

# **Asylum: refugee status for third-country nationals and stateless persons, minimum standards**

2001/0207(CNS) - 12/09/2001 - Legislative proposal

**PURPOSE** : to provide a framework for an international protection regime based on minimum standards for qualification as refugees and those in need of subsidiary protection. **CONTENT** : This proposal has the following aims: - implementing the Vienna Action Plan and the conclusions of the Tampere European Council. - setting out minimum standards on the qualification and status of applicants for international protection as refugees or beneficiaries of subsidiary protection status. - ensuring that a minimum level of protection is available in all Member States for those genuinely in need and to reduce disparities between Member States' legislation and practice in these areas as the first full step towards harmonisation. - limiting secondary movements of applicants influenced solely by the diversity of applicable rules - preventing abuses of the asylum system. The main points of the legislation are: - general rules on how to determine whether a claim for international protection is well founded or not. - rules specific to the qualification as a refugee. These focus in particular on the definition of "persecution". There are also rules laying down the circumstances when refugee status may be withdrawn. - a framework for identifying three categories of applicants for international protection who do not qualify as refugees but are available for the status of subsidiary protection. - minimum obligations that a Member State shall have towards those to whom it grants international protection, (such as residence permits, access to education and health care). These obligations include the duration and content of the status flowing from recognition as a refugee or as a beneficiary of subsidiary protection status. - the establishment of national contact points in Member States to ensure the directives implementation. Member States are also required to take appropriate measures to establish direct Cooperation, including the exchange of visits, and an exchange of information between the competent authorities. The following are noteworthy: - the introduction of common concepts of: protection needs arising sur place, sources of harm and protection, internal protection; and persecution. This latter includes the five grounds on which persecution can be predicated, based on the Geneva Convention. There is a definition of the term "membership of a particular social group". - except under certain defined conditions, Member States must ensure that accompanying family members are entitled to the same status as the applicant for international protection.. - when assessing minors for international protection, Member States should have regard to child-specific forms of persecution such as recruitment into armies, trafficking for sex work, and forced labour.