

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

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The committee adopted the report by Jean LAMBERT (Greens/EFA, UK) tabling a large number of amendments to the proposal (consultation procedure) aimed at putting applicants for subsidiary protection on a more equal footing with refugee status applicants and providing for better guarantees and integration opportunities. The main amendments were as follows: - a clearer definition of when refugee status might be refused on the grounds that applicants could find protection in another part of their country of origin ('internal flight alternative'); - deletion of the possibility of refusing refugee status if an applicant is receiving protection or assistance from UN agencies other than the UNHCR; - 'state protection' should not be regarded as being provided by international organisations and stable quasi-state authorities who control a region; - asylum seekers should qualify for refugee or temporary protection status where they have a valid fear of persecution not only in their country of origin but also in their country of residence; - when assessing fear of persecution, factors such as sex, gender identity, sexual orientation and health status (e.g. being HIV positive or having AIDS) should be taken into account, as well as customs which condone the applicant's persecution. Where applicants make contradictory statements, the authorities should take account of the fact that this may be the result of the traumatic experiences they have undergone; - family members of an applicant who may qualify for international protection should include same-sex partners and children of the applicant's spouse or partner. Moreover, they need not arrive in the host country at the same time as the applicant, but may join them later. In order to be considered as dependent relatives, they need not have lived together with the applicant in the country of origin; - subsidiary protection should be granted if there is a risk not only of being tortured but also of capital punishment or genital mutilation; a residence permit under subsidiary protection should be granted for a period of at least five years (the same as for refugees); - those enjoying subsidiary protection should be treated on a more equal footing with refugees, for example as regards the issue of travel documents, permission to work, and opportunities to learn the language, to receive vocational training, to have child care or to benefit from specific support programmes. These opportunities should be provided as soon as their status is granted; - suspicions that an applicant has committed war crimes etc., should not suffice for the purposes of exclusion from refugee status; instead, there must be certainty. However, refugee status should not be granted to people against whom a European arrest warrant has been issued or who have committed terrorist offences; - revocation of a residence permit because a refugee can again make use of the protection of his country of nationality or can no longer refuse to obtain protection in his country should be preceded by a notification period of at least 6 months. However, in deciding whether to revoke a residence permit, account should be taken of ties established in the host country and of possible reasons arising out of previous persecution for not being able to return.