

Reception Conditions Directive

2016/0222(COD) - 22/05/2024 - Final act

PURPOSE: to establish harmonised standards for the reception conditions across the EU, guaranteeing dignified reception standards throughout the EU and reducing incentives for secondary movements.

LEGISLATIVE ACT: Directive (EU) 2024/1346 of the European Parliament and of the Council laying down standards for the reception of applicants for international protection.

CONTENT: this Directive lays down **standards for the reception of applicants for international protection** in Member States. It is part of the EU Pact on migration and asylum.

This Directive 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. This 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.

Organisation of reception schemes

Member States will provide applicants with information on the reception conditions laid down in the Directive, including information specific to their reception systems, as soon as possible.

Provided that all applicants effectively enjoy their rights under the Directive, Member States may allocate applicants to accommodation on their territory in order to manage their asylum and reception systems taking into account objective factors, including family unity and the particular reception needs of applicants. The granting of material reception conditions by Member States may be made conditional on the **actual residence** of applicants in the accommodation to which they have been allocated. Applicants must provide the competent authorities with their current address, a telephone number where they can be contacted and, if available, an e-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. Member States will ensure that applicants have effective access to their rights under this Directive and to the procedural guarantees in the procedure for international protection within the geographical area to which those applicants are allocated.

If necessary, Member States may decide that an applicant is authorised to **reside only in a specific place** that is suitable for housing applicants, for reasons of public policy or to effectively prevent the applicant absconding. If necessary, they may require applicants to report to the competent authorities at a specified time or at reasonable intervals.

Detention

Member States will 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. Detention may only be based on **specific grounds** and its duration must be as short as possible. Detention must be ordered in writing by the judicial or administrative authorities and must generally take place in specialised detention centres.

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 and will benefit from increased protection, including faster access to education and designated representatives for unaccompanied minors.

The assessment of special reception needs will be completed within 30 days and victims of torture and violence must have access to care as soon as possible. When assessing the best interests of the child, Member States will take into account factors such as: family reunification possibilities; the well-being and social development of the minor; safety and security considerations.

Schooling and education of minors

Member States will grant to minor children of applicants and to applicants who are minors the **same access to education** as their own nationals and under similar conditions for so long as an expulsion measure against such minors or their parents is not actually enforced.

Asylum seekers will have **access to the labour market no later than six months after the registration of their application** and Member States are encouraged to grant earlier access, in particular to applicants whose claims are likely to be well-founded. Member States must guarantee access to language courses, civic education or vocational training.

General rules on material reception conditions and health care

Member States will ensure that material reception conditions are available to applicants from the moment they make their application for international protection. Material reception conditions and health care received will provide an **adequate standard of living** for applicants, which guarantees their subsistence, protects their physical and mental health and respects their rights under the Charter.

Where Member States provide accommodation in kind, they must ensure that this accommodation provides the applicant with an adequate standard of living. Member States must also ensure that applicants, wherever they are required to be present, receive the necessary medical care.

Reduction or withdrawal of material reception conditions

In order to prevent possible abuse of the reception system, the Directive specifies the circumstances in which material reception conditions may be reduced or withdrawn. Member States will be able to reduce or withdraw the daily allowance or, where duly justified and proportionate, reduce other material reception conditions where certain conditions are met, including where the applicant does not cooperate with the competent authorities or does not comply with the procedural requirements laid down by them.

ENTRY INTO FORCE: 11.6.2024.

TRANSPOSITION: from 12.6.2026.