



European Migration Network

**Reception Systems, their Capacities
and the Social Situation of Asylum
Applicants within the Reception
System in the EU Member States**

May 2006



Disclaimer

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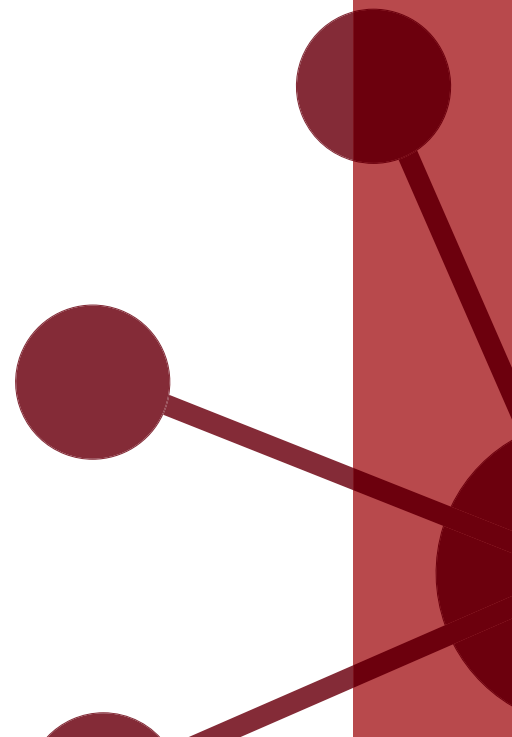


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Executive Summary

This publication consists of the Synthesis Report of a small-scale study undertaken by ten National Contact Points (**Austria, Belgium, Czech Republic, Germany, Greece, Ireland, Italy, Sweden, The Netherlands** and the **United Kingdom**) of the European Migration Network (EMN) on “Reception Systems, their Capacities and the Social Situation of Asylum Applicants within the Reception Systems in the European Union Member States”. On the accompanying cd-rom you will find the Country Study’s produced by each of these EMN National Contact Points, from which the Synthesis Report (also provided on the cd-rom along with the study specifications) was produced.

Following the [Introduction](#), a brief overview on the development of reception facilities is given ([Section 2](#)). Generally, the processing of asylum applicants is undertaken in two stages ([Section 3](#)). In the [first procedural phase](#), at least the basic conditions of determining asylum status with regard to the Dublin Convention and the safe country regulations are checked and, in all Member States, there is now a [second phase](#) in which the application itself is dealt with. In some Member States, this is related to obligatory placements in accommodation; while in other Member States, there is only an obligation to contact the institution responsible for asylum procedures regularly.

Authorities responsible for the review of the first asylum decision also differ between Member States and can comprise the court system, refugee appeal tribunals or commissions in co-operation with UNHCR and other NGOs ([Section 3.1](#)). Following a final negative decision, the administrative procedure of return is initiated and generally an appeal suspends this return procedure. Legal aid is granted in all Member States. However, only in some Member States are there legal advisors trained specifically for asylum applications, although all have interpreters available ([Section 3](#)).

The policy of accommodating asylum applicants throughout the application procedure tends to have been centralised in recent decades ([Section 2](#)), although this often involves (and requires) co-operation with local, provincial, federal and national institutions. In all cases, it is the Member State which is responsible for funding the reception costs.

All Member States have attempted over the years to match the number of asylum applicants with the capacities of available accommodation centres ([Section 2](#)), involving, in some cases, NGOs or by establishing further specialised agencies. Large scale accommodation centres have been extended and a programme of flexibility adopted with regards to other types of accommodation, e.g. privately rented accommodation. In a number of Member States, special arrangements regarding the first and second part of the application process and obligatory visits to central agencies have been established for special groups, like unaccompanied children and other vulnerable persons ([Section 3](#)).

Generally, the duration of the asylum application process is largely determined by the length of appeal procedures ([Section 3.2](#)). In most Member States, an appeal is made by a majority of asylum applicants and the work load of courts/tribunals and the relevant administration is then the main determining factor for the duration of the asylum application procedure. Overall, however, there is a tendency towards decreases in the procedural duration, owing both to declining numbers of asylum applicants and to the increased institutional efficiency.

Various problems and strengths are mentioned ([Section 4.2](#)). Some Member States have specific procedures for taking into account special groups, such as victims of rape and sexual attacks, torture, traumatic experiences, as well as unaccompanied minors. Related to this, the joint accommodation of people with different origins, cultures and religions is also addressed by a number of Member States. Another frequently mentioned issue is the problem of organising accommodation centres in order to retain a degree of autonomy and have sufficient attention paid to individual needs. The remoteness of centres, particularly the situation of centres in remote rural areas which lack jobs, training and other facilities for asylum applicants is also highlighted.

In most of the Member States, legal provision to provide welfare (or cash) benefits (or an allowance) for asylum applicants exists, although these are often means tested and/or are given in kind, only in particular exceptions are they granted in cash ([Section 5.1](#)). In some Member States, the social

benefits provided are organised nationally, while in others the responsibility lies with federal provinces or municipalities. Opportunities to participate in language education and recreational activities are provided by most Member States ([Section 5.2](#)), as are Health Services, which is sometimes done with the help of voluntary associations. In some Member States, Counselling Services have also been established.

Access to the labour market ([Section 5.2](#)) is not allowed in a number of Member States, and when it is possible, some restrictions exist (e.g. a one year stay as a minimum precondition).

There are certain responsibilities expected of asylum applicants ([Section 5.3](#)). Generally, there are rules of conduct with regard to life in an accommodation centre, and there are responsibilities with regard to the asylum application process in which co-operation is expected and attendance at the application interviews and other events are required.

Finally, consideration of asylum procedures in the context of the overall immigration policy of a particular Member State is given in a number of Country Study's ([Section 6](#)), and more recent developments, also in the context of the directive on Reception Conditions for Asylum Seekers (2003/9 of 27 January 2003), are given ([Section 7](#)).

I. Introduction

Political developments over the last years have shown that there is a need for up to date, reliable and comprehensive information concerning the capacity of accommodation centres for asylum applicants in the 25 Member States of the European Union, as well as the social situation of such applicants. The European Migration Network, therefore, identified this as the topic of their first Small Scale Study, and ten of the EMN National Contact Points (**Austria, Belgium, Czech Republic, Germany, Greece, Ireland, Italy, Sweden, The Netherlands** and the **United Kingdom**) participated. In this respect, note that comments in this Report refer to these Member States and specifically the findings from the Country Study's undertaken by these EMN National Contact Points.

Two main aspects were addressed: a description of reception facilities in the Member States, the number, capacities and location of such accommodation centres and of other accommodation; and an analysis of the social situation of asylum applicants within the accommodation centres. It was also decided that the study should contain a description of the administrative and legal frameworks of the asylum application procedures.

The information presented in the Country Study's (and thus this Synthesis Report) represent mainly the situation in the Reference Year 2004. Consequently, this study was undertaken before the implementation of the directive on reception conditions for asylum seekers (2003/9 of 27 January 2003), although **Ireland** (and Denmark) have opted out of this directive. New policies, also in the context of this directive, have been developed in some Member States (notably for **Belgium, Sweden, United Kingdom**) in the meantime and these are outlined in Section 7.

I.1 Definitions

Two key definitions were used for this study, taken from Council Directive 2003/9/EC on minimum standards for the reception of asylum seekers (O.J. L 31/18 of 6.2.2003). Therefore, an “**asylum applicant**” shall mean in the context of this study a third-country national, or stateless person, who has made an application for asylum as defined in the Council Directive, and in this study it was decided to avoid the use of the term ‘asylum seeker’ in favour of ‘asylum applicant’; “**accommodation centre**” means any place used for the collective housing of asylum applicants. Other facilities will be specifically referred to, e.g. privately rented accommodation.

I.2 Methodology

The EMN National Contact Points mentioned above have co-operated in developing this study and in producing their Country Study’s. These were developed on the basis of existing literature, research, consultations with main stakeholders and other available information sources. In **Belgium**, for example, the information relating to the reception of asylum applicants was primarily taken from their Fedasil website (www.fedasil.be). All of this material will be documented in the EMN’s Information System. Numerical data and statistics are also provided, though it is not yet possible to compare these in a completely consistent manner, owing to differences in the legal and operational frameworks between the contributing Member States

2. The Development of Reception Systems

The development of reception systems for asylum applicants (as described in the Country Study's of the ten EMN National Contact Points contributing to this study) differs between Member States. **Austria, Germany, Sweden and United Kingdom**, for example, have a rather long tradition of institutionalising refugee reception policies, whilst for the **Czech Republic**, it is a more recent development. For a long time in **Italy**, there was a lack of a structured reception system, and NGOs tried at local level to address the needs of asylum applicants. Nowadays, as a result of public funding, the reception system has been structured at local level, with the full involvement of municipalities and NGOs. Generally, significant reforms took place from the early 1990s onwards owing to a substantial increase in asylum applicants at that time.

In all ten Member States, the policy of accommodating asylum applicants throughout the application procedure tends to have been centralised in recent decades. This is evidenced in the delegation of financial responsibility, as well as in the organisation of asylum and refugee reception, to a centralised entity (usually governmental), although this often involves (and requires) co-operation with local, provincial, federal and national institutions. This co-operation is most often addressed either by a quota system (**Austria, Germany**), in which, for example, a region, or a federal province in the case of **Austria**, is (legally) obliged to accept a proportion of asylum applicants within their territory and provide them with accommodation, or using a network approach (**Italy**). Here, the (now former) National Asylum Programme (PNA)¹ acted as a reception network, involving 150 municipalities, which made it possible to manage a significant number of asylum applicants in a comprehensive and co-ordinated manner, depending on the availability of funds (which are often insufficient) and administrative support. In the period July 2001 to December 2005, some 7452 asylum applicants were received by the Protection System for Asylum Seekers and Refugees.

All Member States have attempted over the years to match the number of asylum applicants with the capacities of available accommodation centres, involving, in some cases, NGOs (**Belgium, Greece, United Kingdom**) or by establishing further specialised agencies (**Belgium, Czech Republic, Ireland, The Netherlands, United Kingdom**). These include the Federal Agency for the Reception of Asylum Seekers, which was created in **Belgium** in 2001; the Sprava Uprchlíckých Žarizení (SUZ, Refugee Facilities Administration), in the **Czech Republic**, which was created in 1996; the Reception and Integration Agency in **Ireland**; the Centraal Orgaan Opvang Asielzoekers (COA) in **The Netherlands** and the National Asylum Support Service (NASS), which collaborates closely with accommodation providers from NGOs; local authorities and regions; and private sector bodies, in the **United Kingdom**.

Large scale accommodation centres have been extended and a programme of flexibility adopted with regards to other types of accommodation, e.g. privately rented accommodation. A related aspect in **Austria, Germany and The Netherlands**, is the differentiation of accommodation for asylum applicants based on a policy of differentiation between their various legal statuses or specific phases of the asylum procedure. Conversely, in **Italy**, no differentiation exists regarding the legal status (asylum applicant, recognised Geneva Convention or temporary protection), the duration of stay or the intervention action (reception, integration). The particular policy of a Member State towards the status of the asylum applicant determines whether the asylum applicant is obliged to go to a specific accommodation centre or whether they can choose to live elsewhere (e.g. private rented accommodation, with family or friends), although they would need to be registered with the accommodation centre

(1) Following legislation 189/2002, the PNA has now been merged into the Protection System for Asylum Seekers and Refugees.

3. Asylum Application Procedures

Overall, the legislation in all Member States which formalises the processing of asylum applicants addresses the same aspects. After an asylum applicant enters the country and registers with the authorities to begin the asylum application process, the applicant is referred to an accommodation centre that is closely connected to the asylum-granting institution. In **Belgium**, for example, the Minister of the Interior is responsible for the asylum procedure and Fedasil, which is under the responsibility of the Minister for Social Integration, provides reception for asylum applicants for at least as long as it takes for a decision to be made on the admissibility of their application. In **Germany**, legislation also obliges its Federal States to set-up and maintain an accommodation centre(s).

Whilst, of course, differences exist, generally, the processing of asylum applicants is undertaken in two stages. In the first procedural phase, at least the basic conditions of determining asylum status with regard to the Dublin Convention and the safe country regulations are checked. If asylum applicants have crossed through so-called “safe countries” and if they have arrived from a “Dublin State”², this is a quick procedure. In **Italy**, however, the local police station issues a one-month temporary residence permit, which is renewable until it has been established that Italy is responsible for examining the asylum application.

If not, a regular asylum procedure is started (**Austria, Czech Republic, Germany, Italy, The Netherlands, United Kingdom**). Each asylum application is assessed individually, based on available information and relevant findings, in particular following a personal interview with the asylum applicant. This first phase is done in various ways, mainly by entry institutions and the border authorities at harbours and airports or after entry into the Member State by the agencies responsible for asylum cases. For some (**Austria, Germany, Czech Republic, Greece, The Netherlands, Sweden, United Kingdom**), this first phase initially takes place in specific accommodation centres, after which asylum applicants may be transferred to other centres or types of accommodation (e.g. private, rented). In **Belgium**, as far as possible (and for the system

(2) “Dublin States” are all EU Member States plus Norway, Iceland and provisionally Switzerland (yet to be applied).

of the “open centres”), the asylum applicants are directed towards their accommodation centre from the day of the introduction of their application for asylum. Whilst in **Ireland**, if a person claims asylum at a port of entry, the initial interview is undertaken by an Immigration Officer. If an asylum claim is made elsewhere within Irish territory, then the application is made directly to the Officer of the Refugee Applications Commissioner. Similarly, in the **United Kingdom**, a person wishing to make an asylum claim ‘in-country’ is required to apply at an Asylum Screening Unit (ASU) based in either Croydon or Liverpool or, if they are considered as “vulnerable”, they may apply at Local Enforcement Offices. In **Italy**, if it is determined that the state is responsible for the asylum application, then the Police Chief, upon receipt of the application, transmits the documentation to the responsible Territorial Commission³, which assesses the application and decides on the outcome.

For those asylum applicants arriving without identity papers⁴, a slightly different procedure is followed. In **Belgium**, for example, the application is examined while the asylum applicant stays in a closed centre located at the border, unless they apply for asylum within the country. Similarly in **Italy**, an asylum applicant is detained, but only for the time strictly needed to verify or determine their nationality or identity. In the **Czech Republic**, the asylum applicant certifies their identity by an affidavit. In **Germany**, the asylum applicant is referred to the nearest accommodation centre to be fingerprinted, photographed, personal data registered and an asylum file created. Finally, the data of the applicant are compared with the information contained in the German Central Foreigners Register. In case of foreigners without valid identity papers entering by air, the asylum procedure will be carried out in the airport’s transit area before entering the country, if an allocation in an accommodation centre on the airport premises is possible.

In all Member States, there is now a second phase in which asylum applicants enter the regular asylum application process. For some (**Czech Republic, Greece, Ireland, United Kingdom**), this is related to obligatory placements in accommodation; though in some cases (**Belgium, Czech Republic, Greece, The Netherlands, Sweden, United Kingdom**),

there is only an obligation to contact the institution responsible for asylum procedures regularly. For example, in the **Czech Republic**, if asylum applicants meet the conditions given by the law, they can exercise their right to stay in private housing and then they are only obliged to contact the institution responsible for asylum procedures regularly, whilst in **Ireland**, such asylum applicants are moved to a short stay centre in the Dublin area and the second phase of application assessment is begun. In **Sweden**, immigrants are accommodated in self-catering apartments, located in normal residential areas. An asylum applicant may also choose to live with relatives or friends and about half of them do so. In all cases, however, the Swedish Migration Board must be able to contact them. If not, their daily allowance is withdrawn. In the case of the **United Kingdom**, a minority of asylum applicants may be detained if there is a fear of absconding and/or a perceived security threat; or, in the case of an asylum applicant from a so-called NSA (considered as safe) country, if it is expected that their application can be quickly dealt with and, in the case of rejection, they can subsequently be returned to their country of origin.

In a number of Member States (**Czech Republic, Italy, The Netherlands, Sweden, United Kingdom**), special arrangements regarding the first and second part of the application process and obligatory visits to central agencies have been established for special groups, like unaccompanied children and other vulnerable persons. For example, in the **Czech Republic**, unaccompanied minors are placed in special facilities for children and are appointed a guardian who acts as their deputy during the asylum procedure. An asylum case involving an unaccompanied minor cannot be decided as “manifestly unfounded” and also the accelerated procedure cannot be used. In **The Netherlands** similar arrangements are made for unaccompanied minors, and in the **United Kingdom**, asylum-seeking children and asylum applicants with mental health problems receive funded legal

(3) There are seven such Territorial Commissions across Italy, plus a National Commission which is responsible for organising and co-ordinating activities.

(4) Whilst this issue was not addressed in its Country Study, in The Netherlands, additional questioning of the asylum applicant takes place which does not have any further consequences for the procedure.

representation for their asylum interview. In **Italy**, the asylum procedure is suspended and the competent Territorial Commission immediately notified.

In **Sweden**, a couple of hundred children arrive without their parents or any other adult custodian each year. These children are usually accommodated in group housing provided by the Swedish Migration Board. At such centres, staff are on hand around the clock. In some cases, the children have relatives in Sweden who they can live with. In the absence of parents, a trustee is appointed whose task is to safeguard the interests of the child in various ways. The Municipal Chief Guardian's Office appoints the trustee after notification from the Swedish Migration Board. The responsibility for children without a custodian will shortly be transferred to the municipalities. The Swedish Migration Board makes considerable efforts to find the children's parents or some other custodian. If such a person is found, the family reunion may take place in the country of origin, in Sweden or in a third country, depending on the circumstances in each particular case. Cases involving children without custodians are always given priority so as to keep the wait as brief as possible.

3.1 Legal Advice

Legal aid is granted in all Member States. For example, in **Ireland**, there is a Refugee Legal Service provided by the State, whilst, in the **United Kingdom**, legal aid is provided by NGOs (with government funding). In **Italy**, asylum applicants housed within an accommodation centre can speak to attorneys and refugee protection organisations and associations authorised by the Ministry of the Interior, but if they leave the centre without authorisation, then their application is renounced.

However, only in some Member States (**Austria, Germany, The Netherlands**) are there legal advisors trained specifically for asylum applications, although all have interpreters available. In **The Netherlands**, for example, there are special legal advisors organised by the Asylum Seekers' Legal Aid Foundation (SRA)⁵. In **Belgium, Germany, The Netherlands**, further services are available, such as specially trained interpreters and legal

examination officers⁶ who address specifically gender issues, unaccompanied minors, and tortured and traumatised refugees. In **Belgium**, for example, a special unit (consisting of seven people) deals with unaccompanied minors who claim for asylum and two people are more specialised in gender issues. Asylum applicants can be interviewed in more than 80 different languages and dialects. The provision of interpretation is also taken seriously in the other Member States. In **Sweden**, the Swedish Migration Board has placed high demands on the quality of its interpreters and is working on developing new routines for the follow-up and quality assurance of its interpretive work.

3.2 Length of Application

Generally, the duration of the asylum application process is largely determined by the length of appeal procedures. In most Member States (**Czech Republic, Germany, Ireland, The Netherlands⁷, Sweden, United Kingdom**), an appeal is made by a majority of asylum applicants and the work load of courts/tribunals and the relevant administration is then the main determining factor for the duration of the asylum application procedure. To illustrate this point, for the Reference Year 2004, the 'average duration of the asylum procedure in the first phase of the application' in the **Czech Republic** was 20 weeks, whilst the 'average duration of an appeal' was 44 weeks. Corresponding figures for **The Netherlands** are 21 to 24 weeks and 80 to 81 weeks respectively, whilst for **Sweden** it was 42 weeks (34 in 2005) and 24 weeks (33 in 2005) respectively. The number of asylum applicants arriving at a particular point in time is mentioned as another contributing factor, as well as particular complications of each case under review.

(5) This information is additional to that given in The Netherlands Country Study.

(6) Idem.

(7) Idem.

Overall, however, there is a tendency toward decreases in the procedural duration, owing both to the declining number of asylum applicants and to the increased institutional efficiency. **Belgium**, for example, is currently discussing a new procedure which is expected to come into force by the end of 2006. One aim of the new legislation is to have a clearer, faster and more efficient procedure, especially for the appeal procedures which are considered to be too long.

In **Germany, Ireland, The Netherlands**, there is differentiation with regard to an appeal between a fast track procedure and a normal procedure. In **Germany**, for example, if the asylum application is rejected as a result of being manifestly unfounded, the asylum applicant may appeal the decision within one week and apply for a suspension on the execution of the deportation. In such cases, a deportation is possible only after the final and negative conclusion of the proceeding. In **Ireland**, applications made by persons from 'safe countries of origin' are subject to an accelerated appeals procedure. In **The Netherlands**, the terms for lodging an appeal are shorter in the fast track procedure with the asylum applicant usually having to leave the country before the outcome of the appeal, whilst in the normal procedure, the terms for lodging an appeal are longer and it is possible for an asylum applicant to stay in the country. Also in **Sweden**, in the fast track procedure, the asylum applicant can be removed regardless of whether they have lodged an appeal, since the appeal is not dependent on the asylum applicant's presence in the country. Similarly, in the **United Kingdom** as part of the New Asylum Model, asylum applicants from the NSA countries are sent back to their country of origin from where they can appeal against the decision. For all other asylum applicants, the normal appeal procedure is followed.

Authorities responsible for the review of the first asylum decision also differ between Member States and can comprise the court system (**Czech Republic, Germany, Italy, The Netherlands, Sweden, United Kingdom**), refugee appeal tribunals (**Austria, Belgium, Ireland, United Kingdom**) or commissions in co-operation with UNHCR and other NGOs (**Greece**).

Following a final negative decision, the administrative procedure of return is initiated and generally an appeal suspends this return procedure, though this is not always the case in, for example, **Belgium, Italy** or **The Netherlands**. In **Belgium**, the order to leave the territory can not be suspended by an appeal before the Council of State (except if it is an urgent appeal). Nevertheless, asylum applicants who lodge an appeal against the rejection of their asylum application keep their social assistance (Judgement of the Court of Arbitration, October 21, 1998) and, as a consequence, stay in the accommodation facilities for a longer time. In **Italy**, a rejected asylum applicant can appeal to the Regional Administrative Tribunal (TAR), but this does not suspend the order to leave.

4. Organisation of Reception

In all cases, it is the Member State which is responsible for funding the reception costs, though in some Member States (**Austria, Germany, Italy, United Kingdom**) there is a division of funds and responsibilities between municipalities, the (federal) provinces and the State. In **Italy**, the state, through the Ministry of Interior, supports up to 75% of the costs. All Member States receive additional funding from the European Refugee Fund, plus from (charitable) foundations (**Belgium, Greece**). For example, in **Belgium**, in 2005, their National Lottery contributed 13.500.000 € to the budget of the Federal Agency for the reception of asylum applicants.

As outlined in Section 3 previously, following the first phase of the Asylum Application Procedure, most Member States (**Austria, Czech Republic, Ireland, The Netherlands, Sweden, United Kingdom**) place their asylum applicants in other types of accommodation (e.g. other accommodation centres, private rented accommodation) where they await the finalisation of their asylum application. In some cases, (**Italy, Sweden, United Kingdom**) asylum applicants may usually choose which type of accommodation they prefer, with, in **Italy**, this being organised through its Protection System for Asylum Seekers and Refugees (the successor of the National Asylum Programme, PNA). In **Greece** the following order of priority is used for accommodating asylum applicants at the Lavrio accommodation centre: 1. asylum applicants whose cases are examined under the regular procedure; 2. asylum applicants whose cases are examined under the accelerated procedure; 3. the elderly; 4. single-parent families; 5. large families; and 6. families with young children.

In **Belgium**, up to the end of 2004, while the admissibility of an asylum applicant's claim was being determined, "material reception"⁸ in various types of accommodation was given: around one third were sent to a federal accommodation centre, one third to a centre run by the Red Cross or a partner organisation and one third to a local reception initiative. The assignment depending on the number of available places in the accommodation centres and the status of the asylum applicant (whether they have a family,

(8) Asylum applicants receive no financial support during this first phase and they are not allowed to work.

are single, are minors etc.). Asylum applicants, whose applications are ruled admissible, may then proceed to the next stage of the process where the grounds for their application are assessed. The asylum applicants are sent to a Public Social Welfare Centre and they too may leave the accommodation centre, looking for private accommodation themselves and receiving financial support from the Public Social Welfare Centre to which they are assigned from then on.

By contrast, asylum applicants in **Ireland** are no longer entitled to receive a rent supplement. All asylum applicants are offered accommodation in the direct provision system, and if they forego this full board accommodation, they have no entitlement to any social welfare payment. In Sweden, approximately 50% of asylum applicants live in accommodation arranged by the Swedish Migration Board and the others arrange accommodations themselves, usually by living with relatives or friends.

In the **United Kingdom**, there are two types of accommodation available for non-detained asylum applicants: *temporary* (Short Term Holding Facilities (SHTFs), Induction Centres, provided by local authorities as well as the voluntary sector, and Emergency) and *longer-term* accommodation. In addition to the three designated accommodation centres (Harmondsworth, Oakington, Yarlswood), asylum applicants may initially on entry be held for short periods (normally up to five days, but as far as possible asylum applicants are moved after one day) at a STHF, which are located in or near the ports of entry or be placed in an Induction Centre for up to two weeks. Asylum applicants may also choose private accommodation with family or friends. As mentioned previously, for a small number of problematic cases, there are specific detention centres. If an asylum applicant is deemed destitute, NASS will provide accommodation on a “no-choice” basis (i.e. personal preferences are not catered for, unless there are special needs), which is normally away from London and the South-East, in a designated dispersal area.

4.1 Numbers, Capacities and Distribution

Table I below attempts to illustrate as best as possible the variety of accommodation centres within the Member States in 2004, unless otherwise stated.

Accommodation centres with the capacity to host a large number of asylum applicants tend to be used in **Austria, Germany, Belgium, Czech Republic, Greece, Netherlands** and **United Kingdom** for the first phase of Asylum Application Procedure and, for **The Netherlands**, for the second phase also. Accommodation centres in **Greece**, and initial short stay accommodation centres in **Ireland**, tend to be situated close to the capital city, partly because this is often the main point of entry for asylum applicants arriving by air.

Member State	No. of Centres	Range of capacity (people)	Total capacity (persons)	Average stay	Comments
Austria	5	60 - 1200	1810 - 2010		Additionally use Hotels, private hostels and hostels run by NGOs.
Belgium	42 (43 in near future)	46 - 804 (in accommodation centres)	15.890	150-200 days	In addition, there are around 2.289 individualised accommodations. Despite decrease in asylum applicants in the period 2000-2005, occupancy reached at 90% as a result of many appeals.
Czech Republic	12	16 - 422	1647	6 months	In 2005, one centre was closed, the range of capacity became 45 – 422 and the total capacity 1231 persons. Capacity can be increased to 4293, if needed.
Germany	20	130 - 1200	11431	Max. stay of 3 months	Centres are spread throughout Germany, at least one in each Federal State.
Greece	9	10 - 350	900	3 months (single) 6 months (families)	Some centres co-financed by ERF. Some centres recently closed owing to decrease in number of asylum applicants.
Ireland	78	35 - 1755	7700	See Comment	The Total Capacity figure refers to those centres operated by the Reception and Integration Agency and, at the end of 2005, this had increased to 8000. At the end of February 2005, the duration of stay for 60% of asylum applicants in the direct provision system was at least one year.
Italy	90	Avg. 50	4489	6 months (max.)	Asylum applicants are treated together with refugees and humanitarian protection holders.
Sweden	38 (initial transit centres)	200-500	15 000	547 days (in 2005)	The number of centres varies quickly and reflects changing needs. Self-accommodation is excluded. The average stay includes persons with final negative decisions who have not yet returned.
The Netherlands	87	150 - 812	47358 (as of 1 st May 2005)	Not available	Some centres recently closed owing to decrease in number of asylum applicants, particularly following Aliens Act of April 2001
United Kingdom	3	145 - 375 (as of 31 st March 2005)	695 (as of 31 st March 2005)	Not available	Also have STHFs located in or near ports of entry, induction centres and emergency accommodation and private and publicly rented accommodation as longer-term accommodation. A small number of asylum applicants, who require higher levels of security and control, are placed in other removal centres or prisons. As of 31 st March 2005, there were 3740 asylum applicants housed in emergency accommodation and induction centres and 40370 in dispersed accommodation with a further 19640 receiving financial assistance only.

Table I: Overview of accommodation centres (Reference Year: 2004, unless stated otherwise)

4.2 Problems and Strengths of the Accommodation Centres

Various problems and strengths are mentioned. Some Member States (**Austria, Czech Republic, Germany, The Netherlands, Sweden, United Kingdom**) have specific procedures for taking into account special groups, such as victims of rape and sexual attacks, torture, traumatic experiences, as well as unaccompanied minors. For example, in **Germany**, psychotherapeutic care in cases such as traumatisation or torture is provided individually by numerous privately funded centres for psychosocial treatment or by charitable organisations such as Caritas and the Diakonisches Werk. Whereas in **Austria**, psychotherapeutic care in case of traumatisation, for example, is offered through projects with universities. In **The Netherlands**, unaccompanied minors, depending upon their age, are housed with foster parents, in small living units or in specialised accommodation centres. In **Belgium**, part of the capacity of accommodation centres (nearly 600 places) is dedicated to the reception, the orientation and the guidance of the unaccompanied minors (with psychologists, social assistants, etc.). In **Sweden**, victims of human smuggling are granted temporary residence permits when they take part in criminal investigations or act as witnesses. During that period they are given support and help.

Related to this, the joint accommodation of people with different origins, cultures and religions is also addressed by a number of Member States⁹ (**Belgium, Czech Republic, Germany, Italy**). **Germany** in particular finds that it is not always possible to avoid the emergence of tensions within accommodation centres, when there are asylum applicants coming from different countries of origin characterised by anarchy, insecurity, oppression and poverty, and with some asylum applicants in need of protection against political persecution or inhuman treatments. In **Italy**, the use of relatively small accommodation centres is given as the reason for the lack of such tensions.

Another frequently mentioned issue is the problem of organising accommodation centres in order to retain a degree of autonomy and have sufficient attention paid to individual needs. In **Belgium**, for example, this is leading to an increase in “mental health problems” which is linked

inter alia to the prolonged stay in an accommodation centre, the lack of autonomy, the promiscuity, and the lack of perspective. It is noted that such problems are less frequent in centres where the asylum applicants are more in charge of their everyday life.

The remoteness of centres, particularly the situation of centres in remote rural areas which lack jobs, training and other facilities for asylum applicants was highlighted by **Ireland, Greece**. In **Greece**, for example, there is a high demand from applicants for centres in the wider Attica region. These centres are overpopulated when compared with centres located in more remote areas far away from the capital. As well as the limited opportunities regarding jobs and training, the limited opportunities to socialise with one’s compatriots in such centres was also considered a disadvantage. In **Ireland**, there is a policy of dispersal, with asylum applicants being housed initially in short-stay accommodation centres in the Dublin area, and then moved to longer-stay accommodation centres dispersed throughout the country. During the implementation of this dispersal policy in **Ireland**, however, concerns arose regarding the location of accommodation centres, particularly in rural areas. Some local groups complained of a lack of consultation, while NGOs and immigrant support groups regretted the isolation and lack of services that would result. The Irish government argued that dispersal is necessary and desirable from an integration perspective.

Another aspect experienced in **Italy**, was that many services launched by Municipalities were terminated, because the methods to accredit the funds by the organisations providing services were extremely complex and subject to extensive bureaucracy. There has also been a decrease in the availability of funds (6.3 million euros for 2002 and 9 million euros for 2003) compared to 15 million euros in 2001. This occurred at the same time as the merging of the PNA into the Protection System for Asylum Applicants and Refugees, following the implementation of the new law 189/2002 on immigration and asylum, which instituted the National Fund for Asylum Policies and Services (within the Ministry of Interior).

(9) Whilst this issue was not addressed in its Country Study, in the United Kingdom, asylum applicants from different origins, cultures and religions are housed together, but with ethnic/national tensions taken into account.

5. The Social Situation of Asylum Applicants within Accommodation Centres

In some Member States (**Austria, Czech Republic, Greece, The Netherlands, United Kingdom**), security and protection is provided in order to avoid conflict and/or violence in the accommodation provided, with the concern of the **United Kingdom** in particular being to protect vulnerable groups (e.g. children) by, for example, separating families from others, including in different accommodation centres in some cases. Another approach to reduce tensions is to provide ethnic food (**Ireland, Greece**) or offer the possibility of self-catering (**Czech Republic**). In **Ireland**, for example, each accommodation centre is contractually obliged to offer menus which reflect the “reasonable ethnic needs” of its asylum applicants, whilst for the **United Kingdom**, such catering arrangements vary from centre to centre. Furthermore, all Member States pay particular attention to dealing with conflicts regarding gender and cultural issues.

5.1 Provision of Benefits to Asylum Applicants

In most of the Member States, legal provision to provide welfare (or cash) benefits (or an allowance) for asylum applicants exists. In **Greece**, however, only provision in kind exists, although a person registered as an asylum applicant can apply and be issued with a temporary work permit, and thus has the right to obtain work. Some accommodation centres give small allowances, in particular to cover local transportation needs. In **Italy**, the Temporary Residence Permit and the Asylum Application Residence Permit allows asylum applicants, who can not be accommodated in accommodation centres, to obtain assistance from local Social Service Centres and to receive a little economic aid. Asylum applicants are provided with €17.56/day for a maximum of 45 days from the National Fund for Asylum Policies and Services.

In **Austria, Germany, Ireland, The Netherlands, Sweden, United Kingdom**, a system of means-tested reduced welfare benefits now exists. For example, when full board and lodging is provided, it is usually supplemented with vouchers or ‘pocket money’. Asylum applicants who leave an accommodation centre and stay in private accommodation also have their

benefits restricted in **Czech Republic, Belgium, United Kingdom** or, in **Ireland, The Netherlands** stopped altogether. In the **United Kingdom**, asylum applicants living outside of accommodation centres continue to receive local state social allowances, but reduced to 70% of the citizen's welfare rights for adults (remaining at 100% for children), although additional benefits are also provided. In **Belgium** and the **Czech Republic**, asylum applicants who choose to live elsewhere in the country (e.g. private housing) will receive only essential support, e.g. for medical treatment. In **Sweden**, reduced benefits can occur when, for example, a person is not co-operating in the return phase or in identity identification.

5.2 Provision of Services

Opportunities to participate in language education and recreational activities are provided in **Belgium, Czech Republic, Germany, Greece, Ireland, Italy, The Netherlands, Sweden, United Kingdom** with, in some cases (**Greece, The Netherlands, United Kingdom**), specific departments in nearby schools to develop competence and language abilities for asylum applicant children. For the **United Kingdom**, this relates to special teachers in some schools which work alongside the normal class teacher to assist asylum applicant children living outside accommodation centres, as well as teaching asylum applicant children at the accommodation centre. In **Sweden**, language training is provided to all asylum applicants, but is interrupted if a final negative decision is taken. Other types of training, cultural or instruction courses are also open to all individuals, although those with a final refusal will be offered a different type of training from those asylum applicants who most likely will settle in Sweden. Schooling is offered for asylum applicant children of school age in the same way as for Swedish children, within a few weeks of their application.

Health services are available in all of the Member States and sometimes this is done with the help of voluntary associations, which again may be financed by national institutions responsible for asylum applicants. In **Belgium**, for example, the medical service established in each centre provides preventive and therapeutic care. This includes diagnosing

contagious diseases, monitoring chronic ailments, monitoring pregnancies, distributing medicines and contraceptives, monitoring patients with diabetes and heart conditions, and supporting patients with emotional disorders. The service works together with national childcare authorities (K&G and ONE) to regularly check infants' psychomotor development, give them vaccinations and ensure that they are eating properly. In **Sweden**, asylum applicants may obtain a medical examination free of charge as part of the reception procedure. They are also entitled to emergency medical and dental care, for which they pay a small patient's fee (SEK 50). A minor fee (SEK 50) is also required for medicine on prescription. Asylum applicant children are entitled to the same medical and dental care as other children in the community.

In some Member States (**Germany, Greece, United Kingdom** and, to a limited extent, **Ireland**), Counselling Services have also been established, some of which focus on working with specific vulnerable groups, and, in **The Netherlands**, there are specialised institutions for the mental health care of traumatised asylum applicants.

Vocational training, however, is not routinely provided, although **Greece** has developed vocational training projects for asylum applicants, like a programme funded by the European Social Fund called "New Beginning". In **The Netherlands**, minors have access to all forms of education, including vocational, whilst adults have access to, for example, computer courses in an Open Learning Centre provided at accommodation centres. Similarly, in **Italy**, minors are required to attend school until they are 16 years old, but it is not possible to register for university classes, owing to their temporary asylum applicant status.

Access to the labour market is not allowed in **Belgium, Czech Republic, Ireland** and **Italy**, and a one year stay as a minimum precondition for access to the labour market exists in **Czech Republic, Germany, United Kingdom**. For **Germany**, employment can only be taken by an asylum applicant if the vacancy can not be filled by a German citizen, another EU national or other foreigners having a preferred residence status. In **The Netherlands**, the minimum stay is six months, with a maximum permissible 12 weeks of work within a 52 week

period. In **Belgium**, as long as the asylum applicant has not received a decision regarding the admissibility of their application, they have no legal right to be employed. Once the application is declared admissible, paid employment is allowed under certain conditions.

In **Italy**, training and orientation apprenticeships have been created not as job positions, but as flexible and bureaucratically simpler tools that allow the asylum applicant awaiting a decision to gain work training experience. Recently, Article 11 of Legislative Decree no. 140/2005 improved the procedure: after six months from the presentation of an asylum application, and if no decision has been made, the temporary permit is renewed for another six months with the possibility for the applicant to work until the end of the examination of their application.

In **Austria**, the asylum applicant is eligible for self-employment after having been three months in the regular procedure, if the Austrian Labour Market Service grants a work permit. If the asylum applicant agrees, they can also be remunerated for social work in connection with their accommodation in one of the federal provinces. In **Sweden**, an asylum applicant is allowed to hold an ordinary job if the Swedish Migration Board's handling time is expected to be longer than four months.

5.3 Responsibilities of Asylum Applicants

Responsibilities of asylum applicants vary between Member States, although there seems to be a common theme. First of all, there are rules of conduct with regard to life in an accommodation centre. This includes certain allowances for furniture in their room (**Belgium**), as well as guidelines for acceptable hygiene and/or behaviour (**Austria, Czech Republic, Ireland, The Netherlands, United Kingdom**). Secondly, there are responsibilities with regard to the asylum application process in which co-operation is expected and attendance at the application interviews and other events are required (**Austria, Ireland, Italy, The Netherlands, Sweden**).

In **Belgium**, asylum applicants also help with maintenance of the accommodation centre. They assist in the cleaning and maintenance of the centre and can earn extra weekly pocket money by signing up for some chores (such as cleaning staff areas and toilets or helping in the second-hand clothes store or laundry). Every asylum applicant is given an opportunity to sign up for such chores and there is a long waiting list, because everyone wants to do something useful and earn a bit of extra cash. This system not only helps to boost the residents' respect for their shared infrastructure, but also keeps the centre's maintenance costs down.

In **Czech Republic**, asylum applicants apply for permission to leave their accommodation centre (also in **Italy**) and are required to sign in and out. Incentives and sanctions apply when duties are not performed by, for example, limiting access to courses and events (**The Netherlands**) and/or deduction of benefits and provisions (**The Netherlands, Sweden**). In **Sweden**, asylum applicants who fail to turn up for interviews or who otherwise impede investigation of their cases, or who fail to take part in the activities organised for them, risk having their daily allowances reduced.

6. Complementary Approaches

Consideration of asylum procedures in the context of the overall immigration policy of a particular Member State is given in a number of Country Study's. New institutional frameworks are mentioned by, for example, the **Czech Republic**, which has expanded accommodation centres through the development of new integration centres for recognised asylum applicants. **Sweden** has identified the need to develop an efficient system of return. **Italy** proposes an orientation of further asylum policies towards asylum applicants being seen as a positive stimulus for intercultural interaction. For **The Netherlands**, the importance the Central Reception Organisation for Asylum Applicants attaches to the individual responsibility and independence of the applicant is identified. As in other Member States, **The Netherlands** also identifies the important role that countries of origin could play. The **United Kingdom** undertook a review in 2003 of its asylum procedures, the main recommendations of which were to ensure better communication and working relationships with external partners and stakeholders. These have been incorporated into the New Asylum Model, which was launched on 18th January 2006 and is currently being developed.

7. Recent Developments

As mentioned previously, since this Small-Scale Study was undertaken, some Member States have transposed the directive on Reception Conditions for Asylum Seekers (2003/9 of 27 January 2003). For example, in **The Netherlands**, the directive was transposed¹⁰ on 4th February 2005, and it has also now been transposed in **Czech Republic, Italy, Sweden, United Kingdom**, with partial notification from **Austria** and **Belgium**. A complementary comparative study on the implementation of this directive is currently being undertaken by the ODYSSEUS network (<http://www.ulb.ac.be/assoc/odysseus/>), which is expected to be published towards the end of 2006.

In **Belgium**, parallel to the reform of the asylum procedure, the Council of Ministers approved (on the 23rd December 2005) a preliminary draft law relating to the reception of asylum applicants, which is firstly being examined by the Council of State and then by the Parliament. With this proposal, the Minister for Social Integration wishes to guarantee the quality of reception throughout the procedure, as well as serving to ensure the transposition of the directive, which is not yet done. This is part of a total review of the asylum procedure, with the implementation of the new procedure expected by the end of 2006. At the same time, this fundamental reform will transpose the directives concerning family reunification, human trafficking and subsidiary protection.

There have been recent changes in the asylum process in **Sweden** as of 31st March 2006 when the new Aliens Act was introduced. The new act seeks to distinguish more clearly between protection related grounds for residence permit and individual circumstances. A new system for appeals and procedures in aliens and citizenship cases also came into effect. This very extensive legal reform now means that decisions taken by the Swedish Migration Board can be appealed to Migration Courts. Three County Administrative Courts have been nominated for this and they replace the Aliens Appeals Board. The purpose of the reform is to make the asylum process more transparent and introduce more oral proceedings.

(10) In May 2006, full notifications of transposition have also been received from Cyprus, Estonia (under examination), Finland, France, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, Slovenia, Spain; and with partial notifications from Luxembourg. As mentioned previously, this directive is not applicable to Denmark and Ireland.

The **United Kingdom's** New Asylum Model⁽¹⁾ mentioned previously, is part of a new five-year strategy trying to develop a more efficient asylum case management, which aims to reduce the number of unfounded asylum applicants; fast track the applications of genuine asylum applicants and the removal of failed asylum applicants; and improve cost-effectiveness. One change that has occurred within this context is to modify the discretionary practice of providing National Asylum Support Service (NASS) support to persons who apply for asylum following a significant change in circumstances in their country of origin, into a legal obligation. This, however, will have little impact on how NASS operates, since NASS in the past exercised its powers in such circumstances. Also, the directive on Reception Conditions has resulted in an amendment to the Immigration Rules in order to delay access of an asylum applicant to the labour market for up to one year. An asylum applicant may apply for permission to work if a decision at first instance has not been made within one year of their asylum application having been recorded by the Secretary of State. This, however, will not include permission to become self-employed or to engage in a business or professional activity. The Secretary of State will only consider such an application if it is considered that any delay is not directly attributable to the asylum applicant. Permission will apply until the asylum applicant's claim has been fully determined (but not beyond that time).

(1) See http://www.ind.homeoffice.gov.uk/ind/en/home/news/press_releases/the_new_asylum_model.html.

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