



Basic information	
<b>2016/0222(COD)</b> COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Reception Conditions Directive  Repealing Directive 2013/33/EU <a href="#">2008/0244(COD)</a>  <b>Subject</b>  7.10.06 Asylum, refugees, displaced persons; Asylum, Migration and Integration Fund (AMIF)  <b>Legislative priorities</b>  <a href="#">Joint Declaration 2021</a> <a href="#">Joint Declaration 2022</a> <a href="#">Joint Declaration 2023-24</a>	

Key players

European Parliament	Committee responsible		Rapporteur	Appointed
	<div>LIBE</div>	Civil Liberties, Justice and Home Affairs	IN 'T VELD Sophia (Renew)	04/09/2019
			Shadow rapporteur DÜPONT Lena (EPP) ENGERER Cyrus (S&D) CARÊME Damien (Greens /EFA) JAKI Patryk (ECR) BERG Lars Patrick (ECR) ERNST Cornelia (The Left)	
	Former committee responsible		Former rapporteur	Appointed
	<div>LIBE</div>	Civil Liberties, Justice and Home Affairs		
	Committee for opinion		Rapporteur for opinion	Appointed
	<div>AFET</div>	Foreign Affairs	The committee decided not to give an opinion.	
	<div>EMPL</div>	Employment and Social Affairs		

	<b>Former committee for opinion</b>		<b>Former rapporteur for opinion</b>	<b>Appointed</b>
	<b>AFET</b>	Foreign Affairs		
	<b>EMPL</b>	Employment and Social Affairs		
	<b>Committee for opinion on the recast technique</b>		<b>Rapporteur for opinion</b>	<b>Appointed</b>
	<b>JURI</b>	Legal Affairs		
	<b>Former committee for opinion on the recast technique</b>		<b>Former rapporteur for opinion</b>	<b>Appointed</b>
	<b>JURI</b>	Legal Affairs		
Council of the European Union	<b>Council configuration</b>		<b>Meetings</b>	<b>Date</b>
	Justice and Home Affairs (JHA)		3508	2016-12-09
	Justice and Home Affairs (JHA)		3490	2016-10-14
	Transport, Telecommunications and Energy		3545	2017-06-09
European Commission	<b>Commission DG</b>		<b>Commissioner</b>	
	Migration and Home Affairs		AVRAMOPOULOS Dimitris	

Key events			
Date	Event	Reference	Summary
13/07/2016	Legislative proposal published	COM(2016)0465 	Summary
15/09/2016	Committee referral announced in Parliament, 1st reading		
14/10/2016	Debate in Council		
25/04/2017	Vote in committee, 1st reading		
25/04/2017	Committee decision to open interinstitutional negotiations with report adopted in committee		
10/05/2017	Committee report tabled for plenary, 1st reading	A8-0186/2017	Summary
15/05/2017	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 71)		
17/05/2017	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 71)		

09/06/2017	Debate in Council		
21/10/2019	Committee referral announced in Parliament, 1st reading		
14/02/2024	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	<a href="#">GEDA/A/(2024)000945</a>	
10/04/2024	Decision by Parliament, 1st reading	<a href="#">T9-0186/2024</a>	<a href="#">Summary</a>
10/04/2024	Results of vote in Parliament		
10/04/2024	Debate in Parliament		
14/05/2024	Act adopted by Council after Parliament's 1st reading		
14/05/2024	Final act signed		
22/05/2024	Final act published in Official Journal		

#### Technical information

Procedure reference	2016/0222(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Recast
Legislative instrument	Directive
Amendments and repeals	Repealing Directive 2013/33/EU <a href="#">2008/0244(COD)</a>
Legal basis	Treaty on the Functioning of the EU TFEU 078-p2
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/9/00171

#### Documentation gateway

##### European Parliament


Document type	Committee	Reference	Date	Summary
Committee draft report		<a href="#">PE593.978</a>	18/01/2017	
Committee opinion	<div>EMPL</div>	<a href="#">PE599.692</a>	12/04/2017	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A8-0186/2017</a>	10/05/2017	<a href="#">Summary</a>
Text adopted by Parliament, 1st reading/single reading		<a href="#">T9-0186/2024</a>	10/04/2024	<a href="#">Summary</a>

##### Council of the EU

Document type	Reference	Date	Summary
Coreper letter confirming interinstitutional agreement	<a href="#">GEDA/A/(2024)000945</a>	08/02/2024	
Draft final act	<a href="#">00069/2023/LEX</a>	14/05/2024	

##### European Commission

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Document type	Reference	Date	Summary
Legislative proposal	COM(2016)0465 	13/07/2016	<a href="#">Summary</a>
Commission response to text adopted in plenary	SP(2024)377	29/07/2024	

#### National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	CZ_CHAMBER	COM(2016)0465	10/10/2016	
Contribution	RO_CHAMBER	COM(2016)0465	12/10/2016	
Contribution	CZ_SENATE	COM(2016)0465	27/10/2016	
Contribution	DE_BUNDESRAT	COM(2016)0465	14/11/2016	
Reasoned opinion	IT_SENATE	PE593.981	17/11/2016	
Contribution	FR_ASSEMBLY	COM(2016)0465	30/01/2020	

#### Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
CofR	Committee of the Regions: opinion	CDR5807/2016	08/02/2017	

#### Additional information

Source	Document	Date
EP Research Service	Briefing	
European Commission	EUR-Lex	

## Meetings with interest representatives published in line with the Rules of Procedure

#### Rapporteurs, Shadow Rapporteurs and Committee Chairs

#### Transparency

Name	Role	Committee	Date	Interest representatives
IN 'T VELD Sophia	Rapporteur	LIBE	07/09/2022	Czech Permanent Representation to the EU

#### Final act

Directive 2024/1346  
OJ OJ L 22.05.2024

[Summary](#)

# Reception Conditions Directive

2016/0222(COD) - 13/07/2016 - Legislative proposal

PURPOSE: to recast the Directive laying down standards for the reception of applicants for international protection (recast).

PROPOSE ACT: Directive of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: the Common European Asylum System is based on rules determining the **Member State responsible for applicants for international protection**, common standards for asylum procedures, reception conditions, the recognition and protection of beneficiaries of international protection.

Notwithstanding the significant progress that has been made in the development of the Common European Asylum System (CEAS), there are still notable differences between the Member States in the types of procedures used, the reception conditions provided to applicants, the recognition rates and the type of protection granted to beneficiaries of international protection. These divergences contribute to secondary movements and asylum shopping, create pull factors, and ultimately lead to an uneven distribution among the Member States of the responsibility to offer protection to those in need.

Recent large scale arrivals have shown that Europe needs an effective and efficient asylum system able to assure a fair and sustainable sharing of responsibility between Member States and to ensure the quality of the decisions made.

Against this backdrop, the Commission presented a first set of proposals to **reform the Common European Asylum System** delivering on three priorities identified in its Communication:

- [establishing a sustainable and fair Dublin system](#) for determining the Member State responsible for examining asylum applications,
- [reinforcing the Eurodac system](#) to better monitor secondary movements and facilitate the fight against irregular migration,
- establishing a genuine [European Union Agency for Asylum](#) to ensure the well-functioning of the European asylum system.

With the second package, the Commission is completing the reform of the Common European Asylum System by adopting four additional proposals:

1. a [proposal replacing the Asylum Procedures Directive with a Regulation](#), harmonising the current disparate procedural arrangements in all Member States and creating a genuine common procedure;
2. a [proposal replacing the Qualification Directive with a Regulation](#), setting uniform standards for the recognition of persons in need of protection and the rights granted to beneficiaries of international protection;
3. this proposal revising the Reception Conditions Directive;
4. a [structured Union resettlement framework](#), moving towards a more managed approach to international protection within the EU.

CONTENT: the proposed Reception Conditions Directive provides for minimum harmonisation of standards for the reception of applicants for international protection in the EU. Reception conditions however continue to vary considerably between Member States both in terms of how the reception system is organised and in terms of the standards provided to applicants.

This has contributed to secondary movements and has put pressure on certain Member States in particular.

In view of this, this proposal aims to:

**1. Further harmonisation of reception conditions in the EU:** This will both ensure that the treatment of applicants is dignified across the EU, in accordance with fundamental rights and rights of the child, and to reduce secondary movements of migrants.

The main amendments of the new measure concern:

- **scope:** the Reception Conditions Directive continues to apply to all third-country nationals and stateless persons who make an application for international protection on the territory of any of the Member States, as long as they are allowed to remain on the territory as applicants and as soon as the application is made. An exception is introduced for cases where an applicant is irregularly present in another Member State than the one in which he or she is required to be present. In this situation, he or she is not entitled to material reception conditions, schooling and education of minors as well as employment and vocational training. The proposal clarifies that **applicants will however always be entitled to health care and to a dignified standard of living, in accordance with fundamental rights**, to cover the applicant's subsistence and basic needs both in terms of physical safety, dignity and interpersonal relationships. However, in order to ensure respect for the fundamental rights of the child, Member States should provide minors with access to suitable educational activities pending the transfer to the Member State responsible.
- The proposal makes it clear that the right to a dignified treatment applies also in cases where a Member State, in duly justified cases, is **exceptionally** applying **different standards** of material reception conditions from the one required by the Reception Conditions Directive.

- **the definition of family members:** this is extended by including family relations which were formed after leaving the country of origin but before arrival on the territory of the Member State. This reflects the reality of migration today where applicants often stay for long periods of time outside their country of origin before reaching the EU, such as in refugee camps;
- **indicators:** the proposal requires Member States to take into account **operational standards and indicators on reception conditions** currently being developed by European Asylum Support Office;
- **urgent situations:** the proposal obliges Member States to draw up, and regularly update, **contingency plans** setting out the measures foreseen to be taken to ensure adequate reception of applicants in cases where the Member State is confronted with a disproportionate number of applicants. The proposal also requires the Member States to inform the Commission and the European Union Agency for Asylum whenever their contingency plan is activated;
- **particular needs of certain applicants:** the proposal clarifies that persons with special reception needs are persons who are in need of special guarantees in order to benefit from the rights and comply with the obligations provided for in the Reception Conditions Directive, regardless of whether these persons are considered vulnerable. The proposal also includes more detailed rules for assessing, determining, documenting and addressing applicants' special reception needs as soon as possible and throughout the reception period (e.g. a doctor or a psychologists);
- **provisions concerning the guardian of unaccompanied minors:** the proposal introduces stricter time limits, within five working days from the moment the application was made, for the Member States to assign a guardian to represent and assist an unaccompanied minor.

**2. Reducing reception-related incentives for secondary movements within the EU:** to ensure an orderly management of migration flows, facilitate the determination of the Member State responsible and to prevent secondary movements, it is essential that the applicants remain in the Member State which is responsible for them and do not abscond. The introduction of **more targeted restrictions to the applicants' freedom of movement** and strict consequences when such restrictions are not complied with will contribute to more effective monitoring of the **applicants' whereabouts**.

Further harmonisation of possibilities to assign a specific place of residence to applicants, to impose reporting obligations and to provide material reception conditions only in kind is also necessary to create a more predictable situation for applicants, to ensure that they are accounted for regardless of which Member State they are present in and to deter them from absconding.

This applies in particular in three situations namely where:

- the applicant did not make an application for international protection in the Member State of first irregular entry or legal entry;
- the applicant has absconded from the Member State in which he or she is required to be present
- where the applicant has been sent back to the Member State where he or she is required to be present after having absconded to another Member State.

The proposal requires Member States to inform applicants, using a **common template**, as soon as possible and at the latest when they lodge their application, of any benefits and obligations, which applicants must comply with in relation to reception conditions, including the circumstances under which the granting of material reception conditions may be restricted (for example, if they abscond).

The proposal underlines that:

- all decisions restricting an applicant's freedom of movement need to be based on the particular situation of the person concerned, taking into account any special reception needs of applicants and the principle of proportionality;
- Member States should only provide applicants with a travel document when serious humanitarian reasons arise. Travel documents should not be issued outside of these exceptional circumstances.

Other measures are included such as:

- enlarging material reception conditions to include sanitary items;
- limit daily allowances in certain circumstances;
- altering the form of material reception conditions. These may be scaled back or altered where the applicant has: seriously breached the rules of the accommodation centre or behaved in a seriously violent way; not complied with the obligation to apply for international protection in the Member State of first irregular entry or of legal entry;
- in case an applicant has been assigned a specific place of residence but has not complied with this obligation, and where there is a continued risk that the applicant may abscond, the applicant may be detained in order to ensure the fulfilment of the obligation to reside in a specific place. All the guarantees already provided for in the current Reception Conditions Directive regarding detention remain unchanged.

**3. Increase applicants' self-reliance and possible integration prospects:** except for those whose applications are likely to be rejected, applicants should, as quickly as possible, be allowed to work and earn their own money, even whilst their applications are being processed. The time-limit for access to the labour market should therefore be reduced from no later than nine months to **no later than six months** from the lodging of the application.

Further limiting the current wide discrepancies between Member States' rules on access to the labour market is also essential in order to reduce employment-related asylum-shopping and incentives for secondary movements.

It is proposed that, once granted access to the labour market, applicants should be entitled to a **common set of rights based on equal treatment with nationals of the Member State** similarly as other third-country nationals who are working in the Union. It has been specifically stated that the right to equal treatment does not give rise to a right to reside in cases where the applicants' application for international protection has been rejected.

**Working conditions** referred to in the proposal cover at least pay and dismissal, health and safety requirements at the workplace, working time and leave, taking into account collective agreements in force.

The proposal makes it possible to limit equal treatment concerning **education and vocational training** to such education and training directly linked to a specific employment activity. The proposal also makes it possible to limit applicants' equal treatment with regard to **family benefits and unemployment benefits**.

**Implementation and monitoring:** the Commission shall report on the application of this Directive to the European Parliament and to the Council within three years from its entry into force and every five years after that.

**Territorial provisions:** the participation of the United Kingdom and Ireland will be determined in the course of the negotiations and in accordance with Protocol No 21 on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the Treaty on European Union (TEU) and the TFEU.

Denmark shall not be subject to its application.

## Reception Conditions Directive

2016/0222(COD) - 10/05/2017 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Sophia in 't VELD (ADLE, NL) 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 committee recommended that Parliament adopt its position in first reading bearing in mind the opinion of the consultative working party of the legal services of the European Parliament, the Council and the Commission. However, it submitted amendments to the proposal for a recast:

**Restrictions on reception conditions of asylum seekers in case of secondary movements:** Members did not subscribe the Commission position, which envisaged a stricter stance towards applicants who try and move illegally to another Member State. They proposed to strengthen measures related to information given to applicants, including details of the circumstances under which the granting of material reception conditions may be restricted, and the reduction of any benefits in such cases.

The report sets out, rather, the circumstances under which applicants can travel to another Member States legally, for example, for medical reasons pertaining to family. In such cases, Member States should supply the applicants concerned with a travel document limited to the purpose or duration needed for the reason for which it is issued.

In any event, any restriction on the applicant's freedom of movement should be adopted only as a measure of last resort and should be based on the decision by a judicial authority, which takes into account the **individual behaviour and particular situation of the person concerned**, including any specific reception needs of applicants and the principles of necessity and proportionality. Applicants should be provided with the possibility of an appeal or review against such decisions.

**Specific reception conditions:** Members recalled that the overall objective of the directive is to establish **common standards** for reception conditions to help to limit the secondary movements of applicants in the Union. They stressed that Member States should in all circumstances ensure **access to health care** and an **adequate standard of living** for applicants. Due regard must also be given to applicants with specific reception needs, such as children, and applicants who have experienced sexual or gender-based violence, in particular women, (including appropriate trauma counselling and psycho-social care).

Members also amended the terminology used to set out the daily allowance which should ensure an **adequate standard of living** for applicants and not 'dignified' as stated in the proposal ensuring that applicants have access to the necessary food, clothing, housing, education, health care and social services for their well-being and that of their family.

**Conditions of work and access to employment:** Members wanted to see clear rules concerning applicants' access to the labour market, so that such access is effective, by not imposing conditions, including sector restrictions, working time restrictions or unreasonable administrative formalities, that effectively hinder an applicant from seeking employment. Member States should also take effective steps to ensure that the entry of applicants for international protection into the labour market is not achieved through a lowering of applicable salaries, which could then lead to **wage dumping practices**. Members proposed particularly that access to the labour market should be provided to the applicant no later than **two months from the date when the application** for international protection was made.

It should be noted, however, that for reasons of labour market policies, and especially regarding **youth unemployment levels**, a vacancy could be filled, through preferential access, by nationals of the Member State concerned or by other Union citizens.

Applicants who have been granted access to the labour market should be allowed to apply for an **EU Blue Card** under the relevant Union legislation. Applicants who have been granted access to the labour market should also be allowed to apply for a **residence permit** for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing under the relevant Union legislation.

**Measures limiting the risk of absconding:** Members set out a clearer framework for situations where there is a risk of an applicant absconding. Accordingly, where there are reasons to believe that an applicant is at serious risk of absconding, Member States may where necessary, proportionate and duly justified require applicants to report to the competent authorities in person, either immediately or at a future date, as frequently as necessary but **not more than once a working day**, in order to monitor that the applicant does not abscond. Applicants should also be able to appeal against decisions requiring them to report to the competent authorities.

**Detention:** detention should be adopted only as a measure of last resort and any decision imposing detention should contain a reference to the consideration of the available alternatives and the reasons why they could not be applied effectively. Where an applicant is held in detention he or she should have effective access to the necessary procedural guarantees, such as judicial remedy and the right to **free legal assistance and representation**. The detention shall not be punitive in nature. Where, as a result of the judicial review, detention is held to be unlawful, the applicant concerned shall be released immediately.

In addition, where detention would put at risk their physical and psychological integrity, applicants with specific reception needs shall not be detained.

In the same way, any **detention or confinement of children**, whether accompanied by family members or not, must be **forbidden** since it contravenes the best interests of the child.

**Integration measures:** Members recalled that language skills are indispensable in order to ensure that applicants have an adequate standard of living. Learning the official language or one of official languages of the Member State concerned would increase self-reliance and the chance of integration in the host society. It also constitutes a deterrent against secondary movements. **Effective access to language courses** should therefore be granted to all applicants from the date on which their application for international protection is made.

Member States shall use their best endeavours to provide **adequate training on employment legislation and non-discrimination** to applicants and to authorities, in order to avoid exploitation in the workplace by means of undeclared work practices and other forms of severe labour exploitation, and to avoid discrimination. Members also provided for professional training for applicants.

**Procedural guarantees:** the report strengthened the procedural guarantees for applicants. Amongst other things, it proposed that legal advisers shall provide free legal assistance and representation or other suitably qualified persons as admitted or permitted under national law to assist or represent the applicants, whose interests do not conflict or could not potentially conflict with those of the applicant. Such persons may include non-governmental organisations accredited under national law.

In situations of disproportionate pressure, each Member State shall draw up a contingency plan setting out the planned measures to be taken to ensure an adequate reception of applicants for international protection.

Members proposed that necessary training be provided with adequate funding from the Asylum Migration and Integration Fund by means of national programmes. Such training places should place particular importance on active identification of specific reception needs (the Age Gender and Diversity Approach) and adequate prevention and response activities with respect to sexual and gender-based violence and bias-motivated violence.

**Charter of Fundamental Rights:** the committee made a stronger link between the proposal and the Charter. Member States should apply the definition of 'family member' in accordance with the Charter and bear in mind different circumstances of dependency and the special attention to be accorded to the best interests of the child.

**Assessment and reports:** lastly, Members provided for more regular implementation reports for Parliament and Council (annual report rather than every three years).

## 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.

## **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.