



EMN Ad-Hoc Query on FR AHQ on provision of material reception conditions to asylum seekers under the Dublin Regulation

Requested by Christelle CAPORALI-PETIT on 23rd February 2017

Protection

Responses from Austria, Belgium, Blocked / Unknown, Croatia, Czech Republic, Estonia, Finland, Germany, Ireland, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Slovak Republic, Spain, Sweden, United Kingdom, Norway (20 in total)

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.



Background information:

Asylum seekers falling under the Dublin Regulation can benefit from various material reception conditions. The modalities for the provision of material reception conditions vary depending on the different stages of proceedings. First of all it is important to distinguish between a transfer procedure initiated by another Member State to France (incoming transfers) and those that require to be transferred from France to another Member State (outgoing transfers).

Questions

1. France would like to know: 1) The forms and levels of material reception conditions provided to applicants under the Dublin Regulation (housing, allowances etc.)?
2. 2) If differences are made between applicants under the regular procedure and applicants under the accelerated procedure?

Responses




	Country	Wider Dissemination	Response
	Austria	Yes	<ol style="list-style-type: none">1. According to the Austrian Basic Welfare Support Agreement between the Federal State and the provinces, the material reception conditions for asylum seekers under the Dublin Regulation are not different as those for other asylum seekers (see for example Ad-Hoc Query No. 2016.1086).2. With respect to material reception conditions in general not (see in particular the Basic Welfare Support Agreement between the Federal State and the provinces).
	Belgium	Yes	<ol style="list-style-type: none">1. OUTGOING TRANSFERS Since 26 October 2015, asylum seekers who fall under the Dublin Regulation (and have to leave the country because Belgium is not responsible for examining their asylum application) are transferred within 5 days after they have received their order to leave the country, to the so-called “Dublin –reception places” in order to effectuate their effective transfer to the responsible State. The 'Dublin reception places' are places located in five





			<p>of the federal reception centres of the Federal Agency for the Reception of Asylum Seekers (Fedasil) where their departure is prepared in cooperation with a liaison officer from the Immigration Office who is present in the reception centre. In these centres, the residents concerned can benefit from the same material aid (same material reception conditions) provided for in the Reception Act of 2007 (like other asylum seekers) until the end of their order to leave the country. It is Fedasil who is financially responsible for the persons to be transferred under Dublin Regulation until their transfer. Only medical reasons and pregnancy (two months before birth and two months thereafter) allow for a derogation from this designation to the “Dublin-places” and in this case the transfer to the State that is responsible will take place from the reception facility the asylum seekers was allocated to in the first place.</p> <p>INCOMING TRANSFERS Regarding persons transferred back to Belgium under Dublin procedures: Upon arrival, the border police awaits these persons (instructions to the police are given by the Immigration Office) and will provide the person with a personal invitation to present himself to the Immigration Office in Brussels the next working day. On the day of the invitation, he can lodge a (new) asylum application.</p> <p>1) transfer in take charge situation : first application The same procedure applies as for all new asylum seekers registering in Belgium. After submitting an application to the Immigration Office, asylum seekers go to Fedasil (Federal Agency for reception of asylum seekers), located in the same building. Fedasil will dispatch the asylum seeker to a reception centre. The asylum seeker has a right to material assistance throughout the asylum procedure. In the following days/weeks the applicant will be invited again to the Immigration Office in order to conduct an initial screening interview after which the case will be transmitted to the Commissioner General for Refugees and Stateless persons (CGRS), which is the determining authority.</p> <p>2) transfer in take back situation (art 18.1.c or 18.1.d) : subsequent application The same procedure applies as for all persons registering a subsequent application in Belgium. In case of a subsequent application, Fedasil may initially refuse to give a place in a reception centre and the asylum seeker will only be entitled to medical care. After the case has been transferred to the CGRS, in case of subsequent applications the CGRS first must decide if they will take the subsequent application into consideration. If the CGRS decides to take the subsequent application into consideration, the person will be entitled again to a place in a reception centre throughout the rest of the asylum procedure. In cases where the first application has never been examined on its merits, for example after a withdrawal, the CGRS will usually</p>
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		<p>take the subsequent application into consideration. Please note that in cases of take back procedures (art 18.1.c and 18.1.d) where no new application was lodged in the sending member state, the person will not be invited to lodge a new application. After arrival, he will be considered as illegal resident. Concerning the situations in which a procedure conducted with regard to a previous application can be reopened or continued: -taken back in accordance with art 18.1.b Two situations may occur: 1) The case of the applicant is still open at the level of the Immigration Authority. This means his case hasn't been transferred yet to the determining authority. Upon arrival, the border police awaits them (instructions to the police are given by the Immigration Office) and will provide the person with a personal invitation to present himself to the Immigration Office in Brussels the next working day. A screening interview will be conducted and the case can be transferred to the CGRS. The applicant will be sent to Fedasil. They will dispatch the asylum seeker to a reception centre (depending on the nature of his current application, first or subsequent). 2) The case of the applicant pending at the determining authority or pending appeal procedure. This means his case had already been transferred to the determining authority (CGRS). In this case, the transferred person will not receive an invitation for the Immigration Office. Upon arrival, the border police awaits them to complete the transfer procedure after which he will be released. The person can present himself at the Fedasil office to see if he is entitled to reception (depending on the nature of his current application, first or subsequent). Reception conditions for Dublin returnees do not differ from the conditions for other applicants for international protection.</p>
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2. / But note: Pending the determination of the State that is responsible, the person can be placed in detention. This is only possible in the following situations: • the person has an expired visa for another Dublin state • the person does not have valid entry documents and has declared to have stayed in another Dublin state • after taking fingerprints it is established that the person has stayed in another Dublin state The detention may not exceed one month. But the period may be extended by one month if it is a 'highly complex' request. In the case of transfer the detention can be further extended. The Immigration Office can put the person in detention (in a detention center) to avoid that the person will not go to the responsible state by his own and will, for example, stay illegally in Belgium. The detention shall not exceed one month. The actual transfer must, except for exceptions, be realized within six months after the acceptance of the take back request, otherwise Belgium becomes nevertheless responsible. The period can be


			extended up to 12 months (at imprisonment), or up to 18 months (in the case of absconding). In the detention centers of the Immigration Office, other reception conditions apply.
	Blocked / Unknown	Yes	<p>1. Asylum seekers which are placed by the prefecture under the Dublin Regulation, no matter whether it is for a taking charge or taking back request, are allowed to receive the Asylum Seeker's Allowance (ADA - allocation pour demandeur d'asile), subject to the previous acceptance of the care offer (OPC - Offre de Prise en charge) granted by the French Office for Immigration and Integration (OFII - Office français de l'immigration et de l'intégration). Regarding accommodation, they can benefit from an emergency accommodation for asylum seekers (HUDA - Hébergement d'Urgence pour Demandeurs d'Asile), a regional programme of support and accommodation for asylum seekers (PRADHA - Programme régional d'Accueil et d'Hébergement des Demandeurs d'Asile) or a temporary reception asylum service (ATSA - Accueil Temporaire Service de l'Asile). A house arrest can be decided in these centres. However, they are excluded from the national scheme of reception centres for asylum seekers (CADA - centres d'accueil pour demandeurs d'asile). Such material reception conditions are offered until the transfer is carried out to the responsible Member State. However, if asylum seekers abscond, particularly when they were placed under house arrest, they can no longer benefit from the asylum seeker's allowance nor the accommodation.</p> <p>2. Concerning asylum seekers to be transferred to France by another Member State, two different situations have to be distinguished: a taking charge or a taking back request. • Transfers related to a taking charge Third-country nationals should be considered as first-time asylum seekers and consequently they must follow the usual procedure for asylum seekers: they have to present themselves to a reception centre for asylum seekers (PADA – platform d'accueil pour les demandeurs d'asile) and have to lodge their asylum application in a one-stop-shop for asylum applications (GUDA - guichets uniques pour demandeurs d'asile). They can benefit from material reception conditions, subject to the previous acceptance of the care offer, in the same way as asylum seekers supported by the French authorities. • Transfers related to a taking back If the asylum application previously registered in France is still under process with the French Office for the Protection of Refugees and Stateless Persons (OFPRA) or the National Court of Asylum (CNDA), the situation of that person should be assessed by the OFII in order to restore</p>




			material reception conditions (asylum seeker's allowance and accommodation). This assessment should refer to the risk of absconding, the family situation and any vulnerabilities. However, if their asylum application is definitely rejected in France, the prefecture will issue an obligation to leave French territory (OQTF - Obligation de Quitter le Territoire Français) and execute a removal order. Beyond the specificities resulting from the nature of the Dublin Regulation, the situation of vulnerable and sick people has to be taken into account. These persons need medical assistance upon their arrival in France provided by the OFII allowing them to benefit from an adapted accommodation. Finally, the French authorities have to provide specific reception conditions for the transfer of unaccompanied or vulnerable minors.
	Croatia	Yes	<p>1. The applicants under the Dublin Regulation are entitled to the equal material reception conditions as other asylum seekers. Applicants are provided with accommodation in the Reception Centre for Asylum Seekers, which includes food, clothing, shoes, laundry, hygiene package and financial assistance. All material conditions are provided in kind except the money pocket. Depending on the specific needs and situation, applicant can be placed in a safe house, psychiatric facility or adequate social institution, if the Ministry of Interior cannot provide adequate housing (social institution) in the Reception Centre. Applicants are entitled to: residence, freedom of movement in the Republic of Croatia, the provision of adequate material reception conditions, health care, primary and secondary education, information, legal advice and legal aid, freedom of religion, work and documents in accordance with the Act on International and Temporary Protection.</p> <p>2. No.</p>
	Czech Republic	Yes	<p>1. Material reception conditions for asylum seekers under the Dublin Regulation are the same as for those under the regular procedure.</p> <p>2. No differences are made in this regard.</p>
	Estonia	Yes	<p>1. Asylum seekers under the Dublin procedure are entitled to the same material reception conditions as those under the regular procedure. According to the Act on Granting International</p>


			<p>Protection to Aliens the asylum seekers are provided with the following material reception conditions: 1) accommodation; 2) supply of food or provision of food, which is substituted by financial allowance; 3) supply of essential clothing and other necessities and toiletries; 4) access to medical examinations and necessary health services; 5) essential translation services and Estonian language instruction; 6) transportation necessary for the performance of procedural acts pursuant to this Act; 7) other essential services.</p> <p>2. In general there are no differences in reception conditions between applicants under the regular procedure and applicants under the accelerated procedure.</p>
	Finland	Yes	<p>1. Applicants under the Dublin Regulation are entitled to the same reception conditions as applicants whose applications are processed in Finland. The reception centres provide all applicants with accommodation, financial support, and other care as required by law.</p> <p>2. Regardless of whether the applicant falls under the regular or the accelerated procedure, the reception centre provides accommodation, financial support, and other care as required by law.</p>
	Germany	Yes	<p>1. Asylum seekers under the Dublin procedure are entitled to the same material reception conditions as those under the regular procedure.</p> <p>2. n/a</p>
	Ireland	No	
	Latvia	Yes	<p>1. There are no differences in the forms and levels of material reception conditions regarding applicants with respect of procedures applied. According to the Asylum Law, if an asylum seeker does not have sufficient resources to ensure living arrangements conforming to his/her health condition and his/her residence during the asylum procedure, he/she shall be accommodated at the Reception Centre and provided with daily allowances. Asylum seeker has a right to get emergency medical assistance, primary health care, psychiatric assistance in case</p>

			<p>of serious mental health disorders, and also any medical assistance to minors, non-provision of which may pose a threat to the development and health of the child. A minor asylum seeker is provided with opportunities for acquiring education in the official language in a State or local government educational institution.</p> <p>2. No.</p>
	Lithuania	Yes	<p>1. Reception conditions are equal for all asylum seekers, including persons returned under Dublin Regulation. All persons are temporary accommodated in the premises of boarder control point until the Migration department takes a decision regarding their legal stay (i.e. to examine asylum application in substance, in an accelerated procedure or to refuse of asylum). A person is provided with the information on the rules and obligations as well ad is informed about his/hers rights. All people are also provided with food. If needed, medical aid is provided. If a person is granted temporary territorial asylum and his/her application is taken for examination in substance he/she is provided with accommodation at the Foreigners' Registration Centre. These persons are provided with housing, food and access to other services provided by the centre (e.g. family doctor, psychologist).</p> <p>2. The type of the procedure does not have an impact on the conditions.</p>
	Luxembourg	Yes	<p>1. In Luxembourg, at the moment, the applicants for international protection that are under the Dublin Regulation obtain the same level of material reception conditions foreseen in accordance with articles 1 (1), 8 and 9 of the Law of 18 December 2015 on the reception of applicants for international protection and temporary protection. The law does not make any distinction between applicants for international protection and those who are under the Dublin regulation. The forms and levels of material reception conditions established in article 8 are described in the table in to document attached.</p> <p>2. No. As mentioned above article 1 (1) does not make any distinction.</p>

	Malta	Yes	<p>1. In Malta asylum seekers falling under the Dublin Regulation are entitled to benefit from material reception conditions that is accommodation, a welcome pack, food and transport allowance, free access to state health services, in cases of children, free access to state education services. They are not entitled to social welfare benefits. AWAS provides different amounts of daily allowance, associated with the asylum seeker's status: €4.66 for asylum seekers; persons returned under the Dublin III Regulation receive €2.91; employed asylum seekers receive nothing but are then granted €4.08 upon termination of employment; and children receive €2.33 until they turn 17.</p> <p>2. Please refer to reply of question 1.</p>
	Netherlands	Yes	<p>1. The regime of reception conditions for asylum seekers in the Netherlands has been laid down in a number of legislative instruments, of which the Central Agency Act for the Reception of Asylum Seekers (Act COA) is the most important. The 2005 Regulation on benefits for asylum seekers (Regeling verstrekkingen asielzoekers 2005) is based on this Act, and it is of greatest importance in practice. This Regulation defines who is entitled to reception conditions and who is exempt from this right. COA is the organisation responsible for the reception of asylum seekers in the Netherlands. This is an independent administrative body that falls under the political responsibility of the Secretary of State of Security and Justice. The material reception conditions of asylum seekers falling under the Dublin Regulation are the same, for incoming transfers as for outgoing transfers, as for 'regular' asylum seekers (if entitled to the right of reception). The right to reception includes the right to: - Accommodation; - A weekly financial allowance for the purpose of food, clothing and personal expenses; - Recreational and educational activities (for example a vocational training); - Public transport tickets to visit a lawyer; - A provision for medical costs (healthcare insurance); - An insurance covering the asylum seekers' legal civil liability; - Payment of exceptional costs. The accommodation (housing), the amount of the financial allowance and access to certain educational activities (for example the preparation program for the civic integration exam) depends on the phase in the procedure. There is a difference when an asylum seeker arrives by plane/boat (the application has to be lodged in application centre Schiphol, our international airport,) and when an asylum seeker enters the Netherlands by land (the application has to be lodged in the application centre</p>

			<p>at Ter Apel). The needs of vulnerable groups are taken into account. For example, for unaccompanied asylum seekers there are different forms of special accommodation depending on the phase of the procedure, their age and the degree of vulnerability. In certain circumstances the Aliens Act provides the possibility to detain asylum seekers with the aim of transferring them to the member state that is responsible for the asylum application according to the Dublin Regulation.</p> <p>2. The definition of a regular procedure and an accelerated procedure is not clear. In principle the material reception conditions are the same for applicants under the regular procedure and applicants under the accelerated procedure.</p>
	Poland	No	
	Slovak Republic	Yes	<p>1. Asylum seekers under the Dublin Regulation are entitled to the same reception conditions as other asylum seekers. Firstly, they are accommodated in the reception centre which they cannot leave during the quarantine. After medical examination or after the quarantine, they are transferred to the accommodation centre. In all types of reception facilities they are entitled to food, accommodation, basic toiletries and other basic items which they necessarily need. In reception facilities, they can attend Slovak language courses and are provided pocket money. Asylum seekers can be accommodated also outside facilities but they have to notify the Ministry of Interior in writing about this fact and they also have to provide an evidence that they are able to cover their living expenses or that a Slovak citizen or a third-country national with valid residence in Slovakia is able to provide for them.</p> <p>2. The Ministry immediately notifies the asylum seeker about the fact that it is in the process of examining whether any other state is responsible for the asylum procedure. During this process, the period for (non-)granting of asylum does not run. The Ministry states in its decision on “rejection of the application as inadmissible” also the state which is responsible for the asylum procedure.</p>

	Spain	Yes	<p>1. There is not a different reception system for asylum seekers under Dublin Regulation and the rest. The asylum seekers under Dublin Regulation should leave national reception system within a month after notification of the rejection of the application on the ground that other Member State must take charge of it. In these cases, one month after this notification, these asylum seekers are not entitled to receive allowances nor take reception places. This period of one month may be prolonged in exceptional cases with the authorisation of the Secretary General of Immigration and Emigration (Ministry of Employment and Social Security).</p> <p>2. There is no difference regarding the reception conditions between applicants under the regular procedure and applicants under the accelerated procedure.</p>
	Sweden	Yes	<p>1. Applicants under the Dublin regulation have the same level of reception conditions as all asylum seekers with the exception that in certain cases they can be accommodated in short-time accommodation close to expected place of departure. For more information see the EMN study on reception of asylum seekers.</p> <p>2. No</p>
	United Kingdom	Yes	<p>1. An asylum applicant who is in the UK and who is being considered for transfer to another Member State under the Dublin Regulation or is awaiting such transfer after acceptance of a request under the Regulation is provided with reception conditions (“asylum support”) on the same basis as other asylum applicants. In terms of EU rules on reception conditions the UK remains bound by Directive 2003/9/EC (the UK does not participate in the recast Directive 2013/33/EU). Asylum applicants in the UK who would otherwise be destitute can obtain support under section 95 of the Immigration and Asylum Act 1999 from the time they arrive in the UK, until their claim is fully determined and they have exhausted their appeal rights. The support package usually consists of free furnished accommodation (with utility bills and council tax paid) and a weekly cash allowance to meet essential living needs. But those who find accommodation through friends or relatives may be provided with the allowance alone (“subsistence only support”). The allowance levels are reviewed each year to make sure they are sufficient to cover essential living needs (the legal test). Currently, the allowance is £36.95 per</p>

			<p>week for each person in the household. Free access to NHS healthcare is also provided and all children are entitled to free primary and secondary education.</p> <p>2. There are no differences in the material reception conditions between those in the regular procedure and non-EU nationals whose claim may be certified under section 94 of the Nationality, Immigration and Asylum Act 2002. Section 94 contains a list of designated countries and if the applicant is from a designated country the decision maker will be required to certify the claim unless he or she is satisfied that (the claim) it is not clearly unfounded. Schedule 3 of the Nationality and Asylum Act 2002 prevents asylum support or local authorities from providing support under the Immigration and Asylum Act 1999 to citizens of EU/EEA states even where they have an outstanding asylum claim. Asylum applications from an EU nationals will however normally be declared inadmissible when they lodge a claim. Therefore the question of accessing asylum support does not apply.</p>
	Norway	Yes	<p>1. Applicants under the Dublin Regulation are housed in the same kind of facilities as applicants under the regular procedure, but the allowance is reduced once an application has been declared a "Dublin case". A single adult person with no children in the Dublin procedure would receive approximately 194 Euro (NOK 1.780) per month, while that person would only receive approximately 255 Euro (NOK 2.340) in the regular procedure.</p> <p>2. Applicants in the accelerated procedure (in Norway, 48 hours) do not receive any financial cash allowance, but do get room and board and might receive minimal in kind support such as hygiene articles, bed linen and some clothing.</p>