

MEPs voice concerns over detention and reception conditions for asylum seekers

Plenary sessions [16-12-2015 - 19:18]

No-one should ever be detained for the sole reason that he or she is an asylum seeker, said speakers in a debate on Wednesday evening. To apply for asylum is a basic human right, and detention can only be used as a measure of last resort, they insisted. Several MEPs criticised declarations by European Council President Donald Tusk about detaining migrants for up to 18 months in order to “screen” them. Other MEPs argued that such decisions are better taken at national level.

EU rules require member states to use detention only as a measure of last resort, for as short a period of time as possible, and to respect asylum seekers' rights, said Luxembourg's labour minister Nicolas Schmit, representing the Council Presidency. "Member states may only make use of detention if no other, less coercive, measures can be used", he said. "If EU legislation is not applied in an appropriate way, then it is up to the Commission to take appropriate measures", he concluded.

EU Commissioner for Migration, Home Affairs and Citizenship Dimitris Avramopoulos said that "all aspects of the asylum legislation" must be respected. Asylum seekers may only be detained "in full compliance with these rules", he insisted, stressing the need to properly transpose EU asylum rules into national law and implement them.

EPP MEP Monika Hohlmeier (DE), said "In the EU there are a number of member states where rights of asylum seekers or migrants are not given enough attention (...) This can happen in Greece, in Hungary, in Slovakia or in any other country".

S&D MEP Enrique Guerrero Salom (ES) told Mr Schmidt that "If all member states respected all the things you said, we would not be here discussing it (...) There are some countries that do not respect these rights, and are using police violence (...) Dublin doesn't solve the problem, we need to find new standards to regulate the situation of people who are fleeing war and death".

ECR MEP Timothy Kirkhope (UK) said "Properly implementing the rules we have is key. Some member states have been getting away with flouting those rules (...) We all know who those member states are".

For the ALDE, Cecilia Wikström (SE) said "The most flagrant example is the proposal made by the President of the European Council that asylum seekers be detained for 18 months. (...) This resembles the darkest period in our history (...) Mr Tusk should publicly apologise for it. The right to apply for asylum is a basic human right".

For the GUE/NGL group, Josu Juaristi Abaunz (ES) said "I would like to denounce abuse in Bulgaria. I saw Afghan people in appalling conditions (...) and subject to extortion (...) This is not acceptable in the EU or anywhere else in the world".

Greens/EFA MEP Judith Sargentini (NL) said "We have our own 'Donald', the President of the European Council, who said that migrants should be detained for 18 months in order to screen them. That is simply a sign of ignorance and I am worried about the way Mr Tusk views migrants. There is no difference between him and Donald Trump. You cannot stigmatize people like that".

For the EFDD, Diane James (UK) said "Dictating quotas has only exacerbated the problems (...) created by Ms Merkel's siren call. (...) National and people's consent should be paramount for resettlement. (...) The EU needs to learn from its mistakes and change

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the direction completely".

Finally, for the ENF, Vicky Maeijer (NL) said "Hundreds of thousands of applicants for international protection found their way to the EU - a real tsunami (...) The security of our citizens must be the priority. Checks must be carried out. And that should be a national decision, not an EU one".

Background

Detailed common rules on the detention of asylum seekers while their applications are examined, including an exhaustive list of grounds for detention, are laid down in the "Reception Conditions Directive" - part of the Common European Asylum System (CEAS) - approved by Parliament and the Council in 2013. These rules are designed to prevent arbitrary practices and keep detention periods as short as possible.

Under the Reception Conditions Directive, as a general rule, if asylum seekers are detained, then they must be placed in specialised detention facilities. However, if an EU country cannot provide accommodation in such facilities and is obliged to place the asylum seeker in a prison instead, (s)he will have to be kept separate from ordinary prisoners and given access to open-air spaces. Detained asylum seekers will also have to be given information explaining their rights and obligations in a language that they understand "or are reasonably supposed to understand".

Unaccompanied minors may be detained only "in exceptional circumstances" and must not be held in prisons. They must be placed in centres with staff and facilities suited to their needs and also kept separate from adults. EU member states had until July 2015 to transpose this directive into their national laws.

The detention of irregularly- staying third-country nationals until they are returned home is regulated by a separate legal instrument, the so-called "Returns Directive" (not part of the CEAS), approved by Parliament and Council in 2008.

Further information

- Video recording of debate (click on 16.12.2015)
: <http://www.europarl.europa.eu/ep-live/en/plenary/search-by-date>
- Audiovisual material for professionals
: <http://audiovisual.europarl.europa.eu/default.aspx>
- Directive 2013/33/EU laying down standards for the reception of applicants for international protection
: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32013L0033>
- Press release - Parliament gives green light to the new European asylum system (12.06.2013)
: <http://www.europarl.europa.eu/news/en/news-room/content/20130607IPR11389/html/Parliament-gives-green-light-to-the-new-European-asylum-system>
- EP background note on the Common European Asylum System
: <http://www.europarl.europa.eu/news/en/news-room/content/20130606BKG11214/html/Common-European-Asylum-System-what%27s-at-stake>
- Commission's factsheet on A Common European Asylum System
: http://ec.europa.eu/dgs/home-affairs/e-library/docs/ceas-fact-sheets/ceas_factsheet_en.pdf
- Directive 2008/115/EC on common standards and procedures in Member States for returning illegally staying third-country nationals
: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008L0115&from=NL>

Political groups

- News pages of the EPP group: <http://www.eppgroup.eu/press>
- News pages of the S&D group: <http://www.socialistsanddemocrats.eu/newsroom>
- News pages of the ECR group: <http://ecrgroup.eu/news/>

Press release

- News pages of the ALDE group: <http://www.alde.eu/press/press-and-release-news/>
- Press release by the GUE/NGL group: <http://www.guengl.eu/news/article/gue-ngl-news/meps-call-for-urgent-action-on-detention-and-use-of-force-against-migrants>
- News pages of the Greens/EFA group: <http://www.greens-efa.eu/press/70-press-releases.html>
- News pages of the EFDD group: <http://www.efdgroup.eu/newsroom/press-releases>

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