COUNCIL OF THE EUROPEAN UNION

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PRESIDENCY NOTE

to :	Asylum Working Party
on :	9 October 2000
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Subject :	Conditions for the reception of asylum seekers

Draft conclusions of the Council of the European Union on conditions for the reception of asylum seekers

The Council of the European Union,

1. RECALLS the importance which the Member States, true to their common humanitarian tradition, attach to the protection of refugees and to the provisions of the Geneva Convention of 28 July 1951, as amended by the New York Protocol of 31 January 1967;

2. EMPHASISES that the protection of the rights of refugees requires that asylum applicants should be received in conditions of dignity, in the spirit of the fundamental principles recognised by all Member States;

3. RECALLS that Article 63 of the amended Treaty establishing the European Community requires the Council to adopt within five years from entry into force of the Amsterdam Treaty "measures on asylum, in accordance with the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees and other relevant treaties" (Article 63(1)), and specifically in the area of "minimum standards on the reception of asylum seekers in Member States" (Article 63(1)(b));

4. RECALLS that the European Council meeting in Tampere on 15 and 16 October 1999 reaffirmed the objective of establishing a Common European Asylum System which, in the short term, should include common minimum conditions for the reception of asylum applicants;

5. CONSIDERS that the harmonisation of conditions for the reception of asylum applicants should help to limit the secondary movements of asylum applicants influenced by the variety of conditions for their reception;

6. WELCOMES the fact that the initial discussions on this subject among the Member States have enabled guidelines to be established for the future Community instrument which will have to determine the minimum standards governing the reception of asylum applicants in the Member States;

7. INVITES the Commission to submit as soon as possible a proposal for a Community instrument on the subject, taking account of the guidelines given in the Annex.

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ANNEX

Guidelines for the future Community instrument on conditions for the reception of asylum seekers

(1) Scope

The future Community instrument should cover asylum applicants claiming the benefit of the Geneva Convention insofar as forms of protection other than the Geneva Convention are not the subject of a common definition at European level. The Member States would still be able to apply the future Community provisions to persons seeking other forms of protection.

The instrument should apply to the asylum applicant until the application has been the subject of a final decision either granting refugee status or refusing that status and for which appeals do not have suspensive effect. Differentiated conditions of reception should however be envisaged according to the stages in the procedure, in particular where Member States lay down specific procedures for those seeking asylum at border posts before their admission to the territory.

(2) Information

It is important that asylum applicants should be rapidly informed of all the rights and benefits which they may claim, and be told how to contact organisations or associations which might be able to help them. As soon as their applications have been submitted, asylum applicants should therefore be given information relating to the conditions of their reception. This information should be given in writing and as far as possible in a language which the asylum applicant can understand.

(3) **Stay**

Asylum applicants should be allowed to stay in the host Member State and to receive documents from the competent authorities confirming that their stay in the territory of that State is in order. However, in the case of applications that were fraudulent, abusive or made as a delaying tactic, the authorities of the host Member State need not issue any document and if one had been issued would be able to withdraw it.

(4) **Residence**

Asylum applicants should be able to move freely within the territory of the host Member State. However, their place of residence may be decided by the competent authorities of that State, for reasons of national interest or public policy.

It might be possible to keep an asylum applicant very briefly in a transit area under specific procedures for those seeking asylum at border posts.

Detention of asylum seekers simply because they are asylum seekers should not occur.

(5) **Financial and material assistance**

The host Member State should ensure decent living conditions throughout the procedure for asylum applicants and accompanying family members. To this end, either an allowance should be paid, supplemented if need be depending on the composition of the family, or accommodation should be provided by the competent authorities in the host Member State to include lodging, food and basic daily expenses.

The application of the principles of subsidiarity and proportionality should leave the Member States some room for manoeuvre when setting the amount of the allowance and determining the arrangements for accommodating asylum applicants. Nevertheless, the objective is still to achieve sufficient harmonisation to avoid secondary movements by asylum applicants.

(6) Work

Asylum applicants should not be allowed to engage in an occupation, except under certain conditions, in particular where no decision has been taken on their asylum application within a reasonable period. Where an occupation is engaged in, the competent authorities in the host Member State should reexamine the asylum applicant's situation to determine whether he should continue to benefit from financial and material assistance.

(7) Health care

Asylum applicants' access to health care should be ensured and, if their means are insufficient, paid for by the host Member State, in a manner which it determines.

(8) Family unity

When asylum applicants are admitted to the territory of the host Member State with their minor children, family unity should be preserved as regards accommodation provided by the host Member State.

(9) Schooling of minors

Minor children of asylum applicants and minor asylum applicants of school age should be sent to school. They should have access to public primary educational institutions under the same terms as nationals of the host Member State, or be offered opportunities for appropriate special instruction, particularly where a lack of knowledge of the language of the host State makes normal schooling impossible.

(10) Vulnerable individuals

The host Member State should ensure extra protection for those who are particularly vulnerable such as minors, single women, the elderly and the disabled. It should be prepared to meet their special educational and/or medical needs.

The host Member State should provide special medical help for asylum applicants who have been the victims of torture, rape or other serious acts of violence.

(11) Coordination with non-governmental organisations

Non-governmental organisations play an important role in the reception of asylum seekers. It is therefore important that Member States should organise cooperation between these NGOs and the competent public bodies in their territory as regards the reception of asylum applicants.