European Commission

# EMN INFORM

# The Organisation of Reception Facilities for Asylum Seekers in different Member States

## 1. INTRODUCTION

This EMN Inform summarises the findings from the EMN Study *The Organisation of Reception Facilities for Asylum Seekers in different Member States, published in 2014*[1]. The Study was based on contributions from EMN National Contact Points in 23 Member States[2] and Norway, collected via a common template to ensure comparability. The key findings are set out below.

## 2. KEY POINTS TO NOTE:

- Under the Common European Asylum System (CEAS), persons, regardless of the Member State in which their application for international protection is made, should be offered an equivalent level of treatment as regards reception conditions. The Reception Conditions Directive[3] has laid down minimum standards for the reception of applicants and the Recast Reception Conditions Directive[4] (hereafter "the Recast") further aims to ensure "adequate and comparable reception conditions throughout the EU". However, (Member) States report difficulties to ensure this in practice.
- The **organisation** of reception facilities **differs greatly** amongst (Member) States. Differences exist in the type of facilities and in the actors involved in the provision of reception. Such differences are not only apparent between (Member) States but also occur within some (Member) States at sub-state level. Unequal treatment between and within (Member) States may result, in some cases, in sub-standard reception conditions.
- In view of the wide differences in the organisation of reception facilities, it is of pivotal importance that **reception conditions** and **(minimum) quality standards** are consistently maintained in all facilities within and across (Member) States, also in times of pressure. **Coordination**, **implementation** and **(external) control mechanisms** could be further developed as a tool to ensure homogeneity and to allow for the recognition and sharing of good practices.
- The **special reception needs** of vulnerable persons are taken into account by (Member) States but further efforts are required to ensure that the appropriate standards are met, for example on the assessment of special needs and for the provision of tailored accommodation. Although most (Member) States conduct vulnerability assessments, great differences exist in terms of assessment criteria, methods, timing and follow-up measures. Similarly, (Member) States provide tailored accommodation for vulnerable persons, but differences exist in how and whom they cater for.
- Most (Member) States report having experienced **pressure** on their asylum system between 2008 and 2012/2013. Pressure results from: high

[1] Available from the EMN website
[2] Austria, Belgium, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden and United Kingdom
[3] Council Directive 2003/9/EC; http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2003:031:0018:0025:EN:PDF
[4] Directive 2013/33/EU; http://easo.europa.eu/wp-content/uploads/Dve-2013-33-Reception-conditions.pdf

The European Migration Network (EMN) is co-ordinated by the European Commission with National Contact Points (EMN NCPs) established in each EU Member State plus Norway.

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and/or sudden influx of applicants[5]; fluctuation in numbers of applicants; internal organisational challenges for reception systems; pressure from other dimensions of the asylum system.

- The **process** of the dispersal by a (Member) State of applicants for international protection within its territory can be an effective measure to lift pressure from certain reception facilities. (Member) States primarily decide to allocate applicants to different regions or to (re)allocate applicants depending on the stage of procedure, with both approaches offering benefits for (Member) States and for applicants for international protection.
- **Good practice** approaches to ensure flexibility of reception systems include:

  - **Strategy to prepare, mitigate and respond to pressure on the asylum reception system**

  - **Management of reception as a chain** (i.e. from inflow, reception, procedure, outflow, to return/integration)

- **Strategy to prepare, mitigate and respond to pressure on the asylum reception system**:

  - Good practices in terms of **preparedness** include: emergency plan and maintenance of buffer capacity in regular facilities (+/- 15% of total capacity).

  - Existing practices to **mitigate** the negative effects of pressure include: an early warning mechanism; speeding up of the decision-making process; and budget flexibility.

  - Good practices to **respond** to pressure on the asylum reception system include: creation of new facilities or creation of new places within existing facilities. In case of temporary pressure, creation of "emergency structures" (e.g. hotels and unused state facilities) are used as a temporary necessary evil (rather than good practice).

- In the concept of **chain management**, the reception process is treated as a continuum. (Member) States undertake measures at different stages of the process by limiting inflow, increasing capacity, making the asylum procedure more efficient, facilitating outflow, and/or operating an effective return or settlement policy.
- There is a general lack of standardised approaches to collect and use statistics related to reception conditions. This underscores the need to develop **common indicators** and **standardised methods** to measure and calculate **capacity** and **pressure**, to record **in/outflow** of applicants from reception facilities and to facilitate comparison of reception **costs**.

## 3. AIMS AND FINDINGS OF THE STUDY

The main aim of the Study was to identify good practices and existing mechanisms to allow for flexible, efficient reception facilities, whilst maintaining quality of reception conditions. The organisation of reception and the provision of dignified standards of living to applicants for international protection is complex. The reception of applicants may be characterised by strong fluctuations in applicant numbers, requiring a high degree of flexibility in the organisation of reception. Moreover, (Member) States must ensure that the applicant's entitlement to request protection and dignified reception standards are met, whilst ensuring efficient processing of claims for protection and prevention of misuse of the asylum system. Whilst harmonised reception standards have been introduced at EU level, (Member) States show considerable variation in the type, nature and organisation of reception facilities. The Study therefore addressed:

- Similarities and differences in the organisation of reception facilities (organisation);
- Similarities and differences in the provision of basic material reception conditions (legislation/quality);
- Identification of good practices of (Member) States in handling pressure on their reception system (flexibility);
- Factors impacting on the in- and outflow of applicants (efficiency)

## 4. ORGANISATION

### Which types of applicants are entitled to reception facilities?

The following **categories of applicants** for international protection are **entitled to reception conditions** in the different (Member) States: asylum applicants under the Dublin II Regulation, in admissibility procedures, in accelerated procedures, vulnerable persons, unaccompanied minors (UAMs, including those who have exhausted the asylum procedure), asylum applicants who have lodged an appeal procedure or have applied for a subsequent procedure; those who have received a positive decision as well as rejected applicants. Beyond these categories, some (Member) States also allow **other categories of person** access to reception, for example, EU/EEA nationals, or applicants' family members. Access to reception may also be granted **subject to demonstration of insufficient means of subsistence**. Most (Member) States **reduce or withdraw receptions conditions for applicants** from reception facilities for reasons such as violation of

[5] Either linked to the security situation in third countries and/or related to the removal of the visa obligation for certain Western Balkan countries.

internal house rules in reception facilities; being absent from the facilities; where the applicant is lodging a subsequent procedure etc.

### What different types of reception facilities exist? Which actors are involved in the provision of reception?

**Large differences** exist with regard to the **type** of **facilities** and **actors** involved in the provision of reception. Whereas the majority of (Member) States accommodate applicants in collective facilities, some accommodate applicants in both collective and private facilities. Most (Member) States also make use of initial/transit facilities to house applicants during admissibility procedures.

With regard to actors, a distinction can be made between those (Member) States that centralise financial and executive responsibility in State authorities, and those (Member) States in which responsibility is shared between State and local authorities. Many (Member) States also involve third parties in the management of reception facilities (e.g. NGOs, private sector companies). As such, the organisation of reception facilities differs greatly between and within some (Member) States.

### What factors influence the allocation of applicants to different types of reception facilities?

Various factors, often acting simultaneously, influence the choice for **allocation**. Reception capacity, the needs and profile of the applicant as well as the status of the application are common factors that play a role in allocation in all (Member) States. The main choice for allocation is, however, in most (Member) States based on one of the following two approaches, or a combination thereof:

- Allocation driven by a concept of **burden-sharing** between State regions or provinces via a **dispersal system**
- Allocation reflects the different **stages** of the **procedure** for international protection via a system of initial/transit and follow-up accommodation

The strategies and methods of dispersal-systems differ between (Member) States. Whereas all (Member) States aim to spread financial and social costs, some take dispersal one step further by also encouraging long-term settlement of beneficiaries in a particular region.

### Are the specific reception needs of vulnerable persons sufficiently taken into account?

The **special reception needs** of **vulnerable persons** are taken into account by (Member) States but further efforts are required to ensure that the appropriate standards are met, for example on the assessment of special needs and for the provision of tailored accommodation. **Vulnerability assessments** are laid down in legislation in most Member States and/or are conducted as standard practice. Great differences exist, however, in terms of assessment criteria, methods, timing and follow-up measures, with only few (Member) States monitoring special needs over time. Similarly, all (Member) States provide tailored accommodation for vulnerable persons, but differences exist in how and whom they cater for; some (Member) States provide special designated areas within existing facilities, whereas others have created separate facilities (or provide a combination of both).

## 5. LEGISLATION/QUALITY

### Are there any differences in (Member) States' national legislation concerning material reception conditions?

Basic material reception conditions are provided in different ways by (Member) States, either in kind, through financial allowance, or by a combination of both. As a result, the financial allowance for applicants varies greatly as (Member) States either grant financial allowance to cover all subsistence needs, or provide pocket money in addition to in-kind provision.

### Do (Member) States stipulate any specific quality requirements in relation to surface area, number of staff per applicants and access to leisure activities?

The review of three quality criteria (surface area, supervision rate, and leisure activities) shows that a large number of (Member) States stipulate requirements for surface area in reception facilities (17 out of 24 Member States) and provide applicants access to leisure activities[6] (22 out of 24 Member States), whereas only half of the (Member) States set requirements concerning the supervision rate. Substantial differences may be experienced by applicants as the available surface area varies from 4 to 10m$^2$ and the number of applicants per staff from 11-13 persons to 170 persons between (Member) States. Minimum standards cannot always be maintained in times of pressure.

### Which control mechanisms are in place to ensure quality standards at reception facilities?

To ensure quality standards, most (Member) States have adopted internal control mechanisms, such as on-site inspections carried out by the responsible government bodies, special commissions, or may draw on input from applicants by satisfaction survey, complaint mechanisms and/or confirmation by applicants that they were provided with adequate reception conditions. External control mechanisms are

[6] Although in some Member States not in all types of facilities.

applied in only few (Member) States, such as review by e.g. National Ombudsman, Chancellor of Justice or by UNHCR representatives.

## 6. FLEXIBILITY

### Have (Member) States experienced pressure on their reception systems and what does this result from?

Most (Member) States report that they have experienced pressure on their asylum system between 2008 and 2012/2013. Pressure results from: high and/or sudden influx of applicants[7]; fluctuation in the number of applicants over time; internal challenges in the reception system's organisation; pressure resulting from other dimensions of the asylum system (e.g. the procedures for international protection, settlement/return processes).

### What flexibility mechanisms do (Member) States apply? What good practice flexibility mechanisms can be applied to handle pressure on the reception system?

(Member) States apply a range of different flexibility mechanisms to prevent and handle pressure. These include: emergency plans; budget flexibility; buffer capacity; speeding-up decision-making on procedures for international protection with additional case-workers; fast-tracking procedures, and; early warning mechanisms.

**Good practice** approaches to ensure flexibility of the reception systems include:

- **Strategy to prepare for, mitigate and respond to pressure** on the asylum reception system
- **Management of reception as a chain** (i.e. from inflow, reception, procedure, outflow, to return/integration)

### Strategies to prepare, mitigate and respond to the various pressures

Good practices in terms of **preparedness** include:

- Emergency plan (outlining what type of action will be undertaken by whom and to what effect)

- Maintenance of 'buffer' capacity in regular facilities (+/- 15% of total capacity).

Existing practices to **mitigate the negative effects of pressure** include:

- An **early warning mechanism** to monitor capacity in reception facilities, thereby enabling the identification of shortage (or excess) capacity. Here, it is important that (Member) States regularly (daily/weekly) monitor capacity to enable authorities to initiate pre-emptive action;

- **Speeding up** of the **decision-making** process on applications for international protection (to reduce the duration of stay in facilities);

- **Budget flexibility** to allow activation of these flexibility mechanisms, enabling rapid and appropriate action.

Good practices to **respond to pressure on the reception asylum system** include:

-Increasing capacity by the **creation** of **new facilities** or by creation of **new places** within existing facilities. This is important to ensure similar quality standards of reception to all applicants for international protection.

In case of temporary pressure, "emergency structures" (e.g. hotels, unused state facilities) are used as a temporary necessary evil rather than a good practice.

### Reception as part of a chain

In the concept of **chain management**, the reception process (from inflow, reception, procedure, outflow, return/integration) is seen as a continuum. Member States undertake measures at different stages of the process, e.g. limiting inflow, increasing capacity, making the asylum procedure more efficient, facilitating outflow, and operating an effective return or integration policy.

## 7. EFFICIENCY

### How can (Member) States ensure a balanced flow of applicants through reception?

The efficiency of reception facilities is determined by the maintenance of a balanced flow of applicants through reception. Although inflow is primarily determined by uncontrollable external factors, i.e. the number of applicants lodging a claim for international protection, some (Member) States, apply strategies to reduce inflow by providing financial allowance for applicants to individually arrange their accommodation and/or by running information campaigns in specific countries of origins with the aim to reduce the scale of further migratory movement. In several (Member) States the efficient use of reception facilities is in particular reduced by a difficult outflow as a certain tension exists between efficiency and humanitarian considerations with continued residence for rejected applicants and beneficiaries of international protection. Some (Member) States apply strategies to improve outflow by e.g. setting time-limits for continued stay and/or transfer to other facilities.

## 8. FURTHER INFORMATION

You may obtain further details on this EMN Inform and/or on any other aspect of the EMN, from HOME-EMN@ec.europa.eu.

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[7] Either linked to the security situation in third countries and/or the removal of the visa obligation for certain Western Balkan countries.