



JESUIT REFUGEE SERVICE
EUROPE



FROM BAD TO WORSE
COVID-19 AGGRAVATES
EXISTING GAPS IN THE
RECEPTION OF ASYLUM
SEEKERS

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ABOUT JRS

Jesuit Refugee Service (JRS) is an international Catholic organisation with a mission to accompany, serve and advocate for the rights of refugees and others who are forcibly displaced.

Project Learning from Covid-19 Pandemic for a more protective Common European Asylum System. The report 'From bad to worse: Covid-19 aggravates existing gaps in the reception of asylum seekers' presents the findings and the lessons learned from a mapping on the impact of Covid-19 on asylum-reception in nine EU countries (Belgium, France, Germany, Ireland, Italy, Malta, Romania, Portugal, Spain)



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BETWEEN the end of February and the beginning of March 2020 it became clear that the Covid-19 outbreak had reached Europe. By mid-March almost all EU Member States had adopted a range of measures to limit contagion, including lockdown measures severely limiting both in-country and international travel. Moreover, in many countries, governments ordered their populations to stay home for all non-essential purposes, and practise physical distancing when around other people.

In many countries in Europe, JRS is active in providing reception to asylum seekers, be it within the formal national reception systems or by filling in some of the system's gaps. JRS has therefore witnessed first-hand the difficulties faced by asylum seekers in adhering to Covid-19 prevention measures while often having to share their living spaces with many others. JRS has also seen how the already lacking provision of reception and assistance was aggravated by the pandemic.

Together with partners in **nine EU Member States** (Belgium, France, Germany, Ireland, Italy, Malta, Portugal, Romania, and Spain) we decided to map and analyse the **possibility to access and remain in the reception system** during the pandemic. We also researched the **impact of Covid-19 prevention measures on the material reception conditions**. Finally, we looked at the **resilience of reception systems** in times of pandemic by exploring factors such as the **responsiveness of the responsible authorities** to give guidance to reception facilities and the adaptability of different **reception models** to the Covid-19 requirements.

We collected and compared information related to the situation in these fields **before, during and after the initial lockdown**, keeping track of relevant developments **until the end of November 2020**. In this report, 'lockdown' refers to the period in which the highest restrictions (i.e. limitations of movement, maximum limitation of social and public life and gatherings, closure of shops, bars, and restaurants) were in place in most countries. The initial lockdown period started approximately in mid-March and lasted until May/June 2020, for most countries. This was followed by a period in which Covid-19 restrictions were eased, though never completely removed. In the summer of 2020, some countries reintroduced stricter measures, and by the beginning of November 2020 new forms of lockdowns were in place again in most of the countries covered in this report.

This research is based on information gathered from the **direct experience of JRS partners** who visit, provide services in reception facilities, and/or directly organise reception for asylum seekers, within the formal national systems or independently. The information was cross-checked and complemented by **desk research** to corroborate our findings. In the case of Belgium and Spain, where JRS Europe's partners are not directly involved in the reception of asylum seekers, the information was mostly collected through desk research and contacts with other national relevant organisations.

Our work was limited by several factors beyond our control: the intrinsically volatile situation related to the pandemic results in measures that are constantly changing and difficult to follow and evaluate, particularly given the short timeframe during which we conducted the mapping. Moreover, the direct experience of our partners is not always able to reflect a complete image of the reception-related issues in a given country. This is particularly the case in countries where reception is organised by a large multitude of actors or where responsibility is decentralised. Nevertheless, we are confident that the findings that we present are sufficiently representative to enable us to draw relevant lessons and recommendations for the future, both in the context of a pandemic, and more generally for a humane, welcoming and inclusive reception policy.

• Accessing reception in times of Covid-19: harder than usual

CONTEXT

Reception in practice often not ensured before Covid-19

According to the EU Reception Conditions Directive, “Member States shall ensure that material reception conditions are available to applicants when they make their application for international protection”.¹

Three out of the nine countries (FR, IT, MT) covered by this research presented major structural problems in ensuring asylum seekers’ access to reception before the pandemic started.

In the other countries, asylum seekers with the right to reception could generally access it. However, the timeframe in which this happened varied greatly, as in some countries the possibility of accessing reception depended on having formally registered an application (BE, IT, ES), which often entails a lengthy process. In other cases (BE, FR) some categories of applicants—including people falling under the application of the rules to determine the Member States responsible for the examination of their claim, and/or people making a subsequent application after a first rejected one—are unlawfully excluded from reception and need to lodge claims before national courts to get their rights recognised. Furthermore, what is understood as ‘reception’, both in terms of facilities and services provided, varies enormously from country to country and sometimes even within the same country.

In five of the nine countries under examination (BE, ES, IT, FR, MT) the possibility for asylum seekers to make an application, as well as the registration of new applications, was interrupted, officially or de facto, for at least some weeks during the lockdown in Spring 2020. This was mostly due to the fact that the relevant administration closed during this lockdown and/or stopped admitting people into their offices and waiting rooms. As a consequence, the admissions into reception facilities were, in general, also suspended.

After a period of reorganisation, the registration of asylum applications resumed everywhere. However, several obstacles remained. In France, it was virtually impossible to make an application appointment by phone because the phones were not being answered. Where appointments could be made, they were often delayed and reception was not always provided in the meantime. Since April 2020, applicants in Belgium were required to complete an online form to ask for an appointment to apply for asylum and only after receiving an email with the specific date could they ask for a reception place. In practice, however, this email was only received after several weeks, or even months. This practice was repeatedly judged as unlawful by national courts.

While most of these obstacles to access reception were not new, they were aggravated by the pandemic. In Spain (particularly Madrid) and France (particularly Île de France), the difficulties to make appointments existed before the pandemic, but due to Covid-19 prevention measures—such as the requirement of remote working—the administration had even less staff available than usual to ensure this service. Similarly, in Italy, while delays in the steps to formalise an asylum application and obtain the necessary documentation to access the reception system have been present for years, they were lengthened even further due to the pandemic.

¹ Art. 17(1) of Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection.

It is difficult to quantify how many people were negatively affected by these circumstances, however it is certain that these situations resulted in many asylum seekers having no place to live, and little support.

• End of right to reception: evicted in time of pandemic

CONTEXT

End of the right to reception before covid-19

EU legislation obliges Member States to provide material reception conditions to asylum seekers for as long as they are allowed to remain on the territory as applicants.

With the exception of Ireland and Germany, where people are not forced onto the streets even after a final rejection, in all other countries under examination people must leave the reception system at the end of their asylum procedure and are ultimately evicted if they do not. This includes people who are recognised as refugees or beneficiaries of subsidiary protection.

One of the essential aspects of the lockdown in Spring 2020—and a general rule during the Covid-19 pandemic—is the requirement to stay at home as much as possible and avoid meeting people. The severe problems that homeless persons face are generally aggravated in this context by the higher risk of contracting and spreading the virus.

During the lockdown of Spring 2020, four out of the seven countries where people would normally be evicted at the end of their right to reception extended the possibility to remain in reception facilities (ES, FR, IT, MT). In at least three countries (ES, IT, FR) this was the result of a formal and centralised decision, either specifically meant for the reception of asylum seekers (ES, IT²), or extending the more general ‘winter truce’ that prevents evictions during cold winter months (FR). In France, due to the state of emergency, the issuance of negative decisions in asylum procedures was suspended, as well as the time limits related to the appeal procedures.³ As a result, people remained in the reception system as applicants. In Portugal, no general public guidelines were given concerning an eventual suspension of evictions during the lockdown. This depended mainly on who was managing the reception facilities. People who must leave reception are entitled to social benefits in Portugal, so they are not left without support if evicted. This was not the case in Belgium and Romania, where no decision to extend the reception was taken and no alternative was provided. In Romania, most of the rejected asylum seekers—with the exception of those who got a tolerated status—were detained in order to be forcibly returned, which in turn put pressure on the capacity of detention centres. The others were left homeless with no support.

What happened after the Covid-19 restrictions were eased is not fully clear. The extensions granted were mostly valid until the end of the confinement. At the end of October, when, almost everywhere, stricter confinement measures were reintroduced, we noticed a certain general reluctance to speak of ‘lockdown’ again. Homelessness and destitution after a final rejection in the asylum procedure, even after a positive decision, are a daily reality in Europe in regular time. The pandemic imposed on many the loss of jobs, and extra obstacles to find and afford private housing. JRS Malta, for instance, reported an increase in homelessness among (rejected) asylum seekers previously living in private housing.

² In Italy, the permanence of rejected asylum seekers in the reception centre during the state of emergency was authorized by the law decree n.18 of 25 March 2020. Moreover, asylum procedures were de facto suspended during the lockdown, as the responsible commission had suspended the hearings. As a result, less people received a negative decision in this period.

³ The time limits to introduce an appeal against a negative decision were suspended at the entry into force of the state of emergency and started again at the end of it for their initial duration of 30 days.

When it comes to access to reception conditions, our research has shown how often Member State practices are in violation of the most basic provision of the EU Reception Conditions Directive: in many countries, reception is simply not ensured for asylum-seekers from the moment they make their applications. They have often to wait days, weeks or months before they obtain a place, and in some cases, they never do. On the other hand, we have also seen how often people, even after obtaining a protection status, are forced into destitution when their right to reception formally ends. These situations are not a result of the COVID-19 outbreak, but become more problematic during a pandemic in which the condition of being homeless is aggravated by the risks of contracting and spreading the virus. With this in mind, **JRS RECOMMENDS:**

RECOMMENDATIONS APPLICABLE TO (SEMI) LOCKDOWN SITUATIONS:

TO THE RESPONSIBLE NATIONAL AUTHORITIES TO:

Ensure that asylum seekers are effectively referred to a reception place the moment they make an application

This implies:

- **Ensuring** that the necessary Covid-19 safety protocols are in place to allow for **the continuity of administrative procedures**. This must include the possibility for applicants to meet representative of the relevant administrations face-to-face.
- **Remove all obstacles** that would prevent applicants **from establishing contact with the administration by phone or through remote tools** (such as websites), when applicants are requested to do so to formalise their applications. This includes the organisation of the necessary infrastructures (including the use of free phone-lines and the availability of Wi-Fi hotspots) and the investment in adequate resources to ensure the availability of such services. Ensuring that administrations are duly funded, equipped and staffed to guarantee the reachability of relevant services (including phone-lines) within reasonable timeframes.

Officially suspend evictions from reception centres or provide alternative accommodation for people who no longer have the right to reception

Including rejected asylum seekers, for at least as long as the public health emergency continues.

RECOMMENDATIONS APPLICABLE BEYOND THE PANDEMIC:

TO THE RESPONSIBLE NATIONAL AUTHORITIES TO:

Ensure sufficient capacity in the reception network to accommodate every person making an asylum application in the country at any given time

This includes putting in place the necessary contingency planning to deal with fluctuations in the number of arrivals.

Ensure that asylum seekers are effectively referred to a reception place the moment they make an application

This means that applicants are referred to the responsible reception administrations or service providers as soon as they express their wish to apply for asylum to the authorities. The possibility of accessing reception must not be subjected to the formal registration of the asylum application. If applicants are requested to make an appointment to formalise or register their applications, they should be able to access reception before such an appointment is arranged.

Ensure that administrations are duly funded, equipped and staffed

To guarantee the availability of relevant services (including phone-lines) within reasonable timeframes.

Refrain from evicting people at the end of the right to reception

To avoid putting pressure on reception systems, beneficiaries of protection must be actively accompanied and supported in the search for independent accommodation. When it comes to rejected asylum seekers, JRS recommends establishing programmes of **case-management** aimed at looking for a resolution of their immigration status, be it through voluntary return, a regularisation of their stay or other legal possibilities. Examples of case management can be found in existing pilot projects providing **community-based alternatives to detention**.⁴

⁴ See for instance the European Alternatives to Detention Network, <https://www.atdnetwork.org/> [last accessed 08/02/2021]

TO THE EUROPEAN COMMISSION TO:

Monitor the implementation of the EU Reception Conditions Directive

And take the appropriate measure to **address situations of non-compliance** with the Member States concerned, including by offering targeted support

TO THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EU TO:

Clearly foresee in EU legislation that asylum seekers must receive a certification Of the fact that they have made an asylum application

As soon as they have expressed their wish to the responsible authority, even if the formal registration of such application is due to happen at a later stage. This is necessary in order for applicants to be able to claim their right to reception. Such a provision should be included under Article 29 of the proposed Asylum Procedures Regulation.⁵

Reject proposals excluding certain categories of applicants from the right to reception

As such measures would force many applicants into destitution and deprive them of the accompaniment they need during this time to bring their asylum claim to a positive end. In particular, the proposal to exclude from reception applicants who are in a Member State other than the one determined as responsible for the examination of their claim—under **Article 17a of the proposed recast Reception Conditions Directive**—should be scrapped.⁶

⁵ Proposal for a Regulation of the European Parliament and of the Council establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU, COM(2016) 0467 Final - 2016/0224 (COD).

⁶ Proposal for a Directive of the European Parliament and of the Council laying down standards for the reception of applicants for international protection (recast), COM(2016) 465 final - 2016/0222(COD)

Reception conditions before Covid-19

The conditions of reception for asylum seekers have always varied enormously across Europe. Comparative research of the situation before Covid-19 showed widespread situation of chronic reception shortage, emergency accommodation as a permanent feature of reception systems and systematic non-compliance with EU law.⁷

When asked to evaluate reception conditions before Covid-19 in their countries on a scale of 'undignified' to 'very good', three JRS partners replied 'undignified' (FR, MT, RO), four 'insufficient' (ES, IE, IT, PT) and two 'sufficient' (BE, DE). No countries scored 'good' or 'very good', and even where conditions were globally evaluated as 'sufficient', partners added that considerable differences could be identified among different reception facilities, particularly in emergency reception, and also depending on the different service providers. Similarly, in the case of France, it must be pointed out that reception conditions are not always undignified, however, the chronic shortage of reception forces many people into undignified informal camps, such as the known example of Calais, but also in Paris.

Although examples of 'individual' reception facilities (i.e. reception houses or flats) exist in all the countries under examination (not in MT and RO), the preferred way of providing accommodation to asylum seekers appears to be in collective centres. These can be very large and accommodate more than a hundred people. Conditions in such facilities vary greatly, but they have in common the fact that people living there must share their living spaces—including bedrooms, bathrooms and dining rooms—with other people. Situations of saturation of capacity, or even overcrowding, of such facilities were a daily reality before Covid-19 in most of the countries under examination (not in DE and RO).

• Preventing contagion in reception: quarantined, isolated, transferred

Faced with the challenge of containing the spread of Covid-19 within a reality of predominantly large collective centres, responsible national administrations and reception providers across the countries under examination came up with a wide variety of arrangements. JRS partners reported:

- Quarantine on arrival in dedicated centres or in aisles of existing centres. Such practices did not always guarantee the respect of people's dignity nor health. The extremely problematic practices of the quarantine boats in Malta and Italy for people rescued at sea negatively stand out in this sense.
- The use of a dedicated wing of a centre to isolate people who had a positive Covid-19 test result or showed symptoms and went into preventive isolation.
- Room confinement for people who had a positive Covid-19 test result or showed symptoms.
- Transfer to separate facilities for people with a positive Covid-19 test result. The reception conditions in such facilities were not always up to standard, as was reported in the case of the ex-military facility that was used in Portugal to accommodate the asylum seekers that had tested positive for Covid-19 after an outbreak in a hostel that was used as a reception centre in Lisbon.
- Quarantine of a whole centre in the instance of positive cases.

⁷ See for instance: ECRE, 'Housing out of reach – the reception of refugees and asylum seekers in Europe', 2019 <https://asylumineurope.org/2019-2/> [last accessed 17/02/2021]

No official measures were reported in any of the countries examined aiming at restricting the freedom of movement of asylum seekers more than that of regular citizens. However, the practice of putting a whole centre in quarantine was broadly used, both during the initial lockdown and in the period following. As most asylum seekers are accommodated in such facilities, their freedom of movement has been even more impacted than that of regular citizens.

In most countries under examination, no clear rules nor specific guidance were provided by the responsible administrations as to how to implement Covid-19 measures in reception facilities. Reception providers therefore often had to improvise, which led to arbitrary decisions on measures taken, and different approaches depending on the facility. This aggravated the already existing disparities in the treatment of people across the reception networks. Attempts to establish a coordinated approach were made by the responsible administrations in Belgian and Irish, that provided instructions to all the reception facilities (BE) and required them to prepare contingency plans (IE). Some limited rules on the provision of on-site self-isolation rooms were also provided by the responsible authorities in Spain and Italy, but no clear Covid-19 protocols were ever given. However, everywhere issues were reported on the lack of control of the actual implementation of such rules, and, in practice, situations still widely differed among different facilities and service providers.

**THERE ARE NO
CLEAR CRITERIA
determining which
facilities people
were transferred to**

In four countries (ES, DE, IE, PT) attempts to reduce the capacity in reception centres were made in order to facilitate physical distancing. This was done by transferring people to other facilities (IE, DE) or by opening new temporary facilities to host new arrivals (BE). Where people were transferred to other facilities, it is not always clear on which basis they were selected. In Germany, the individual profile and level of vulnerability appeared to have been considered in some cases. In Ireland, transfers happened seemingly ad hoc and with little information given to the people concerned. Moreover, although individual exceptions were made on a case-by-case basis, the transfer was involuntary to the extent that individuals issued with transfer letters were no longer permitted to remain in their original accommodation centre. This created frustration and anxiety among the people concerned. In Belgium, asylum seekers who could find temporary accommodation outside the centres—such as with family or friends—were encouraged to do so, and were offered financial support in the form of ‘meal cheques’.

In all countries under examinations, difficulties were reported in the implementation of physical distancing in centres where people had to share living spaces with many other people. In particular, standing in line for food, and eating communal spaces such as canteens, were recurring problems. Additionally, even in places where sufficient hygienic facilities (i.e. bathrooms, toilets, water, and soap availability) were generally present before the pandemic, it became hard to ensure Covid-19-proof standards where such facilities had to be shared with multiple people.

• **Information, social assistance, and accompaniment: NGOs in the front line**

No JRS partner flagged major problems concerning the provision of Covid-19-related information within the reception systems. However, given the wide variety of service providers in most of the countries, it is difficult to fully assess to what extent asylum seekers in every reception facility were sufficiently informed about the virus and the measures needed to prevent contagion, as well as the national rules being enforced.

Moreover, often the provision of information required the intensified efforts of NGOs and civil society (IE, IT), in several cases without formal endorsement or logistic and financial support from the responsible authorities (RO). In particular, it is doubtful whether adequate information was provided for asylum seekers accommodated in emergency reception facilities—such as the hostels in Portugal, or the emergency accommodation that was arranged in France to evacuate the informal makeshift camps—as social assistance in general was very limited or even absent.

Providing social assistance and accompaniment to asylum seekers both during and after the lockdown has proved challenging. The JRS partners who formally organise reception facilities (IT, FR⁸, PT) had to substantially adapt their activities to ensure the safety of both asylum seekers and staff, while at the same time ensuring continuity in the provision of services and assistance. With the exception of Romania—where presence in the reception centres was always maintained, albeit reduced—the other JRS partners who provide services in reception facilities (DE, IE, MT) were not allowed to enter the reception facilities, and had to drastically reduce their activities during the lockdown and find ways to keep providing assistance remotely. Little to no guidance, nor financial or material support, was provided by the national authorities to do so. In several cases (IT, MT, RO) personal protective equipment that was needed to ensure safety of both reception residents and staff, had to be provided by JRS or other NGOs at their own costs, at least in the first stage of the pandemic. In Italy, in some cases, the local responsible authorities allowed the reception providers to invoice additional costs incurred for protective equipment, but this was not done consistently throughout the country. Activities such as language classes, vocational training, and support in looking for employment or housing, were severely impacted as a result.

In general, Covid-19 negatively affected reception conditions everywhere. Although social distancing concerns were never fully addressed in any national context, the research does show however that the impact was somewhat lessened—and reception systems were in a slightly better position to react and reorganise in the face of the crisis—where the reception system was already capable of accommodating all applicants entitled to a place before the pandemic, and where service provision was ensured either by the responsible authorities or supported by NGOs within a well-established collaboration with the authorities (BE, IE).

FEELINGS OF STRESS AND ANXIETY are common among asylum seekers

Feelings of stress and anxiety are common among asylum seekers and are closely connected with the uncertainty on their legal status, and the often-difficult living conditions, the lack of privacy, and limitations in autonomously organising one's day in the collective regimes of reception centres. The increased difficulty to seek advice and help in a context of reduced presence of social assistance and other integration and free time activities, such as language training, has aggravated the situation everywhere. In this respect, some good practices have been identified in relation to the provision of psychological support, such as the establishment of dedicated telephone lines in collaboration with specialised NGOs (IE, IT). In France, a phone line was activated for the general population and was also available for asylum seekers. In Malta, the Agency for the Welfare of Asylum Seekers Therapeutic Unit (AWAS TU) continued to screen arrivals for symptoms of trauma and, where possible, continued to see clients for psychological therapy using alternative means of communication.

⁸ With the programme JRS Welcome, JRS France provides temporary accommodation through host families for asylum seekers outside the French national reception system, to support people who are entitled to a place but do not get one due to the chronic shortage of places.



RECOMMENDATIONS APPLICABLE TO (SEMI) LOCKDOWN SITUATIONS:

The Covid-19 outbreak caught everybody off guard and led to improvised responses in reception facilities, with important differences in treatment for the residents. One year later, it is time to coordinate responses. In this context **JRS RECOMMENDS:**

TO THE NATIONAL AUTHORITIES TO:

Establish clear national protocols⁹ on how to implement Covid-19 preventive measures

(I.e quarantine, self-isolation, testing policy) both for new arrivals and for other residents showing Covid-19 symptoms. All measures taken need to guarantee the respect of human dignity. In particular, **such protocols should:**

- Provide that the **lockdown of whole reception facilities should be avoided**, unless explicitly ordered by the relevant State health authorities. Such practice has a very high negative impact on its residents, and can moreover lead to their stigmatisation. Transfer of (suspected) ill people or (partial) evacuation of other residents should be preferred.
- Provide transparent **rules and guidance** to reception providers on **how to implement transfers** of residents with the purpose of reducing the centre's population and facilitating physical distancing. Such rules should provide the establishment with communication plans for the concerned residents.

Establish clear national protocols to ensure the continuation of the provision of in-person social assistance and accompaniment to reception for residents, taking into consideration Covid-19 safety measures

⁹ If the administrative structure and the division of competences in a certain country (i.e. the German federal structure) does not allow for national protocols, coordination among the different responsible authorities should be organised so that the same treatment for all asylum seekers in reception in the country is ensured.

Mobilise the necessary resources, including financial support, to allow for the reorganisation of services to comply with Covid-19 prevention measures

Ensure that emergency centres that might have been opened with the aim of reducing the population in existing centres are closed

And the people are gradually transferred back to the regular reception system, unless such emergency facilities feature living conditions standards comparable or higher to the regular ones and are necessary to ensure adequate capacity in the reception system.

RECOMMENDATIONS BEYOND THE PANDEMIC:

The significant forced reduction in social assistance and accompaniment due to Covid-19 prevention measures has accentuated their importance for people's integration and wellbeing. Therefore, **JRS recommends:**

TO BOTH THE NATIONAL AUTHORITIES AND THE EUROPEAN INSTITUTIONS TO:

Formally recognise that providing reception goes beyond providing meals and beds, and that social assistance and accompaniment—language training included—are an integral part of the reception of asylum seekers

Clear provisions in this sense should be included both in the EU Reception Conditions Directive and in national legislation.

The proposal by the European Parliament to introduce in the EU Reception Conditions Directive a new Article 15a, dedicated to the provision of language courses, is a good example in this sense, and should be supported by the Council of the EU.¹⁰

¹⁰ Report of the European Parliament on the proposal on the proposal for a directive of the European Parliament and of the Council laying down standards for the reception of applicants for international protection (recast) (COM(2016)0465 – C8-0323/2016 – 2016/0222(COD)), 15.05.2017, https://www.europarl.europa.eu/doceo/document/A-8-2017-0186_EN.html?redirect [last accessed 08/02/2021]

Different reception models across EU

The EU Reception Conditions Directive provides that EU Member States shall ensure that material reception conditions are available to applicants when they make an application for international protection. Such material reception conditions must provide an adequate standard of living for applicants, which guarantees their subsistence and protects their physical and mental health.¹¹ The Directive also establishes that Member States must inform the European Commission about the national authorities responsible for fulfilling the obligations contained in the Directive.¹²

Other than that, the Directive does not indicate a preferred model to follow regarding the forms in which material conditions should be provided. This can take the form of financial support or, where housing is given in kind, it can be done on specific premises at the border, or in transit zones, in accommodation centres, private houses, flats, hotels or ‘other premises adapted for housing applicants’.¹³ While the Directive calls for standards for the reception of applicants that will suffice to ensure them a dignified standard of living and comparable living conditions in all Member States¹⁴, to date no common quality standards for reception at the European level exist.

With the exception of Malta and Romania, where only collective accommodations exist, in all other seven Member States examined in this report, asylum seekers are accommodated in a combination of both (large) collective centres and other forms of facilities that allow for more autonomous living, such as houses or flats, and the form of reception largely depends either on the stage of the procedure of the individual person¹⁵ or on the offer of the service provider (local administration, for-profit entity, NGO/civil society). Overall, collective forms of reception facilities appear to be the dominating model everywhere.

There are many differences among the collective centres, even within the same country, in terms of size (with capacity ranging from few dozens to hundreds), more or less collective regimes (e.g. meals distributed collectively at fixed times versus the possibility of autonomously using a shared kitchen) and sharing of living spaces (ranging from dorms to private rooms, private or shared bathrooms, small or large amount of people with whom to share living rooms).

In six out of the nine countries in this report, the responsibility for organising reception is centralised under a dedicated administration, or a specific department within a ministry (BE, ES, FR, IE, PT, RO). In Germany responsibility is decentralised to the Länders. In Italy the responsibility is extremely decentralised to the local ‘prefettura’, at the level of provinces. Detailed national quality standards are lacking almost everywhere, which makes quality control virtually impossible. Even where some standards exist¹⁶, in practice they often remain dead letter, due to the chronic shortage of reception or lack of sufficient investment and control by the responsible authorities.

¹¹ Art. 17 of the EU Reception Conditions Directive.

¹² Art. 27 of the EU Reception Conditions Directive.

¹³ Art. 18 of the EU Reception Conditions Directive.

¹⁴ Recital 11 of the EU Reception Conditions Directive.

¹⁵ In Germany, for instance, the law provides for applicants to stay in a large reception centre, as a rule, for the first 18 months of their recognition procedure. Also, in Spain and Portugal, reception is structured in phases of steps based on certain timelines or steps in the asylum procedure.

¹⁶ (i.e. in France, where the legislation provides with some details regarding, for instance, the amount of space for each individual to allow for privacy, set at 7.5 m²)

• Decentralisation of responsibilities and lack of oversight leads to diverging Covid-19 responses

Nobody was prepared for the crisis that was the Covid-19 pandemic. It is therefore understandable that authorities responsible for the reception of asylum seekers were not ready to react straight away. At the same time, such a crisis provides an opportunity to evaluate the resilience of reception systems and draw lessons for the future.

In three out of the seven countries examined in our mapping (BE, ES, IE) the responsible authorities produced some guidance specifically applicable to the situation in reception facilities already at the earliest stages of the lockdown. In Belgium, the Federal Agency for Reception (Fedasil) sent out detailed instructions to the reception facilities, both for the staff and for residents, including detailed guidance for the follow-up of eventual ill people. In Spain, guidance was given by the Ministry of Inclusion, Social Welfare and Migration, and ranged from provisions on the extension of validity for documents that would expire, to rules on the suspension of group activities in reception facilities. It did not include, however, detailed protocols on the functioning of reception centres. In Ireland, the Department of Justice and Equality directed the responsible reception administration (IPAS) to adhere to guidelines prepared by the Health Service Executive's Health Protection Surveillance Centre (HPSC) for residential settings with vulnerable residents. Furthermore, IPAS provided the reception facilities with additional sets of rules (e.g. in relation to visits) to be applied in different scenarios related to the situation of the pandemic.

In other countries, if guidance was given at the start of the lockdown, it was mainly related to the general rules and measures to be followed in the country. In some countries (PT, IT) more specific guidance for reception facilities came at a later stage or after the lockdown was eased. Moreover, in Germany and Italy, where responsibility for organising reception is heavily decentralised, the provision of specific guidance depended strongly on the local actor involved. In Germany, the Federal Government's central scientific institution in the field of biomedicine (the "Robert-Koch-Institut"), issued a list of recommendations for reception facilities on measures against the Covid-19 virus; this, however, was watered down in the discussions with the Länder, and in the end, it did not provide detailed standards.

The presence of guidance does not as such guarantee that measures are correctly followed and implemented everywhere, and issues and doubts in this respect were raised by almost every JRS partner. Nevertheless, the mapping seems to suggest that responsiveness during the crisis improved where a dedicated centralised public administration was responsible for coordinating the organisation of reception (BE, IE). Similarly, the existence of centralised coordination improves the chances that similar standards, and therefore equal treatment, are ensured for every person accommodated in the reception network. At the same time, the existence of a centralised administration obviously did not necessarily help where major structural reception gaps existed before the pandemic (FR).

Overall, the pandemic magnified the huge differences and disparities in the provision of reception across Europe, often even within the same country. The lack of clearly defined reception standards leads to an extremely diverging understanding of what reception should be, from merely providing shelter to fully supporting people through the asylum procedure, and to become autonomous members of society. This was reflected during the pandemic, where, depending on the capacity of oversight of the responsible administration and, in the absence of that, on the vision on reception of service providers, asylum seekers were either abandoned to themselves or solutions were sought to ensure Covid-proof continuation of service provision and accompaniment.

• Covid-19: one more reason to step away from large scale, collective reception models

The fundamental rule in the process of containing the spread of Covid-19 is to exercise physical distancing, that is to reduce close contacts with other people to the bare minimum. In such a context, living in reception facilities based on collective regimes implies per definition a higher risk of contracting and spreading the virus. It does therefore not come as a surprise that, with the exception of Romania, in all the countries under examinations contagion in collective, large-scale, reception centres was reported. Of course, this does not mean that no contagion happened in small-scale or autonomous reception facilities, as this was in fact reported in at least four countries (IE, PT, ES, BE). However, it is clear that the impact of contagion in a large collective centre is much more problematic both from an individual and a public health perspective; this can rapidly involve many people and it is harder to contain, as people often cannot self-isolate because they share rooms and bathrooms with others.

When asked whether respecting Covid-19 prevention measures is easier in small-scale reception facilities, all JRS partners involved in the organisation of reception pointed out that the issue is not so much the scale—intended as number of people hosted in a certain facility—but rather the level of sharing living spaces involved. In other words, facilities hosting large numbers of people in autonomous living units—in particular where catering, toilet and shower facilities are not shared—are more conducive to the implementation of Covid-19 measures than centres accommodating a few dozens of people following a collective regime. Privacy and autonomy are therefore key, not only to ensure more dignified reception conditions, but also in the fight against Covid-19.

Despite the intrinsic higher risk posed by accommodation in collective regimes, our mapping shows that little effort was made by the responsible authorities to, even temporarily, transition to more autonomous and smaller-scale reception facilities. On the contrary, the use of collective facilities was often maintained even where new facilities were opened to accommodate either new arrivals or people transferred from other places in the effort of reducing the occupancy in existing centres.¹⁷

In Ireland, the pandemic intensified reflections—arising as part of Government formation talks—on the importance of more autonomous forms of reception. The facilities introduced, which provided a more individual regime allowing for self-catering and private bedrooms and bathrooms, are expected to become an integral part of the system.¹⁸

**CONTAMINATION
WAS REPORTED
in all large-scale
collective reception
centres, except
Romania**

¹⁷ After the conclusion of our mapping, the Spanish Secretary of State for migration in fact issued an Instruction (Instrucción SEM 6/2020) modifying the reception manuals and limiting the access to the second phase of the reception scheme – often small scale and individual reception - exclusively for those who are recognized as refugees. According to the instruction, asylum seekers will "do their entire itinerary in the 1st phase" and "according to budget availability". <https://prensa.inclusion.gob.es/WebPrensaInclusion/downloadFile.do?tipo=documento&id=3.961&idContenido=4.049> [last accessed 08/02/2021]

¹⁸ After the conclusion of our mapping, in December 2020, the Italian legislation was amended to re-open the access to small scale reception for beneficiaries of protection also to asylum seekers (who were excluded since a reform of 2018). This positive development is, however, the result of discussion pre-existing the Covid-19 pandemic. D.L. 130/2020. Disposizioni Urgenti in Materia di Immigrazione e Sicurezza. <https://temi.camera.it/leg18/provvedimento/d-l-130-2020-disposizioni-urgenti-in-materia-di-immigrazione-e-sicurezza.html> [last accessed 08/02/2021]



Despite the EU's attempts to harmonise reception conditions throughout Europe, huge disparities still exist among Member States, and even within the same country. The absence of a true common understanding of what 'reception of asylum seekers' means, and of common European and national quality standards, makes it extremely difficult to assess compliance with EU and national legislation, that, as a result, often remains dead letter. In this context **JRS recommends:**

TO THE EUROPEAN COMMISSION TO:

Ensure the monitoring of the compliance with the EU Reception Conditions Directive, and to work towards the establishment of European Quality Standards for reception conditions

The EU Asylum Support Office should receive a clear mandate to coordinate this work. In the negotiations on the proposed EU Asylum Agency Regulation, the European Parliament and the Council of the EU should reinforce the provisions under the proposed Article 12 in this sense.

TO THE NATIONAL AUTHORITIES TO:

Establish National Quality Standards for reception, to be implemented throughout their territories by all reception service providers

TO BOTH EUROPEAN AND NATIONAL AUTHORITIES TO:

Recognise the advantages of small-scale, individual reception facilities (as opposed to collective centres) for the dignity and well-being of asylum seekers, as well as for the public health and cohesion of the whole society

To this end, the EU Reception conditions Directive, national legislation, and European and national quality standards for reception should identify 'individual reception' in apartment, houses or facilities that allow for privacy and self-catering **as the preferred reception form.**



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