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Asylum Information
Database

Wrong counts and closing doors The reception of refugees and asylum seekers in Europe

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The information contained in this report is up-to-date as of 12 March 2016.

THE ASYLUM INFORMATION DATABASE (AIDA)

[Asylum Information Database](#) is a database containing information on asylum procedures, reception conditions and detention across 20 European countries. This includes 17 European Union (EU) Member States (Austria, Belgium, Bulgaria, Cyprus, Germany, Spain, France, Greece, Croatia, Hungary, Ireland, Italy, Malta, Netherlands, Poland, Sweden, United Kingdom) and 3 non-EU countries (Switzerland, Serbia, Turkey).

AIDA started as a project of the European Council on Refugees and Exiles (ECRE), running from September 2012 to December 2015 in partnership with Forum Réfugiés-Cosi, the Hungarian Helsinki Committee and the Irish Refugee Council, and is now developing into a core activity of ECRE. The overall goal of the database is to contribute to the improvement of asylum policies and practices in Europe and the situation of asylum seekers by providing all relevant actors with appropriate tools and information to support their advocacy and litigation efforts, both at the national and European level. These objectives are carried out by AIDA through the following activities:

» **Country reports**

AIDA contains [national reports](#) documenting asylum procedures, reception conditions and detention in 18 countries. The latest update of all 18 country reports was completed in December 2015, while two new reports (Serbia, Spain) are soon to be published.

» **Annual report**

The AIDA Annual Report provides a thorough comparative analysis of practice relating to the implementation of asylum standards across the countries covered by the database, in addition to an overview of statistical asylum trends and a discussion of key developments in asylum and migration policies in Europe: [2012/2013](#), [2013/2014](#) and [2014/2015](#).

» **Fact-finding visits**

AIDA includes the development of fact-finding visits to further investigate important protection gaps established through the country reports, and a methodological framework for such missions. Fact-finding visits have been conducted in [Greece](#), [Hungary](#) and [Austria](#) so far.

» **Legal briefings**

Legal briefings aim to bridge AIDA research with evidence-based legal reasoning and advocacy. Five [briefings](#) have been published in 2015, covering: the legality of detention of asylum seekers under the Dublin Regulation; key problems in the collection and provision of asylum statistics in the EU, the concept of “safe country of origin”; the way the examination of asylum claims in detention impacts on procedural rights and their effectiveness; and age assessment of unaccompanied children.



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GLOSSARY

Acquis	Accumulated legislation and jurisprudence constituting the body of European Union law.
Asylum seeker(s) or applicant(s)	Person(s) seeking international protection, whether recognition as a refugee, subsidiary protection beneficiary or other protection status on humanitarian grounds.
Direct provision	Term relevant to Ireland, referring to accommodation centres for asylum seekers.
Distribution key	Arrangement for the distribution of applicants between countries according to respective reception capacity.
Dublin system	System establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application, set out in Regulation (EU) No 604/2013.
First-line reception	Initial stage of reception (hosting, identification, medical screening) of newly arrived refugees and migrants.
Hotspot	Facility for the first reception, registration and initial processing of migrants, established at the external borders of the European Union. Hotspots combine an EU integrated inter-agency approach, with the presence of agencies including Frontex and EASO. Hotspots are relevant to Italy (Lampedusa, Pozzallo, Porto Empedocle, Trapani, Augusta, Taranto) and Greece (Lesvos, Chios, Samos, Leros, Kos).
Hub	Term relevant to Italy, describing the total of first reception structures (formerly known as CARA and CDA) within a region.
Recognition rate	Rate of positive asylum decisions, including refugee status, subsidiary protection status or other protection status.
Relocation	Transfer of an asylum seeker in clear need of international protection from one European Union Member State to another under Council Decisions (EU) 2015/1523 or 2015/1601, concerning transfers from Italy or Greece.
Safe third country	Country of transit of an applicant which is considered as capable of offering him or her adequate protection against persecution or serious harm. The concept is defined in Directive 2013/32/EU.
Second-line reception	Reception of applicants throughout the duration of the asylum procedure in the host state. Reception conditions are detailed in Directive 2013/33/EU.

LIST OF ABBREVIATIONS

ACCEM	Comisión Católica Española de Migración (Spain)
AFAD	Disaster and Emergency Management Authority (Turkey)
AIDA	Asylum Information Database
AMIF	Asylum, Migration and Integration Fund
ASGI	Associazione per gli Studi Giuridici sull'Immigrazione (Italy)
AT-SA	Temporary accommodation – asylum office Accueil temporaire – service de l'asile (France)
AZC	Centre for Asylum Seekers Asielzoekerscentrum (Netherlands)
BAMF	Federal Office for Migration and Refugees Bundesamt für Migration und Flüchtlinge (Germany)
BFA	Federal Agency for Immigration and Asylum (Austria)
CADA	Reception centre for asylum seekers Centre d'accueil de demandeurs d'asile (France)
CAO	Reception and orientation centre Centre d'accueil et d'orientation (France)
CAR	Refugee Reception Centre Centro de acogida de refugiados (Spain)
CARA	Centre for the reception of asylum seekers Centro di accoglienza per richiedenti asilo (Italy)
CAS	Emergency reception centre Centro di accoglienza straordinaria (Italy)
CDA	Accommodation centre Centro di accoglienza (Italy)
CEAS	Common European Asylum System
CETI	Migrant temporary stay centre Centro de estancia temporal para inmigrantes (Spain)
CIE	Identification and expulsion centre Centro di identificazione ed espulsione (Italy)
CJEU	Court of Justice of the European Union
COL	Central Reception Centre Centraal Opvanglocatie (Netherlands)
COREPER	Committee of Permanent Representatives, Council of the European Union configuration
CPSA	First aid and reception centre Centro di primo soccorso i accoglienza (Italy)
DGMM	Directorate-General for Migration Management (Turkey)
EASO	European Asylum Support Office
EAST	Initial reception centre Erstaufnahmestelle (Austria)
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
ECRE	European Council on Refugees and Exiles
EDAL	European Database of Asylum Law
ELENA	European Legal Network on Asylum
EPIM	European Programme for Integration and Migration
EROC	Emergency reception and orientation centre (Ireland)
EU	European Union
EUREMA	Pilot project for intra-EU relocation from Malta
Eurodac	European fingerprint database
Eurostat	European Commission Directorate-General for Statistics
FARR	Swedish Network of Refugee Support Groups Flyktinggruppernas Riksråd (Sweden)
Fedasil	Federal agency for the reception of asylum seekers (Belgium)
Frontex	European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union
FRA	European Union Agency for Fundamental Rights
FRC	First Reception Centre (Greece)
FYROM	Former Yugoslav Republic of Macedonia
GL	Family Housing Gezinslocatie (Netherlands)
HUDA	Emergency accommodation for asylum seekers Hébergement d'urgence dédié aux demandeurs d'asile (France)
IDS	Information and Documentation System of the European Asylum Support Office

IRPP	Irish Refugee Protection Programme
LFIP	Law on Foreigners and International Protection (Turkey)
LGBTI	Lesbian, gay, bisexual, transgender and intersex
MSF	Médécins Sans Frontières
NGO(s)	Non-governmental organisation(s)
OFII	French Office for Immigration and Integration Office français de l'immigration et de l'intégration (France)
SAR	State Agency for Refugees (Bulgaria)
SPRAR	System for the Protection of Asylum Seekers and Refugees Sistema di protezione per richiedenti asilo e rifugiati (Italy)
UNHCR	United Nations High Commissioner for Refugees
VQ	Distribution centre Verteilerquartier (Austria)

INTRODUCTION

The year 2015 has been marked as a turning point in Europe's struggle to find adequate responses to the predicament of refugees. The unprecedented number of refugees and migrants arriving irregularly to the continent via the Mediterranean Sea, surpassing one million,¹ and the piecemeal, reactive, often irrational response of Member States, led to coining the term "refugee crisis" as currently one of the most critical tests for the European Union (EU) and its broader region. Against this backdrop, one main issue of concern has been the ability – or lack thereof – of states to receive those seeking refuge in appropriate, dignified conditions as mandated by their protection obligations.

The very notion of "reception", however, is clouded by conceptual uncertainty, which is only exacerbated when states approach the plight of refugees under an emergency-driven mind-set. As far as asylum seekers are concerned, the recast Reception Conditions Directive,² the main EU instrument outlining Member States' obligations in this regard, provides no definition of reception, except for defining "reception conditions" as "the full set of measures that Member States grant to applicants" for international protection.³

However, some guidance as to an appropriate understanding of the meaning of reception may be found in the Directive, which provides that "material reception conditions" need to "provide an adequate standard of living for applicants, which guarantees their subsistence and protects their physical and mental health".⁴ The Court of Justice of the European Union (CJEU) has clarified that, as a set of measures apt to guarantee asylum seekers dignified living, subsistence and physical and mental health, reception must therefore be sufficiently stable and adequately satisfy health and other material needs of those undergoing an (often lengthy) asylum procedure.⁵

Situations of emergency or limited preparedness vis-à-vis a large number of arrivals undoubtedly carry wide-ranging administrative and financial consequences for host states. Legal obligations stemming from international law and the EU *acquis* cannot be read in a vacuum, and are unavoidably qualified by the practical difficulties encountered by European countries.

Yet in the current context European countries and EU institutions have too readily conceptualised reception in quantitative terms, focusing on numbers of places as a benchmark for fulfilling their obligations towards refugees and asylum seekers. This approach runs the risk of sidestepping qualitative aspects at the heart of the concept of reception. Very often, whether in EU policy discourse or in national practice, reception is seen as an all-encompassing net of accommodation measures, which may or may not be designed to ensure asylum seekers an adequate living, able to guarantee their subsistence. Crucial conceptual distinctions between first-line reception, second-line reception, emergency accommodation or even detention, are often absent from both policy and practice, as evidenced in the different findings of this report. These blurred boundaries carry a number of dangers, as they are liable to overestimate the capacity of states to afford proper protection, and to expose asylum seekers to substandard living conditions in countries of refuge.

This Thematic Report tracks these issues by documenting the recent situation of reception of asylum seekers in the 20 AIDA countries, bearing in mind the peculiar legal and policy context applicable in non-EU countries such as Turkey or Serbia, which may merit particular consideration. The information provided in this update combines desk research, with emphasis on the findings of the latest update of AIDA country reports (October-December 2015), as well as input from national experts in the countries concerned.⁶

The update focuses on reception-related developments in 3 chapters:

- **Chapter I:** A discussion of the conceptual difficulties surrounding the notion of reception, followed by a statistical overview of arrivals and asylum applicants, as well as data portraying the reception capacity of different countries in Europe;
- **Chapter II:** An analysis of key policy debates relating to the creation of reception capacity in Europe and to the increasing risk of containment of refugees and asylum seekers in countries of first arrival within and outside the EU;

1. UNHCR, *Refugees/Migrants Emergency Response – Mediterranean*, available at: <http://bit.ly/1W059nR>.
2. 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, OJ 2013 L180/96.
3. Article 2(f) recast Reception Conditions Directive.
4. Article 17(1) recast Reception Conditions Directive.
5. CJEU, Case, C-79/13, *Federaal agentschap voor de opvang van asielzoekers v Selver Saciri and Others*, Judgment of 27 February 2014.
6. A copy of the questionnaire circulated to experts for this thematic report can be found in Annex IV.

- **Chapter III:** An update on the reception of asylum seekers in practice, covering questions such as quality of accommodation, homelessness and destitution, the guarantees provided to persons with special reception needs, as well as the different treatment afforded to specific nationalities of applicants throughout the reception process.

A final part draws conclusions and sketches out recommendations for the development of protective policies on the reception of asylum seekers in the EU and beyond.

CHAPTER I

RECEPTION IN TERMS & FIGURES

CHAPTER I: RECEPTION IN TERMS & FIGURES

1. What is “reception”? Categories and unclear boundaries

In the absence of a clear definition, reception can carry different meanings and legal weight in the asylum and migration context. The EU asylum *acquis* makes reference to different forms of reception conditions made available to asylum seekers, including material conditions (housing, food, clothing, vouchers, financial allowances), health care, employment and education.⁷ When seen in practice, however, these conditions prove to be implemented in widely different ways from one country to another, or even within the same country. To that end, clarifying the concept of reception is necessary to ensuring a better understanding of states’ obligations and of the ways these are complied with. Particular emphasis is placed on the issue of accommodation in this regard.

1.1. First-line and second-line reception: clear lines?

The distinction between first- and second-line reception is not formally drawn in the EU legal framework. While the concept of “first reception” appears across several European asylum systems, the meaning attached thereto may differ considerably from one country to another. Some states draw clear institutional distinctions between the framework of “first reception” as hosting of new arrivals, on one hand, and second-line reception as accommodation of persons who have entered the asylum procedure on the other.

Greece, for instance, entrusts responsibility for the two tasks to different governmental authorities. The First Reception Service (soon Reception and Identification Service), under the responsibility of the Ministry of Interior, handles all aspects of “effective management of irregularly entering third-country nationals”.⁸ This involves the overall management of First Reception Centres, which include the existing and prospective “hotspots” to be set up on the Aegean islands.⁹ The First Reception Centres in Greece conduct identification and nationality screening, medical screening, a basic provision of information, and referrals,¹⁰ similar to the functions of the ones foreseen in **Malta**¹¹ or **Turkey**.¹² On the other hand, responsibility for the longer-term reception of applicants for international protection currently lay within the purview of the Greek Ministry of Labour, Social Security and Social Solidarity,¹³ and will be under the responsibility of the Directorate of Reception and Social Integration – a different directorate – at the Ministry of Interior.¹⁴ This institutional divide helps theoretically to discern short-stay accommodation designed for the newly arrived, which may not exceed 28 days, from accommodation provided to asylum seekers who navigate the procedure, often for lengthy periods of time.¹⁵

Conversely, more complex arrangements have been put in place in **Italy**. The amended legal framework of the reception system draws a (theoretical) line between first reception on one hand, generally provided for a maximum of 30 days in Regional “Hubs”,¹⁶ and second-line reception provided under the System for the Protection of Asylum Seekers and Refugees (SPRAR) on the other. However, in contrast to the Greek approach, the Italian system includes both forms of reception in the legislative instrument regulating reception of asylum seekers.¹⁷ This design seems to reflect pre-existing practice in Italy, whereby asylum seekers were likely to stay in CARA or other first-line reception structures throughout the entire asylum procedure,¹⁸ even though the quality of reception conditions differs considerably between those types of accommodation and SPRAR facilities.

7. Articles 2(g) and 14-19 recast Reception Conditions Directive.

8. Article 6 Greek Law 3907/2011, as proposed for amendment in February 2016.

9. See Greek Joint Ministerial Decision 2969/2015 “Establishment of First Reception Centres and temporary Accommodation Facilities for asylum seekers and vulnerable groups of third-country nationals”, Official Gazzette 2602/B/2-12-2015.

10. Article 7 Greek Law 3907/2011, as proposed for amendment in February 2016.

11. Maltese Ministry of Home Affairs and National Security, *Strategy for the reception of asylum seekers and irregular migrants*, December 2015, available at: <http://bit.ly/1Wb3Cej>, 10.

12. See Turkish Temporary Protection Regulation. However, such first reception centres have not been established in Turkey to date: AIDA Country Report Turkey: First Update, December 2015, 114.

13. AIDA Country Report Greece: Fourth Update, November 2015, 74.

14. Article 13 Greek Draft Law amending Law 3907/2011.

15. It is worth recalling that the EU *acquis* foresees a 6-month deadline for a normal asylum procedure to be completed: Article 31(3) Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast), OJ 2013 L180/60.

16. The term “Hub”, introduced in September 2015 by the Italian Legislative Decree 142/2015, encompasses reception centres for asylum seekers (CARA) and accommodation centres (CDA).

17. See Articles 9-14 Italian Legislative Decree 142/2015.

18. AIDA Country Report Italy: Fourth Update, December 2015, 74.

In other countries, the term “first” or “initial” reception is even less straightforward. The **Austrian** reception system, at the outset underpinned by complex interactions between federal-level accommodation and provincial responsibilities, contains a number of federal reception centres (*Bundesbetreuungstellen*) for the initial accommodation of asylum seekers. These include initial reception centres (EAST) which until 20 July 2015 were the only competent branches of the asylum authority (BFA) to register asylum applications and conduct admissibility procedures for asylum seekers.¹⁹ The two EAST, Thalham and Traiskirchen, are now redirected to mainly handling Dublin cases and admissibility procedures for unaccompanied children. As of 20 July 2015, the first reception of applicants occurs in the EAST for the aforementioned cases, while other cases are received in one of the newly established distribution centres (VQ) or other federal reception centres.²⁰ In that regard, the notion of “initial reception centre” in the Austrian asylum system no longer carries the connotation of first-line reception, but rather implies that the person hosted therein falls within a Dublin procedure or is an unaccompanied minor undergoing an admissibility procedure.

Other asylum systems draw no formal divide between short- and longer-term reception facilities, though such a difference exists in practice. For instance, **Hungary’s** Nagyfa, a centre near Szeged and the Serbian border, consisting of heated containers hosting up to 300 persons, was set up in January 2015 and initially functioned as a “distribution centre”,²¹ from where asylum seekers were transferred to other centres throughout the country after a maximum stay of 2 days. Since September 2015, the centre has been formally turned into a regular reception facility,²² yet without undergoing any alterations or improvements with a view to accommodating asylum seekers for longer periods. In essence, there is little in practice to suggest that Nagyfa has transitioned from a first reception facility to a longer-term one.

1.2. What is not reception: confinement and detention

Another conceptual boundary whose clarity in principle is not always mirrored in practice is that separating reception from detention of asylum seekers. The recast Reception Conditions Directive delineates their respective scope by defining any confinement of a person to a specific place where he or she is deprived of his or her liberty as “detention”.²³ In addition, Article 18 of the Directive outlines the modalities of material reception conditions “without prejudice” to the specific accommodation regime applicable in detention.²⁴ These provisions imply that reception and detention are easily distinguishable legal and factual spheres, triggering equally distinguishable obligations on the part of Member States.

Yet, the line between open accommodation and confinement often becomes difficult to draw in practice. This has formed a contentious issue in human rights law as early as the *Amuur v France* judgment of the European Court of Human Rights (ECtHR).²⁵ Twenty years after the Strasbourg Court’s firm position that, contrary to states’ submissions, confining an asylum seeker in an airport transit zone amounts to deprivation of liberty under Article 5 of the European Convention on Human Rights (ECHR), the legality of certain ‘accommodation’ practices across Europe remains controversial. Reminiscent examples may be drawn from transit zones in international airports in **Germany**,²⁶ the **Netherlands**²⁷ or **Serbia**,²⁸ where asylum seekers are not considered to be detained (while **Switzerland** concedes that asylum seekers are effectively detained in airports),²⁹ as well as transit zones in land borders such as those established in **Hungary** after September 2015.³⁰

More recently, the “hotspot” approach has introduced greater ambiguity in the reception/detention divide. In **Italy**, non-governmental organisations have denounced “hotspot” facilities such as Pozzallo inter alia for confining people to a state of detention and preventing them from exiting the centre.³¹ In the case of **Greece**, “hotspots” established on the Aegean islands comprise First Reception Centres managed by the First Reception Service, as

19. Former Article 17 Austrian Asylum Act.

20. Articles 42 and 42 Austrian BFA Procedures Act. For a detailed overview, see ECRE, *Navigating the Maze: Structural barriers to accessing protection in Austria*, available at: <http://bit.ly/1OR2fjy>, December 2015, 10-11.

21. EASO, *Description of the Hungarian asylum system*, June 2015, 4, 7.

22. AIDA Country Report Hungary: Fourth Update, November 2015, 50.

23. Article 2(h) recast Reception Conditions Directive.

24. Article 18(2) recast Reception Conditions Directive. Detention triggers specific duties on states, which are governed by Articles 8-11 of the Directive.

25. ECtHR, *Amuur v France*, Application No 19776/92, Judgment of 25 June 1996.

26. AIDA Country Report Germany: Fourth Update, November 2015, 34.

27. AIDA Country Report Netherlands: Fourth Update, November 2015, 53.

28. AIDA Country Report Serbia, March 2016, 37.

29. AIDA Country Report Switzerland: First Update, October 2015, 70.

30. For a discussion of the Röske transit zone, see ECRE, *Crossing Boundaries: The new asylum procedure at the border and restrictions to accessing protection in Hungary*, October 2015, available at: <http://bit.ly/1KD4WYf>.

31. Oxfam, ASGI, A Buon Diritto, ‘Negli hotspots gravi violazioni dei diritti dei migranti’, 12 December 2015, available in Italian at: <http://bit.ly/1KCtXAH>. This is corroborated by the Lasciate CIE Entrare campaign.

per their domestic legal basis.³² These are likely to be modelled based on the First Reception Centre (formerly First Reception Centre) of Evros, which has been operational since 2014 and – contrary to its title – hosts migrants and asylum seekers in a state of detention.³³ In fact, the amended legal framework of first reception procedures clarifies that migrants are subject to restriction of freedom of movement within the premises of these centres.³⁴ Insofar as they deprive migrants of their liberty, these structures should be viewed as detention rather than reception facilities in both legal and practical terms.

This conceptual uncertainty is nevertheless reflected in the European Commission’s assessment of “reception capacity”, which in the case of Greece seems to present detention facilities as reception structures.³⁵ The Hotspot Progress Reports on Greece, issued in December 2015 and February 2016 and discussed in detail in Chapter II, Section 1, do so even though they already specifically refer to “pre-removal [detention] capacity”. Under an appropriate understanding of the conditions prevailing in Reception and Identification Centres, detention capacity in the “hotspots” is therefore misrepresented as reception capacity.

A “hotspot”-like approach already existed in **Bulgaria**, where asylum applicants who have made applications at the border are promptly referred to Elhovo, a “short-holding” or “triage” centre. Here the applicants are registered and screened in conditions of detention for an average of 12 days, although the length of time held in detention differs considerably according to the nationality of the applicant. Applicants are then either transferred to one of the four reception centres in the country or re-allocated to the pre-removal centres in instances where asylum has not been claimed or where capacity in Elhovo is exceeded. The delays of 12 days have been attributed to a lack of coordination between the border police and the State Agency for Refugees, the body responsible for registering asylum applications in Bulgaria.³⁶ In dereliction of the necessity and proportionality assessments when analysing the legality of detention under the recast Reception Conditions Directive as well as Article 6 of the recast Asylum Procedures Directive, detention which is seemingly imposed for administrative convenience without any requisite safeguards is legally untenable. Additionally, as of 1 January 2016, domestic legislation in Bulgaria allows for the detention of asylum seekers on grounds listed in the recast Reception Conditions Directive.³⁷ Detention is foreseen to be carried out in ‘closed departments’ within the existing reception centres.

Similarly, the newly introduced Initial Reception Centres in **Malta** are described as a “contained environment”, entrusted with the first-line reception of all irregular entrants according to a revised government strategy for the reception and detention of asylum seekers and migrants.³⁸ Irregularly arriving foreign nationals are thus channelled into an Initial Reception Centre for short stays, prior to the authorities’ decision on whether to detain them or host them in open reception centres. Two such centres have been set up so far, yet NGOs have expressed concern around the risks of living conditions therein amounting to deprivation of liberty in practice.³⁹ If so, this facility should also be conceptually distinct from reception centres in the country.

In other countries such as **Croatia**, detention centres are factually distinct from reception centres for asylum seekers but are euphemistically branded as “Reception Centres for Foreigners”.⁴⁰ Under the law, a person is not expressly detained but only “accommodated” in such a centre,⁴¹ thereby potentially adding to confusion. For its part, the facility in which irregular migrants are detained in **Serbia** is named “Shelter for Foreigners”.⁴²

Against the backdrop of divergent institutional arrangements and conceptualisations of reception obligations across Europe, it becomes highly difficult to establish comparable standards with a view to assessing Member

32. Greek Joint Ministerial Decision 2969/2015 “Establishment of First Reception Centres and temporary Accommodation Facilities for asylum seekers and vulnerable groups of third-country nationals”, Official Gazette 2602/B/2-12-2015. For Chios and Samos, see also Greek Joint Ministerial Decision 6634/1-147524, Official Gazette 10/B/8-1-2016. See also Article 6 Greek Law 3907/2011, as proposed for amendment in February 2016.

33. For a discussion, see ECRE, *What’s in a name? The reality of first “reception” at Evros*, February 2015, available at: <http://bit.ly/1GfXlzk>.

34. Article 12(2) Greek Law 3907/2011, as proposed for amendment in February 2016.

35. European Commission, *Progress Report on the Implementation of the hotspots in Greece* (hereafter “Hotspot Progress Report Greece”), COM(2015) 678, 15 December 2015, 13.

36. AIDA Country Report Bulgaria: Fourth Update, October 2015, 52-53.

37. Amendments to the Law on the Asylum and Refugees, published in the State Gazette on 16 October 2015, accessible at: <http://bit.ly/1Q7Fjc8>.

38. Maltese Ministry of Home Affairs and National Security, *Strategy for the reception of asylum seekers and irregular migrants*, December 2015, available at: <http://bit.ly/1Wb3Cej>, 10.

39. AIDA Country Report Malta: Fourth Update, November 2015, 41. Information provided by the aditus foundation, 9 March 2016.

40. Article 54(4) Croatian Law on International and Temporary Protection. See also AIDA Country Report Croatia: Second Update, December 2015, 54.

41. *Ibid.*

42. AIDA Country Report Serbia, March 2016, 35.

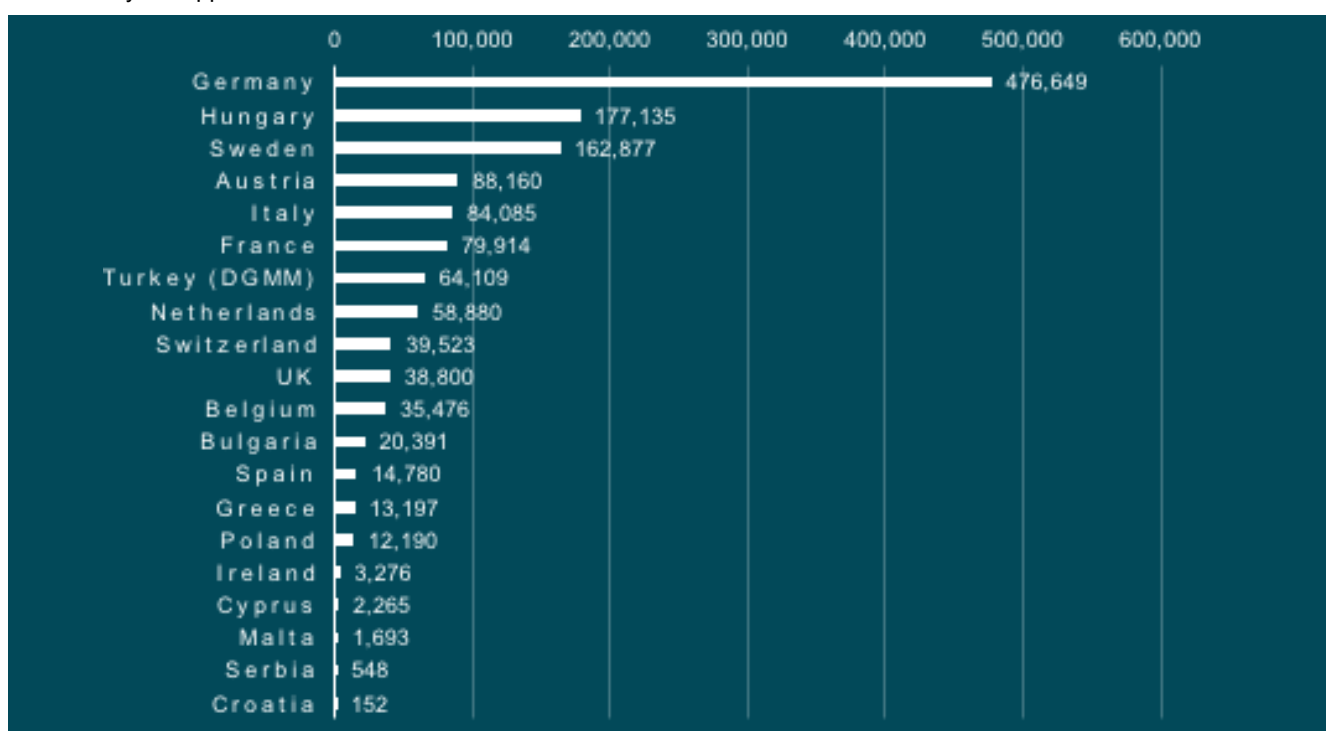
States' compliance with their protection duties vis-à-vis those hosted on their territory. Turning to the assessment of European countries' respective capacities to accommodate asylum seekers, the aforementioned conceptual difficulties and their implications in practice become all the more visible.

2. Reception in figures: key statistics

2.1. Number of asylum applicants

The number of persons applying for international protection in Europe has risen exponentially compared to the previous year. EU Member States and Schengen Associated States received altogether 1,392,610 asylum claims in 2015, more than doubling the total number of applications registered the year before, 662,165.⁴³ A significant increase in the number of asylum requests has been witnessed in the majority of AIDA countries, without however translating into a more even distribution of claimants. As illustrated below, substantial discrepancies remain in the number of asylum seekers received by European countries:

Table 1: Asylum applicants in 20 AIDA countries: 2015



Source: Eurostat, national asylum authorities.

Over the past year, Germany has single-handedly received the majority of asylum seekers in Europe, registering nearly 1/3 of applicants alone. Other countries such as Hungary have also recorded dramatic increases in the number of applicants received, yet one that needs to be qualified in practice. Most of the 177,135 claims lodged in Hungary were suspended due to the asylum seekers' departure from the country; 152,260 applicants were issued with such a decision in 2015.⁴⁴ A somewhat similar situation is occurring in Bulgaria, which received 20,391 applicants and suspended 14,567 procedures on grounds of departure during that year.⁴⁵

On the other hand, available data from the European Commission on Turkey suggest that 64,109 international protection applications were filed with the Directorate-General for Migration Management (DGMM).⁴⁶ This figure excludes Syrian nationals, who benefit from Turkey's temporary protection regime. However, as the transfer of refugee status determination responsibilities from UNHCR to DGMM was underway in 2015, DGMM statistics do not include a large number of non-Syrians who have applied for protection before UNHCR. At the end of 2015,

43. Eurostat, migr_asyappctza.

44. Hungarian Office for Immigration and Nationality, *Statistics 2015*, available at: <http://bit.ly/1WUU5YJ>.

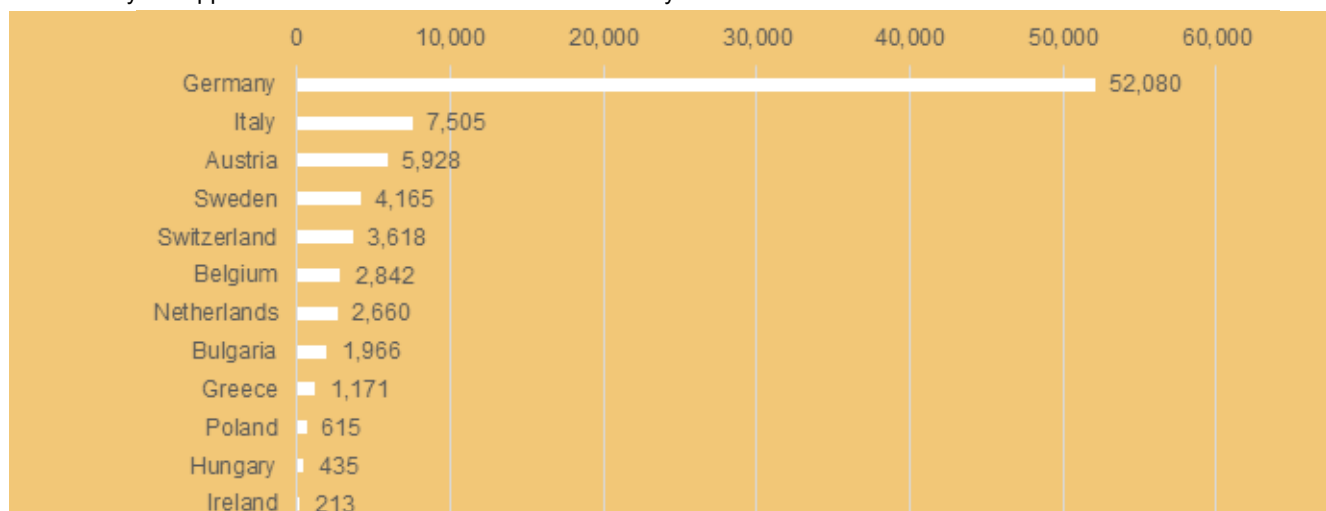
45. Bulgarian State Agency for Refugees, *Statistics December 2015*.

46. European Commission, *EU-Turkey Joint Action Plan – Implementation Report*, COM(2016) 85, 10 February 2016, 6.

UNHCR reported as many as 212,200 registered asylum seekers,⁴⁷ compared to 18,645 at the end of 2014.⁴⁸ Therefore, even excluding the 2,503,549 temporary protection beneficiaries registered so far,⁴⁹ Turkey's asylum seeker population is significantly larger than that of most European countries.

These trends have carried over to the first months of this year. With the exception of Hungary, where the sharp drop in asylum applications remains visible, available data from AIDA countries for January 2016 reveal similar patterns of distribution:

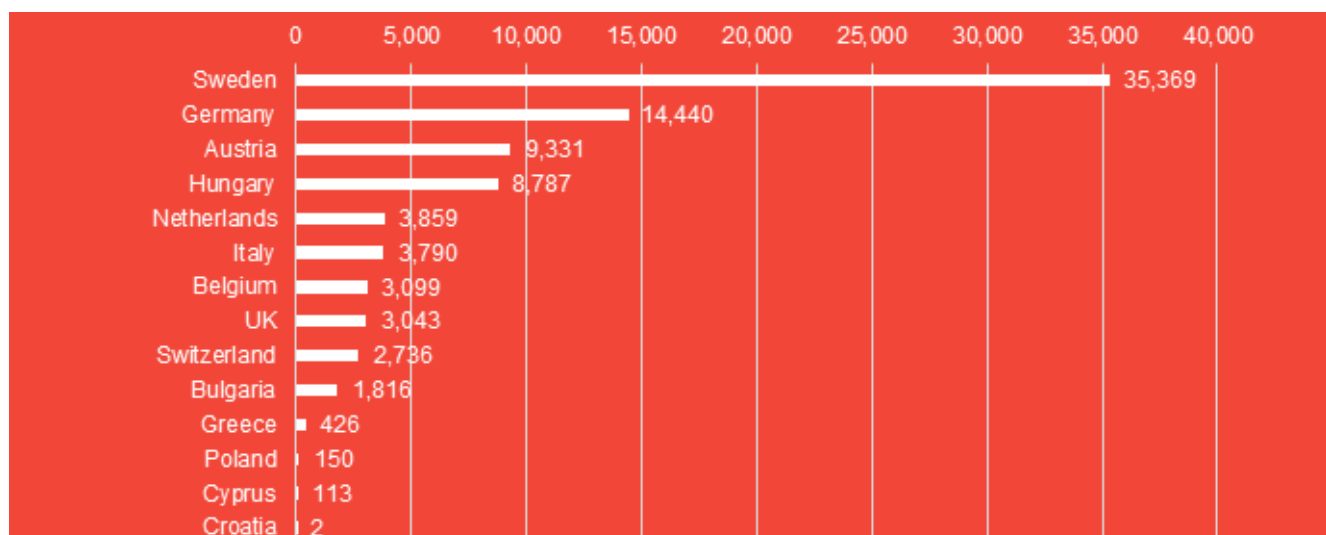
Table 2: Asylum applicants in selected AIDA countries: January 2016



Source: Eurostat, national asylum authorities.

A crucial characteristic of the population of applicants in European countries in 2015 has been the number of unaccompanied children, as more separated children than ever have arrived alone to seek asylum:

Table 3: Unaccompanied asylum seeking children in selected AIDA countries: 2015



Source: Eurostat, national asylum authorities.

An upward trend in arrivals of unaccompanied children has continued in Sweden, as 2,917 unaccompanied children applied for asylum in January and February 2016 alone.⁵⁰ These numbers indicate that a sizeable part of newly arriving asylum seekers in Europe require special consideration from host authorities, not least in the area of reception. As states are under duty to provide tailored living conditions and protection to separated children on their territory, the quality of their reception systems is all the more crucial to ensuring that these children will be appropriately looked after. Chapter III, Section 2 details challenges peculiar to the reception of children, among other vulnerable groups.

47. UNHCR Turkey, *Monthly Statistics December 2015*, available at: <http://bit.ly/1TS1msJ>.

48. UNHCR Turkey, *Monthly Statistics December 2014*, available at: <http://bit.ly/1VQ4YBP>.

49. DGMM, *Temporary protection statistics*, available at: <http://bit.ly/1Np6Zdd>.

50. Information provided by FARR, 3 March 2016.

2.2. The reception capacity of European asylum systems

In Europe, even within the EU, asylum systems are made up of a wide variety of reception frameworks and arrangements. The diversity of reception systems, whether in conceptual differences as discussed in Section 1 above or in the practical implementation of states' obligations, renders any meaningful comparison between European countries a highly challenging endeavour. Very often, data on reception is difficult to collect or peculiar to a specific country's system, and thereby non-transferable. For these reasons, the following section only attempts to provide a basic overview of reception capacity across the 20 AIDA countries, bearing in mind the obvious limitations of a comparative analysis of reception facilities Europe-wide.

Moreover, where provided, the figures listed below are based on information collected by civil society organisations as of 31 December 2015, with the exception of **Ireland**, **Greece** and **Turkey**. Accordingly, it is highly likely that capacity and occupancy estimations have evolved considerably at the time of writing.

Table 4: Reception capacity for asylum seekers in 20 AIDA countries: end 2015

	First-line	Second-line	Emergency (not counted)	Capacity	Occupancy
AT	Federal reception centres, distribution centres, special centres for children	Private housing at provincial level	Transit centres, barracks, tents	:	78,884
BE	Collective centres	Private housing at local level	Buffer places, emergency centres, mobile units	33,408	32,366
BG	Detention centres (not counted)	Reception and registration centres, transit centre	-	5,130	717
CY	-	Reception centre, centres for children	Emergency centre	404	387
DE	Initial reception centres	Collective centres, decentralised accommodation	Emergency centres, stadiums, halls, tents	:	:
ES	Refugee reception centres, temporary stay centres	Private housing managed by NGOs	Hotels	2,648	:
FR	-	Centres for asylum seekers, orientation centres	Emergency centres	:	:
GR	First reception centres, temporary reception centres	Reception centres	Stadiums, tents	:	:
HR	-	Reception centres	Temporary admission centre	700	:
HU	-	Reception centres, centres for children	-	1,104	432
IE	-	Direct provision	Emergency reception and orientation centres	5,429	4,811
IT	Hubs, CPSA	SPRAR	Emergency reception centres	:	27,109
MT	Initial reception centre	Open centres		2,200	604
NL	Collective centres	Asylum seeker centres	Emergency reception centres, Crisis emergency reception	:	47,764
PL	Reception centres	Reception centres	-	2,224	1,919
SE	-	Migration Agency housing, Private accommodation, special accommodation	Stadiums, halls, tents	:	181,890
UK	Initial accommodation centres	Private accommodation (Section 95)	Hotels	32,632	33,417
CH	Federal reception and processing centres	Private housing at cantonal level, Zurich test centre (not counted)	Remote locations	4,232	3,352
SR	Asylum centre	Asylum centres	Temporary reception centre	1,060	:
TR	-	Reception and accommodation centres	-	850	:
	-	Temporary accommodation centres (camps)	-	:	282,921

Source: Information provided by AIDA experts. See Annex IV. Emergency reception facilities are not included in the total count of capacity and occupancy. For more information and breakdown of figures, see Annexes I, II and III. Capacity and occupancy rates refer to different dates for: Ireland (30 Sep 2015), Turkey (29 Feb 2016); Greece (12 Mar 2016).

The above information yields a number of important findings. Firstly, the complexity and wide diversity of Europe's reception systems pose significant barriers to obtaining comparable data. Differences in reception arrangements can well exist within a specific country as they do between countries. This is illustrated in the case of **Germany**, by far the principal destination for asylum seekers in 2015 and early 2016.⁵¹ Due to the competence of federal states in the provision of reception conditions, the framework and capacity of reception facilities can be widely distinct

51. A questionnaire was circulated to the Ministries of Federal States by Informationsverbund Asyl und Migration. Responses were provided by 10 authorities between mid-February and 2 March 2016.

from one Land to another. As federal states have resolved the issues of overcrowding and new arrivals through different measures, there has been no common policy in Germany as to whether new facilities are considered additional initial reception centres, emergency centres, or deemed part of the existing reception centres. Accordingly, no comparable information is available on the reception arrangements established across the whole country.

A partial overview of reception capacity in Germany may be drawn from information provided by the relevant authorities in 10 *Länder*:⁵²

Table 5: Reception capacity for asylum seekers in Germany: end 2015

Federal State	Number of centres	Capacity	Occupancy
Baden- Württemberg	29, plus branches of the central reception centre	42,266	31,066
Bavaria	9, plus branches and emergency shelters	:	22,600
Brandenburg	1, plus 11 branches and emergency shelters	6,271	:
Bremen	1	1,700	1,700
Hesse	4, plus 29 branches and emergency shelters	:	23,514
Mecklenburg-Vorpommern	1, plus 2 branches and shelters	4,200	1,618
North Rhine – Westphalia	5 initial reception centres, 24 central accommodation centres, 265 emergency shelters	85,193	35,582
Rhineland-Palatinate	26	14,600	10,500
Saxony	41	18,997	7,759
Thuringia	10	7,000	4,257

Source: Correspondence between Informationsverbund Asyl und Migration and Press Offices of the responsible Ministries of Federal States, upon request between mid-February and 2 March 2016.

- Data for Berlin, Hamburg, Lower Saxony, Saarland, Saxony-Anhalt and Schleswig-Holstein was not provided.
- Information for Brandenburg valid as of 19 January 2016, North Rhine – Westphalia as of 12 January 2016, Baden-Württemberg and Thuringia as of 4 January 2016.

Secondly, the situation of reception systems in 2015 indicates critical disparities in the respective capacities of European countries to accommodate asylum seekers on their territory. These discrepancies are all the more concerning when seen in the light of states' relative absorption capacities. To illustrate, the "distribution key" established by the European Commission in relation to relocation could serve as an example of EU Member States' reception capacity on the basis of criteria including population size, gross domestic product, unemployment rate and average number of previously received asylum applications.⁵³ Against that reference, several Member States' reception systems appear to be very far from sufficient to meet what would be their respective share of asylum seekers under the distribution key. For example, **Bulgaria** (1.25%), whose reception system makes for a total of 5,130 places, has a lower share than **Croatia** (1.73%), which has a total reception capacity not exceeding 700. Similarly, **Sweden** and **Austria**'s reception systems totalled 181,890 and 78,884 places at the end of last year. Yet their respective share under the distribution key was 2.92% and 2.62%, much lower than that of **Poland** (5.64%), where only 2,224 reception places are available, or **Spain** (9.10%), which can only accommodate 2,648 persons.

The limited available data on reception systems undoubtedly reveal an unequal distribution of accommodation capacity for asylum seekers across Europe. Despite the existence of a Common European Asylum System (CEAS) largely imposing the same set of obligations on EU Member States, several countries have been less prepared than others to develop sufficiently resilient systems so as to respond to high influxes of refugees and migrants, even in the aftermath of the "refugee crisis" in 2015. This issue has prominently figured in political debates in the EU and beyond.

52. In the first two months of 2016, 120,642 applications have been received: BAMF, *Asylum statistics February 2016*, available in German at: <http://bit.ly/1U16Ti0>.

53. European Commission, *Proposal for the Relocation Decision*, COM(2015) 286, 27 May 2015, Annex. It should be noted that the average number of applications refers to the period 2010-2014.

CHAPTER II
RECEPTION WHERE? KEY EUROPEAN DEBATES 2015-2016

CHAPTER II: RECEPTION WHERE? KEY EUROPEAN DEBATES 2015-2016

“Irregular flows of migrants along the Western Balkans route have now come to an end.”⁵⁴

The summer of 2015 and its aftermath have brought refugees to the forefront of European leaders and public opinion’s attention. This period has been marked by a long series of events at national and international level: Germany’s announcement of a welcoming stance towards Syrian refugees, to whom the Dublin Regulation would not be applied; Hungary’s restrictive asylum reform and closure of borders; uncountable incidents in the Mediterranean Sea, leading Europe to worryingly accustom itself to the tragic loss of life; the reintroduction of border controls in Slovenia, Austria, Germany, Sweden, Denmark and Belgium, and the frequent debate on the future of the Schengen area; and the EU agreement with Turkey to stem the flow of irregular arrivals into Europe, are only a few examples.

Numerous legislative proposals and policy initiatives have stemmed from the European Agenda on Migration⁵⁵ during this period, with notable implementation packages and monitoring reports tabled on 27 May, 9 September, 15 December 2015, 10 February and 4 March 2016 by the Commission.⁵⁶ Moreover, a number of engagements with non-EU countries have highlighted the strong external dimension of the asylum debate. Elements relevant to reception in these discussions are examined in detail below.

1. Calls for increase in reception capacity: “Hotspots” and the Western Balkan Summit

The recent initiatives for the relocation of asylum seekers within the EU, leading to two Relocation Decisions adopted by the Council in September 2015,⁵⁷ have triggered particular attention on frontline Member States’ reception systems. The EU draws clear political linkages between reception capacity in frontline Member States, benefitting from solidarity measures, and the success of the relocation and “hotspot” projects. To that end, the Commission urged **Italy** and **Greece** not only to identify the entry points where “hotspots” would be established, but also to increase reception capacity with a view to hosting asylum seekers who would be relocated.⁵⁸ This approach seems to over-emphasise in particular the need for additional reception capacity reception for those few who would be eligible under the Relocation Decisions rather than to all asylum seekers, as required by the EU acquis.

The effort to boost reception capacity in countries of entry and transit seems echoed by subsequent political commitments by European leaders. On 25 October 2015, a High Level Conference on the Eastern Mediterranean – Western Balkans route gathered selected leaders from EU Member States and Western Balkan countries (Albania, Austria, Bulgaria, Croatia, FYROM, Germany, Greece, Hungary, Romania, Serbia and Slovenia) with the aim of reaching common operational measures to address the influx of refugees. The outcome of the meeting was a 17-point plan, containing among others recommendations on a boost of reception capacity by 100,000 places along the Balkan route:⁵⁹

- Greece committed to increasing its reception capacity to 30,000 places by the end of 2015 and to supporting UNHCR in providing rent subsidies for another 20,000 places as “a pre-condition to make the emergency relocation scheme work”.⁶⁰
- Leaders agreed to cooperate with UNHCR with a view to establishing 50,000 new reception places along the

54. Council of the European Union, *Meeting of the EU Heads of State or Government (Brussels, 7 March 2016) Statement*, available at: <http://bit.ly/1RxLZ46>, para 2. This draft statement agreed by the Committee of Permanent Representatives (COREPER) initially included a sentence stating “this route is now closed”, which was removed from the final version: see SN 26/16.

55. European Commission, *European Agenda on Migration*, COM(2015) 240, 13 May 2015. For an analysis, see AIDA, *Common asylum system at a turning point: Refugees caught in Europe’s solidarity crisis*, Annual Report 2014/2015.

56. For a full list of European Commission documents, see: <http://bit.ly/1Nx3wg1>.

57. Council Decisions (EU) 2015/1523 and 2015/1601 of 14 and 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece, OJ 2015 L239/146 and L248/80.

58. European Commission, *Managing the refugee crisis: State of play of the Implementation of the Priority Actions under the European Agenda on Migration*, COM(2015) 510, 14 October 2015, 4.

59. European Commission, *Meeting on the Western Balkans Migration Route: Leaders Agree on 17-point plan of action*, IP/15/5904, 25 October 2015.

60. See also Greek Ministry of Interior and Administrative Reconstruction, ‘Signature of declaration for the creation of 20,000 accommodation places’, 14 December 2015, available in Greek at: <http://bit.ly/1PCTMwx>.

Western Balkan route. In a follow up video-conference, states clarified that these places would be secured by pledges, while the following places were offered: ⁶¹

Date of pledge	Country	Number of places committed
29 October 2015	Austria	5,000
2nd Video Conference	Serbia	3,000
	Croatia	2,000
	Slovenia	2,000
4 November 2015	Serbia	3,000
3rd Video Conference	Croatia	3,000
	Total pledges	18,000

In December 2015, the European Council renewed its commitment to seeing through the implementation of these actions through operational follow up.⁶² In fact, European countries continued to liaise on the aforementioned objectives through a number of video-conferences chaired by the Cabinet of the President of the European Commission, ten of which had been completed by the end of the year. The outcomes of only some of these meetings are publicly available.⁶³ However, the state of implementation of the Western Balkan Summit conclusions remains ambiguous in the light of recently initiated parallel political discussions. Four months later, on 24 February 2016, Austria held a meeting gathering Bulgaria, Croatia, Albania, Bosnia-Herzegovina, Kosovo, FYROM, Montenegro and Serbia – a group composition different from that of the October summit – to discuss measures to curb the number of entrants.⁶⁴ The notable absence of concerned countries from the debate caused reactions from Greece, but also Germany and the European Commission. Moreover, no information on the follow-up to the Western Balkan Summit has been made available after January 2016.

1.1. Reception and the “politics of numbers”: the case of Greece⁶⁵

Against the backdrop of an agreed target of 30,000 reception places by the end of 2015, the case of reception capacity in Greece requires closer attention in view of the conceptual difficulties discussed in Chapter I, Section 1. Recent assessments of the country’s reception capacity seem to illustrate the “politics of numbers” underpinning EU discourse.⁶⁶

The 30,000 figure was set as a general target at the Western Balkans Summit, without detailing what type of reception facilities should be established in Greece and thus whether the increase in capacity would be aimed at better hosting the newly arrived for brief time-periods (“first-line reception”) or at creating appropriate conditions for asylum seekers staying in the country (“second-line reception”). The European Commission later explained that the five “hotspots” on the Aegean islands would make up a total of 7,000 places,⁶⁷ available to host migrants upon arrival in the country. On 10 February 2016, the Commission reported an overall capacity of 17,628 places, including 7,181 on the five “hotspots” and an additional 10,447 places on the mainland.⁶⁸

On 4 March, the Commission deemed that the Western Balkan Summit target was met by Greece, as its reception capacity rose to 34,419 places, which are expected to become 38,619 when two centres are expanded.⁶⁹ When compared to the situation described by the previous report in December, however, the Commission’s figures reveal

61. European Commission, *Progress following Western Balkans Route Leaders’ Meeting: Contact Points Video Conference*, IP/15/5952, 29 October 2015; *Second Contact Points Video Conference*, IP/15/6003, 5 November 2015.
62. European Council, *Conclusions on migration*, 17 December 2015, para 1(g).
63. Following press releases on the first, second and third video conference, the next press release concerned the tenth video conference. The outcome of the twelfth video conference is also not available.
64. New York Times, ‘Austria and 9 Balkan States agree on steps to address refugee crisis’, 24 February 2016, available at: <http://nyti.ms/1p52azn>.
65. The following analysis builds on ECRE, *Comments on the European Commission Recommendation relating to the re-instatement of Dublin transfers to Greece*, February 2016, available at: <http://bit.ly/1OzZ1fn>.
66. For a discussion of the term, see P Andreas and K Greenhill, *Sex, Drugs and Body Counts: The Politics of Numbers in Global Crime and Conflict* (Cornell University Press, 2010).
67. European Commission, *Progress Report on the Implementation of the hotspots in Greece* (hereafter “Hotspot Progress Report Greece”), COM(2015) 678, 15 December 2015, 13.
68. European Commission, *Annex to the Communication on the state of play of implementation of the priority actions under the European Agenda on Migration: Greece – State of play report* (hereafter “2nd Hotspot Progress Report on Greece”), COM(2016) 85, 10 February 2016, 8.
69. European Commission, *Progress Report on the Implementation of the hotspots in Greece* (hereafter “3rd Hotspot Progress Report Greece”), COM(2016) 141, 4 March 2016, 17. Note, however, a contradictory statement by German Chancellor Angela Merkel: <http://reut.rs/1LHaFKO>.

concerning discrepancies:

Type of reception	Progress report 15 Dec 2015	Progress report 10 Feb 2016	Progress report 4 Mar 2016
Hotspots			
First reception	4,500	7,181	5,500 in hotspots 4,433 outside hotspots
Mainland Greece			
First-line reception	0	1,840	17,906 "open reception facilities"
Assisted voluntary return reception	0	110	
Temporary facilities (Eidomeni)	1,500	1,600	
Second-line reception	2,900 in Athens	1,190	1,221
Pre-removal (detention)	5,400	5,707	5,359
Total	14,300	17,628	34,419

Source: European Commission, *Hotspot Progress Report on Greece*, 15 December 2015, 13; *2nd Hotspot Progress Report on Greece*, 10 February 2016, 8; *3rd Hotspot Progress Report on Greece*, 4 March 2016, 17.

Particularly as regards reception in the mainland, the 1st Hotspot Progress Report made a questionable reading of "second-line reception" capacity in Greece, mentioning a total of 2,900 places in Elaionas, Elliniko and Palaio Faliro, all located in the wider region of Athens.⁷⁰ It need, however, be highlighted that none of the aforementioned structures may properly be considered as a centre apt to secure "second-line" reception of asylum seekers:

- "Elaionas" refers to a temporary accommodation centres for the newly arrived, established at the end of the summer of 2015 to host approximately 600 persons. Similar to observations on the "hotspots" above, this centre was managed by the First Reception Service and was originally foreseen to operate until 31 December 2015.⁷¹ Under a new Joint Ministerial Decision, the centre will continue to operate as a temporary accommodation facility until 31 March 2016.⁷² Following the recent reform of the Greek reception system, it is expected to operate as a Temporary Hosting Facility (Δομή Προσωρινής Φιλοξενίας) for persons who have not applied for asylum.⁷³
- "Palaio Faliro" refers to an Olympic Games Tae Kwon Do stadium which started operating as temporary accommodation centre for refugees and migrants in November 2015.⁷⁴ The Palaio Faliro Tae Kwon Do stadium took over from the (now closed) Olympic Games gymnasium in Galatsi (Παλαί Γαλατσίου).⁷⁵ In mid-December, however, plans were made for the transfer of residents to another facility in order for the stadium to be available for sports events.⁷⁶ After this transfer, Palaio Faliro stopped operating as an emergency accommodation centre.
- "Elliniko" refers to an Olympic Games hockey field where migrants and asylum seekers were transferred in mid-December 2015 from the Palaio Faliro stadium.⁷⁷ Two new sites, a baseball pitch and the "departures building", are also used as of the end of February 2016. The functioning of Elliniko is not governed by an establishment act.⁷⁸

The classification of Elaionas, Palaio Faliro and Elliniko as second-line reception facilities is undoubtedly a mis-

70. European Commission, *1st Hotspot Progress Report Greece*, 13.

71. Greek Joint Ministerial Decision 3/5262 "Establishment of open reception facility for asylum seekers, vulnerable groups of third-country nationals in Elaionas, Attica", Official Gazette 2065/B/18-09-2015.

72. Greek Joint Ministerial Decision 3/8784 "Extension of operation of open reception facility for asylum seekers, vulnerable groups of third-country nationals in Elaionas, Attica", Official Gazette 2906/B/31-12-2015.

73. Articles 6 and 8 Greek Law 3907/2011, as amended in February 2016.

74. See e.g. in.gr, 'Στο γήπεδο του Τάε Κβον Ντο θα φιλοξενούνται οι πρόσφυγες και μετανάστες', 23 November 2015, available in Greek at: <http://bit.ly/239PW87>.

75. FRA, *Weekly data collection on the situation of persons in need of international protection: Update 8*, 16-20 November 2015, available at: <http://bit.ly/1qJ6ZO>, 26.

76. See e.g. Greek Ministry of Interior and Administrative Reconstruction, 'Joint Statement of Alternate Minister for Migration and Mayors of Elliniko-Argyroupoli, Glyfada and Alimos on the temporary hosting of refugees and migrants', 15 December 2015, available in Greek at: <http://bit.ly/1P6wQIm>; I Efimerida, 'Την Πέμπτη οι πρόσφυγες στο Ελληνικό – έτσι θα είναι οι χώροι', 16 December 2015, available in Greek at: <http://bit.ly/1V1jzCH>.

77. See e.g. Greek Ministry of Interior and Administrative Reconstruction, 'Joint Statement of Alternate Minister for Migration and Mayors of Elliniko-Argyroupoli, Glyfada and Alimos on the temporary hosting of refugees and migrants', 15 December 2015, available in Greek at: <http://bit.ly/1P6wQIm>; I Efimerida, 'Την Πέμπτη οι πρόσφυγες στο Ελληνικό – έτσι θα είναι οι χώροι', 16 December 2015, available in Greek at: <http://bit.ly/1V1jzCH>.

78. Iefimerida.gr, "Νέος καταυλισμός προσφύγων στο Ελληνικό -Εστησαν σκηνές στο γήπεδο του baseball", 29 February 2016, available in Greek at: <http://bit.ly/1Lk0FYh>.

representation of their framework, if any, and function in practice. Regrettably, the Commission failed to specify in its February and March 2016 reports that Elaionas and Elliniko have been revised as first-line reception facilities.

Even more concerning is the ambiguous projection of figures by the 3rd Hotspot Progress Report in March. The Commission mentions 17,906 places in “open reception facilities”, in which it regroups among others the hockey stadium in Elliniko and the rub hall and tent camp in Eidomeni, without specifying their capacity in detail. While the latter is not counted by Greek authorities as a reception facility, as seen below, it should be highlighted that these so-called open reception facilities cannot be considered as sites guaranteeing applicants an adequate standard of living, as per the recast Reception Conditions Directive.⁷⁹

Moreover, the inclusion of 5,359 places (down from 5,400 in December and 5,707 in February) in pre-removal detention in the country’s overall reception capacity is equally misleading when portrayed as “reception”; interestingly, the same was not done by the Commission for **Italy** in its respective report.⁸⁰

Hence, the 34,419 figure presented by the 3rd Hotspot Progress Report on Greece rests on a highly misleading representation of Greece’s reception capacity. It is also contradicted by statistics published by the Greek Coordination Authority for the Management of the Refugee Crisis one week later, which estimate the country’s maximum capacity at 30,820 places:

Type of reception	Capacity Progress report 4 Mar	Capacity Greek gov. 12 Mar	Occupancy Greek gov. 12 Mar
Hotspots			
Lesvos	2,600	3,500	4,774
Moria	1,500	1,500	
Kara Tepe	1,100	1,500	
Other	-	500	
Chios	1,100	1,100	1,856
Samos	850	850	947
Leros	1,000	1,000	48
Kos	1,000	1,000	79
Total hotspots	5,500	7,450	7,736
Total islands	9,933	7,450	7,736
Mainland Greece			
Open reception facilities	17,906	23,370	33,728
Elaionas	:	700	709
Elliniko	:	4,000	4,069
Schisto	:	4,000	1,970
Diavata	:	2,500	1,958
Cherso	:	4,000	3,674
Nea Kavala	:	4,000	3,273
Nea Karvali	Omitted	1,000	800
Kozani	Omitted	400	393
Fthiotida	Omitted	400	260
Trikala	200	200	200
Larisa	400	400	400
Attiko Alsos	:	Omitted	Omitted
Orestiada	:	Omitted	Omitted
Eidomeni	:	Not counted	12,000
Piraeus port	Omitted	Not counted	2,448
Agios Andreas	Omitted	120	139
Malakasa	Omitted	1,000	700
Eleftheroupoli	Omitted	210	0
Kozani	Omitted	400	413
Konitsa	Omitted	150	150
Drama	Omitted	500	355
Second-line reception	1,221	Omitted	Omitted
Pre-removal (detention)	5,359	Omitted	Omitted
Total mainland	24,486	23,370	33,728
Total	34,419	30,820	41,464

79. Article 18(1) recast Reception Conditions Directive.

80. See European Commission, *Progress Report on the Implementation of the Hotspots in Italy* (hereafter “Hotspot Progress Report on Italy”), COM(2015) 679, 15 December 2015, 10. Under the “reception capacity” heading, the report only mentions SPRAR, CARA and CAS.

Sources: 3rd Hotspot Progress Report, 17; Greek Coordination Authority for the Management of the Refugee Crisis, *Overview of refugee flows as of 08:00 on 12 March 2016*, available in Greek at: <http://bit.ly/1XmQ53g>.

Moreover, as far as the additional 20,000 places in hotel vouchers and rent subsidies are concerned, UNHCR reported to have secured 1,000 places as of the end of 2015,⁸¹ while an agreement for a further 12,150 places was committed to throughout 2016 through the establishment of 150 hotel vouchers and 2,400 apartments.⁸² As of 4 March 2016, a total of 2,788 places had been made available by NGO Praksis through hotel vouchers and apartments.⁸³ These places too, however, seem to be primarily directed towards persons eligible for relocation, who are expected to stay in Greece for short periods of time pending their transfer to another Member State.⁸⁴

Asylum seekers falling outside the scope of the Relocation Decisions are therefore likely to find themselves unable to benefit from both newly established reception places and UNHCR's rent subsidy programme. As highlighted by Greek NGOs, persons applying for international protection in Greece can find stable accommodation in one of the country's 17 reception centres, whose total capacity is below 1,500 places.⁸⁵ Despite the general capacity figure of 34,419 places, the Commission confirmed in March that dedicated facilities for asylum seekers are at a capacity of 1,221 places.⁸⁶

Similar observations should be made in respect of the assessment of reception capacity in Italy. The official capacity of the Italian reception system was presented as 103,792 places at the end of the year, or 105,248 as of 17 February 2016.⁸⁷ However, Emergency Reception Centres (CAS) make up for the majority of reception places in the country; 76,683 places (nearly ¾) out of the total 103,792 were provided in CAS at the end of last year.⁸⁸ Accordingly, capacities to provide appropriate accommodation for applicants for international protection in Italy are much lower than the projection made by overall figures. The SPRAR system, where asylum seekers should stay during their procedure, had a capacity of 19,715 places at the end of 2015.⁸⁹

The risks attached to misrepresentations of reception capacity in Greece are all the more critical given the peculiar interplay of the Dublin system in the Greek asylum system. Though the finding of European Courts in 2011 that the asylum procedure and reception conditions in the country are such as to expose asylum seekers to inhuman and degrading treatment, thereby rendering Dublin transfers to Greece contrary to human rights obligations,⁹⁰ recent efforts to promote solidarity between Member States have been accompanied by political impetus to bring Greece 'back to business' as far as the Dublin Regulation is concerned. The European Commission announced in September 2015 its intention "to prioritise the normalisation of the situation [in Greece] and a return to the Dublin system within the next six months", through an unequivocal commitment to "restoring normalcy and taking all measures in Greece needed so that Dublin transfers to Greece can be reinstated within six months".⁹¹

This was reiterated in a follow-up Communication in October, detailing the Commission's evaluation process. The Commission would assess the situation in Greece by 30 November 2015 and, if all conditions were met, would recommend a reinstatement of Dublin transfers to the European Council either in December 2015 or in March 2016.⁹² A Recommendation to Greece was adopted on 10 February 2016,⁹³ setting out urgent measures that should be implemented by Greece in the areas of reception capacity, living conditions, access to the asylum procedure, appeals and staffing of authorities, with a view to the possible resumption of some Dublin transfers. By 4 March 2016, Greece was expected to report on these measures so as to enable Member States' courts to assess whether

81. European Commission, *Progress following Western Balkans Route Leaders' Meeting: Eleventh Contact Points Video Conference*, IP/16/30, 8 January 2016.

82. European Commission, *Progress following Western Balkans Route Leaders' Meeting: Thirteenth Contact Points Video Conference*, IP/16/148, 22 January 2016.

83. European Commission, *3rd Hotspot Progress Report Greece*, 17.

84. See to that effect European Commission, 'Joint Declaration on the support to Greece for the development of the hotspot / relocation scheme as well as for developing asylum reception capacity', STATEMENT/15/6309, 14 December 2015.

85. AIDA Country Report Greece: Fourth Update, November 2015, 76-77. As of 30 September 2015, capacity was reported at 1,271 places.

86. European Commission, *3rd Hotspot Progress Report on Greece*, 17.

87. Information provided by ASGI, 3 March 2016. See also Italian Ministry of Interior, *Reception statistics March-December 2015*, available in Italian at: <http://bit.ly/1Y97KMY>.

88. *Ibid.*

89. *Ibid.*

90. ECtHR, *MSS v Belgium and Greece*, Application No 30696/09, Judgment of 21 January 2011; CJEU, *Joined Cases C-411/10 and C-493/10 NS v Secretary of State for the Home Department*, Judgment of 21 December 2011.

91. European Commission, *Managing the refugee crisis: immediate operational, budgetary and legal measures under the European Agenda on Migration*, COM(2015) 490, 23 September 2015, 11-12.

92. European Commission, *Managing the refugee crisis: State of Play of the Implementation of the Priority Actions under the European Agenda on Migration*, COM(2015) 510, 14 October 2015, 12.

93. European Commission, *Recommendation addressed to the Hellenic Republic on the urgent measures to be taken by Greece in view of the resumption of transfers under Regulation (EU) No. 604/2013*, C(2016) 871, 10 February 2016.

the reinstatement of transfers would be lawful.⁹⁴ The Commission will submit its own assessment of the legality of Dublin transfers in June 2016.⁹⁵

Yet such a reinstatement of Dublin transfers to Greece would prove problematic in more than one respect. Firstly, a state of affairs whereby international protection applicants are transferred out of Greece under the emergency relocation scheme (which still operates at very meagre levels), while others are returned to Greece under Dublin, would be highly counter-intuitive to the aim of alleviating pressure on the Greek asylum system; similar flaws in previous relocation schemes such as the intra-EU Relocation from Malta (EUREMA) pilot project would testify to this.⁹⁶ Quite to the contrary, it could result in placing Greek authorities under even more severe strain in view of the number of asylum seekers who are potentially returnable under the Dublin Regulation. The class of potential returnees should not be underestimated, recalling that out of 856,723 persons arriving by sea in the country in 2015,⁹⁷ only 13,197 (about 1.5%) applied for international protection,⁹⁸ while during the first two months of this year, only 2,641 persons (less than 2.1%)⁹⁹ applied for asylum out of a total 126,166 arrivals by sea.¹⁰⁰ UNHCR's recommendation to return people to Greece under Dublin in order for them to apply for relocation – and thus be transferred out again – is an equally flawed proposition.¹⁰¹

Secondly, bearing in mind the possibility of a legislative proposal for a substantial revision of the Dublin Regulation announced to be tabled by the Commission in April 2016, to push for the reinstatement of transfers to Greece would effectively mean to reinforce the operation of a responsibility-allocation mechanism widely recognised as faulty. If the defects of the current Dublin system have been acknowledged by courts, Member States and the Commission itself, ahead of a legislative overhaul, there seems little reason to take drastic measures to enforce them shortly before they disappear. In that sense, the intention to restore Dublin “normalcy” in the case of Greece does not find justification in protection or solidarity rationales.

1.2. Reception along the Balkan route

As regards the creation of 50,000 places along the Balkan route, the Commission reported on 10 February 2016 that “around half of this figure is currently available or being developed”.¹⁰²

Serbia committed to creating 6,000 additional reception places by the end of 2015.¹⁰³ However, as of the end of February 2016, no official steps had been taken for the creation of additional facilities, as political discussions on the issue had not yet led to concrete measures.¹⁰⁴ Reception places for asylum seekers remain at a total of 1,060 in the existing 5 Asylum Centres throughout the country.

Croatia, for its part, announced the establishment of 5,000 reception places.¹⁰⁵ However, the only accommodation facility delivered since that commitment is the Temporary Admission Centre in Slavonski Brod. On one hand, this centre was already foreseen prior to the Western Balkan Summit as a winterisation measure to replace the one operating in Opatovac.¹⁰⁶ On the other hand, Slavonski Brod can host up to 5,000 persons, yet only for very short stays; as explained by the Croatian Ministry of Interior, the centre aims to provide shelter for migrants for one to two days.¹⁰⁷ In that light, Croatia's limited capacity to accommodate asylum seekers in the longer term has remained unaffected at a total of 700 places in two Reception Centres for Asylum Seekers.

94. European Commission, *Implementing the European Agenda on Migration: Progress on Priority Actions*, IP/16/271, 10 February 2016.

95. European Commission, *Back to Schengen – A Roadmap*, COM(2016) 120, 4 March 2016, 8.

96. See EASO, *Fact-finding report on intra-EU relocation activities from Malta*, July 2012, available at: <http://bit.ly/1Xnu88x>.

97. UNHCR, *Refugees/Migrants Emergency Response – Mediterranean*.

98. Greek Asylum Service, *Asylum Statistics 2015*, available at: <http://bit.ly/1OukycW>.

99. Greek Asylum Service, *Asylum Statistics February 2016*, available at: <http://bit.ly/1TYwc2Z>.

100. UNHCR, *Refugees/Migrants Emergency Response – Mediterranean*.

101. See UNHCR, *Stabilizing the situation of refugees and migrants: Proposal to the Meeting of EU Heads of State or Government and Turkey on 7 March 2016*, 4 March 2016, available at: <http://bit.ly/1pq4mla>, 2-3.

102. European Commission, *Implementing the European Agenda on Migration: Progress on Priority Actions*, IP/16/271, 10 February 2016.

103. European Commission, *Progress following Western Balkans Route Leaders' Meeting: Contact Points Video Conference*, IP/15/5952, 29 October 2015; *Second Contact Points Video Conference*, IP/15/6003, 5 November 2015.

104. AIDA Country Report Serbia, March 2016, 27-28.

105. European Commission, *Progress following Western Balkans Route Leaders' Meeting: Contact Points Video Conference*, IP/15/5952, 29 October 2015; *Second Contact Points Video Conference*, IP/15/6003, 5 November 2015.

106. Croatian Ministry of Interior, *October 2015: Reception and accommodation of migrants*, 21 October 2015, available at: <http://bit.ly/1p1xjmX>. See also ECRE, *Western Balkans News Brief 30 October – 6 November 2015*.

107. *Ibid.*

The case of **Austria** seems to be different from other countries along the route. In December, the Commission stated that Austria “has increased its capacity by 16,000 places since the Leaders’ Meeting, increasing the capacity to almost 74,000 places.”¹⁰⁸ The Commission did not clarify whether these places concern reception centres for asylum seekers staying in the country or transit centres (Transitquartiere); as the same report later conceded, the latter is not in line with states’ commitment to integrating refugees and preventing their onward movement.¹⁰⁹ As reported by the Austrian Ministry of Interior, however, the total number of persons hosted in the reception system at the end of 2015 was 78,884 at the end of 2015.¹¹⁰ This figure includes 56,896 applicants for international protection, while the remainder refers to refugees and beneficiaries of subsidiary protection.¹¹¹

Accordingly, without prejudice to the rapid expansion of Austria’s reception capacity, the achievement of the 50,000-place target along the Balkan route seems not to be realistic in the foreseeable future. The Commission’s affirmation in February 2016, that “reception capacity [is] short of target and [there is] no immediate plan/political will to fill the gap in order to reach this global target”, tells as much.¹¹²

2. The EU-Turkey Action Plan and containment of refugees outside the Union

The most vivid and potentially far-reaching illustration of the EU’s efforts to prevent refugees from arriving in its Member States was the renewed political drive for cooperation with Turkey.

An EU-Turkey Joint Action Plan¹¹³ was agreed on 15 October 2015 and activated following an EU-Turkey Summit on 29 November 2015.¹¹⁴ The plan contains a number of actions, mainly revolving around EU support to Turkey in hosting Syrian refugees – who benefit from its temporary protection regime – and Turkish action to prevent irregular exits towards the EU. In terms of reception, Turkey has committed to effectively implementing its Law on Foreigners and International Protection (LFIP), to identifying vulnerable people and to providing adequate living conditions to Syrians under its temporary protection regime.

It should be noted that the EU’s involvement in the design and development of Turkey’s asylum and reception system is not a new phenomenon. For instance, the construction of Reception and Accommodation Centres, aimed at hosting applicants for international protection – therefore excluding those fleeing Syria – was foreseen through an 80% co-financing rate by the European Commission.¹¹⁵ Six such centres were to be built and become operational in 2015 in Izmir, Kirklareli, Gaziantep, Erzurum, Kayseri and Van. These would bring another 2,250 accommodation places to the country’s meagre reception system for international protection applicants, which now only counts 100 places in one centre in Yozgat.¹¹⁶

However, the promises of the EU-Turkey Action Plan seem to have created perverse effects vis-à-vis Turkey’s capacity to accommodate refugees and asylum seekers. Following the 29 November 2015 summit, Turkey and the EU have agreed to re-purpose five of the aforementioned centres (except Erzurum) to become pre-removal detention centres.¹¹⁷ Accordingly, following the completion of Erzurum, no more than 850 asylum seekers have access to state-run reception facilities in Turkey. As discussed in Chapter III, Section 1, the majority of Turkey’s large asylum seeker population, estimated at 141,059 applicants,¹¹⁸ run high risks of destitution while navigating a largely dysfunctional international protection procedure.

The severe shortcomings in reception conditions, among other factors, question the presumption of Turkey as a

108. European Commission, *Report on the follow up to the Leaders’ Meeting on refugee flows along the Western Balkan route*, COM(2015) 676, 15 December 2015, 5.

109. *Ibid.*, 6.

110. Reply to Austrian parliamentary question 7267/AB, 24 February 2016. Information provided by Asylkoordination Österreich, 2 March 2016.

111. *Ibid.*

112. European Commission, *Annex to the Communication on the State of play of implementation of the priority actions under the European Agenda on Migration: Follow up to Western Balkans Leaders’ Meeting – State of Play report*, COM(2016) 85, 10 February 2016, 3.

113. European Commission, *EU-Turkey joint action plan*, MEMO/15/5860, 15 October 2015.

114. European Council, *Meeting of heads of state or government with Turkey – EU-Turkey statement*, 29 November 2015, available at: <http://bit.ly/1MYgFdg>.

115. AIDA Country Report Turkey: First Update, December 2015, 76.

116. *Ibid.*, 75.

117. *Ibid.*, 76.

118. European Commission, *EU-Turkey Joint Action Plan – Third implementation report*, COM(2016) 144, 4 March 2016, 6.

“safe third country” for asylum seekers, to which EU policymakers have recently lent their support. Much debate has sparked off around this issue following reports of a controversial plan by the Dutch Presidency of the Council to return all those irregularly arriving in Europe to Turkey, in exchange for a large-scale resettlement scheme that would see up to 250,000 refugees legally transferred to European countries.¹¹⁹ Turkey did not support such a proposal.¹²⁰

Nevertheless, following a Franco-German visit to Greece on 5 February 2016, ministerial statements from the Greek government declared Turkey to be indeed safe for asylum seekers to be returned thereto.¹²¹ The Commission has also hinted towards a “safe third country” presumption for Turkey on 10 February 2016 by holding that a geographical limitation to the Convention does not preclude a country from affording protection in accordance with the Convention.¹²² This presumption has been echoed by the Justice and Home Affairs Council of 25 February 2016, where Member States supported Greece’s intention to declare claims from applicants transiting through Turkey as inadmissible.¹²³

Finally, an EU-Turkey Summit held on 7 March 2016 has crystallised a collective political commitment “to return all new irregular migrants crossing from Turkey into the Greek islands”,¹²⁴ and resettlement of Syrians in exchange for their readmission by Turkey from the Greek islands among other measures taken in conjunction with the closure of the Western Balkan route, discussed below. This unequivocal call on deportations to Turkey raises real dangers of human rights abuse, as it may drive Member States to resort to collective expulsions and *refoulement* in practice.¹²⁵

3. Waving “wave-through” goodbye: the containment of refugees and migrants in Greece

Europe’s approach to the reception of refugees has traditionally shied away from models of encampment. The most notable example of large-scale reception structures in the EU is to be found in **Italy**, where the CARA of Mineo, Sicily hosts approximately 3,400 persons under overcrowded conditions.¹²⁶ Beyond the formal framework of accommodation, the “Jungle” makeshift camp in Calais, **France** counted up to 6,000 people at times.

However, proposals for larger-scale encampment of refugees initially emerged ahead of the Western Balkans Summit, where media reported that the European Commission and Germany had discussed the establishment of a large-scale camp hosting 40,000-50,000 refugees in Athens, where Frontex and UNHCR would be present;¹²⁷ the idea was at that stage rejected by **Greece**.¹²⁸ Proposals for mass encampment of refugees in Greece resurfaced in January 2016, under a – rapidly discarded – Belgian suggestion for a camp in Athens to host as many as 400,000 persons, expressed at the Informal Justice and Home Affairs Council held in Amsterdam.¹²⁹

Such models of encampment have been gaining further traction among policymakers, in view of the tendencies favouring the containment of refugees and migrants in Greece. While the Visegrad countries (Poland, Czech Republic, Slovakia and Hungary) have lent support to a “Plan B” to the refugee crisis through the closure of the

119. See Amnesty International, ‘Dutch plan for EU ‘refugee swap’ with Turkey is morally bankrupt’, 28 January 2016, available at: <http://bit.ly/1SlxMLE>; ECRE, ‘ECRE strongly opposes legitimising push-backs by declaring Turkey a “safe third country”’, 29 January 2016, available at: <http://bit.ly/1OVcmmh>.

120. EU Observer, ‘No migrant swap deal, says Turkey’, 11 February 2016, available at: <http://bit.ly/1Qagpil>.

121. Kathimerini, ‘Hot spot work intensifies as Greece agrees to recognize Turkey as “safe” country’, 5 February 2016, available at: <http://bit.ly/1PdC2KY>.

122. European Commission, *On the State of play of implementation of the priority actions under the European Agenda on Migration*, COM(2016) 85, 10 February 2016, 18.

123. Council of the European Union, *Justice and Home Affairs Council 25 February 2016: Main results*, available at: <http://bit.ly/1OzE3gT>.

124. Council of the European Union, *Meeting of the EU Heads of State or Government (Brussels, 7 March 2016) Statement*, available at: <http://bit.ly/1RxLZ46>, para 1.

125. See ECRE, *Memorandum to the European Council Meeting 17-18 March 2016: Time to save the right to asylum*, 11 March 2016, available at: <http://bit.ly/1RIQW4y>.

126. AIDA Country Report Italy: Fourth Update, December 2015, 71-72.

127. Der Spiegel, ‘EU-Mini-Gipfel: Merkel drängt auf Verteilung von Flüchtlingen’, 24 October 2015, available in German at: <http://bit.ly/23vNusQ>.

128. Proto Thema, ‘Μουζάλας: Ανησυχώ για όσα γράφτηκαν στο Spiegel για τον καταυλισμό στην Αθήνα’, 25 October 2015, available in Greek at: <http://bit.ly/1IWH2ZJ>.

129. See e.g. Kathimerini, ‘Creation of a refugee camp, migrant camp in Athens raised in EU summit, says Mouzalas’, 26 January 2016, available at: <http://bit.ly/1PmBd3C>; Al Jazeera, ‘Greece reacts to EU’s hard line on refugees’, 27 January 2016, available at: <http://bit.ly/1VtEKxw>.

Greek-FYROM border to prevent people from entering other European states,¹³⁰ a meeting gathering Austria, Bulgaria, Croatia, Albania, Bosnia-Herzegovina, Kosovo, FYROM, Montenegro and Serbia on 24 February 2016 agreed that those who are not “in proven need of protection” would be denied entry on the Greek border.¹³¹ This assessment would be left up to the individual countries concerned.¹³² On the very same day, as many as 12,000 refugees – nearly the total number of persons who applied for international protection in Greece last year – were stranded along the route to Eidomeni and the FYROM border.¹³³ This number rose to more than 36,000 as of 7 March.¹³⁴

The concession that states are prepared for the containment of refugees and migrants in Greece is echoed by the recent shift in the EU’s rhetoric. The European Council, which in December 2015 called for operational follow up to the Western Balkan Summit conclusions involving stronger reception along the entire Western Balkan route,¹³⁵ framed the issue differently in February 2016:

“[T]he continued and sustained irregular migrant flows along the Western Balkans route remain a grave concern that requires further concerted action and an end to the wave-through approach and to uncoordinated measures along the route, taking into account humanitarian consequences for Member States affected...”¹³⁶

With the end of the “wave-through approach”, the Western Balkan route has also come to an end. As the Commission conceded on 4 March:

“The wave-through approach is incompatible with Schengen and Dublin rules and encourages secondary movements and should be stopped. It also undermines the functioning of the relocation scheme, and it is thus one of the reasons for the poor implementation of the relocation decisions up to now.”¹³⁷

Three days later, the verdict was delivered at the EU-Turkey Summit: “irregular flows of migrants along the Western Balkans route have now come to an end.”¹³⁸ As a result of this, Member States have committed to supporting Greece in responding to the dire humanitarian situation developing on the ground.¹³⁹

An emergency action plan, prepared in early March by the Greek authorities in response to the potential complete closure of the Greek-FYROM border, aims to make provisions for the accommodation of 100,000 refugees and migrants. 50,000 will be hosted in reception facilities, while another 50,000 are to be accommodated in hotels and other structures near the country’s main cities.¹⁴⁰ It is unclear at this stage whether the 100,000 figure encompasses or should be distinguished from the 50,000-place target committed by Greece at the Western Balkan Summit, discussed above.

On 2 March 2016, the European Commission tabled a proposal for a Regulation governing the provision of emergency support within the EU,¹⁴¹ to be adopted by the Council on 15 March. A central feature of the Regulation is its direct character, as the humanitarian relief actions are to be carried out by the Commission or selected partner organisations; non-governmental organisations are also expressly mentioned as such.¹⁴² Financial assistance is thus to be provided directly to international organisations and NGOs without involving national authorities. This arrangement is aimed at circumventing many of the difficulties encountered in the disbursement and effective use of funds, often related to the complexity and bureaucracy of national funding mechanisms.

130. Euractiv, ‘Visegrad countries call for “alternative plan” to counter migration crisis’, 15 February 2016, available at: <http://bit.ly/1oFKkCG>.

131. New York Times, ‘Austria and 9 Balkan States agree on steps to address refugee crisis’, 24 February 2016, available at: <http://nyti.ms/1p52azn>.

132. In.gr, ‘Ανοίγει το χάσμα στην ΕΕ με την αυστρο-βαλκανική συνεννόηση στο προσφυγικό’, 25 February 2016, available in Greek at: <http://bit.ly/20WuEqA>.

133. Kathimerini, ‘Εγκλωβισμένοι 12.000 πρόσφυγες’, 24 February 2016, available in Greek at: <http://bit.ly/1S1izQC>.

134. Greek Coordination Authority for the Management of the Refugee Crisis, *Overview of refugee flows as of 09:00 on 7 March 2016*, available in Greek at: <http://bit.ly/1M2tT8H>.

135. Council of the European Union, *European Council Conclusions – 17 and 18 December 2015*, EUCO 28/15, para 1(g).

136. Council of the European Union, *European Council Conclusions – 18 and 19 February 2016*, EUCO 1/16, para 8(d).

137. European Commission, *Back to Schengen – A Roadmap*, 4 March 2016, 8.

138. Council of the European Union, *Meeting of the EU Heads of State or Government (Brussels, 7 March 2016) Statement*, available at: <http://bit.ly/1RxLZ46>, para 2.

139. *Ibid*, para 3(a)-(b).

140. In.gr, ‘Σχέδιο έκτακτης ανάγκης για φιλοξενία 100.000 προσφύγων στην Ελλάδα’, 1 March 2016, available in Greek at: <http://bit.ly/1nfdp6K>.

141. European Commission, *Proposal for a Council Regulation on the provision of emergency support within the Union* (hereafter “Proposal for an Emergency Support Regulation”), COM(2016) 115, 2 March 2016..

142. Article 2(4) Proposal for an Emergency Support Regulation.

Despite the European Commission's mobilisation to set up a mechanism of humanitarian assistance within the Union, the risks brought about by the emerging trends of encampment for those seeking asylum in Europe cannot be overstated. European countries are liable to impose further barriers to asylum seekers' already prevailing needs of local integration, and lead to fully-fledged protracted refugee situations in the continent's most affected areas.

The backdrop of a rising number of refugees and migrants with dire humanitarian and protection needs has prompted Europe to pursue various opportunities for deflection, in the absence of a well-studied, concerted response. The EU and its Member States have, on one hand, advocated for large-scale containment of refugees in Turkey, overlooking numerous protection gaps prevailing in the country's asylum and reception system. The implementation of the controversial "safe third country" presumption for Turkey, not least by Greece, risks an unconscionable compromise of Member States' obligations by exposing those in need of protection to severe human rights violations.

On the other hand, parallel to the externalisation of protection duties to Turkey, efforts are made to contain entrants in frontline EU countries. The unapologetic preparedness of several Member States to confine thousands of refugees and migrants in Greece illustrates the sharpness of European divisions in the refugee debate. Crucially, restrictive measures, including a potential reintroduction of Schengen border controls and a complete closure of the Greek-FYROM border, are coupled with recommendations towards a questionable reinstatement of Dublin transfers to Greece. The danger of a humanitarian disaster in Greece therefore faces a multi-faceted front.

CHAPTER III
THE CHALLENGES OF RECEPTION IN PRACTICE

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With the expiry of the deadline for the transposition of the recast Reception Conditions Directive in July 2015, more stringent obligations have become binding upon most Member States with regard to providing accommodation and other reception conditions to applicants for international protection. These include an explicit obligation to systematically identify vulnerable asylum seekers and cater for their special reception needs.¹⁴³ Yet the sharp increase in arriving asylum seekers, coupled with a lack of preparedness on the part of European asylum systems to adjust to higher numbers, has revealed more marked a divide than ever between the theory and reality of reception standards. The following section explores some of these challenges, with particular focus on the accommodation of asylum seekers.

1. Material conditions and the quality of accommodation

The considerable increase in the number of arrivals for the majority of European countries has placed reception capacities under strain.¹⁴⁴ A shortage of reception space, coupled with substandard living conditions, underpins asylum seekers' treatment in Europe from the very point of arrival:

Reception upon arrival in Europe: "hotspots" and beyond

Facilities dedicated to first reception of asylum seekers and migrants upon arrival under the "hotspot" approach often run the risk of exposing persons to substandard living conditions, contrary to the reception obligations of Member States.

Practice in **Italy**: The legal framework of reception centres in the existing and prospective locations hotspots has not been clarified; there is no precise information as to whether they would operate as "hotspot" centres or First Aid and Accommodation Centres (CPSA).¹⁴⁵ According to UNHCR, Pozzallo, Lampedusa and Trapani are operational as of the end of January 2016, while the hotspot procedure is already applied in Taranto.¹⁴⁶ It is therefore possible for the hotspot approach to be applied even in the absence of a dedicated ad hoc reception centre.¹⁴⁷

Pozzallo operates in Sicily as one of the country's "hotspots" since January 2016.¹⁴⁸ This "hotspot" has a capacity of 300 persons according to the European Commission.¹⁴⁹ However, a critical November 2015 report by Médecins Sans Frontières (MSF) noted particularly worrying conditions, not least due to overcrowding in the centre. Pozzallo faces serious problems of maintenance, leading to bug infestation, water infiltration and dampness on the walls, all of which create severe health risks for the residents.¹⁵⁰ Due to the conditions prevailing in the centre, MSF has taken the decision to withdraw from Pozzallo.¹⁵¹ These conditions are still prevailing in February 2016, according to Italian civil society organisations.¹⁵²

The Lampedusa hotspot was visited by a delegation of the Italian Senate in December 2015. Its report speaks of "barely decent" living conditions from the viewpoint of hygiene, with unsanitary and unheated bathrooms, and overcrowded dormitories leaving little room for people to move.¹⁵³

Practice in **Spain**: Under an arrangement predating the "hotspot" approach, persons irregularly entering the Span-

143. Article 22 recast Reception Conditions Directive.

144. For a discussion, see M Kegels, 'Getting the Balance Right: Strengthening asylum reception capacity at national and EU levels', February 2016, Migration Policy Institute Europe.

145. Information provided by ASGI, 3 March 2016.

146. *Ibid.*

147. ASGI, *Garantire i diritti degli stranieri soccorsi in mare e sbarcati*, 21 October 2015, available in Italian at : <http://bit.ly/24EpBjt>.

148. European Commission, *Annex to the Communication on the State of play of implementation of the priority actions under the European Agenda on Migration: Italy – State of play report* (hereafter "2nd Hotspot Progress Report on Italy"), COM(2016) 85, 10 February 2016, 2.

149. European Commission, *State of play of Hotspot capacity*, 12 January 2016, available at: <http://bit.ly/119LFiO>.

150. MSF, *Rapporto di Medici Senza Frontiere Sulle condizioni di accoglienza nel CPSA Pozzallo*, available at <http://bit.ly/1THaK01>. For a discussion, see AIDA Country Report Italy: Fourth Update, December 2015, 73.

151. Médecins Sans Frontières, 'Italy: MSF ends activities in Pozzallo reception centre,' 30 December 2015, available at: <http://bit.ly/1R7Grj4>.

152. Information provided by ASGI, 3 March 2016.

153. Italian Senate, *Rapporto sui centri di identificazione ed espulsione*, February 2016, available in Italian at: <http://bit.ly/1LDALyv>, 17.

ish territory from the enclaves of Ceuta and Melilla are placed in one of the two Migrant Temporary Stay Centres (CETI) before being transferred to the mainland. The two centres, counting a maximum capacity of 512 places in Ceuta and 480 in Melilla, face systematic problems of overcrowding. In October 2015, Melilla was hosting 1,156 persons, while its average occupancy in 2014 was 1,338 residents.¹⁵⁴ In both centres, this has led to unsatisfactory living conditions, while there is insufficient presence of interpreters and psychologists to cater for residents' basic needs.

Overcrowding is also reported in the **United Kingdom**, as the 6 Initial Accommodation Centres, set at a maximum capacity of 1,200 places, were hosting 1,985 asylum seekers at the end of 2015.¹⁵⁵ **Cyprus**, for its part, faced difficulties in providing appropriate reception as a result of a rapid increase in newly arriving persons following a sea rescue in September 2015. This emergency exposed planning and coordination flaws on the part of the authorities in ensuring preparedness to receive higher numbers, leading to a shortage in material supplies such as clothes, detergents, sanitation products and baby food in the country's main reception centre, Kofinou.¹⁵⁶

The precarious reception situation in **Hungary** merits particular attention. Following a sharp decrease in the number of arrivals ensuing the closure of the Serbian and Croatian borders after October 2015, the largest open reception in the country, Debrecen, was closed in December, while Nagyfa is planned to be closed down as well.¹⁵⁷ However, increasing restrictions in the passage along the Western Balkan route to Croatia and further afield – discussed in Chapter II, Section 3 – have led again to an increase in arrivals of refugees and migrants to Hungary in 2016.¹⁵⁸ Should this trend continue without any plan to establish additional reception centres, asylum seekers risk being exposed to situations of severe overcrowding; at the end of February, two of the four reception centres, Bicske and Vámosszabadi, were already overcrowded.¹⁵⁹

At the same time, for the first time in Hungary more people tend to be hosted in asylum detention centres compared to open centres; the respective occupancy of open centres and detention centres was 795 and 333 on 1 October 2015, but 432 and 435 on 31 January 2016.¹⁶⁰

On the other hand, **Bulgaria** has not witnessed overcrowding but a general deterioration in the quality of reception conditions offered to asylum seekers last year. In addition to a retroactive cessation of monthly financial allowances to applicants since February 2015, food was not provided three times a day in reception centres; only children were able to obtain pre-packaged breakfast pastries.¹⁶¹ The situation was not rectified until mid-December 2015.¹⁶²

1.1. Filling the gaps: state-provided emergency accommodation

Very often, due to the authorities' difficulty in promptly opening up new reception spaces for those navigating the asylum process, asylum seekers have been accommodated in transit or emergency facilities designed for very short stays. In countries such as **Italy**, the Emergency Reception Centres (CAS) have now been institutionalised as part of the reception system.¹⁶³ In **Spain**, the process of enlisting additional reception space in hotels and hostels has recently been institutionalised as the first phase of asylum seekers' reception. Under a Decree adopted in September 2015, this stage of reception can last for a maximum of 30 days, before applicants are placed in one of Spain's reception centres.¹⁶⁴ **Austria**, on the other hand, formally authorised the use of 8 barracks as emergency reception centres at the end of last year.¹⁶⁵

More frequently, such solutions have been sought by Member States as a matter of practice, with authorities find-

154. AIDA Country Report Spain, March 2016.

155. Information provided by the British Refugee Council, 1 March 2016. 137 persons were staying in Lynx House, Cardiff, whose capacity is 36 places: The Guardian, 'Cardiff council tells Lynx House to cut asylum seeker overcrowding', 29 February 2016, available at: <http://bit.ly/1oQyB4B>.

156. AIDA Country Report Cyprus: Second Update, November 2015, 52.

157. Information provided by the Hungarian Helsinki Committee, 2 March 2016.

158. In January 2016, Hungary registered 435 asylum applicants, compared to 230 in December 2015 and 325 in November: Eurostat, migr_asyappctzm.

159. Bicske, whose capacity is 439 places, hosted 650 persons at the end of February. Vámosszabadi hosted 256 persons on 25 February, even though its maximum capacity is 216: Information provided by the Hungarian Helsinki Committee, 2 March 2016.

160. *Ibid.*

161. AIDA Country Report Bulgaria: Fourth Update, October 2015, 46.

162. Information provided by the Bulgarian Helsinki Committee, 1 March 2016.

163. Article 11 Italian Legislative Decree 142/2015.

164. AIDA Country Report Spain, March 2016.

165. Regulation of the Austrian Minister of Interior for the establishment of several barracks as reception centres, 18 December 2015, BGBl. II Nr 432/2015, available in German at: <http://bit.ly/1QTCsKj>.

ing ad hoc accommodation structures for the newly arrived in tents, sports halls, concert halls, factories or even government offices; **Germany**¹⁶⁶ and **Sweden**¹⁶⁷ figure among the most notable examples. In Germany, while the availability of reception places marked slight improvements in January 2016, sanitary conditions remain worrying in overcrowded facilities, while the atmosphere prevailing in emergency centres is reported to be “frustrating and frightening as unannounced deportations can take place every day”.¹⁶⁸

While these emergency measures could fall within the cases envisaged by the recast Reception Conditions Directive, allowing Member States to “exceptionally” derogate from the regular modalities of material reception conditions when “housing capacities normally available are temporarily exhausted”,¹⁶⁹ accommodation in such facilities can only be permissible “for a reasonable period which shall be as short as possible”.¹⁷⁰ Asylum seekers should not be expected to remain in such structures beyond a brief initial period following arrival.

However, in **Austria**, applicants for international protection have been staying in transit centres (Transitquartiere), running in parallel to the country’s reception system as temporary stations for those transiting to Germany. Around the end of the year, this included over 7,000 asylum seekers,¹⁷¹ while an estimate of 5,000-6,000 was reported in January 2016.¹⁷² This number strongly indicates that, while pursuing a short-term reception purpose, the country’s transit reception system is systematically tapped into to provide longer-term housing to asylum seekers during the asylum procedure, exposing them to substandard reception standards. Examples may be drawn from the Asfinag transit centre near the German border, where 300 applicants are housed in a special tent within the facility,¹⁷³ or the Dullnig hall in Klagenfurt, where 200 to 300 applicants are living in inhuman conditions and without any privacy.¹⁷⁴ Similarly, in **Sweden**, as many as 56,000 asylum seekers are currently staying in one of the 420 emergency centres set up across the territory.¹⁷⁵ Another 76,683 persons were staying in Emergency Reception Centres (CAS) in **Italy**. Given the lack of available places in SPRAR centres, asylum seekers usually stay out the entire asylum procedure in a CAS.¹⁷⁶ Due to the absence of a monitoring system, however, no information is available on the quality of conditions afforded in such centres.¹⁷⁷

Beyond the EU, cantons in **Switzerland** such as Argovia, Vaud or Geneva have similarly resorted to army tents or underground bunkers to house asylum seekers. These facilities are often overcrowded and offer poor living conditions. As a result, protests have occurred after the summer in Geneva and Vaud.¹⁷⁸

1.2. Homelessness, destitution and makeshift solutions

Across Europe, asylum seekers have found themselves unable to access accommodation in the country where they seek protection. Beyond widely reported difficulties in accommodating the large number of entrants in its territory, **Greece** has struggled to provide housing even to those who applied for international protection throughout last year. While 13,197 persons lodged an application in 2015, only 3,876 were accommodated in the reception system.¹⁷⁹ As mentioned in Chapter II, Section 1, second-line reception capacity for asylum seekers in Greece can accommodate less than 1,500 persons, and is well exceeded by the number of persons lodging an asylum claim.

In **Austria**, civil society organisations have described conditions to be near collapse at various points after the summer of 2015, as the unavailability of reception places leaves asylum seekers at risk of destitution and without effective access to the asylum procedure. To illustrate, with 88,160 asylum applicants in 2015, only 56,896 applicants were accommodated in Austria’s reception system at the end of the year.¹⁸⁰ A significant number of people

166. AIDA Country Report Germany: Fourth Update, November 2015, 53.

167. AIDA Country Report Sweden: Third Update, December 2015, 39.

168. FRA, *Monthly data collection: January 2016*, 29.

169. Article 18(9)(b) recast Reception Conditions Directive.

170. Article 18(9) recast Reception Conditions Directive.

171. AIDA Country Report Austria: Fourth Update, December 2015, 62.

172. FRA, *Monthly data collection: January 2016*, 9.

173. Reply to Austrian parliamentary question 7070/AB of 8 February 2-16. See also ECRE, *Navigating the Maze: Structural barriers to accessing protection in Austria*, December 2015, 22.

174. City of Klagenfurt, Resolution of 9 December 2015, available in German at: <http://bit.ly/1VQCxg6>.

175. Information provided by FARR, 3 March 2016.

176. Information provided by ASGI, 3 March 2016.

177. AIDA Country Report Italy: Fourth Update, December 2015, 66.

178. AIDA Country Report Switzerland: First Update, October 2015, 57, 63.

179. Information provided by the Greek Council for Refugees, 11 March 2016, based on statistics published by the Greek National Centre for Social Solidarity.

180. Information provided by Asylkoordination Österreich, 2 March 2016.

have had no other solution than to stay in emergency shelters set up by NGOs and volunteers.¹⁸¹

Sweden witnessed a particularly critical situation during one week at the end of November 2015, when the Migration Agency announced that it could no longer provide accommodation to new arrivals, not even in emergency facilities. During that week, 108 adults were compelled to leave the arrival accommodation centre in Malmö so as to make space for families with children. Those unable to arrange accommodation were housed by volunteers, churches and mosques for a few days, before being given a reception place by the Migration Agency.¹⁸² As of February 2016, approximately 5,500 asylum seekers live in municipal evacuation shelters such as sport halls, waiting for reception places to be made available. However, due to the decrease in arrivals as a result of recent legal measures restricting entry to Sweden, there have been no reports of homeless or destitution.¹⁸³

Lack of accommodation and recourse to makeshift solutions have become increasingly entrenched in **France** as well. Despite the government's commitment to create an additional 8,630 places in Reception Centres for Asylum Seekers (CADA) or other centres by the end of 2016,¹⁸⁴ homelessness remains a frequent problem primarily facing single adults in urban areas such as Paris, Lyon or Marseille.¹⁸⁵ Beyond the country's main cities, the situation of Calais, which saw as many as 6,000 people waiting to cross the Channel tunnel to the UK in September 2015, has sparked critical reaction.¹⁸⁶ An order for emergency measures was made by the Administrative Court of Lille in November, calling the state and local authorities to improve the squalid sanitary conditions prevailing in the makeshift camp known as "The Jungle".¹⁸⁷ No further than 35km from Calais lies Grande-Synthe, another makeshift camp which has seen approximately 100 arrivals per day as of the beginning of 2016; as of January, as many as 3,000 people lived in the camp under particularly worrying conditions which are defined to be much worse than those in Calais.¹⁸⁸

To address the situation in Calais, several groups of migrants have been granted the possibility to be transferred to newly set up Reception and Orientation Centres (CAO) throughout the country, while others have found themselves in detention centres in Marseille, Toulouse, Rouen, Metz, le Mesnil-Amelot, Paris-Vincennes and Nimes.¹⁸⁹ Around 102 CAO have been established as of February 2016 with the aim of enabling potential asylum seekers to apply for international protection and to be accommodated in decent conditions.¹⁹⁰ However, NGOs working in the "Jungle" have reported people returning thereto on account of the isolated location of CAO, unsatisfactory living conditions, as well as a lack of information in the centres.¹⁹¹

For its part, **Belgium** has also witnessed pressing shortages of accommodation capacity, with hundreds of refugees sleeping rough for days, as they were not yet registered and eligible for accommodation by Fedasil. A makeshift camp was set up opposite the Aliens Office in Brussels as a response to this reception capacity gap, before the establishment of "pre-reception" accommodation at the Aliens Office's premises, organised by the Flemish Red Cross by the beginning of October 2015.¹⁹² These events urged a reversal of Belgium's policy of gradual shrinking of reception space. Whereas the government had planned a reduction in the budget of Fedasil, the Belgian reception agency, and overall capacity was to drop to 16,636 places by the end of 2015, the events of the summer led to an increase in Fedasil's budget and a continuous effort to enhance reception capacity, resulting in a total of 35,043 places as of 25 February 2016.¹⁹³

181. AIDA Country Report Austria: Fourth Update, December 2015, 62. See also ECRE, *Navigating the Maze: Structural barriers to accessing protection in Austria*, December 2015, 25.

182. Information provided by Lisa Hallstedt, 4 March 2016.

183. *Ibid.*

184. French Ministry of Interior Instruction of 10 November 2015 on the creation of 8,630 new places in reception centres for asylum seekers, available in French at: <http://bit.ly/1QkkVrr>.

185. Information provided by Forum Réfugiés-Cosi, 1 March 2016.

186. For an overview, see AIDA, *Common asylum system at a turning point: Refugees caught in Europe's solidarity crisis*, Annual Report 2014/2015, 61-63.

187. Administrative Court of Lille, Decision n° 1508747, *Association Médecins du Monde et autres*, 2 November 2015. An English summary of the case is available on the European Database of Asylum Law (EDAL), accessible at: <http://bit.ly/1Hbivdt>.

188. See e.g. ECRE, 'From bad to worse: Dunkirk refugee camp makes Calais pale in comparison', 15 January 2015, available at: <http://bit.ly/1J6EWSs>.

189. AIDA Country Report France: Fourth Update, December 2015, 76. For a critique of this practice, see General Controller of Places of Detention, *Recommandations en urgence du Contrôleur général des lieux de privation de liberté du 13 novembre 2015 relatives aux déplacements collectifs de personnes étrangères interpellées à Calais*, 2 December 2015, available in French at: <http://bit.ly/1OT8SSs>.

190. By the end of January 2016, 2,379 persons had entered a CAO: OFII, *CAO statistics*, available in French at: <http://bit.ly/1YqGpWK>.

191. Information provided by Forum Réfugiés-Cosi, 1 March 2016.

192. AIDA Country Report Belgium: Fourth Update, December 2015, 58.

193. Fedasil, *Reception statistics*, 25 February 2016, available in French at: <http://bit.ly/1RHRXqp>.

Risks of destitution and homelessness are also identified in **Italy**, particularly affecting entrants who have not been rescued at sea. In Puglia, the Hub (former CARA) of Bari is only available to persons rescued at sea,¹⁹⁴ forcing others to travel to the Northern regions of the country in order to apply for asylum and find accommodation. The same obstacles are faced in Friuli Venezia Giulia, near the Eastern border, by those coming from the Balkan route. In Udine, most asylum seekers arriving in 2016 have had to take shelter in the subway train station.¹⁹⁵

Beyond the EU, the extremely limited availability of state-funded reception in **Turkey** leaves its large asylum seeker and temporary protection beneficiary population in worrying precariousness. While 25 Temporary Accommodation Centres – refugee camps in the South East of the country – are used to accommodate persons fleeing Syria who benefit from temporary protection, the situation of non-Syrian protection seekers is much more problematic. Applicants for international protection may only find housing in one of the two Reception and Accommodation Centres, located in Erzurum and Yozgat. These centres, currently counting no more than 850 places together, are the only state-provided form of accommodation for tens – if not hundreds – of thousands of applicants.¹⁹⁶ At the time of writing, as many as 10,110 Iraqi asylum seekers were accommodated in refugee camps in Gaziantep and Mardin, dedicated to those fleeing Syria.¹⁹⁷ Asylum seekers therefore run considerably high risks of homelessness and destitution in Turkey, as the vast majority are expected to secure housing through their own means, without any financial assistance.

2. Special reception needs of vulnerable asylum seekers

The serious strain on European countries' reception capacities has been felt more palpably by categories of asylum seekers with special reception needs such as women, children (accompanied or not), victims of torture or other forms of violence, persons with disabilities and so forth.

2.1. Identification of vulnerability

Several Member States have introduced into their legislation specific identification procedures. In **France**, the French Office for Immigration and Integration (OFII) is tasked with identifying vulnerability during the first interview with the person.¹⁹⁸ However, since OFII only identifies evident vulnerabilities, this often leads to asylum seekers with mental health difficulties not being properly identified and afforded appropriate care.¹⁹⁹ In **Malta** new policy provides for identification of vulnerability at the Initial Reception Centres,²⁰⁰ while in **Poland**, the Border Guard must check whether the applicant is a victim of trafficking or torture,²⁰¹ while in **Turkey**, the registration authorities are required to assess during registration whether the applicant has special needs²⁰² and in **Croatia** relevant authorities are also required to continuously conduct vulnerability assessments.²⁰³ Nonetheless the amended procedures in all countries rely on an assessment which is often based on obvious elements to vulnerability, thereby limiting substantially the definition attributed to vulnerable persons in the recast Reception Conditions Directive.²⁰⁴ Moreover, the amendments do not provide further details on the practicalities of identifying vulnerability later on in the procedure and indeed the substantive care provided after an assessment of vulnerability. As is evidenced in all four countries, the extremely limited or complete absence of reception designed for vulnerable applicants within the countries will clearly hamper the implementation of any legislative changes in practice.²⁰⁵

In a positive move on the part of the **Bulgarian** State Agency for Refugees (SAR), a form of screening for vulnerability has begun during the group orientation sessions in the reception-and-registration centres. Questions are asked relating to disabilities and chronic illnesses as well as pregnancy and separated families. Nonetheless, such

194. ASGI, *Il diritto negato: dalle stragi in mare agli hotspot*, 22 January 2016.

195. Information provided by ASGI, 3 March 2016.

196. Information provided by Refugee Rights Turkey, 3 March 2016. See Chapter I, Section 2 for statistics.

197. Information provided by Refugee Rights Turkey and collected from the Disaster and Emergency Management Authority (AFAD), 3 March 2016.

198. AIDA Country Report France: Fourth Update, December 2015, 79

199. Information provided by Forum Réfugiés-Cosi, 1 March 2016. A copy of the questionnaire used by OFII may be found at: <http://bit.ly/1Lu50b1>.

200. Information provided by the aditus foundation, 9 March 2016.

201. AIDA Country Report Poland: Fourth Update, November 2015, 36.

202. AIDA Country Report Turkey: Fourth Update, December 2015, 81

203. AIDA Country Report Croatia: Fourth Update, December 2015, 39.

204. Article 21 recast Reception Conditions Directive.

205. See AIDA Country Report Turkey: First Update, December 2015, 81; AIDA Country Report Poland: Fourth Update, December 2015, 55; AIDA Country Report Croatia: Second Update, December 2015, 39; Information provided by the aditus foundation, 9 March 2016.

pre-screening is currently only done in priority cases and is completely absent for those individuals who live outside the State run reception system. The only exception to this is where the individual self-identifies as vulnerable and requests specific assistance. Moreover, domestic legislation continues to remain silent on identification and concomitant rights on special reception needs.²⁰⁶

For its part, in its legislative proposal on the transposition of the recast Directives, **Sweden** has not spelt out how the process of identifying vulnerabilities will be carried out by the authorities.²⁰⁷ This is despite calls from both the Swedish Migration Agency and civil society organisations on the need to detail identification procedures in the law.²⁰⁸

Moreover, in the rare cases where domestic legislation or policy provides for a form of identification of vulnerability and reception adapted to special needs, the considerable shortfall of reception places during the summer of 2015 has meant that the provision of reception tailored to specific vulnerabilities is largely non-existent. In **Belgium**, whilst there are specialised centres as well as adapted individual accommodation and reserved places in reception centres catering to vulnerable persons, accommodation shortages have meant places are assigned on the basis of availability and no longer on the specific needs of the person.²⁰⁹

In other countries where identification is not provided for in the law, assessments of vulnerability continue to be highly superficial, an issue which is exacerbated by increasing numbers and limited reception, making an already flawed assessment arbitrary and provision of adapted reception increasingly unlikely. In **Germany**, the near collapse of the reception system has meant that identification of vulnerability and placement in accordingly tailored accommodation is nigh impossible.²¹⁰ The identification process is ad hoc and, where it does exist, often depends on whether the authorities or NGOs acting as first contact points have grounds to assume that an asylum seeker belongs to a vulnerable group.²¹¹ This is made worse by situations of severe overcrowding in many reception centres, which lengthens the period of identification of vulnerability and according provision of material reception.

Similarly, in **Greece**, the identification of vulnerability amongst the unprecedented numbers of those newly arrived is practically redundant given that there is still no Reception and Identification Centre or Mobile Unit at several entry points, thereby leaving specific vulnerability needs undetected and ignored.²¹² This is illustrated by the fact that only 2,248 unaccompanied children were referred to the National Centre for Social Solidarity for housing in 2015.²¹³ Analogous reports have also emerged regarding conditions in **Croatia** whereby the hurried onward transfer has been in no way conducive to screening for individual vulnerabilities and, therefore, needs.²¹⁴ Moreover, given the increase in numbers, prioritisation of vulnerable persons to heated tents was no longer being done in Opatovac – a centre now closed, as mentioned in Chapter II, Section 1 – towards the end of 2015 with families and children being placed, instead, in non-heated tents, made worse by deteriorating weather conditions and reports of hypothermia.²¹⁵

In **Sweden** the separation of the preliminary interview from registration has also resulted in reduced opportunities to identify vulnerability.²¹⁶

2.2. Housing and special reception arrangements

Placement of vulnerable persons in highly unsuitable conditions has also been documented in 2015, where the critical situation of the initial reception centre (EAST) in Traiskirchen, **Austria** saw women and children sleeping

206. Information provided by Bulgarian Helsinki Committee, 1 March 2016.

207. See AIDA Country Report Turkey: First Update, December 2015, 81; AIDA Country Report Poland: Fourth Update, December 2015, 55; AIDA Country Report Croatia: Second Update, December 2015, 39.

208. Information provided by Lisa Hallstedt, 4 March 2016. See Yttrande över betänkandet Ds 2015:37, genomförande av det omarbetade asylprocedurdirektivet, 14 oktober 2015. Migrationsverkets yttrande, Departementspromemorian Genomförande av det omarbetade asylprocedurdirektivet (Ds 2015:37), Dnr 14-2015-40599.

209. AIDA Country Report Belgium: Fourth Update, December 2015, 66.

210. AIDA Country Report Germany: Fourth Update, November 2015, 40; A Bonewit & R Shreeves, *Reception of female refugees and asylum seekers in the EU, Case Study Germany*, European Parliament, Directorate-General Internal Policies, PE536.497, February 2016, accessible at: <http://bit.ly/20POnh4>, 21.

211. *Ibid.*

212. AIDA Country Report Greece: Fourth Update, November 2015, 82.

213. Information provided by the Greek Council for Refugees, 11 March 2016.

214. FRA, *Monthly data collection on the current migration situation in the EU: December 2015*, available at: <http://bit.ly/1QC-B11l>, 22-23.

215. *Ibid.*; FRA, *Weekly data collection on the situation of persons in need of international protection Update 4, 19 October – 23 October 2015*, available at: <http://bit.ly/1Svzvja>, 14.

216. *Ibid.*, 75.

on the floor over the summer of 2015,²¹⁷ while in November over 1,250 unaccompanied children were hosted there, with insufficient education and healthcare and no officially organised leisure activities.²¹⁸ Inadequate care for children and families is also apparent in reception centres at the federal province level, whereby several hundred asylum seekers, including families and unaccompanied minors, slept on camp beds in Leoben reception centre without any partitions between them.²¹⁹

As for **Italy**, the combined effect of not having a procedural mechanism to identify vulnerability in law coupled with the predominance of emergency and first-line accommodation has meant that assessment of special needs and, subsequently, tailored facilities are both highly dependent on the resources and funds of the initial accommodation centres. Indeed, adapted care is practically non-existent in these centres with reports of conditions in the CARA and CPSA as being severely overcrowded, as well as documented incidents of sexual assault and a lack of legal and health care services. In particular, conditions in the CPSA in Pozzallo have been severely condemned by MSF who lamented the lack of safeguards for vulnerable persons who, amongst the rest of the accommodated population, are subject to dangerous, insalubrious and unhealthy conditions. Repeated criticism has seemingly fallen on deaf ears and the lack substantive change on the part of the government subsequently led to MSF ceasing its activities in the centre at the end of 2015.²²⁰

The strata of temporary and emergency facilities in the **Netherlands** have given rise to suboptimal living conditions for families and children, as identified by the National Ombudsman. Restrictions on access to health care, education and daily allowances are all the more grave since stays in emergency accommodation are between six to twelve months on account of serious delays between filing an asylum request and the start of the procedure. Additionally, the use of sports halls for crisis emergency accommodation for a stay of 72 hours at the end of 2015 led to families being uprooted and moved from one centre to another.²²¹

A complete lack of suitable accommodation for vulnerable persons is also apparent in **Greece** whereby the absence of accommodation in the First Reception Centre (FRC) in Fylakio, Evros means that families, children and victims of torture are placed in the pre-removal centre prior to being allocated a place in the FRC.²²² Structures to care for those with vulnerabilities are clearly lack with understaffing prevalent in the First Reception Service and any specialist care absent in light of limited NGO support and a deficient identification system.²²³

In the **United Kingdom**, a recent report on the use of short-term holding facilities for those who had newly arrived from France shows the detention of women, children and vulnerable persons with unrelated male adults in freight sheds and in insalubrious and unhygienic conditions. In Dover and Folkestone vulnerable persons are held in deplorable environments without access to phones, washing facilities, medical care and legal assistance. Moreover, individuals are forced to sleep on concrete floors in lorry bays with used blankets. No medical and vulnerability screening is undertaken and the UK's obligations under European and international law is seemingly ignored given procedural failings in the issuance of detention orders and the length and frequency with which detention is enforced for families.²²⁴

In **Ireland**, victims of trafficking in 2015 were accommodated within the Direct Provision system, a system which has been extensively criticised for its non-compliance with international human rights standards and which the Government must now implement recommendations to improve.²²⁵

Concerning reception needs related to sexual orientation or gender identity, there have been increasing calls for states to provide special accommodation arrangements for LGBTI asylum seekers. In the **Netherlands**, the Parliament voted on 1 March 2016 in favour of setting up a special emergency reception centre for LGBTI persons, following threats and violent harassment suffered by applicants.²²⁶ Tailored accommodation is already provided by

217. Austrian Ombudsman, *Unmenschliche Eindrücke aus dem Erstaufnahmezentrum Traiskirchen* (Inhuman impressions from the EAST Traiskirchen), 5 August 2015, available in German at: <http://bit.ly/1RXInfO>.

218. ECRE, *Navigating the Maze: Structural barriers to accessing protection in Austria*, December 2015, available at: <http://bit.ly/1OR2fjy>, 23.

219. Information provided by Asylkoordination Österreich, 2 March 2016.

220. Médecins Sans Frontières, 'Italy: MSF ends activities in Pozzallo reception centre,' 30 December 2015, available at: <http://bit.ly/1R7Grj4>.

221. Information provided by the Dutch Council for Refugees, 8 March 2016.

222. AIDA Country Report Greece: Fourth Update, November 2015, 64

223. AIDA Country Report Greece: Fourth Update, November 2015, 64-66.

224. HM Chief Inspector of Prisons, Report on an unannounced inspection of the short-term holding facilities at Longport freight shed, Dover Seaport and Frontier House, 7 September, 1–2 and 5–6 October 2015, 2016, accessible at: <http://bit.ly/1OYAZei>.

225. AIDA Country Report Ireland: Fourth Update, November 2015, 62 and 68.

226. Information provided by the Dutch Refugee Council, 8 March 2016.

Reception of unaccompanied asylum seeking children

Applications for asylum considered to have been made by unaccompanied children have increased exponentially in 2015 compared to 2014,²²⁸ with a total of 86,961 applications in only 14 AIDA countries 2015.²²⁹ The legal obligations that are afforded to unaccompanied children by way of EU and international law have clearly been unmet by several Member States to the point that children regularly figure at the epicentre of ever increasing sites of squalor, destitution and detention.

The case of **France**: The flawed system of protection in France towards unaccompanied children has been heavily publicised by means of reporting on conditions in the Calais “jungle” and a recent UK Upper Tribunal judgment describing the makeshift camp as a “living hell”, “deplorable” and “desolate.”²³⁰ Before the gradual demolition of the site in March, over 400 out of approximately 5,000 residents of the camp were identified as being unaccompanied children.²³¹ With conditions amounting to inhumane treatment, said to be worse in Grande-Synthe, the Calais jungle shed a harsh spotlight on France’s tenuous adherence to the Convention on the Rights of the Child as well as its obligations under the recast Reception Conditions Directive and Asylum Procedures Directive relating to the appointment of a representative, the channel through which children are to benefit from their rights laid out in both instruments.²³² Indeed, the delays in appointing legal representatives linked to a serious shortage in their numbers, have prevented children from lodging an asylum application before the age of 18. Children are, therefore, deprived of their legal right to information and support and, as identified by the Upper Tribunal, may have well contributed to their distancing from the asylum procedure and their entering into the poverty and legal limbo of Calais and Dunkirk.

The case of **Sweden**: With a fivefold increase in the numbers of unaccompanied children applying for asylum, Sweden has faced particular pressure on its accommodation capacity and services for children, which in turn has affected the quality of reception provided. Municipalities and social care services are often overstretched and the most suitable of accommodation for unaccompanied children, foster homes, lack in numbers.²³³ Nonetheless, in a move to support children and 16 to 20 year olds a form of “supported accommodation” has been implemented through the Social Services Act.²³⁴ Intended to supplement the existing forms of reception for unaccompanied children the new form of accommodation should provide flexibility of reception by municipalities as the focus is on shelter rather than care or treatment.

Scarcity of resources and detention elsewhere: The increased use of detention of unaccompanied minors at Dover Seaport, in the **United Kingdom**, seemingly imposed due to delays in referral to child services in Kent raises serious questions on the legality of its use.²³⁵ Indeed, continuous failings in appropriate care for unaccompanied children have also been demonstrated in the lack of representatives and resources for children in the county. Such failings have been identified in the aftermath of highly disconcerting reports on the number of unaccompanied asylum seeking children who have gone missing, including those who have previously been trafficked.²³⁶ In **Germany**, following on from amended legislation on the distribution of unaccompanied children, concerns have been voiced by NGOs on whether the reception conditions for these children within receiving municipalities will be adequate.²³⁷ FRA also reports a lack of sufficient childcare facilities, leading unaccompanied children to be hosted in hostels or gyms as temporary shelters.²³⁸ In the **Netherlands**, prolonged stay in large-scale emergency centres has been

227. FRA, *Monthly data collection December 2015*, 74.

228. 23,150 applications were made in 2014: Eurostat, migr_asyunaa.

229. See Chapter I, Section 2.

230. UK Upper Tribunal, *The Queen on the application of ZAT, IAJ, KAM, AAM, MAT, MAJ and LAM v Secretary of State for the Home Department*, JR/15401/2015; JR/154015/2015, 29 January 2016, accessible at: <http://bit.ly/1Px3VeM>.

231. Help Refugees, Calais Camp, 22 February 2016, accessible at: <http://bit.ly/1TEDZoo>.

232. Article 2(j) and Article 24 recast Reception Conditions Directive and Article 2(n) and Article 25 recast Asylum Procedures Directive.

233. Information provided by Lisa Hallstedt, 4 March 2016.

234. Government Offices of Sweden, ‘New measures of housing for unaccompanied children,’ 4 November, material resources annexes, ordered for Use Recast Reception Conditions Directive. asylum procedure and in Calais “2015, accessible at: <http://bit.ly/1TH1tsV>.

235. HM Chief Inspector of Prisons, Report on an unannounced inspection of the short-term holding facilities at Longport freight shed, Dover Seaport and Frontier House, 7 September, 1–2 and 5–6 October 2015, 2016, 15.

236. Open Democracy ‘Hundreds of children are disappearing from local authority care’ 8 December 2015, accessible at: <http://bit.ly/1YW0Qv2>.

237. AIDA Country Report Germany: Fourth Update, November 2015, 59.

238. FRA, *Monthly data collection: January 2016*, 30.

criticised as unsuitable for children.²³⁹ Moreover, in **Cyprus**, state-run centres specifically for unaccompanied children are overcrowded as is the sole reception centre in the country, which houses both adults and families. Here a lack of funding has led to an absence of basic sanitary products and health care with corollary risks of destitution.²⁴⁰

Resort to detention of unaccompanied asylum seeking children has also been frequently documented in Member States for prolonged periods of time, in violation of Article 11(3) of the recast Reception Conditions Directive. In **Italy**,²⁴¹ worrying reports have surfaced that unaccompanied children were being detained in the CPSA in Lampedusa in insalubrious and overcrowded conditions for more than 14 days. Likewise, in **Greece**, children are systematically detained whilst waiting for available places in a reception centre.²⁴² In **Bulgaria**, new legislation in force since 1 January 2016 allows for the detention of unaccompanied children.²⁴³ Prior to this, unaccompanied children were, nonetheless, being attached to unrelated adults and detained in pre-removal centres where conditions are consistently described as being unhygienic and overcrowded.²⁴⁴

2.3. Health care

Linked to the provision of special reception needs are the barriers that exist for asylum seekers in accessing health care. **Bulgarian** practice is demonstrative of such hurdles where delays in the payment of monthly health insurance fees by the SAR to the national health care system has prevented asylum seekers from accessing health care, which, in itself, covers very few medical services.²⁴⁵ Similarly, in **Greece** access to services and care is far more stringent following on from the financial crisis and specialised care for children or victims of torture is equally limited by resource constraints given that NGOs are the principal service provider.²⁴⁶

A lack of proper infrastructure regarding certain health services is particularly apparent elsewhere and is felt at its keenest with regards to those suffering from mental health illnesses. In **France**, the assessment of vulnerability based on “obvious” elements diminishes any possibility of identifying psychological illnesses, appropriate care for which is in any case compromised due to the absence of adequate services.²⁴⁷ The paucity in provision of psychological care in France has been scrutinised in a recent Belgian Council of Alien Law Litigation judgment, where transfer under the Dublin Regulation to France was suspended on account of the lack of clarity surrounding the actual provision of both physical and mental health care for asylum applicants.²⁴⁸

For their part, the **UK** and **Sweden** face similar problems relating to the identification of psychological illness and the provision of health care needs on account of long waiting periods,²⁴⁹ insufficiency of care and unequal access to treatment according to different local authorities.²⁵⁰

2.4. Implications for the Dublin system: *Tarakhel* continued

The European Court of Human Rights’ ruling in *Tarakhel v Switzerland*,²⁵¹ requiring states to obtain individualised guarantees on the quality of reception conditions prior to transferring a family with children to Italy, has led to widely diverse national jurisprudence and policy responses across Europe. In October 2015, research from ECRE and the European Legal Network on Asylum (ELENA) analysed European countries’ different interpretations given to the ruling and the obligations incumbent upon states before conducting a Dublin transfer.²⁵²

The case of Italy: Countries such as **Austria** and **Sweden** have deemed that **Italy** has generally provided sufficient

239. The critique was raised by the Dutch Ombudsman for Children following visits to six centres between December 2015 and February 2016. Information provided by the Dutch Refugee Council, 8 March 2016.

240. Information provided by Future Worlds Center, 26 February 2016.

241. AIDA Country Report Italy: Fourth Update, December 2015, 79.

242. AIDA Country Report Greece: Fourth Update, November 2015, 82.

243. R Pavlova, *Law Allows Detention of Asylum Seekers in Bulgaria*, December 2015, available at: <http://bit.ly/1PP38JT>.

244. FRA, *Weekly data collection on the situation of persons in need of international protection, Update 2, 5 October – 9 October*, accessible at: <http://bit.ly/1mCqhn7>, 10 and *Update 3, 12 October – 18 October*, accessible at: <http://bit.ly/1mCqhn7>, 13.

245. Information provided by Bulgarian Helsinki Committee, 1 March 2016.

246. AIDA Country Report Greece: Fourth Update, November 2015, 87-88.

247. Information provided by Forum Réfugiés-Cosi, 1 March 2016.

248. Belgian Council of Alien Law Litigation, Case No 159901, 14 February 2016, available at: <http://bit.ly/21KatBZ>.

249. Information provided by the British Refugee Council, 1 March 2016.

250. Information provided by Bulgarian Helsinki Committee, Lisa Hallstedt, 4 March 2016.

251. ECtHR, *Tarakhel v Switzerland*, Application No 29217/12, Judgment of 4 November 2014.

252. See ECRE/ELENA, *Information Note on Dublin transfers post-Tarakhel: Update on European case law and practice*, October 2015, available at: <http://bit.ly/1Xz3XbV>.

guarantees to allow for Dublin transfers of families with children, even if these guarantees would not be individualised.²⁵³ This is grounded upon a circular letter communicated by Italy to all Dublin Units on 8 June 2015, listing projects for SPRAR accommodation places where families with children returned under the Dublin Regulation are hosted throughout the country. However, in a December 2015 ruling, the Federal Administrative Court of **Switzerland** found that a guarantee of appropriate reception conditions needs to be up-to-date in order to be individualised to the asylum seeker concerned. Accordingly, the information submitted by the Italian authorities in June 2015 was deemed unfit to be relied upon to discharge the duty of sending states to obtain individualised guarantees prior to ordering a Dublin transfer.²⁵⁴ A similar conclusion was reached by the Nantes Administrative Tribunal in **France** in a February 2016 ruling.²⁵⁵ These judgments are a welcome clarification of the effects of Tarakhel on the Dublin system, as they flesh out the need for an up-to-date individual examination of the factual situation in receiving countries as a prerequisite for the legality of Dublin transfers.

An updated list of SPRAR facilities for families with children has been provided by the Italian Dublin Unit in a new circular to all Dublin Units, sent on 15 February 2016.²⁵⁶ The list mentions a total of 85 places across the country, compared to 161 provided in June 2015. According to ASGI, this will not bring about significant change to the situation of Dublin returnees in 2016.²⁵⁷

The case of **Bulgaria**: Though not directly targeted by the Tarakhel ruling or its subsequent case-law, the treatment of Dublin returnees in Bulgaria requires attention following recent legislative reform. Amendments to the Law on Asylum Refugees adopted in December 2015 provide that the rights of Dublin returnees to health care must be upheld upon return to Bulgaria, contrary to the general health insurance provisions.²⁵⁸ However, this is not the case in practice, as the authorities serve returnees with termination decisions instead of reopening their asylum procedure. Accordingly, returnees do not have access to material reception conditions, including housing, food and health care.²⁵⁹

3. Treatment of specific nationalities in reception

The year 2015 has markedly exposed the differences in treatment based on nationality governing European countries' attitude towards refugees and asylum seekers. Though both the 1951 Refugee Convention and the EU Charter of Fundamental Rights enjoin states to treat all refugees equally, regardless of their country of origin,²⁶⁰ discrimination between nationalities has taken stronger and more explicit forms than in the past. From November 2015 onwards, some countries such as FYROM, Serbia, Croatia and Slovenia have expressly reserved access to their territory to a closed category of nationalities (Syria, Afghanistan and Iraq) who are deemed to be in need of international protection;²⁶¹ similar restrictions appear to be informally applied by Germany.²⁶² More recently, Afghan nationals have been denied entry into FYROM, Serbia and other countries along the Western Balkan route on the ground that they do not have a "proven need of protection".²⁶³ European states therefore appear to collectively contend that their obligations of refugee protection should only extend to some refugees. Others, who may have equally compelling protection claims, fall through the cracks due to their nationality and are increasingly forced to remain in the continent's points of entry.²⁶⁴

253. See AIDA Country Report Austria: Fourth Update, December 2015, 36; Swedish Migration Agency, *Legal Comment on transfers to Italy*, 01/2016, January 2016, available in Swedish at: <http://bit.ly/1oDb4nL>.

254. Swiss Federal Administrative Court, Judgment No E-6261/2015, 9 December 2015, available in German at: <http://bit.ly/1WDih1B>.

255. Administrative Tribunal of Nantes, Judgment No 1601004, 18 February 2016.

256. Italian Dublin Unit, *Circular to all Dublin Units: Dublin Regulation No 604/2013. Garanzie per casi di vulnerabilità: nuclei familiari con minori*, 15 February 2016, available at: <http://bit.ly/1QxxRqJ>.

257. Information provided by ASGI, 3 March 2016.

258. Article 29(8) Bulgarian Law on Asylum and Refugees, as amended by Act No 502-01-68, entering into force on 25 December 2015.

259. Information provided by the Bulgarian Helsinki Committee, 1 March 2016.

260. Article 3 Refugee Convention; Article 21 EU Charter of Fundamental Rights.

261. See e.g. Human Rights Watch, 'Discrimination at Western Balkan borders puts people at risk', 20 November 2015, available at: <http://bit.ly/1Pdcv7S>; Amnesty International, 'Barring refugees from Balkans is discriminatory', 30 November 2015, available at: <http://bit.ly/1OtlcJe>; ECRE, *Western Balkans News Brief*, 21-27 November 2015, available at: <http://bit.ly/1QYmjC8>.

262. ECRE, *Navigating the Maze: Structural barriers to accessing protection in Austria*, December 2015, 17-18; BBC, 'EU migrant crisis: Germany sends migrants back to Austria', 11 January 2016, available at: <http://bbc.in/1RyGQOA>.

263. New York Times, 'Austria and 9 Balkan States agree on steps to address refugee crisis', 24 February 2016, available at: <http://nyti.ms/1p52azn>.

264. On Eidomeni in **Greece**, see e.g. Al Jazeera, 'Refugees sew lips in Greece-Macedonia border post', 24 November 2015, available at: <http://bit.ly/1I6EkeD>.

3.1. Formal distinctions between nationalities

The context of reception is no less affected by nationality-based differences in the treatment of asylum seekers. The provision of reception conditions has been formally differentiated according to nationality in **Germany**, following the October 2015 reform of the asylum system. Part of the restrictions imposed on asylum seekers coming from “safe countries of origin” entails an obligation to stay in initial reception centres throughout the entire duration of the procedure,²⁶⁵ as opposed to a 3-month mandatory stay for other nationalities of applicants. Two such special reception centres specifically designed for nationals of Western Balkan countries have been operating in Bavaria since September,²⁶⁶ though their legal basis is soon to be established following a reform adopted at the end of February 2016.²⁶⁷ The same reform will expand the “safe country of origin” concept to cover Algerian, Moroccan and Tunisian nationals. Nationals of safe countries of origin are also prohibited from accessing the labour market in Germany.²⁶⁸

Turkey also applies different reception regimes, based on the distinction drawn between temporary protection beneficiaries, on one hand, and international protection applicants and beneficiaries on the other. As discussed above, those fleeing Syria are hosted in one of the 25 Temporary Accommodation Centres, while only 2 Reception and Accommodation Centres are available for non-Syrians who apply for international protection. Therefore, refugees from Syria have more chances of obtaining state-funded accommodation than other nationalities.²⁶⁹

3.2. Differential treatment in practice

In most countries, the treatment of specific nationalities in the reception context has been informally determined by practice. On the island of Lesbos in **Greece**, beyond benefitting from priority in registration, Syrian nationals have been accommodated in different sites from other nationalities. The Kara Tepe camp usually hosts Syrian women and children, while other nationalities – as well as Syrian men – are directed to the “hotspot” in Moria;²⁷⁰ these policies have not always been applied consistently and predictably, however.²⁷¹ Similar distinctions have been applied on Leros, leading Moroccan and Algerian nationals to protest in January 2016 against delays in registration and their prolonged stay on the island.²⁷²

In **Belgium**, collective accommodation – which is generally applied during the first stages of reception of an asylum seeker before he or she is transferred to individual structures – does not apply to those with a high chance of receiving protection status, i.e. Syrians, since the summer of 2015.²⁷³ Conversely, Iraqi and Afghan nationals were not able to quickly secure accommodation due to the authorities’ deterrence tactics, involving written communications discouraging potential applicants from entering the procedure, and delays of more than two weeks in registering them.²⁷⁴ This has led to at least one judgment by the Labour Court, condemning Fedasil, the Belgian reception agency, to provide accommodation to an Afghan asylum seeker.²⁷⁵

Prioritisation of manifestly well-founded nationalities also seems to be practiced in **Austria**, leaving Moroccan, Algerian and Tunisian nationals to wait for longer periods in emergency and transit facilities before they can be assigned a place in a reception centre.²⁷⁶

In **Ireland**, refugees relocated or resettled under the Irish Refugee Protection Programme (IRPP) are to be hosted throughout their – presumably short – asylum procedure in Emergency Reception and Orientation Centres (EROC). These are indeed designed for short stays of approximately three months, as opposed to Direct Provision centres where ordinary asylum seekers are accommodated for longer periods.²⁷⁷

Crucially, some countries seem to resort to a nationality-based regime when applying detention against asylum

265. Section 47(1)(a) German Asylum Act. See AIDA Country Report Germany: Fourth Update, November 2015, 44-45.

266. *Ibid.*

267. Information provided by Informationsverbund Asyl und Migration, 3 March 2016.

268. AIDA Country Report Germany: Fourth Update, November 2015, 61.

269. Information provided by Refugee Rights Turkey, 3 March 2016.

270. Greek Forum for Refugees, *Field report*, 19 November 2015, available at: <http://bit.ly/1NhWB4s>; Greek Council for Refugees, *Mission Report Lesbos*, February 2016, available in Greek at: <http://bit.ly/1OhtBub>.

271. See e.g. FRA, *Weekly data collection on the situation of persons in need of international protection: Update 8*, 16-20 November 2015, available at: <http://bit.ly/1IqJ6ZO>, 25.

272. FRA, *Monthly data collection: January 2016*, 35.

273. AIDA Country Report Belgium: Fourth Update, December 2015, 62.

274. Information provided by Ruben Wissing, 2 March 2016.

275. Labour Court of Brussels, Judgment 2015/3098 of 7 December 2015. See EDAL summary at: <http://bit.ly/1Uyw3lx>.

276. Information provided by Asylkoordination Österreich, 2 March 2016.

277. Information provided by the Irish Refugee Council, 25 January 2016.

seekers and migrants. In **Italy**, following the emergence of the “hotspot” approach, nationals of Nigeria, Gambia, Senegal, Morocco, Algeria and Tunisia are directed to detention centres on the assumption that they have no protection needs. This filtering is only done on the basis of a summary assessment, either through a succinct questionnaire²⁷⁸ or oral questions upon arrival, without the necessary presence of cultural mediators.²⁷⁹ In cases where they are ultimately released, they face undue obstacles to securing accommodation, as was the case of a group of Nigerian nationals released from the CIE of Bari and Restinco.²⁸⁰

This has also recently been illustrated in the case of **Greece**, where following the informal introduction of a nationality-based entry regime on the Greek-FYROM border as of November 2015, whereby only nationals of Syria, Afghanistan and Iraq were allowed entry into FYROM territory, there has been an increase in the use of detention towards specific nationalities. Moroccans, Algerians and Tunisians are transferred to the Pre-Removal Detention Centre of Corinth from Athens and the islands.²⁸¹ During a visit conducted by the Rights Department (Τμήμα Δικαιωμάτων) of the Syriza political party on 13 January 2016, only nationals of these countries were found in the detention centre, thereby indicating a nationality-profiling policy of detention.²⁸²

Similarly, in **Bulgaria**, certain discriminated nationalities undergo the entire asylum procedure in detention, while some asylum seekers have reportedly been deported pending the outcome of their asylum proceedings.²⁸³ While this discriminatory policy was applied to Moroccans, Algerians and Tunisians in 2014, during the first half of 2015 Bulgaria applied it to nationals of Cote d'Ivoire, Mali and during the second half of 2015 to nationals of India, Sri Lanka, Pakistan and Bangladesh.²⁸⁴ Beyond revealing incompatibility with the duty to resort to detention as a last resort and following an individualised assessment,²⁸⁵ these practices confirm a discriminatory treatment of certain categories of asylum seekers, contrary to Article 3 of the 1951 Refugee Convention.

278. A copy of the *foglio notizie* can be found at: <http://bit.ly/1LXpUKv>.

279. Information provided by ASGI, 3 March 2016.

280. *Ibid.* See also ASGI, *Il diritto negato: dalle stragi in mare agli hotspot*, 22 January 2016, available in Italian at: <http://bit.ly/1VUKNM6>.

281. FRA, *Monthly data collection: January 2016*, 38-39.

282. ERT, 'Απαράδεκτες οι συνθήκες στο Κέντρο Κράτησης Μεταναστών Κορίνθου', 14 January 2016, available in Greek at: <http://bit.ly/1o2m8u9>.

283. Information provided by the Bulgarian Helsinki Committee, 1 March 2016.

284. *Ibid.*

285. Article 8(2) recast Reception Conditions Directive.

CONCLUSIONS & RECOMMENDATIONS

The aim of this thematic report has been to identify key elements and concerns in the reception of asylum seekers and refugees in Europe, as they stem from both political debates and practice in the EU and its neighbouring countries. The main conclusions drawn are summarised below:

By way of preliminary remark, the opacity and complexity of several countries' reception systems poses a substantial challenge to any meaningful mapping and analysis at European level. The scarcity in publicly available and comprehensible official information on states' reception arrangements and respective capacities is inextricably linked to this challenge.²⁸⁶ While some countries communicate statistics in official reports (**Sweden**) or parliamentary debates (**Austria**), information must be requested from national authorities in most cases. For some such as **France** or **Ireland**, up-to-date figures on the state of the reception system are not made available. This deplorable information gap reveals a crucial shortcoming of the Common European Asylum System, bearing in mind that Member States are under no duty to report statistics on reception capacity and occupancy either under the recast Reception Conditions Directive²⁸⁷ or under the Migration Statistics Regulation.²⁸⁸ The European Asylum Support Office (EASO) has also shied away from the provision of such data publicly, though it remains to be seen whether this will be included in its Information and Documentation System (IDS) which will map asylum systems in the EU.

- Adaptability to higher reception demand, an attribute crucial to the resilience of asylum systems, is a structural challenge witnessed across the majority of European countries.²⁸⁹ The limitations of contingency planning and asylum seeker reception capacity have undoubtedly been most visible in the countries receiving considerably higher numbers of asylum seekers, such as **Germany**, **Sweden**, **Austria**, but also **Belgium**. However, shortages in reception places and failure to provide adequate living conditions have been equally witnessed in **France**, the **United Kingdom** or **Cyprus**, which in relative terms have been faced with much milder increases in the number of arriving applicants. As a result, substandard living conditions and destitution risk becoming an integral part of seeking asylum in Europe.
- At the same time, the year 2015 has shown a commendable ability and readiness on the part of many receiving states to rapidly and creatively enlist spaces for the temporary accommodation of large numbers of newly arrived refugees and migrants. Examples of this have been witnessed throughout Europe. That being said, emergency or makeshift accommodation solutions are not designed to guarantee an adequate standard of living for people engaging with the asylum process, often for long periods of time. Over half a year following the so-called "refugee crisis", the continued and broad use of these temporary forms of reception seems to question their exceptionality in practice. As illustrated by approximately 56,000 asylum seekers in **Sweden** and 6,000 in **Austria** living in emergency centres throughout their procedure, those seeking protection in Europe increasingly run the risk of navigating lengthy refugee status determination processes under inappropriate conditions of reception in emergency facilities.

European countries should refrain from the systematic use of emergency facilities as long-term accommodation sites for persons in an asylum procedure, as conditions therein do not allow asylum seekers to have a dignified standard of living in line with their fundamental rights.²⁹⁰ If states make use of such facilities, it should only be in truly exceptional circumstances for a short a period of time as possible and only for duly justified reasons relating to the temporary exhaustion of regular reception capacity.

- On the other hand, the dramatic increase in the number of entrants has not always translated into an expansion of affected countries' reception systems with equal rigour. Countries such as **Serbia**, **Croatia** or **Hungary**, commonly presented as "countries of transit" with limited reception capacity over the past year, have witnessed unprecedented large-scale arrivals; in the case of Hungary, this has also meant a sharp rise in asylum applications. However, the strong exposure of these countries to high numbers of refugees and migrants has not prompted a re-design of their reception systems. Hungary has taken steps to reduce its hosting capacity, while the number of facilities dedicated to asylum seekers has remained unchanged in Croatia and in Serbia, despite high-level political commitments to a sizeable boost in capacity. The response of these countries not only

286. The only recent exception dates back to 2013: European Migration Network, *The organisation of reception facilities for asylum seekers in different Member States*, 2014, available at: <http://bit.ly/1cEV5OO>.

287. Reception capacity is not mentioned in the list of information to be reported to the Commission pursuant to Annex I to the recast Reception Conditions Directive.

288. Regulation (EC) No 862/2007 of the European Parliament and of the Council on community statistics on migration, OJ 2007 L199/23.

289. This has not been the case in countries such as **Poland** or the **Netherlands**, where no issues of overcrowding or destitution have been reported: Information provided by the Helsinki Foundation for Human Rights, 4 March 2016; Dutch Refugee Council, 8 March 2016.

290. In the EU law context, see Article 1 EU Charter and Article 17 recast Reception Conditions Directive.

indicates a lack of preparedness for contingency planning prior to the “refugee crisis”, but equally limited will to make structural changes so as to develop adaptable and resilient asylum systems in view of future inflows; or transfers from other countries, where the Dublin system is applicable.²⁹¹ The lack of adequate political and operational follow up to the commitments made by leaders during the Western Balkan Summit regrettably hints at a silent abandonment of these plans.

- States’ increasing use of accommodation systems which fill short-term capacity renders the rights which vulnerable persons are specifically entitled to a mirage. The unstable nature of reception in Europe has borne heavily down on the ability of states to assess special reception and procedural needs, to the point that identification of vulnerability has ultimately been omitted by a significant number of countries. The inoperability of mechanisms to consider special needs as well as the heavily curtailed provision of tailored services has led to a trivialisation of vulnerability and the normalisation of highly unsuitable environments for vulnerable persons. Symptomatic of states’ failings towards vulnerable persons, including unaccompanied asylum seeking children, has been the indefensible use of detention and the multiplication of areas of destitution and poverty wherein vulnerability is prevalent amongst the populace.

The rights of vulnerable persons provided for by EU and international law must be respected by states throughout the asylum procedure. Identification of vulnerability must be conducted at an early stage and arguably done so in conditions which would be conducive to such identification. Special reception needs for vulnerable persons as well as the best interests of the child should be a primary consideration for European countries. States’ legal obligations regarding vulnerability require a tangible outcome, namely the actual provision of tailored facilities, material resources and necessary treatment and care for both physical and mental illnesses.

- Detention cannot be rationalised as reception. European states and EU institutions have too readily presumed deprivation of liberty as an acceptable measure for the accommodation of refugees and migrants. Detention upon arrival seems to be structurally embedded in several reception systems, as exemplified in **Bulgaria** and **Malta**. In the case of **Italy** and **Greece**, the implementation of the “hotspot” approach has only reinforced the risk of detention of asylum seekers and migrants, contrary to states’ human rights duties to only apply detention in exceptional circumstances.

European countries, including but not limited to those operating “hotspots” on their territory, must not resort to detention as a strategy of initial accommodation. Detention should remain an exceptional measure and only be applied on narrowly circumscribed grounds, on the basis of necessity, proportionality and observance of relevant procedural safeguards.

- The intensification and politicisation of the refugee debate has increasingly directed European countries to an oversimplified binary position between those presumed to be in manifest need of protection and those who are not and ought to be deported; the drive of EU institutions towards rapid screening in “hotspots” and a parallel promotion of relocation and return only echoes this binary. This approach has de facto created categories of protection seekers receiving different treatment, with the dividing lines drawn on the basis of nationality. At least eight countries (**Germany, Austria, Belgium, Ireland, Italy, Greece, Bulgaria, Turkey**) resort to some form of discrimination in the reception process by privileging certain nationalities over others. Asylum seekers from countries such as Algeria, Morocco, Tunisia, but also Afghanistan, have found themselves faced with undue delays in securing accommodation, or even deprived of their liberty on the sole basis of their origin.

European countries must refrain from discriminating against asylum seekers on grounds of nationality without due justification. A faithful reading of the 1951 Refugee Convention and human rights obligations requires equal treatment in the provision of rights and guarantees to all persons seeking international protection. In the context of reception, this duty primarily enjoins states to accommodate all entrants rather than summarily denying or delaying entry to those not deemed in need of protection.²⁹² It also warrants a prohibition on automatically resorting to detention of specific nationalities on similar grounds.

291. Dublin returns to Croatia have started being implemented by countries such as **Austria**. See e.g. Austrian Federal Administrative Court, Judgment No W212 2120738-1, 11 February 2016; Judgment No W212 2120880-1, 15 February 2016, upholding both transfers.

292. See also Joint Statement by 26 NGOs, ‘European leaders should keep the borders open and allow access to asylum’, 3 March 2016, available at: <http://bit.ly/1UBG8jJ>.

ANNEX I: LIST OF FIRST-LINE RECEPTION FACILITIES IN 20 AIDA COUNTRIES

	Type of facility	Location	Number of centres	Capacity
AT	Federal reception centre (Bundesbetreuungstelle)	Several locations	14	:
	Distribution centre (Verteilerquartier)	Upper Austria, Tirol, Steiermark, Vienna, Salzburg	5	:
	Special reception centre (Sonderbetreuungstelle)	Several locations	8	:
BE	Temporary collective centre	Several locations	:	11,925
BG	Detention centre	Elhovo, Lyubimets, Busmantsi	3	940
DE	Initial reception centre	Across the territory, regulated at Land level	:	:
ES	Refugee reception centre(CAR)	Madrid, Seville, Valencia	4	426
	Temporary centre for migrants (CETI)	Ceuta, Melilla	2	992
GR	Hotspots and related facilities	Lesvos, Chios, Leros, Samos, Kos	5	7,450
	First Reception Centre	Evros	1	240
	Temporary reception centres	Elaionas, Elliniko, Schisto, Diavata, Cherso, Nea Kavala, Nea Karvali, Kozani, Fthiotida, Trikala, Larisa, Agios Andreas, Malakasa, Eleftheroupouli, Kozani, Konitsa, Drama	17	23,370
IT	Hub (formerly CARA, CDA), CPSA	Several locations	13	7,394
MT	Initial reception centre	Hal Far, Marsa Open Centre	2	:
NL	Central reception centre (COL)	Ter Apel, Zevenaar, Schiphol, Den Bosch, Budel, Doetinchem	6	
PL	Reception centre	Dębak-Podkowa Leśna, Biała Podlaska	2	326
UK	Initial accommodation centre	London, Birmingham, Liverpool, Wakefield, Cardiff, Glasgow	6	1,200
CH	Federal reception and processing centre	Altstätten, Basel, Chiasso, Kreuzlingen, Vallorbe	5	4,232
SR	Asylum centre	Bogovađa, Tutin, Sjenica, Krnjača	4	910

The concept of first-line reception facility is not relevant in Cyprus, France, Croatia, Hungary, Ireland, Sweden and Turkey.

Information valid as of 31 December 2015, with the exception of Greece (12 Mar 2016). Data marked [:] is not available.

ANNEX II: LIST OF SECOND-LINE RECEPTION FACILITIES IN 20 AIDA COUNTRIES

	Type of facility	Location	Number of centres	Capacity
AT	Private housing	Across the territory, regulated at provincial level	:	:
BE	Structural collective centre	Across the territory	:	16,200
	Private housing	Across the territory, regulated at local level	:	8,906
BG	Reception and registration centre	Sofia (Ovcha Kupel, Voenna Rampa, Vrazhdebna), Banya, Harmanli	5	4,180
	Transit centre	Pastrogor	1	320
CY	Reception centre	Kofinou	1	340
	Centre for unaccompanied minors	:	3	64
DE	Collective reception centre	Across the territory, regulated at Land level	:	:
	Decentralised accommodation	Across the territory, regulated at Land level	:	:
ES	Private housing	Across the territory, managed by six civil society organisations	:	1,230
FR	CADA	Across the territory	:	:
	CAO	Across the territory	:	:
GR	Reception centre	Attica, Thessaloniki, Volos	17	1,221
HR	Reception centre	Kutina, Zagreb	2	700
HU	Reception centre	Vámosszabadi, Bicske, Nagyfa, Balassagyarmat	4	1,066
	Centre for unaccompanied minors	Fót, Hódmezővásárhely	2	38
IE	Direct provision centre	Across the territory	35	5,429
IT	SPRAR	Across the territory	430	19,715
MT	Open reception centre	Hal-Far Tent Village, Hal-Far Open Centre, Marsa, Peace Lab, MEC Houses/Apartments, MEC Balzan	7	:
NL	Centre for asylum seekers (AZC)	Across the territory	:	:
	Family housing centre (GL)		:	:
PL	Reception centre	Warsaw, Białystok, Lublin, Bezwola, Czerwony Bór	9	1,898
SE	Migration Agency accommodation	Across the territory, regulated by the Migration Agency	:	101,120
	Special accommodation	Across the territory	:	33,046
UK	Private accommodation (Section 95)	Across the territory, regulated at local authority level	:	:
CH	Test centre	Zurich	1	:
	Private housing	Across the territory, regulated at cantonal level	:	:
SR	Asylum centre	Banja Koviljača	1	150
TR	Reception and accommodation centre	Yozgat, Erzurum	2	850
	Temporary accommodation centre	25 camps across 10 provinces, managed by AFAD	25	282,921

Information valid as of 31 December 2015, with the exception of: Ireland (30 Sep 2015), Turkey (29 Feb 2016), Greece (12 Mar 2016). Data marked [:] is not available.

ANNEX III: LIST OF EMERGENCY FACILITIES IN 20 AIDA COUNTRIES

	Type of facility	Location	Number of centres	Capacity
AT	Transit centre	Spielfeld, Graz, Klagenfurt, Villach, Salzburg, Kufstein, Wels, Schärding, Braunau, Linz	10	:
BE	Pre-registration accommodation	Aliens Office, Brussels	1	1,000
	Emergency accommodation	Across the territory	:	2,450
	Buffer places	Across the territory	:	1,983
	Mobile units	Across the territory	:	812
CY	Emergency centre	Kokkinotrimithia	1	400
DE	Emergency centre	Across the territory, regulated at Land level	:	:
ES	Hotels / hostels	Across the territory	:	:
FR	HUDA, AT-SA	Across the territory	:	:
GR	Rub hall and tents, port stations	Piraeus, Eidomeni	2	:
HR	Temporary admission centre	Slavonski Brod	1	5,000
IE	Emergency reception and orientation centre (EROCC)	:	:	:
IT	Emergency reception centre (CAS)	Across the territory	3,090	76,683
NL	Emergency reception centre Crisis emergency reception		40-45 150	13,500
SE	Emergency centre	Across the territory	420	56,000
UK	Hotels	Across the territory	:	:
CH	Remote locations	Across the territory	20	:
SR	Temporary reception centre	Preševo, Miratovac, Subotica, Kanjiža, Sombor, Adaševci, Principovac	7	:

The concept of emergency facility is not relevant in Bulgaria, Hungary, Malta, Poland and Turkey.

Information valid as of 31 December 2015, with the exception of: Greece (12 Mar 2016). Data marked [:] is not available.

ANNEX IV: QUESTIONNAIRE FOR AIDA EXPERTS

AIDA thematic updates aim at providing a Europe-wide overview of recent developments relating to the core themes covered by the database. Similar to the Annual Reports published in the period 2012-2015, these thematic updates will contain comparative information on statistical elements, key European debates and practice on the ground.

The first Thematic Update focuses on reception, with emphasis on challenges faced by asylum seekers with regard to accommodation and access to reception tailored to special needs after the summer of 2015. The update also intends to provide insight into potential differences in treatment of asylum seekers on the basis of their nationality so as to track potential practices of discrimination.

The following questionnaire is structured in two parts, the first covering reception-related statistical information to be requested from national authorities and/or other relevant actors. The second part contains a number of guiding questions for experts to provide updated information on in relation to reception practices in their respective countries. Bearing in mind the recent publication of updated AIDA country reports at the end of 2015, which will form the basis of desk research for this Thematic Update, the aim of this questionnaire is to provide additional and updated information on reception which has not been included in the respective country reports.

Please submit your contribution to Minos Mouzourakis (mmouzourakis@ecre.org) by 2 March 2016 at the latest.

i. Statistics

The reporting period for statistics should be the end of the year 2015. If, however, data is available for the first 2 months of 2016, these should be listed as well.

- Number of irregular arrivals

Out of those, number of unaccompanied children

- Number of asylum applicants

Out of those, number of unaccompanied children

- Number of reception centres

If applicable, provide specific figures for (i) reception of first arrivals; and (ii) reception of persons in the asylum procedure. If applicable, provide specific figures for emergency reception centres for asylum seekers. Transit centres, for persons merely travelling to another country (not to be confused with emergency reception centres), should be listed separately from the reception system. Figures should also be provided for that.

- Total capacity of reception system

If applicable, provide specific figures for (i) reception of first arrivals; and (ii) reception of persons in the asylum procedure; (iii) emergency accommodation for asylum seekers. Specify if asylum seekers already in the procedure reside in reception for first arrivals / emergency accommodation. Transit accommodation, for persons merely travelling to another country (not to be confused with emergency reception centres), should be listed separately from the reception system. Figures should also be provided for that.

- Occupancy of reception system i.e. number of asylum seekers accommodated

- If available, number of asylum seekers living in private accommodation

- Number of asylum seekers who are not able to secure accommodation

ii. Update on reception practice

Information for this section will largely draw upon the updated AIDA country reports, revised in October-December 2015 for all countries. Therefore information in this section should be provided for elements not included in your respective AIDA report. Where no update or recent information has been noted, you can refer to the AIDA report.

When answering the questions below, please provide a narrative and detail insofar as possible.

- What types of accommodation have been most used for asylum seekers after the summer of 2015?
- Are there differences in treatment with respect to reception based on asylum seekers' nationality? How, if at all, are nationalities separated in the reception process? Are some nationalities given priority over others with regard to accommodation?
- Are there situations of overcrowding in reception centres?
- Are there situations of destitution and homelessness of asylum seekers who are not able to be accommodated in the reception system? What measures are taken to address destitution?
- How, if at all, do the authorities identify special reception needs in practice?
- Are vulnerable asylum seekers e.g. unaccompanied children able to access reception tailored to their special reception needs in practice?
- Is psychological care and health care ensured?
- Do Dublin returnees have equal access to reception conditions as other asylum seekers? Are they in an advantaged / disadvantaged position with regard to reception?
- Do asylum seekers receive adequate information in the places where they are accommodated? Who provides this information? Do NGOs, lawyers and/or UNHCR have effective access to reception centres? If the situation differs according to the types of accommodation, please specify.
- Any other relevant update on policy/practice in your country relating to reception.



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