



Ad-Hoc Query on “the support/accommodation provided to irregularly staying third country nationals”

Requested by NL EMN NCP on 15 May 2014

Reply requested by 13 June 2014

Responses from Belgium, Estonia, Finland, France, Germany, Italy, Latvia, Luxembourg, Netherlands, Romania, Slovak Republic, Sweden, United Kingdom plus Croatia, Norway (15 in Total)

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1. Background Information

Third country nationals may find themselves without legal stay on the territory of a (EU) Member State. Some of these persons may have lodged an asylum application, some of them have never been in contact with the government/ have never applied for any legal stay. During a debate in Dutch Parliament on the provision of support to this target group, the State Secretary for Security and Justice agreed to explore if support is available and provided to this target group in other Member States (and if so, what kind of support). That is why we turn to you with the following questions.

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1. Do you provide shelter, accommodation or any other kind of support (for example a monthly fee) to asylum seekers whose (first) asylum application has been rejected and are under the obligation to leave the country? Please elaborate on the possible distinction between certain groups (e.g. single adults, vulnerable persons and/or families) and on criteria in order to be given shelter or other support (e.g. the willingness to cooperate with his return). What is the (national or international) legal basis or obligation for your country to provide support?
2. For how long do you provide support/shelter and what happens if illegally staying third-country nationals persist on not returning to the country of origin and forced return is not possible?
3. If shelter/support is provided, what kind of shelter/support (individual housing, return center, a monthly fee to rent a place, ...) is provided and by whom (central authorities, local municipality, non-governmental organizations, ...) ?

We would very much appreciate your responses by **13 Juni 2014** – or even sooner if possible – since our State Secretary has to inform the Parliament on his findings before Summer.

2. Responses¹

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|  Belgium | Yes | <p>1. In Belgium accommodation and material aid are available for asylum seekers whose (first) asylum application has been rejected and who are under the obligation to leave to the country, but there are certain conditions and restrictions.</p> <p>Asylum seekers whose (first) asylum application has been rejected (after appeal), will receive an order to leave the country with a term of 10 days. During this period, the ex-asylum seekers will be accommodated in the open return places located in a reception center of the Federal Agency for the Reception of Asylum Seekers (Fedasil). The term of the order to leave the country is renewable twice, provided that the ex-asylum seekers co-operate with the voluntary return procedures. So if the ex-asylum seekers co-operate with the organisation of their voluntary return they can stay up to 30 days in the open return places. If they don't co-operate, for example by introducing a new asylum demand, the order will not be renewed and they would have to leave the reception structure (unless the new asylum procedure is taken into consideration and the right to reception in a regular reception facility is opened again). This is to urge them to take action within the given time limit.</p> <p>If after two renewals of the order to leave the country (whilst staying in the open return places), the ex-asylum seekers have not left</p> |
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¹ If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.

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| | | <p>the country within these 30 days, they are no longer entitled to reception and have to leave the open return places, unless they have signed up for voluntary return. In that case they are entitled to reception until the moment of departure to their country.</p> <p>At the end of the asylum procedure there are some <u>exceptions to a transfer to the open return places</u>:</p> <p>First of all there is a <u>postponement</u> for residents who have a family member still in asylum procedure.</p> <p>If the family member gets a negative decision in respect of their asylum procedure, then the suspension is lifted and the whole family is assigned to an open return place.</p> <p>The <u>exemptions</u> for a transfer are:</p> <ul style="list-style-type: none"> a. families with school-age children from the 1st of April until the 30th of June (so that children will be able to finish their school year in the same school) b. non accompanied ex-minors who are going to school and have come of age during the school year from the 1st of April until the 30th of June (so that they can finish their school year in the same school) c. residents with a medical contra-indication for a transfer and their family members (hospitalization, hemodialysis treatment, peritoneal dialysis treatment, bedridden, patient in wheelchair, TB treatment, chemotherapy or radiotherapy treatment until a month after the end of the treatment, pregnancy from 3 months before the expected delivery date up to two months after giving birth) d. parents of a Belgian child and their family members e. residents who already have signed a request for voluntary return before a final decision in their asylum procedure and who have the necessary travel documents to organize a voluntary return <p>The residents of the exemptions categories b en c (except residents in wheel chairs, in treatment for hemodialysis and peritoneal dialysis), can ask to be assigned to an open return place on a voluntary basis if the period to which the exception applied, is over.</p> <p><u>Non accompanied minors:</u></p> <p>Non accompanied minors are <u>not</u> transferred to the open return places at the end of their asylum procedure. They will remain in the reception facilities adapted for minors.</p> <p>Non accompanied minors can return voluntarily but they can't be expelled. They are allowed to stay in Belgium until they are 18. The guardian of the non-accompanied minor can apply for an extension of the right to reception , which Fedasil will grant for a period of 4 months following each application. A more permanent option is the search for a "sustainable solution" by the guardian and the Immigration Office. This 'sustainable solution' can be:</p> <ul style="list-style-type: none"> - a family reunification - a return to the country of origin or to a third country where he is authorized to stay - an authorization for unlimited stay in Belgium. <p>Ultimately, the Immigration Office is competent to decide on the sustainable solution for the minor. While the decision of the Immigration Office is pending, the right to reception is maintained.</p> <p><u>Families with minors who reside unlawfully on the Belgian territory:</u></p> <p>These families, although not or no longer entitled to reception, can be accommodated if a Public Center for Social Welfare (OCMW) establishes that the under age children are destitute and the parents are unable to fulfil their maintenance obligation.</p> |
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| | | <p>The families receive reception and material aid in the Open Return Center, an open center managed by the Immigration Office and Fedasil. The reception is provided in principle up to maximum 30 days. If the family doesn't return within these 30 days they are transferred to an accommodation unit managed solely by the Immigration Office in order to organize a forced return. These units are alternative open accommodation units for families with minors instead of a closed detention center in which minor children are not allowed to be detained.</p> <p>The duration of the reception in the Open Return Center can exceptionally be extended if the family has agreed to a voluntary return and couldn't return within the predefined time limit.</p> <p><u>Undocumented migrants who sign up for a voluntary return:</u></p> <p>Exceptionally, undocumented migrants who sign up for a voluntary return but have no accommodation or means to support themselves, may be accommodated in the open return places for the short period required to prepare for their actual return.</p> <p><u>Medical treatment</u></p> <p>The necessary medical treatment is available for everyone, including undocumented migrants.</p> <p>In the case of a medical situation of such a nature that it is a temporary hindrance to departure, the alien concerned can apply for postponement of departure from the reception facility. This is only the case if they were already residing in a reception facility during their asylum procedure and, after receiving a negative decision along with an order to leave the country, the medical situation prevents them from leaving the reception facility. In that case, they can apply for an extension of their stay in the reception facility on medical grounds.</p> <p>This is all based on our Law of 12 January 2007 on the reception of asylum seekers and certain other categories of aliens ("Reception Act"). Last modification in May 8th 2013 and currently, there are 33 executive decrees of the Law (royal or ministerial decrees). Specifications are given in the Fedasil directive of 15 October 2013 with regard to the end and the extension of reception rights and the Fedasil directive of 23 September 2013 with regard to the return path and the open return places.</p> <p>There are also a various number of other Fedasil directives for specific situations (with regarding to employment, daily allowances, etc.).</p> <p>The main evolutions/changes (mainly in the context of the reception crisis 2008-2011) to regulations on reception rights are:</p> <ul style="list-style-type: none"> - possibility to limit reception rights except for medical assistance, at first instance from the third asylum application then, in a second time (since January 2012) from the second asylum application; - possibility to limit reception rights (except medical assistance) if the asylum seeker refuses or leaves (without informing the authorities) the accommodation facilities (January 2012); - possibility to stop reception in case of employment (April 2010) or in case of sufficient financial resources (January 2012); - implementation of the "Return path" by way of the Reception Act (January 2012) and the open return places in 4 accommodation centers (July 2012); - implementation of a list of safe countries with an accelerated asylum procedure, having as a result that the period of stay in the reception facility is limited (May 2012); |
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| | | <ul style="list-style-type: none"> - no reception rights in case of a cassation procedure by the Council of State and only when procedure has been declared admissible (May 2013). <p>2. Ex-asylum seekers whose application has been rejected (after appeal), have 10 + 10 +10 days to leave the country voluntarily (so 30 days in total if they co-operate with the organization of their voluntary return; shorter period and an end to reception if they do not co-operate (see above). During this period accommodation and material aid is provided in the open return places (located in 4 reception facilities managed by the Federal Agency for the Reception of Asylum Seekers).</p> <p>If the order to leave the country has expired, and if the ex-asylum seeker didn't return voluntarily and if a forced return is not possible, access to reception facilities is terminated. Continued access to reception facilities can, in fact, be granted if an extension of the right to reception was allowed before the order to leave the country expired. The reasons accepted for an extension of reception are:</p> <ul style="list-style-type: none"> a. to be able to finalize the school year (between the 1st of April and the 30th of June) b. pregnancy from 2 months before the expected delivery date up to two months after giving birth c. demand introduced to the Immigration Office to postpone the order to leave the country because of the impossibility to return to their country of origin for reasons independent of their will* d. parent of a Belgian child who introduced a demand for a residence permit ("article 9bis procedure" of the Alien Law) at the Immigration Office e. medical reasons supported by a demand for a residence permit based on medical reasons ("article 9ter procedure" of the Alien Law) introduced at the Immigration Office. <p>In special circumstances concerning the respect for human dignity, the Federal Agency for the Reception of Asylum Seekers can allow for extension of reception for other reasons than the ones mentioned above.</p> <p>*Ex-asylum seekers who are unable to return to their country of origin for reasons independent of their will (for example no travel documents and the Embassy of their country of origin is unable to deliver them): on the one hand, persons who cannot return, may ask for an extension of time in the reception center (conditional to both a recommendation of the Voluntary Return Unit of Fedasyl and an extension of the order to leave the territory by the Immigration office). On the other hand, despite a negative decision regarding their asylum application, they may ask for a residence permit through the so-called "article 9bis procedure" (Alien Law). However, this remains an exceptional procedure.</p> <p>3. Presently there are 300 return places. These are open (free to come and go) housing facilities, located in 4 of the regular collective reception centers managed by Fedasyl (Federal Agency for the reception of asylum seekers) and paid for by the Federal government of Belgium. Newcomers with pending asylum applications and ex-asylum seekers are living together and use the same accommodation and facilities in these collective reception center.</p> <p>The open return places fall within the scope of the Reception Act and all rights and obligations provided in the Reception Act remain applicable.</p> <p>The material aid offered in the return places comprises therefore: accommodation; food; clothing; medical, social and</p> |
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| | | | <p>psychological support; access to interpretation services; access to legal representation; access to training; access to a voluntary return programme and a small allowance (so-called pocket money).</p> <p>The internal rules in these facilities are the same as in the regular reception structures of Fedasil and the reception partners like the Red Cross, and provide therefore access to the same rights and obligations (community services, ...).</p> <p>The Open Return Center, managed by the Immigration Office and paid for by the Federal government of Belgium offers the same material aid as above to families with minors who reside unlawfully on the Belgian territory.</p> <p>Asylum seekers who are unwilling to return to their country of origin (even after their asylum demand is rejected, sometimes several times), sometimes end up in reception facilities of the municipalities when shelter is no longer being provided by the government. This also happens in Belgium, though it is very exceptional and usually there are additional humanitarian motifs involved such as concern for the small children.</p> <p>There are also a number of NGOs and humanitarian organizations that assist undocumented migrants with information, food parcels, housing...</p> |
|  | Estonia | Yes | <ol style="list-style-type: none"> 1. In Estonia, accommodation is available for asylum seekers whose (first) asylum application has been rejected and who are under the obligation to leave to the country. The asylum seekers whose (first) asylum application has been rejected can appeal within 10 days after the application has been rejected. Together with the application rejection decision the possibilities for leaving the country is being introduced to the applicant – one can leave voluntary or the process for deportation will be started b the Authorities. Until leaving the country all asylum seekers whose application has been rejected is provided with accommodation. The necessary medical treatment is available for everyone, including illegal aliens. If the alien needs the medical treatment that excludes the possibility for deportation, then the service is provided until the person is healthy enough for travelling. 2. The deportation of asylum seekers whose application has been rejected will be started after the term of appeal has expired. Until the deportation or until the date that the applicant has stated as the day of the voluntary leave, the applicant is being provided with the accommodation. 3. In the reception centres basic facilities are offered such as a roof, cooking facilities and washing areas. The occupants also receive monthly pocket money. The occupants are also provided first aid medical help, if required. |
|  | Finland | Yes | <p>1. According the section 14 of the Act on the Reception of Persons applying for International Protection: Persons entitled to reception services</p> <p>(1) Reception services are provided for persons applying for international protection and beneficiaries of temporary protection.</p> <p>(2) Persons that have been issued with a residence permit on the basis of an application for international protection and beneficiaries of temporary protection that have been issued with a continuous residence permit may be provided with reception services for a reasonable period.</p> |

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| | | <p>(3) After the refusal of his/her residence permit or withdrawal of his/her temporary protection status, an alien that has been provided with reception services is provided with reception services until he/she has left the country. Persons applying for international protection that are citizens of Member States of the European Union, Iceland, Liechtenstein, Norway or Switzerland are, however, provided with reception services only until the decision of the Finnish Immigration Service on the refusal of their application for international protection has been served on them.</p> <p>(4) Citizens of the states referred to in subsection 3 above on which the decision of the Finnish Immigration Service on the refusal of international protection has been served and who agree to leave the country under supervision or agree to an arrangement under which the decision on the refusal of entry is enforced before 30 days have elapsed from the service of the decision, may be provided with reception services for a maximum of 7 days until they leave the country. The director of the reception centre may decide that such persons be provided with reception services for a reasonable period for a special personal reason.</p> <p>2. In principle, there is no time limit imposed on how long a person can be provided, in this case accommodation at a reception center, if the person will not leave voluntarily and he/she cannot be returned by force.</p> <p>2.-3. There is also support provided for undocumented persons in the form of health care; the following information is provided by the Ministry of Social Affairs and Health:</p> <p>Health care of undocumented persons There are people residing both legally and illegally in Finland that are referred to as undocumented persons. Undocumented persons refer to several different groups of people that have different types of needs for health care services. It is estimated that there are approximately three thousand undocumented persons in Finland.</p> <p>Who is undocumented? An undocumented person usually refers to:</p> <ul style="list-style-type: none"> ■ a person residing in Finland without a residency permit that has come from a non-EU country or outside of the European Economic Area or Switzerland. The person's residency permit has expired or entry / residency in the country is not legal. ■ A person that has come to Finland to study or for another reason from outside of the EU, European Economic Area or Switzerland. The person has received a residency permit based on private health insurance, but the coverage has expired or it is not comprehensive. ■ A person that has come to Finland from outside of the EU, European Economic Area or Switzerland and residency proceedings are still in progress or unclear. ■ A EU citizen who is in the country legally, but does not have health insurance coverage for illness or health care. <p>A person is not automatically an undocumented person, if he or she does not have a residency municipality or health insurance coverage in Finland. In this context, undocumented persons do not refer to individuals in Finland on short-term tourist or business trips (3 months).</p> <p>Who does care have to be given to?</p> |
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| | | <p>In Finland, the Municipality of Residence Act determines if a person is to be granted health care services by the public health system. Providing health insurance coverage is determined based on the Health Insurance Act.</p> <p>A person may, however, be entitled to public health care services and/or health insurance medical care compensation, if EU legislation or an international social security agreement so requires. A home municipality or health insurance is not required in such cases.</p> <p>Urgent care According to the Health Care Act, public health care must always provide urgent treatment to all that need it.</p> <p>Urgent care refers to:</p> <ul style="list-style-type: none"> ■ sudden illness, injury, worsening of a long-term condition or decrease in ability to function that requires immediate assessment and treatment. In these cases, treatment cannot be delayed without the sickness or injury worsening. ■ urgent oral care, mental health care, substance abuse care and psychological care. <p>The patient will pay for the treatment, if he or she does not have a residency municipality in Finland or is not entitled to use public health care services based on EU law or an international social security agreement.</p> <p>Payment is handled after urgent care is administered.</p> <p>Providing non-urgent care Some undocumented persons also have the need for non-urgent health care services. However, the person is not entitled to use public health care services if he or she does not have a residency municipality in Finland or EU legislation or an international social security agreement does not apply.</p> <p>If an undocumented person is given treatment through public health care, he or she pays the full cost of the treatment.</p> <p>The National Institute for Health and Welfare investigated the organising of health care services The National Institute for Health and Welfare (THL) was commissioned by the Ministry of Social Affairs and Health to investigate the healthcare for undocumented persons residing in the country without a residency permit or health insurance. Finland is not currently providing proper healthcare for undocumented persons.</p> <p>The report also indicates that further work is required to establish, among other things, the means for recognizing undocumented persons in the healthcare system, how medication expenses for outpatients will be reimbursed, and how, from the perspective of public health, to ensure the prevention of communicable diseases via provision of vaccines.</p> |
|  France | Yes | Following the definitive rejection of his application, the applicant must leave the reception centre for asylum seekers (CADA= Centre d'accueil pour demandeurs d'asile) within a month or exceptionally within a month after the OFII decision for the people who |

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| | | | <p>requested assisted voluntary return. Specific centre for failed asylum seekers don't exist in France. In practice, the associations notice that it may be difficult to force the failed asylum seeker to leave the CADA. These provisions are stated in the articles R.348-1 to R.348-6-1 of the Code for Social Action and the Family (the period of one month is stated in the article R.348-3).</p> <p>Within the framework of the asylum reform in France, two parliamentarians submitted a report in November 2013 where they proposed to create specific and semi-open housing facilities for return. The report stated that, in order to encourage ex asylum seekers to be placed in these centers, financial assistance could be provided to them. The two parliamentarians claimed that these centers would provide more counselling and rights to the ex asylum seekers and promoted the opening of an experimental center in the Rhône-Alpes region. However, this center is not operating yet.</p> |
|  | Germany | Yes | <p>Asylum seekers who are obliged to leave the country after the rejection of their application for asylum continue to receive the same benefits in accordance with the Asylum Seekers' Benefits Law at all times and in the same way as during the ongoing asylum procedure. Such benefits in accordance with the Asylum Seekers' Benefits Law include basic benefits for food, accommodation, household, personal hygiene and health care (only in the form of benefits in kind), a sum of money in cash staggered according to age and marital status to cover the personal needs of daily life (pocket money), benefits during illness, pregnancy and birth as well as other benefits in the case of special needs of the individual. Accommodation can be in the form of community accommodation and in individual apartments. Should it not be possible to apply measures to end the stay for reasons for which the person concerned is responsible, the benefits in accordance with the Asylum Seekers' Benefits Law will only be granted if in that individual case the reasons are irrefutable in accordance with the circumstances prevailing. The German Federal States and the municipalities are responsible for the execution of the Asylum Seekers' Benefits Law. The Federal States can create departure facilities for the accommodation of individuals obliged to leave where by means of support and guidance the readiness for a voluntary departure can be encouraged and the accessibility for authorities and Courts of Law as well as the execution of the departure can be ensured. (§ 61, section 2, Residence Act).</p> |
|  | Italy | Yes | <p>1-2-3</p> <p>Asylum applicants who do not have sufficient means to support themselves and their family members (to guarantee suitable life quality and health) are entitled to reception measures. Reception measures provides for hospitality in <i>centres</i> run by the Ministry of the Interior (Prefectures) through agreements with public and/or private organizations that have been awarded contracts for providing these services. In reception <i>centres</i>, asylum applicants are given free food, shelter, personal items, health care services, psychological and social assistance and language and cultural mediation services. If there is no room in the reception centres, a first-assistance allowance (€. 27.89 per day) is granted until a place become available.</p> <p>Reception measures (providing for either hospitality or allowances) cease <i>to apply on notification of a decision regarding the asylum application</i>. However, if an asylum application is rejected and an appeal is lodged, the reception measures are extended for the time it takes for submitting the appeal and until a negative decision is communicated (if this is the case) not authorizing the applicants to stay in the country. At any rate, <i>reception measures cease to apply after six months</i> (after which term, asylum applicants can start working in Italy), unless they are unfit for work.</p> <p>Generally speaking, Italian Regions may establish measures for <i>irregular</i> TCNs who are present in their territory. The Central Government challenged this provision before the Constitutional Court on the grounds that it would favour illegal immigration, but the</p> |

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| | | | Court found it legal (Decision No. 61 of 2011). As a result, a Region may provide for additional reception measures on top of those established at a domestic level. These additional measures may be taken in agreement with local municipalities and are applicable only to irregular TCNs who are present in the concerned Region. |
|  | Latvia | Yes | <p>1. Rejected asylum seekers are not provided with shelter, accommodation or any other kind of support (monthly fee). Rejected asylum seekers are obliged to leave the country voluntarily (they cover the costs for departure by themselves or receive financial support from IOM to depart from the country) or they are forcefully removed by the State Border Guard. Usually in case of voluntary return with IOM support and forced return during the return proceedings, arrangements related with departure of a foreigner are organized. So at the end of return proceedings when departure of a foreigner is organized a detained foreigner is released from detention center or an alternative measure to detention is revoked. Rejected asylum seeker, who was not detained and with regard to whom voluntary return decision is issued, organize his/her departure by himself/herself or apply for IOM support. In accordance with Regulation No454 regarding forced removal of third-country nationals, in case of forced removal departure document and the issue thereof, a foreigner receive a sum of money in amount of 28,46 Eur for covering food and transport costs. The Regulation mentioned defines that vulnerable foreigner, who is a subject of forced return need to be removed to the place of residence or a specialized institution in the country of destination.</p> <p>2. Latvia does not have such category as illegally staying foreigners, who persist on not returning. In accordance with the Immigration Law illegally staying foreigner, who is hiding his/her identity, provides false information or refuses to cooperate in other ways or the foreigner has previously avoided a removal procedure in Latvia or other EU MS or foreigner has unjustifiably failed to execute the voluntary return decision can be detained and forcefully returned to the country of his/her origin.</p> <p>Legislation of the Republic of Latvia does not define the obligation for the state authorities to provide non removable foreigners with support/shelter.</p> <p>Latvia has elaborated amendments to the Immigration Law, which define that not detained foreigner with regard to whom a voluntary return decision or decision on forced return is issued and he/she does not have financial means to support himself or herself and his/her minor children until departure will be provided with social care services with the aim to meet basic needs (food, clothing, housing, health care and education) until his/her departure.</p> <p>3. Latvia has elaborated amendments to the Immigration Law, which define that not detained foreigner with regard to whom a voluntary return decision or decision on forced return is issued and he/she does not have financial means to support himself or herself and his/her minor children until departure will be provided with social care services with the aim to meet basic needs (food, clothing, housing, health care and education) until his/her departure.</p> |
|  | Luxembourg | Yes | <p>1. In Luxembourg the international protection applicants are entitled to reside in the reception facilities until the final appeal is rejected and the decision becomes final. In that case the applicant has to leave the country and in consequence the reception facility. Seen that article 22 of the amended Law of 5 May 2006 on the Right of Asylum and Complementary Forms of Protection establishes that the applicant has 30 days to leave the country voluntarily. In these cases the rejected international protection applicant (single adult,</p> |

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| | | <p>family or vulnerable person) can be authorized to remain in the reception facility until s/he leaves the country in the deadline imposed by the Minister in charge of immigration. Under these circumstances the same benefits will be granted to the rejected international protection applicant.</p> <p>The legal basis is article 22 of the Asylum Law and article 9 of the Grand Ducal Regulation of 8 June 2012 setting the conditions and modalities under which international protection applicants may benefit from a social aid. During the 30 days period given to leave the country the single adults, the families or vulnerable persons should stay in the reception facility where they are staying.</p> <p>2. As we mentioned in question 1 the support will be given during the delay for the voluntary return (normally 30 days). This can be exceptionally extended if the Ministry grants it based on the personal situation of the applicant. In the case of a medical condition of such a grave nature that it is a temporary hindrance to departure, the TCN concerned can apply for postponement of removal which, if granted, is linked to a right to access to reception facilities.</p> <p>In case that the deadline of 30 days passed and the rejected international protection applicant refuses to leave the country, the Minister in charge of Immigration will issue an order to place him in detention (120 (1) of the modified Law of 29 August 2008 on Free Movement of Persons and Immigration) and an entry ban will be issued (article 112 (1) of the modified Law of 29 August 2008). If forced return is not possible s/he does not have the right after being freed to have access to the reception facilities.</p> <p>3. Normally the rejected international protection applicant is allowed to stay in the same reception facility where s/he was before. In Luxembourg there are the following types of reception facilities:</p> <ul style="list-style-type: none"> a. Collective open reception centres (these reception facilities are run by the Luxemburgish Reception and Integration Office (OLAI) directly or through two NGO's (Caritas and the Luxemburgish Red Cross); b. Special reception centres or facilities for vulnerable groups (e.g. victims of torture or specific vulnerable female applicants) <p>Special separate reception centres for unaccompanied minors (These are run by Caritas and the Luxemburgish Red Cross)</p> |
|  Netherlands | Yes | <p>2. In the Netherlands, accommodation is available for asylum seekers whose (first) asylum application has been rejected and who are under the obligation to leave the country, but there are certain restrictions.</p> <p>Asylum seekers whose (first) asylum application has been rejected (after appeal), have 28 days to leave the Netherlands voluntarily. During this period, they will be accommodated at a reception centre of the Central Agency for the Reception of Asylum Seekers (COA). If they do not leave the Netherlands within these 28 days, they are no longer entitled to receive the reception facilities. This is to urge them to take actions within the given time limit.</p> <p>However, after the aforementioned 28 days they can receive shelter in a so-called freedom-restricting location, under the condition that the actual return can take place within a period of, in principle, 12 weeks. The foreign national can carry on with his preparations for departure in this facility. Foreign nationals housed in the freedom-restricting accommodation are permitted to leave the centre but they have to stay within the boundaries of the respective municipality and report to the centre every day (article 56 of the Dutch Aliens Act).</p> <p><i>Family locations</i></p> |

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| | | <p>Family locations house families with minor children who no longer have a right to reception. Their request for asylum has been refused and they must leave the country. Shelter is provided if this is deemed necessary to prevent the minor children will find them self in a situation of humanitarian need.</p> <p><i>Medical treatment</i></p> <p>The necessary medical treatment is available for everyone, including illegal aliens. In the case of a medical situation of such a nature that it is a temporary hindrance to departure, the alien concerned can apply for postponement of departure which, if granted, is linked to a right to access to reception facilities. Furthermore, aliens with medical problems may, under certain conditions, be eligible for access to reception facilities while awaiting a decision on their application for a residence permit on the grounds of medical treatment or a decision on a request for postponement of departure.</p> <p>This is all based on our Aliens Act (article 10). This is deemed in accordance with the jurisprudence of the European Court of Human Rights and the need to search for a fair balance between the demands of the general interest of the community and the requirements of the protection of the individual's fundamental rights.</p> <p>3. Asylum seekers whose application has been rejected (after appeal), have 28 days to leave the Netherlands voluntarily. During this period shelter is provided. After this period and under certain circumstances, they can obtain shelter in a freedom-restricting centre for a period of – in principle – 12 weeks.</p> <p>In cases where it can be assumed that the alien will be unwilling to cooperate with his return and forced return is not possible, access to reception facilities is terminated and, in principle, no shelter in a freedom-restricting centre will be offered. Individual circumstances are still taken into consideration, even in the latter situation. Continued access to reception facilities can, in fact, be granted in highly exceptional circumstances. COA has no policy rules or fixed guidelines for defining this criterion. A decision to allow such access to reception facilities is made on a case-by-case basis and serves as a 'safety net' for unforeseen situations.</p> <p>The stay at a family location can be ended only when the family leaves the Netherlands or the youngest child in the family turns eighteen.</p> <p>4. During the 28 days period, shelter is provided by COA in reception locations. COA has various types of reception centres throughout the Netherlands. In the reception centres basic facilities are offered such as a roof, cooking facilities and washing areas. The occupants also receive weekly pocket money. The occupants usually live in housing units in groups of between five and eight persons. Each housing unit has a number of bedrooms and a shared living room, kitchen and sanitary facilities. The Asylum Seekers Health Centre (GC A) offers quality healthcare. The family doctor practices located in asylum seeker centres are 'small practices' which do not always have staff present every day. Each location has a certain number of walk-in consultation hours per week. In addition, occupants can call the Practiceline 24 hours a day, 7 days a week.</p> |
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| | | | <p>A freedom-restricting centre is not much different from a reception location. Occupants receive shelter, food and pocket money. Occupants are only entitled to urgent medical health care. The house rules are more stringent than at an asylum seekers' centre. The occupant is allowed to leave the location, but must stay within the boundaries of the municipality where the freedom restricting location is situated.</p> <p>Family locations have basic facilities. Only the facilities which are absolutely necessary are provided. There are no restrictions on the facilities available for children, which are the same as those at other reception locations.</p> <p>The above mentioned forms of shelter are paid for by Dutch Government. No other forms of shelter than the above mentioned are provided for by Dutch Government. However, some former asylum seekers are unwilling to return to their country of origin (even after their asylum demand is rejected, sometimes several times), and sometimes end up in municipalities when shelter is no longer being provided by Dutch government. Some municipalities offer them a form of support or shelter but this is not supported nor deemed desirable by national government since this practice sends out the wrong message to these third country nationals, namely that staying in the Netherlands is still a viable option.</p> <p>The DT&V also works closely together with the municipalities which provide support to third country nationals in a so-called local return platform. This local return platform consists of representatives of the Repatriation and Departure Service, the Immigration and Naturalization Service, the local aliens police and the respective municipality. The case of each individual third country national is carefully and thoroughly assessed, together, in order to determine which steps have to be taken towards a (voluntary) return to the country of origin.</p> |
|  Romania | Yes | | <p>1. According to the legal provisions the asylum seekers enjoy the right to remain in Romania up to the expiration of 15 days after the termination of the asylum procedure. Exceptions are rejection of the asylum applications in the accelerated and border procedure when the applicants must leave the territory as soon as the procedure was terminated (Law 122/2006 on asylum procedure, art. 17, para (1) letter a)). Also, the asylum applicants who do not have the necessary means of support have the right to be accommodated in the reception centers of the General Inspectorate for Immigration until the right to remain in Romania is terminated (Law 122/2006 on asylum procedure, art. 17, para (1) letter k)).</p> <p>Also, upon request, the asylum applicants enjoy the right to benefit from assistance necessary to sustenance in case they do not have the necessary means. The necessary budget for food, accommodation and other expenses are set by government decision and are provided by the state budget through the budget of the Ministry of Internal Affairs (Law 122/2006 on asylum procedure, art. 17, para (1) letter j)).</p> <p>Simultaneously, the asylum applicants with special needs have the right to benefit from adaptation of the accommodation conditions and assistance in the accommodation centers</p> <p>2. In cases when the third country nationals have no stay right and, due to objective reasons, they do not leave the Romanian territory, tolerated status may be granted (Government Emergency Ordinance 194/2002 on aliens' regime in Romania, art. 102, para. (1)).</p> <p>3. For the third country nationals who applies for voluntary return and enroll in special programmes, International Organization for Migration may support the costs for accommodation, according to the provisions of the specific voluntary return programmes.</p> |

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|  Slovak Republic | Yes | <p>1. Asylum seekers can be accommodated in reception facilities only until the decision on granting asylum (or the rejection) becomes effective. Afterwards, they have to leave the facility. There are few exceptions when the (rejected) asylum seekers may remain in the reception facility (e.g. in case of their voluntary return to the country of origin). The period during which they can remain in the facility is not set by the law. In case of a voluntary return it can last until the day of the return.</p> <p>If an application of an asylum seeker from a third country has been rejected and the decision has become effective, their stay in the Slovak Republic is considered illegal. According to the Act on the Residence of Aliens, the third country national is consequently expelled from the territory based on the expulsion order. The Police shall set the period for departure during which the third country national has to provide for his documents (tickets, travel documents etc.) for the purpose of his departure from the Slovak Republic. During the period for departure, the third country national can take advantage of the Assisted Voluntary Return and Reintegration Programme of IOM which includes the following:</p> <ul style="list-style-type: none"> • provision of information and counselling to applicants for voluntary return, • preparation of a travel plan and logistics related to the return, • assistance with issuing emergency travel documents, • assistance at the airport when departing from Slovakia, assistance in transit countries, • assistance with reintegration in the country of origin. <p>If a third country national is not issued the period for departure in their expulsion decision, the Police detain the third country national in the detention centre (in Sečovce or in Medved'ov). In the detention centre, the third country national is provided care in compliance with the international and national law and standards, accommodation, food, health care, in-kind assistance according to their current needs. Apart from this, they are provided support by the nongovernmental organizations through the implementation of projects co-financed by the Funds from the General Programme "Solidarity and Management of Migration Flows" mainly from the Return Fund aiming at covering expenses for specific needs of third country nationals placed in detention centres and in some cases even after their release from the centres.. The following activities are implemented within the aforementioned projects: provision of social counselling, psychological help, legal counselling, education, in-kind help, toiletries, free time activities (sport, music therapy, art therapy, library – foreign language literature, TV, DVD etc.). These persons are not provided financial assistance as such. Special attention is paid to vulnerable persons as has been stipulated by the Act on the Residence of Aliens. If the third country nationals can provide for themselves, they ensure some of the expenses on their own (such as cigarettes, coffee etc.).</p> <p>Unaccompanied minors are a special category as they cannot be expelled from the territory of the Slovak Republic and cannot be detained (except for families with children or a minor with a legal counsellor). The court decides about the counsellor for an unaccompanied minor and the minor is consequently placed in a specialized facility of the Ministry of labour, social affairs and family of the Slovak Republic.</p> <p>If rejected asylum seekers who apply for a voluntary return are not able to provide for themselves (if they are not detained or accommodated in the reception facility for asylum seekers), they are arranged accommodation through the Assisted Voluntary Return and Reintegration Programme of IOM. However, as IOM does not have any special facilities for this purpose, they are usually placed in low threshold facilities for homeless people. This accommodation is usually provided during the period of 6 months but in special cases it can be prolonged.</p> <p>2. If the expulsion measure cannot be carried out (there are obstacles to administrative expulsion, departure is not possible due to</p> |
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| | | | <p>objective grounds e.g. it is not possible to get hold of emergency travel documents etc.), upon the release of the third country national from the detention centre can lodge an application for a tolerated stay. Nongovernmental organizations provide to the third country national temporary accommodation and basic in-kind assistance (i.e. until they are granted tolerated residence; until they have all the necessary arrangements; or until they contact their family etc.). Consequently they have to cover all the expenses related to their stay in the Slovak Republic on their own or they can ask for help nongovernmental or charitable organizations, civic associations etc. operating in this field. For the length of the period of the provision of accommodation see also 1.</p> <p>3. See 1.</p> |
|  | Sweden | Yes | <p>1. Yes. According to the Act on Reception of Asylum Seekers (SFS 1994:137, 11§) everyone who has applied for asylum is entitled to reception until he/she has been granted a residence permit or has left the country. There is no difference in the reception conditions before and after the first decision on the asylum application.</p> <p>2. Reception is provided until the person is granted a residence permit or leaves the country. If the person is not leaving the country voluntarily and cannot be removed by force he/she will be entitled to reception on the same conditions as before and as everyone else in the asylum system. If the asylum seeker cannot be removed by force this can be a ground for granting a residence permit allowing the person to stay in Sweden.</p> <p>3. The reception conditions are the same as for all other asylum seekers. In other words it can be accommodation provided by the Swedish Migration Board or the asylum seeker can live with friends and relatives, in any case a daily allowance is provided by the Swedish Migration Board. For more information please see the Swedish contribution to the EMN study on reception of asylum seekers.</p> |
|  | United Kingdom | Yes | <p>1. In the UK, failed asylum seekers may be supported under section 4 of the Immigration and Asylum Act 1999. In order to be granted support, they need to show that they are destitute <u>and</u> can satisfy one or more of the conditions set out in regulation 3(2) of the Immigration and Asylum (Provision of Accommodation to Failed Asylum-Seekers) Regulations 2005. The current section 4 rate for adults is £35.39 per week.</p> <p>The following are the criteria for support set out in regulation 3(2) :</p> <p>(a) s/he is taking all reasonable steps to leave the United Kingdom or place himself in a position in which he is able to leave the United Kingdom, which may include complying with attempts to obtain a travel document to facilitate his departure;</p> <p>(b) s/he is unable to leave the United Kingdom by reason of a physical impediment to travel or for some other medical reason;</p> <p>(c) s/he is unable to leave the United Kingdom because in the opinion of the Secretary of State there is currently no viable route of return available;</p> <p>(d) s/he has made an application for judicial review of a decision in relation to his asylum claim–</p> <ul style="list-style-type: none"> i in England and Wales, and has been granted permission to proceed pursuant to Part 54 of the Civil Procedure Rules 1998, ii in Scotland, pursuant to Chapter 58 of the Rules of the Court of Session 1994 or iii in Northern Ireland, and has been granted leave pursuant to Order 53 of the Rules of Supreme Court (Northern Ireland) 1980; |

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| | | <p>or</p> <p>(e) the provision of accommodation is necessary for the purpose of avoiding a breach of a person's Convention rights, within the meaning of the Human Rights Act 1998.</p> <p>The majority of persons supported under section 4 of the Act are single persons or persons who had children after their applications for asylum were refused. However, around 20% of persons supported under section 95 of the Act (the provisions for support and accommodation of asylum seekers) are failed asylum seekers, who, because they had children at the time their application for asylum was refused, remained on section 95 support in order to safeguard the welfare of the children.</p> <ol style="list-style-type: none"> 2. Section 4 support is lower than the support provided for asylum seekers as it is intended to be a limited and temporary form of support for <u>destitute failed asylum seekers</u> who have been found by the courts not to be in need of protection and who are taking steps to leave the UK. The provision of the support is reviewed regularly to ensure that the criteria continue to be met. Failed asylum seekers in receipt of section 4 support will continue to receive it until the barrier to leaving the UK, upon which their support relies, is resolved. 3. The UK Home Office is explicitly prevented by legislation from providing section 4 support in the form of cash. Section 4 support is accommodation based, on a no-choice basis, with additional support provided via the Azure Card to the value of £35.39 per person, per week for the purchase of food, essential toiletries and other items as specified within the Immigration and Asylum (Provision of Services or Facilities) Regulations 2007 ("the 2007 Regulations"). <p>Azure Card holders are able to access a comprehensive list of affiliated supermarkets and retail outlets throughout the UK. Section 4 accommodation is usually provided within a three mile radius from a supermarket affiliated to the Azure card scheme and, as a result, supported persons can travel to and from the supermarket on foot.</p> <p>Additional support under the 2007 Regulations is available to eligible section 4 recipients who require support that are above and beyond those which can be provided in the form of ordinary section 4 support.</p> <p>S4 support rates for failed asylum seekers.</p> <table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <thead> <tr style="background-color: #cccccc;"> <th style="width: 50%;">Circumstances</th><th style="width: 50%;">S.4 Rate</th></tr> </thead> <tbody> <tr> <td>Child < 1 year</td><td>£45.39*</td></tr> <tr> <td>Child 1-3 years</td><td>£43.39*</td></tr> </tbody> </table> | Circumstances | S.4 Rate | Child < 1 year | £45.39* | Child 1-3 years | £43.39* |
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| Circumstances | S.4 Rate | | | | | | | |
| Child < 1 year | £45.39* | | | | | | | |
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EMN NL NCP Ad-Hoc Query the support/accommodation provided to irregularly staying third country nationals

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| | | | <table border="1"> <tr> <td>Child 3-15</td><td>£40.39*</td></tr> <tr> <td>Young person 16/17</td><td>£35.39</td></tr> <tr> <td>Adult</td><td>£35.39</td></tr> <tr> <td>Pregnant woman</td><td>Rate +£3 /week & £250 grant for each child</td></tr> </table> | Child 3-15 | £40.39* | Young person 16/17 | £35.39 | Adult | £35.39 | Pregnant woman | Rate +£3 /week & £250 grant for each child |
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| <i>*Additional payments to children on Section 4 require an application</i> | | | | | | | | | | | |
| | | | <p>Some of this information can be found in the UK national report on reception facilities for asylum seekers although the report mainly focuses on reception conditions of asylum seekers and not <i>failed asylum seekers</i>.</p> | | | | | | | | |
|  Croatia | Yes | | <p>Illegally staying foreigners are not provided by any kind of financial or other material support. Rejected asylum seekers to whom decision of rejection of application have become legally valid, are considered as illegally staying foreigners. The Croatian Law on foreigners does not foresee possibilities of financial or other material giving aiming to foster voluntary return. In next amendments of the Law it is planned to regulate such solutions.</p> | | | | | | | | |
|  Norway | Yes | | <p>Only asylum seekers have a right to stay in reception centers. However, they have the right to continue to stay in reception centers after a final negative decision (including all appeals options) up to their actual return (with VARP or forced return) to their country of origin. Families with minor children who are not former asylum seekers, and who are otherwise unauthorized to stay in the country, have no right to stay in a reception center. Families with minor children with a final negative (asylum) decision (including all appeals options) may continue to stay in reception centers until they actually return. Adults receive reduced financial benefit after a final negative decision has been made; minor children do not get their support reduced. Families that are not former asylum seekers and otherwise not authorized to stay in the country, are not entitled to reception rights, but may receive emergency health care from the mainstream system.</p> <p>Norway provides a place in a reception center for previous asylum seekers who have received a final negative decision until they can in fact depart Norway.</p> <p>The Norwegian Directorate of Immigration administers reception centers (through out-sourcing) and would provide a place in a reception center in these cases.</p> | | | | | | | | |
