



2016/0222(COD)

6.3.2017

AMENDMENTS

47 - 191

Draft opinion
Brando Benifei
(PE599.692v01-00)

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)

Proposal for a directive
(COM(2016)0465 – C8-0323/2016 – 2016/0222(COD))

Amendment 47

Mara Bizzotto, Dominique Martin, Joëlle Mélin

Proposal for a directive

Recital 3

Text proposed by the Commission

(3) The Common European Asylum System (CEAS) is based on a system for determining the Member State responsible for applicants for international protection and common standards for asylum procedures, reception conditions and procedures and rights of beneficiaries of international protection. ***Notwithstanding the significant progress that has been made in the development of the CEAS, there are still*** notable differences between the Member States ***with regard to 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 are important drivers of secondary movement and undermine the objective of ensuring that all applicants are equally treated wherever they apply in the Union.***

Amendment

(3) The Common European Asylum System (CEAS) is based on a system for determining the Member State responsible for applicants for international protection and common standards for asylum procedures, reception conditions and procedures and rights of beneficiaries of international protection. ***It is necessary to take note that there has been no*** progress in the development of the CEAS ***and that the continuing*** notable differences between the Member States ***are a proof of failure.***

Or. it

Amendment 48

Jean Lambert

Proposal for a directive

Recital 3

Text proposed by the Commission

(3) The Common European Asylum System (CEAS) is based on a system for determining the Member State responsible for applicants for international protection and common standards for asylum

Amendment

(3) The Common European Asylum System (CEAS) is based on a system for determining the Member State responsible for applicants for international protection and common standards for asylum

procedures, reception conditions and procedures and rights of beneficiaries of international protection. Notwithstanding the significant progress that has been made in the development of the CEAS, there are still notable differences between the Member States with regard to 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 ***are important drivers of secondary movement and*** undermine the objective of ensuring that all applicants are equally treated wherever they apply in the Union.

procedures, reception conditions and procedures and rights of beneficiaries of international protection. Notwithstanding the significant progress that has been made in the development of the CEAS, there are still notable differences between the Member States with regard to 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 undermine the objective of ensuring that all applicants are equally treated wherever they apply in the Union.

Or. en

Amendment 49

Mara Bizzotto, Dominique Martin, Joëlle Mélin

Proposal for a directive

Recital 5

Text proposed by the Commission

(5) Reception conditions 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. ***The persistent problems in ensuring adherence to the reception standards required for a dignified treatment of applicants in some Member States has contributed to a disproportionate burden falling on a few Member States with generally high reception standards which are then under pressure to reduce their standards. More equal reception standards set at an appropriate level across all Member States will contribute to a more dignified treatment and fairer distribution of applicants across the EU.***

Amendment

(5) Reception conditions 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, ***and Member States constituting the EU's external border are having to shoulder inordinate economic and social burdens caused by migration pressure.***

Or. it

Amendment 50
Deirdre Clune

Proposal for a directive
Recital 5

Text proposed by the Commission

(5) Reception conditions 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. The persistent problems in ensuring adherence to the reception standards required for a dignified treatment of applicants in some Member States has contributed to a disproportionate burden falling on a few Member States with generally high reception standards which are then under pressure to reduce their standards. More *equal* reception standards set at an appropriate level across all Member States will contribute to a more dignified treatment and fairer distribution of applicants across the EU.

Amendment

(5) Reception conditions 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. The persistent problems in ensuring adherence to the reception standards required for a dignified treatment of applicants in some Member States has contributed to a disproportionate burden falling on a few Member States with generally high reception standards which are then under pressure to reduce their standards. More *harmonised* reception standards set at an appropriate level across all Member States will contribute to a more dignified treatment and fairer distribution of applicants across the EU.

Or. en

Amendment 51
Deirdre Clune

Proposal for a directive
Recital 6

Text proposed by the Commission

(6) The resources of the Asylum, Migration and Integration Fund and of the European Union Agency for Asylum should be mobilised to provide adequate support to Member States' efforts in implementing the standards set in this Directive , including to those Member States which are faced with specific and

Amendment

(6) The resources of the Asylum, Migration and Integration Fund and of the European Union Agency for Asylum should be mobilised to provide adequate support to Member States' efforts in implementing the standards set in this Directive , including to those Member States which are faced with specific and

disproportionate pressures on their asylum systems, due in particular to their geographical or demographic situation.

disproportionate pressures on their asylum systems, due in particular to their geographical, *economic* or demographic situation.

Or. en

Amendment 52

Mara Bizzotto, Dominique Martin, Joëlle Mélin

Proposal for a directive

Recital 7

Text proposed by the Commission

(7) In order to ensure equal treatment of applicants throughout the Union, this Directive should apply *during all stages and types of procedures concerning* applications for international protection, in all locations and facilities hosting applicants and for as long as they are allowed to remain on the territory of the Member States as applicants. It is necessary to clarify that material reception conditions should be made available to applicants as from the moment when the person expresses his or her wish to apply for international protection to officials of the determining authority, as well as any officials of other authorities which are designated as competent to receive and register applications or which assist the determining authority to receive such applications in line with Regulation (EU) No XXX/XXX [Procedures Regulation].

Amendment

(7) In order to ensure equal treatment of applicants throughout the Union, this Directive should apply *to* applications for international protection, in all locations and facilities hosting applicants and for as long as they are allowed to remain on the territory of the Member States as applicants. It is necessary to clarify that material reception conditions should be made available to applicants as from the moment when the person expresses his or her wish to apply for international protection to officials of the determining authority, as well as any officials of other authorities which are designated as competent to receive and register applications or which assist the determining authority to receive such applications in line with Regulation (EU) No XXX/XXX [Procedures Regulation].

Or. it

Amendment 53

Yana Toom

Proposal for a directive

Recital 8

Text proposed by the Commission

Amendment

(8) *Where an applicant is present in another Member State from the one in which he or she is required to be present in accordance with Regulation (EU) No XXX/XXX [Dublin Regulation], the applicant should not be entitled to the reception conditions set out in Articles 14 to 17.*

deleted

Or. en

Amendment 54
Deirdre Clune

Proposal for a directive
Recital 11

Text proposed by the Commission

Amendment

(11) In order to ensure that applicants are aware of the consequences of absconding, Member States should inform applicants in a uniform manner, as soon as possible and at the latest when they lodge their application, of all the obligations with which applicants must comply relating to reception conditions, including the circumstances under which the granting of material reception conditions may be restricted and of any benefits.

(11) In order to ensure that applicants are aware of the consequences of absconding, Member States should inform applicants in a uniform manner, as soon as possible and at the latest when they lodge their application, of all the obligations with which applicants must comply relating to reception conditions, including the circumstances under which the granting of material reception conditions may be restricted and of any benefits. ***Member States should provide this information through appropriate interpretation and translation wherever necessary so that applicants fully understand and are aware of their rights and the legal conditions that they must abide by.***

Or. en

Amendment 55
Yana Toom

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) Harmonised EU rules on the documents to be issued to applicants make it more difficult for applicants to move in an unauthorised manner within the Union. ***It needs to be clarified that*** Member States should ***only*** provide applicants with a travel document when serious humanitarian or other imperative reasons arise. The validity of travel documents should also be limited to the purpose and duration needed for the reason for which they are issued. Serious humanitarian reasons could for instance be considered when an applicant needs to travel to another State for medical treatment or to visit relatives in particular cases, such as for visits to close relatives who are seriously ill, or to attend marriages or funerals of close relatives. Other imperative reasons could include situations where applicants who have been granted access to the labour market are required to perform essential travel for work purposes, where applicants are required to travel as part of study curricula or where minors are travelling with foster families.

Amendment

(12) Harmonised EU rules on the documents to be issued to applicants make it more difficult for applicants to move in an unauthorised manner within the Union. ***Nevertheless***, Member States should provide applicants with a travel document when serious humanitarian or other imperative reasons arise. The validity of travel documents should also be limited to the purpose and duration needed for the reason for which they are issued. Serious humanitarian reasons could for instance be considered when an applicant needs to travel to another State for medical treatment or to visit relatives in particular cases, such as for visits to close relatives who are seriously ill, or to attend marriages or funerals of close relatives. Other imperative reasons could include situations where applicants who have been granted access to the labour market are required to perform essential travel for work purposes, where applicants are required to travel as part of study curricula or where minors are travelling with foster families.

Or. en

Amendment 56

Laura Agea, Tiziana Beghin, Rosa D'Amato, Marco Valli

Proposal for a directive
Recital 13

Text proposed by the Commission

(13) ***Applicants do not have the right to choose the Member State of application.*** An applicant ***must apply*** for international protection in the ***Member State either*** of first entry ***or, in case of legal presence, in***

Amendment

(13) An applicant ***who has not complied with the obligation of applying*** for international protection in the State of first entry ***may seek permission*** to stay ***from*** the State where the application was ***lodged***.

the Member State of legal stay or residence. An applicant who has not complied with this obligation is less likely, following a determination of the Member State responsible under Regulation (EU) No XXX/XXX [Dublin Regulation], to be allowed to stay in the Member State where the application was made and consequently more likely to abscond. His or her whereabouts should therefore be closely monitored.

Or. it

Amendment 57

Mara Bizzotto, Dominique Martin, Joëlle Mélin

Proposal for a directive

Recital 14

Text proposed by the Commission

Amendment

(14) Applicants are required to be present in the Member State where they made an application or in the Member State to which they are transferred in accordance with Regulation (EU) No XXX/XXX [Dublin Regulation]. In case an applicant has absconded from this Member State and, without authorisation, travelled to another Member State, it is vital, for the purpose of ensuring a well-functioning Common European Asylum System that the applicant is swiftly returned to the Member State where he or she is required to be present. Until such a transfer has taken place, there is a risk that the applicant may abscond and his or her whereabouts should therefore be closely monitored.

deleted

Or. it

Amendment 58

Yana Toom

Proposal for a directive
Recital 14

Text proposed by the Commission

(14) Applicants are required to be present in the Member State where they made an application or in the Member State to which they are transferred in accordance with Regulation (EU) No XXX/XXX [Dublin Regulation]. In case an applicant has absconded from this Member State and, without **authorisation**, travelled to another Member State, it is vital, for the purpose of ensuring a well-functioning Common European Asylum System that the applicant is swiftly returned to the Member State where he or she is required to be present. Until such a transfer has taken place, there is a risk that the applicant may abscond and his or her whereabouts should therefore be closely monitored.

Amendment

(14) Applicants are required to be present in the Member State where they made an application or in the Member State to which they are transferred in accordance with Regulation (EU) No XXX/XXX [Dublin Regulation]. In case an applicant has absconded from this Member State and, without **good reason**, travelled to another Member State, it is vital, for the purpose of ensuring a well-functioning Common European Asylum System that the applicant is swiftly returned to the Member State where he or she is required to be present. Until such a transfer has taken place, there is a risk that the applicant may abscond and his or her whereabouts should therefore be closely monitored.

Or. en

Amendment 59
Mara Bizzotto, Dominique Martin, Joëlle Mélin

Proposal for a directive
Recital 15

Text proposed by the Commission

(15) The fact that an applicant has previously absconded to another Member State is an important factor when assessing the risk that the applicant may abscond. To ensure that the applicant does not abscond again and remains available to the competent authorities, once the applicant has been sent back to the Member State where he or she is required to be present, his or her whereabouts should therefore be closely monitored.

Amendment

deleted

Amendment 60

Yana Toom

Proposal for a directive

Recital 15

Text proposed by the Commission

(15) The fact that an applicant has previously absconded to another Member State is an important factor when assessing the risk that the applicant may abscond. To ensure that the applicant does not abscond again and remains available to the competent authorities, once the applicant has been sent back to the Member State where he or she is required to be present, his or her whereabouts should therefore be closely monitored.

Amendment

deleted

Or. en

Amendment 61

Jean Lambert

Proposal for a directive

Recital 16

Text proposed by the Commission

(16) For reasons of public interest or public order, *for the swift processing and effective monitoring of his or her application for international protection, for the swift processing and effective monitoring of his or her procedure for determining the Member State responsible in accordance with Regulation (EU) No XXX/XXX [Dublin Regulation] or in order to effectively prevent the applicant from absconding*, Member States should, where necessary, assign the applicant residence in

Amendment

(16) For *duly justified and serious* reasons of public interest or public order, Member States should *be able to* assign the applicant residence in a specific place, *where necessary*, such as an *open* accommodation centre, a private house, flat, hotel or other premises adapted for housing applicants. In case the applicant is entitled to material reception conditions, such material reception conditions should also be provided to the applicant residing in this specific place.

a specific place, such as an accommodation centre, a private house, flat, hotel or other premises adapted for housing applicants.

Such a decision may be necessary to effectively prevent the applicant from absconding in particular in cases where the applicant has not complied with the obligations to: make an application in the Member State of first irregular or legal entry; to remain in the Member State where he or she is required to be present; or in cases 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. In case the applicant is entitled to material reception conditions, such material reception conditions should also be provided ***subject*** to the applicant residing in this specific place.

Or. en

Amendment 62

Mara Bizzotto, Dominique Martin, Joëlle Mélin

Proposal for a directive

Recital 16

Text proposed by the Commission

(16) For reasons of public interest or public order, for the swift processing and effective monitoring of his or her application for international protection, for the swift processing and effective monitoring of his or her procedure for determining the Member State responsible in accordance with Regulation (EU) No XXX/XXX [Dublin Regulation] or in order to effectively prevent the applicant from absconding, Member States should, where necessary, assign the applicant residence in ***a specific place, such as an accommodation centre, a private house, flat, hotel or other*** premises adapted for housing applicants. Such a decision may be

Amendment

(16) For reasons of public interest or public order, for the swift processing and effective monitoring of his or her application for international protection, for the swift processing and effective monitoring of his or her procedure for determining the Member State responsible in accordance with Regulation (EU) No XXX/XXX [Dublin Regulation] or in order to effectively prevent the applicant from absconding, Member States should, where necessary, assign the applicant residence in premises adapted for housing applicants. Such a decision may be necessary to effectively prevent the applicant from absconding in particular in cases where the

necessary to effectively prevent the applicant from absconding in particular in cases where the applicant has not complied with the obligations to: make an application in the Member State of first irregular or legal entry; to remain in the Member State where he or she is required to be present; or in cases 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. In case the applicant is entitled to material reception conditions, such material reception conditions should also be provided subject to the applicant residing in this specific place.

applicant has not complied with the obligations to: make an application in the Member State of first irregular or legal entry; to remain in the Member State where he or she is required to be present; or in cases 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. In case the applicant is entitled to material reception conditions, such material reception conditions should also be provided subject to the applicant residing in this specific place.

Or. it

Amendment 63 **Helga Stevens**

Proposal for a directive **Recital 16**

Text proposed by the Commission

(16) For reasons of public interest or public order, for the swift processing and effective monitoring of his or her application for international protection, for the swift processing and effective monitoring of his or her procedure for determining the Member State responsible in accordance with Regulation (EU) No XXX/XXX [Dublin Regulation] or in order to effectively prevent the applicant from absconding, Member States should, where necessary, assign the applicant residence in a specific place, such as an accommodation centre, **a private house, flat, hotel or other** premises adapted for housing applicants. Such a decision may be necessary to effectively prevent the applicant from absconding in particular in cases where the applicant has not complied with the

Amendment

(16) For reasons of public interest or public order, for the swift processing and effective monitoring of his or her application for international protection, for the swift processing and effective monitoring of his or her procedure for determining the Member State responsible in accordance with Regulation (EU) No XXX/XXX [Dublin Regulation] or in order to effectively prevent the applicant from absconding, Member States should, where necessary, assign the applicant residence in a specific place, such as an accommodation centre **or** private premises adapted for housing applicants. Such a decision may be necessary to effectively prevent the applicant from absconding in particular in cases where the applicant has not complied with the obligations to: make an

obligations to: make an application in the Member State of first irregular or legal entry; to remain in the Member State where he or she is required to be present; or in cases 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. In case the applicant is entitled to material reception conditions, such material reception conditions should also be provided subject to the applicant residing in this specific place.

application in the Member State of first irregular or legal entry; to remain in the Member State where he or she is required to be present; or in cases 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. In case the applicant is entitled to material reception conditions, such material reception conditions should also be provided subject to the applicant residing in this specific place.

Or. en

Amendment 64
Yana Toom

Proposal for a directive
Recital 19

Text proposed by the Commission

(19) In view of the serious consequences for applicants who have absconded or who are considered to be at risk of absconding, the meaning of absconding should be defined in view of encompassing both a deliberate action to avoid the applicable asylum procedures and the factual circumstance of not remaining available to the relevant authorities, ***including by leaving the territory where the applicant is required to be present.***

Amendment

(19) In view of the serious consequences for applicants who have absconded or who are considered to be at risk of absconding, the meaning of absconding should be defined in view of encompassing both a deliberate action to avoid the applicable asylum procedures and the factual circumstance of not remaining available to the relevant authorities.

Or. en

Amendment 65
Deirdre Clune

Proposal for a directive
Recital 27

Text proposed by the Commission

(27) In order to ensure compliance with the procedural guarantees consisting *in* the opportunity to contact organisations or groups of persons that provide legal assistance, information should be provided *on* such organisations and groups of persons.

Amendment

(27) In order to ensure compliance with the procedural guarantees consisting *of* the opportunity to contact organisations or groups of persons that provide legal assistance, information should be provided *about* such organisations and groups of persons *in an understandable language and format by providing translation and interpretation where required*.

Or. en

Amendment 66
Yana Toom

Proposal for a directive
Recital 30

Text proposed by the Commission

(30) In applying this Directive, Member States should seek to ensure full compliance with the principles of the best interests of the child and of family unity, in accordance with the Charter of Fundamental Rights of the European Union, the 1989 United Nations Convention on the Rights of the Child and the European Convention for the Protection of Human Rights and Fundamental Freedoms respectively. Reception conditions need to be adapted to the specific situation of minors, whether unaccompanied or within families, with due regard to their security, physical and emotional care and provided in a manner that encourages their general development.

Amendment

(30) In applying this Directive, Member States should seek to ensure full compliance with the principles of the best interests of the child and of family unity, in accordance with the Charter of Fundamental Rights of the European Union, the 1989 United Nations Convention on the Rights of the Child and the European Convention for the Protection of Human Rights and Fundamental Freedoms respectively. Reception conditions need to be adapted to the specific situation of minors, whether unaccompanied or within families, with due regard to their security, physical and emotional care, *education and basic cultural needs* and provided in a manner that encourages their general development.

Or. en

Amendment 67
Deirdre Clune

Proposal for a directive
Recital 30 a (new)

Text proposed by the Commission

Amendment

(30a) For unaccompanied minors, there is a need to ensure that they are adequately protected whilst in the Union, including identifying unaccompanied children upon disembarkation, registering them, carrying out a preliminary risk assessment and ensuring referral to relevant child protection services.

Or. en

Amendment 68
Yana Toom

Proposal for a directive
Recital 31

Text proposed by the Commission

Amendment

(31) Member States should ensure that applicants receive the necessary health care which should include, at least, emergency care and essential treatment of illnesses, including of serious mental disorders. To respond to public health concerns with regard to disease prevention and safeguard the health of individual applicants, applicants' access to health care should also include preventive medical treatment, such as vaccinations. Member States may require medical screening for applicants on public health grounds. The results of medical screening should not influence the assessment of applications for international protection, which should always be carried out objectively, impartially and on an individual basis in line with Regulation (EU) No XXX/XXX [Procedures Regulation].

(31) Member States should ensure that applicants receive the necessary health care which should include, at least, ***maternity medical aid***, emergency care and essential treatment of illnesses, including of serious mental disorders. To respond to public health concerns with regard to disease prevention and safeguard the health of individual applicants, applicants' access to health care should also include preventive medical treatment, such as vaccinations. Member States may require medical screening for applicants on public health grounds. The results of medical screening should not influence the assessment of applications for international protection, which should always be carried out objectively, impartially and on an individual basis in line with Regulation (EU) No XXX/XXX [Procedures

Regulation].

Or. en

Amendment 69

Deirdre Clune

Proposal for a directive

Recital 31

Text proposed by the Commission

(31) Member States should ensure that applicants receive the necessary health care which should include, at least, emergency care and essential treatment of illnesses, including of *serious* mental disorders. To respond to public health concerns with regard to disease prevention and safeguard the health of individual applicants, applicants' access to health care should also include preventive medical treatment, such as vaccinations. Member States may require medical screening for applicants on public health grounds. The results of medical screening should not influence the assessment of applications for international protection, which should always be carried out objectively, impartially and on an individual basis in line with Regulation (EU) No XXX/XXX [Procedures Regulation].

Amendment

(31) Member States should ensure that applicants receive the necessary health care which should include, at least, emergency care and essential treatment of illnesses, including of mental disorders. To respond to public health concerns with regard to disease prevention and safeguard the health of individual applicants, applicants' access to health care should also include preventive medical treatment, such as vaccinations. Member States may require medical screening for applicants on public health grounds. The results of medical screening should not influence the assessment of applications for international protection, which should always be carried out objectively, impartially and on an individual basis in line with Regulation (EU) No XXX/XXX [Procedures Regulation].

Or. en

Amendment 70

Helga Stevens

Proposal for a directive

Recital 32

Text proposed by the Commission

(32) An applicant's entitlement to material reception conditions under this

Amendment

(32) An applicant's entitlement to material reception conditions under this

Directive may be curtailed in certain circumstances such as where an applicant has absconded to another Member State from the Member State where he or she is required to be present. However, Member States should in all circumstances ensure access to health care and *a dignified standard of living for applicants in line with the Charter of Fundamental Rights of the European Union and the United Nations Convention on the Rights of the Child, in particular by providing for the applicant's subsistence and basic needs both in terms of physical safety and dignity and in terms of interpersonal relationships, with due regard to the inherent vulnerabilities of the person as applicant for international protection and that of his or her family or caretaker*. Due regard must also be given to applicants with special reception needs. The specific needs of children, in particular with regard to respect for the child's right to education and access to healthcare have to be taken into account. When a minor is in a Member State other than the one in which he or she is required to be present, Member States should provide the minor with access to suitable educational activities pending the transfer to the Member State responsible. The specific needs of women applicants who have experienced gender-based harm should be taken into account, *including via ensuring access, at different stages of the asylum procedure, to medical care, legal support, and to appropriate trauma counselling and psycho-social care*.

Directive may be curtailed in certain circumstances such as where an applicant has absconded to another Member State from the Member State where he or she is required to be present. However, Member States should in all circumstances ensure access to *emergency* health care and basic needs. Due regard must also be given to applicants with special reception needs. The specific needs of children, in particular with regard to respect for the child's right to education and access to healthcare have to be taken into account. When a minor is in a Member State other than the one in which he or she is required to be present, Member States should provide the minor with access to suitable educational activities pending the transfer to the Member State responsible. The specific needs of women applicants who have experienced gender-based harm should be taken into account.

Or. en

Amendment 71
Jean Lambert

Proposal for a directive
Recital 32

(32) ***An applicant's entitlement to material reception conditions under this Directive may be curtailed in certain circumstances such as where an applicant has absconded to another Member State from the Member State where he or she is required to be present. However, Member States should in all circumstances ensure access to health care and a dignified standard of living for applicants in line with the Charter of Fundamental Rights of the European Union and the United Nations Convention on the Rights of the Child, in particular by providing for the applicant's subsistence and basic needs both in terms of physical safety and dignity and in terms of interpersonal relationships, with due regard to the inherent vulnerabilities of the person as applicant for international protection and that of his or her family or caretaker. Due regard must also be given to applicants with special reception needs. The specific needs of children, in particular with regard to respect for the child's right to education and access to healthcare have to be taken into account. When a minor is in a Member State other than the one in which he or she is required to be present, Member States should provide the minor with access to suitable educational activities pending the transfer to the Member State responsible.*** The specific needs of women applicants who have experienced gender-based harm should be taken into account, including via ensuring access, at different stages of the asylum procedure, to medical care, legal support, and to appropriate trauma counselling and psycho-social care.

(32) Member States should in all circumstances ensure access to health care and a dignified standard of living for applicants in line with the Charter of Fundamental Rights of the European Union and the United Nations Convention on the Rights of the Child, in particular by providing for the applicant's subsistence and basic needs both in terms of physical safety and dignity and in terms of interpersonal relationships, with due regard to the inherent vulnerabilities of the person as applicant for international protection and that of his or her family or caretaker. Due regard must also be given to applicants with special reception needs. The specific needs of children, in particular with regard to respect for the child's right to education and access to healthcare have to be taken into account. The specific needs of women applicants who have experienced gender-based harm should be taken into account, including via ensuring access, at different stages of the asylum procedure, to medical care, legal support, and to appropriate trauma counselling and psycho-social care. ***Consideration should be given to the fact that any applicant for asylum may have experienced physical violence, including sexual violence, and /or mental trauma and will therefore need appropriate care.***

Or. en

Amendment 72
Mara Bizzotto, Dominique Martin, Joëlle Mélin

Proposal for a directive
Recital 34

Text proposed by the Commission

(34) In order to promote the self-sufficiency of applicants and to limit wide discrepancies between Member States, it is essential to provide clear rules on the applicants' access to the labour market *and to ensure that such access is effective, by not imposing conditions that effectively hinder an applicant from seeking employment. Labour market tests used to give priority to nationals or to other Union citizens or to third country nationals legally resident in the Member State concerned should not hinder effective access for applicants to the labour market and should be implemented without prejudice to the principle of preference for Union citizens as expressed in the relevant provisions of the applicable Acts of Accession.*

Amendment

(34) In order to promote the self-sufficiency of applicants and to limit wide discrepancies between Member States, it is essential to provide clear rules on the applicants' **temporary** access to the labour market.

Or. it

Amendment 73
Jean Lambert

Proposal for a directive
Recital 34

Text proposed by the Commission

(34) In order to promote the self-sufficiency of applicants and to limit wide discrepancies between Member States, it is essential to provide clear rules on the applicants' access to the labour market and to ensure that such access is effective, by not imposing conditions that effectively hinder an applicant from seeking employment. **Labour market tests used to**

Amendment

(34) In order to promote the self-sufficiency of applicants and to limit wide discrepancies between Member States, it is essential to provide clear rules on the applicants' access to the labour market and to ensure that such access is effective, by not imposing conditions, **including sector restrictions, working time restrictions or unreasonable administrative formalities,**

give priority to nationals or to other Union citizens or to third-country nationals legally resident in the Member State concerned should not hinder effective access for applicants to the labour market and should be implemented without prejudice to the principle of preference for Union citizens as expressed in the relevant provisions of the applicable Acts of Accession .

that effectively hinder an applicant from seeking employment.

Or. en

Amendment 74

Laura Agea, Tiziana Beghin, Rosa D'Amato, Marco Valli

Proposal for a directive

Recital 34

Text proposed by the Commission

(34) In order to promote the self-sufficiency of applicants and to limit wide discrepancies between Member States, it is essential to provide clear rules on the applicants' access to the labour market and to ensure that such access is effective, by not imposing conditions that effectively hinder an applicant from seeking employment. Labour market tests used to give priority to nationals or to other Union citizens or to third country nationals legally resident in the Member State concerned should not hinder effective access for applicants to the labour market and should be implemented without prejudice to the principle of preference for Union citizens as expressed in the relevant provisions of the applicable Acts of Accession.

Amendment

(34) In order to promote the self-sufficiency of applicants and to limit wide discrepancies between Member States, it is essential to provide clear rules on the applicants' access to the labour market and to ensure that such access is effective, by not imposing conditions 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 does not lead to wage dumping.*** Labour market tests used to give priority to nationals or to other Union citizens or to third country nationals legally resident in the Member State concerned should not hinder effective access for applicants to the labour market and should be implemented without prejudice to the principle of preference for Union citizens as expressed in the relevant provisions of the applicable Acts of Accession.

Or. it

Amendment 75

Renate Weber, Jasenko Selimovic, Marian Harkin

Proposal for a directive

Recital 34

Text proposed by the Commission

(34) In order to promote the self-sufficiency of applicants and to limit wide discrepancies between Member States, it is essential to provide clear rules on the applicants' access to the labour market and to ensure that such access is effective, by not imposing conditions that effectively hinder an applicant from seeking employment. Labour market tests used to give priority to nationals or to other Union citizens or to third-country nationals legally resident in the Member State ***concerned*** should not hinder effective access for applicants to the labour market ***and should be implemented without prejudice to the principle of preference for Union citizens as expressed in the relevant provisions of the applicable Acts of Accession*** .

Amendment

(34) In order to promote the self-sufficiency of applicants and to limit wide discrepancies between Member States, it is essential to provide clear rules on the applicants' access to the labour market and to ensure that such access is effective, by not imposing conditions that effectively hinder an applicant from seeking employment. Labour market tests used to give priority to nationals or to other Union citizens or to third-country nationals legally resident in the Member State, ***sector restrictions, working time restrictions and unduly strict administrative formalities*** should not hinder effective access for applicants to the labour market. ***In order to increase integration prospects and self-sufficiency of applicants, early access to the labour market before 6 months from the date when the application for international protection was lodged and to language courses should be encouraged.***

Or. en

Amendment 76

Helga Stevens

Proposal for a directive

Recital 34

Text proposed by the Commission

(34) In order to promote the self-sufficiency of applicants and to limit wide discrepancies between Member States, it is essential to provide clear rules on the applicants' access to the labour market and to ensure that such access is effective, by

Amendment

(34) In order to promote the self-sufficiency of applicants and to limit wide discrepancies between Member States, it is essential to provide clear rules on the applicants' access to the labour market and to ensure that such access is effective, by

not imposing conditions that effectively hinder an applicant from seeking employment. Labour market tests used to give priority to nationals or to other Union citizens or to third-country nationals legally resident in the Member State concerned should **not** hinder effective access for applicants to the labour market and should be implemented without prejudice to the principle of preference for Union citizens as expressed in the relevant provisions of the applicable Acts of Accession .

not imposing conditions that effectively hinder an applicant from seeking employment. Labour market tests used to give priority to nationals or to other Union citizens or to third-country nationals legally resident in the Member State concerned should **remain possible but should not disproportionately** hinder effective access for applicants to the labour market and should be implemented without prejudice to the principle of preference for Union citizens as expressed in the relevant provisions of the applicable Acts of Accession .

Or. en

Amendment 77

Renate Weber, Jasenko Selimovic, Marian Harkin

Proposal for a directive

Recital 35

Text proposed by the Commission

(35) The maximum time frame for access to the labour market should be aligned with the duration of the examination procedure on the merits. In order to increase integration prospects and self-sufficiency of applicants, earlier access to the labour market is encouraged where the application is likely to be well-founded, including when its examination has been prioritised in accordance with Regulation (EU) No XXX/XXX [Procedures Regulation]. Member States should therefore consider reducing that time period as much as possible with a view to ensuring that applicants have access to the labour market no later than 3 months from the date when the application was lodged in cases where the application is likely to be well-founded. Member States should however not grant access to the labour market to applicants whose application for international

Amendment

deleted

protection is likely to be unfounded and for which an accelerated examination procedure is applied.

Or. en

Amendment 78

Jean Lambert

Proposal for a directive

Recital 35

Text proposed by the Commission

(35) *The maximum time frame for access to the labour market should be aligned with the duration of the examination procedure on the merits.* In order to increase integration prospects and self-sufficiency of applicants, *earlier* access to the labour market *is encouraged where the application is likely to be well-founded, including when its examination has been prioritised in accordance with Regulation (EU) No XXX/XXX [Procedures Regulation].* Member States should *therefore consider reducing that time period as much as possible with a view to ensuring that applicants have access to the labour market no later than 3 months from the date when the application was lodged in cases where the application is likely to be well-founded.* Member States should however not grant access to the labour market to applicants whose application for international protection is likely to be unfounded and for which an accelerated examination procedure is applied.

Amendment

(35) In order to increase integration prospects and self-sufficiency of applicants, *immediate* access to the labour market should *be provided* to the *applicant*.

Or. en

Amendment 79

Mara Bizzotto, Dominique Martin, Joëlle Mélin

Proposal for a directive
Recital 35

Text proposed by the Commission

(35) The maximum time frame for access to the labour market should be aligned with *the duration of the examination procedure on the merits. In order to increase integration prospects and self-sufficiency of applicants, earlier access to the labour market is encouraged where the application is likely to be well-founded, including when its examination has been prioritised in accordance with Regulation (EU) No XXX/XXX [Procedures Regulation]. Member States should therefore consider reducing that time period as much as possible with a view to ensuring that applicants have access to the labour market no later than 3 months from the date when the application was lodged in cases where the application is likely to be well-founded.* Member States should however not grant access to the labour market to applicants whose application for international protection is likely to be unfounded and for which an accelerated examination procedure is applied.

Amendment

(35) The maximum time frame for access to the labour market should be aligned with *socio-economic conditions in each Member State, without causing harm to its nationals*. Member States should, however, not grant access to the labour market to applicants whose application for international protection is likely to be unfounded and for which an accelerated examination procedure is applied.

Or. it

Amendment 80
Mara Bizzotto, Dominique Martin, Joëlle Mélin

Proposal for a directive
Recital 36

Text proposed by the Commission

(36) Once applicants are granted access to the labour market, they should be entitled to a common set of rights based on equal treatment with nationals. *Working conditions should cover at least pay and dismissal, health and safety requirements*

Amendment

(36) Once applicants are granted *temporary* access to the labour market, they should be entitled to a common set of rights based on equal treatment with nationals.

at the workplace, working time and leave, taking into account collective agreements in force. Applicants should also enjoy equal treatment as regards freedom of association and affiliation, education and vocational training, the recognition of professional qualifications and social security.

Or. it

Amendment 81
Helga Stevens

Proposal for a directive
Recital 36

Text proposed by the Commission

(36) Once applicants are granted access to the labour market, they should be entitled to a common set of rights ***based on equal treatment with nationals***. Working conditions should cover at least pay and dismissal, health and safety requirements at the workplace, working time and leave, ***taking into account collective agreements in force***. Applicants should also enjoy ***equal treatment*** as regards freedom of association and affiliation, education and vocational training, the recognition of professional qualifications ***and social security***.

Amendment

(36) Once applicants are granted access to the labour market, they should be entitled to a common set of rights. Working conditions should cover at least pay and dismissal, health and safety requirements at the workplace, working time and leave. Applicants should also enjoy ***rights*** as regards freedom of association and affiliation, education and vocational training, the recognition of professional qualifications.

Or. en

Amendment 82
Helga Stevens

Proposal for a directive
Recital 37

Text proposed by the Commission

(37) ***A Member State should recognise***

Amendment

(37) Special measures also need to be

*professional qualifications acquired by an applicant in another Member State in the same way as those of citizens of the Union and should take into account qualifications acquired in a third country in accordance with Directive 2005/36/EC of the European Parliament and of the Council.*²⁵ Special measures also need to be considered with a view to effectively addressing the practical difficulties encountered by applicants concerning the authentication of their foreign diploma, certificates or other evidence of formal qualifications, in particular due to the lack of documentary evidence and their inability to meet the costs related to the recognition procedures.

²⁵ Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (OJ L 255, 30.9.2005, p. 22).

considered with a view to effectively addressing the practical difficulties encountered by applicants concerning the authentication of their foreign diploma, certificates or other evidence of formal qualifications, in particular due to the lack of documentary evidence and their inability to meet the costs related to the recognition procedures.

²⁵ Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (OJ L 255, 30.9.2005, p. 22).

Or. en

Amendment 83

Mara Bizzotto, Dominique Martin, Joëlle Mélin

Proposal for a directive

Recital 37

Text proposed by the Commission

(37) A Member State should recognise professional qualifications acquired by an applicant in another Member State in the same way as those of citizens of the Union and should take into account qualifications acquired in a third country in accordance with Directive 2005/36/EC of the European Parliament and of the Council.²⁵ *Special measures also need to be considered with a view to effectively addressing the practical difficulties encountered by applicants concerning the authentication*

Amendment

(37) A Member State should recognise professional qualifications acquired by an applicant in another Member State in the same way as those of citizens of the Union and should take into account qualifications acquired in a third country in accordance with Directive 2005/36/EC of the European Parliament and of the Council.²⁵

of their foreign diploma, certificates or other evidence of formal qualifications, in particular due to the lack of documentary evidence and their inability to meet the costs related to the recognition procedures.

²⁵ Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (OJ L 255, 30.9.2005, p. 22).

²⁵ Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (OJ L 255, 30.9.2005, p. 22).

Or. it

Amendment 84
Helga Stevens

Proposal for a directive
Recital 38

Text proposed by the Commission

(38) The definition of branches of social security used in Regulation (EC) No 883/2004 of the European Parliament and of the Council²⁶ should apply.

Amendment

deleted

²⁶ Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (OJ L 166, 30.4.2004, p. 1.).

Or. en

Amendment 85
Renate Weber, Marian Harkin

Proposal for a directive
Recital 39

(39) Due to the possibly temporary nature of the stay of applicants and without prejudice to Regulation (EU) No 1231/2010 of the European Parliament and of the Council, Member States should be able to exclude family benefits and unemployment benefits from equal treatment between applicants and their own nationals and should be able to limit the application of equal treatment in relation to education and vocational training. The right to freedom of association and affiliation may also be limited by excluding applicants from taking part in the management of certain bodies and from holding a public office.

deleted

Or. en

Justification

Basing restrictions on the “possible temporary nature of the stay of applicants” fails to afford asylum seekers - who are presumptive refugees throughout the examination of their claim - “the most favourable treatment accorded to nations of a foreign country in the same circumstances”, which contravenes Article 17 of the Refugee Convention.

Amendment 86

Yana Toom

Proposal for a directive

Recital 39

(39) Due to the possibly temporary nature of the stay of applicants *and without prejudice to Regulation (EU) No 1231/2010 of the European Parliament and of the Council*, Member States should be able to exclude family benefits and unemployment benefits from equal treatment between applicants and their own nationals and should be able to limit

(39) Due to the possibly temporary nature of the stay of applicants the right to freedom of association and affiliation may also be limited by excluding applicants from taking part in the management of certain bodies and from holding a public office.

the application of equal treatment in relation to education and vocational training. The right to freedom of association and affiliation may also be limited by excluding applicants from taking part in the management of certain bodies and from holding a public office.

Or. en

Amendment 87
Helga Stevens

Proposal for a directive
Recital 39

Text proposed by the Commission

(39) Due to the possibly temporary nature of the stay of applicants and without prejudice to Regulation (EU) No 1231/2010 of the European Parliament and of the Council, Member States should be able to exclude family benefits and unemployment benefits *from equal treatment between applicants and their own nationals* and should be able to limit the application of equal treatment in relation to education and vocational training. The right to freedom of association and affiliation may also be limited by excluding applicants from taking part in the management of certain bodies and from holding a public office.

Amendment

(39) Due to the possibly temporary nature of the stay of applicants and without prejudice to Regulation (EU) No 1231/2010 of the European Parliament and of the Council, Member States should be able to exclude *applicants from* family benefits and unemployment benefits and should be able to limit the application of equal treatment in relation to education and vocational training. The right to freedom of association and affiliation may also be limited by excluding applicants from taking part in the management of certain bodies and from holding a public office.

Or. en

Amendment 88
Helga Stevens

Proposal for a directive
Recital 40

Text proposed by the Commission

(40) Union law does not limit the power of the Member States to organise their social security schemes. ***In the absence of harmonisation at Union level***, it is for each Member State to lay down the conditions under which social security benefits are granted, as well as the amount of such benefits and the period for which they are granted. ***However, when exercising that power, Member States should comply with Union law.***

Amendment

(40) Union law does not limit the power of the Member States to organise their social security schemes. It is for each Member State to lay down the conditions under which social security benefits are granted, as well as the amount of such benefits and the period for which they are granted.

Or. en

Amendment 89

Mara Bizzotto, Dominique Martin, Joëlle Mélin

Proposal for a directive

Recital 41

Text proposed by the Commission

(41) To ensure that the material reception conditions provided to applicants comply with the principles set out in this Directive, it is necessary to further clarify the nature of those conditions, ***including not only housing, food and clothing but also essential non-food items such as sanitary items. It is also necessary that Member States determine the level of material reception conditions provided in the form of financial allowances or vouchers on the basis of relevant references to ensure adequate standards of living for nationals, such as minimum income benefits, minimum wages, minimum pensions, unemployment benefits and social assistance benefits. That does not mean that the amount granted should be the same as for nationals.*** Member States may grant less favourable treatment to applicants than to nationals as specified in this Directive.

Amendment

(41) To ensure that the material reception conditions provided to applicants comply with the principles set out in this Directive, it is necessary to further clarify the nature of those conditions. Member States may grant less favourable treatment to applicants than to nationals as specified in this Directive.

Amendment 90**Helga Stevens****Proposal for a directive****Recital 41***Text proposed by the Commission*

(41) To ensure that the material reception conditions provided to applicants comply with the principles set out in this Directive, it is necessary to further clarify the nature of those conditions, including not only housing, food and clothing but also essential non-food items such as sanitary items. It is also necessary that Member States determine the level of material reception conditions provided in the form of financial allowances or vouchers on the basis of relevant references to ensure adequate standards of living for nationals, ***such as minimum income benefits, minimum wages, minimum pensions, unemployment benefits and social assistance benefits*** . That does not mean that the amount granted should be the same as for nationals. Member States may grant less favourable treatment to applicants than to nationals as specified in this Directive.

Amendment

(41) To ensure that the material reception conditions provided to applicants comply with the principles set out in this Directive, it is necessary to further clarify the nature of those conditions, including not only housing, food and clothing but also essential non-food items such as sanitary items. It is also necessary that Member States determine the level of material reception conditions provided in the form of ***benefits in kind***, financial allowances or vouchers on the basis of relevant references to ensure adequate standards of living for nationals. That does not mean that the amount granted should be the same as for nationals. Member States may grant less favourable treatment to applicants than to nationals as specified in this Directive.

Or. en

Amendment 91**Helga Stevens****Proposal for a directive****Recital 42***Text proposed by the Commission*

(42) In order to restrict the possibility of abuse of the reception system, Member

Amendment

(42) In order to restrict the possibility of abuse of the reception system, Member

States should be able to provide material reception conditions only to the extent applicants do not have sufficient means to provide for themselves. When assessing the resources of an applicant and requiring an applicant to cover or contribute to the material reception conditions, Member States should observe the principle of proportionality and take into account the individual circumstances of the applicant and the need to respect his or her dignity or personal integrity, including the applicant's special reception needs. ***Applicants should not be required to cover or contribute to the costs of their necessary health care.*** The possibility of abuse of the reception system should also be restricted by specifying the circumstances in which ***accommodation, food, clothing and other essential non-food items provided*** in the form of ***financial allowances or vouchers may be replaced with reception conditions provided*** in kind ***and the circumstances in which the daily allowance*** may be reduced or withdrawn while at the same time ensuring a dignified standard of living for all applicants.

States should be able to provide material reception conditions only to the extent applicants do not have sufficient means to provide for themselves. When assessing the resources of an applicant and requiring an applicant to cover or contribute to the material reception conditions, Member States should observe the principle of proportionality and take into account the individual circumstances of the applicant and the need to respect his or her dignity or personal integrity, including the applicant's special reception needs. The possibility of abuse of the reception system should also be restricted by specifying the circumstances in which ***daily allowance***, in the form of ***benefits*** in kind, ***financial allowances or vouchers***, may be reduced or withdrawn while at the same time ensuring a dignified standard of living for all applicants.

Or. en

Amendment 92 Helga Stevens

Proposal for a directive Recital 43

Text proposed by the Commission

(43) Member States should put in place appropriate guidance, monitoring and control of their reception conditions. In order to ensure ***comparable*** living conditions, Member States should be required to take into account, in their monitoring and control systems, operational standards on reception conditions and specific indicators

Amendment

(43) Member States should put in place appropriate guidance, monitoring and control of their reception conditions. In order to ensure ***dignified*** living conditions, Member States should be required to take into account, in their monitoring and control systems, operational standards on reception conditions and specific indicators developed by [the European Asylum

developed by [the European Asylum Support Office / the European Union Agency for Asylum]. The efficiency of national reception systems and cooperation among Member States in the field of reception of applicants should be secured, including through the Union network on reception authorities, which has been established by [the European Asylum Support Office / the European Union Agency for Asylum].

Support Office / the European Union Agency for Asylum]. The efficiency of national reception systems and cooperation among Member States in the field of reception of applicants should be secured, including through the Union network on reception authorities, which has been established by [the European Asylum Support Office / the European Union Agency for Asylum].

Or. en

Amendment 93

Mara Bizzotto, Dominique Martin, Joëlle Mélin

Proposal for a directive

Article 2 – paragraph 1 – point 7

Text proposed by the Commission

(7) ‘material reception conditions’: means the reception conditions that include housing, food, clothing and other essential non-food items *matching the needs of the applicants in their specific reception conditions, such as sanitary items, provided in kind, or as financial allowances or in vouchers, or a combination of the three, and a daily expenses allowance;*

Amendment

(7) ‘material reception conditions’: means the reception conditions that include housing, food, clothing and other essential **health-related** non-food items;

Or. it

Amendment 94

Mara Bizzotto, Dominique Martin, Joëlle Mélin

Proposal for a directive

Article 2 – paragraph 1 – point 10

Text proposed by the Commission

(10) ‘absconding’: means the action by which an applicant, **in order to avoid**

Amendment

(10) ‘absconding’: means the action by which an applicant **fails to comply with**

asylum procedures, *either leaves the territory where he or she is obliged to be present in accordance with Regulation (EU) No XXX/XXX³² [Dublin Regulation] or does not remain available to the competent authorities or to the court or tribunal;*

asylum procedures;

³² OJ C [...], [...], p. [...].

Or. it

Amendment 95

Deirdre Clune

Proposal for a directive **Article 2 – paragraph 1 – point 13**

Text proposed by the Commission

(13) ‘applicant with special reception needs’: means an applicant who is in need of special guarantees in order to benefit from the rights and comply with the obligations provided for in this Directive , such as applicants who are minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation .

Amendment

(13) ‘applicant with special reception needs’: means an applicant who is in need of special guarantees in order to benefit from the rights and comply with the obligations provided for in this Directive , such as applicants who are minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with serious illnesses, persons with mental disorders and *with mental health issues and* persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation .

Or. en

Amendment 96

Javi López, Sergio Gutiérrez Prieto

Proposal for a directive **Article 3 – paragraph 1– subparagraph 1 a (new)**

Member States shall apply this Directive to all unaccompanied minors from third countries, from the moment of their arrival to the moment of their qualification as a refugee or grant of subsidiary protection under Regulation (EU) XXX/XXX [Qualification Regulation], or the grant of some other form of humanitarian protection, or their transfer to a third country, in accordance with their best interests, under national law.

Or. en

Justification

That Member States provide reception and assistance to all unaccompanied minors outside their country of origin is necessary for a variety of reasons: (1) there is a common obligation to provide special assistance and protection to unaccompanied minors under UN CRC; (2) unaccompanied minors have certain common needs, regardless of whether they are asylum seekers, economic migrants or trafficked children; (c) these needs often arise before the appropriate protection route is known; (d) children sometimes move between categories, i.e. economic migrants who are subsequently trafficked, or trafficked children who seek asylum; and (e) a comprehensive and integrated approach to the rights of unaccompanied minors is necessary. In the absence of such a common approach, there are a range of risks, including the possibility that separated children will not benefit from coherent and meaningful guidance on, and access to, the various different procedures that might apply to them (including asylum, amongst other options). Article 3 (4) of the existing Reception Directive already states that Member States may decide to apply this Directive in connection with procedures for deciding on applications for kinds of protection other than that emanating from the Geneva Convention for third-country nationals or stateless persons who are found not to be refugees.

Amendment 97 **Yana Toom**

Proposal for a directive **Article 6 – paragraph 1**

Text proposed by the Commission

Amendment

Member States shall provide applicants

Member States shall provide applicants

with a travel document **only** when serious humanitarian or other imperative reasons arise that require their presence in another State. The validity of the travel document shall be limited to the purpose and duration needed for the reason for which it is issued.

with a travel document when serious humanitarian or other imperative reasons arise that require their presence in another State. The validity of the travel document shall be limited to the purpose and duration needed for the reason for which it is issued.

Or. en

Amendment 98
Jean Lambert

Proposal for a directive

Article 7 – paragraph 2 – subparagraph 1 – introductory part

Text proposed by the Commission

2. Member States **shall** where necessary decide on the residence of an applicant in **a** specific **place** for any of the following reasons:

Amendment

2. Member States **may**, where necessary, **proportionate and duly justified**, decide on the residence of an applicant in **an open reception centre or** specific **open accommodation** for any of the following reasons:

Or. en

Amendment 99
Yana Toom

Proposal for a directive

Article 7 – paragraph 2 – subparagraph 1 – introductory part

Text proposed by the Commission

2. Member States **shall** where necessary decide on the residence of an applicant in a specific place for any of the following reasons:

Amendment

2. Member States **may** where necessary decide on the residence of an applicant in a specific place for any of the following reasons:

Or. en

Amendment 100
Jean Lambert

Proposal for a directive

Article 7 – paragraph 2 – subparagraph 1 – point c

Text proposed by the Commission

Amendment

(c) *for the swift processing and effective monitoring of his or her procedure for determining the Member State responsible in accordance with Regulation (EU) No XXX/XXX [Dublin Regulation];* *deleted*

Or. en

Amendment 101

Jean Lambert

Proposal for a directive

Article 7 – paragraph 2 – subparagraph 1 – point d

Text proposed by the Commission

Amendment

(d) *to effectively prevent the applicant from absconding, in particular:* *deleted*

- *for applicants who have not complied with the obligation to make an application in the first Member State of entry as set out in Article [4(1)] of Regulation (EU) No XXX/XXX [Dublin Regulation] and have travelled to another Member State without adequate justification and made an application there; or*

- *where applicants are required to be present in another Member State in accordance with Regulation (EU) No XXX/XXX [Dublin Regulation]; or*

- *for applicants who have been sent back to the Member State where they are required to be present in accordance with Regulation (EU) No XXX/XXX [Dublin Regulation] after having absconded to another Member State.*

In those cases, the provision of material

reception conditions shall be subject to the actual residence by the applicant in that specific place.

Or. en

Amendment 102

Yana Toom

Proposal for a directive

Article 7 – paragraph 2 – subparagraph 1 – point d – indent 1

Text proposed by the Commission

– for applicants who have not complied with the obligation to make an application in the first Member State of entry as set out in Article [4(1)] of Regulation (EU) No XXX/XXX [Dublin Regulation] and have travelled to another Member State without *adequate justification* and made an application there; or

Amendment

– for applicants who have not complied with the obligation to make an application in the first Member State of entry as set out in Article [4(1)] of Regulation (EU) No XXX/XXX [Dublin Regulation] and have travelled to another Member State without *good reason* and made an application there; or

Or. en

Amendment 103

Mara Bizzotto, Dominique Martin, Joëlle Mélin

Proposal for a directive

Article 8 – paragraph 1

Text proposed by the Commission

1. Member States shall not hold a person in detention for the sole reason that he or she is an *applicant*.

Amendment

1. Member States shall not hold a person in detention for the sole reason that he or she is an *asylum seeker*.

Or. it

Amendment 104

Mara Bizzotto

Proposal for a directive
Article 8 – paragraph 3 – introductory part

Text proposed by the Commission

Amendment

3. An applicant may be detained **only**:

3. An applicant may be detained:

Or. it

Amendment 105
Mara Bizzotto, Dominique Martin, Joëlle Mélin

Proposal for a directive
Article 8 – paragraph 3 – point b

Text proposed by the Commission

Amendment

(b) in order to determine those elements on which the application for international protection is based ***which could not be obtained in the absence of detention, in particular when there is a risk of absconding of the applicant***;

(b) in order to determine those elements on which the application for international protection is based;

Or. it

Amendment 106
Mara Bizzotto, Dominique Martin, Joëlle Mélin

Proposal for a directive
Article 8 – paragraph 3 – point e

Text proposed by the Commission

Amendment

(e) when he or she is detained subject to a return procedure under Directive 2008/115/EC of the European Parliament and of the Council³⁴, in order to prepare the return ***and/or carry out the removal process***, and the Member State concerned can substantiate on the basis of objective criteria, including that he or she already had the opportunity to access the asylum procedure, that there are reasonable grounds to believe that he or she is making

(e) when he or she is detained subject to a return procedure under Directive 2008/115/EC of the European Parliament and of the Council³⁴, in order to prepare the return, and the Member State concerned can substantiate on the basis of objective criteria, including that he or she already had the opportunity to access the asylum procedure, that there are reasonable grounds to believe that he or she is making the application for international protection

the application for international protection merely in order to delay or frustrate the enforcement of the return decision;

merely in order to delay or frustrate the enforcement of the return decision;

³⁴ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24.12.2008, p. 98).

³⁴ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24.12.2008, p. 98).

Or. it

Amendment 107

Laura Agea, Tiziana Beghin, Rosa D'Amato, Marco Valli

Proposal for a directive

Article 8 – paragraph 4

Text proposed by the Commission

4. *Member States shall ensure that the rules concerning alternatives to detention, such as regular reporting to the authorities, the deposit of a financial guarantee, or an obligation to stay at an assigned place, are laid down in national law.*

Amendment

4. *The Member States' enforcement of the rules referred to in Articles 8, 9, and 10 of this Directive shall not conflict with the principles set out in the Charter of Fundamental Rights of the European Union.*

Or. it

Amendment 108

Mara Bizzotto, Dominique Martin, Joëlle Mélin

Proposal for a directive

Article 9 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Administrative procedures relevant to the grounds for detention set out in Article 8(3) shall be executed with due diligence.
Delays in administrative procedures that cannot be attributed to the applicant shall

Amendment

Administrative procedures relevant to the grounds for detention set out in Article 8(3) shall be executed with due diligence.

not justify a continuation of detention.

Or. it

Amendment 109

Mara Bizzotto, Dominique Martin, Joëlle Mélin

Proposal for a directive Article 9 – paragraph 4

Text proposed by the Commission

4. Detained applicants shall immediately be informed in writing, in a language which they understand or are reasonably supposed to understand, of the reasons for detention and the procedures laid down in national law for challenging the detention order, as well as of the possibility to request free legal assistance and representation.

Amendment

4. Detained applicants shall immediately be informed, in writing, ***where possible***, in a language which they understand or are reasonably supposed to understand, of the reasons for detention and the procedures laid down in national law for challenging the detention order, as well as of the possibility to request free legal assistance and representation.

Or. it

Amendment 110

Deirdre Clune

Proposal for a directive Article 11 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Where applicants with special reception needs are detained, Member States shall ensure regular monitoring and adequate support taking into account their particular situation, including their health.

Amendment

Where applicants with special reception needs are detained, Member States shall ensure regular monitoring and adequate support taking into account their particular situation, including their ***physical and mental*** health.

Or. en

Amendment 111

Javi López, Sergio Gutiérrez Prieto

Proposal for a directive

Article 11 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Minors *shall be detained only as a measure of last resort and after it having been established that other less coercive alternative measures cannot be applied effectively. Such detention shall be for the shortest period of time and all efforts shall be made to release the detained minors and place them in accommodation suitable for minors.*

Amendment

Minors, *whether accompanied or unaccompanied*, shall *not be* detained.

Or. en

Justification

The ban on the detention of unaccompanied minors is in line with the Commission's proposal for a Directive on Reception Conditions (recast) (3.12.2008).

Amendment 112

Yana Toom

Proposal for a directive

Article 11 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Minors shall be detained only as a measure of last resort and after it having been established that other less coercive alternative measures cannot be applied effectively. Such detention shall be for the shortest period of time and all efforts shall be made to release the detained minors and place them in accommodation suitable for minors.

Amendment

Minors *aged 15-17* shall be detained only as a measure of last resort and after it having been established that other less coercive alternative measures cannot be applied effectively. Such detention shall be for the shortest period of time and all efforts shall be made to release the detained minors and place them in accommodation suitable for minors.
Minors under the age of 15 shall never be detained.

Or. en

Amendment 113
Javi López, Sergio Gutiérrez Prieto

Proposal for a directive
Article 11 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The best interests of the child , as referred to in Article 22(2), shall be a primary consideration for Member States.

Amendment

Consistently with the principle of family unity, parents or legal or customary primary caregivers shall not be detained.

Or. en

Justification

The detention of minors is never in their best interests. The ban on detention should therefore be extended to protect accompanied minors.

Amendment 114
Javi López, Sergio Gutiérrez Prieto

Proposal for a directive
Article 11 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Where minors are detained, their right to education must be secured and they shall have the possibility to engage in leisure activities, including play and recreational activities appropriate to their age.

Amendment

Minors and families with minor children shall be accommodated together, in non-custodial, community-based placements while their immigration status is being resolved.

Or. en

Justification

Family unity should never be used to justify the decision to detain accompanied minors. On the contrary, the application of this concept should lead to the conclusion that parents or legal or customary primary caregivers should never be detained as well.

Amendment 115
Javi López, Sergio Gutiérrez Prieto

Proposal for a directive
Article 11 – paragraph 3

Text proposed by the Commission

Amendment

3. Unaccompanied minors shall be detained only in exceptional circumstances. All efforts shall be made to release the detained unaccompanied minor as soon as possible. **deleted**

Unaccompanied minors shall never be detained in prison accommodation.

As far as possible, unaccompanied minors shall be provided with accommodation in institutions provided with personnel who take into account the rights and needs of persons of their age and facilities adapted to unaccompanied minors.

Where unaccompanied minors are detained, Member States shall ensure that they are accommodated separately from adults.

Or. en

Justification

The ban on the detention of unaccompanied minors is in line with the Commission's proposal for a Directive on Reception Conditions (recast) (3.12.2008). The detention of minors is never in their best interests. The ban on detention should therefore be extended to protect accompanied minors. Moreover, family unity should never be used to justify the decision to detain accompanied minors. On the contrary, the application of this concept should lead to the conclusion that parents or legal or customary primary caregivers should never be detained as well.

Amendment 116
Yana Toom

Proposal for a directive
Article 11 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Amendment

Unaccompanied minors shall be detained only in exceptional circumstances. All

Unaccompanied minors **aged 15-17** shall be detained only in exceptional

efforts shall be made to release the detained unaccompanied minor as soon as possible.

circumstances. All efforts shall be made to release the detained unaccompanied minor as soon as possible. ***Unaccompanied minors under the age of 15 shall never be detained.***

Or. en

Amendment 117
Yana Toom

Proposal for a directive
Article 11 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Unaccompanied minors shall never be detained in prison accommodation.

Amendment

Minors, including unaccompanied minors, shall never be detained in prison accommodation.

Or. en

Amendment 118
Yana Toom

Proposal for a directive
Article 11 – paragraph 3 – subparagraph 3

Text proposed by the Commission

As far as possible, unaccompanied minors shall be provided with accommodation in institutions provided with personnel who take into account the rights and needs of persons of their age and facilities adapted to unaccompanied minors.

Amendment

As far as possible, unaccompanied minors shall be provided with accommodation in institutions provided with personnel who take into account the rights and needs of persons of their age and facilities adapted to unaccompanied minors. ***A special effort shall be made to ensure that the physical and sexual integrity of all minors is adequately protected.***

Or. en

Amendment 119
Deirdre Clune

Proposal for a directive
Article 11 – paragraph 3 – subparagraph 3

Text proposed by the Commission

As far as possible, unaccompanied minors shall be provided with accommodation in institutions provided with personnel who take into account the rights and needs of persons of their age and facilities adapted to unaccompanied minors.

Amendment

Unaccompanied minors shall be **registered** **and** provided with accommodation in institutions provided with personnel who take into account the rights and **physical and mental health** needs of persons of their age and facilities adapted to unaccompanied minors **as well as referring them to the relevant child protection services**.

Or. en

Amendment 120
Javi López, Sergio Gutiérrez Prieto

Proposal for a directive
Article 11 – paragraph 4

Text proposed by the Commission

4. Detained families shall be provided with separate accommodation guaranteeing adequate privacy.

Amendment

deleted

Or. en

Justification

The ban on the detention of unaccompanied minors is in line with the Commission's proposal for a Directive on Reception Conditions (recast) (3.12.2008). The detention of minors is never in their best interests. The ban on detention should therefore be extended to protect accompanied minors. Moreover, family unity should never be used to justify the decision to detain accompanied minors. On the contrary, the application of this concept should lead to the conclusion that parents or legal or customary primary caregivers should never be detained as well.

Amendment 121
Javi López, Sergio Gutiérrez Prieto

Proposal for a directive
Article 11 – paragraph 6

Text proposed by the Commission

Amendment

6. *In duly justified cases and for a reasonable period that shall be as short as possible Member States may derogate from the third subparagraph of paragraph 2, paragraph 4 and the first subparagraph of paragraph 5, when the applicant is detained at a border post or in a transit zone, with the exception of the cases referred to in Article 41 of Regulation (EU) No XXX/XXX [Procedures Regulation].* *deleted*

Or. en

Justification

The ban on the detention of unaccompanied minors is in line with the Commission's proposal for a Directive on Reception Conditions (recast) (3.12.2008). The detention of minors is never in their best interests. The ban on detention should therefore be extended to protect accompanied minors. Moreover, family unity should never be used to justify the decision to detain accompanied minors. On the contrary, the application of this concept should lead to the conclusion that parents or legal or customary primary caregivers should never be detained as well.

Amendment 122
Javi López, Sergio Gutiérrez Prieto

Proposal for a directive
Article 14 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

Member States shall grant to minor children of applicants and to applicants who are minors access to the education system under *similar* conditions as their own nationals for *so long as an expulsion measure against them or their parents is*

Member States shall grant to minor children of applicants and to applicants who are minors access to the education system under *the same* conditions as their own nationals for *the entire duration of their presence in the territory of the*

not actually enforced. Such education may be provided in accommodation centres.

Member States. Such education may be provided in accommodation centres ***only as a matter of last resort and for the shortest period of time until access to the national education system is ensured.***

Or. en

Justification

The wording "similar conditions" may lead to segregated schooling. To the extent that what paragraph 1 prescribes is not possible, Article 14(3) already provides the possibility for other arrangements to be made.

Amendment 123

Javi López, Sergio Gutiérrez Prieto

Proposal for a directive

Article 14 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The Member State concerned may stipulate that such access must be confined to the State education system.

Amendment

The Member State concerned may stipulate that such access must be confined to the State education system. ***State education shall permit the continuation of the study of the language of the country of origin.***

Or. en

Justification

The continuation of study of the language of the country of origin is essential, especially if an asylum application fails and an applicant or other family members must return to the country of origin. Continued education in the language of the country of origin would facilitate the child's reintegration.

Amendment 124

Javi López, Sergio Gutiérrez Prieto

Proposal for a directive

Article 14 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Access to the education system shall not be postponed for more than **three months** from the date on which the application for international protection was lodged by or on behalf of the minor.

Amendment

Access to the education system shall not be postponed for more than **one month** from the date on which the application for international protection was lodged by or on behalf of the minor.

Or. en

Justification

Children and their parents identify access to quality education as one of their highest-priority concerns. Early access to the education system can help children to regain a sense of normalcy and favours integration. Schools are safe places to learn where children can heal from traumatic events; they also provide children with the space they need to access psychological support. For these reasons, access to the education system should be ensured as soon as possible and no later than one month from the lodging of an application by or on behalf of the minor.

Amendment 125

Dominique Martin, Joëlle Mélin

Proposal for a directive

Article 15 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that applicants have access to the labour market no later than 6 months from the date when the application for international protection was lodged if an administrative decision by the competent authority has not been taken and the delay cannot be attributed to the applicant.

Amendment

deleted

Or. it

Amendment 126

Mara Bizzotto, Dominique Martin, Joëlle Mélin

Proposal for a directive
Article 15 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that ***applicants have access to*** the labour market ***no later than 6 months from the date when the application for international protection was lodged if an administrative decision by the competent authority has not been taken and the delay cannot be attributed to the applicant.***

Amendment

Member States shall ensure that ***all their nationals are fully integrated on*** the labour market ***and enjoy social inclusion and access to housing, health care, and social protection; they shall endeavour to manage the refugee emergency according to their financial and social reception capacities.***

Or. it

Amendment 127
Jean Lambert

Proposal for a directive
Article 15 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that applicants have access to the labour market ***no later than 6 months*** from the date when the application for international protection was lodged ***if an administrative decision by the competent authority has not been taken and the delay cannot be attributed to the applicant.***

Amendment

Member States shall ensure that applicants have access to the labour market from the date when the application for international protection was lodged.

Or. en

Amendment 128
Renate Weber, Jasenko Selimovic

Proposal for a directive
Article 15 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that applicants have access to the labour market ***no later***

Amendment

Member States shall ensure that applicants have access to the labour market from the

than 6 months from the date when the application for international protection was lodged *if an administrative decision by the competent authority has not been taken and the delay cannot be attributed to the applicant.*

date when the application for international protection was lodged.

Or. en

Amendment 129

Agnes Jongerius

Proposal for a directive

Article 15 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that applicants have access to the labour market no later than **6** months from the date when the application for international protection was lodged *if an administrative decision by the competent authority has not been taken and the delay cannot be attributed to the applicant.*

Amendment

Member States shall ensure that applicants have access to the labour market no later than **two** months from the date when the application for international protection was lodged.

Or. en

Justification

Bearing in mind the time lines laid down in the Commission proposal on the Procedures Regulation, any accelerated procedure in relation to an applicant for international protection will be completed within two months of the application. If the applicant has not been rejected at that point, he or she is more likely to be granted international protection and thus should be granted access to the labour market at the very latest at that point in time. Member States can choose to grant access earlier.

Amendment 130

Yana Toom

Proposal for a directive

Article 15 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

Where the Member State has accelerated the examination on the merits of an application for international protection in accordance with points [(a) to (f)] of Article [40(1)] of Regulation (EU) No XXX/XXX [Procedures Regulation], access to the labour market shall not be granted. *deleted*

Or. en

Amendment 131

Renate Weber

Proposal for a directive

Article 15 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

Where the Member State has accelerated the examination on the merits of an application for international protection in accordance with points [(a) to (f)] of Article [40(1)] of Regulation (EU) No XXX/XXX [Procedures Regulation], access to the labour market shall not be granted. *deleted*

Or. en

Amendment 132

Jean Lambert

Proposal for a directive

Article 15 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

Where the Member State has accelerated the examination on the merits of an application for international protection in accordance with points [(a) to (f)] of *deleted*

Article [40(1)] of Regulation (EU) No XXX/XXX [Procedures Regulation], access to the labour market shall not be granted.

Or. en

Amendment 133
Agnes Jongerius, Brando Benifei

Proposal for a directive
Article 15 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall provide applicants effective access to language courses free of charge from the date when the application for international protection was made.

Or. en

Justification

Language courses for applicants are a positive integration measure. Such courses should always be free for applicants.

Amendment 134
Renate Weber, Jasenko Selimovic, Marian Harkin

Proposal for a directive
Article 15 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States are encouraged to provide language courses to applicants from the moment of application, in order to integrate them and enable them to capitalise fully on their formal qualification and thus contribute to society.

Amendment 135

Renate Weber, Marian Harkin

Proposal for a directive

Article 15 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Member States are encouraged 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 from the date when the application for international protection was lodged.

Or. en

Amendment 136

Mara Bizzotto, Dominique Martin, Joëlle Mélin

Proposal for a directive

Article 15 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

Member States shall ensure that applicants, who have been granted access to the labour market in accordance with paragraph 1, have effective access to the labour market.

deleted

Or. it

Amendment 137

Mara Bizzotto, Dominique Martin, Joëlle Mélin

Proposal for a directive
Article 15 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

*For reasons of labour market policies,
Member States may verify whether a
vacancy could be filled by nationals of the
Member State concerned or by other
Union citizens, or by third-country
nationals lawfully residing in that
Member State.*

deleted

Or. it

Amendment 138
Jean Lambert

Proposal for a directive
Article 15 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

*For reasons of labour market policies,
Member States may verify whether a
vacancy could be filled by nationals of the
Member State concerned or by other
Union citizens, or by third-country
nationals lawfully residing in that
Member State .*

deleted

Or. en

Amendment 139
Yana Toom

Proposal for a directive
Article 15 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

*For reasons of labour market policies,
Member States may verify whether a
vacancy could be filled by nationals of the
Member State concerned or by other*

deleted

Union citizens, or by third-country nationals lawfully residing in that Member State .

Or. en

Amendment 140
Helga Stevens

Proposal for a directive
Article 15 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Applicants, who have accessed the labour market in accordance with paragraph 1, shall never be given priority over nationals of the Member State concerned or other Union citizens, or third-country nationals lawfully residing in that Member State as regards to employment, education and other government provided services.

Or. en

Amendment 141
Helga Stevens

Proposal for a directive
Article 15 – paragraph 3 – introductory part

Text proposed by the Commission

Amendment

3. Member States shall provide applicants with *equal* treatment *with nationals* as regards:

3. Member States shall provide applicants with *adequate* treatment as regards:

Or. en

Amendment 142
Jean Lambert

Proposal for a directive
Article 15 – paragraph 3 – point b

Text proposed by the Commission

(b) freedom of association and affiliation and membership of an organisation representing workers or employers or of any organisation whose members are engaged in a specific occupation, including the benefits conferred by such organisations, ***without prejudice to the national provisions on public policy and public security***;

Amendment

(b) freedom of association and affiliation and membership of an organisation representing workers or employers or of any organisation whose members are engaged in a specific occupation, including the benefits conferred by such organisations;

Or. en

Amendment 143
Deirdre Clune

Proposal for a directive
Article 15 – paragraph 3 – point b

Text proposed by the Commission

(b) freedom of association and affiliation and membership of an organisation representing workers or employers or of any organisation whose members are engaged in a specific occupation, including the benefits conferred by such organisations, without prejudice to the national provisions on public policy and public security;

Amendment

(b) freedom of association and affiliation and membership of an organisation representing workers or employers or of any organisation whose members are engaged in a specific occupation, including the ***membership rights and*** benefits conferred by such organisations, without prejudice to the national provisions on public policy and public security;

Or. en

Amendment 144
Renate Weber, Jasenko Selimovic, Marian Harkin

Proposal for a directive
Article 15 – paragraph 3 – point c

Text proposed by the Commission

Amendment

(c) education and vocational training, ***except study and maintenance grants and loans or other grants and loans related to education and vocational training;***

(c) education and vocational training;

Or. en

Amendment 145

Jean Lambert

Proposal for a directive

Article 15 – paragraph 3 – point c

Text proposed by the Commission

Amendment

(c) education and vocational training, ***except study and maintenance grants and loans or other grants and loans related to education and vocational training;***

(c) ***employment-related education opportunities for adults***, education and vocational training, ***including training courses for upgrading skills, practical workplace experience, and study and maintenance grants or loans related to these activities;***

Or. en

Amendment 146

Renate Weber, Marian Harkin

Proposal for a directive

Article 15 – paragraph 3 – point d

Text proposed by the Commission

Amendment

(d) recognition of diplomas, certificates and other evidence of formal qualifications in the context of existing procedures for recognition of foreign qualifications, while facilitating, to the extent possible, full access for those applicants who cannot provide documentary evidence of their qualifications to appropriate schemes for the assessment, validation and

(d) recognition of diplomas, certificates and other evidence of formal qualifications in the context of existing procedures for recognition of foreign qualifications, ***with a view to ensure consistency with other Union policy on migration management, in accordance with Article 32 of Regulation (EU) xx/xx (qualification Regulation)^{1a}***, while facilitating, to the

accreditation of their prior learning.

extent possible, full access for those applicants who cannot provide documentary evidence of their qualifications to appropriate schemes for the assessment, validation and accreditation of their prior learning.

^{1a} Proposal for a Regulation of the European Parliament and of the Council on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted and amending Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents

Or. en

Amendment 147

Deirdre Clune

Proposal for a directive

Article 15 – paragraph 3 – point d a (new)

Text proposed by the Commission

Amendment

(da) access to educational and vocational guidance services and employment advice centres;

Or. en

Amendment 148

Helga Stevens

Proposal for a directive

Article 15 – paragraph 3 – point e

Text proposed by the Commission

Amendment

(e) *branches of social security, as defined in Regulation (EC) No 883/2004.*

deleted

Or. en

Amendment 149

Renate Weber, Jasenko Selimovic, Marian Harkin

Proposal for a directive

Article 15 – paragraph 3 – subparagraph 2 – introductory part

Text proposed by the Commission

Amendment

Member States may restrict equal treatment of applicants:

Member States may restrict equal treatment of applicants *in certain specific situations. However, restrictions should be consistent with the provisions of international law and other Union policy on better migration management as set out by the Commission in the European Agenda on Migration.*

Or. en

Amendment 150

Helga Stevens

Proposal for a directive

Article 15 – paragraph 3 – subparagraph 2 – introductory part

Text proposed by the Commission

Amendment

Member States may *restrict equal treatment of applicants:*

Member States may *impose restrictions:*

Or. en

Amendment 151

Renate Weber

Proposal for a directive

Article 15 – paragraph 3 – subparagraph 2 – point i

Text proposed by the Commission

Amendment

(i) *pursuant to point (b) of this paragraph, by excluding them from taking part in the management of bodies governed by public law and from holding an office governed by public law;* *deleted*

Or. en

Amendment 152

Helga Stevens

Proposal for a directive

Article 15 – paragraph 3 – subparagraph 2 – point i

Text proposed by the Commission

Amendment

(i) pursuant to point (b) of this paragraph, by excluding *them* from taking part in the management of bodies governed by public law and from holding an office governed by public law;

(i) pursuant to point (b) of this paragraph, by excluding *applicants* from taking part in the management of bodies governed by public law and from holding an office governed by public law;

Or. en

Amendment 153

Renate Weber, Marian Harkin

Proposal for a directive

Article 15 – paragraph 3 – subparagraph 2 – point ii

Text proposed by the Commission

Amendment

(ii) *pursuant to point (c) of this paragraph, to education and vocational training which is directly linked to a specific employment activity;* *deleted*

Or. en

Amendment 154
Jean Lambert

Proposal for a directive
Article 15 – paragraph 3 – subparagraph 2 – point ii

Text proposed by the Commission

Amendment

(ii) *pursuant to point (c) of this paragraph, to education and vocational training which is directly linked to a specific employment activity;* *deleted*

Or. en

Amendment 155
Renate Weber

Proposal for a directive
Article 15 – paragraph 3 – subparagraph 2 – point iii

Text proposed by the Commission

Amendment

(iii) *pursuant to point (e) of this paragraph by excluding family benefits and unemployment benefits, without prejudice to Regulation (EU) No 1231/2010.* *deleted*

Or. en

Amendment 156
Yana Toom

Proposal for a directive
Article 15 – paragraph 3 – subparagraph 2 – point iii

Text proposed by the Commission

Amendment

(iii) *pursuant to point (e) of this paragraph by excluding family benefits and unemployment benefits, without prejudice to Regulation (EU) No 1231/2010.* *deleted*

Amendment 157

Javi López, Sergio Gutiérrez Prieto

Proposal for a directive

Article 15 – paragraph 3 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

The restrictions to equal treatment referred to in points (ii) and (iii) shall not be applied to minors, parents of minor children and legal or customary primary caregivers.

Or. en

Justification

Applying the restrictions set out in paragraph 3, points (ii) and (iii) of art. 15 to minors (or parents of minors and legal or customary primary caregivers, with a subsequent impact on minors) would amount to discrimination under the UN Convention on the Rights of the Child (art. 2(1) [non-discrimination] combined with articles 26(1) and (2) [right to social security] and 28(1)(b) [right to equal access to vocational education]. "Article 2 1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. "Article 26 1. States Parties shall recognise the right for every child to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law. 2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child..." "Article 28 1. States Parties recognise the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular: (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;"

Amendment 158

Helga Stevens

Proposal for a directive

Article 15 – paragraph 3 – subparagraph 3

Text proposed by the Commission

The right to **equal** treatment shall not give rise to a right to reside in cases where a decision taken in accordance with Regulation (EU) No XXX/XXX [Procedures Regulation] has terminated the applicant's right to remain.

Amendment

The right to **adequate** treatment shall not give rise to a right to reside in cases where a decision taken in accordance with Regulation (EU) No XXX/XXX [Procedures Regulation] has terminated the applicant's right to remain.

Or. en

Amendment 159

Laura Agea, Tiziana Beghin, Rosa D'Amato, Marco Valli

Proposal for a directive

Article 15 – paragraph 3 – subparagraph 3 a (new)

Text proposed by the Commission

Amendment

The equal treatment guaranteed by Member States may not be employed as a means of curtailing rights in general or lowering wage levels in particular.

Or. it

Amendment 160

Jean Lambert

Proposal for a directive

Article 15 – paragraph 5

Text proposed by the Commission

Amendment

5. Where applicants have been granted access to the labour market in accordance with paragraph 1, Member States shall ensure that the applicant's document as referred to in Article [29] of Regulation (EU) No XXX/XXX [Procedures Regulation] state that the applicant has permission to take up gainful employment.

5. Where applicants have been granted access to the labour market in accordance with paragraph 1, Member States shall ensure that the applicant's document as referred to in Article [29] of Regulation (EU) No XXX/XXX [Procedures Regulation] state that the applicant has permission to take up gainful employment. ***Shall the nature of the employment require the applicant to***

travel, Member States shall proceed with no delay to issuing the applicant with a valid travel document as referred to in Article 6 of this Directive.

Or. en

Amendment 161

Agnes Jongerius, Brando Benifei

Proposal for a directive

Article 15 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Where access to the labour market has been granted in accordance with paragraph 1, Member States shall also ensure that the applicant is informed of his/her employment rights in accordance with national law in writing, in a language he/she can understand.

Or. en

Amendment 162

Javi López, Sergio Gutiérrez Prieto

Proposal for a directive

Article 16 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. For minors and families with minor children, material reception conditions shall also ensure a standard of living adequate for the child's physical, mental, spiritual, moral and social development. In line with the principle of non-discrimination, minors and families with minor children falling within the scope of this Directive shall be entitled to access the same family services as national children and national families with children.

Justification

Children cannot only be provided with a standard of living that guarantees their subsistence and protects their health: they are entitled to a standard of living that promotes their development (physical, mental, spiritual etc.), thereby allowing them to plan for their future [article 27, UNCRC].

Amendment 163

Jean Lambert

Proposal for a directive

Article 16 – paragraph 5

Text proposed by the Commission

5. ***When assessing the resources of an applicant, when requiring an applicant to cover or contribute to the cost of the material reception conditions or*** when asking an applicant for a refund in accordance with paragraph 4, Member States shall observe the principle of proportionality. ***Member States shall also*** take into account the individual circumstances of the applicant and the need to respect his or her dignity or personal integrity, including the applicant's special reception needs. Member States shall in all circumstances ensure that the applicant is provided with a standard of living which guarantees his or her subsistence and protects his or her physical and mental health.

Amendment

5. When asking an applicant for a refund in accordance with paragraph 4, Member States shall observe the principle of proportionality ***and*** take into account the individual circumstances of the applicant and the need to respect his or her dignity or personal integrity, including the applicant's special reception needs. Member States shall in all circumstances ensure that the applicant is provided with a standard of living which guarantees his or her subsistence and protects his or her physical and mental health.

Or. en

Amendment 164

Mara Bizzotto, Dominique Martin, Joëlle Mélin

Proposal for a directive

Article 17 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) *private houses, flats, hotels or other premises adapted for housing applicants.*

deleted

Or. it

Amendment 165
Helga Stevens

Proposal for a directive
Article 17 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) private *houses, flats, hotels or other* premises adapted for housing applicants.

(c) private premises adapted for housing applicants.

Or. en

Amendment 166
Deirdre Clune

Proposal for a directive
Article 17 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) applicants have the possibility of communicating with relatives, legal advisers or counsellors, persons representing UNHCR and other relevant national, international and non-governmental organisations and bodies;

(b) applicants have the possibility of communicating with relatives, legal advisers or counsellors, persons representing UNHCR and other relevant national, international and non-governmental organisations and bodies, *and are provided with interpreters and translators to assist this process where required;*

Or. en

Amendment 167
Deirdre Clune

Proposal for a directive
Article 17 – paragraph 4

Text proposed by the Commission

4. Member States shall take appropriate measures to prevent assault and gender-based violence, including sexual assault and harassment when providing accommodation.

Amendment

4. Member States shall take appropriate measures to prevent assault, ***LGBT-based*** and gender-based violence, including sexual assault and harassment when providing accommodation.

Or. en

Amendment 168
Yana Toom

Proposal for a directive
Article 17 a

Text proposed by the Commission

Amendment

Article 17a

deleted

Reception conditions in a Member State other than the one in which the applicant is required to be present

1. An applicant shall not be entitled to the reception conditions set out in Articles 14 to 17 in any Member State other than the one in which he or she is required to be present in accordance with Regulation (EU) No XXX/XXX [Dublin Regulation].

2. Member States shall ensure a dignified standard of living for all applicants.

3. Pending the transfer under Regulation (EU) No XXX/XXX [Dublin Regulation] of a minor to the Member State responsible, Member States shall provide him or her with access to suitable educational activities.

Amendment 169

Javi López, Sergio Gutiérrez Prieto

Proposal for a directive

Article 17 a

Text proposed by the Commission

Amendment

Article 17a

deleted

Reception conditions in a Member State other than the one in which the applicant is required to be present

1. An applicant shall not be entitled to the reception conditions set out in Articles 14 to 17 in any Member State other than the one in which he or she is required to be present in accordance with Regulation (EU) No XXX/XXX [Dublin Regulation].

2. Member States shall ensure a dignified standard of living for all applicants.

3. Pending the transfer under Regulation (EU) No XXX/XXX [Dublin Regulation] of a minor to the Member State responsible, Member States shall provide him or her with access to suitable educational activities.

Or. en

Justification

The punitive measures that this new article tries to introduce would exclude the applicants concerned from employment, material reception conditions and access to the education system, thereby disproportionately affecting minors. This could amount to discriminatory treatment under the UN Convention on the Rights of the Child (art. 2(1) [non-discrimination] combined with art. 27(1) [adequate standard of living] and 28(1) [right to equal access to education]). "Article 27 1. States Parties recognise the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development." "Article 28: 1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity..."

Amendment 170

Helga Stevens

Proposal for a directive

Article 18 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that applicants, ***irrespective of where they are required to be present in accordance with Regulation (EU) No XXX/XXX [Dublin Regulation]***, receive the necessary health care which shall include, at least, emergency care and essential treatment of illnesses, ***including of serious mental disorders***.

Amendment

1. Member States shall ensure that applicants receive the necessary health care which shall include, at least, emergency care and essential treatment of illnesses.

Or. en

Amendment 171

Javi López, Sergio Gutiérrez Prieto

Proposal for a directive

Article 18 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that applicants, irrespective of where they are required to be present in accordance with Regulation (EU) No XXX/XXX [Dublin Regulation], receive the necessary health care which shall include, at least, emergency care and essential treatment of illnesses, including of serious mental disorders.

Amendment

1. Member States shall ensure that applicants, irrespective of where they are required to be present in accordance with Regulation (EU) No XXX/XXX [Dublin Regulation], receive the necessary health care which shall include, at least, emergency care and essential treatment of illnesses, including of serious mental disorders. ***Member States shall ensure that minor children of applicants and applicants who are minors receive the same level of health care as national minors.***

Or. en

Justification

According to the UN Convention on the Rights of the Child: "Article 24 1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services."

Amendment 172 **Deirdre Clune**

Proposal for a directive **Article 18 – paragraph 1**

Text proposed by the Commission

1. Member States shall ensure that applicants, irrespective of where they are required to be present in accordance with Regulation (EU) No XXX/XXX [Dublin Regulation], receive the necessary health care which shall include, at *least*, emergency care and essential treatment of illnesses, including of serious mental disorders.

Amendment

1. Member States shall ensure that applicants, irrespective of where they are required to be present in accordance with Regulation (EU) No XXX/XXX [Dublin Regulation], receive the necessary *physical and mental* health care which shall include, at *a minimum*, emergency care and essential treatment of illnesses, including of serious mental disorders.

Or. en

Amendment 173 **Yana Toom**

Proposal for a directive **Article 18 – paragraph 1**

Text proposed by the Commission

1. Member States shall ensure that applicants, irrespective of where they are required to be present in accordance with Regulation (EU) No XXX/XXX [Dublin Regulation], receive the necessary health care which shall include, at least, emergency care and essential treatment of illnesses, including of serious mental disorders.

Amendment

1. Member States shall ensure that applicants, irrespective of where they are required to be present in accordance with Regulation (EU) No XXX/XXX [Dublin Regulation], receive the necessary health care which shall include, at least, *maternity medical aid*, emergency care and essential treatment of illnesses, including of serious mental disorders.

Amendment 174

Javi López, Sergio Gutiérrez Prieto

Proposal for a directive

Article 18 – paragraph 2

Text proposed by the Commission

2. Member States shall provide necessary medical or other assistance to applicants who have special reception needs, including appropriate mental health care where needed.

Amendment

2. Member States shall provide necessary medical or other assistance to applicants who have special reception needs, including appropriate mental health care where needed. ***Pregnant women shall have access to full pre- and post-natal care.***

Or. en

Justification

The UN CRC provides that States Parties shall take appropriate measures "To ensure appropriate pre-natal and post-natal health care for mothers;" [UN CRC, Art. 24(2)(b)]

Amendment 175

Helga Stevens

Proposal for a directive

Article 19 – paragraph 1 – introductory part

Text proposed by the Commission

1. With regard to applicants who are required to be present on their territory in accordance with Regulation (EU) No XXX/XXX [Dublin Regulation], Member States ***may , in the situations described in paragraph 2 :***

Amendment

1. With regard to applicants who are required to be present on their territory in accordance with Regulation (EU) No XXX/XXX [Dublin Regulation], Member States,

Or. en

Amendment 176
Helga Stevens

Proposal for a directive
Article 19 – paragraph 1 – point a

Text proposed by the Commission

(a) ***replace*** accommodation, food, clothing and other essential non-food items ***provided*** in the form of ***financial allowances and vouchers, with material reception conditions provided in kind; or***

Amendment

(a) ***provide the*** accommodation, food, clothing and other essential non-food items ***necessary***, in the form of ***benefits in kind, financial allowances or vouchers***;

Or. en

Amendment 177
Helga Stevens

Proposal for a directive
Article 19 – paragraph 1 – point b

Text proposed by the Commission

(b) ***reduce or, in exceptional and duly justified cases***, withdraw the daily allowances.

Amendment

(b) ***may, in the situations described in paragraph 2, reduce or*** withdraw the daily allowances.

Or. en

Amendment 178
Helga Stevens

Proposal for a directive
Article 19 – paragraph 2 – point e

Text proposed by the Commission

(e) has ***seriously*** breached the rules of the accommodation centre or behaved in a ***seriously*** violent way; or

Amendment

(e) has breached the rules of the accommodation centre or behaved in a violent way; or

Or. en

Amendment 179

Laura Agea, Tiziana Beghin, Rosa D'Amato, Marco Valli

Proposal for a directive

Article 19 – paragraph 2 – point g a (new)

Text proposed by the Commission

Amendment

(ga) has seriously breached the law of the Member State to which he or she has made an application for protection;

Or. it

Amendment 180

Javi López, Sergio Gutiérrez Prieto

Proposal for a directive

Article 22 – paragraph 1

Text proposed by the Commission

Amendment

1. The best interests of the child shall be a primary consideration for Member States when implementing the provisions of this Directive that ***involve*** minors. Member States shall ensure a standard of living adequate for the minor's physical, mental, spiritual, moral and social development.

1. The best interests of the child shall be a primary consideration for Member States when implementing the provisions of this Directive that ***may affect*** minors. Member States shall ensure a standard of living adequate for the minor's physical, mental, spiritual, moral and social development.

Or. en

Justification

Many provisions of this Directive do not apply to minors directly but may affect them indirectly through the adult responsible for them.

Amendment 181

Javi López, Sergio Gutiérrez Prieto

Proposal for a directive

Article 22 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) family reunification possibilities;

(a) ***the preservation of family life, including*** family reunification possibilities;

Or. en

Justification

The changes proposed to the criteria for a best interests assessment aim at ensuring that the conditions of family life are so as to promote the minor's well-being and social development (family reunification is one of the necessary elements, but not the only one). Especially for unaccompanied minors, this also means stability and continuity of care and custodial arrangements.

Amendment 182

Javi López, Sergio Gutiérrez Prieto

Proposal for a directive

Article 22 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) the minor's well-being and social development, taking into particular consideration the minor's background;

(b) the minor's well-being and social development, taking into particular consideration the minor's ***ethnic, religious, cultural and linguistic*** background ***and having regard to the need for stability and continuity in care and custodial arrangements and access to health and education services;***

Or. en

Justification

In view of the fact that minors are by definition in a phase of mental, spiritual and moral development, and in view of their particular vulnerability and of the traumas they may have been exposed to during their journey, ensuring a sense of continuity and a progressive adaptation requires further precision about what needs to be taken into account to this end. Appropriate access to education can provide them with a sense of normality.

Amendment 183
Javi López, Sergio Gutiérrez Prieto

Proposal for a directive
Article 22 – paragraph 2 – point c

Text proposed by the Commission

(c) safety and security considerations, in particular where there is a risk of the minor being a victim of human trafficking;

Amendment

(c) safety and security considerations, in particular where there is a risk of the minor being a victim of ***any form of violence and exploitation, including*** human trafficking;

Or. en

Justification

Children are more likely to be victims of violence and exploitation of which human trafficking is only one form these may take.

Amendment 184
Javi López, Sergio Gutiérrez Prieto

Proposal for a directive
Article 23 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall as soon as possible and no later than five ***working*** days from the moment when an unaccompanied minor ***makes an application for international protection*** take measures to ensure that a guardian represents and assists the unaccompanied minor to enable him or her to benefit from the rights and comply with the obligations provided for in this Directive. The guardian appointed in accordance with Article [22] of Regulation (EU) No XXX/XXX [Procedures Regulation] may perform those tasks. The unaccompanied minor shall be informed immediately of the appointment of the guardian. Where an organisation is appointed as guardian, it shall designate a

Amendment

Member States shall, as soon as possible and no later than five days from the moment when an unaccompanied minor ***arrives in a Member State***, take measures to ensure that a guardian represents and assists the unaccompanied minor to enable him or her to benefit from the rights and comply with the obligations provided for in this Directive. The guardian appointed in accordance with Article [22] of Regulation (EU) No XXX/XXX [Procedures Regulation] may perform those tasks. The unaccompanied minor shall be informed immediately of the appointment of the guardian. Where an organisation is appointed as guardian, it shall designate a person responsible for carrying out the

person responsible for carrying out the duties of guardian in respect of the unaccompanied minor, in accordance with this Directive. The guardian shall perform his or her duties in accordance with the principle of the best interests of the child, as prescribed in Article 22 (2), shall have the necessary expertise to that end and shall not have a verified record of child-related crimes or offences . In order to ensure the minor's well-being and social development referred to in Article 22 (2)(b), the person acting as guardian shall be changed only when necessary. Organisations or individuals whose interests conflict or could potentially conflict with those of the unaccompanied minor shall not be appointed as guardians.

duties of guardian in respect of the unaccompanied minor, in accordance with this Directive. The guardian shall perform his or her duties in accordance with the principle of the best interests of the child, as prescribed in Article 22 (2), shall have the necessary *qualifications and expertise and receive continuous and appropriate training* to that end, and shall not have a verified *criminal* record, *with particular regard to any* of child-related crimes or offences. *After his or her appointment, the guardian's criminal record shall be regularly reviewed by the competent authorities to identify potential incompatibilities with his or her role.* In order to ensure the minor's well-being and social development referred to in Article 22 (2)(b), the person acting as guardian shall be changed only when necessary. Organisations or individuals whose interests conflict or could potentially conflict with those of the unaccompanied minor shall not be appointed as guardians.

Or. en

Justification

The changes proposed to the timing of the appointment of a guardian aim at ensuring that the period of time during which the unaccompanied minor is not supported/protected by a guardian is the shortest possible. It may also be necessary for the unaccompanied minor to receive guidance from the moment s/he arrives in the territory of the Member States, and not only after s/he makes an application for international protection. In fact, such application is made "when a third-country national or stateless person expresses a wish for international protection" (art. 25(1) of this Regulation); the guardian could provide essential information on the meaning, scope, modalities and consequences of the procedure for granting international protection, thereby enabling the unaccompanied minor to express such a wish.

Amendment 185
Deirdre Clune

Proposal for a directive
Article 23 – paragraph 1 – subparagraph 1

Member States shall as soon as ***possible and no later than five working days from the moment when*** an unaccompanied minor makes an application for international protection take measures to ensure that a guardian represents and assists the unaccompanied minor to enable him or her to benefit from the rights and comply with the obligations provided for in this Directive. The guardian appointed in accordance with Article [22] of Regulation (EU) No XXX/XXX [Procedures Regulation] may perform those tasks. The unaccompanied minor shall be informed immediately of the appointment of the guardian. Where an organisation is appointed as guardian, it shall designate a person responsible for carrying out the duties of guardian in respect of the unaccompanied minor, in accordance with this Directive. The guardian shall perform his or her duties in accordance with the principle of the best interests of the child, as prescribed in Article 22 (2), shall have the necessary expertise to that end and shall not have a verified record of child-related crimes or offences . In order to ensure the minor's well-being and social development referred to in Article 22 (2)(b), the person acting as guardian shall be changed only when necessary. Organisations or individuals whose interests conflict or could potentially conflict with those of the unaccompanied minor shall not be appointed as guardians.

Member States shall as soon as an unaccompanied minor makes an application for international protection take measures to ensure that a guardian represents and assists the unaccompanied minor to enable him or her to benefit from the rights and comply with the obligations provided for in this Directive. The guardian appointed in accordance with Article [22] of Regulation (EU) No XXX/XXX [Procedures Regulation] may perform those tasks. The unaccompanied minor shall be informed immediately of the appointment of the guardian. Where an organisation is appointed as guardian, it shall designate a person responsible for carrying out the duties of guardian in respect of the unaccompanied minor, in accordance with this Directive. The guardian shall perform his or her duties in accordance with the principle of the best interests of the child, as prescribed in Article 22 (2), shall have the necessary expertise to that end and shall not have a verified record of child-related crimes or offences . In order to ensure the minor's well-being and social development referred to in Article 22 (2)(b), the person acting as guardian shall be changed only when necessary. Organisations or individuals whose interests conflict or could potentially conflict with those of the unaccompanied minor shall not be appointed as guardians.

Or. en

Amendment 186
Deirdre Clune

Proposal for a directive
Article 23 – paragraph 1 – subparagraph 1 a (new)

In order to protect unaccompanied minors from exploitation and trafficking, Member States shall identify unaccompanied children upon disembarkation, register them, carry out a preliminary risk assessment and ensure referral to relevant child protection services.

Or. en

Amendment 187

Javi López, Sergio Gutiérrez Prieto

Proposal for a directive

Article 23 – paragraph 1 – subparagraph 2

Member States shall ensure that a guardian is not placed in charge of ***a disproportionate*** number of unaccompanied minors at the same time ***that would render him or her unable*** to perform his or her tasks effectively. Member States shall appoint entities or persons responsible for monitoring at regular intervals that guardians perform their tasks in a satisfactory manner. Those entities or persons shall also have the competence to review complaints lodged by unaccompanied minors against their guardian.

Member States shall ensure that a guardian is not placed in charge of ***an adequate and limited*** number of unaccompanied minors at the same time ***to ensure he or she is able*** to perform his or her tasks effectively. Member States shall appoint entities or persons responsible for monitoring at regular intervals that guardians perform their tasks in a satisfactory manner. Those entities or persons shall also have the competence to review complaints lodged by unaccompanied minors against their guardian. ***To this end, unaccompanied minors shall be given information, in a child-friendly manner and in a language they understand, about who these entities or persons are and how to report complaints against their guardians in confidence and safety.***

Or. en

Justification

When mentioning the necessary expertise the guardian should have, it is important to specify, as the Reception Directive does, that such expertise be aimed at enabling the guardian to perform his or her duties in the best interests of the child. Such expertise needs to be combined with appropriate and continuous training provided by the competent authorities. That the candidate to a position of guardianship hasn't a verified record of child-related crimes or offences is not enough. Other crimes or offences should also lead to discard a candidate, as the guardian is responsible for the overall well-being of the unaccompanied minor and should thus be a person of unblemished integrity. Even after appointment, regular checks of his/her criminal record are made necessary by the sensitive nature of the role. The expression "a disproportionate number" leaves too much room for interpretation, which may lead to misuses. Need to be more prescriptive: the expression "adequate and limited number of unaccompanied minors" has this objective. The addition at the end of the subparagraph of paragraph 1 aims at encouraging and enabling children to participate in and contribute to the monitoring of guardianship systems.

Amendment 188

Deirdre Clune

Proposal for a directive

Article 23 – paragraph 2 – introductory part

Text proposed by the Commission

2. Unaccompanied minors who make an application for international protection shall, from the moment they are admitted to the territory until the moment when they are obliged to leave the Member State in which the application for international protection was made or is being examined, be placed:

Amendment

2. Unaccompanied minors who make an application for international protection shall, from the moment they are admitted to the territory until the moment when they are obliged to leave the Member State in which the application for international protection was made or is being examined, be ***monitored by the Member State in which they are present and*** placed:

Or. en

Amendment 189

Javi López, Sergio Gutiérrez Prieto

Proposal for a directive

Article 23 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Member States may place unaccompanied

Amendment

deleted

minors aged 16 or over in accommodation centres for adult applicants, if it is in their best interests, as prescribed in Article 22 (2).

Or. en

Justification

Because of their particularly vulnerable situation, children need to be placed in accommodation centres that are suitable for minors.

Amendment 190

Mara Bizzotto, Dominique Martin, Joëlle Mélin

Proposal for a directive

Article 29 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Expenditure incurred by Member States to achieve the aims of this Directive shall not be factored into calculations for the purposes of Stability Pact parameters.

Or. it

Amendment 191

Deirdre Clune

Proposal for a directive

Article 29 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall provide appropriate training and support for staff with respect to the fact that they are on the frontline dealing with potential physical and mental health needs of applicants entering the labour market.

Or. en