

CEAR's PROPOSALS CONCERNING THE CEAS REFORM

- To eliminate the limitations introduced in the reform proposal regarding access to free legal assistance, recording interviews, assessment of the documents, and the obligation to apply for international protection in the first country of arrival.
- To withdraw the exclusion of the automatic suspensive effect of appeals, the restriction of access to an effective appeal in specific situations, and the demand for the burden of proof from the international protection applicant.
- To establish minimum procedural guarantees in an ordinary procedure and in accelerated and border procedures, and in the case of subsequent applications. To do so, it is necessary to eliminate the cutback in guarantees established regarding these procedures, such as the reduction in deadlines and the inclusion of new situations for applications including, among others, unaccompanied minors and people who leave the responsible Member State.
- To include in the definition of international protection applicant not only people that have formalised their application but also those who have stated their desire to apply for protection, in order to ensure they have access to the reception system during the period prior to formalisation. It is also all essential to broaden the concept of family members contained in the Reception Conditions Directive, extending it to brothers and sisters. This would avoid situations of lack of protection, which often affect unaccompanied minors whose only family ties in a Member State are their siblings.
- To clarify concepts such as “abscondment”, “risk of abscondment”, “dignified living standards”, “registration” and “lodging an international protection application”, as well as in drafting the cessation, withdrawal and the end or rejection of the renewal.

- To deem the rights of people with international protection to be equivalent regardless of the type of protection granted, and to guarantee their access to the same rights as nationals from the Member States without placing conditions on exercising rights to effective participation in the integration measures.
- To ensure effective protection for people in situations of special vulnerability, suitably identifying them, eliminating accelerated procedures for them, broadening the situational conditions of discretionary clauses, improving information exchange between the Member States as regards the cases, and maintaining the assumption of responsibility for humanitarian and cultural reasons. It is necessary to maintain the current regulation as regards the decision by any Member State to decide to examine an international protection application submitted to it, even when the examination does not correspond to that State.
- To guarantee that the minor's greater interest is applied in all situations, as well as their access to the right to education. The application of procedural and border procedures should also be eliminated for unaccompanied minors, as well as the possibility of detaining them.
- To eliminate the review condition situation and the obligation to revoke the status of refugee in the case of a danger for the safety of the Member State or the community, and to include restrictive criteria for applying all revocation situations.
- To establish a perspective of positive incentives to avoid secondary movements instead of applying sanctions such as accelerated procedures and rejection of the application due to implicit withdrawal. It is necessary to eliminate the sanctions included in the proposal as regards breach of the obligation to submit the application, leaving the responsible Member State or place of residence, and others.

- To guarantee a sustainable, fair distribution of responsibilities in receiving refugees among the Member States. To do so, it is essential to maintain the criterion of cessation of responsibility, since eliminating the cessation will not guarantee such fairness for Member States that have an outer border of the EU. It is also essential to review the corrective mechanism planned in the proposal, since the criterion of 150% of capacity for reception is very high, which may seriously affect the Member States' reception systems. It must be activated based on criteria suited to the real situation in each Member State as regards reception capacity. Obstacles to accessing the asylum procedure created by applying this mechanism before determining the responsible Member State or applying it automatically must also be eliminated in order to ensure individual analyses are made and situations of vulnerability are identified, as well as eliminating the States' discretionality.

- To guarantee the freedom of movement without making it conditional upon situations where specific social services are received that are linked to improving the integration of the person who has been granted the status of international protection.

- To eliminate the application of restrictive concepts such as, among others, the concept of a safe country, safe third country of origin, and first country of asylum, which have serious implications for people in a situation of special vulnerability such as minors, unaccompanied minors, people with special needs, elderly people, pregnant women, single parent families with minors, people who have suffered torture, rape or other serious forms of psychological, physical or sexual violence, and victims of human trafficking. It is also essential to eliminate other restrictive concepts and criteria such as the obligatory assessment of internal abscondment without accounting for all of the criteria established by UNHCR, the rejection of applications based on "circumstances created by the applicant", and the extension of exclusion clauses without judging proportionality.

- To eliminate exclusion from the job market for international protection applicants from a safe country.
- To establish the exceptional nature of detention, including the consideration of other less coercive alternative measures, and eliminating the possibility of detaining minors.
- To encourage solidarity among the Member States in receiving refugees, avoiding a reduction in minimum standards of reception and alleviating their burden on countries that make up the outer border.

