, the following elements will be taken into account: a) race, b) religion, c) nationality, d) membership of a particular social group and e) political opinion. The principle of non-refoulement must 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 will 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 will always be based on genuine family relationships and will 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.

Rights and obligations of beneficiaries

The new Regulation also aims to clarify rights and obligations of beneficiaries:

- it is now required to provide harmonised information to the beneficiary and a clear obligation for Member States to issue residence permit no later than 90 days in a harmonised format;
- beneficiaries of international protection (i) will have the right to engage in employed or self-employed activity immediately after protection has been granted; (ii) will enjoy equal treatment in the context of procedures for the recognition of diplomas; (ii) will have access to housing and health care under the same conditions of access as nationals of the Member State which has granted them international protection;
- for integration purposes access to certain social assistance specified in national law may be made conditional on the effective participation of the beneficiary of international protection in integration measures;
- the rights to access education for minors;
- the rights of unaccompanied minors are reinforced in terms of information provision in a child-friendly manner and in relation to requirements to the guardians.

Obligation to stay in the EU country of protection

To prevent secondary movements, the new rules clearly state that beneficiaries of international protection will 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. The Regulation aims at discouraging irregular secondary movements of beneficiaries by **restarting** the calculation of the eligible period of legal residence required in case of irregular movements or overstay.

ENTRY INTO FORCE: 11.6.2024.

APPLICATION: from 1.7.2026.