

Qualification Directive

The 2015 migration crisis in Europe called into question existing EU legislation on asylum, in particular the criteria according to which asylum applicants can qualify for international protection status, as recognised in the Qualification Directive. In July 2016, the Commission put forward a proposal to replace the directive with a regulation, setting uniform standards for the recognition of people in need of protection and for the rights granted to beneficiaries of international protection. The December 2023 trilogue agreement is scheduled to be voted by Parliament at first reading during the April I plenary session.

Background

The [current directive](#) has contributed in some areas to greater approximation of national rules, especially when aligning the rights granted to beneficiaries of [subsidiary protection](#) with those of [refugees](#). However, the 2023 [report](#) by the European Union Agency for Asylum (EUAA) shows large differences in recognition rates and types of protection status granted for individual nationalities across EU countries. This can lead asylum-seekers to claim refuge in Member States whose asylum systems appear to be more generous, rather than in the Member State officially responsible for their asylum applications.

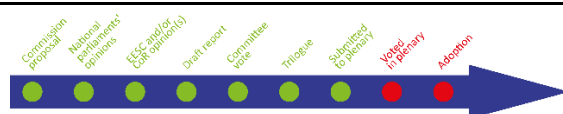
European Commission proposal

The [proposed regulation](#), which was presented as part of the reform of the [Common European Asylum System](#), aims to: ensure greater convergence of recognition rates and forms of protection, by further harmonising the common criteria for recognising applicants for international protection and the duration of beneficiaries' residence permits; address secondary movements by clarifying a beneficiary's obligation to stay in the Member State that has granted protection, and by restarting the calculation of the period required for legal residence if the beneficiary is found in another Member State without the right to reside or stay; ensure that protection is granted only for as long as the grounds for persecution or serious harm persist; and secure greater convergence between asylum decisions across the EU by obliging the Member State authorities assessing applications to take into account the common analysis and guidance of the EUAA on the situation in the country of origin.

European Parliament position

Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE) adopted its [report](#) on 15 June 2017. According to the report, Member States should ensure a common set of rights for refugees and beneficiaries of subsidiary protection; the 'best interests of the child' should be a primary consideration when assessing conditions for protection. If there is a lack of documentary or other evidence, applicants should be given the benefit of the doubt if they have made a genuine effort to substantiate their application and have submitted all relevant elements, and their statements are found to be coherent and plausible. Furthermore, refugee status would be withdrawn if an applicant is a danger to the security of the Member State or if they have committed a serious non-political crime before arriving in the destination country. The report also deletes the provision for a mandatory review of refugee status in the event of changed circumstances in the country of origin. The [compromise](#) text agreed in trilogue was endorsed in the Council and approved in the LIBE committee on 14 February 2024.

First-reading report: [2016/0223\(COD\)](#); Committee responsible: LIBE; Rapporteur: Matjaž Nemec (S&D, Slovenia). For further information, see our 'EU Legislation in progress' [briefing](#).



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