

QUALIFICATION DIRECTIVE

State of play

The recast-directive is approved and published in December 2011. The transposition deadline is 21 December 2013.

What's new?

- clarification of the legal concepts of "actors of protection", "internal protection" and "membership of a particular social group" which enable member states to identify quicker the persons in need of protection, to make more robust decisions at first instance and to prevent better abuse of the asylum system;
- an enlarged family definition which, in the future, will cover not only the spouse or unmarried partner as well as unmarried children, but also any other adult legally responsible for an unmarried minor who applies for asylum;
- approximation of the rights of refugees and beneficiaries of subsidiary protection with regard to family unity, access to employment and health care while allowing member states to continue differentiation between these two protection statuses as regards the residence permit as well as access to social welfare and integration facilities;
- on the duration of the residence permit: while the rules continue to allow member states to differentiate between refugees and beneficiaries of subsidiary protection, they do enhance the rights of the latter: any renewal of the residence permit after the initial validity of one year must be valid for at least two years. The rules for refugees remain unchanged, i.e. their residence permit must be valid for at least three years and must be renewable;
- better access to employment related education opportunities and vocational training as well as to procedures for recognition of professional qualifications;
- improved conditions for access to accommodation and integration facilities;
- better standards for vulnerable persons with special needs such as unaccompanied minors.

Background information on the qualification directive:

Directive of 29 April 2004 (minimum standards).

- **Official name:** [Council directive 2004/83/EC](#) of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted.
- **Objective of the directive.** To harmonise the definitions of "refugee status" and "subsidiary protection status" across the EU as well as the protection granted.
- **Transposition deadline:** 10 October 2006
- **Evaluation:** [Evaluation report](#) of 16 June 2010 of the European Commission on the application of the directive.

- The report concluded that vagueness and ambiguity surrounding several concepts in the directive left room for widely divergent interpretations. It also appeared that a significant share of decisions taken at first instance on individual cases were overturned on appeal, as they were based on criteria which were insufficiently clear or precise.

Improving directive 2004/83/EC: Directive of 13 December 2011 (recast)

- **21 October 2009 - Commission proposal on recast**
 - [Amended proposal](#) of the European Commission on standards for the qualification and status of third country nationals or stateless persons as beneficiaries of international protection and the content of the protection granted. [More information](#).
- **Directive of 13 December 2011 – Recast directive (standards)**
 - Following an agreement in first reading, the European Parliament and the Council adopted amendments to the Qualifications Directive.
 - **Official name:** [Directive 2011/95/EU](#) 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.
 - **Content:** The directive sets standards for the identification of people in need of international protection in the EU either as refugees or as beneficiaries of subsidiary protection. The text also ensures a minimum level of benefits and rights for both categories of beneficiaries of international protection throughout the EU. Member states that wish to do so can provide for more favourable rules for beneficiaries of international protection.

Although differences continue to exist between the two categories, the new directive approximates the benefits and rights of refugees and of beneficiaries of subsidiary protection offering, in some fields, higher protection standards as in the previous text. The new rules also strengthen the rights of beneficiaries of international protection by taking into account the specific integration challenges they face.

Overall, the amendments clarify several legal concepts used to define the grounds for protection thereby ensuring coherence with the case-law of the European Court of Justice (ECJ) and the European Court of Human Rights (ECtHR).

[More information](#)

- **Transposition deadline:** 21 December 2013.

More information:

- **Positions taken by other stakeholders on the matter:** [ECRE](#)
- [General overview](#) on the content of the directive on the site of the European Commission. Link
- [Procedure file](#) of the Legislative Observatory (European Parliament).
- Overview of the recast directive, made by the [Legislative Observatory](#) (European Parliament).