



8.5.2017

## **OPINION**

of the Committee on Employment and Social Affairs

for the Committee on Civil Liberties, Justice and Home Affairs

on the 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  
(COM(2016)0466 – C8-0324/2016 – 2016/0223(COD))

Rapporteur: Brando Benifei

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## SHORT JUSTIFICATION

The proposed reform of the Common European Asylum System aims at shaping a more sustainable, fairer and holistic EU migration policy, based on the principles of fair sharing of responsibility and solidarity among Member States.

Notwithstanding the legislative and political effort carried out in the past years at the European and Member States' level, in order to respond effectively to the refugee crisis, several aspects related to the well-functioning of the asylum system still remain to be addressed. In particular, differences persist on rules and criteria for granting refugee status and subsidiary protection; on recognition rates among Member States as well as on the set of rights and obligations granted to beneficiaries. The Commission proposes to repeal the previous Recast Qualification Directive with a Regulation, therefore increasing the harmonisation potential of new common European instruments. The rapporteur believes it essential for reforms in this field to achieve the overarching goal of improving the current situation, which should be intended as a step forward in the effective rights provided to people who are in need of protection, and not just as the merely functional administrative re-organisation or rationalisation of rules, practices and procedures.

With a view to this, the possibility for social inclusion and labour market integration of beneficiaries of international protection into society is key.

In his draft opinion, therefore, the rapporteur puts forward amendments with the aim of ensuring that EU legislation allows exploiting the maximum potential of such integration prospects. In first instance, this means aligning the rights granted to refugees, on the one hand, and to beneficiaries of subsidiary protection, on the other, as it is already the case in some Member States, being such distinction often based on the disputable assumption of a more temporary nature of the protection needed. This creates in practice not only an unnecessary administrative complexity, but risks directly jeopardising their integration chances, for example due to a too short duration of their residence or work permits - being the two often intrinsically connected - or by linking the renewal of such residence permit to a protection status review, which also appears costly and unnecessary. For similar reasons, the rapporteur proposes a deletion from the text of the possibility for Member States to limit social assistance of beneficiaries of subsidiary protection to core benefits.

Commission allows for Member States to make participation in integration measures such as language courses, vocational training and other employment-related measures compulsory for beneficiaries of protection, in order facilitate their integration into society. While this can be accepted as a valuable tool for turning the short-term challenges of integration into an opportunity for society as a whole, at the same time it needs to be specified that such measures must be free of charge, available, easily accessible and always take into account the rights and values of the beneficiary of protection. It is also necessary to ensure that non or partial participation to such measures never puts at risk the protection status of the person, as this will directly constitute a violation of international refugee law.

Finally, the rapporteur disagrees with the punitive approach chosen by the Commission to regulate secondary movements, while considering on the other hand a system of possible incentives to remain in the State that granted protection more appropriate.

## AMENDMENTS

The Committee on Employment and Social Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to take into account the following amendments:

### Amendment 1

#### Proposal for a regulation

##### Recital 1

###### *Text proposed by the Commission*

(1) A number of substantive changes are to be made to Council Directive 2011/95/EU of 13 December 2011 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<sup>31</sup> (recast). To ensure harmonisation and more convergence in asylum decisions and as regards the content of international protection in order to ***reduce incentives to move within the European Union*** and ensure an equality of treatment of beneficiaries of international protection that Directive should be repealed and replaced by a Regulation.

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<sup>31</sup> OJ L 337, 20.12.2011, p. 9.

###### *Amendment*

(1) A number of substantive changes are to be made to Council Directive 2011/95/EU of 13 December 2011 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<sup>31</sup> (recast). To ensure harmonisation and more convergence in asylum decisions and as regards the content of international protection in order to ***encourage beneficiaries of international protection to remain in the Member State that granted them such protection*** and ensure an equality of treatment of beneficiaries of international protection that Directive should be repealed and replaced by a Regulation.

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<sup>31</sup> OJ L 337, 20.12.2011, p. 9.

### Amendment 2

#### Proposal for a regulation

##### Recital 3

*Text proposed by the Commission*

(3) The CEAS is based on common standards for asylum procedures, recognition and protection offered at Union level, reception conditions and a system for determining the Member State responsible for asylum seekers. Notwithstanding progress achieved so far in the progressive development of the CEAS, there are still significant disparities between the Member States in the types of procedures used, the recognition rates, the type of protection granted, the level of material reception conditions and benefits given to applicants for and beneficiaries of international protection. These divergences ***are important drivers of secondary movements and*** undermine the objective of ensuring that all applicants are equally treated wherever they apply in the Union.

*Amendment*

(3) The CEAS is based on common standards for asylum procedures, recognition and protection offered at Union level, reception conditions and a system for determining the Member State responsible for asylum seekers. Notwithstanding progress achieved so far in the progressive development of the CEAS, there are still significant disparities between the Member States in the types of procedures used, the recognition rates, the type of protection granted, the level of material reception conditions and benefits given to applicants for and beneficiaries of international protection. These divergences, ***together with very different macroeconomic and labour market situations across the Member States,*** undermine the objective of ***standardised reception conditions for all applicants*** wherever they apply in the Union.

### **Amendment 3**

#### **Proposal for a regulation Recital 5**

*Text proposed by the Commission*

(5) For a well-functioning CEAS, including of the Dublin system, substantial progress should be made regarding the convergence of national asylum systems ***with special*** regard to differing recognition rates and type of protection status in the Member States. In addition, rules on status review should be strengthened to ensure that protection is only granted to those who need it and for so long as it continues to be needed. Moreover, divergent practices regarding the duration of the residence permits should be avoided, and the rights granted to beneficiaries of international protection should be further clarified and

*Amendment*

(5) For a well-functioning CEAS, including of the Dublin system, substantial progress should be made regarding the convergence of national asylum systems, ***particularly with*** regard to differing recognition rates and type of protection status in the Member States. In addition, rules on status review should be strengthened to ensure that protection is only granted to those who need it and for so long as it continues to be needed. Moreover, divergent practices regarding the duration of the residence permits should be avoided, and the rights granted to beneficiaries of international protection

harmonised.

should be further clarified and harmonised.

#### **Amendment 4**

##### **Proposal for a regulation**

###### **Recital 6**

###### *Text proposed by the Commission*

(6) A Regulation is therefore necessary to ensure a more consistent level of harmonisation throughout the Union and to provide a higher degree of legal certainty and transparency.

###### *Amendment*

(6) A Regulation is therefore necessary to ensure a ***faster and*** more consistent level of harmonisation throughout the Union and to provide a higher degree of legal certainty and transparency.

#### **Amendment 5**

##### **Proposal for a regulation**

###### **Recital 8**

###### *Text proposed by the Commission*

(8) The further approximation of rules on the recognition and content of refugee and subsidiary protection status should moreover help to limit the secondary movement of applicants for international protection and beneficiaries of international protection between Member States, ***where such movement may have been caused by any differences in the national legal measures taken to transpose the Qualification Directive replaced by this Regulation.***

###### *Amendment*

(8) The further approximation of rules on the recognition and content of refugee and subsidiary protection status should moreover help to limit the secondary movement of applicants for international protection and beneficiaries of international protection between Member States, ***and to achieve high protection standards throughout the Union.***

#### **Amendment 6**

##### **Proposal for a regulation**

###### **Recital 10**

###### *Text proposed by the Commission*

(10) Successful resettlement candidates should be granted international protection. Accordingly, the provisions of this

###### *Amendment*

(10) Successful resettlement candidates should be granted international protection. Accordingly, the provisions of this

Regulation on the content of international protection should apply, *including the rules to discourage secondary movement*.

Regulation on the content of international protection should apply.

## Amendment 7

### Proposal for a regulation Recital 11

*Text proposed by the Commission*

(11) This Regulation respects the fundamental rights and observes the principles recognised *in particular* by the Charter of Fundamental Rights of the European Union (the Charter). In particular this Regulation seeks to ensure full respect for human dignity and the right to asylum of applicants for asylum and their accompanying family members and to promote the application of the Charter's Articles relating to human dignity, respect for private and family life, freedom of expression and information, right to education, freedom to choose an occupation and right to engage in work, freedom to conduct a business, right to asylum, non-discrimination, rights of the child, social security and social assistance, health care, and should therefore be implemented accordingly.

*Amendment*

(11) This Regulation respects the fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union (the Charter), *the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms, the 1961 European Social Charter, the 1948 Universal Declaration of Human Rights, and the 1951 Refugee Convention and the 1967 Protocol thereto*. In particular this Regulation seeks to ensure full respect for human dignity and the right to asylum of applicants for asylum and their accompanying family members and to promote the application of the Charter's Articles relating to human dignity, respect for private and family life, freedom of expression and information, right to education, freedom to choose an occupation and right to engage in work, freedom to conduct a business, right to asylum, non-discrimination, rights of the child, *the enjoyment of social rights including* social security and social assistance, health care, and should therefore be implemented accordingly.

## Amendment 8

### Proposal for a regulation Recital 13

*Text proposed by the Commission*

(13) The resources of the Asylum, Migration and *Refugee* Fund should be used to provide adequate support to Member States' efforts in implementing the standards set by *the* Regulation, in particular to those Member States which are *faced with specific and disproportionate pressure on* their asylum systems, due in particular to their geographical or demographic situation.

*Amendment*

(13) The resources of the Asylum, Migration and *Integration* Fund should be used to provide adequate support to Member States' efforts in implementing the standards set by *this Regulation*, in particular *in relation to promoting sustainable integration of beneficiaries of international protection and to providing support* to those Member States which are *facing challenges as part of* their asylum systems, due in particular to their *social*, geographical or demographic situation. *To that end, adequate funding should be made available to local and regional authorities and international and civil society organisations, including through the possibility for local and regional authorities to access the Asylum Migration and Integration Fund and other funds for actions that fall directly under their responsibilities in a more direct and efficient manner.*

**Amendment 9**

**Proposal for a regulation**  
**Recital 15**

*Text proposed by the Commission*

(15) When applying this Regulation the 'best interests of the child' should be a primary consideration, in line with the 1989 United Nations Convention on the Rights of the Child. In assessing the best interests of the child, Member States' authorities should in particular take due account of the principle of family unity, the minor's well-being and social development, safety and security considerations and the views of the minor in accordance with his or her age and maturity.

*Amendment*

(15) When applying this Regulation the 'best interests of the child' should be a primary consideration, in line with the 1989 United Nations Convention on the Rights of the Child. In assessing the best interests of the child, Member States' authorities should in particular take due account of the principle of family unity, the minor's well-being and social development, *the minor's cultural origin and linguistic skills*, safety and security considerations and the views of the minor in accordance with his or her age and maturity.



## Amendment 10

### Proposal for a regulation Recital 29

#### *Text proposed by the Commission*

(29) In accordance with relevant case law of the Court of Justice of the European Union, when assessing applications for international protection, the competent authorities of the Member States should use methods for the assessment of the applicant's credibility in a manner that respects the individual's rights as guaranteed by the Charter, in particular the right to human dignity and the respect for private and family life. Specifically as regards **homosexuality**, the individual assessment of the applicant's credibility should not be based on stereotyped notions concerning **homosexuals** and the applicant should not be submitted to detailed questioning or tests as to his or her sexual practices.

#### *Amendment*

(29) In accordance with relevant case law of the Court of Justice of the European Union, when assessing applications for international protection, the competent authorities of the Member States should use methods for the assessment of the applicant's credibility in a manner that respects the individual's rights as guaranteed by the Charter, in particular the right to human dignity and the respect for private and family life. Specifically as regards **sexual orientation and gender identity**, the individual assessment of the applicant's credibility should not be based on stereotyped notions concerning **sexual orientation and gender identity** and the applicant should not be submitted to detailed questioning or tests as to his or her sexual practices. **Moreover, the competent national authorities should not consider the statements of the applicant to lack credibility on the sole ground that the applicant did not rely on his or her sexual orientation, gender identity, gender expression or sex characteristics when he or she first set out the details of his or her persecution.**

## Amendment 11

### Proposal for a regulation Recital 34

#### *Text proposed by the Commission*

(34) For the purpose of assessing serious harm which may qualify applicants as eligible for subsidiary protection, the notion of indiscriminate violence, in accordance with relevant case law of the European Court of Justice, should include

#### *Amendment*

(34) For the purpose of assessing serious harm which may qualify applicants as eligible for subsidiary protection, the notion of indiscriminate violence, in accordance with relevant case law of the European Court of Justice **and the**

violence that may extend to people irrespective of their personal *circumstance*.

*European Court of Human Rights*, should include violence that may extend to people irrespective of their personal *circumstances*. ***Factors to be taken into account when determining whether indiscriminate violence exists could include external aggression, occupation, foreign domination, internal conflicts, severe violation of human rights or events seriously disturbing public order in the country of origin, or in a part thereof.***

## Amendment 12

### Proposal for a regulation Recital 37

*Text proposed by the Commission*

(37) The residence permit and the travel documents issued to beneficiaries of international protection for ***the first time or renewed*** following the entry into force of this Regulation should comply with the rules laid down by Regulation (EC) No 1030/2002 and Council Regulation (EC) No 2252/2004 respectively.

*Amendment*

(37) The residence permit and the travel documents issued to beneficiaries of international protection following the entry into force of this Regulation should comply with the rules laid down by Regulation (EC) No 1030/2002 and Council Regulation (EC) No 2252/2004 respectively.

## Amendment 13

### Proposal for a regulation Recital 39

*Text proposed by the Commission*

(39) With a view to ascertaining whether beneficiaries of international protection are still in need of that protection, determining authorities ***should*** review the granted status ***when the residence permit has to be renewed, for the first time in the case of refugees, and for the first and second time in the case of beneficiaries of subsidiary protection, as well as*** when a significant relevant change in the beneficiaries' country of origin occurs as indicated by

*Amendment*

(39) With a view to ascertaining whether beneficiaries of international protection are still in need of that protection, determining authorities ***may*** review the granted status when a significant relevant change in the beneficiaries' country of origin occurs as indicated by common analysis and guidance on the situation in the country of origin provided at Union level by the Agency and the European networks on country of origin information in

common analysis and guidance on the situation in the country of origin provided at Union level by the Agency and the European networks on country of origin information in accordance with Articles 8 and 10 of Regulation<sup>37</sup> .

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<sup>37</sup> COM(2016)271 final.

accordance with Articles 8 and 10 of Regulation<sup>37</sup> .

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<sup>37</sup> COM(2016)271 final.

## Amendment 14

### Proposal for a regulation Recital 41

#### *Text proposed by the Commission*

(41) When the refugee status or the subsidiary protection status ceases to exist, the application of the decision by which the determining authority of a Member State revokes, ends or does not renew the status should be deferred for a reasonable period of time after adoption, in order to give the third-country national or stateless person concerned the possibility to apply for residence on the basis of other grounds than those having justified the granting of international protection, such as family reasons, or reasons related to employment or to education, in accordance with relevant Union and national law.

## Amendment 15

### Proposal for a regulation Recital 43

#### *Text proposed by the Commission*

(43) In order to **prevent** secondary movements within the European Union, beneficiaries of international protection, if found in a Member State other than the Member State having granted them protection without fulfilling the conditions of stay or reside, should be taken back by

#### *Amendment*

(41) When the refugee status or the subsidiary protection status ceases to exist, the application of the decision by which the determining authority of a Member State revokes, ends or does not renew the status should be deferred for a reasonable period of time after adoption, in order to give the third-country national or stateless person concerned the possibility to apply for residence on the basis of other grounds than those having justified the granting of international protection, such as family **or medical** reasons, or reasons related to employment or to education, in accordance with relevant Union and national law.

#### *Amendment*

(43) In order to **discourage** secondary movements within the European Union, beneficiaries of international protection, if found in a Member State other than the Member State having granted them protection without fulfilling the conditions of stay or reside, should be taken back by

the Member State responsible in accordance with the procedure laid down by Regulation<sup>41</sup>.

the Member State responsible in accordance with the procedure laid down by Regulation<sup>41</sup>.

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<sup>41</sup> (EU)No [xxx/xxxx New Dublin Regulation].

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<sup>41</sup> (EU)No [xxx/xxxx New Dublin Regulation].

## Amendment 16

### Proposal for a regulation Recital 44

*Text proposed by the Commission*

**(44)** *In order to discourage secondary movements within the European Union, the Long Term Residence Directive 2003/109/EC should be amended to provide that the 5-year period after which beneficiaries of international protection are eligible for the Long Term Resident status should be restarted each time the person is found in a Member State, other than the one that granted international protection, without a right to stay or to reside there in accordance with relevant Union or national law.*

*Amendment*

*deleted*

## Amendment 17

### Proposal for a regulation Recital 47

*Text proposed by the Commission*

(47) Within the limits set out by international obligations, the granting of benefits with regard to access to employment and social security **requires** the prior issuing of a residence permit.

*Amendment*

(47) Within the limits set out by international obligations, the granting of benefits with regard to access to employment and social security **may require** the prior issuing of a residence permit.

## Amendment 18

### Proposal for a regulation

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## Recital 48

*Text proposed by the Commission*

(48) Competent authorities may restrict the access to employed or self-employed activities as regard posts which involve the exercise of public authority, and responsibility for safeguarding the general interest of the State or other public authorities. ***In the context of exercising their right equal treatment as regards membership of an organisation representing workers or engaging in a specific occupation, beneficiaries of international protection may likewise be excluded from taking part in the management of bodies governed by public law and from holding an office governed by public law***

*Amendment*

(48) Competent authorities may restrict the access to employed or self-employed activities as regard posts which involve the exercise of public authority, and responsibility for safeguarding the general interest of the State or other public authorities.

## Amendment 19

### Proposal for a regulation

## Recital 49

*Text proposed by the Commission*

(49) In order to enhance the effective exercise of the rights and benefits laid down in this Regulation by beneficiaries of international protection, it is necessary to take into account their specific needs and the particular integration challenges with which they are confronted, and facilitate their access to integration related rights in particular as regards employment-related educational opportunities ***and*** vocational training and access to recognition procedures for foreign diplomas, certificates and 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.

*Amendment*

(49) In order to enhance the effective exercise of the rights and benefits laid down in this Regulation by beneficiaries of international protection, it is necessary to take into account their specific needs and the particular integration challenges with which they are confronted, and facilitate their access to integration related rights ***and measures*** in particular as regards ***education and*** employment-related educational opportunities, vocational training and access to recognition procedures for foreign diplomas, certificates and 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.

## Amendment 20

### Proposal for a regulation Recital 50

*Text proposed by the Commission*

(50) Equal treatment should be **provided for** beneficiaries of international protection with nationals of the Member State granting protection as regards social security.

*Amendment*

(50) Equal treatment **and the principle of non-discrimination** should be **applied to** beneficiaries of international protection with nationals of the Member State granting protection as regards social security.

## Amendment 21

### Proposal for a regulation Recital 51

*Text proposed by the Commission*

(51) In addition, especially to avoid social hardship, it is appropriate to provide beneficiaries of international protection **with social assistance without discrimination. However, as regards beneficiaries** of subsidiary protection, **Member States should be given some flexibility, to limit such rights to core benefits, which is to be understood as covering at least minimum income support, assistance in the case of illness, or pregnancy, and parental assistance, in so far as those benefits are granted to nationals under national law. In order to facilitate their integration, Member States should be given the possibility to make the access to certain type of social assistances specified in national law, for both refugees and beneficiaries of subsidiary protection, conditional on the effective participation of the beneficiary of international protection in integration measures.**

*Amendment*

(51) In addition, especially to avoid social hardship **and to facilitate the integration of** beneficiaries of international protection **and** of subsidiary protection, **it is appropriate to provide them with social and legal assistance without discrimination.**

## Amendment 22

**Proposal for a regulation**  
**Recital 52**

*Text proposed by the Commission*

(52) Access to healthcare, including both physical and mental healthcare, should be ensured to beneficiaries of international protection.

*Amendment*

(52) Access to healthcare, including both physical and mental, ***sexual and reproductive*** healthcare, should be ensured to beneficiaries of international protection.

**Amendment 23**

**Proposal for a regulation**  
**Recital 52 a (new)**

*Text proposed by the Commission*

*Amendment*

***(52a) Beneficiaries of international protection should also enjoy access to goods and services and the supply of goods and services made available to the public, including information and counselling services provided by employment offices.***

**Amendment 24**

**Proposal for a regulation**  
**Recital 53**

*Text proposed by the Commission*

(53) In order to facilitate the integration of beneficiaries of international protection into society, beneficiaries of international protection shall have access to integration measures, modalities to be set by the Member States. Member States may make the participation in such integration measures, such as language courses, civic integration courses, vocational training and other employment-related courses compulsory.

*Amendment*

(53) In order to facilitate the integration of beneficiaries of international protection into society, beneficiaries of international protection ***should*** have ***free and effective*** access to integration measures, modalities to be set by the Member States. Member States may make the participation in such integration measures, such as language courses, civic integration courses, vocational training and other employment-related courses compulsory, ***provided that those integration measures are easily accessible and free of charge.***  
***Participation in the measures in question***

*should always be without prejudice to the rights and obligations established by this Regulation and should never constitute grounds for review, revocation, ending, refusal or non-renewal of refugee status or subsidiary protection status. Any sanction established by Member States in national law, regarding failure to attend obligatory integration measures, should always be proportional.*

## **Amendment 25**

### **Proposal for a regulation**

#### **Article 15 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

*(b) when renewing, for the first time, the residence permit issued to a refugee.*

*deleted*

## **Amendment 26**

### **Proposal for a regulation**

#### **Article 21 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

*(b) when renewing, for the first and second time, the residence permit issued to a beneficiary of subsidiary protection.*

*deleted*

## **Amendment 27**

### **Proposal for a regulation**

#### **Article 22 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. Within the limits set by international obligations, granting of benefits with regard to access to employment, social security *shall* require the prior issuing of a residence permit.

3. Within the limits set by international obligations, granting of benefits with regard to access to employment, social security *may* require the prior issuing of a residence permit.



## Amendment 28

### Proposal for a regulation

#### Article 22 – paragraph 4

*Text proposed by the Commission*

4. When applying the provisions of this Chapter, the specific situation of persons with special needs such as minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with *minor* children, victims of human trafficking, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence shall be taken into account provided an individual evaluation of their situation establishes that they have special needs.

*Amendment*

4. When applying the provisions of this Chapter, the specific situation of persons with special needs such as minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with children, victims of human trafficking, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence shall be taken into account provided an individual evaluation of their situation establishes that they have special needs.

## Amendment 29

### Proposal for a regulation

#### Article 24 – paragraph 1

*Text proposed by the Commission*

The competent authorities shall provide beneficiaries of international protection with information on the rights and obligations relating to refugee status or subsidiary protection status, as soon as possible after that has been granted. That information shall be provided in a language that the beneficiary can understand *or is reasonably supposed to understand* and shall make explicit references to the consequences of not complying with the obligations outlined in *Article 28* on movement within the Union.

*Amendment*

The competent authorities shall provide beneficiaries of international protection with information on the rights and obligations relating to refugee status or subsidiary protection status, as soon as possible after that has been granted. That information shall be provided *in writing*, in a language that the beneficiary can understand and shall make explicit references to the consequences of not complying with the obligations outlined in *Article 29* on movement within the Union.

## Amendment 30

### Proposal for a regulation

## Article 26 – paragraph 1 – point a

*Text proposed by the Commission*

(a) For beneficiaries of refugee status, the residence permit shall have a period of validity of **three** years and be renewable thereafter for periods of **three** years.

*Amendment*

(a) For beneficiaries of refugee status, the residence permit shall have a period of validity of **five** years and be renewable thereafter for periods of **five** years.

## Amendment 31

### Proposal for a regulation

#### Article 26 – paragraph 1 – point b

*Text proposed by the Commission*

(b) For beneficiaries of subsidiary protection status, the residence permit shall have a period of validity of **one year** and be renewable thereafter for periods of **two** years.

*Amendment*

(b) For beneficiaries of subsidiary protection status, the residence permit shall have a period of validity of **five years** and be renewable thereafter for periods of **five** years.

## Amendment 32

### Proposal for a regulation

#### Article 28 – paragraph 1

*Text proposed by the Commission*

1. Beneficiaries of international protection shall enjoy freedom of movement within the territory of the Member State that granted international protection, including the right to choose their place of residence in that territory, under the same conditions and restrictions as those provided for other third-country nationals legally resident in their territories **who are in a comparable situation**.

*Amendment*

1. Beneficiaries of international protection shall enjoy freedom of movement within the territory of the Member State that granted international protection, including the right to choose their place of residence in that territory, under the same conditions and restrictions as those provided for other third-country nationals legally resident in their territories.

## Amendment 33

### Proposal for a regulation

## Article 30 – paragraph 2 – point a

*Text proposed by the Commission*

(a) working conditions, including pay and dismissal, working hours, leave and holidays as well as health and safety requirements at the workplace;

*Amendment*

(a) working conditions, including pay and dismissal, working hours, leave and holidays, ***family leave*** as well as health and safety requirements at the workplace;

## Amendment 34

### Proposal for a regulation

#### Article 30 – paragraph 2 – 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;

*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 ***rights and*** benefits conferred by such organisations;

## Amendment 35

### Proposal for a regulation

#### Article 30 – paragraph 2 – point c

*Text proposed by the Commission*

(c) employment-related education opportunities ***for adults***, vocational training, including training courses for upgrading skills, practical workplace experience;

*Amendment*

(c) ***education and*** employment-related education opportunities, vocational training, including training courses for upgrading skills, practical workplace experience;

## Amendment 36

### Proposal for a regulation

#### Article 30 – paragraph 2 – point d

*Text proposed by the Commission*

(d) advice services afforded by

*Amendment*

(d) advice ***and follow-up*** services

employment offices.

afforded by employment offices.

### **Amendment 37**

#### **Proposal for a regulation Article 30 – paragraph 3**

*Text proposed by the Commission*

3. Competent authorities, *where necessary* shall facilitate the full access to the activities referred to in paragraph (2)(c) and (d).

*Amendment*

3. Competent authorities, shall facilitate the full access to the activities referred to in paragraph (2)(c) and (d).

### **Amendment 38**

#### **Proposal for a regulation Article 31 – paragraph 2**

*Text proposed by the Commission*

2. Adults granted international protection shall have access to the general education system, further training or retraining, under the same conditions as *third-country* nationals *legally resident in that Member State who are in a comparable situation*.

*Amendment*

2. Adults granted international protection shall have access to the general education system, further training or retraining, under the same conditions as nationals.

### **Amendment 39**

#### **Proposal for a regulation Article 34 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

Access to certain social assistance specified in national law may be made conditional on the effective participation of the beneficiary of international protection in integration measures.

*Amendment*

Access to certain social assistance specified in national law may be made conditional on the effective participation of the beneficiary of international protection in integration measures, *which shall be free of charge, available and easily accessible*.

## Amendment 40

### Proposal for a regulation

#### Article 34 – paragraph 2

*Text proposed by the Commission*

2. *For beneficiaries of subsidiary protection status Member States may limit social assistance to core benefits.*

*Amendment*

*deleted*

## Amendment 41

### Proposal for a regulation

#### Article 35 – paragraph 2

*Text proposed by the Commission*

2. Beneficiaries of international protection who have special needs, such as pregnant women, disabled people, persons who have undergone torture, rape or other serious forms of psychological, physical or sexual violence or minors who have been victims of any form of abuse, neglect, exploitation, torture, cruel, inhuman and degrading treatment or who have suffered from armed conflict shall be provided adequate healthcare, including treatment of mental disorders when needed, under the same eligibility conditions as nationals of the Member State that has granted protection.

*Amendment*

2. Beneficiaries of international protection who have special needs, such as pregnant women, disabled people, persons who have undergone torture, rape or other serious forms of psychological, physical or sexual violence or minors who have been victims of any form of abuse, neglect, exploitation, torture, cruel, inhuman and degrading treatment or who have suffered from armed conflict shall be provided **with** adequate healthcare, including treatment of mental disorders when needed, under the same eligibility conditions as nationals of the Member State that has granted protection.

## Amendment 42

### Proposal for a regulation

#### Article 36 – paragraph 1 – subparagraph 1

*Text proposed by the Commission*

As soon as possible **after international protection is granted** and within five **working** days at the latest, as outlined in Article 22(1) of Regulation EU no xxx/xxx[Procedures regulation], competent authorities shall take the necessary

*Amendment*

As soon as possible and within five days at the latest, as outlined in Article 22(1) of Regulation EU no xxx/xxx[Procedures regulation], competent authorities shall take the necessary measures to ensure the representation of unaccompanied minors

measures to ensure the representation of unaccompanied minors by a legal guardian or, where necessary, by an organisation responsible for the care and well-being of minors, or by any other appropriate representation including that based on legislation or court order.

by a legal guardian or, where necessary, by an organisation responsible for the care and well-being of minors, or by any other appropriate representation including that based on legislation or court order.

#### **Amendment 43**

##### **Proposal for a regulation**

##### **Article 36 – paragraph 3 – subparagraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

**(d) in other accommodation suitable for minors.**

**deleted**

#### **Amendment 44**

##### **Proposal for a regulation**

##### **Article 36 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

4. As far as possible, siblings shall be kept together, taking into account the best interests of the minor concerned and, in particular, his or her age and degree of maturity. Changes of residence of unaccompanied minors shall be limited to a minimum.

4. As far as possible, siblings shall be kept together, taking into account the best interests of the minor concerned and, in particular, his or her age and degree of maturity. Changes of residence of unaccompanied minors shall be limited to a minimum **and placement in administrative detention shall be avoided.**

#### **Amendment 45**

##### **Proposal for a regulation**

##### **Article 37 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. Beneficiaries of international protection shall have access to accommodation under conditions equivalent to those applicable to **other third-country** nationals **legally resident in**

1. Beneficiaries of international protection shall have access to accommodation under conditions equivalent to those applicable to nationals.

*the territories of the Member States who are in a comparable situation.*

#### **Amendment 46**

##### **Proposal for a regulation**

##### **Article 37 – paragraph 2**

*Text proposed by the Commission*

2. National dispersal practices of beneficiaries of international protection shall be carried out ***to the extent possible*** without discrimination of beneficiaries of international protection and shall ensure equal opportunities regarding access to accommodation.

*Amendment*

2. National dispersal practices of beneficiaries of international protection shall be carried out without discrimination of beneficiaries of international protection and shall ensure equal opportunities regarding access to accommodation.

#### **Amendment 47**

##### **Proposal for a regulation**

##### **Article 38 – paragraph 1**

*Text proposed by the Commission*

1. In order to facilitate the integration of beneficiaries of international protection into society, beneficiaries of international protection shall have access to integration measures provided by the Member States, in particular language courses, civic orientation and integration programs and vocational training which take into account their specific needs.

*Amendment*

1. In order to facilitate the integration of beneficiaries of international protection into society, beneficiaries of international protection shall have access to integration measures provided by the Member States, in particular language courses, civic orientation and integration programs and vocational training which ***shall be free of charge and easily accessible and shall*** take into account their specific needs.

#### **Amendment 48**

##### **Proposal for a regulation**

##### **Article 38 – paragraph 2**

*Text proposed by the Commission*

2. Member States may make participation in integration measures compulsory.

*Amendment*

2. Member States may make participation in integration measures compulsory, ***provided that the integration***

*measures in question are free of charge and easily accessible, and take account of the specific needs of the beneficiary of international protection. Participation in integration measures shall be without prejudice to the rights and obligations established by this Regulation and shall not constitute grounds for review, revocation, ending, refusal or non-renewal of refugee status or subsidiary protection status and the rights and obligations with regard thereto.*



## PROCEDURE – COMMITTEE ASKED FOR OPINION

<b>Title</b>	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
<b>References</b>	COM(2016)0466 – C8-0324/2016 – 2016/0223(COD)
<b>Committee responsible</b> Date announced in plenary	LIBE 12.9.2016
<b>Opinion by</b> Date announced in plenary	EMPL 12.9.2016
<b>Rapporteur</b> Date appointed	Brando Benifei 9.9.2016
<b>Discussed in committee</b>	22.3.2017
<b>Date adopted</b>	3.5.2017
<b>Result of final vote</b>	+: 41 –: 7 0: 4
<b>Members present for the final vote</b>	Laura Agea, Guillaume Balas, Brando Benifei, Mara Bizzotto, Vilija Blinkevičiūtė, Enrique Calvet Chambon, Ole Christensen, Lampros Fountoulis, Elena Gentile, Arne Gericke, Marian Harkin, Czesław Hoc, Danuta Jazłowiecka, Agnes Jongerius, Rina Ronja Kari, Jan Keller, Ádám Kósa, Kostadinka Kuneva, Jean Lambert, Jérôme Lavrilleux, Jeroen Lenaers, Verónica Lope Fontagné, Javi López, Thomas Mann, Dominique Martin, Anthea McIntyre, Elisabeth Morin-Chartier, Emilian Pavel, Marek Plura, Sofia Ribeiro, Robert Rochefort, Maria João Rodrigues, Claude Rolin, Anne Sander, Sven Schulze, Romana Tomc, Yana Toom, Ulrike Trebesius, Marita Ulvskog, Renate Weber, Tatjana Ždanoka, Jana Žitňanská
<b>Substitutes present for the final vote</b>	Georges Bach, Heinz K. Becker, Lynn Boylan, Rosa D'Amato, Tania González Peñas, Paloma López Bermejo, Edouard Martin, Tamás Meszerics, Flavio Zanonato
<b>Substitutes under Rule 200(2) present for the final vote</b>	Petra Kammerevert

## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

<b>41</b>	<b>+</b>
ALDE	Enrique Calvet Chambon, Marian Harkin, Robert Rochefort, Yana Toom, Renate Weber
EPP	Georges Bach, Heinz K. Becker, Danuta Jazłowiecka, Jérôme Lavrilleux, Jeroen Lenaers, Verónica Lope Fontagné, Thomas Mann, Elisabeth Morin-Chartier, Marek Plura, Sofia Ribeiro, Claude Rolin, Anne Sander, Sven Schulze, Romana Tomc
Green/EFA	Jean Lambert, Tamás Meszerics, Tatjana Ždanoka
GUE/NGL	Lynn Boylan, Tania González Peñas, Rina Ronja Kari, Kostadinka Kuneva, Paloma López Bermejo
S&D	Guillaume Balas, Brando Benifei, Vilija Blinkevičiūtė, Ole Christensen, Elena Gentile, Agnes Jongerius, Petra Kammerevert, Jan Keller, Javi López, Edouard Martin, Emilian Pavel, Maria João Rodrigues, Marita Ulvskog, Flavio Zanonato

<b>7</b>	<b>-</b>
ECR	Arne Gericke, Czesław Hoc, Anthea McIntyre, Ulrike Trebesius, Jana Žitňanská
ENF	Mara Bizzotto
NI	Lampros Fountoulis

<b>4</b>	<b>0</b>
EFDD	Laura Agea
ENF	Mireille D'Ornano, Dominique Martin
EPP	Ádám Kósa

### Key to symbols:

+ : in favour

- : against

0 : abstention