

4.4.2011

A7-0085/97

Amendment 97

Hélène Flautre

on behalf of the Verts/ALE Group

Report

A7-0085/2011

Sylvie Guillaume

Granting and withdrawing international protection

COM(2009)0554 – C7-0248/2009 – 2009/0165(COD)

Proposal for a directive

Article 29 – paragraph 2 – point b

Text proposed by the Commission

Amendment

*(b) a country which is not a Member State
is considered as a first country of asylum
for the applicant, pursuant to Article 31;* *deleted*

Or. en

4.4.2011

A7-0085/98

Amendment 98

Hélène Flautre

on behalf of the Verts/ALE Group

Report

A7-0085/2011

Sylvie Guillaume

Granting and withdrawing international protection

COM(2009)0554 – C7-0248/2009 – 2009/0165(COD)

Proposal for a directive

Article 29 – paragraph 2 – point c

Text proposed by the Commission

Amendment

*(c) a country which is not a Member State
is considered as a safe third country for
the applicant, pursuant to Article 32;* *deleted*

Or. en

4.4.2011

A7-0085/99

Amendment 99

Hélène Flautre

on behalf of the Verts/ALE Group

Report

A7-0085/2011

Sylvie Guillaume

Granting and withdrawing international protection
COM(2009)0554 – C7-0248/2009 – 2009/0165(COD)

Proposal for a directive

Article 27 - paragraph 6 - introductory part

Text proposed by the Commission

Amendment

46. *Member States* may provide that an examination procedure in accordance with the basic principles and guarantees of Chapter II be accelerated if:

The determining authority may provide that an examination procedure in accordance with the basic principles and guarantees of Chapter II be accelerated if:

Or. en

4.4.2011

A7-0085/100

Amendment 100

Monika Hohlmeier, Simon BUSUTTIL
on behalf of the PPE Group

Report

A7-0085/2011

Sylvie Guillaume

Granting and withdrawing international protection
COM(2009)0554 – C7-0248/2009 – 2009/0165(COD)

Proposal for a directive

Article 4 – paragraph 2 – point f

Text proposed by the Commission

Amendment

***(f) evidence assessment, including the
principle of the benefit of the doubt;***

deleted

Or. en

Justification

The benefit of the doubt' is not a recognised principle of the asylum procedure, and neither is it dealt with in the Geneva Convention on Refugees.

4.4.2011

A7-0085/101

Amendment 101
Monika Hohlmeier
on behalf of the PPE Group

Report
Sylvie Guillaume
Granting and withdrawing international protection
COM(2009)0554 – C7-0248/2009 – 2009/0165(COD)

A7-0085/2011

Proposal for a directive
Article 20 – paragraph 3

Text proposed by the Commission

Amendment

3. Article 27 (6) and (7) shall not apply to the applicants referred to in paragraph 2. **deleted**

Or. en

Justification

There is no justification for not applying to applicants with special needs the accelerated procedure or the rules governing rejection of asylum applications as manifestly unfounded. An application for protection can only be rejected as manifestly unfounded after a thorough examination of the facts of the case. If after examination of all the facts it is clear that the application will not be successful, there is no reason for extending the procedure.

4.4.2011

A7-0085/102

Amendment 102

Monika Hohlmeier

on behalf of the PPE Group

Report

A7-0085/2011

Sylvie Guillaume

Granting and withdrawing international protection

COM(2009)0554 – C7-0248/2009 – 2009/0165(COD)

Proposal for a directive

Article 21 – paragraph 6

Text proposed by the Commission

Amendment

**6. Article 27 (6) and (7), Article 29 (2) (c),
Article 32, and Article 37 shall not apply
to unaccompanied minors.** *deleted*

Or. en

Justification

There is no justification for not applying generally to unaccompanied minors the accelerated procedure or the provisions governing rejection of asylum applications as manifestly unfounded, the safe third country rules and specific border procedures. Uniform application of privileged treatment harbours considerable potential for abuse.

Amendment 103

Monika Hohlmeier, Simon BUSUTIL
on behalf of the PPE Group

Report

A7-0085/2011

Sylvie Guillaume

Granting and withdrawing international protection
COM(2009)0554 – C7-0248/2009 – 2009/0165(COD)

Proposal for a directive**Article 24 – paragraph 1 – subparagraph 1***Text proposed by the Commission**Amendment*

1. When there is reasonable cause to consider that an applicant for international protection has implicitly withdrawn or abandoned his/her application for international protection, Member States shall ensure that the determining authority takes a decision to discontinue the examination.

1. When there is reasonable cause to consider that an applicant for asylum has implicitly withdrawn, or abandoned his/her application for asylum ***without reasonable cause***, Member States shall ensure that the determining authority takes a decision to ***either*** discontinue the examination ***or reject the application on the basis that the applicant has not established an entitlement to refugee status in accordance with Directive 2004/83/EC, if he/she in the addition to the above-mentioned reasons:***

- has refused to cooperate, or***
- has absconded illegally, or***
- in all likelihood has no right to international protection, or***
- originates from or has transited via a safe third country in accordance with Article 38.***

Or. en

Justification

The determining authority must have the option of rejecting the application for asylum. If this possibility does not exist, asylum procedures can no longer be concluded since they can continue to run without a time limit despite in fact being abandoned and despite a lack of

need for protection. This is not conducive either to efficient processing by the authorities or to the protection of genuine victims of persecution. If the authorities cannot terminate a procedure or turn down an application, absconding will be rewarded, and this should not be allowed.

4.4.2011

A7-0085/104

Amendment 104

Monika Hohlmeier, Simon BUSUTIL
on behalf of the PPE Group

Report

A7-0085/2011

Sylvie Guillaume

Granting and withdrawing international protection
COM(2009)0554 – C7-0248/2009 – 2009/0165(COD)

Proposal for a directive

Article 24 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

2. Member States shall ensure that the applicant who reports again to the competent authority after a decision to discontinue as referred to in paragraph 1 of this Article is taken, is entitled to request that his/her case be reopened.

2. Member States shall ensure that the applicant who reports again to the competent authority after a decision to discontinue as referred to in paragraph 1 of this Article is taken, is entitled to request that his/her case be reopened, ***unless the request is examined in accordance with Articles 35 and 36.***

Member States may provide for a time limit after which the applicant's case may no longer be re-opened.

Or. en

Justification

In order to prevent abuse, it must be possible to definitively conclude procedures after a fixed period. There will otherwise be an incentive to refrain from pursuing an asylum procedure seriously and reaching a definite conclusion on the application. Furthermore, without the possibility of concluding the procedure, the six-month time limit for processing asylum applications pursuant to Article 27(3) cannot be respected.

4.4.2011

A7-0085/105

Amendment 105

Monika Hohlmeier, Simon BUSUTIL
on behalf of the PPE Group

Report

A7-0085/2011

Sylvie Guillaume

Granting and withdrawing international protection
COM(2009)0554 – C7-0248/2009 – 2009/0165(COD)

Proposal for a directive

Article 27 – paragraph 6 – point a a (new)

Text proposed by the Commission

Amendment

***(aa) the applicant clearly does not qualify
as a refugee or for refugee status in a
Member State under Directive [...]/EC/
[the Qualification Directive]; or***

Or. en

Justification

Article 23(4)(b) of Directive 2005/85/EC should be maintained. The possibility of rejecting an application in an accelerated procedure is justified not only in the case of abusive applications, but also in all cases which have no chance of a successful outcome.

4.4.2011

A7-0085/106

Amendment 106

Monika Hohlmeier, Simon BUSUTTIL
on behalf of the PPE Group

Report

A7-0085/2011

Sylvie Guillaume

Granting and withdrawing international protection
COM(2009)0554 – C7-0248/2009 – 2009/0165(COD)

Proposal for a directive

Article 27 – paragraph 6 – point c a (new)

Text proposed by the Commission

Amendment

***(ca) the applicant has filed another
application for asylum providing other
personal data with a different content; or***

Or. en

Justification

Article 23(4)(e) of Directive 2005/85/EC should be maintained. Initiating more than one procedure with a different content and stating different personal data damages the credibility of persons seeking protection and gives rise to the suspicion that there is an intent to deceive.