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7.7.1 Organisation and functioning of reception systems

7.7.1.1 Reception capacity

Due to different migration patterns into Europe in 2019, Member States made diverse changes to their reception capacity. Substantial increases to reception capacity were necessary, for example, in Belgium, France, Ireland and the Netherlands. Belgium created 5 411 new reception places when it faced an acute shortage due to a reduction of temporary places (which were set up for a limited period of time to address the 2015 asylum crisis) in the first half of 2018,[422] longer processing periods, a lack of sufficient buffer capacity and a surge in the number of applicants.

Despite the substantial growth in capacity (+ 25 % in 2019), the Belgian reception agency, Fedasil, faced some difficulties in opening new sites due to constraints to find appropriate sites and, in some cases, protests from local authorities or from a part of the local population, including an incident where a building that was being converted into reception centre in Bilzen was set on fire.[423] The Council of Ministers approved urgent measures in February and November 2019 by increasing the number of staff to improve the processing time of applications, by strengthening cooperation among the relevant federal government departments and launching procurement procedures to open additional reception places and create buffer places without delay. Fedasil and the Red Cross established an agreement with the Flemish Integration and Civic Integration Agency to notify the public of the opening of any new reception centre and the Agency would appoint a liaison officer to support the local administration in addressing residents.

The number of places was substantially increased in France. Since 2017, 13 000 placed for accommodation have been opened, with overall accommodations accounting for 107 200 places (as of
31 December 2019). Meanwhile, the changes still only provided accommodation for just 50 % of applicants in France. Nevertheless, 8 710 places have been created in temporary accommodation centres (CPH) for vulnerable refugees. The share of these temporary accommodation places has increased of more than 300 % since 2015. The accommodation facilities for refugees being particularly tense in the Paris metropolitan area, specific programmes have been supported in this area, including the creation of a new type of reception facility in Île-de-France (CAIR), which accommodates up to 200 single men for six months, renewable once, and special reception places for vulnerable applicants *(see Section 6.8)*. But the

changes still only provided accommodation for only around 50 % of applicants in France.[424]

Ireland used emergency accommodation in hotels and guesthouses to meet demand due to a rise in applicants. Emergency accommodation was used only for as short a time as possible, but – as seen in Belgium – national authorities faced difficulties in procuring new standard reception facilities. To address a shortage in reception capacity, the Minister for Migration in the Netherlands announced the creation of
5 000 additional places.[425]

Pressure on reception systems continued in Luxembourg, Malta and Slovenia. The occupancy rate was almost 80 % at the end of 2019 in Luxembourg, but reporting was skewed as unavailable spaces appeared as unoccupied due to occupation by several large families.[li]

The maximum capacity of the initial reception centres and open centres was reached in Malta. An
intra-ministerial committee was set up to find solutions to this challenge and address the sharp rise in unaccompanied minors *(see Section 6)*.

Implementing the third phase of its contingency plan, the government in Slovenia created additional places in reception and hired more staff in 2019. Nonetheless, civil society organisations noted a continued lack of capacity resulting in lower hygienic standards.[426]

A new peak occurred in Lithuania with a rise in arrivals. Reception capacity remained stable, but some applicants were accommodated in second line reception facilities which are intended for recognised beneficiaries of international protection. UNHCR and NGO monitoring indicated that in-land reception capacity was exhausted in Lithuania from September to December 2019, leading to the placement of newly-arrived asylum seekers, mostly families with minor children, at border crossing points and frontier stations; the asylum seekers stayed up to one month in these locations in challenging conditions.[427]

New facilities opened in Czechia (in Bělá pod Bezdězem, offering 186 places) and Portugal (in S. João da Talha, Municipality of Loures, with 90 places, 30 of which are reserved for unaccompanied children and
60 as transitory accommodation for resettled refugees). As the Regional Centre of Timisoara in Romania reached full capacity, applicants were transferred to other regional centres. An ongoing AMIF project will create 500 new places in the country.[428]

Some reception facilities were closed, for example, in Austria (but maintained as reserve capacity), Finland, Norway and Sweden.

AIDA published an update of an earlier ECRE report on reception capacity, focusing on the management of reception capacity and the implications of over-stayers (recognised beneficiaries of international protection who cannot move out of reception facilities).[429]

7.7.1.2 Institutional changes

Many countries implemented institutional changes to reception in 2019, more than in previous years. For example, Austria, Croatia and Luxembourg established new administrative bodies related to reception.

The Austrian Parliament adopted a law establishing a new Federal Agency for Care and Assistance Services (BBU, *Bundesagentur für Betreuungs - und Unterstützungsleistungen*) (AT LEG 02). The BBU, located in Vienna, falls under the responsibility of the Federal Ministry of the Interior, similar to the BFA. The tasks of the BBU include: the provision of reception conditions falling under federal competence; the provision of independent legal counselling for asylum procedures at first and second instance; return and repatriation counselling and assistance; the provision of human rights observers to systematically monitor removals; and the provision of interpreters and translators for asylum procedures. The BBU is expected to take up operations on the provision of reception conditions in 2020, while other tasks, such as providing legal counselling and return counselling, will begin as of 2021. Legal counselling was previously outsourced to civil society organisations, and with the change in mandate, UNHCR highlighted the importance of NGOs in independent counselling and the risks of excluding them from the process.[430]

A Service for the Reception and Accommodation of Applicants for International Protection was established in Croatia within the Ministry of the Interior, with sections in Zagreb and Kutina. In addition, a Governmental Inter-Agency Committee for the Protection of Unaccompanied Children was established.

The National Reception Office (ONA, *Office national de l'accueil*) was created by the Law of 4 December 2019 in Luxembourg and the provisions of the new reception policy entered into force on 1 January 2020, thereby taking over tasks from the Luxembourg Reception and Integration Agency *(Office luxembourgeois de l'accueil et de l'intégration)* (LU LEG 02). A Department for Integration was created in parallel within the Ministry of Family Affairs, Integration and the Greater Region, coordinating and implementing the national integration policy.

Hungary and Ireland re-organised existing structures. The Reception Facilities Supervisory Unit became responsible for operating and managing reception facilities in Hungary and individual reception centres and community shelters ceased to exist as independent legal entities.

The tasks for reception and accommodation were divided into two new sections within the Immigration Service Delivery Function in Ireland: International Protection Accommodation services and International Protection Procurement Services. This took place within the context of a broader transformation process throughout the Department of Justice and Equality.

Cyprus and Lithuania made adjustments in funding rules. The Refugee Law in Cyprus was amended to allow the management of a reception centre to be transferred to a private organisation or NGO, based on calls for proposal. The Asylum Service worked in cooperation with other relevant authorities to develop a strategic plan for the accommodation of applicants. The plan will be submitted to the European Commission and will be the basis of a grant to an international or civil society organisation to establish a corresponding pilot project.

Lithuania also amended its rules on funding for material reception conditions. The “Description of the Procedure for Accommodation of Asylum Applicants” clarified that costs exceeding the rates defined in the document might be covered by funds from international organisations, the European Union, non-governmental organisations or private entities.

7.7.1.3 Organisation of reception

As a result of the major changes in 2018 which centralised the first steps of the asylum procedure in arrival centres, 2019 saw the consolidation of these concepts.

Fedasil implemented new procedures to establish and improve the arrival path in the new Arrival Centre in Brussels (set up in December 2018) to ensure that applicants were further distributed to the most suitable place for their profile *(see Sections 6.1 and 7.1)*. Some of these ambitious initiatives had to be postponed or suspended due to a shortage of places in the Belgian reception network. Additionally, Fedasil updated its list of nationalities likely to be granted international protection (with an 80 % recognition rate) as they can request to be transferred to an individual reception place after two months in a collective accommodation centre, if their procedure is still pending before the CGRS.

The AnkER concept, gathering all relevant authorities and proceedings under one roof, was adopted in three federal states in Germany: Brandenburg, Schleswig-Holstein and Mecklenburg-Western Pomerania. ECRE published a report analysing this reception model and identified risks to the quality of the asylum procedure and the provision of material reception conditions.[431]

The asylum reform in Switzerland *(see Section 7.6)* brought changes to the organisation of reception. Generally, applicants stay in a federal reception centre for the entire period of the accelerated procedure and only recognised beneficiaries or persons with an extended procedure of more than 140 days are placed into cantonal centres.

7.7.1.4 Quality of material reception conditions

Many policy developments were implemented in EU+ countries to improve material reception conditions. To this end, Member States established guidelines, implemented monitoring, increased funding and undertook simulation exercises.

The Federal Ministry of the Interior in Austria, in cooperation with UNHCR, assessed the conditions in the Fieberbrunn and Schwechat facilities, following hunger strikes by several rejected asylum applicants in Fieberbrunn. The Ministry drew up a list of recommendations building on UNHCR input[432] to improve the situation, but NGOs reported that these suggestions were not strictly followed by authorities.[433]

The Police and Border Guard Board in Estonia organised a large-scale exercise to simulate mass arrivals and practiced setting up an adequate reception system in this situation.

The Finnish Immigration Service gave reception centres several operating guidelines, including on health care services and on work and study activities. The implementation of the new revisited monitoring programme of the national reception system has begun. The position of crisis and family counsellor was introduced in reception centres.

Four Orders were issued in France to harmonise operational rules in emergency accommodation and regular accommodation centres (FR LEG 09, FR LEG 10, FR LEG 11, FR LEG 12). Emergency accommodation centers had been created since 2015 in urgent conditions and as a result were very diversified. The aim of the government is to provide more quality and harmonised emergency accommodation centers.

The "National Standards for Accommodation Offered to People in the Protection Process" were published in Ireland following a consultative process with UNHCR and civil society organisations to improve the quality of care and ensure consistency across reception facilities.[434] An expert advisory group was set up to examine long-term approaches to accommodation and support.[435] The NGO, Irish Refugee Council, published a report assessing the impact of the transposition of the recast Reception Conditions Directive[436] and made recommendations to further improve the implementation of the legislation.[437] The Joint Oireachtas Committee on Justice and Equality also published a report on direct provision in Ireland, acknowledging recent improvements in the system while suggesting others.[438] UNHCR welcomed the report and highlighted the importance of establishing effective monitoring mechanisms on the implementation of new standards.[439]

Italy allocated funding to local authorities to improve reception conditions of unaccompanied minors and other vulnerable applicants *(see Section 6).* However, Emergency Accommodation Centres which house the majority of applicants received less funding since the adoption of Decree Law 113/2018, limiting the support provided to applicants.[440]

Repairs and refurbishment of the Foreigners' Registration Centre in Lithuania was funded by AMIF. One mandate of the new *Office national de l'accueil* (ONA) in Luxembourg was to further enhance quality standards for housing structures. The government also started working on an update of its contingency plan, and ONA is now included in the consultation process.

During 2019, the State Secretariat for Migration in Switzerland started working on specifications for employees of reception partners, administration and security staff in its Quality Management Standards. The Swiss Refugee Council noted that reception facilities are typically located in remote areas and nearby localities are difficult to reach by public transport.[441] The UK Home Office updated its guidance on assessing applicants who are destitute and eligible for support.[442]

Existing challenges reported by UNHCR and civil society organisations

As seen in previous years, the overall quality of material reception conditions remained insufficient in many Member States.[443] Acute shortages in accommodation or inadequate conditions were reported, for example, in Cyprus, France, Greece, Hungary, Malta and Spain.[444]

Material reception conditions were enhanced in Cyprus. Nevertheless, UNHCR,[445] the Ombudsman's Office,[446] the Commissioner for Children's Rights[447] and civil society organisations ascertained that the resources provided still did not ensure dignified living.[448] Homelessness persisted as a reality among applicants, even though Social Welfare Services tried to engage private entities and private landlords to arrange housing.[449] Applicants also faced long delays in accessing material reception conditions. The Alien's Certificate, which is necessary for financial support, was frequently issued after a long processing time by the Aliens

and Immigration Unit of the police, in addition to the Social Welfare Services which took two to three months to process requests related to rent and utilities.

Desite notable efforts in France to increase capacity in accommodations (by introducing 13 000 additional places since 2017 and with a total of 107 200 places at the end of 219), around one-half of applicants for international protection are left without accommodation due to a continued rise in asylum flows to the country in 2018 and 2019. Furthermore, capacity is saturated due to the difficulty to house refugees and to transfer Dublin applicants and rejected applicants, although work has been done on increasing fluidity. Many asylum seekers find accommodation in the emergency common law network in their community. Nevertheless, many applicants have resorted to sleeping outdoors in illegal camps without access to the support services usually provided in reception facilities.[450] To handle this situation, the government works with local authorities and NGOs to evacuate the camps, in particular in the north of France and Paris, and to provide shelter for migrants.

The quality of material reception conditions remained concerning in Greece and led to several incidents both on the island and the mainland.[451] UNHCR called for decisive action to end the atrocious conditions on the island and the mainland.[452] FRA referred to the situation as deplorable[453] and the Commissioner for Human Rights was reportedly alarmed following her visits to Corinth, Lesvos and Samos.[454] In addition, members of the European Parliament raised questions over the conditions on the islands and at Evros River.[455] The conditions were especially alarming with regard to vulnerable applicants *(see Section 6.8).*

In Hungary, all applicants for international protection were kept in transit zones, with the exception of unaccompanied minors younger than 14 years. Only a few applicants were released to an open reception facility by court order in 2019.[456] The conditions and services remained inadequate and limited, especially for vulnerable applicants *(see Section 6).*

Overcrowding led to deteriorating conditions in reception facilities in Malta, causing tensions throughout 2019. Aditus observed the lack of cleaning, issues with access to bathrooms, limited availability of hot water and the lack of heating or air-conditioning.[457] UNHCR was deeply concerned about the circumstances.[458] A rise in termination of services (as referred to under the contract and in national legislation) from reception facilities was observed, because – due to a shortage of spaces – AWAS rigorously applied the rule that applicants could stay a maximum of 9 to 12 months in the reception system. Applicants often became homeless because they could not afford their own accommodation with the rental increases on the private housing market.[459] Maltese authorities underlined that vulnerable applicants were not affected by the termination of service and people who declared themselves as homeless were given extensions.

Spain's reception facilities remained overcrowded throughout the year, especially in Ceuta and Melilla, Barcelona, the Canary Islands and Madrid.[460] Many applicants did not have access to accommodation at all and were homeless.[461] However, accommodation - including emergency access - has been significantly improved throughout 2019 considering the number of applications for international application which were received. In this respect, it can be noted that data from the Ministry of Social Security, Inclusion and Migration indicate that the Spanish reception system has provided support to a monthly average of about 27 600 persons, representing an increase of 8 % of access compared to 2018 in the emergency or preliminary

phase, 23 % in the temporary reception phase and 51 % in the second phase of economic support.

The 2019 update of the AIDA report for Spain acknowledged efforts by asylum authorities to shorten waiting periods to access reception and create new places; nonetheless, they often observed delays of one to three months.[462] The situation seems to have been particularly difficult in Madrid, where the employees of the Social Service for the Municipal Assistance to Social Emergencies *(Samur Social)* organised a strike because many applicants, including children, did not have access to accommodation for months.[463] The Spanish Ombudsman continued its monitoring activities[464] and urged authorities to find a solution.[465] The new Ministry of Inclusion, Social Security and Migration started negotiations with a private company in the beginning of 2020 to use empty apartments for reception.[466] Excessive documentation requirements have also hindered access to support services and to work, since an applicant's identification is valid for six months but renewals can frequently take six to seven months (during which time access to services and the labour market are suspended).[467]

[li] It should be noted that an occupancy rate above 80 % is difficult to be achieved in family and mixed reception structures since the use of all capacities is impossible as, for example, a free bed in a family room cannot be occupied by a person outside of the family.

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