

# The Reception Conditions Directive



Asylum in Europe  
Now, it's up to you.



## Directive laying down minimum standards for the reception of asylum seekers

The purpose of this Directive, adopted in 2003, is to set minimum standards for the reception of asylum seekers including housing, health care and the right to work during the asylum procedure. During the consultations on this Directive, the European Parliament had proposed several amendments to improve the specific situation of children and to facilitate the access for asylum seekers to the labour market. At the end of the process, however, the Council adopted standards which were lower than those proposed by the Commission and supported by the European Parliament, which had a merely consultative role. As a result, some of the Directive's standards remain subject to diverging and, in some cases, restrictive interpretation by Member States. Today, asylum seekers have very different reception conditions across Europe. In some countries their basic needs are not met and asylum seekers face significant obstacles to access employment, education and health care.

Poor material reception conditions coupled with lack of employment opportunities during the asylum procedure can lead to a vicious circle of isolation, discrimination and poor integration prospects. This can have a negative impact on asylum seekers' physical and psychological health, leaving them demoralised after recognition as refugees, or unprepared to return if their applications are rejected.

### What matters

- **Asylum seekers should only be detained in limited cases**  
Freedom from arbitrary detention is a fundamental human right enshrined in the European Convention on Human Rights. The Commission's proposal to regulate and limit detention of asylum seekers, as well as to reiterate that asylum seekers are legally present in the EU and should not be detained for the sole reason that they are seeking asylum, is therefore welcome. Detention should occur only when it is absolutely necessary and must be based on limited reasons. Detention orders should be issued or be confirmed by judges. If asylum seekers are detained, the conditions of their detention should take into account the fact that they are asking for protection. Detention of asylum seekers in prisons together with accused or convicted criminals should be prohibited. Member States should ensure free legal assistance for detained asylum seekers.
- **People with special needs should be given specific attention**  
The European Commission's proposals to give special attention to children and other vulnerable groups such as victims of torture and sexual violence, elderly and disabled persons are welcome. Member States should be required to establish procedures in their legislation to identify people with special needs as put forward by the Commission. The detention of unaccompanied children should be prohibited, in order to ensure that children benefit from protection and care as early as possible.
- **Asylum seekers should have access to the labour market**  
The European Commission's proposal to grant asylum seekers access to employment within six months of their asylum application being lodged, instead of 12 months, is welcome. By making it difficult for people who have fled persecution to work, governments deprive communities of motivated workers, make asylum seekers vulnerable to exploitation as cheap labour and make the integration process more difficult in the long run. In addition, the costs associated with hosting asylum seekers are lower when they are authorised to hold remunerated employment. Member States such as Finland, Spain and Sweden already allow asylum seekers to work before the end of the one year period set out in the current Directive.