

Amendment 326

Nicolaus Fest, Jean-Paul Garraud, Tom Vandendriessche
on behalf of the ID Group

Report**A8-0171/2018****Fabienne Keller**

Common procedure for international protection in the Union
(2016/0224A(COD))

Proposal for a regulation**Recital 13***Text proposed by the Commission**Amendment*

(13) The applicant should be provided with an effective opportunity to present all relevant elements at his or her disposal to the determining authority. For this reason, the applicant should, subject to limited exceptions, enjoy the right to be heard through a personal interview on the admissibility or on merits of his or her application, as appropriate. ***For the right to a personal interview to be effective, the applicant should be assisted by an interpreter and be given the opportunity to provide his or her explanations concerning the grounds for his or her application in a comprehensive manner.*** The applicant should be given ***sufficient time to prepare and*** consult with his or her legal adviser or counsellor, and he or she may be assisted by the legal adviser or counsellor during the interview. The personal interview should be conducted ***under conditions which ensure appropriate confidentiality and*** by adequately trained and competent personnel, ***including where necessary, personnel from authorities of other Member States or experts deployed by the European Union Agency for Asylum. The personal interview may only be omitted when the determining authority is to take a positive decision on the application or is of the opinion that the applicant is unfit or unable to be interviewed owing to enduring circumstance beyond his or her control. Given that the personal interview***

(13) The applicant should be provided with an effective opportunity to present all relevant elements at his or her disposal to the determining authority. For this reason, the applicant should, subject to limited exceptions, enjoy the right to be heard through a personal interview on the admissibility or on merits of his or her application, as appropriate. The applicant should be given ***the opportunity to*** consult with his or her legal adviser or counsellor, and he or she may be assisted by the legal adviser or counsellor during the interview. The personal interview should be conducted by adequately trained and competent personnel.

is an essential part of the examination of the application, the interview should be recorded and the applicants and their legal advisers should be given access to the recording, as well as to the report or transcript of the interview before the determining authority takes a decision, or in the case of an accelerated examination procedure, at the same time as the decision is made.

Or. en

3.4.2024

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Amendment 327

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on behalf of the ID Group

Report

A8-0171/2018

Fabienne Keller

Common procedure for international protection in the Union
(2016/0224A(COD))

Proposal for a regulation

Recital 14

Text proposed by the Commission

Amendment

(14) It is in the interests of both Member States and applicants to ensure a correct recognition of international protection needs already at the stage of the administrative procedure ***by providing good quality information and legal support which leads to more efficient and better quality decision-making. For that purpose, access to legal assistance and representation should be an integral part of the common procedure for international protection. In order to ensure the effective protection of the applicant's rights, particularly the right of defence and the principle of fairness, and to ensure the economy of the procedure, applicants should, upon their request and subject to conditions set out in this Regulation, be provided with free*** legal assistance and representation during the administrative procedure and in the appeal procedure. ***The free legal assistance and representation should be provided by persons competent to provide them under national law.***

(14) It is in the interests of both Member States and applicants to ensure a correct recognition of international protection needs already at the stage of the administrative procedure. ***The*** applicants ***shall have the right to access*** legal assistance and representation during the administrative procedure and in the appeal procedure ***at their own expense according to their revenues.***

Or. en

3.4.2024

A8-0171/328

Amendment 328

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Report

A8-0171/2018

Fabienne Keller

Common procedure for international protection in the Union
(2016/0224A(COD))

Proposal for a regulation

Recital 15

Text proposed by the Commission

Amendment

(15) Certain applicants may be in need of special procedural guarantees due, inter alia, to their age, gender, sexual orientation, gender identity, disability, serious illness, mental disorders or as a consequence of torture, rape or other serious forms of psychological, physical, sexual or gender-based violence. It is necessary to systematically assess whether an individual applicant is in need of special procedural guarantees and identify those applicants as early as possible from the moment an application is made and before a decision is taken.

(15) Certain applicants may be in need of special procedural guarantees due, inter alia, to their age, gender, sexual orientation, gender identity, disability, serious illness, mental disorders or as a consequence of torture, rape or other serious forms of psychological, physical, sexual or gender-based violence. It is necessary to systematically assess whether an individual applicant is in need of special procedural guarantees and identify those applicants as early as possible from the moment an application is made and before a decision is taken. ***The authorities shall be able to verify whether applicants are not misusing special procedural guarantees in order to increase their chances of a successful procedure.***

Or. en

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A8-0171/329

Amendment 329

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Common procedure for international protection in the Union
(2016/0224A(COD))

Proposal for a regulation

Recital 36

Text proposed by the Commission

Amendment

(36) The concept of ***first country of asylum should be applied*** as a ground for inadmissibility where ***it can reasonably be assumed that another country would grant protection in accordance with the substantive standards of the Geneva Convention or the applicant would be provided sufficient protection in that country. In particular, the Member States should not examine the merits of an application where a first country of asylum has granted the applicant refugee status or otherwise sufficient protection. Member States should proceed on that basis only where they are satisfied including, where necessary or appropriate, based on assurances obtained from the*** third country concerned, ***that the applicant has enjoyed and will continue to enjoy protection in that country in accordance with the Geneva Convention or has otherwise enjoyed and will continue to enjoy sufficient protection, particularly as regards the right of legal residence, appropriate access to the labour market, reception facilities, healthcare and education, and the right to family reunification in accordance with international human rights standards.***

(36) ***Member States should apply*** the concept of ***safe third*** country as a ground for inadmissibility where ***the applicant can request and, if the conditions are fulfilled, receive effective*** protection in ***a safe*** third country, ***where his or her life and liberty are not threatened.***

Or. en

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Common procedure for international protection in the Union
(2016/0224A(COD))

Proposal for a regulation

Recital 37

Text proposed by the Commission

Amendment

(37) The concept of safe third country should be applied as a ground for inadmissibility where the applicant, due to a connection to the third country including one through which he or she has transited, can reasonably be expected to seek protection in that country, and there are grounds for considering that the applicant will be admitted or readmitted to that country. ***Member States should proceed on that basis only where they are satisfied including, where necessary or appropriate, based on assurances obtained from the third country concerned, that the applicant will have the possibility to receive protection in accordance with the substantive standards of the Geneva Convention or will enjoy sufficient protection, particularly as regards the right of legal residence, appropriate access to the labour market, reception facilities, healthcare and education, and the right to family reunification in accordance with international human rights standards.***

(37) The concept of safe third country should be applied as a ground for inadmissibility where the applicant, due to a connection to the third country including one through which he or she has transited, can reasonably be expected to seek protection in that country, and there are grounds for considering that the applicant will be admitted or readmitted to that country.

Or. en

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A8-0171/331

Amendment 331

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A8-0171/2018

Fabienne Keller

Common procedure for international protection in the Union
(2016/0224A(COD))

Proposal for a regulation

Recital 64

Text proposed by the Commission

Amendment

(64) Decisions taken on an application for international protection, including the decisions concerning the explicit or implicit withdrawal of an application, and the decisions on the withdrawal of refugee or subsidiary protection status should be subject to an effective remedy before a court or tribunal in compliance with all requirements and conditions laid down in Article 47 of the Charter. To ensure the effectiveness of the procedure, the applicant should lodge his or her appeal within a set time-limit. ***For the applicant to be able to meet those time-limits and with a view to ensuring effective access to judicial review, he or she should be able to be assisted by an interpreter as well as be entitled to free legal assistance and representation.***

(64) Decisions taken on an application for international protection, including the decisions concerning the explicit or implicit withdrawal of an application, and the decisions on the withdrawal of refugee or subsidiary protection status should be subject to an effective remedy before a court or tribunal in compliance with all requirements and conditions laid down in Article 47 of the Charter. To ensure the effectiveness of the procedure, the applicant should lodge his or her appeal within a set time-limit.

Or. en

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A8-0171/332

Amendment 332

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Report

A8-0171/2018

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Common procedure for international protection in the Union
(2016/0224A(COD))

Proposal for a regulation

Article 14 – paragraph 2

Text proposed by the Commission

Amendment

2. ***Without prejudice to the applicant's*** right to choose ***his or her*** own legal ***adviser*** or other ***counsellor at his or her own cost, an applicant may request*** free legal assistance and representation at ***all stages of the procedure in accordance with Articles 15 to 17. The applicant shall be informed of his or her right to request free legal assistance and representation at all stages*** of the procedure.

2. ***The applicants have the*** right to choose ***their*** own legal ***advisers*** or other ***counsellors at their own expense. The applicants are not entitled to*** free legal assistance and representation at ***any stage*** of the procedure.

Or. en

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A8-0171/333

Amendment 333

Nicolaus Fest, Jean-Paul Garraud, Tom Vandendriessche
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A8-0171/2018

Fabienne Keller

Common procedure for international protection in the Union
(2016/0224A(COD))

Proposal for a regulation

Article 15 – title

Text proposed by the Commission

Amendment

Free legal assistance and representation

Legal assistance and representation

Or. en

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A8-0171/334

Amendment 334

Nicolaus Fest, Jean-Paul Garraud, Tom Vandendriessche
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A8-0171/2018

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Common procedure for international protection in the Union
(2016/0224A(COD))

Proposal for a regulation

Article 15 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States ***shall, at the request of the applicant***, provide free legal assistance and representation ***in the administrative procedure provided for in Chapter III and in the appeal procedure provided for in Chapter V***.

1. ***The applicants have the right to choose their own legal advisers or counsellors at their own expense in the administrative procedure. The applicants are not entitled to free legal assistance and representation.*** Member States ***are not obliged to*** provide free legal assistance and representation.

Or. en

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Amendment 335

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A8-0171/2018

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Common procedure for international protection in the Union
(2016/0224A(COD))

Proposal for a regulation
Article 15 – paragraph 2

Text proposed by the Commission

Amendment

2. For the purposes of the administrative procedure, the free legal assistance and representation shall, at least, include:

deleted

(a) the provision of information on the procedure in the light of the applicant's individual circumstances;

(b) assistance in the preparation of the application and personal interview, including participation in the personal interview as necessary;

(c) explanation of the reasons for and consequences of a decision refusing to grant international protection as well as information as to how to challenge that decision.

Or. en