



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

from : Asylum Working Party

to : Strategic Committee on Immigration, Frontiers and Asylum

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Subject : Conditions for the reception of asylum seekers

At its meeting on 9 October 2000 the Asylum Working Party began examining draft Council conclusions drawn up by the Presidency on the above subject.

At that time the Working Party agreed to refer two of the main items in the draft conclusions to the Strategic Committee. The two items are set out in the Annex hereto.

**Guidelines for the future Community instrument
on conditions for the reception of asylum seekers**

(1) Scope

The future Community instrument should cover asylum applicants claiming the benefit of the Geneva Convention ~~insofar as forms of protection other than the Geneva Convention are not the subject of a common definition at European level. The Member States would still be able to apply the future Community provisions to persons seeking other forms of protection.~~
without ruling out the possibility of applying or adapting other forms of protection to those applicants.

The instrument should apply to the asylum applicant **already present on national territory** until the application has been the subject of a ~~final~~ decision either granting refugee status or refusing that status ~~and for which appeals do not have suspensive effect~~ **and which as a consequence no longer entitles that person to remain on the territory for the purpose of asylum.**

Differentiated conditions of reception should ~~however~~ be envisaged according to the stages in the procedure, in particular where Member States lay down specific procedures for those seeking asylum at border posts ~~before their admission to the territory.~~

Consideration should also be given to whether such an instrument should continue to be used in the case of applications which are fraudulent, abusive or made as a delaying tactic.

(6) Work

Asylum applicants should not be allowed to engage in an occupation, except under certain conditions, in particular where no decision has been taken on their asylum application within a reasonable period. Where an occupation is engaged in, the competent authorities in the host Member State should re-examine the asylum applicant's situation to determine whether he should continue to benefit from financial and material assistance.