

EMN FOCUSED STUDY 2013

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

<p><u>Top-line “Factsheet”</u> (National Contribution)</p> <p><u>Executive Summary</u> (Synthesis Report)</p>
<p><u>National contribution (one page only)</u></p> <p>Overview of the National Contribution – introducing the study and drawing out key facts and figures from across all sections of the Focussed Study, with a particular emphasis on elements that will be of relevance to (national) policymakers.</p>
<p><u>Synthesis Report (up three pages)</u></p> <p>Executive Summary of Synthesis Report: this will form the basis of an EMN Inform, which will have EU and National policymakers as its main target audience.</p>
<p><u>Section 1</u></p> <p><u>Different types of Reception Facilities and different Actors</u> (Maximum 4 pages)</p>
<p>This section of the <u>Synthesis Report</u> will address the organisation of reception facilities in different (Member) States. An overview will be provided of the different types of accommodation facilities, and categories of applicants entitled to reception.</p> <p>The Reception Conditions Directive (Directive 2003/9/EC, Article 13) and the Commission’s proposal for the recast Reception Conditions Directive (Article 17) stipulate that Member States shall ensure availability of material reception conditions to applicants for international protection. Housing constitutes an essential, if not the primary, element of reception conditions. Provision of accommodation can be provided in a variety of possible manners. Directive 2003/9/EC (Article 14) makes broad reference to: a) accommodation premises for applicants who lodged their application at the border; b) accommodation centres which guarantee an adequate standard of living; c) private houses, flats, hotels or other premises adapted for housing applicants for international protection. Consequently, (Member) States have established different types of reception facilities, such as, collective/communal reception facilities, individual housing (private houses, flats or hotels arranged and paid for by the State), or, some also offer the applicant financial compensation which covers housing expenses.</p> <p>This Section aims to provide an overview of the different types of reception facilities (Member) States have in place. It will also provide an overview on the number of facilities as well as their capacity. With regard to the organisation, this Section will furthermore address the different actors involved in the provision of accommodation to applicants for international protection, specifying which authorities carry financial and executive responsibility and whether third parties are involved, such as for example, NGOs or other actors of civil society.</p>
<p>Q1. Please indicate in Table 1 below what <u>type of reception facilities</u> exist in your (Member) State.</p> <p>In case your (Member) State offers a different type of facility which is not listed in the table below, please include and describe this by adding additional rows to the table below. Please also indicate how many of these facilities exist and indicate what their capacity is and how many applicants were accommodated in these facilities per year starting from 1 January 2008 to 31 December 2012.</p>

Should your (Member) State not be able to provide the maximum capacity, please provide a brief explanation for this and specify the actual number of applicants accommodated in a certain type of facility on an annual basis for the period 2008-2012.

Table 1 Different types of Reception Facilities

Type of accommodation	Does this type of facility exist in your Member State?	If so, how many of these facilities existed at the end of 2012?	Specify the maximum number of applicants the facilities could accommodate	Number of applicants accommodated in such facilities per year during 2008-2012
Collective initial/transit reception centres	Yes/No			
Collective open reception centres ¹	Yes/No			
Special reception centres or facilities for vulnerable groups (e.g. victims of torture or specific vulnerable female applicants)	Yes/No			
Special separate reception centres for unaccompanied minors	Yes/No			
Private houses or flats: arranged and paid for by competent authorities	Yes/No			
Private hotels: arranged and paid for by competent authorities				
Individually arranged accommodation such as houses, flats, hotels and/or possibilities of staying with friends and/or family ²	Yes/No			
Other premises for the purpose of accommodating applicants for international protection which are arranged and paid for by the competent authorities	Yes/No If yes, please briefly describe			

Q2. Which authority(ies) carry financial responsibility over the reception facilities?

(a) State authorities

(b) Local authorities / regional governments

(c) External service provider such as NGOs, actors from the private sector or any other kind

¹ Open centres means that applicants are free to enter and leave the centre whenever they want.

² Please specify whether applicants receive (or have the possibility of receiving) a financial allowance in case they have individually arranged their accommodation.

of third party involvement?

[A/B/C – (if responsible authorities differ depending on the type of facility please indicate the responsible authorities for each different type)]

Q3. Which authorities carry executive responsibility³ over the facilities:

- (a) *State authorities*
- (b) *Local authorities / regional government*
- (c) *External service provider such as NGOs, actors from the private sector or any other kind of third party involvement?*

[A/B/C – (if responsible authorities differ depending on the type of facility please indicate the responsible authorities for each different type)]

Q4. In case reception facilities are run by local authorities/regional governments or with the involvement of an external service provider (e.g. NGOs or actors from civil society), please indicate whether the reception facilities are centrally coordinated (i.e. does one single authority still carry overall responsibility for the reception of applicants for international protection?)

[(Yes/No) if yes, please briefly describe]

Q5. In case reception facilities are run by local authorities/regional governments or with involvement of an external service provider (e.g. NGOs or actors from civil society), how is their involvement regulated?

Have any formal coordination mechanisms between the different actors been signed (for example cooperation agreements stipulating the division of competences)?

[(Yes/No) if yes, please briefly describe]

Section 2

Take up of Reception Facilities: Factors determining access to the different types of facilities

(Maximum 4 pages)

This Section of the Synthesis Report aims to investigate which categories of applicants for international protection are entitled to reception facilities (standard or specific) and whether, on specific occasions/for specific reasons, authorities exclude such entitled applicants from reception facilities. It will map the competent authorities who decide on the allocation of applicants to (different) reception facilities, and will more specifically, provide an overview on what factors influence the allocation to accommodation. Such factors may, for example, relate to the capacity of centres, existence of a dispersal mechanism (for purposes of burden-sharing as to evenly distribute the costs throughout the country), the stage/type of procedure, profile of the applicant, duration of proceedings or any other factors. It will also be investigated whether Member States take into account the specific needs of vulnerable groups of applicants when deciding on allocation.

Q6. Please provide a short overview of which applicants for international protection are entitled to reception facilities provided by the State. Please complete Table 2 below:

³ Executive responsibility refers to the day-to-day running of the reception facilities and would also for example include including quality control of the services provided in the facility.

Table 2 Categories of applicants entitled to reception facilities

Different categories of applicants depending on <i>type/stage of procedure</i>	Entitled to reception facilities (Yes/No)	Are these applicants entitled to standard or specific reception facilities ⁴ ?
Applicants under Dublin II ⁵		
Applicants in admissibility procedures ⁶		
Applicants subject to accelerated procedures		
Vulnerable groups of applicants ⁷ (with specific psychological/medical assistance needs)		
Unaccompanied minors awaiting decision for international protection		
Unaccompanied minors who have exhausted the procedure for international protection and are awaiting return		
Applicants who have lodged an appeal procedure		
Applicants who have lodged a subsequent application		
Applicants who have received a positive decision on their international protection application ⁸		
Applicants who have exhausted the procedure for international protection and who are awaiting return		
Other (e.g. applicants from other EU Member States, families with children with an irregular migrant status, applicants from safe third countries of origin etc. Please specify)		

Q7. From the aforementioned categories of applicants who are entitled to reception, can any be

⁴ Specific reception facilities refer to facilities which divert from mainstream reception facilities, e.g. depending on the type of applicant, or stage/procedure.

⁵ Applicants under Dublin II means those applicants for which a Dublin procedure has been initiated and who are awaiting a Dublin decision determining the responsible country for examining the asylum claim.

⁶ Admissibility procedures refer to the stage of the application in which (Member) States determine whether an application will or will not be considered in substance based on the criteria laid down in Article 25 of Directive 2005/85/EC (the Asylum Procedures Directive) which stipulates circumstances in which Member States are allowed to declare application as inadmissible and are subsequently not required to examine the application.

⁷ The Reception Conditions Directive makes reference to the following categories of applicants under vulnerable groups: unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, persons who have been subjected to torture, rape, or other serious forms of psychological, physical, or sexual violence.

⁸ If possible please specify for what duration they are still entitled to reception facilities.

excluded from reception facilities for particular reasons (e.g. because the applicant has sufficient financial means, or because the applicant has misbehaved in a reception facility, or any other reasons)?

[(Yes/No) If yes, please briefly specify why.]

Q8. a) Does your (Member) State carry out an assessment of vulnerability which could result in assignment to special reception facilities for vulnerable groups of applicants?

(Yes/No) If yes, please briefly describe.

Q8. b) If yes, please indicate whether the assessment of vulnerability is:

- a) **Obligatory and laid down in law** (Yes/No)*
- b) **Standard practice** (Yes/No)*
- c) **Optional** (Yes/No)*

Q9. Which authority/(ies) carry responsibility for deciding on the allocation of applicants for international protection to different reception facilities?

Briefly indicate the responsible authority(ies).

Q10. How do these authorities allocate applicants to different types of reception facilities?

Please state whether one of the scenarios below, or a combination thereof, are applicable to your (Member) State and briefly describe:

i) Capacity;

Your (Member) State assigns applicants for international protection according to capacity, e.g. your (Member) State monitors occupancy rate of each reception centre and assigns applicants accordingly.

ii) Dispersal Mechanism;

Your (Member) State applies a dispersal scheme which defines how many applicants each reception centre at national/regional/local level ought to receive (either in percentages or based on a specific quota).

iii) Type of asylum procedure;

Your (Member) State takes into account the type of asylum procedure and assigns applicants accordingly to a specific reception facility. For example, one or more of the below is applicable to your (Member) State:

- Applicants who fall under the Dublin II Regulation are accommodated in specific reception facilities;*
- Applicants subject to accelerated procedures are assigned to specific reception facilities;*
- Etc.*

iv) Stage of asylum procedure;

Your (Member) State takes into account the stage of the asylum procedure and assigns applicants accordingly to a specific facility. For example, one or more of the below is applicable to your Member State:

- Applicants during the admissibility procedure - when a (multiple) application is assessed for admissibility or when a Dublin examination is carried out – are temporarily placed in specific initial/transit reception facilities;
- Applicants who are awaiting a first instance decision are placed in specific reception facilities;
- Applicants who have lodged an appeal procedure are transferred to specific reception facilities;
- Failed/rejected applicants for international protection are transferred to specific reception facilities.

v) Profile of the asylum applicant;

Your (Member) State takes into account the profile of the applicant for international protection (e.g. special needs⁹, nationality, or specific motives underpinning the application) and assigns applicants accordingly to a specific reception facility.

vi) Duration of the asylum procedure;

Your (Member) State moves applicants for international protection from one facility to another after a certain time period has elapsed.

vii) Other criteria (e.g. family composition)?

Please describe

Q11. Is the process for assignment of applicants to different reception facilities:

- a) Laid down in legislation (Yes/No);**
- b) Outlined in soft law/guidelines (Yes/No);**
- c) Not outlined in official documents, but there is a standard practice in place (Yes/No)**

Q12. Provided there is sufficient capacity, does your (Member) State offer the applicant a choice for reception facility/location?

(Yes/No) If yes, please briefly describe.

Q13. a) Does your (Member) State provide for a possibility to relocate applicants for international protection to different reception facilities after initial assignment to a reception centre?

(Yes/No)

Q13. b) If yes, which of the below criteria are applied, or a combination thereof, for relocation to a different reception centre:

- i) Capacity/bed management issues**
- ii) Change in family profile (e.g. birth of a child)**
- iii) Medical or special need reasons**

⁹ The Reception Conditions Directive makes reference to the following categories of applicants under vulnerable groups: unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, persons who have been subjected to torture, rape, or other serious forms of psychological, physical, or sexual violence.

- iv) *Incidents at centres which may require transfer to alternative accommodation*
- v) *Time limits (procedural-driven)*
- vi) *Programme for voluntary return to the country of origin*
- vii) *Any other reasons?*

Section 3 Quality: National Legislation on Material Reception Conditions

(Maximum 3 pages)

The Synthesis Report will review Member States' national legislation on basic material reception conditions (i.e. the provision of food, clothing, and financial allowance) that relate to the nature of the experience of being accommodated in a reception facility. Additionally, the Synthesis Report aims to provide an overview on some other quality criteria that relate to the nature of the experience of being accommodated in a reception facility, such as the available surface per applicant, the supervision rate (number of staff per applicant), and the possibility of leisure activities. Furthermore, to provide a more comprehensive overview of non-material reception conditions, a table is included in the Annex which will map additional rights granted to applicants for international protection in the (Member) State's reception system as laid down in national legislation. Member States are kindly requested to fill out table 1A in Annex 1 for this purpose.

Q14. According to national legislation in your (Member) State, what are applicants for international protection who are accommodated in reception facilities entitled to in terms of the following reception conditions:

- a) **Food;**
- b) **Clothing;**
- c) **Financial allowance¹⁰.**

Please briefly describe your national legislation in relation to aforementioned material reception conditions and make reference to the relevant provisions in national legislation.

Q15. Please indicate in Table 3 below for each type of reception facility in place in your (Member) State: the available surface per applicant (in square meters); the supervision rate (number of staff per applicant); and specify whether applicants have the possibility to take part in organised leisure activities.

Table 3 Other quality criteria for reception facilities that relate to the applicant's experience of being accommodated in a reception facility

<i>Type of accommodation</i>	<i>Available surface per applicant in square meters</i>	<i>Supervision rate (number of staff per applicant)</i>	<i>Possibility of leisure activities? Yes/No. If yes, briefly describe</i>
<i>Collective initial/transit reception centres</i>			
<i>Collective open reception centres</i>			
<i>Special reception centres or facilities for vulnerable groups</i>			

¹⁰ Please explain what costs the financial allowance is intended to cover (e.g. does it cover accommodation costs, does it include pocket money etc) and specify whether the financial allowance is provided de facto and/or whether it can be used to remunerate applicants who carry out work (small tasks) within the reception facility.

<i>(e.g. victims of torture or specific vulnerable female applicants)</i>				
<i>Special separate reception centres for unaccompanied minors</i>				
<i>Private houses or flats: arranged and paid for by competent authorities</i>				
<i>Private hotels: arranged and paid for by competent authorities</i>				
<i>Individually arranged accommodation such as houses, flats, hotels and/or possibilities of staying with friends and/or family</i>				
<i>Other premises for the purpose of accommodating applicants for international protection which are arranged and paid for by the competent authorities</i>				

Q16. Has your (Member) State developed guidelines or a handbook in relation to the reception offered to applicants for international protection?

[Yes/No. If yes, please briefly describe]

Q17. What control mechanisms are in place to ensure that reception conditions are provided according to the standards specified in national legislation or other protocols/regulations?

[Insert Response here]

Q18. Has there been a public debate about the quality of reception facilities in your Member State in the period from 2008 onwards - to date?

(Yes/No). If yes, please describe the parties involved and their main arguments.

Q19. Does primary research exist in your Member State, evaluating the quality of reception facilities?

(Yes/No). If yes, please indicate the source and the outcome.

Section 4
Flexibility
(Maximum 3 pages)

The Synthesis Report will analyse the flexibility of reception facilities in (Member) States vis-à-vis the fluctuating and/or sudden influxes of applicants for international protection. (Member) States are asked to provide figures or estimations on the total number of applicants entitled to reception¹¹, the total number of applicants accommodated in reception facilities, as well as figures or estimations on the maximum capacity and average occupation rate of reception facilities. (Member) States are asked to describe whether they have experienced any (disproportionate) pressure on their reception systems during 2008-2012 and are asked to provide an overview of the different flexibility mechanisms that they have in place and/or have applied. The Synthesis Report will aim to identify good practices of (Member) States in handling (disproportionate) pressure on their reception system, and where relevant, reference will be made to the use (and effectiveness) of flexibility mechanisms.

Q20 Please fill out the national statistics in Table 4 below:

Table 4 National statistics on flexibility

	2008	2009	2010	2011	2012
Total number of applicants entitled to reception					
Total number of applicants accommodated in reception facilities					
Maximum number of applicants that could be accommodated in reception facilities					
Average occupation rate in reception facilities					

Q 21. Please describe any pressure that your (Member) State may have experienced in relation to the reception of applicants for international protection during the period 2008-2012 and briefly explain possible reasons for such pressure. (Note that annual statistics from Eurostat on

¹¹ These statistics are requested to provide an overview on the number of applicants in reception as a whole, differentiating between those accommodated in reception facilities and those applicants who are entitled to reception, but who do not require accommodation (but do receive other services e.g. a financial allowance).

the number of applications for international protection, first decisions, etc. over the years 2008-2012 will be incorporated in the relevant section of the Synthesis Report. Hence, if relevant, you may refer to a period of pressure by comparing the number of applications with the capacity of your (Member) State's reception system).

[Insert Response here]

Q 22. *Which flexibility mechanisms are foreseen and/or have been used in case there are shortages or surpluses in reception facilities? Please answer this question by indicating in Table 5 below whether any of the below mechanisms exist in your Member State and whether they have been actually used:*

Table 5 Flexibility Mechanisms

Type of mechanism	Does this exist in your (Member) State? (Yes/No)	If yes, please describe	Has this mechanism been used? (Yes/No) If yes, please describe
Early warning mechanism ¹² (including any software programmes monitoring capacity and occupancy in reception facilities)			
Additional reception centres acting as buffer capacity			
Emergency plans			
Budget flexibility (to increase or decrease the budget when necessary)			
Fast-tracking procedures ¹³			

¹² An early warning mechanism refers to a monitoring system, e.g. a mechanism that monitors the inflow of applicants for international protection, evaluating in particular whether the (Member) State possesses the necessary capacity to deal with increased (or decreased) pressure. Such a monitoring system would enable identification of possible shortcomings (or excess capacity) at an early stage. An early warning mechanism could for example include a.o. any software programmes monitoring capacity and occupancy rate in reception facilities.

¹³ (e.g. by contracting more case-workers to decide on applications to create or close reception facilities)

Application of different standards/modalities of reception conditions in emergency situations¹⁴			
Provision of financial vouchers/allowance to cover costs of private accommodation			
Review for specific categories of applicants who obtain priority access to reception			
The use of excess space for other purposes			
Other?			

Q 23. Please indicate best practices in handling (disproportionate) pressure as well as ability to adjust to fluctuating numbers of applications over time. Where possible, please refer to the use (and effectiveness) of any of the aforementioned flexibility mechanisms.

[Insert Response here]

Section 5 Efficiency (Maximum 2 pages)

The Synthesis Report will provide an overview of the costs of the current reception facilities provided in the (Member) States, as well as the median and interquartile ranges of the duration of an applicant's stay and average occupancy rate in reception facilities. In Table 6 below, Member States are requested to fill out information on the total costs of reception, split up in direct and indirect costs, and Dublin and non-Dublin cases. (Member) States are kindly asked to also explain what is covered by such costs.

The aim is to start collection of such statistics to gain an insight into what is covered under the total costs of reception in different Member States. The Synthesis Report will not aim to compare reception costs between Member States due to the complexity involved (e.g. Member States include different services under costs¹⁵).

¹⁴ Article 14 paragraph 8 of the Reception Conditions Directive 2003/9/EC stipulates that: "Member States can exceptionally set modalities for material reception conditions different from those provided for in Article 14 for a reasonable period which shall be as short as possible, when: an initial assessment of the specific needs of the applicant is required; material reception conditions, as provided for in article 14, are not available in a certain geographical area; housing capacities normally available are temporarily exhausted; the asylum seeker is in detention or confined to border posts. The different conditions must cover in any case basic needs".

¹⁵ The European Platform for Reception Agencies (EPRA) has scheduled activities for the 4th quarter of 2013 to start dialogue on development of methods to improve comparability of reception costs between Member States.

Q24. Please fill in the national statistics Table 6 below (please provide figures or, if not possible, estimates thereof):

Table 6 National Statistics on Efficiency

	2008	2009	2010	2011	2012
National budget allocated to the reception of applicants for international protection					
Total costs of reception					
Total direct costs ¹⁶					
Total indirect costs ¹⁷					
Total costs of reception including Dublin cases					
Total costs of reception excluding Dublin cases					
Inflow of new applicants to reception facilities					
Inflow/return of applicants who have temporarily left a reception facility					
Outflow of applicants from reception facilities, who do not return later					
Share of applicants in reception facilities who have received a final decision on their application					
Tolerance time for extended stay of applicants in reception facilities who have already received a final decision on their application					
Median ¹⁸ range of an applicant's stay					

¹⁶ Direct costs refer to explicitly defined costs and budgets for the reception of applicants for international protection in each (Member) State.

¹⁷ Indirect costs refer to costs that are not directly measurable (as costs are borne by a wide range of stakeholders and further relate to the applicant's access to general public services).

Interquartile¹⁹ ranges of an applicant's stay					
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Q25. Are cost (estimations) available for the flexibility mechanisms used in your Member State (see Question 22)?

[If yes, please provide these here.]

Section 6 Conclusions <i>(Maximum 2 pages)</i>
<p><i>This Section will outline the main findings of the Study and present conclusions as to what extent the organisation of the reception system impacts on the flexibility, efficiency, and quality of reception facilities.</i></p>
<p><i>Q26. Please summarise the organisation of reception facilities in your (Member) State, indicating main strengths and weaknesses (please specify any evidence for these findings)</i></p> <p style="padding-left: 40px;"><i>[Insert Response here]</i></p> <p><i>Q27. Please summarise whether your (Member) State has experienced pressure on its reception facilities (in terms of both in-and outflow, and duration of the processing time of applications) and indicate what measures have been most successful in handling such pressure</i></p> <p style="padding-left: 40px;"><i>[Insert Response here]</i></p> <p><i>Q28. Please describe best practices in controlling costs of reception facilities whilst ensuring quality (maximum half a page)</i></p> <p style="padding-left: 40px;"><i>[Insert Response here]</i></p>

¹⁸ The median is the numerical value separating the higher half of the distribution of the lower half (middle value).

¹⁹ The interquartile ranges refer to the value of the first quartile (25 percentile) and the third quartile (75 percentile) in a distribution.

Annex 1 Reception Conditions in different Reception facilities

Please fill out the table below concerning the rights granted to applicants for international protection as laid down in national legislation in different reception facilities.

Table A1.1 Reception conditions in different reception facilities

	Collective initial/transit reception centres	Collective open reception centres	Special reception centres/facilities for vulnerable groups	Special separate receptions centres for UAMs	Private houses or flats ²⁰	Private hotels ²¹	Individually arranged accommodation ²²	Other premises	Comments
Food									
Clothing									
Financial allowance ²³									
Emergency health care									
Medical care									
Psychological care									
Free legal assistance									
Interpretation services									
Access to education									

²⁰ Arranged and paid for by competent authorities.

²¹ Arranged and paid for by competent authorities.

²² E.g. houses/flats/hotels and/or staying with friends and family.

²³ Please explain what this consists of.

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Access to vocational training									
Access to employment (after which period of time?)									
Other? Please add									