

Reception Facilities for Asylum Seekers in Europe - A Comparative Perspective

European Migration Network, Norway

Conference in Oslo 30 September 2013, Oslo Congress Centre

Conference Report by Solveig Igesund

The conference was opened by moderator **Vigdis Vevstad** from the Institute for Social Research/SonConsult, who welcomed all participants on behalf of the three members of the Norwegian European Migration Network (EMN) National Contact Point: the Norwegian Ministry of Justice and Public Security, the Norwegian Directorate of Immigration and the Institute for Social Research.

Session I: Welcome

Deputy Minister **Pål Lønseth** from the Ministry of Justice and Public Security gave the conference's opening speech. Lønseth said that Norway is closely connected to the European system through the Dublin and Schengen cooperation. He emphasised that the participation in EMN complements this close cooperation, not the least through reports that are valuable for policy making. He further noted that it is a goal of the Norwegian government to be harmonised with other European countries. It is therefore vital that experiences from other countries are accessible.

Lønseth submitted that the increase in asylum arrivals in Europe, and in Norway, leads to increased pressure on reception. It is also a challenge as more persons are staying illegally in the territory. Thus, there are now many living in reception centres that have different needs. Lønseth said that this was largely due to non-cooperation on return or challenges with settlement in municipalities for those with a positive decision. He emphasised that this is not only a challenge for the asylum seeker, but also for the staff involved. He therefore wanted to know whether there are lessons to be learned from other countries. Should the same reception facilities be given to those with a positive decision as well as a negative decision? Or should the reception facilities for those with a negative decision be less generous?

Lønseth said there have been a number of initiatives to improve the situation for asylum seekers in reception centres, such as the Institute for Social Research study on *Vulnerable Asylum Seekers in the EU and Norway* (2010) funded by the UDI, as well as a previous European Refugee Fund (ERF) funded Odysseus report. The findings from these studies are now being followed-up, through a pilot project on the identification of vulnerable asylum seekers in reception centres.

Further, the Deputy Minister highlighted that, during 2012, there has been an on-going debate in Norway on the best interest of the child (Article 3 of the Convention on the Rights of the Child), as well as the need for a controlled immigration. In November 2012, a governmental White Paper on children seeking asylum was endorsed. The paper aimed to clarify the existing provision regarding residence on the grounds of the child's connection with the country. In December 2012, two Supreme Court cases found that the immigration authorities had adequately assessed the best interest of the child. As regards unaccompanied minors, Lønseth also highlighted two new legislative measures: The Act on Trusteeship and the Act on Guardianship. These Acts has as its aim to improve the protection of unaccompanied children and provide official standards for recruitment, training and monitoring.

Lønseth ended his speech by posing a challenge for the conference participants: "How can we find solutions to manage an effective, but humane treatment of asylum seekers in the future?"

Session II: Reception Conditions and facilities

The second session of the conference was opened by **Lilian Tsourdi** from the Université Libre de Bruxelles, with her presentation on *Reception Conditions: Legal basis and future perspectives*. Tsourdi gave an overview of the legislative history that led up to the adoption of the recast Reception Directive in June 2013, the improvements that have been made and the gaps that still remain.

Tsourdi submitted that although the first reception directive (2003) established minimum standards for material conditions, healthcare and access to the labour market, a 2007 report from the Commission showed that there were still some divergence due to the wide margin of discretion in the text. This was supported in a 2007 study from the Odysseus network which revealed that state practice varied, in particular, as regards the scope of the directive *ratione personae*, the detention of asylum seekers and the implementation of provisions in favour of vulnerable asylum seekers.

In order to address these divergences, the Commission proposed the first recast directive in 2008, but as Tsourdi explained, it soon became apparent that there was a lot of resistance on the basis of the text. In consequence, the Commission proposed an amended recast in 2011, which led to the official adoption and publishing of the recast Reception Directive in June 2013.

Tsourdi continued by highlighting the most important changes in the 2013 recast. For instance, she noted that Article 3 (1) and 3 (2) establishes that the directive is applicable “on the territory, including at the border, in the territorial waters or in the transit zones of a Member State”. She said that the inclusion in the 2013 text of ‘territorial waters as well as transit zones’ is of great importance, and fully reflects relevant jurisprudence of the ECtHR in this area (*Amuur v. France*).

Many member states also claimed that the standards in the 2003 text were not applicable in detention centres. This is solved in the 2013 recast by stipulating that the directive applies “in all locations and facilities hosting applicants”. According to Tsourdi, this formulation leaves no scope for contestation regarding the applicability of the directive. Regarding the personal scope, the directive also makes it clear that it does not apply to EU citizens seeking asylum in other Member States, but to all third-country nationals and stateless persons. However, in the 2013 recast, the scope is explicitly broadened to also cover applications for subsidiary protection.

Tsourdi further said that as regards the Dublin procedures, the text of the recast is in conformity with the 2012 CJEU ruling in *CIMADE* and *Gisti* according to which only “the actual transfer of the asylum seeker by the requesting Member State brings to an end the examination of the application for asylum by that State and its responsibility for granting the minimum reception conditions”.

Lastly, she noted that as regards reception conditions during examination of appeals, this is dependent on how long a person is “authorized to remain in the territory”. According to the recast Asylum Procedure Directive, appeals now have suspensive effect, and the person is entitled to reception conditions until the appeal is resolved. However, in certain cases, such as appeals against applications that have been found manifestly unfounded, a national judicial instance is to decide, either ex officio or upon request, whether the appeal will have suspensive effect or not.

Turning to the level of material conditions, Tsourdi explained that the 2013 recast contains a wording which slightly enhances asylum seekers rights, namely that the standard is “material reception conditions which provide an adequate standard of living for applicants, which guarantees

their subsistence and protects their physical and mental health". She said that findings of the EMN have shown the divergences of amounts dedicated to asylum seekers per Member State, as well as the different levels of investment and ensuing quality of their reception systems. However, in the 2013 text, this issue is largely left to the discretion of the Member States and it is clear that the minimum level that is established is that of "an adequate standard of living".

Another contentious point in the making of the recast is that of access to the labour market. This was heavily constrained under the 2003 text. Knowing that access to the labour market may have the potential to make asylum seekers less dependent on social assistance, the Commission proposed that asylum seekers should have access to the labour market after 6 months from the introduction of the claim, regardless of whether a first instance decision had been made. Several member states resisted these changes, and the final compromise in the 2013 text was that access to the labour market is to be granted at the latest 9 months after the application has been made. However, this only applies if a first instance decision by the competent authority has not been taken and the delay cannot be attributed to the applicant.

According to Tsourdi, clarifying detention is another main aim of the recast. She further highlighted some positive developments in the 2013 text, such as a clear obligation to apply a necessity and proportionality test, an exhaustive list of detention grounds, a timeframe saying "as short a period as possible" and a set of procedural guarantees. However, despite these developments, the directive also contains some provisions that constitute a cause for concern. For instance, Tsourdi mentioned that the grounds for detention are very broad which could lead to systematic detention and that detention in prison accommodation is not explicitly excluded. There are also weak standards for vulnerable asylum seekers, as well as unaccompanied minors (who are not exempted).

Another issue that was intensely debated was withdrawal or reduction of reception conditions. In the final compromise of the 2013 text, the possibility to withdraw reception conditions is retained but only in exceptional and duly justified cases. In addition, it does not concern 'late' applications, in which reception conditions may only be reduced. Member states are furthermore obliged to ensure, in all circumstances, emergency care and essential treatment of illnesses and of serious mental disorders, as well as a "dignified standard of living". However, Tsourdi said that if in fact a "dignified standard of living" is to be ensured, which is more than access to healthcare, it is hard to see how, in practice, member states may completely withdraw reception conditions, for cases other than asylum seekers who have enough own resources, and still completely comply with this standard.

Tsourdi concluded that although the recast brought moderate improvements, some of the areas mentioned above provide us with a mixed picture. She said that further harmonisation is not foreseen or even politically viable. In consequence, the challenge will now lie in implementation and on the authorities at the national level who will be called upon to put these rules into effect.

The pursuant speaker was **Sheila Maas** from ICF GHK/EMN Service Provider, sharing some findings from the *EMN Study on Reception Conditions*. Maas began by emphasising that they are still in the process of writing the synthesis report and that the findings are indeed preliminary. She said that the overall aim of the EMN Study is to identify good practices and existing mechanisms for efficient, flexible reception facilities, whilst maintaining quality and controlling costs. Further, the aim is to analyse similarities and differences in the organisation of reception facilities and basic material reception conditions, as well as to find good practices in handling pressure on the reception system and provide overview of in-and-outflow of applicants and costs of reception facilities. As regards costs, Maas admitted that the findings are limited due to difficulty in comparing statistics.

Maas continued by outlining the main factors determining allocation of asylum seekers, such as

capacity and the applicant's profile. The findings also show broad distinctions between Member States that allocate applicants based on dispersal system or in stages of the procedure.

In regards to the assessment of vulnerability, Maas emphasised that the recast Reception Conditions Directive has more extensive provisions than before, thus requiring Member States to assess and monitor special needs. The findings indicate that most states have laid down the vulnerability assessment in law and/or report to have it as standard practice. There are, however, different methods and different timing.

Next, Maas said that Member States have broad discretion as regards the type of facility provided, and that findings show that the facilities differ in three ways. That is, between collective/private accommodation; the use of initial/transit facilities; and the provision of separate facilities for vulnerable persons. As for the latter, most states provide tailored facilities but in different ways.

As for the actors involved, Maas said that the financial responsibility is centralised in state authorities in most Member States, although some share it between state/local authorities or state/service provider. Most Member States also retain full executive responsibility, while some share it with local authorities. She said that the majority of states involve actors such as NGOs and private companies. The coordination between these actors varies; some more formal than others.

Maas also mentioned that Member States report that various factors underpin pressure on the national reception system, such as high and/or sudden influx of applicants, fluctuation in applications over time, internal challenges or outflow from reception centres. To adjust for fluctuations, states make use of a broad range of flexibility mechanisms, such as emergency plans, budget flexibility, buffer capacity, hiring extra case workers, applying different standards in emergency situations or early warning mechanisms. As for the buffer capacity, Maas said that there are different mechanisms. While some have "more beds available than needed" other makes use of excess space originally created for other purposes, such as hotels, or establishes new reception facilities. These strategies differ in terms of accessibility, quality and sustainability.

Further, Maas said that their theory is that there is not one mechanism that is the best, but that there rather should be combination of different mechanisms. Ideally these should cover preparation, mitigation/prevention and response.

To conclude, Maas said that the final report will give more detailed information on different country practice, but also on other dimensions such as efficiency and quality of receptions conditions.

The next speaker was **Johan Ward** from Södertälje Municipality in Sweden, on the topic *Managing reception of asylum seekers in times of fluctuations*. Ward explained that Sweden has a generous refugee policy, with 18 000 asylum seekers in 2012 compared to 9000 asylum seekers in Norway. He also noted that the numbers of asylum seekers has increased since July 2012, and that the Swedish Migration Board expects approximately 40 000 asylum seekers in 2013 and 2014.

Ward further submitted that Södertälje Municipality has received 7500 refugees since 2000 and that the municipality is growing fast because of migration, especially from Syria. It is particularly contacts, relatives and network that lead migrants to the municipality. They have in particular been affected by conflicts in the Middle East affecting Christian populations.

Södertälje has a local refugee policy from 2006 that emphasises four important points. Namely, that Södertälje is positive to migration; they see migration as a possibility; they lead by example; and they work actively to propose improvements that can help the migrant to integrate faster into the

Swedish society. Thus, in Södertälje they speak about migrants instead of asylum seekers and refugees, and believe that how you speak about migration has an impact on integration.

Ward said that the discussion at the moment is centred on how to improve the organised reception system for asylum seekers. There are several challenges ahead, for instance the arrival of 20 new pupils per month and bad housing conditions. He further explained that 100 per cent of the migrants have relatives or contacts in the city, and that they move between these contacts and relatives. When the migrants themselves choose where to stay, the standard is not always good. Other challenges is related to the fact that migrants move to areas with already high unemployment, and that Södertälje has the highest costs for social assistance per capita in Sweden.

In sum, Ward stressed that although they have problems in Södertälje, they also have opportunities. As an example, the municipality has tried different methods to increase labour market integration, such as helping people to move where there are jobs or education. The municipality has also participated in a project with the Swedish Public Employment Service and the Swedish Migration Board which aims to describe migrants' journeys in Sweden in order to reduce bureaucratic inefficiency and to reduce the waiting time for the migrant.

After the presentation, the audience was invited to ask questions to Johan Ward.

Norwegian People's Aid (NPA) expressed that they were very impressed to hear what Södertälje is achieving, and how they focus on opportunities instead of challenges. He explained that NPA runs reception centres in Norway and asked whether there is any research that compares how the life cycles are for asylum seekers that lives in asylum centres versus housing in Södertälje. To this, Ward answered that those who are not living in reception centres, do integrate better. However, he emphasised that it is complex, as they also want some regulations to avoid bad living conditions.

Ann-Magritt Austenå from Norwegian Organisation for Asylum Seekers (NOAS) asked how early asylum seekers can start working legally in Sweden and how this is regulated in the different stages. Ward said that in Sweden you can work as an asylum seeker, and that the problem is rather what jobs people get and that it is easy to be misused or trapped in the labour market. They have contemplated using English as a working language at the city hall in order to accommodate more workers. He also underlined that if you are working illegally as an asylum seeker and the employer think that you are useful, the asylum seeker has the possibility to apply to change their status.

Subsequent to Ward's presentation a panel discussion was held on the topic *Who should run the reception facilities? Local authorities, humanitarian organisations or commercial actors?*

Lars Steinar Hansen from the Directorate of Immigration (UDI) was the first speaker on this topic. He underscored that reception of asylum seekers is mainly a political question. In the 1980s the government decided that the state is not supposed to run reception facilities, because it was thought that the situation would be temporary. He continued by showing an historical overview of the market share of the three main operators in Norway: private actors, municipalities and humanitarian organisations. Hansen said that one could argue that there has been a privatisation of the reception facilities since they were started. The more facilities, the larger the share of the commercial actors has become.

Hansen continued by emphasising that the general findings of the Norwegian Official Report (NOU 2011:10) did not indicate a systematic quality difference between the three types of operators. Neither is there any difference as regards price, although the profits are bigger for private actors.

Further, the NOU found that there are more staff in centres run by municipalities (6,5 staff per 100 residents) compared to 5,8 staff per 100 residents in centres run by NGOs and 5,4 staff per 100 in centres run by private actors. Despite these differences, Hansen reiterated that UDI conducts regular audits and they have all reached the same conclusion: there is no systematic difference in quality between types of operators. As to costs, the centres are established according to public procurement regulations and type of actors cannot be used as an award criterion.

To sum up, Hansen said the overall experience is that having a tripartite system is a value in itself as it gives three different perspectives on running reception facilities and helps to develop the field.

Trygve Augestad from Norwegian People's Aid (NPA) was the following speaker. It was submitted that NPA runs 9 reception centres, has a Guardian Secretariat for minors, gives guidance to au pairs and have various projects related to anti-racism. NPA has been in the field of refugee reception since 1988 and, according to Augestad, their work has contributed to improve the conditions for asylum seekers. He particularly highlighted two examples, namely the language training available to everyone at the centres, as well as the competence among the staff. He continued by stating that, unfortunately, NPA is the only big NGO that runs reception facilities in Norway.

But why should humanitarian organisations run reception centres? Augestad said that, firstly, because volunteering provides better quality of operations and more interaction with the local community. Secondly, because project work, method development and added activities strengthen the quality of the reception centres. Lastly, Augestad emphasised that humanitarian organisations provide a guaranteed professional development, with a strong focus on welfare services.

Turning to the question of how NGOs can continue to run reception centres, Augestad said that there need to be a responsible platform and conditions fostering interest from more NGOs, and that steps should be taken to assure a fair percentage of reception centres provided by humanitarian organisations. He expanded by saying that there have been signals indicating that the government want NGOs to run more reception centres, but that despite these intentions, the number of facilities run by NGOs have been drastically reduced from 22 per cent in 1990 compared to 9 per cent today.

Thus, the biggest challenge stressed by Augestad is to compete in bidding rounds with private actors, as NPA is pressured to lower prices. He said that longer contracts would ensure more stability and predictability. As an example, NPA have had to close down two reception centres while at the same time bidding to establish new ones. Augestad suggested that to enable NGOs to run reception centres, longer bidding deadlines for NGOs should be considered and the bidding rounds should reward volunteering, local integration work and qualified employees. He emphasised that NPA is not against commercial actors, but that they want more centres to be run by humanitarian organisations. It was suggested that separate bidding rounds for NGOs could also be a solution.

The next speaker was **Emil Schmidt** from Bjørnebekk reception centre, run by the Municipality of Ås. Schmidt said that Ås has 17 338 inhabitants and Bjørnebekk around 200 residents. He underscored that the Municipality of Ås has run reception centres since 1999, and whilst many other municipalities have had to stop running reception centres, they are one of the stayers. He continued by explaining that Bjørnebekk reception centre is organised with a municipal council, a board/municipal management team, a manager at Bjørnebekk and local staff. At the moment, the reception centre has 10 employees and most of them are primary contacts in addition to their assigned tasks. This means that the staff has the responsibility for a group of residents each and

that they follow the residents from the first day until the day they leave the centre. Schmidt said that this makes it easier for the residents because they will know which employee to contact at any time.

It was further emphasised that there are many benefits and possibilities related to municipalities running reception centres. For instance, Schmidt mentioned the close cooperation and integration with other municipal services, such as schools, kindergartens, health care and culture. He also said that recipients today are staying longer at the reception centre and that this increases the complexity of their needs. By having access to a wide range of competences they are able to better meet these needs and to provide the residents with a good stay at the reception centre.

Turning to the challenges, Schmidt stressed that contracts are awarded through a competitive bidding process and that the contracts are for a limited period of time. This is different from ordinary municipal activities such as kindergartens, schools or nursing, where the municipality usually operates with long-term strategies. Thus, Schmidt added, they are less flexible than private actors.

Before opening the floor for questions to Lars Steinar Hansen, Trygve Augestad and Emil Schmidt, moderator Vigdis Vevstad underscored that the organisers of the conference also had invited a representative from a private actor, but that the person unfortunately was not able to make it.

Vevstad continued by highlighting that there are about 15 000 persons living in reception centres in Norway, in which 1/3 is waiting for an answer to their asylum claim, 1/3 has had their claim rejected and 1/3 have received a positive answer and are waiting to be settled in a municipality. Thereafter, she posed a question for the three panellists concerning the main challenges with such a mixed population at the reception centres. In response, Trygve Augestad said that the long waiting period is a challenge for both the operators and the asylum seekers. Augestad suggested that one way to decrease pressure could be to follow Södertälje's example and let asylum seekers settle with friends and family without losing their benefits. Emil Schmidt said that it was difficult to decide what measures to implement because of this mix of people at the centres. However, he highlighted that UDI have established programs that are supposed to motivate people for return. Lastly, Lars Steinar Hansen added that this is not only a humanitarian challenge, but also represents a big cost and create big capacity problems.

Further, Sheila Maas from the EMN Service Provider asked to what extent the panellists think it is a challenge with having three operators as regards the different types of facilities offered. To this, Augestad answered that the type of facilities run by the NPA are also different, ranging from big buildings with 150 persons to small decentralised apartments. He said that there are good things about both models. At the same time, he added that it is a challenge to find suitable buildings that are cheap enough for the UDI, and that most of the centres have only been set up for a temporary stay and are not suitable for a stay over one year. Emil Schmidt said that since all operators are part of the same bidding process the standards should be the same at the different facilities. His worry was rather that with the competitive bidding, municipalities and NGOs were bound to lose. Lars Steinar Hansen added that variation is good as long as they are run above a minimum standard.

Eivind Hoffmann from UDI also raised a question concerning the number of staff per residents and how it is possible that private actors can achieve the same quality when they have the lowest staff levels. He further wanted to know what quality elements such comparisons and investigations are based on. To this, Lars Steinar Hansen said that the UDI conducts audit reports based on breaches of UDI's guidelines. The analysis is done by counting the breaches, summarising and comparing between operators. Trygve Augestad added that the NPA has a sense that the quality measures are probably not the best ones to say if it is a good reception centre or not. For instance, he highlighted

that there are few indicators which look at activities that benefit the inhabitants within the local community. The audits are rather focused on aspects that are *necessary* to run the centres.

Session III – Asylum seekers with special needs

The third session of the day was opened by **Nora Sveaass**, Associate Professor at the University of Oslo and Member of the UN Committee against Torture. In her presentation, Sveaass focused on the topic *Victims of Torture: Identification and follow up*.

As a starting point, she said that victims of torture, or survivors of torture, are often referred to as vulnerable asylum seekers or persons with special needs. Sveaass underscored that her main argument is that those who have experienced torture will have special needs throughout their lives. Moreover, when speaking about the importance of identifying torture, this is not because being tortured in itself is enough to get protection, that is, if you cannot document that you will be tortured again. Despite this limitation, Sveaass emphasised that we have a serious obligation in documenting and identifying torture, and that we need to assess for special needs and implement necessary follow-up in the best possible way.

Sveaass continued by outlining the rights of victims of torture, highlighting that the prohibition of torture is accepted as customary international law and is a non-derogable right. Thus, under all circumstances, the prohibition is there. In addition to the protection against torture, she also focused on the right to remedy and justice, the right to reparation and, in particular, the right to rehabilitation. As regards the latter, she emphasised that rehabilitation includes the restoration, as far as possible, of independence, physical, mental, social and vocational ability, as well as full inclusion in society.

Next, Sveaass turned to the issue of documentation. She stated that if one is able to document torture, this is an important way of working with prevention. She also questioned the way we deal with documentation of torture in the asylum process and that there is a general recognition that if you have been tortured before, there is a chance that you might be tortured again.

In this regard, Sveaass highlighted the Istanbul Protocol as a valuable instrument for investigation and documentation of torture. The Protocol could be used by health care professionals, personnel at reception centres, asylum interviewers and for coordination and communications between them. It should also be used in order to identify vulnerable asylum seekers with special needs. Sveaass highlighted that the Ministry of Justice has started a pilot project in cooperation between the UDI and the Health Department to strengthen care provided to vulnerable asylum seekers in reception centres, including identification and follow-up. However, there are still many issues to be worked with, such as making a special plan for rehabilitation of torture survivors and mainstreaming a model for care and rehabilitation. There are many centres for rehabilitation world-wide and networks of professionals working with rehabilitation during conflict, in post-dictatorship or in exile.

In summing up, Sveaass said that there is a need to strengthen identification procedures, to ensure follow-up, and to enable systems to communicate with each other. There is also a need to develop approaches for use of torture documentation in asylum procedures, as well as systems for rehabilitation. Sveaass emphasised that the Istanbul Protocol will now become especially relevant in a Norwegian context with the adoption of the Optional Protocol to the Torture Convention (OPCAT) and the establishment of a new preventative mechanism. Some countries use the Istanbul Protocol as standard procedure during the asylum process, and as her concluding remark, Sveaass reiterated that her hope is that this will become a stronger part of the system also in Norway.

The pursuant speaker was **Fanny François** from Fedasil in Belgium, who presented on the topic *Unaccompanied minors and best practices*. To begin with, François pointed to the fact that during more than 3 years, Belgium experienced a serious crisis in reception where they were not able to accommodate 12 000 asylum seekers. This situation was exacerbated by the fact that Belgium was without a government for 500 days. Consequently, Belgium was condemned by the labour court. Before turning to the issue of unaccompanied minors, François therefore wanted to explain the basic organisation of the reception system in Belgium, and how they finally got out of the crisis.

In Belgium, it is Fedasil and NGOs/Red Cross who run reception centres. François said that in addition to reception, Fedasil also has responsibility for reception policy, voluntary return and observation and orientation of unaccompanied minors. The Agency was created in May 2002 and has 1200 workers. In 2012, Fedasil had the responsibility for 23 800 reception places.

François continued by stating that the reception system in Belgium has three steps. In the first step, asylum seekers stay in collective reception centres for approximately 4 months. In the second step, they stay in individual reception facilities, while the third *new* step is that they stay in reception centres for voluntary return for 30 days. The third step has been in place since September 2012, and was part of a strategy of chain management with a model from beginning to the end. When the rejected asylum seekers have stayed in the reception centre for voluntary return for 30 days, they are obliged to leave. In addition, almost every centre has facilities for minors. In total, François said that Belgium has 48 reception centres spread around the country. In the individual housings the asylum seekers get furnished private lodging, material aid and they are provided assistance.

Turning again to the reception crisis, François said that from 2008 to 2011, Belgium experienced an increase in asylum applications. In 2007, they had received 12 000 asylum seekers, while in 2011/2012 they had 24 500 asylum seekers in reception. In 2009, Fedasil had to open emergency facilities in military barracks, hotels and amusement parks in order to accommodate the asylum seekers. This was meant to be a short-time solution, but lasted from May 2009 to December 2012. In total, François noted that 1000 people have been accommodated in hotels in Brussels. During this period, they also housed minors in hotels. Finally, after a long period, additional staff was given to the asylum agencies to bring down the backlog.

In 2013, Belgium has a 71 per cent occupancy rate. How did they get out of the crisis? Firstly, François emphasised that they had to develop a more integrated asylum and reception policy. From December 2011, a State Secretary for Asylum, Migration and Social Integration was also appointed. In addition, they had increased the reception capacity and restricted the inflow into the reception network. François underscored that this could be done, for instance, by limiting reception for people with multiple asylum applications. Furthermore, the authorities established a list of “safe countries” with accelerated asylum procedures which also decreased the pressure on reception facilities.

Another step to reduce pressure was to invest in broader and better assistance for voluntary return. As mentioned, Fedasil established a third new step in the reception model where the rejected asylum seekers only were allowed to stay 30 days before they were obliged to leave. François also said that they now have staff members working with voluntary return in each reception centre and a voluntary return counter at the dispatching service from the beginning of their stay. In consequence, Fedasil now see that around 5000-6000 return voluntarily each year. According to François, the reception crisis has now been replaced with another crisis, namely that they have to size down. This creates a lot of insecurity in Fedasil, among staff members, municipalities and the Red Cross.

Turning to the issue of reception of unaccompanied minors, François explained that for this group there is also a three-step reception model. In the first step, the minors are placed in an Observation and Orientation Centre (OOC) or, for some boys between 17/18 years who should not live in the Brussels area, in a so-called “Green” reception centre in Luxembourg. The OOC is an open centre, and is supposed to offer an adaptation period. It also permits the authorities to do a psychosocial analysis and it permits the Guardian Service to identify the minor and assign a guardian. The minors live in the OOC for a period of 15 days renewable only once, and for maximum one month.

In the second step, the housing depends on whether the minor is an asylum seeker or not. If the minor *is* an asylum seeker he or she is placed in a collective facility run by Fedasil, and if the person is *not* an asylum seeker he or she is housed by the municipalities, for instance in foster homes. In Fedasil’s reception centres there are supervision 24/7, as well as individual follow-up and schooling. Together with the minor, and with help of his or her guardian, the minors’ autonomy is prepared. The minors stay in these collective centres for 4 months to 1 year. As an example of good practice, François mentioned that they have specialised units in reception centres, for instance for young mothers or pregnant girls, time out facilities for younger boys who have disciplinary problems, minors with mental disorders or for very young children ranging from 8-9 years to 14 years old.

In the third step, the minors who are still entitled to benefit material assistance are placed in an individual housing with supervised autonomy. The housing is usually in flats with easy access to public transport and in the neighbourhood of the collective reception centre where the minor used to live. According to François, this option offers more individual help and supervision, and the stay is intended to offer the necessary tools for a transition to full autonomy. There are some conditions that must be met to get individual housing, however, such as age (older than 16 years), previous stay in an OOC, at least 4 months stay in a collective reception centre, meeting the schooling obligations, being a regular pupil, and that his or her autonomy is sufficient to take this step.

François concluded by saying that the challenge is to convert collective reception facilities into individual housing. Many are waiting for an offer and when they turn 18 they are no longer entitled to housing. There is also a need to get more resources to organise new specialised facilities for minors and more resources to the Guardianship service to recruit new guardian-candidates.

The floor was opened for questions for Fanny François.

Line Khateeb from NOAS asked how long unaccompanied minors usually wait for a decision. She also wondered whether Belgium grants temporary residence permits to unaccompanied minors. To this, François answered that the minors usually get the answer quickly, but that you are only entitled to benefits until 18 years, including access to the reception facilities.

Marianne Lande from LSE/UK asked why Fedasil move the minors between different reception centres instead of housing them in one place the whole time. François said this was in order to identify the minor and give them an adaptation period. She continued by saying that what they have seen is that when working on autonomy it is better to take this in steps. If not, there is no step between collective reception and no reception, as the minors are not entitled to reception after 18.

Other questions asked to François included what the percentage of rejections are and how many are returned; the number of staff per minor; and what happens after the minor turns 18. As to the first question, François answered that the rejection rate is 70 per cent and that this includes all unaccompanied minors, also those who are declared not to be a minor after the age test. As regards voluntary return, she said that there are around 100 a year and that they do not practice

forced return of minors. As for the third question, the number of staff per child is 1 per 4 residents. François further emphasised that 1 hour after the minor's 18th birthday, Fedasil is no longer responsible for the minor if he or she is rejected. This is very difficult, and why Fedasil and the guardian work to find a solution well in advance of the minors 18th birthday.

Session VI: Longstayers in reception facilities

The conference's final lecture was held by **Anita Vardøy** from the Ministry of Justice and Public Security. Vardøy began her presentation by stating that Norway has 111 reception centres located all over Norway and that the reception population by end of August 2013 was 16 350. She further explained that all asylum seekers in Norway are offered housing in reception centres and that this lasts until they are settled in municipalities or when they *actually* return. Thus, although Norway meets the same challenges as all other European countries, reception is solved differently.

The Ministry has delegated the responsibility of reception centres to the UDI. All reception centres are open and the asylum seeker may choose to live outside the centre. If they choose this option, however, they will not receive benefits from the state. Therefore, many do not use this possibility.

Next, Vardøy underscored that in 2012, Europe experienced the highest numbers of asylum arrivals in 10 years, and that the numbers still keep rising. In Norway, the number of asylum seekers has also been increasing since mid-2012. Consequently, this increases the pressure on the reception system. According to Vardøy, this challenge is further exacerbated by the lack of outflow from reception centres, meaning that very few are leaving the centres. As a result of this situation, she said that the UDI is now in the process of establishing new reception centres.

At the moment, the reception population at the centres is divided between those granted permits and awaiting settlement (27%), those with cases pending in first instance or appeals (36%), those with final rejections (33 %) and "others" including those with temporary residence permits (4%).

As regards the benefits granted to asylum seekers, Vardøy mentioned the mandatory information program that is established, as well as Norwegian language course, economic allowances, health care (on the same basis as Norwegian citizens) and that children have a legal right, and duty, to attend primary school. She added that in order to get a temporary work permit, you need an ID (generally a passport).

Turning to the benefits granted to persons with a final negative decision, Vardøy stressed that the rejected asylum seekers get reduced economic allowances in order to send out a signal that they are in the country illegally and have a duty to leave. Those who do refuse to leave are still offered housing in regular reception centres for them to have adequate housing. Thus, they still have some formal entitlements, such as the right to emergency health care. Rejected asylum seeking children receive the same right to health care as Norwegians. As regards the temporary work permit, Vardøy explained that this could be continued after rejection, but is only granted for six months at a time. The Ministry has also established activities to motivate rejected asylum seekers to apply for voluntary return.

Vardøy continued by saying that in her opinion, all those living at reception centres for more than one year should be regarded as longstayers. At the moment, 46 % have lived at reception centres less than 1 year, 16 % for 1-2 years, 11 % 2-3 years and 27 % for more than 3 years. In total, 4300 persons have lived at reception centres for more than 3 years. According to Vardøy, this is due to

non-compliance from the persons having their applications rejected; slow pace in the settlement of persons receiving a permit; and a long processing time in the Immigration Appeals Board.

This situation leads to many dilemmas. As Vardøy emphasised, negative decisions should be carried out quickly, but this is not the case. The reception centres therefore host persons in different situations and this also postpones the integration for persons awaiting settlement. The consequence is costs, not only for the individual involved, but also for the society at large. In addition, Vardøy said that the living conditions at reception centres are plain and adequate, but that studies show that good living conditions becomes more important the longer the asylum seeker stay in the centre. However, the Ministry has not seen it as a priority to improve the conditions for this group, since the intention is that the stays at reception centres are temporary. The fact that many of the people living at the centres are staying there illegally and thus have reduced rights and benefits, increases frustration among the residents and may lead to security risks. As an example, Vardøy mentioned the return centres which was established for rejected asylum seekers, but closed down in 2010.

Turning to the possibilities to improve the situation, Vardøy highlighted the need to have a more rapid settlement of asylum seekers with a positive answer. Over the years, too few municipalities have accepted to settle asylum seekers and it is a long tradition that this decision is up to the municipality. She emphasised that Ministry are trying to speed up the process, for instance by considering letting the asylum seekers settle in municipalities for themselves, without losing the right to benefits. Other possibilities are increasing the number of forced and voluntary returns, and to speed up the appeals process. The Ministry has an ambition that the total processing time should be 1 year. Vardøy concluded by saying that European countries have similar challenges as regards reception, and that there are many lessons to be learned from each other.

The conference's audience was given the opportunity to ask questions to Anita Vardøy.

Vigdis Vevstad asked what sort of activities the Ministry is proposing to instigate return. To this, Vardøy answered that the Ministry is considering hiring return advisors in reception centres that can have individual return conversations with the asylum seekers. Moreover, they are contemplating whether there are any courses or tests that could help with re-establishment in the home country. In addition, the authorities want to cooperate with the rejected asylum seekers in order to establish which schools the children can attend in the home country or to get in touch with friends or family.

Lastly, Line Khateeb from NOAS said that the requirement for ID to have a work permit is too strict and that this could be a factor in motivating people to self-settle. As her final remarks, Vardøy said that there is new research on this topic, and that the Ministry is currently taking a closer look at it.