

DG for Justice and Home Affairs

Study on the legal framework and administrative practices in the Member States of the European Communities regarding reception conditions for persons seeking international protection

Final Report

Part A: Comparative Analysis of Reception Conditions for Persons seeking protection in the Member States of the European Union

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This Study has been carried out by PLS RAMBOLL Management, on behalf of the European Commission (Directorate General for Justice and Home Affairs). The opinions expressed by the authors do not necessarily reflect the position of the European Commission.

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1. *Introduction*

With the passage of the Treaty of Amsterdam in 1997 it was agreed that measures should be taken to move asylum policies from the area of intergovernmental co-operation (the third pillar) to the area of supranational co-operation (the first pillar).

It was decided that within a five-year period the Member States should agree on minimum standards for the rights of asylum seekers, refugees and immigrants. Thus within the five years period, minimum standards were to be adopted for:

- Reception of asylum seekers in the member states
- Granting of refugee status to third countries' citizens
- Procedures in member states on awarding or removing refugee status
- Temporary protection of displaced persons from third countries who cannot return to their home country and for other people seeking international protection
- Other measures regarding asylum, immigration and the protection of the rights of citizens of third countries.

Three further matters relating to asylum seekers and refugees were moved from the third to the first pillar without preconditions for reaching common ground within a given period, namely:

- Creating rules that make it possible for persons who legally reside in one EU Member State without citizenship to move to other countries inside the Union without problems;
- Devising rules for the sharing of costs between Member States in relation to the reception of refugees;
- Strengthening administrative co-operation between Member State authorities.

In 1999 the EU obtained its first Commissioner on Justice and Home Affairs, and at the summit held in Tampere in 1999 the Heads of Governments confirmed that the EU should work towards creating a common system of asylum. Even so, there was no agreement on the time frame for the creation of such a system, although the summit clearly underlined its participants' political commitment both to their

legal obligations vis-à-vis the 1951 Convention on the Status of Refugees, the 1967 New York Protocols and the obligations arising out of the European Convention of Human Rights and its additional protocols.

In the autumn of 2000 the French presidency of the EU declared that it would strive to enable the EU to adopt a directive on minimum standards regarding reception conditions for asylum seekers during the presidency.

The big challenge ahead is to find a balance between the desire to tighten the rules governing the growing illegal immigration into the EU and the need to protect refugees. Until now it has not been easy to find common ground in the various fora dealing with the issue.

1.1 Background of the study

In the autumn of 1999 the European Commission launched a tender procedure concerning a study of the legal framework and the administrative practices in each EU member state regarding persons seeking international protection. The aim of the study was to prepare the adoption of European Community legal instruments in the field of asylum policy, in particular in preparation for the tabling of an initiative regarding reception conditions for asylum seekers. Following the tender procedure PLS RAMBOLL Management was asked to undertake the assignment.

The contents and the points of views presented in the reporting of the study are the sole responsibility of PLS RAMBOLL Management and do not necessarily reflect the point of view of the European Commission.

1.1.1 The assignment of PLS RAMBOLL Management

The purpose of the study has been to gather information regarding the legal framework and the administrative practices in the EU Member States with regard to reception conditions for persons seeking international protection, and to analyse and compare the information gathered.

The study includes the following two main tasks:

1. The mapping of the asylum rules and practices in each member state - in other words, a description and analysis of the legal rules and administrative practices in each member state regarding the reception of persons seeking protection.
2. A comparative analysis of the rules and practices of the member states, with a cross-cutting analysis and evaluation of the situations in the 15 member states.

The mapping and comparative analysis of rules and practices cover the following areas:

- Arrangements immediately on arrival
- Accommodation
- Access to education
- Means of subsistence
- Medical care
- Access to the labour market
- Detention and restrictions on free movement
- Special treatment for vulnerable groups

The study further examines the following themes:

- Differences in reception conditions with reference to the stage of the asylum procedure and the type of status sought or granted
- The respective roles of national, regional and local governmental authorities and NGOs involved in handling persons seeking protection
- Co-operation between Member States on asylum matters
- Member States' proposals to change current national laws or practices.

1.2 Contents of reports

The findings of the study are presented as two separate final reports:

Final report A: “Comparative analysis of reception conditions for persons seeking protection in the Member States of the European Union”.

Final report B: “Reception conditions for persons seeking protection in the Member States of the European Union - 15 country profiles”.

1.2.1 Report A

Report A presents the results of the comparative analysis of legal rules and practices governing reception conditions for asylum seekers in the 15 member states of the European Union. The comparative analysis has generally been carried out in three stages with the purpose of identifying patterns in the reception conditions offered by member states:

1. Synoptic tables comparing individual issues have been compiled on the basis of all the information gathered.
2. The information has been analysed with the primary purpose of describing differences and similarities among member states.
3. Relevant summary tables and information are presented and discussed in the report.

The present Chapter 1 introduces the study. This includes an explanation of the background of the study and a presentation of its contents.

Chapter 2 provides a global overview of some statistical trends affecting persons seeking protection in the member states of the European Union, including trends in the number of asylum seekers and statuses granted and an overview of member states' costs incurred in relation to persons seeking protection.

Chapter 3 discusses trends in the political atmosphere surrounding foreigners in the member states of the European Union. It also describes trends in the public debate on persons seeking protection and touches on the official attitudes of the member states regarding international co-operation on asylum matters.

Chapter 4 presents an analysis of patterns in the organisation of asylum procedures and trends in asylum rule changes.

Chapter 5 presents and discusses patterns in what member states offer to persons seeking protection with regard to accommodation, education, health care, means of subsistence and access to the labour market.

In Chapter 6 a comparison of the rules on detention and restrictions on free movement is presented.

Chapter 7 outlines and discusses patterns in how particular circumstances determine the reception conditions for persons seeking protection. This includes an analysis of differences in reception conditions with reference to the stage of the asylum procedure, the possible outcome of the asylum procedure or the kind of status sought, and any special treatment provided for vulnerable groups.

Finally Chapter 8 is a presentation and discussion on the extension of legal rights. The rights are grouped in three lists according to their extension in the European Union. The first list presents rights that seem to be universal through out the European Union. The second list comprises rights that are almost universal in the sense that they are commonly granted in the member states. The final list contains rights that are very seldom granted in member states of the European Union.

1.2.2 Report B

Report B comprises fifteen sections. Each section comprises the profile of one member state of the European Union. Each country profile presents the results of the individual mapping of rules and practices regarding reception conditions in that member state.

The same themes are systematically covered for each member state and presented in the relevant country profile.

Each country profile has been subject to a hearing procedure in the respective member state. That is PLS RAMBOLL Management sent a copy of the draft country profile asking for comments. All member states except France and the United Kingdom have returned comments to the profiles. The comments have been taken into consideration of PLS RAMBOLL Management when finalizing the draft profiles.

Each country profile contains the following chapters:

In a very brief Chapter 1 the sources of the data used to compile the profile for the country in question are stated, including a list of the organisations visited and the persons interviewed during the visits in the country.

Chapter 2 presents background information regarding the number of asylum applicants, the number of asylum statuses granted and the costs of the member state incurred in the handling of those seeking protection.

Chapter 3 deals with the organization of the work related to reception of asylum seekers. The purpose is to produce a complete picture of who is involved in the reception of asylum seekers and to obtain an overview of who is doing what.

In Chapter 4 the legal framework governing the reception conditions for persons seeking protection is presented. A further purpose of the chapter is to provide an overview of recent developments within the legal framework.

Chapter 5 deals with the arrangements, which apply immediately on the arrival of an asylum seeker. The purpose is to clarify what happens to different types and categories of persons seeking protection during the very first hours and days after claiming asylum in the country, and to establish a picture of the asylum procedure they are subsequently subjected to; and finally, it aims to show how the different stages of the asylum procedure may affect the social and economic circumstances of the asylum seeker.

Chapter 6 deals with the accommodation of the asylum seekers during the pre-asylum phase, with an emphasis on how different groups of asylum seekers are accommodated during the asylum procedure.

In Chapter 7 the access to education of persons seeking protection is described. The purpose is to present a clear and precise overview of what kinds of educational facilities are offered to different groups of persons seeking protection during the different stages of the asylum procedure.

Chapter 8 deals with the possibilities available to asylum seekers in taking a paid job or working in unpaid activities, in order to provide an overview of the labour market activities which different types and categories of persons seeking protection have access to.

In Chapter 9 the access to health care of persons seeking protection is described. The aim is to clarify the extent to which persons seeking protection are included in health care programmes.

Chapter 10 describes the means of subsistence that persons seeking protection are offered during the asylum procedure. The purpose is to uncover what kinds of means of subsistence are offered for different types and categories of asylum seekers at different stages of the asylum procedure.

Chapter 11 of each country profile deals with the rules on detention and restrictions on free movement of asylum seekers, to give an overview of the manner and circumstances in which a the member

state may detain or limit the free movement of a person seeking protection.

Chapter 12 sums up and discusses differences in treatment, which depend on the stage of the asylum procedure and the kind of status sought, and summarises any special treatment provided for vulnerable groups.

Finally, Chapter 13 of each country profile discusses the political atmosphere surrounding foreigners in the country. It attempts to describe trends in public opinion on questions relating to persons seeking protection, and the official attitude of the country regarding international co-operation on asylum matters.

1.3 Sources of information

The main sources of information used to carry out the study are as follows:

- Personal interviews with experts in the area of asylum policy, including scientists and persons from NGOs and international organisations dealing with asylum matters. A total list of persons interviewed during the study is attached to the end of this report as Annex A.
- Information gathered via a questionnaire created by PLS RAMBOLL Management and returned by the asylum authorities of the national government of each member state
- Information gathered during visits to all member states, including interviews with relevant actors in the asylum procedure
- Background documentation, including the reports of international organisations, documents provided by the institutions visited on law and practices, and websites of various international and national organisations in the asylum field. A bibliography of the most relevant reports consulted is attached as Annex B in a report enclosed separately.

1.4 Executive summary of report A

Chapter 2 provides a global overview of some statistical trends in the number of asylum seekers and statuses granted in the 15 Member States. The chapter furthermore gives an overview of the Member States' costs incurred in relation to persons seeking protection.

The study shows a significant variation in the total number of applicants during the last 10 years. The total number of asylum seekers grew significantly from 1990-1992 and peaked in 1992 with the Balkan War with more than 662.000 people applying for protection. In 1994 a significant drop in the number of applications can be seen and from that on (1994-1999), the numbers of people seeking protection have varied between a total of 224.922 and 310.654 applicants a year. However, during the past few years a growing trend in total number of applicants can be observed.

A substantial difference in the distribution of applicants exists amongst the 15 Member States. Germany has clearly been the main recipient country receiving around 66 % of all the people seeking protection in the Member States in 1992. All other countries received less than 5 % of the applicants that year. However, in the past few years a tendency towards a more evenly distribution of applicants amongst the Member States can be observed.

The study also illustrates large differences amongst the Member States in the ratio of statuses (Convention and subsidiary forms of protection) granted in relation the total number of applicants and in relation to the total number of statuses given. However, the average ratio of applicants granted a status in relation to the total number of applicants has significantly decreased during the past few years from 23 % to 14 %, all the Member countries taken together.

In addition the study indicates a difference in practice in relation to the distribution of statuses granted. The countries can be divided in two groups with one group granting subsidiary forms of protection by far more often than Convention statuses. The other group of countries has a more extensive use of the Convention Status.

Chapter 3 discusses trends in the political atmosphere surrounding foreigners in the member states of the European Union and the attitudes towards common EU-legislation on asylum and reception. The chapter describes how the subject of foreigners has been placed on the political and public agenda within the past few years. Furthermore, the study shows that all 15 Member States are positive in relation to common EU-legislation in the realm of asylum and reception conditions and that all countries realize the need for harmonization. The countries point to a number of areas where common procedures are urgent, but some skepticism with regard to the feasibility of reaching common agreement can be identified.

In **chapter 4** an analysis on asylum procedure in the member States is presented. Substantial differences in the asylum procedures exist both with regards to the criteria on which protection is granted and the various rights and facilities provided to the applicants during the asylum procedures. However, there are indications of a tendency towards convergence in the organization of the asylum and reception procedures throughout the EU Member States and a tendency towards further harmonization.

Chapter 5 presents an overview on accommodation, education, health care, means of subsistence and access to the labour market provided the people seeking protection. Large degrees of convergences exist amongst the countries in regards to health care and means of subsistence and to a certain degree accommodation and education. Significant differences are mainly found with regards to access to the labour market.

The overall tendency amongst the Member States is for special accommodation to be provided to unaccompanied children either as an official policy or in practice. Special accommodation is provided to a lesser degree to women and families; finally, victims of torture and organized violence are offered special accommodation in a few countries only.

In all Member States education children have access to school until the age of 15 and in most Member States to mother tongue tuition, regardless of the stage of the asylum procedure, category of status sought or other rules or practices. Adults seeking protection are offered some kind of language tuition in all Member States but vocational training for adults is generally not provided. Access to university education is possible in a few countries only and based on tuition fees paid by own means. There is no entitlement to educational grants.

Medical health care is offered for free in all Member states except one, the content of the care do however vary considerably according to category of status sought or the stage of the asylum procedure. The mentally ill, persons suffering from post-traumatic stress, and victims of torture are provided special treatment in most of the Member States either in specialized institutions or in the normal health care system.

Financial assistance and assistance in kind are provided to persons seeking protection in almost all countries. However, the assistance is mainly offered under certain circumstances only and may be reduced in some countries.

Great differences can be found amongst the Member states in relation to the rights for asylum seekers to engage in paid work during the asylum procedure. Some countries do not allow asylum seekers access to the labour market at all. Other countries have made it possible for asylum seekers to work after a certain time spent in the asylum procedure either depending on case-by-case judgments or objective criteria.

In Chapter 6 a comparison of the rules on detention and restrictions on free movement is presented.

The study points to an increase in the use of detention of persons seeking protection during the past years. Detention is used mainly in the beginning and in the end of the pre-asylum phase. The extended use should be seen in relation to the extended use of accelerated and preliminary procedures. In most countries detainees have the possi-

bility of appeal and have access to legal representation in the procedure. The average and maximum lengths of detention vary considerably amongst the countries. In 3 countries no maximum length of detention is defined.

In chapter 7 an analysis of differences in reception conditions with reference to the stage of the asylum procedure or the kind of status sought, and any special treatment provided for vulnerable groups are presented.

With reference to the stage of asylum procedure differences can be found amongst the countries. In the majority of countries the accommodation offered differs according to the stage of the asylum procedure, whereas access to education and health care in most countries are independent on the stage of the asylum procedure. However in some countries access to health care during the admissibility procedure is restricted to emergency or basic health care. With regards to means of subsistence and access to the labour market most countries do not distinguish between the different stages of the asylum procedure. However, in some countries a distinction between the following are made; asylum seekers waiting to have their application admitted, those whose application has already been admitted or time spent in the country.

With reference to the kind of status sought the general picture presented by the experts is that persons seeking temporary protection are granted benefits at a higher level than asylum seekers. This trend was not confirmed by our questionnaires. The overall picture regarding the five social rights demonstrates no differences in treatment between the two groups of aliens in the majority of the Member States. However, in a few countries people seeking temporary protection are granted more social rights than those applying for refugee status.

In cases where the outcomes of the procedures are expected to be negative (i.e. various fast track procedures, manifestly unfounded procedures and inadmissible procedures) the persons seeking protection are often treated differently than the persons admitted into the normal asylum procedures. The main difference is in accommodation

where persons not admitted in the normal procedures are accommodated in special centers and often detained. Once admitted into the normal procedure the study shows no differences in treatment or reception arrangements according to expected outcome of the procedures in any of the Member States.

With reference to vulnerable groups the overall picture regarding access to education, the labour market and means of subsistence demonstrates no differences in treatment among the vulnerable groups or among groups of applicants. However, in a few countries the vulnerable groups are the only one offered financial assistance and accommodation. Special accommodation is provided to unaccompanied children and to a lesser degree to women in most Member States. Finally, victims of torture and organized violence are offered special accommodation in a few countries only. Special health care is provided to vulnerable groups in the majority of the Member States.

Finally **Chapter 8** is a presentation and discussion on the extension of legal rights. The rights are grouped in three lists according to their extension in the European Union. The first list presents rights that seem to be universal through out the European Union. The second list comprises rights that are almost universal in the sense that they are commonly granted in the member states. The final list contains rights that are very seldom granted in member states of the European Union.

The study shows that the only universal rights are access to education for children until the age of 15 or 16 and access to health care for all persons seeking protection. The universal medical care involves emergency treatment and a medical screening upon arrival. The standard of the medical care in general corresponds to the general level in the country. Exceptions are chronic diseases that are only treated in some countries if they involve severe pain and some forms of dental care.

Near-universal rights granted in several Member States are some kind of accommodation, either as a general right for all persons seek-

ing protection or depending on need, admissibility or stage of procedure. Unaccompanied children are offered special accommodation in several countries.

Financial assistance is offered in all countries, except in Austria and in the United Kingdom where the newly introduced support system is almost cashless. The financial assistance is in most countries supplemented by assistance in kind. The conditions for entitlement to assistance in both cash and kind are in general depending on the need of the person, the admissibility of the case and the stage of the procedure.

Access to take on paid work is allowed in 10 Member States, but in most of the countries several restrictions are attached to the formal right to work, making actual access to the labour market more an exception than a rule in most countries.

Special health care for special groups is commonly provided, mainly on an ad hoc basis according to needs.

Rights that are seldom granted are special accommodation for women, religious or ethnic groups or victims of torture. Furthermore education other than language courses only exists as a standard offer in a limited number of countries. There are however some kind of educational offers in all countries but the content and the standard vary considerably.

2. Statistical trends

This chapter provides a global overview of some statistical trends in the number of asylum seekers and statuses granted in the 15 Member States. The chapter furthermore aims to give an overview of the Member States' costs incurred in relation to persons seeking protection.

2.1 Trends in numbers of asylum seekers

Table 2.1: Trends in total number of applicants in all Member States

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Austria	22.790	27.306	16.238	4.744	5.082	5.920	6.990	6.791	13.808	20.129
Belgium	12.898	15.371	17.535	26.421	14.568	11.655	12.401	11.602	21.967	35.776
Denmark	5.292	4.609	13.884	14.347	6.651	5.104	5.893	5.092	5.702	6.467
Finland	2.743	2.137	3.634	2.023	839	854	711	973	1.272	3.106
France*	54.813	47.380	28.872	28.466	25.964	20.170	17.153	21.416	22.374	33.000
Germany		256.112	438.191	322.599	127.210	127.937	116.367	104.353	98.644	95.113
Greece*	6.170							4.380		1.528
Ireland*					362	424	1.179	3.883	4.626	6.507
Italy*	3.618	24.442	2.588	1.568	1.844	648	680	1.887	13.119	15.000
Luxembourg	114	238	120	225	165	155	291	431	1.709	2.921
Netherlands	21.210		20.346	35.400	52.570	29.260	22.857	34.443	45.217	N.A.
Portugal	75	255	686	2.090	767	457	270	298	365	307
Spain		8.138	11.708	12.615	11.992	5.678	4.730	4.975	6.764	8.410
Sweden			84.020	37.580	18.640	9.050	5.750	9.660	12.840	11.230
U.K.*			24.605	22.370	32.830	43.965	29.650	32.495	46.010	71.160
Total*	129.723	385.988	662.427	510.448	299.484	261.277	224.922	242.679	294.417	310.654

**The numbers for Italy and France in 1999 is an estimate. The missing numbers for Greece are not available, but the Ministry of Public Order in Greece has stated that between 1990 and 1997 the numbers have fluctuated between 800 and 2,000 a year. In Belgium, France and the United Kingdom, an application may relate to more than one person - the "head of household" applies on behalf of his/her dependents. Consequently the total number of applicants may be seen as an underestimate of the number of people seeking protection in those Member States.*

All the Member States taken together, the number of asylum seekers grew significantly from 1990-1992 and peaked in 1992 and 1993 with more than 662.000 and 510.000 people applying for protection respectively. The growth from 1991 to 1992 corresponds to a 71,6 % increase.

In 1994 a significant drop in the number of applications can be seen. From that on (1994-1999), the numbers of people seeking protection have varied between 224.922 and 310.654 applicants a year with an annual average of 272.239 people. However, during the past few years a growing trend from 242.679 applicants in 1997 to 310.654 in 1999 corresponding to a 28,01 % growth can be observed.

Table 2.2: The ratio of total number of EU applicants that each Member State received in the years 1992, 1998 and 1999

	1992	1998	1999
Austria	2,45	4,69	6,48
Belgium	2,65	7,46	11,52
Denmark	2,10	1,94	2,08
Finland	0,55	0,43	1,00
France	4,36	7,60	10,62
Germany	66,15	33,50	30,62
Greece			0,49
Ireland		1,57	2,09
Italy	0,39	4,46	4,83
Luxembourg	0,02	0,58	0,94
Netherlands	3,07	15,36	
Portugal	0,10	0,12	0,10
Spain	1,77	2,30	2,71
Sweden	12,68	4,36	3,61
U.K.	3,71	15,63	22,90
Total	100,00	100,00	99,99

**No information is available for The Netherlands for 1999. Greece has not provided any exact information on the numbers of applicants as stated in table 2.1. The 1999 numbers for Italy and France are only an estimate. Again it should be noted that the actual numbers for Belgium, France and the United Kingdom may be bigger as minors accompanied by adults are not calculated separately in asylum statistics*

As illustrated in the table, in 1992 Germany was clearly the main recipient country receiving more than 438.000 applicants corresponding to 66,15 % of all the people seeking protection in the Member States that year. Sweden was the second main destination for applicants. All other countries each received less than 5 % of the applicants.

In 1998 and 1999 the majority of applicants seeking protection were still concentrated in a few countries only. In 1998 the United Kingdom, Germany and The Netherlands were the destinations chosen by more

than 64,5 % of the applicants. The year after United Kingdom and Germany only, received more than 53,5 % of the asylum seekers.

However, in 1999 in relation to the prior years the numbers of applicants seem to be more evenly distributed amongst the Member States. Germany's ratio of applicants decreased in comparison with the years in prior and 9 out of the 15 countries (Denmark, Austria, Belgium, Spain, Finland, France, Ireland, Italy and Luxembourg) actually received a larger ratio of the asylum seekers in 1999 than in 1998. Differing from this pattern is Sweden who received a smaller ratio of applicants that earlier and United Kingdom who received an even larger ratio of asylum seekers in 1999 than 1998.

2.2 Trends in statuses granted

Table 2.3: The numbers of Convention statuses granted

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Austria	860	2.469	2.289	1.193	684	993	720	640	500	3.393 ⁴
Belgium	500	595	757	1.025	1.491	1.294	1.561	1.713	1.451	1.240
Denmark							1.190	976	1.102	1.136
Finland	15	16	12	9	15	4	11	4	7	29
France	13.490	15.470	10.270	9.910	7.030	4.530	4.430	4.112	3.684	4.659
Germany								8.443	5.883	4.114
Greece ¹	1.140	5 %	5 %	5 %	> 10 %	> 10 %	160 ⁴	130 ⁴	156 ⁴	146
Ireland					4	15	36	213	168	511
Italy ²	1.017	1.203	151	168	320	103	204	397	1.358	565
Luxembourg		5	1	2	3	2			48	29
Netherlands			4.553	10.330	6.654	7.980	8.810	8.806	2.356	1.507 ⁴
Portugal		30	20	40	8	12	5	4	4	16
Spain		560	260	1290	630	460	240	160	240	287
Sweden ³									1.127	
U.K.			1.115	1.590	825	1.295	2.240	3.985	5.345	7.080
Total ⁵	17.022	20.348	19.428	25.557	17.664	16.688	19.607	29.583	23.429	24.712

1) The numbers of Convention statuses granted in Greece has only been provided as a percentage of the total number of applicants. 2) The number for Italy in 1999 is an estimate. 3) Sweden has not provided any information on the number of statuses granted except for the year 1998. 4) These numbers are all obtained from "Danish Refugee Council, Country report 2000". 5) Greece is only included in the total number from 1996-1999. Again it should be noted that the actual numbers for Belgium, France and the United Kingdom may be bigger as minors accompanied by adults are not calculated separately in asylum statistics

As illustrated in the table, it has not been possible to achieve information on the numbers of applicants granted Convention status in all the Member States. However, as shown in the table the numbers of Convention statuses granted differ a lot amongst the countries. In 1999 Austria, Denmark, Germany, Belgium, France, The Netherlands and United Kingdom have granted Convention status to several thousands applicants where as the rest of the Member States only granted Convention statuses in a few events. More detailed information on the ratio of Convention statuses granted in each country can be found in the table below.

Table 2.4: Ratio of Convention statuses granted in relation to total number of applicants for each of the Member States in the year 1998

	1998
Austria	3,62
Belgium	6,61
Denmark	19,33
Finland	0,55
France	16,47
Germany	5,96
Greece*	
Ireland	3,63
Italy	10,35
Luxembourg	2,81
Netherlands	5,21
Portugal	1,10
Spain	3,55
Sweden	8,78
U.K.	11,62
Average	7,96

* The total number of asylum seekers is not available for Greece in 1998, therefore the ratio cannot be calculated. Also here it should be noted that the actual numbers for Belgium, France and the United Kingdom may be bigger as minors accompanied by adults are not calculated separately in asylum statistics

The table shows the ratio of Convention statuses granted in relation to the total number of applicants for each of the Member States. For instance in Denmark 19 % of the applicants seeking protection in Denmark, are granted Convention status.

As shown, the ratio differs a lot amongst the countries. In France, United Kingdom, Denmark and Italy more than 10 percent of the applicants are granted Convention status. However, Convention status is granted to 2-6 % of the applicants only in most of the countries. Differing from this pattern is Portugal and Finland where only 1 and 0.5 % of the applicants are granted a Convention status respectively.

Table 2.5: The numbers of subsidiary forms of protection granted

	1992	1993	1994	1995	1996	1997	1998	1999
Austria							191 ¹	886 ¹
Belgium*								
Denmark					4.731	3.493	2.987	2.738
Finland	564	2.073	301	219	334	279	372	467
France*								
Germany						12.547	7.974	8.247
Greece*						638	444	419
Ireland			5	8	6	120	27	35
Italy*								
Luxembourg*								
Netherlands	6.091	4.673	9.235	6.203	14.780	7.384	3.591	3.471 ¹
Portugal			38	30	23	12	28	50
Spain				230	190	200	730	472
Sweden							5.939	
U.K.	15.325	11.125	3.660	4.410	5.055	3.115	3.910	2.110
Total	21980	17.871	13.239	11.100	25.119	27.788	26.193	18.895

** In Greece this status was not introduced before 1997. Austria, Belgium, France, Luxembourg and Italy have not provided any information on the number of applicants granted subsidiary forms of protection. 1) These numbers are all obtained from "Danish Refugee Council, Country report 2000".*

As the table shows, numbers are not available for several countries especially numbers from the early nineties are missing. The following comments are therefore focused on the period 1997-1999.

The countries can be divided in two groups. One group consisting of Denmark, Germany, Netherlands and United Kingdom where several thousands applicants every year are granted subsidiary forms of protection statuses. The rest of the countries have granted subsidiary forms of protection in less than 900 events every year. More detailed

information on the ratio of subsidiary forms of protection granted in each country can be found in the table below.

Table 2.6: Ratio of subsidiary forms of protection granted in relation to the total number of applicants for each of the Member States in the year 1998

	1998
Austria	1,38
Denmark	52,39
Finland	29,25
Germany	8,08
Ireland	0,58
Netherlands	7,94
Portugal	7,67
Spain	10,79
Sweden	46,25
U.K.	8,5

**Belgium, France, Italy and Luxembourg are not listed in the table, as they have not provided any information on the number of subsidiary forms of protection granted.*

The table shows the ratio of subsidiary forms of protection granted in relation to the total number of applicants in each of the Member States. In Denmark for instance 52 % of the applicants are granted subsidiary forms of protection.

Again the countries can be placed in two groups. In Denmark, Finland and Sweden 29 to 52 % of the applicants are granted subsidiary forms of protection. The second group consisting of Austria, Germany, Italy, Netherlands, Portugal, Spain and United Kingdom grant subsidiary forms of protection to 0,5-11 % of the total number of applicants.

Table 2.7: Ratio of statuses granted (Convention and subsidiary forms of protection) in relation to the total number of applicants for each of the Member States

	1997	1998	1999
Austria*	9,42	5,00	21,26
Belgium*	14,76	6,61	3,47
Denmark	87,77	71,71	59,90
Finland	29,09	29,80	15,97
France*	19,20	16,47	14,12
Germany	20,11	14,05	13,00
Greece	17,53		36,98
Ireland	8,58	4,22	8,39
Italy*	21,04	10,35	3,77
Luxembourg*	0,00	2,81	0,99
Netherlands	47,01	13,15	
Portugal	5,37	8,77	21,50
Spain	7,24	14,34	9,02
Sweden		55,03	
U.K.	21,85	20,12	12,91
Average	23,64	16,85	14,04

**The numbers for Belgium, Austria (only in 1997), France, Italy and Luxembourg include only the number of applicants granted Convention status as no information on the number of applicants granted subsidiary forms of protection has been provided. No numbers for Sweden and Greece are shown in 1997, 1999 and 1998 respectively as the numbers have not been available.*

The table shows, that in Denmark and Sweden significantly more applicants are granted either Convention or subsidiary forms of protection. More than 50 % of the applicants obtain a status in these two countries. The same broadly applied to The Netherlands in 1997 but since then the ratio of Convention and subsidiary forms of protection granted has decreased significantly to 13.5 % of the applicants. The ratio of statuses granted fluctuate a lot from year to year for each of the countries listed above and no general trend can be observed. However, as the table shows, the average ratio of applicants granted a status in the Member States has significantly decreased during the past few years from 23 to 14 %.

During the same period the Member States have received more applicants (see table 2.1) but still the total number of statuses granted in the Member States has decreased from 57,371 applicants in 1997 to 43,607 applicants in 1999.

Table 2.8: The ratio of subsidiary forms of protection and Convention statuses granted in relation to the total number of statuses given

	1997		1998		1999	
	Sub	Conven	Sub	Conven	Sub	Conven
Austria			27,64	72,36	20,71	79,29
Denmark	78,16	21,84	73,05	26,95	70,68	29,32
Finland	98,59	1,41	98,15	1,85	94,15	5,85
Germany	59,78	40,22	57,54	42,46	66,72	33,28
Greece	83,07	16,93	74,00	26,00	74,16	25,84
Ireland	36,04	63,96	13,85	86,15	6,41	93,59
Netherlands	45,61	54,39	60,38	39,62	69,73	30,27
Portugal	75,00	25,00	87,50	12,50	75,76	24,24
Spain	55,56	44,44	75,26	24,74	62,19	37,81
Sweden			84,05	15,95		
U.K.	43,87	56,13	42,25	57,75	22,96	77,04
Average	48,44	51,56	52,79	47,21	43,33	56,67

**Sweden has not provided any information on either the number of subsidiary forms of protection or Convention statuses granted in 1997 and 1999. Belgium, France, Luxembourg and Italy have only provided information on the number of Convention statuses and therefore these countries are not included in the table. Austria has only provided both numbers for 1998 and 1999.*

This table illustrates the ratio of subsidiary forms of protection and Convention statuses granted in relation to the total number of statuses given. In 1999 in Denmark for instance 70,68 % of total statuses granted were subsidiary forms of protection and only 29.32 % were Convention statuses.

Several groupings of countries can be observed in the table. In Denmark, Spain, Finland, Germany, Greece, Portugal and Sweden the ratio of subsidiary forms of protection granted is by far larger than the ratio granted Convention statuses. The ratio of subsidiary forms of protection in relation to total number of statuses in five of these countries (Denmark, Finland, Greece, Portugal and Sweden) are even above 70 %.

In the rest of the countries listed (Austria, Ireland, The Netherlands and United Kingdom) the ratio of convention statuses granted are greater than the ratio of subsidiary forms of protection granted.

2.3 Costs incurred in the pre-asylum phase

PLS RAMBOLL Management has tried to obtain information on the costs of member states in relation to the reception of persons seeking protection. The table below shows the information made available by the member states concerning costs of means of subsistence, health care, accommodation and other costs in relation to the reception of persons seeking protection.

As it appears, a majority of the countries have not been able to provide detailed information on their costs in relation to the reception of persons seeking protection subject. The costs can therefore not be compared in a satisfying way in this study. Please refer to the country reports for more comments on the costs of each member state.

Table 2.9: Costs in relation to the reception of asylum seekers

	Means of subsistence	Accommodation	Health care	Other	Total costs
Denmark	Accommodation.+ means of subsistence+ education+ health care: 89 M. Euros			33,8 M. Euro*	111,3 M. Euro
Belgium	Not available				Not available
Austria**	Not available				8.43 M. Euro
Luxembourg	Not available				Not available
Italy	Not available				Not available
Ireland	Not available	28.5 M Euros	Not available		Not available
Greece	Not available				Not available
Germany	Not available	1,758 Bill. Euro.	422 Bill. Euro	Not available	Not available
France	Not available				Not available
Finland	8.3 M. Euro	4.7 M. Euro	2.3 M. Euro.	Education 0.083 M. Euro	28.3 M. Euro.
Spain	Not available	1,5 M Euros.	Not available	Not available	14 M. Euro
the Netherlands	Not available	0.68 Bill. Euros	82.27 M. Euros	Education 50 M. Euro	Not available
United Kingdom	Not available				Not available
Portugal	Not available				185.460 Euro
Sweden	Not available	50,9 M. Euros	16,8 M. Euros.	Not available	Not available

3. *Trends regarding the political atmosphere surrounding foreigners*

Since the 1960s and especially since the end of the Cold War, EU Member States have experienced growing pressure on their external borders. A growing number of people from the Middle East and North Africa have, for various reasons, fled to Western Europe. Compared to the prevailing situation of poverty, political instability, religious fundamentalism, overpopulation, hunger and ecological disaster facing many parts of the Middle East and Africa, the states of Western Europe have become attractive havens of peace and welfare.

Also among the most common reasons for migration to EU Member States in recent years is the dissolution of the East and Central European communist states and the political, economical and cultural instability caused hereby, most importantly the civil wars in ex-Yugoslavia.

3.1 Atmosphere surrounding asylum seekers, refugees and immigrants

In the last couple of years the growing number of asylum seekers, refugees and immigrants have started debates in most EU Member States on the issues of reception conditions for asylum seekers, how immigrants can be integrated, and if and in what circumstances refugees should or could be repatriated.

Thus EU Member States are faced with a political agenda which to a higher degree than ever encompasses ethical, political and social dilemmas in deciding whether and on what basis foreigners should be let in and be given political rights and access to social welfare systems. Furthermore, most Member States are faced with a growing number of problems deriving from the fact that they have, at least to some degree, become multicultural societies.

3.2 Attitudes towards common EU legislation on asylum

The current study shows that all countries are generally positive in relation to common EU-legislation in the realm of asylum and reception conditions for persons seeking protection. All countries realize the need for harmonization. Even traditional EU sceptics such as the United Kingdom see many advantages in having common EU policies in this area, mainly with regard to burden sharing and accelerated procedures. The need for burden sharing and harmonization of the accelerated procedures is strongly stressed by the countries that traditionally receive the most asylum applications, i.e. Germany and the Netherlands. Also, in countries such as Finland initiatives have been taken in order to push for developments in this policy area, with the Finnish Directorate of Immigration having put forward a number of proposals. However, in some countries, such as Spain, political debate on this topic is quite limited.

According to the international and non-governmental organisations consulted, as well as legal experts in the field common EU legislation is a crucial subject of great importance.

In spite of the overall positive attitudes, some scepticism exist in the countries and in the international organisations regarding the feasibility of reaching agreement on common policies that will actually improve conditions.

The Member States and the organisations interviewed point to the following areas where the need for common procedures is urgent:

- Burden sharing, for instance in the form of a quota system like the one for the German Ländern
- Temporary protection, both with regard to statuses and access to the asylum procedure after the termination of temporary protection status
- Clarification of the Dublin Convention
- Common accelerated procedures
- Standards for social rights
- Minimum standards for legal assistance during the procedures
- Access to the labour market

- Common understanding and interpretation of the Geneva Convention and the scope for protection.

The overall picture is that common EU legislation currently attracts rather a low level of attention among the public throughout the EU Member States.

The general concern among the organisations and countries interviewed is that minimum standards will be set at the lowest common denominator level. According to the international organisations, this could result in a general reduction of the rights for persons seeking protection. Some organisations point to the importance of taking the social systems and structure in the respective countries into consideration when establishing minimum standards. It is important that standards asylum seekers' social rights should not exceed the standards applying to the citizens of the country. This could involve the risk of countries lowering the standards for their citizens, resulting in corresponding impoverishment.

The impression gained from our interviews is that common asylum and reception policies are receiving a lot of attention from international organisations. The UNHCR has started consultation in the field and has recently published a report on reception conditions for asylum seekers in the EU, which include recommendations on reception conditions.

The High Level Working Group on Refugees and Immigration is working on strategies for countries that generate high numbers of asylum seekers. These strategies will be presented both in the context of UNHCR and IGC.

4. *Patterns in the development of the legal framework and organization of the asylum procedure*

This chapter starts out with some essential observations and background information for understanding the differences in the organization and the working of the pre-asylum phase in the EU Member States. There follows a brief description of developments in the legal frameworks governing the pre-asylum phase in the fifteen Member States. Finally there is a brief comparative analysis of the main developments in the organization of the asylum procedure, dealing mainly with the following themes:

- Arrangements immediately on arrival
- Accelerated procedures
- Simplification of procedure
- Legal assistance in the procedure
- Fingerprints and the authorities' access to sanction the rights of persons seeking protection
- Involvement of NGOs and others in the procedure
- Statuses
- Expulsion or deportation.

4.1 **Overall conditions for understanding differences in the pre-asylum phase**

It is clear from the study that the issues of asylum procedures and social rights for persons seeking international protection are closely intertwined. The study also shows that the different histories and traditions in the Member States are to some extent reflected in the organization of the pre-asylum phase and its underpinning principles. An in-depth analysis of such a highly complex phenomenon is not within the scope of this study.

The study does, however, identify the following important contexts for understanding the different procedures and systems:

- **Ideological traditions and history**

An example of this is Germany's role during World War II, whose eventual outcome resulted in its traditionally liberal post-war policy towards persons seeking protection.

- **Geography**

A country's geographical situation and external borders have an impact on how accessible it is for persons seeking protection. Its geographical position also has significance due to the Dublin Convention and the safe third country principle.

- **Organization of the legal system, including the status of legal rights**

The different legal systems have different impact both on how procedures are organized and how they are developed. Countries such as Sweden, Finland, Germany, France and United Kingdom have a tradition of using administrative courts, which is reflected in their procedures concerning appeal and rules on detention, whereas this is not the case in Denmark, whose appeal bodies are purely administrative.

Furthermore, the principles of common law versus civil law have an impact of the development of the laws and practices. The English and Irish common law systems make it harder to adopt EU legislation and principles in their systems.

- **The role of the state vis-à-vis civic society.**

Predominantly in the Northern European countries, the State traditionally has a strong role in ensuring the welfare of those in its jurisdiction. This is also reflected in the rights granted to persons seeking protection and in the organization of tasks in the pre-asylum phase.

4.2 Development in the main legal frameworks governing the pre-asylum phase

The increased influx in persons seeking international protection in Europe in the past three decades has exerted a massive pressure on the asylum systems and has forced the revision of the asylum and reception systems in almost all fifteen member States. Between 1998 and 2000, thirteen of the fifteen countries have either implemented amendments to or complete revisions of the legal frameworks governing the pre-asylum phase. In addition, in Sweden a parliamentary committee has reviewed the Aliens Act and recommended changes that are expected to be implemented in the Act in the near future. Many countries have amended their legislation several times. Only Italy has not implemented major adjustments in its procedures in recent years.

This heavy use of revisions and amendments demonstrates that the pre-asylum phase and the social rights associated with it are very complex subjects, which command intense political attention.

A glance at these amendments and revisions reveals that they are concerned both with the procedures for processing asylum claims, with supplementary forms of protection status, and with the social rights of persons subjected to the asylum procedures.

Countries that have amended or revised the procedure since 1998 are Luxembourg, Denmark, the Netherlands, Finland, Ireland, Portugal and United Kingdom.

Five countries (France, Italy, Denmark, Finland and Luxembourg) have adopted changes to the kinds of status they recognise.

The social rights for persons in the pre-asylum phase have been revised mainly in the United Kingdom, Greece, Denmark, Germany, the Netherlands, and to a lesser degree in Finland. In Germany the right to social benefits has been restricted three times since 1993. The

United Kingdom has undergone a complete revision of its support system, which is currently being phased in.

The content of the different amendments and revisions concerning the procedures and the statuses is analysed below. Developments in social rights will be analysed in chapter 5.

4.3 Changes in the asylum procedures

4.3.1 Arrangements immediately upon arrival

In many of the countries several different procedures may apply, depending on where the person seeking protection is first identified.

In the case of persons who apply for asylum at the external borders there is a tendency towards increased use of border checks and special accelerated procedures, which must be concluded before the person seeking protection is admitted into the territory. In this preliminary phase the person is often placed in detention or in certain waiting areas. Such is the case in the United Kingdom, Portugal, the Netherlands and Germany, whereas in Denmark and Sweden an alien applying for asylum at the outer border is taken straight to a reception centre.

In some countries, aliens identified within the country must identify themselves as asylum seekers within a certain period of time. In Belgium this must occur within 8 working days of arrival. In the UK aliens must apply for asylum within 48 hours, otherwise they will lose their right to apply for State support. In most countries in-country applicants are taken straight to a reception centre where information about the procedure, food and medical screening are provided.

In most countries asylum seekers are distributed according to the available capacity of accommodation. However, some countries such as Ireland, the United Kingdom, Germany, Belgium and Luxembourg aim to disperse asylum seekers throughout the country.

4.3.2 Accelerated procedures

The main trend affecting the organisation of the asylum procedure is the introduction of various kinds of accelerated procedure. Eleven Member States have introduced some kind of accelerated procedure within the past fifteen years. In addition, two more states have procedures differing in some way from the normal procedure, leaving Luxembourg and Italy as the only Member States to use the normal procedure for all cases.

The accelerated procedures may include a variety of enhancements of the normal procedures enabling the authorities to consider the case on other terms than those applicable in the normal procedure. The accelerated procedures were introduced in the beginning of the 1980s, with Denmark being one of the first Member States to implement the manifestly unfounded procedure in 1986. The use of accelerated procedures was pushed forward by the 1992-London resolution. The trend since 1992 has been a steady increasing use of different kinds of accelerated procedure throughout the Member States.

Accelerated procedures are mainly used in the following cases:

- Manifestly unfounded cases
- Safe-third country cases
- Safe country of origin
- Dublin Convention cases
- Where the person seeking protection is considered to be a threat to public order.

The accelerated procedures mostly differ from the normal procedures in relation to:

- Reduced time limits for processing the claim and for appeal
- Examples of this are Ireland and Greece
- Reduced access to appeal or no appeal.

In Denmark and Finland, for instance, there is no access to appeal in the accelerated procedures. There are, however, other measures to ensure the legal rights of the asylum seeker, i.e. involvement of the Courts or independent organizations. The Refugee Board in Denmark

has the right to veto a negative decision, following which the case has to be heard under the normal procedure.

A crucial aspect of the access to appeal is the availability of suspensive effect.

In Germany, France, the Netherlands and Sweden there is access to appeal but without suspensive effect, meaning that in principle the person has to leave the country while the appeal is being processed.

- Reduced social rights.

In several of the Member States persons in the accelerated procedures have limited social rights. They tend to stay in accommodation with minimal privacy and facilities, and are supplied with only the bare necessities. In addition, there is a generally greater use of detention in the accelerated procedures.

In the Netherlands, for instance, persons seeking protection are not entitled to medical screening, information about Dutch society and further education until they enter the normal procedure¹.

The justifications for the accelerated procedures can be divided into the following categories:

- Reducing the ever-increasing pressure on asylum systems, including the accumulated backlogs.
- Reducing the length of the asylum procedure.
- Reducing incentives for abuse of the asylum system. The supporting rhetoric is often based on the argument that unfounded cases block the procedure for “genuine refugees”.

4.3.3 Simplification of the normal procedures

In addition to the accelerated procedures, there has been a general trend in the 1990s for EU Member States to implement changes to the procedures in order to simplify them and make them more effective. The main reasons given for revising the procedures are to increase their transparency, equitability and efficiency. Most countries'

¹ Please note that social rights will be analysed in depth in chapter 5

systems are experiencing dramatic backlogs which are a major concern to them. France, Italy and United Kingdom explicitly point out that their systems were designed for a much lower number of asylum applicants than they face today. According to these countries, the backlog is very costly because of the lengthy period that asylum seekers must remain in the procedure. Countries such as the UK argue in addition that protracted processing times comprise a 'pull factor' for persons without a legitimate case.

In addition, some countries (mainly Denmark and Finland) have presented proposals to modify the procedure for exchanging fingerprints between the Member States, pointing to problems with the effectiveness of the EURODAC system. Their argument is that the long delays involved lengthen the procedures for establishing identity and determining responsibility for the processing of asylum claims.

A simplification of the asylum procedures is also justified in terms of humanitarian issues and legal rights. Governmental agencies as well as other organisations argue that long asylum procedures have severe consequences for asylum seekers, both physically and psychologically.

Some countries (for example Austria and Sweden) have pointed out the need for a more equitable asylum procedure.

The main target for procedural simplification is the appeal system. Several Member States have introduced revised and streamlined appeal procedures as a key feature in the simplification of asylum procedures. For instance, in Finland and the Netherlands the application and decision on appeal and on refusal of entry are consolidated. In the UK there is now only one possibility for appeal.

Another instance is Belgium, where the government has proposed a simplification of the institutions involved in the asylum procedure.

4.3.4 Fingerprinting and sanctions against asylum seekers

The current study illustrates how several countries (such as Ireland, Luxembourg and Denmark) have introduced a legal basis for finger-

printing asylum seekers in the past few years. This is mainly due to the implementation of the Dublin Convention. With these changes it is now a central part of most countries' preliminary procedure to record applicants' fingerprints in order to establish identity and entitlement to the asylum procedure in a given country.

Initiatives for restricting the rights of uncooperative asylum seekers have been taken in some countries, for example in Denmark, where if an asylum seeker does not assist in clarifying his travel route and asylum case, his allowance for food may be exchanged for subsistence in kind.

4.3.5 Legal or other assistance in the procedure

Some form of legal assistance for persons seeking protection is available in all countries.

In practice there are still quite large differences in access to legal assistance. The main differences are concerned with legal aid in the accelerated procedures. In France and Sweden, for example, there is no legal assistance in the accelerated procedures, whereas in Germany, Denmark and Spain all asylum seekers enjoy the right to legal assistance at any time in the procedure.

The study shows that a few countries (Greece, Denmark and Ireland) have taken measures to strengthen access to legal assistance in the procedure in the past few years. Some representatives from international organisations have pointed out, however, that legal assistance is one of the areas, which has seen the least improvement in recent years.

4.3.6 Involvement of NGOs and others in the procedure

The involvement of NGOs or other organisation in the asylum and reception procedure varies greatly from member state to member state.

However, it is a general trend for NGOs to be involved in the reception of asylum seekers, mainly at the mundane level of providing ac-

commodation, food and clothes. Countries such as Luxembourg, Italy and Greece stand out in the extent of the roles assigned to NGOs. There is also a political push for a more formal role for NGOs in the Irish procedure. In 1999 a Refugee Advisory Board composed of government representatives as well as interest groups in the field was set up with the role of advising the government on asylum policies.

Furthermore NGOs and other organisation are to a considerable extent involved in providing legal assistance, educational courses, guidance and practical information.

The study indicates a tendency towards an extended use of organisations consisting of NGOs and independent juridical experts in the asylum procedure. In Denmark and Finland this has been normal practice for several years. In Denmark The Refugee Board retries all refusals handed down under the normal procedure. The Danish Refugee Council (NGO) can veto manifestly unfounded cases. In case of disagreement the case must be tried under the normal procedure. Ireland and Austria have introduced similar systems within the past three years. In 1997 Austria established an independent federal asylum senate (UBAS) as a new second instance instead of the Ministry of the Interior. In Ireland a Refugee Appeals Tribunal consisting of independent members was established in 1999 to conduct appeal hearings.

According to some of the international organisations interviewed, the involvement of NGOs should be seen in relation to the traditional role of the state vis-à-vis civic society. In several countries there is a tradition whereby when a new situation arises, the State leaves it to an NGO with expert knowledge in the field to carry out the corresponding assignment. Once the infrastructure is in place the State takes over. This has, for example, been the case in Sweden, where the state has recently nationalized the running of the asylum centres, taking over this task from the Red Cross.

The role of the police in the asylum procedure varies a lot between the different countries. In Sweden, Portugal, Germany and Italy the role of the police is in deportation and expulsion exclusively. In the remaining countries the role of the police can be divided into the following categories:

- Investigation of identity and travel route and deciding whether to reject the person at the external border (for instance in Greece, Finland and Belgium).
- Giving information and passing on an application to the authorities responsible for processing the application.
- Detention. This is the case in most cases with the exception of Sweden, which has transferred the responsibility for detention from the police to the Immigration Board.
- Deportation or expulsion (all Member States).

4.4 Statutes

The study indicates a development towards the increasing introduction of subsidiary and temporary protection statuses. This should, according to the persons interviewed, be seen in relation to a tendency towards a more restrictive interpretation of the Geneva Convention in all fifteen Member States. An example of this is Germany, where the scope of protection was restricted in 1993.

It should also be seen in relation to the acceleration of developments in the causes of people seeking international protection, as well as the increasing mobility of people in the modern world.

Several of the Member States have introduced new kinds of protection within the last few years (e.g. Ireland, Finland, France and Spain). In several cases the subsidiary statuses are granted on a discretionary basis and without State provision, for instance in Spain (humanitarian status) and in the UK (ELR).

The main new form of status is some kind of temporary protection, which since the war in Bosnia has been widely used in most countries.

The Netherlands differs from this tendency in having recently introduced a single status for all persons granted protection.

Another development in relation to status is the legalization processes in Belgium, Portugal and Spain, where all non-registered aliens who fulfil certain criteria are given the possibility of legalizing their status.

4.5 Deportation or expulsion

Most countries have extensive rules on deportation and expulsion. The study shows that in practice, rejected asylum seekers are de facto tolerated to stay but with no social rights to welfare, as is the case in Spain, Belgium and France.

The main reasons given for the reluctance to deport is the lack of coordination between the different bodies involved in the procedure, the disappearance of the person in question, or the long duration of the procedures, which in some cases result in quasi-integration.

4.6 Concluding remarks

It is clear from the study that substantial differences in the asylum procedures exist, depending on which of the fifteen Member States a person seeking protection has reached as regards the various rights and facilities offered during the asylum procedures.

However, the study indicates a large degree of convergence in the organisation of the asylum and reception procedures throughout the EU Member States and a tendency towards further harmonization. This accords with the opinions of the international and intergovernmental organizations and of the external experts consulted during this study.

5. *Reception conditions for persons seeking protection*

This chapter presents and discusses patterns in what member states offer to persons seeking protection with regard to accommodation, education, health care, means of subsistence and access to the labour market.

5.1 **Social rights of asylum seekers compared to rights of ordinary citizens**

It is a general tendency for the rights of asylum seekers to be more restricted than those of other residents in a given country. But differences are marked between countries like Spain and Portugal, where asylum seekers, once they have passed the first phase, the admissibility procedure, are given the same conditions as other foreigners in the country and essentially lead a life as part of the community; and countries like Germany and Denmark where the asylum seeker generally receives social services separate from those given to other residents of the country, have limited access to work and live in asylum seeker centres.

There is also a correlation between the basic social support provided to the respective countries' own citizens and to their asylum seekers. In the northern European countries where the state provision is extensive as a result of social policy, this is reflected in statutory rights to allowances based on objective social criteria, and a similar logic applies to asylum seekers, where the scope of individual assessments is limited.

In southern Europe the tendency is to base social support on a specific assessment of the citizen's social needs, and something similar goes for the asylum seeker.

The level of benefits to asylum seekers in a given country in relation to the social benefits given to its own citizens who are in social need

is a study in itself, and well beyond the scope of this report. Several problems arise with such a comparison: What social benefit can reasonably be used for comparison? Are there additional benefits for the person, which are dependent on his/her situation? What is the taxable amount, if any, of such an allowance? What is the actual value of the amount in the national economy (PPP-purchase parity calculations may be needed)? And which non-monetary benefits are closely associated with each other, for instance free access to a kindergarten and food provided free of charge? Also, the benefits to asylum seekers are difficult to compare across borders, as in some cases they are provided alongside other monetary benefits (for instance those paid to cover transport or housing), or alongside other benefits in kind (for instance, a room in an asylum centre, free food, free leisure activities, etc.)

By way of a greatly simplified illustration which is to be understood as nothing more than a very rough comparison, the following table 5.1 presents the weekly amounts paid in each EU country to a family of four national citizens receiving basic social assistance alongside a similar rough calculation of benefits payable to an asylum-seeking family of four. These figures are all non-inclusive of any other benefits, which the citizens of the country may receive, and does not take into consideration other non-monetary benefits. Broadly speaking, the table shows a correlation between the amounts paid to citizens receiving basic social assistance and the benefits provided to asylum seekers.

Table 5.1: Social benefits of asylum seekers compared to ordinary citizens

	CITIZENS Family of 2 adults and 2 children aged 8 and 10. Basic minimum allowance/week (EURO)	ASYLUM SEEKERS Allowance amount/week (EURO) Calculated for similar conditions
Austria	292	88
Belgium	249	275 or 15 + full board accommodation
Denmark	607	227 + self-catering accommodation
Finland	255 + housing allowance, medical expenses, child day care costs	126 + self-catering accommodation
France	200 + housing allowance	259
Germany	252 + housing allowance	165 or 31 + full board accommodation
Greece	No general scheme	No general scheme
Italy	213	123 (for 45 days only)
Ireland	210	57 + full board accommodation
Luxembourg	443	186 + self-catering accommodation
Portugal	88	45 + self-catering accommodation and transport
Spain	60	24 + full board accommodation ¹⁰³ without accommodation
Sweden	209 + housing allowance	174 + self-catering accommodation
The Netherlands	259	93 + self-catering accommodation
UK	300	180. All assistance is given as vouchers.

The amounts presented here using this rough measure illustrate the tendency for the gap between the basic social benefits for citizens and for asylum seekers to be significantly greater in northern Europe than in southern Europe. In broad terms, in northern Europe the asylum seeker benefit is roughly half that of basic social assistance, while it in southern Europe it tends to be at a level that approaching the basic social benefit received by its citizens.

One obvious reason for this apparent difference is that the amounts paid in social support are taxable to a greater or lesser degree, and that such taxes tend to be higher in northern Europe.

But another explanation of such an apparent tendency might be that the assumptions governing the respective roles of the State and social systems in the south of Europe are predicated more on the failure of family, kinship and personal networks than in northern Europe, where the state provision of social benefits disregards the social networks of an individual other than those affecting his very closest family ties, such as the social and economic situation of a spouse.

The argument for the seemingly relatively higher benefits to asylum seekers in countries like Spain and Portugal would, in this perspective, be explained by their lack of social ties in the community, and consequently their greater need for support from the State.

5.2 Accommodation

This section presents and discusses patterns in accommodation provided in the Member states. The chapter concentrates both on accommodation provided according to legal basis and according to practice.

5.2.1 Reception centre

The following table shows the total number and total capacity of reception centers in the Member States.

Table 5.2: Total number and capacity of reception centers in the Member States

Reception Centres		
	Total number	Total capacity
Austria	8-9 detention / reception camps	No figure available
Belgium	1	3,904
Denmark	2	1,093
Finland	None	
France	2 transit centres	126
Germany	32	20,500
Greece	1	350
Ireland	9	391
Italy	2	1,300,
Luxembourg	0	n.a.
Portugal	1	21

Reception Centres		
	Total number	Total capacity
Spain	3 border point centres,	80
Sweden	3 transit centres,	n.a.
The Netherlands	4 registration centres + 17 reception centres	12,000
United Kingdom	1 (detention center)	400

The table shows that the number of reception centres and the total capacity varies greatly from one Member State to another. The majority of countries has only a few centres and Finland, Germany and The Netherlands are the only countries with more than ten centres.

The differences in total capacity are just as pronounced as those in the total number of reception centers. Some countries have a total capacity of less than 100 (Portugal and Spain) while others can accommodate more than 10,000 persons (Germany and The Netherlands).

The following table shows the number of reception centers operated by the different authorities.

Table 5.3: Number of reception centers operated by the different authorities

Number of reception centres operated by:				
	Central government authorities	Regional or local authorities	NGOs	Private companies
Austria	n.a.	n.a.	n.a.	n.a.
Belgium	1	None	None	None
Denmark	None	None	2 (Danish Red Cross)	None
Finland	None	None	None	None
France	None	2	None	None
Germany	None	32	None	None
Greece	None	Information classified	1 (Hellenic Red Cross)	None
Ireland	5	None	None	None
Italy	None	None	2 (CTM and Catholic church)	None

Number of reception centres operated by:				
	Central government authorities	Regional or local authorities	NGOs	Private companies
Luxembourg	n.a.	n.a.	n.a.	n.a.
Portugal	None	None	1 (Portuguese Refugee Council (CPR))	A few private institutions
Spain	3 (Ministry of the Interior)	None	None	None
Sweden	3 (Immigration Board)	None	None	None
The Netherlands	All centres	None	None	None
United Kingdom	None	None	None	1

As illustrated in the table above, different authorities in the Member States are involved in operating the reception centres. However, the greater part of the countries has only one authority running its centres. Finland is the exception, as government, regional or local authorities and NGOs (Finnish Red Cross and Folkhälsan) are all involved in operating the reception centres. In Portugal NGOs are involved and a few private institutions have facilities that are used by asylum seekers to a limited extent. United Kingdom and Portugal are the only two countries with private companies operating reception centres.

5.2.2 Accommodation centres

The following table shows the total number and total capacity of accommodation centers in the Member States.

Table 5.4: Total number and capacity of accommodation centers in the Member States

Accommodation centers		
	Total number	Total capacity
Austria	6 + 90 pensions and hotels + 3 (operated by NGOs)	2,000 + 1,500 in pensions and hotels. No numbers are available from NGOs
Belgium	30	5,580
Denmark	55	7,541

Accommodation centers		
	Total number	Total capacity
Finland	16	2,550
France*	82	5,000
Germany	Information is not available	Information is not available
Ireland	44	2,194
Italy	Ca. 500	Ca. 2,500
Luxembourg	30	1,329
Portugal	None	n.a.
Spain	28	741
Sweden	27	n.a.
The Netherlands	80	43,200
United Kingdom	None	n.a.
Greece	6	910

* France also has 28 accommodation centres for recognized refugees (CPHs) with a capacity of 1028. More than half of the countries have not provided any information regarding total capacity.

The number of accommodation centres and the total capacity vary from one country to another as illustrated in the table. Among the countries with accommodation centres, the majority have between 20 and 65 centres, with Italy topping the list with 500 centres and Austria having only six. Three countries (Finland, United Kingdom and Portugal) have no accommodation centres at all. The United Kingdom does not accommodate asylum seekers in accommodation centers. Instead asylum seekers are accommodated in various types of accommodation provided by private contractors. The total number varies greatly as need suggests. Currently approximately 5900 addresses are available in the UK to disperse to. Local Authorities and private companies run the accommodation.

The total capacity diverges accordingly, with numbers varying from 741 (Spain) to 43,200 (Netherlands).

The following table shows the number of accommodation centres operated by the different authorities.

Table 5.5: Number of accommodation centers operated by different authorities

Number of accommodation centres operated by:				
	Central government authorities	Regional or local authorities	NGOs	Private companies
Austria	6	n.a.	3	n.a.
Belgium	10	Recently local authorities have started their own small-scale reception initiatives. The current capacity is 600.	Flemish Red Cross: 12; Walloon Red Cross: 5; OCIV: small scale centres with a total capacity of 500 beds; CIRE: 300 beds Socialist Mutuality: 48 beds	None
Denmark	5 (Danish Emergency Management Agency)	None	50 (Danish Red Cross)	None.
Finland	3	10	3	none
France	None	82	1 (Red Cross)	none
Germany	None	The social authorities of the Federal Länder operate collective centres. Some authorities also involve private operators, which still come under their supervision.		
Greece	1	None	5 (Hellenic Red Cross, Medecins du Monde, HELINAS).	None
Ireland	The Directorate for Asylum Support Services			
Italy	None	Unknown	Ca. 500	None
Luxembourg	27		3	
Portugal	n.a.	n.a.	n.a.	n.a.

Number of accommodation centres operated by:				
	Central government authorities	Regional or local authorities	NGOs	Private companies
Spain	4 (IMSERSO)	None	Catholic Commission for Migration: 15; CEAR (Spanish Commission for Refugee Assistance): 6; Spanish Red Cross: 3	None
Sweden	27 (Immigration Board)	None	None	None
The Netherlands	The Central Organization pays for all	None	None	none
United Kingdom	None	None	None	None

** Germany has no statistical information on the number of centers run by NGOs or private operators. In Ireland the Directorate for Asylum Support Services has the overall responsibility of the reception and accommodation centers but contracts out certain functions such as management of the centers, catering, staffing etc. In Ireland the majority of the accommodation centers are managed by individuals.*

As shown in the table, different authorities in the Member States operate the accommodation centres. However, in most countries the accommodation centres are run by different NGOs such as national branches of the Red Cross organisation. More than one authority/organisation is involved in the operation of the accommodation centres in most of the countries listed above. Among the countries providing information on this question, none had private companies operating accommodation centres.

Number of accommodation/reception centers financed by different authorities

Number of accommodation/ reception centres financed by:			
	Central government authorities	Regional or local authorities	NGOs
Austria	6 accommodation centers: Ministry of Interior		3 accommodation centers
Belgium	30 accommodation + 1 reception centers: The Federal Government		
Denmark	55 accommodation + 2 recep-		

Number of accommodation/ reception centres financed by:			
	Central government authorities	Regional or local authorities	NGOs
	tion centers: Ministry of the Interior		
Finland	16 accommodation centers: Ministry of Labour		
France	n.a.	n.a.	n.a
Germany		Accommodation and reception centers are financed by the Federal Ländern.	
Greece	Reception center: Ministry of Health and Welfare Accommodation centers: 3 by the European Commission		Accommodation centers: 1 partly by Hellenic Red Cross and partly the European Commission and 1 by Medecins du Monde
Ireland	Accommodation and reception centers: The Department of Environment and Local Government.		
Italy	None	n.a.	n.a.
Luxembourg	30 accommodation centers Family Ministry "Commissariat du Gouvernement aux Etrangers"		
Portugal	1 reception center financed by Ministry of Home Affairs		
Spain	28 accommodation centers: Ministry's Institute for Migrations and Social service		
Sweden	27 accommodation and 3 reception centers: Swedish Migration Board		
The Netherlands	The Ministry of Justice pays for all accommodation		
United Kingdom	Reception center	None	None

As illustrated in the table, the accommodation and reception centers are mainly financed by the central government authorities. Only in Germany accommodation and reception centers are financed by the regional or local authorities. NGOs finance centers in Austria, Greece

and France. None of the 15 member states had private companies financing accommodation centers.

Table 5.6: Kind of choice regarding accommodation during the asylum procedure

Are persons seeking protection offered any kind of choice regarding accommodation during the asylum procedure?			
	No	Yes	Choices offered
Austria	X		Government tries to fulfill the wishes of the applicants as far as possible
Belgium		X	After recognition of admissibility, asylum seekers are free to seek private lodging. For financial help they have to apply to the assigned municipality. If procedure on admissibility lasts longer than four months asylum seekers can pass to the second step in the system regardless of the stage in the procedure
Denmark		X	Accommodation outside the reception/accommodation centres at own expense
Finland		X	Private accommodation with relatives or friends but without any financial support from the State. The person must find the accommodation by himself
France		X	Asylum seekers can choose to live on their own account
Germany	X		
Greece		X	Elderly, disabled, children asylum seekers and can stay in public establishments. Accommodation outside public centers might be financed by NGOs
Ireland	X		
Italy	X		
Luxembourg		X	Accommodation outside centres if they have own means
Portugal		X	Asylum seekers are free to choose if they want to be accommodated in the facility provided or stay near friends or relatives, for example
Spain	X		
Sweden		X	Arranging their own accommodation or living in one of the Board's residential centers
The Netherlands		X	After 6 months, applicants can choose to live outside centers
United Kingdom	X		

During the asylum procedure, persons seeking protection are not offered any kind of choice regarding accommodation in Ireland, United Kingdom, Germany, Austria, Spain and Italy.

In the rest of the Member States protection seeking persons are offered some choice. In Denmark the applicant may in most cases choose to be accommodated outside the reception/accommodation centres at his/her own expense, which is the case for about 2% of persons seeking protection². The same applies for persons seeking protection in Finland, Luxembourg, Sweden, Portugal and France³. Applicants in Belgium and The Netherlands must stay in reception centres for the first period and can only choose to live outside the centres later. In Greece the elderly, disabled and children can choose to stay in public establishments.

The reasons why asylum seekers choose to live inside or outside a center differ from country to country⁴. In Denmark the reason that a few persons choose to live outside the asylum center usually is that they have family or friends in another part of the country than where the asylum center they have been delegated to is situated. The reason that the absolute majority of asylum seekers choose to live inside asylum centers seems to be the fact that allowances and pocket money are only granted to asylum seekers living inside an asylum centre. Another thing, which could be pointed to is the very strict registration of persons within the territory that takes place in Denmark and the high level of prices on goods and accommodation. It is very difficult to make ones living without a work permit and educational certificates in Denmark.

In Sweden it is the impression of the authorities that the asylum seekers that choose to live outside the centers feel much better living outside the centers due to the greater possibilities of using their social competencies. It is though important to mention that most of the asy-

² As of April 2000

³ The numbers of persons accommodated outside the reception/accommodation centres is about 60% for Sweden (1999), Belgium 75%, and France 90%. In Finland 500 persons are accommodated outside the centres. Statistical information regarding this question has not been provided by other countries

⁴ These explanations must be seen as assumptions that PLS RAMBOLL has made on the basis of interviews with persons responsible for the administration of reception and asylum centres

lum seekers that live outside the centers are single while families seem to tend to prefer to live in centers.

In Finland PLS RAMBOLL got the impression of the following reasons for living outside the asylum centers: More freedom and independency, better location (centers are often located rather far from the big cities) and the possibility of living with or close to family and friends that already live in Finland.

In some of the Member States (Greece, Italy and Portugal) accommodation in centres is only granted to a limited number of asylum seekers, and the remainders are therefore forced to seek private accommodation. This is done of limited capacity in the reception/accommodation centres or because the need to find their own accommodation is seen as having a positive motivating effect on the asylum seekers.

5.2.3 Unaccompanied children

The following table illustrates which Member States provide special accommodation for unaccompanied children.

Table 5.7: Special accommodation for unaccompanied children in the Member States

Do special accommodation policies exist for unaccompanied children?			
	No	Yes	Description of conditions:
Austria	X		Nevertheless, there is the possibility of housing minors together in some regions of Austria.
Belgium	X		Unaccompanied children live in the same centres as adults.
Denmark		X	Special centers
Finland		X	Group homes operated by 4 reception centres
France		X	Special reception centre.
Germany		X	Accommodation in children's homes or homes for adolescents.
Greece	X		No official policy. Unaccompanied children are put in special public establishments (in "Agia Varvara" or other structures of the National Organization for Social Care).
Ireland	X		No official policy. In practice, unaccompanied minors are placed in the care of a social worker, using the following range of options: B&B on an emergency basis, accommodation in one of four facilities available for homeless children,

Do special accommodation policies exist for unaccompanied children?			
	No	Yes	Description of conditions:
			fostering by an Irish family or a family of their own ethnic group, accommodation in facilities together with a number of unaccompanied minors of their own age group.
Italy		X	Special centres.
Luxembourg	X		
Portugal		X	Shelter by the "Santa Casa da Misericórdia de Lisboa" during the course of the procedure. The facilities used are the same as for national citizens in the same circumstances.
Spain		X	Special reception centre.
Sweden		X	Housed by the social welfare authorities or in the four youth residential centres.
The Netherlands		X	Children are placed in specific reception homes according to age.
United Kingdom		X	Unaccompanied children are supported under the Children Act 1989. The level of support for unaccompanied children is the same as for British citizens.

** Some countries have provided information based on official policies, whereas other countries have responded according to actual practice, as in the case of Ireland and Greece.*

As the figure shows special accommodation policies exist for unaccompanied children in the majority of Member States except Luxembourg and Belgium, Ireland, Austria and Greece. However, in practice special accommodation is provided in Ireland and Greece for unaccompanied children. In Belgium unaccompanied children live in the same centres as adults, but the government is planning a central reception centre for minors.

5.2.4 Women

The following table illustrates whether special accommodation is provided for women.

Table 5.8: Special accommodation for women in the Member States

Do special accommodation policies exist for women?		
	No	Yes
Austria	X	
Belgium	X	
Denmark		X
Finland	X	
France	X	
Germany	X	
Greece	X	
Ireland	X	
Italy	X	
Luxembourg	X	
Portugal		X
Spain		X
Sweden	X	
The Netherlands	X	
United Kingdom	X	

** Some countries have provided information according to actual practice, whereas other countries have answered according to official policies only, as in the case of Finland, United Kingdom and France.*

As illustrated in the table, an official accommodation policy for women exists only in Denmark, Spain and Portugal. However, special accommodation is also provided in practice in France, Finland, Austria and United Kingdom, even though this is not official policy.

In Portugal women with children are considered vulnerable cases and receive special care in terms of accommodation and psychological and social counseling. In Spain and France pregnant women and lone women with children are given priority in accommodation⁵. In Denmark single women live in separate rooms and use separate toilet and bathing facilities, and in Finland women are often accommodated in a special section of the centre.

5.2.5 Families

The following table deals with special accommodation for families.

Table 5.9: Special accommodation for families in the Member States

⁵ In these two countries asylum seekers are not automatically given a place in an accommodation centre.

Do special accommodation policies exist for families?		
	No	Yes
Austria	X	
Belgium	X	
Denmark		X
Finland	X	
France	X	
Germany		X
Greece		X
Ireland	X	
Italy		X
Luxembourg	X	
Portugal	X	
Spain		X
Sweden	X	
The Netherlands	X	
United Kingdom		X

** Some countries have provided information according to actual practice, whereas other countries have answered according to official policies only.*

As illustrated in the table above, special accommodation policies exist for families in Denmark, Sweden, Finland, the United Kingdom, Germany Spain, Italy and Greece. In these countries families may be accommodated together. In Germany, when allocating accommodation, the competent Land authorities take into account households consisting of spouses and children under the age of 18. In Italy “family ac-accommodation” is for persons under temporary protection only.

5.2.6 Religious or ethnic groups

The following table concerns special accommodation for religious or ethnic groups.

Table 5.10: Special accommodation for religious or ethnic groups in the Member States

Do special accommodation policies exist for certain religious or ethnic groups?		
	No	Yes
Austria	X	
Belgium	X	
Denmark	X	
Finland	X	
France	X	
Germany	X	
Greece	X	
Ireland	X	
Italy		X
Luxembourg	X	
Portugal	X	
Spain	X	
Sweden	X	
The Netherlands	X	
United Kingdom	X	

Special accommodation is not provided for certain religious or ethnic groups in any of the Member States except in Italy, where special accommodation policies exist for persons under temporary protection. However, Greece and United Kingdom try to keep people with shared religions or ethnicity together and conflicting ethnic groups apart.

5.2.7 Victims of torture and organized violence

The following table shows in which Member states there exists special accommodation for victims of torture and organized violence.

Table 5.11: Special accommodation policies for victims of torture and organized violence in the Member States

Do special accommodation policies for victims of torture and organized violence exist?		
	No	Yes
Austria	X	
Belgium	X	
Denmark		X
Finland		X
France	X	
Germany	X	
Greece		X
Ireland	X	
Italy	X	
Luxembourg	X	
Portugal	X	
Spain		X
Sweden	X	
The Netherlands	X	
United Kingdom	X	

The table shows that special accommodation policies for victims of torture and organized violence exist in Denmark, Greece, Spain and Finland. In Denmark victims of torture or organized violence may be accommodated in a special center for traumatized persons. Severe cases of torture in Denmark, Finland and Greece may be referred to special Rehabilitation Centers. In Spain this group of applicants has priority in accommodation once these applicants have been admitted. In United Kingdom victims of torture are placed in London since the only centers for treatment are located here, and in Portugal this group is considered by law to comprise persons in a vulnerable situation and may therefore be given special care by the Regional Center of Social Security in their area of residence. In Austria no special measures exist for victims of torture or organized crime, although this group will typically be offered assistance by psychologists or NGOs.

5.2.8 General rules regarding accommodation

Table 5.12: General rules and standard for accommodation

General rules and standard for accommodation	
Austria	In accordance with the general standard of housing in Austria.
Belgium	Same regulation as for other residential housing
Denmark	Minimum 5 m ² per person and a maximum 10 persons per toilet and bath.
Finland	There are no standards for the accommodation in the reception centers. There are rooms from single rooms to rooms for eight persons. Families are given a room of their own. In the centers there are separate toilets and baths for women and men.
France	Same regulation as for other residential housing
Germany	There are no general regulations defining standards for the accommodation of refugees. The Lander is bound by law to provide accommodation. There are neither legal standard for minimum or maximum numbers of square meters per person or for the minimum facilities available in the accommodation. However, the accommodation must meet the construction and health law provisions of the Lander concerned
Greece	Unanswered
Ireland	Officials from the Department of Environment and Local Government examine all accommodation centers for asylum seekers to ensure that they meet planning and environmental regulations.
Italy	Varies greatly, due to the different conditions and organizations.
Luxembourg	The size and standard of the accommodation centers differs greatly, depending on the conditions and possibilities of the structures used for accommodation (e.g. schools or hostels).
Portugal	Not answered
Spain	There are no established rules.
Sweden	Asylum seekers who choose to live in a refugee residential center live in furnished apartments. Most reception centers consist of ordinary self-catering apartments. The Swedish standard is a maximum number of two persons per bedroom, plus an additional living room.
The Netherlands	There is a 'program of demands' (COA, 1996):e.g. A single living- and bedroom must be 5 square meters; A double living- and bedroom must be 10 square meters; A living- and bedroom for three persons must be 15 square meters; A living- and bedroom for four persons must be 20 square metres. Furthermore there is a maximum number of people per toilet and/or bath. No more than 8 persons can share a toilet and/or bath.
United Kingdom	Not answered.

The table above shows the general rules and standards that apply to accommodation in the fifteen Member States. Only a few Member States have standards for accommodation such as a maximum num-

ber of persons per room. The rest of the countries do not have any established rules or apply the regulations governing other housing.

5.2.9 Summary of accommodation

The numbers and total capacity vary greatly from one Member State to another, and no general pattern with regard to the number of reception centres and the total capacity emerges amongst the Member States. However, it seems that the majority of the Member States have only one authority involved in running their reception centres.

In relation to the number of accommodation centres and their total capacity no general tendency can be observed either. Again the numbers and total capacities vary from one country to another. However, in the majority of Member States more than one authority/organisation is involved in operating the accommodation centres.

Overall the general tendency amongst the Member States is for special accommodation to be provided to unaccompanied children and to a lesser degree to women and families; finally, victims of torture and organized violence are offered special accommodation in a few countries only.

More precisely, special accommodation policies exist for unaccompanied children in the majority of Member States either as an official policy or in practice, whereas only seven of the fifteen EU countries offer special accommodation to women. Families may be accommodated together in seven of the Member States⁶, whereas almost none of the countries in the European Union provide special accommodation for particular religious or ethnic groups. Special accommodation policies for victims of torture and organized violence exist in only 1/3 of the Member States. In some of these countries severe cases of torture may be referred to special Rehabilitation Centres. A few more countries have stated that special provision is offered to this group.

⁶ In Italy "family accommodation" is provided too, but for persons under temporary protection only

5.3 Access to education

This section presents and discusses patterns in the educational opportunities offered to persons seeking protection in the EU member states.

5.3.1 Educational possibilities for children

Table 5.13: Access to education for children during the asylum procedure

Do children have access to education during the asylum procedure?				
	Yes, always	Yes, under certain conditions	Offered	Compulsory
Austria	X			X
Belgium	X			X
Denmark	X			X
Finland	X			X
France	X			X
Germany	X		X*	X*
Greece	X			X
Ireland	X			X
Italy	X			X
Luxembourg	X			X
Portugal		X	X	
Spain	X			X
Sweden	X		X	
The Netherlands	X			X
United Kingdom	X			X

**Depends on the Land*

Please note that the option “no” also appears in the questionnaire. The table shows that asylum-seeking children have formal access to education during the whole asylum procedure in all countries except for Portugal, where only children in the second phase of the asylum procedure have access to education.

School attendance is generally compulsory for all asylum-seeking children until the age of 15, according to the Country Reports. The exceptions are Sweden, Germany and Portugal.

According to the questionnaire, each German Land has its own rules concerning access to education, but in most Länder compulsory education does not apply while the children are obliged to stay in a reception centre. In Sweden and Portugal children are not obliged to go to school.

Some countries specifically mentioned in the answers to the questionnaire that it is not possible to make education for children seeking protection obligatory, while others did not respond to this question.

Except in the Portuguese case, there are no differences in access to education for children according to category of status sought, stage of asylum procedure or other rules or practices.

Table 5.14: Access to mother tongue tuition

Are children seeking protection offered mother tongue tuition?					
	No	Yes, always	Yes, under certain conditions	Offered	Compulsory
Austria			X	X	
Belgium			X	X	
Denmark		X			X
Finland			X	X	
France	X				
Germany	X				
Greece			X	X	
Ireland			X	X	
Italy			X	X	
Luxembourg			X	X	
Portugal	X				
Spain	X				
Sweden		X		X*	X *
The Netherlands		X		X	
United Kingdom			X		

** Depends on educational level and access to teachers*

The table shows that mother tongue tuition is offered to children seeking protection in the majority of the Member States. In Finland, Ireland, Austria, Luxembourg, Belgium, Italy and Greece it is only offered under certain conditions.

The answers to the questionnaire reveal that Belgium and Italy only offer mother tongue tuition for children under the Temporary Protection regime. In Finland, access depends on the number of children speaking a given language. Children seeking protection in Austria receive mother tongue tuition in accordance with the resources of their school. In Ireland and Greece there are only a limited number of language classes, not enough to give access to everybody. Luxembourg only has unofficial mother tongue classes.

Mother tongue tuition is generally optional except for Denmark and to a certain extent in Sweden, where children are obliged to receive this tuition.

Germany, France, Spain and Portugal do not offer any mother tongue tuition for children seeking protection.

According to the answers in the questionnaire, it is not possible to make mother tongue tuition in any country obligatory.

5.3.2 Educational possibilities for adults

Table 5.15: Educational possibilities for adults

Are adults seeking protection offered language tuition?					
	No	Yes, always	Yes, under certain conditions	Offered	Compulsory
Austria			X	X	
Belgium			X	X	
Denmark		X		X	
Finland		X			X
France			X	X	
Germany			X	X	
Greece		X		X	
Ireland			X	X	
Italy			X	X	
Luxembourg			X	X	

Are adults seeking protection offered language tuition?					
	No	Yes, always	Yes, under certain conditions	Offered	Compulsory
Portugal	X				
Spain			X	X	
Sweden		X			X
The Netherlands			X	X	
United Kingdom			X	X	

The table shows that adults seeking protection have a formal right to language tuition in four countries: Denmark, Sweden, Finland and Greece. The rest of the European countries only provide language tuition under certain conditions. In a number of countries (Ireland, Germany, Luxembourg, Spain, Italy, Greece, France and Austria) language tuition is only or mainly provided by NGOs on a voluntary basis, and it is therefore difficult to estimate the actual access.

It appears from the answers to the questionnaire that the authorities in Ireland have recently decided that asylum seekers who applied prior to 26 July 1999 and who are still awaiting a final decision on their application for refugee status are to be given the right to access language training from FÁS.

In several countries (for instance The Netherlands, Luxembourg, Sweden and Spain) language tuition is only offered to asylum seekers who are admitted into the normal procedure. In the Netherlands language tuition does furthermore include, or for older persons in the accommodation centres. Only in Portugal is no language tuition provided at all.

In Sweden and Finland, taking language courses is obligatory for asylum seekers in the normal procedure, and this is backed up by economic sanctions: Refusal to participate in the Swedish language courses without a valid reason may be followed by a reduction in the daily allowance. In Finland, the same principle is applied, and asylum seekers who refuse to participate in language training run the risk of having their living allowance reduced by 20%. In both countries the decision concerning a reduction of the daily allowance can be appealed to an administrative court.

Except for these two cases, the answers to the questionnaire show that there is no possibility of making adult education obligatory.

Table 5.16: Adults seeking protection offered vocational training

Are adults seeking protection offered vocational training?					
	No	Yes, always	Yes, under certain conditions	Offered	Compulsory
Austria	X				
Belgium			X	X	
Denmark	X				
Finland	X				
France	X				
Germany	X				
Greece	X*				
Ireland	X				
Italy	X				
Luxembourg	X				
Portugal			X	X	
Spain	X				
Sweden		X		X	
The Netherlands			X	X	
United Kingdom			X	X	

**Officially, vocational training is only offered to recognized refugees. In practice, persons still undergoing the asylum procedure may also attend the courses.*

As shown in the table above, vocational training is most often not provided. Only in Sweden is it always offered. In the United Kingdom, the Netherlands, Belgium and Portugal it is offered under conditions, which vary from country to country.

Asylum seekers in Portugal may follow private vocational training courses, but they must pay from their own means. In Belgium, access to vocational training depends on the level of previous education. In the Netherlands it is mostly offered to older asylum seekers in the accommodation centres, and in the United Kingdom adult education may be provided by the local authorities.

The following table briefly shows the content of the educational possibilities for adults provided by state authorities, NGOs or private schools. Please refer to the Country profiles for details.

Table 5.17: Educational activities for adults

Educational activities for adults	
Austria	Some NGOs offer German courses.
Belgium	Language education, computing, technical education provided by auth.
Denmark	Danish and English language, Danish society, IT, other languages. Provided by authorities.*
Finland	Finnish or Swedish languages and everyday life in Finland provided by auth. Access to university.
France	Limited language tuition and training in technical skills provided by NGOs
Germany	Asylum seekers may enroll in adult classes that are provided free of charge by the "Volkshochschulen" or by NGOs.
Greece	Greek language courses offered by NGOs/state auth., vocational training (officially only for recognized refugees), access to university.
Ireland	Language tuition on a voluntary basis, provided by NGOs. Asylum seekers who have been in Ireland for more than twelve months have access to language and educational training under FÁS.
Italy	Limited language tuition provided by NGOs.
Luxembourg	Limited number of places in official language courses. Also provided by NGOs.
Spain	Spanish courses in reception centres provided by NGOs. Access to university.
Sweden	Swedish language course (required), social studies, reading and writing courses, English language course, computer science courses provided by auth.
The Netherlands	Language classes (English and Dutch). Courses in social orientation and international occupational orientation are also available, provided by auth.
United Kingdom	Activities are in some cases provided by the local authorities. The content varies. Access to universities.

**It should be noted that during the first 6 weeks in a reception centre only teaching in Danish language and society is offered.*

Please note that Portugal is not included in the table, because no educational possibilities for adults exist in this country.

The table shows that the education provided for adults consists primarily of language courses. Tuition in the country's society or in technical skills may be offered in Denmark, Finland, Sweden, Ireland, Germany, Belgium and Greece.

Asylum seekers have access to university education in Finland, United Kingdom, Spain and Greece, but they must pay tuition fees from their own means and are not entitled to any educational grants. The absence of possibilities for financial support prevents most asylum seekers from taking advantage of this opportunity.

In Austria adults are generally not offered any educational opportunities, and only a few NGOs provide language tuition on a voluntary basis.

According to the answers to the questionnaire Denmark, Sweden and the Netherlands give asylum seekers the opportunity to choose between courses such as knowledge about the society, language courses and IT. The remaining countries have not provided comparable information on this subject, so choices between different courses may exist in other countries too.

5.3.3 Possible changes

According to our information, the three countries that have initiated changes in the field of education are proposing to extend access to education for persons seeking protection.

In autumn 2000 the Swedish Parliament will discuss a proposal to give children seeking protection access to pre-school education on the same terms as Swedish children.

In Spain the new legislation of April 2000 opens up the possibility of asylum seekers benefiting from educational grants previously available only to Spanish nationals. However, it remains to be seen how the Ministry of Education will implement this provision.

The Portuguese government is planning to establish language courses for adults.

5.3.4 Summary of educational opportunities for persons seeking protection

Children have access to school until the age of 15 in fourteen Member States, regardless of the stage of the asylum procedure, category of status sought or other rules or practices. The exception is Portugal where only children in the second phase of the procedure have access to education. Sweden is currently discussing a proposal to give asylum-seeking children access even to pre-school education.

Mother tongue tuition is offered to children seeking protection in the majority of the Member States (10 countries). However, the content and availability of the courses vary considerably between the countries.

Adults seeking protection are offered some kind of language tuition in all Member States except for Portugal. The Portuguese government is currently planning to establish language courses for adults. The content and availability of the language courses vary considerably between the countries.

Vocational training for adults is generally not provided. The exceptions are Sweden, the United Kingdom, the Netherlands, Belgium and Portugal, where the content of the vocational training varies greatly.

Asylum seekers have access to university education in Finland, United Kingdom, Spain and Greece, but must pay tuition fees from their own means and are not entitled to any educational grants. The Spanish authorities have recently opened up the possibility of asylum seekers benefiting from educational grants previously available only to Spanish nationals. However, it remains to be seen how the Ministry of Education will implement this provision.

Table 5.18: Access to university education

	No	Yes	Offered	Compulsory
Austria		X		X
Belgium		X		X
Denmark		X		X
Finland		X		X
France		X	X*	X*
Germany		X		X
Greece		X		X
Ireland		X	X	
Italy	X			
Luxembourg		X	X	
Portugal		X		X
Spain		X	Not answered	
Sweden		X	X	
The Netherlands		X		X
United Kingdom		X		X

5.4 Access to health care

This chapter contains an analysis of access to health care in the pre-asylum phase, and covers the following themes:

- Initial medical screening
- Medical treatment offered, including special care for particular groups
- Authorities responsible for providing health care
- Authorities financing health care

Table 5.19: Health screening in relation to presentation of asylum application

Do asylum seekers undergo a health screening in relation to the presentation of the asylum application and/or when arriving in the country?					
	No	Yes	Offer	Requirement	Contents of screening
Austria		X		X	Pulmon screening
Belgium		X		X	
Denmark		X		X	General health check including TB test.
Finland		X		X	The screening is including: X-ray, blood test: HIV, Hepatitis-B, syphilis, and intestinal bacteria for the children.
France		X	X*	X*	Screening for contagious diseases such as TBC.
Germany		X		X	The health screening includes a check for communicable diseases including an x-ray of the respiratory organs.
Greece		X		X	
Ireland		X	X		Infectious diseases and vaccination.
Italy	X				
Luxembourg		X	X		Not systematically provided
Portugal		X		X	
Spain		X			
Sweden		X	X		A talk with a nurse about the individual's health problems and states and testing if necessary
The Netherlands		X	X	X	Chest X-ray is made for tuberculosis. During the first weeks every asylum seeker is offered a general health-examination. This consists of filling a questionnaire, which is discussed with a nurse.
United Kingdom		X		X	

**Screening is a requirement for those living in accommodation centres, and is offered to those living outside centres.*

The table shows that all asylum seekers undergo a health screening when applying for asylum in and/or when arriving in the country in fourteen Member States. The exception is Italy where no health screening is provided.

In Sweden, Ireland and Luxembourg health screening is offered but not compulsory.

It appears from the study that in practice screening is not systematically carried out in Luxembourg and the United Kingdom for practical reasons. In France screening is only compulsory for persons staying in an accommodation centre (CADA). The same applies in Belgium, where screening is only carried out in accommodation centres, leaving those outside the centres without a medical check-up.

The content of the screening varies between the countries, and not all countries have provided information on the subject. According to the answers to the questionnaire, the screening often contains an examination for tuberculosis (at least in France, Spain, Austria, the Netherlands, Germany, Finland and Denmark), and examinations for HIV, Hepatitis B and other contagious diseases are also generally part of the screening.

Table 5.20: Type of medical insurance schemes of relevance to asylum seekers

Type of medical insurance schemes of relevance to asylum seekers				
	Same as nationals	Limited insurance	Other	Limitations/exceptions
Austria	X*		X**	*Persons under federal care or temporary protection regime** Persons not under federal care
Belgium	X			Full access only for admitted cases registered with the CPAS (see country report)
Denmark			X	Free health care is conditioned on the person living in a rec./acc.centre. Essential health care is provided by and paid for by the Danish Red Cross and the Danish Immigration Service.
Finland		X		Urgent and emergency care for adult asylum seekers. Pregnant women enjoy the same medical care as Finnish citizens.
France		X		Limited access to state insurance, or individual participation in the national health security system.
Germany	X**		X*	*The extent of the services provided in case of illness depends on the provisions of the Act on Benefits for Asylum Seekers. **After 36 months in Germany, asylum seekers are entitled to the same insurance as nationals.
Greece	X			Full access to free health care is formally only an entitlement during the "pink card" period (see country report).

Type of medical insurance schemes of relevance to asylum seekers				
	Same as nationals	Limited insurance	Other	Limitations/exceptions
Ireland	X			Asylum seekers – like all residents in Ireland - must apply for a medical card which gives access to full state insurance. The card is usually given on grounds of low income.
Italy	X	X		Care is normally restricted to emergencies and serious illness. Persons under the temporary protection regime have full access to medical care.
Luxembourg	X			During the first 4 months of the procedure, asylum seekers are not enrolled in the national health care programme, but receive medical coupons when needed.
Portugal	X			During the first phase of the asylum procedure, asylum seekers have to contribute to their medical care.
Spain	X			Full access is only for admitted cases.
Sweden		X		Urgent and emergency care for adult asylum seekers. Minors and pregnant women enjoy the same medical care as Swedish citizens.
The Netherlands	X*	X**		*Full insurance is only for persons undergoing the normal procedure. **Others are entitled to emergency care.
United Kingdom	X			Health care is not accessible to those who have exhausted the procedure.

The table shows that asylum seekers generally have access to the same medical insurance schemes as nationals in the majority (11) of the Member States.

However, it should be noted that in a number of countries full medical insurance is only provided to limited groups of persons seeking protection:

In Germany full medical insurance is only provided to persons who have stayed in the country for more than 36 months.

In the Netherlands full medical insurance is only for asylum seekers undergoing the normal asylum procedure.

Persons seeking protection in Austria must be placed under federal care or under the temporary protection regime to receive full health

care, which leaves the majority of asylum seekers in Austria with only limited emergency health care provided by NGOs.

In Italy too, full medical insurance is limited to persons under the temporary protection regime.

And finally Portugal and Greece only give access to the national health insurance scheme to particular groups; in Portugal to persons in the second phase of the procedure, in Greece only during the “pink card” period.

Secondly, the table shows that persons seeking protection in Sweden, Finland and France have only limited access to the national health insurance scheme.

In Sweden, Finland and France there is no difference between the different categories of asylum seeker. According to the questionnaire asylum seekers in Finland can be charged for medication and treatment at a rate of up to 10 EUR per month. Finland is the only country where medical treatment is not free of charge for any group of persons seeking protection.

In Portugal asylum seekers in the first phase of the procedure must contribute to the medical care they receive.

Finally, the table shows that Denmark, Germany and Austria provide health care to persons seeking protection independently of the national insurance scheme in the country.

Asylum seekers in Denmark must stay in a reception/accommodation centre to be entitled to free health care.

Germany also has a special health care system for asylum seekers (described in the Act on Benefits for Asylum Seekers) until the person has been in Germany for 36 months.

For asylum seekers who are not under federal care in Austria, no State-provided health insurance scheme exists.

Table 5.21: Mental health care

Is special mental health care provided for mentally ill and to persons suffering from post traumatic stress? Is special mental health care provided for victims of torture?				
	No	Yes	No	Yes
Austria	X		X	
Belgium		X		X
Denmark		X		X
Finland		X		X
France		X		X
Germany		X		X
Greece		X		X
Ireland		X		X
Italy		X		X
Luxembourg		X		X
Portugal	X		X	
Spain		X		X
Sweden		X	X	
The Netherlands		X		X
United Kingdom		X		X

The table above shows that most of the Member States provide mental health care for the mentally ill, persons suffering from post-traumatic stress, and victims of torture.

The exceptions are Austria and Portugal, which do not provide such treatment at all, whereas Sweden only offers treatment to mentally ill persons and persons suffering from post-traumatic stress.

However, the answers to the questionnaire suggest that the content of the treatment provided differs greatly from country to country, due to differences in resources and culture.

Denmark has the Danish Centre for Torture, where severe cases may be referred for further treatment. Such persons can also be accommodated in a special accommodation centre for traumatized persons. Special accommodation for persons with mental problems only exists in Denmark, according to the answers to the questionnaire.

Apart from its psychiatric hospitals, Greece too has a Rehabilitation Centre for Torture Victims where treatment of persons in need takes place.

In Germany, seriously traumatised asylum seekers who cannot receive sufficient medical and psychological care under the Act on Benefits for Asylum Seekers may turn to one of the so-called psychosocial treatment centres situated in many German cities.

The United Kingdom also has facilities for psychological treatment, but they are primarily situated in London, and access may therefore be limited to persons living near London.

In France, persons staying in larger CADAs may benefit from free psychological care once or twice a week.

In their answers to the questionnaire, the rest of the member states that offer psychological treatment have stated that “treatment is provided according to needs and availability”, and it is therefore difficult to compare the content of the treatment in greater detail.

It should be mentioned that psychological treatment of asylum seekers in Luxembourg could take place in other EU countries, due to the limited resources of the country.

Table 5.22: Authorities or organizations responsible for health screening and treatment of urgent and chronic diseases

Authorities or organizations responsible for the health screening. Authorities or organizations responsible for treatment of urgent and chronic diseases.		
Austria	Social organisations, hospitals, local authorities, NGOs.	
Belgium	Reception centres, municipalities	
Denmark	The Danish Red Cross.	Danish Red Cross and the Danish immigration Service
Finland	The reception centres	
France	Ministry of Labour and Solidarity, department of Health.	
Germany	Regional Commissioner's Office, the counties and the municipalities, depending on the division of responsibilities laid down in the law of the Land concerned.	
Greece	Health centres, hospitals or other institutions of the national health system.	
Ireland	Department of Health and Children	
Italy	n.a.	Local health care agencies
Luxembourg	Government Commissariat for Aliens (CGE) and NGOs	
Portugal	The Portuguese Refugee Council, which has signed a Protocol with the "Instituto de Higiene e Medicina Tropical".	Ministry of Health
Spain	The national Spanish system of health, INSA-LUD. There is an agreement between IMSER-SO and the Red Cross for special programs which provide the applicants with psychological assistance, etc.	
Sweden	The County Councils	
The Netherlands	Local care providers contracted by the insurance company.	
United Kingdom	Not answered	

The table shows the authorities or organisations responsible for the health screening and the treatment of urgent and chronic diseases. In most of the Member States, the responsibility for the provision of health care lies with several authorities or organisations such as NGOs, social organisations, government and local authorities or reception centres.

Table 5.23: Authorities financing the provision of free health care and treatment

Authorities financing the provision of free health care and treatment	
Austria	Government and social organizations, hospitals, local authorities, NGOs.
Belgium	The government: Ministry of social affairs, municipalities
Denmark	The Danish Immigration Service (Ministry of the Interior) covers all expenses except acute treatments, which are covered by the local authorities.
Finland	The government
France	Social security regime
Germany	Regional Commissioner's Office, the counties and the municipalities, depending on the division of responsibilities laid down in the law of the Land concerned.
Greece	The government: Ministry of Health & Welfare
Ireland	The government, Department of Health and Children
Italy	The government: Ministry of the Interior
Luxembourg	The government: Commissariat for Aliens
Portugal	The government: Ministry of Health and the Ministry of Labour and Social Solidarity
Spain	The government: Ministry of Labour and Social Affairs and the Ministry of Health
Sweden	The government and local authorities.
The Netherlands	Finances come from the Ministry of Justice, channelled through the reception organisation COA.
United Kingdom	Not answered

The table shows that government authorities such as ministries or departments mainly finance the provision of free health care and treatment.

In Germany the regional Commissioner's Office, the counties and the municipalities finance the provision of free health care and treatment, depending on the division of responsibilities. In Belgium and Sweden the local authorities also have an economic responsibility for the provision of health care to asylum seekers.

Social organizations, hospitals and local authorities and NGOs finance free health care and treatment in Austria. This results from the fact that most asylum seekers are not placed under federal care.

5.4.1 Possible changes

There are no proposals to change the regulation concerning health care to persons seeking protection in any country.

5.4.2 Summary

An initial health screening is provided to all persons seeking protection in fourteen countries. The exception is Italy.

The screening is a requirement in most countries, and generally covers tuberculosis, HIV and hepatitis B.

All countries except for Finland give free medical care to asylum seekers. However, the content of the care provided varies considerably according to category of status sought or the stage of the asylum procedure. In some countries, persons under the temporary protection regime have access to more free medical provision than other groups of asylum seekers.

Most of the Member States provide mental health care for the mentally ill, persons suffering from post-traumatic stress, and victims of torture. The exceptions are Austria and Portugal.

Mental health care may be provided in institutions specializing in it, or it may be integrated into the normal health care system.

The responsibility for the provision of health screening and the treatment of urgent and chronic diseases lies both with the national and regional authorities and with NGOs and hospitals. The systems vary widely. The financing of the health care accorded to persons seeking protection most often lies with government authorities such as ministries of the Interior, of Health or of Social Affairs.

5.5 Means of subsistence

This section presents and discusses patterns in the means of subsistence available in the EU member states. The following topics are discussed:

- Financial assistance
- Assistance in kind

5.5.1 Financial assistance

The following table summarises the availability of financial assistance in each country for persons seeking international protection.

Table 5.24: Availability of financial assistance in each country

Do persons seeking international protection receive financial assistance during the asylum procedure?			
	No	Yes, always	Yes, under certain circumstances
Austria			X
Belgium			X
Denmark			X
Finland			X
France			X
Germany			X
Greece			X
Ireland		X	
Italy			X
Luxembourg		X	
Portugal			X
Spain			X
Sweden			X
The Netherlands			X
United Kingdom			X

As shown in the table, only in Ireland and Luxembourg do persons seeking international protection always receive financial assistance during the asylum procedure. In the rest of the countries financial assistance is offered under certain conditions only. Further information on the specific amounts is presented in the table below.

Table 5.25: Amount of Euros per week for persons seeking protection

Amount of Euros per week for persons seeking: Protection under the 1951 Convention Temporary protection B-status

Amount of Euros per week for persons seeking:																			
	Protection under the 1951 Convention	Temporary protection	B-status																
Austria																			
Belgium	Adult person/ Unaccompanied child: App. 115 Euros/week Couple: App. 149 Euros/week Child: App. 50 Euros/week																		
Denmark	In order to receive financial assistance the applicant must live in the reception/accommodation centre or have permission to live elsewhere. Euros per week: <table border="1"> <thead> <tr> <th></th><th>Children 0-13 years</th><th>Children 14-17 years</th><th>Adults</th></tr> </thead> <tbody> <tr> <td>Clothes money:</td><td>7.00</td><td>7.00</td><td>7.00</td></tr> <tr> <td>Food money:</td><td>29.82</td><td>32.83</td><td>35.91</td></tr> <tr> <td>Pocket money:</td><td>5.81</td><td>14.98</td><td>27.93</td></tr> </tbody> </table> The alien receives money for clothes after staying in a centre for 150 days.				Children 0-13 years	Children 14-17 years	Adults	Clothes money:	7.00	7.00	7.00	Food money:	29.82	32.83	35.91	Pocket money:	5.81	14.98	27.93
	Children 0-13 years	Children 14-17 years	Adults																
Clothes money:	7.00	7.00	7.00																
Food money:	29.82	32.83	35.91																
Pocket money:	5.81	14.98	27.93																
Finland																			
France	Adult person: App. 59 Euros/week for persons not lodged in accommodation centres. One-off initial assistance upon submission: 305 Euros.																		
Germany	When staying in a reception centre essential food, accommodation, heating, clothing, health care and toilet articles as well as consumables and non-consumables are provided in kind. In addition, those entitled to benefits receive the following cash payments to cover their personal needs: 1. App. 4.7 Euros per week for persons under the age of 14 2. App. 9.4 Euros per week for persons aged 14 and older If the persons entitled to the benefits are accommodated outside reception facilities, they are entitled to more benefits, which may be granted in the form of vouchers or cash payments rather than in kind.																		
Greece	In general there is no state financial assistance. Assistance is given to members of the target group through Greek Council for Refugees (GCR) and Social Work Foundation (SWF) under UNHCR's Programme for Greece and through Hellenic Red Cross (HRC). SWF: assistance according to vulnerability and needs. HRC: persons staying at an accommodation Centre Head of household 23.1 Euros per week, Any person accompanying 8.4 Euros per week. GCR: assistance is given only to persons seeking protection under the 1951 Geneva Convention: 42 Euros per week is given to adult persons, children accompanied by a family member and unaccompanied children.																		
Ireland	Persons seeking refugee status receive financial assistance during the asylum procedure. Asylum seekers are paid a personal allowance. Adults are given 19 Euros and children are given 9.5 Euros. Persons seeking asylum in this country since 10 April 2000 are accommodated in full board accommodation and are consequently in receipt of reduced allowances under the scheme. They may also receive assistance towards any exceptional needs payments e.g. clothing, footwear, etc. Child benefit is also payable in respect of each dependent child.																		
Italy	126 euros per week (about 18 Euros per day for max. 45 days).	Receives assistance for the entire period of stay in Italy.	n.a.																
Luxembourg	Self-catering: Adult: App. 62,6 euros/week. Couple: App. 113,8 euros/week Child: App. 28.4 – 37.0 euros/week Full board: Adult: App. 11.4 euros/week Child: App. 5,7 – 28.4 euros/week Clothing for children: App. 22.8 – 34,1euros. Free transport may also be provided.																		
Portugal	Adult person The financial assistance given during the first stage of the procedure is 20 Euros per week. When the applicant is given a temporary resident permit, he receives a weekly cash allowance: <ul style="list-style-type: none"> One person – App. 32.1 Euros 2 - 3 persons – App. 36,7 Euros 4 – 6 persons – App. 41,3 Euros 7 + persons – App. 45,9 Euros 																		

Amount of Euros per week for persons seeking:

	Protection under the 1951 Con- vention	Temporary protection	B-status																					
Spain																								
Sweden	All categories receive the same financial assistance. Persons who do not have a source of income are provided with a weekly allowance per person: <table><tr><td></td><td>Cooking own food</td><td>Eating free food</td></tr><tr><td>Single</td><td>60 Euros/week</td><td>20</td></tr><tr><td>Cohabiting</td><td>51</td><td>16</td></tr><tr><td>Child 0-3 yrs.</td><td>31</td><td>10</td></tr><tr><td>Child 4-10</td><td>36</td><td>10</td></tr><tr><td>Child 11-17</td><td>42</td><td>10</td></tr><tr><td>Adult member of household</td><td>51</td><td>16</td></tr></table> Those who live in private housing may be eligible for an allowance for the cost of housing: 15 Euros per week for a single person, 30 Euros per week for families.				Cooking own food	Eating free food	Single	60 Euros/week	20	Cohabiting	51	16	Child 0-3 yrs.	31	10	Child 4-10	36	10	Child 11-17	42	10	Adult member of household	51	16
	Cooking own food	Eating free food																						
Single	60 Euros/week	20																						
Cohabiting	51	16																						
Child 0-3 yrs.	31	10																						
Child 4-10	36	10																						
Child 11-17	42	10																						
Adult member of household	51	16																						
The Netherlands	In centres where the asylum seekers take care of themselves the financial assistance per week is as follows: <ul style="list-style-type: none">• Child accompanied by family member to the age of 11: 7.26 Euros;• Child accompanied by family member from the age of 11 to 18: 11.34 Euros;• Adult asylum seekers: 39.02 Euros;• Unaccompanied child: 31.76 Euros;• Bonus for a single parent family: 26.32 Euros. If the asylum seekers receive all meals or breakfast and lunch only, the amount received is reduced.																							
United Kingdom	All assistance is given in the form of vouchers. Qualifying couple 93.5 Euros Lone parent aged 18 or over: 59.5 Euros Single person aged 25 or over: 59.5 Euros Single person aged at least 18 but under 25: 47 Euros Person aged at least 16 but under 18: 52 Euros Person aged under 16: 43 Euros																							

As illustrated above the financial assistance offered is very different from one country to another. The conditions for entitlement to assistance vary with different parameters such as the asylum seeker's means, kind of accommodation and the stage of the asylum process. Only in Italy, Greece and Austria can differences between the three categories of aliens be found. In some member states financial assistance is provided only for a limited period of time. In Greece no state-financed program exists.

Table 5.26: Differences if any in the financial assistance offered

Are there any differences in the financial assistance offered?			
	No	Yes	Description of differences
Austria	X		
Belgium		X	Assistance from CPAS is only given to persons staying outside accommodation centres.
Denmark		X	Asylum seekers who have sufficient means of their own may not have household expenses for their stay defrayed. An alien can be ordered to pay for a maximum of 90 days and nights. An asylum seeker may not have the expenses for his stay defrayed except for food, lodging and health services if he refuses to cooperate with the authorities or disregards the rules of the accommodation centre. Asylum seekers married to a Danish citizen or a person with permanent residence permit do not receive any financial assistance.
Finland	X		
France		X	Asylum seekers accommodated in a CADA receive only pocket money. The amount depends on whether the person is cooking for himself or not.
Germany		X	Benefits will be stopped if the foreigner leaves Germany or is recognized as a refugee, or if the maximum period of three years for which benefits may normally be drawn has lapsed. After that period foreigners are entitled to benefits under the Federal Social Welfare Act.
Greece		X	The NGOs, which provide assistance, have varying rules for its distribution.
Ireland	X		
Italy		X	Convention refugees: After 45 days, the assistance paid by the state stops. Further assistance is in some cases paid by Communes or NGOs. Persons under temporary protection receive assistance during the whole period of their stay.
Luxembourg		X	Assistance is reduced by 20% for asylum seekers who are in the process of appealing against a first instance rejection.
Portugal		X	Asylum seekers under the Geneva Convention receive 19.95 euros / week. During the first stage of the procedure asylum seekers with a temporary resident permit receive 32.17 euros / week. Persons under temporary protection benefit from the same support as foreign citizens.
Spain	X		
Sweden		X	Asylum seekers with income or personal assets must contribute to the cost of food and rent. Asylum seekers who do not participate in language courses or who do not participate in the investigation of their case may have their daily allowance reduced.
The Netherlands		X	Asylum seekers must report to an accommodation centre to receive allowances.
United Kingdom		X	Assistance is only offered to eligible asylum seekers, i.e. those likely to become destitute within 14 days.

The table shows the differences in the financial assistance offered. Only in Finland, Ireland, Austria and Spain are there no such differences in assistance. In Denmark, Sweden and the United Kingdom allowances are reduced or denied to asylum seekers with means of their own. In Luxembourg, Spain, Portugal and Italy allowances depend on the category of asylum demanded. In several countries asylum seekers must report to a reception/accommodation centre on a regular basis to receive allowances.

5.5.2 Assistance in kind

This table shows in which countries assistance in kind is offered during the asylum procedure.

Table 5.27: Countries in which assistance in kind is offered during the asylum procedure

Do persons seeking international protection receive assistance in kind during the asylum procedure?			
	No	Yes, always	Yes, under certain circumstances
Austria			X
Belgium			X
Denmark		X	
Finland			X
France	X		
Germany		X	
Greece			X
Ireland		X	
Italy			X
Luxembourg			X
Portugal			X
Spain	X		
Sweden	X		
The Netherlands			X
United Kingdom			X

As shown in the table, only in Spain, France and Sweden is no assistance in kind provided to asylum seekers during the asylum procedure, whereas in Denmark, Ireland and Germany some assistance in kind is always provided. The majority of the Member States only pro-

vides assistance in kind under certain circumstances. The assistance offered is typically clothing, essential food, accommodation, household equipment and in some cases transportation and school materials. In all the countries except Portugal there is no difference in assistance offered to holders of the different categories of status. For further information on assistance in kind offered please refer the table below.

Table 5.28: Content of the assistance in kind

Content of the assistance in kind:	
Austria	Clothing, transport costs, school materials.
Belgium	Social services of municipalities are free to replace financial help by assistance in kind. Then all facilities (lodging, food, school, medical expenses) are paid for directly by the social services.
Denmark	An alien is typically offered a package containing items necessary for accommodation in a centre, for instance kitchen equipment. If necessary he also may receive second-hand clothes within the first 150 days of his stay in the registration/accommodation centre. Financed by public funds.
France	Ad hoc assistance, food.
Germany	During the stay in a reception centre essential food, accommodation, heating, clothing, health care and toilet articles as well as consumables and non-consumables are provided in kind. Financed by public funds.
Greece	Food, clothes, linen, household equipment. Financed by both public funds and NGOs.
Ireland	Full board accommodation. Financed by public funds.
Italy	Ad hoc, mostly through NGOs
Luxembourg	Free clothing is provided by NGOs, free public transport in some cases.
Portugal	During the admissibility stage: Clothes, phone cards, cards for transport. Admitted asylum seekers granted a temporary resident permit normally receive money. Persons under temporary protection benefit from the same support as foreign residents. Financed by public funds.
The Netherlands	Asylum seekers receive accommodation, a once-only financial contribution for clothing, recreational and educational activities, medical insurance, third -party insurance and payment of unusual costs. Financed by public funds.
United Kingdom	All assistance is given in the form of vouchers. Financed by public funds.

The table below shows differences in assistance offered in kind.

Table 5.29: Differences if any in the assistance offered in kind

Are there any differences in the assistance offered in kind?			
	No	Yes	Description of differences:
Austria	X		
Belgium	X		
Denmark	X		
Finland	X		
France		X	After 12 months, social assistance is only given in kind to persons staying outside accommodation centres.
Germany	X		
Greece		X	SWF, HRC: Assistance offered according to vulnerability and needs in each case.
Ireland	X		
Italy	X		
Luxembourg		X	Provided only for asylum seekers lacking means.
Portugal		X	Persons under temporary protection benefit from the same support as foreign residents.
Spain	X		
Sweden	X		
The Netherlands	X		
United Kingdom		X	Assistance is only offered to eligible asylum seekers, i.e. those likely to become destitute within 14 days.

In ten of the Member States countries the assistance provided in kind is the same for all groups of asylum seekers. In United Kingdom, Luxembourg and Greece assistance in kind is only given to persons in need.

Table 5.30: Choice of different types of assistances offered during the asylum procedure

Are asylum seekers offered any kind of choice of different types of assistance during the asylum procedure?		
	No	Yes
Austria	X	
Belgium	X	
Denmark	X	
Finland	X	
France	X	
Germany	X	
Greece	X	
Ireland	X	
Italy	X	
Luxembourg	X	
Portugal	X	
Spain	X	
Sweden	X	
The Netherlands	X	
United Kingdom	X	

The table shows that none of the Member States offer any kind of choice of different types of assistance to persons seeking protection.

5.5.3 Summary on means of subsistence

Financial assistance is provided to persons seeking protection in almost all countries. However the majority of countries offer financial assistance under certain circumstances only. In Ireland and Luxembourg financial assistance is always offered. Persons seeking protection are not offered any choice of different types of assistance.

In some countries allowances are reduced or not granted to asylum seekers with means of their own, whereas other countries make no distinctions in the assistance given.

The majority of Member States only provide assistance in kind under certain circumstances. The assistance offered is typically clothing,

essential food, accommodation, household equipment, and in some cases transportation and school materials.

5.6 Access to the labour market

The rights of asylum seekers to engage in paid work during the asylum procedure vary among the fifteen countries.

Some countries have adopted a strict line forbidding asylum seekers access to the labour market. Others have made it possible for asylum seekers to work after a certain time spent in the asylum procedure.

Some countries apply case-by-case judgements as to whether an asylum seeker is allowed to work (often dependent on his skills), while others grant permission to work simply on objective criteria.

Table 5.31: Asylum seekers' access to the labour market

Are asylum seekers allowed to seek and take paid work during the asylum procedure?			
	No	Yes, always	Yes, under certain conditions
Austria			X
Belgium			X
Denmark	X		
Finland			X
France	X		
Germany			X
Greece			X
Ireland	X		
Italy	X		
Luxembourg	X		
Portugal			X
Spain			X
Sweden			X
The Netherlands			X
United Kingdom			X

5.6.1 Countries where paid work is not allowed during the asylum procedure

Denmark: As a general rule, asylum seekers are not allowed to take paid work. During the asylum process they are allowed to do unpaid humanitarian or voluntary work. Persons granted temporary protection under the now repealed “Kosovo Law” have access to the labour market.

France: Asylum seekers are not allowed to work. Only people under the “territorial asylum” are allowed to work. The government is considering introducing the right to work after the first year of the application process.

Ireland: In principle the Irish policy regarding access to the labour market is that asylum seekers should not be allowed to work. However, due to the long application process, this was changed for asylum seekers who applied before 26 July 1999. Asylum seekers who sought asylum before this date and who have been waiting more than 12 months for a final decision on application are allowed to work. Eligible asylum seekers are entitled to a letter to present to potential employers. Asylum seekers can engage in unpaid work.

Italy: Asylum seekers are not allowed to work. People under the “temporary protection regime” have access to the labour market. Consideration is being given to the granting of the right to work after the first 6 months to asylum seekers, primarily because of the absence of financial assistance during most of the procedure.

Luxembourg: Asylum seekers do not have access to the labour market. People under temporary protection are allowed to work at all times.

5.6.2 Countries where work permits are given according to the stage of the asylum procedure, specific qualifications and/or case-by-case judgments

Austria: In principle every asylum seeker is allowed to work. However, he must obtain a work permit, just like immigrants and foreign workers. In practice asylum seekers hardly ever manage to obtain a work permit. Only people with highly specialized abilities are provided

with work permits. Asylum seekers who have been dismissed on grounds other than that set forth in the asylum exclusion clauses may obtain a limited right to residence and the taking up of paid work.

Belgium: Asylum seekers are not allowed to work during the first stage of the application procedure. In the second stage, the examination of substance, asylum seekers may be allowed to work if their prospective employer submits a request.

Finland: Asylum seekers are allowed to take paid work without a work permit after the first 3 months of the application process. An employer who wants to employ an asylum seeker must apply for permission in writing. Asylum seekers are both allowed and encouraged to take unpaid work, and to participate in training and education. If asylum seekers want full social benefits they have to work at the accommodation centre where they are placed, or else their allowances are cut by 20%.

Germany: An asylum seeker is allowed to seek paid work after a period of three months, but he/she has to be granted a work permit, which is granted on a case-by-case basis. The permit is only given if the employment has no adverse effects on the labour market and if no German or EU citizen is available for the job. It is possible to access vocational activities organized by the authorities in the reception centres and similar facilities - indeed the asylum seekers have to do so if they wish to avoid a reduction in their benefits. In addition, asylum seekers are given the opportunity to work with public, municipal and non-profit organizations, and to receive an expense allowance.

Greece: All asylum seekers who hold an “asylum seeker card” have access to temporary paid employment if the job is of no interest to Greeks, EU citizens or recognized refugees. In practice jobs are often available in the agricultural sector.

Netherlands: Asylum seekers are allowed to take paid work 6 months after the beginning of the asylum procedure. However, they need to obtain a working certificate, which has to be renewed every month. They are only allowed to take seasonal work for a maximum

of 12 weeks in a period of 12 months. The decision to increase access to paid work was taken because of the long asylum procedure. Voluntary work and vocational training is allowed for all asylum seekers at all times.

Portugal: Asylum seekers are not allowed to work during the first phase of the asylum process. After passing the first stage of the procedure asylum seekers receive a temporary residence permit, which in practice gives them the same rights as Portuguese citizens.

Spain: Once an application has been admitted (2nd phase of the procedure) the asylum seeker can take up paid work if authorized to do so by the Provincial Delegation of Labour. Permission is given on a case-to-case basis and only if the applicant can show a signed job offer from an employer. Authorization is most frequently given to jobs in the agricultural sector. Permissions are job-specific and non-transferable.

Sweden: Asylum seekers are allowed to take paid work during the asylum procedure, depending on the time required to process the application. If the application for asylum takes longer than 4 months, the asylum seeker can work without a work permit. He is allowed to seek unpaid work during the process. No access to vocational training is granted.

United Kingdom: After a 6-month period asylum seekers can apply for permission to work, which is usually granted. This permission only applies to the principal applicant, meaning that dependants are not allowed to work.

The table below sums up differences in access to the labour market depending on the stage of the asylum procedure.

Figure 5.1: Differences in access to paid work

<i>Are there differences in access to take <u>paid</u> work depending on the stage of the asylum procedure, or type of status?</i>			
	No	Yes	Description of differences:
Denmark		X	Only persons granted protection under the Kosovo law have access to the labour market
Sweden		X	After 4 months asylum seekers can work without a work permit.
Finland		X	Asylum seekers may work in the reception centre carrying out maintenance and other duties and participate in work activities organised in the centre without work permits. They are only allowed to work outside the centre in exceptional cases, and after 4 months after asylum application.
Ireland		X	Due to long procedures persons that have applied for asylum before the 26 July 1999 have exceptionally been allowed access to the labour market
United Kingdom		X	Asylum seekers are allowed to work 6 month after first asylum application.
Germany		X	Only asylum seekers no longer under the obligation to stay in a reception centre may be given the permission to take up wage or salary-earning employment. Persons who are entitled to benefits in line with the Act on Benefits for Asylum-Seekers can be given the opportunity to work in the reception centres.
The Netherlands		X	Access to paid work is possible after at least 6 months after the request for asylum. At the moment only seasonal work for a maximum of 12 weeks in a period of 12 months is allowed.
Austria	X		When holding a work permit, which is difficult to obtain asylum seekers have access to the labour market
Luxembourg		X	Only persons under temporary protection can be allowed to work.
Belgium		X	Persons seeking Geneva Convention status can take paid work after recognition of admissibility, if the employer submits a request. Persons seeking temporary protection can take paid work.
France		X	Only persons under temporary protection can be allowed to work.
Spain		X	The applicant must have his claim admitted, minimum 6 months after application.
Portugal		X	Only the asylum seekers whose application is admitted are allowed to work in the same way as aliens with resident status. Persons under temporary protection are allowed to work as long as the temporary protection status is maintained.
Italy		X	Only persons under temporary protection can take paid work.
Greece	X		Asylum seekers must hold a valid "status" card, and no interest must be expressed for the post either by a national or EU citizen, or a recognized refugee.

As the figure shows all the 13 Member States except Austria and Greece have differences in access to take paid work depending on the stage of the asylum procedure, or the type of asylum status. In most of the 10 Member States allowing access to paid work of asylum seekers, this right is not applicable before several months after request for asylum.

In Italy, Denmark, Luxembourg and France only persons under temporary protection have the right to work. In Portugal and Belgium this group has priority to the labour market compared with other groups of asylum seekers.

5.6.3 Access to unpaid work

Below some tables comparing the access to engage in unpaid work and vocational activities are presented and commented.

Table 5.32: Access to seek unpaid work during asylum procedure

Is there access to seek unpaid work during the asylum procedure?		
	No	Yes
Austria	X	
Belgium		X
Denmark		X
Finland		X
France		X
Germany	X	
Greece		X
Ireland		X
Italy		X
Luxembourg		X
Portugal	X	
Spain		X
Sweden		X
The Netherlands		X
United Kingdom		X

The table illustrates that in the majority of countries listed above there is access to unpaid work during the asylum procedure. The exceptions are Germany, Austria and Portugal where access to unpaid work is not possible.

Table 5.33: Differences in access to seek and take unpaid work depending on the stage of the asylum procedure or type of status

Are there differences in access to seek and take unpaid work depending on the stage of the asylum procedure or type of status?			
	No	Yes	Description of differences:
Belgium	X		
Denmark	X		
Finland	X		
France	X		
Greece	X		
Ireland	X		
Italy		X	Only persons under temporary protection can take unpaid work
Luxembourg	X		
Spain	X		
Sweden	X		
The Netherlands	X		
United Kingdom		X	Asylum seekers are only allowed to work 6 month after first asylum application.

The table only includes the countries where access to unpaid work during the asylum procedure is possible. In 10 of the inquired countries there is no differences in access to seek and take unpaid work depending on the stage of the asylum procedure or the type of status demanded. In IT only persons under temporary protection can take unpaid work. Persons seeking asylum in the UK are only allowed to take unpaid work 6 months after first asylum application.

Table 5.34: Access to vocational activities organised by the authorities during the asylum procedure

Is there access to vocational activities organised by the authorities during the asylum procedure?		
	No	Yes
Austria	X	
Belgium		X
Denmark	X	
Finland	X	
France	X	
Germany		X
Greece	X	
Ireland		X
Italy	X	
Luxembourg	X	
Portugal		X
Spain		X
Sweden	X	
The Netherlands		X
United Kingdom		X

As illustrated in the table less than half of the Member States offer the asylum seekers access to vocational activities organised by the authorities during the asylum procedure. In Denmark, Sweden, Finland, Austria, Luxembourg, France, Italy and Greece no vocational activities are organised.

Table 5.35: Are vocational activities organised by the authorities compulsory

Are vocational activities organized by the authorities compulsory?					
	No	Yes	Participation is a means of increasing the level of benefits	Participation is a means of avoiding a decrease in benefits	Participation is neutral as far as benefits are concerned
Belgium	X				X
Finland		(X)		X	
Germany		X		X	
Ireland	X				X
Portugal	X				X
Spain	X				X
The Netherlands	X		X		
United Kingdom	X				

Please be aware that the table above only shows the countries where access to vocational activities organised by the authorities is offered during the asylum procedure. The vocational activities are compulsory in Germany and participation is here seen as a means of avoiding a decrease in benefits. In the last 6 countries listed above participation in vocational activities is not a requirement. However, those 6 countries (Ireland, UK, Netherlands, Belgium, Portugal and Spain) differ with regard to the evaluation of the participation. Belgium, Spain, Portugal and Ireland see participation as neutral as far as benefits are concerned whereas the Netherlands sees it as means of increasing the level of benefits.

5.6.4 Correlations between social system and labour market characteristics and the rights of access to work for asylum seekers

The access to the labour market is in general restricted, but there has been a trend in many countries for the introduction or extension of the right for asylum seekers to work. France and Italy are considering introducing a right to work. Furthermore the Netherlands and Denmark have current political debates about possible changes in their restrictions on labour market access.

Proponents of improved access to the labour market for asylum seekers believe it improves their ability to adapt and integrate. They also argue that the cost of social benefits will be reduced if asylum seekers are able to obtain an income through having access to the labour market, and that the local population are likely to feel more positive about people working and earning their own salaries. Opponents of this view argue that better access to the labour market may attract more asylum seekers and encourage more economically-motivated migrants seeking to take advantage of the possibilities that requesting asylum may provide.

The relationship between policies on migration and the conditions for asylum seekers are particularly close in southern Europe. Countries like Portugal, Spain, France and Greece mention that it is difficult to control illegal work by asylum seekers using the existing labour market control mechanisms.

A relatively large, labour-intensive agricultural sector may be one structural reason why some southern European countries tend to allow asylum seekers to work, but on the other hand it does not explain the liberal policy of a country like Sweden, which grants asylum seekers the right to work after four months.

A link can also be demonstrated to exist between labour market access and the modest benefits, which asylum seekers receive in the southern European countries. If the rationale of the recipient country is to provide only social aid of last resort, it seems only logical for these countries to create conditions, which make it possible for the asylum seeker to live on his own income instead of State support.

A further, more pragmatic reason may be that in several countries it is difficult to enforce legislation prohibiting asylum seekers from working, and the state may not wish to criminalise such ordinary behaviour.

In central Europe, access to the labour market is possible in many cases, but is often dependent on the employer filing an application for

a work permit on behalf of an asylum seeker, something which may in itself limit the number of requests. Also the number of jobs, which an asylum seeker who often does not speak the language of the country can apply for, may be limited.

Among the Scandinavian countries, the strict Danish restrictions on access to the labour market seem a good reflection of the traditionally strong emphasis on State provision of social support and strict labour market conditions, but as mentioned previously this pattern is not replicated in Sweden, where access to employment is granted after four months, nor in Finland, where asylum seekers are allowed to work after only three months in the country.

In Scandinavia the problems of finding a job may be even greater than in central Europe. Few people speak the languages of these countries, and the structure of their economies also tends to create few openings for a job-seeking asylum seeker.

6. *Rules on detention and restrictions in free movement*

This chapter contains a comparative analysis of the various rules on detention and other restrictions on free movement for persons seeking protection. The chapter deals with:

- Patterns in the use of detention
- Possibilities of appealing against a decision to detain
- Decisive authority
- The typical and the maximum lengths of detention
- Other restrictions on free movement.

According to several of the organizations interviewed, the general trend is an increased use of detention during the past years. This should be seen in relation to the extended use of accelerated procedures and preliminary border checks due to the implementation of the procedures of safe third country, safe country of origin and the Dublin Convention, which make it possible to reject admittance to the territory and the actual asylum procedure. This development has brought with it an increase in the use of detention in the period in which investigations are made into whether the above-mentioned procedures can be applied.

The correlation between the various preliminary procedures and the use of detention is illustrated by the case of the UK, which has experienced a rise in detention due to the rise in persons seeking protection at its external borders ('port applications').

6.1 The main use of detention

The study shows that detention is used mainly in the beginning or in the very end of the pre-asylum phase. Several of the countries use detention at both the beginning and the end of the procedure. For instance, that is the case in Denmark, Sweden and France. Countries such as Finland, United Kingdom, The Netherlands, Portugal and Greece mainly use detention at the beginning of the procedure, whereas Ireland, Germany, Luxembourg and Belgium use it mainly at the end.

Regardless of whether the persons seeking protection are identified inside the territory or at the external borders, detention at the beginning of the procedures is used primarily during the investigation of travel routes and identities of the persons seeking protection in order to decide whether there is basis for a rejection of admittance on the basis of the Dublin Convention or of the principles of safe country of origin and safe third country. This is the case in almost all countries. In addition, in some countries (for instance in France) the authorities have the possibility of keeping asylum seekers confined during the accelerated procedure⁷.

In Portugal the courts disagree on whether asylum seekers who have entered the country illegally should be detained. Some courts allow asylum seekers to remain free while their case is being processed, whereas other courts detain asylum seekers.

Detention at the end of the procedure is often used when preparing rejected asylum seekers for deportation, e.g. preparing travel documents. In addition detention is used in order to ensure that the rejected asylum seeker will not vanish while waiting for deportation.

In addition detention is used mainly in the following cases:

- Where police measures are insufficient (for example in Sweden, Ireland, France)
- In the event of lack of co-operation in the establishing of identity and travel route (for instance if the alien fails to appear for an interrogation or is in possession of false identity documents, or has destroyed his travel and identity documents). (Denmark, Ireland)
- Where the alien fails to stay at a specified location (for example in Denmark)
- In the event of violent or threatening behaviour, or if the alien is regarded as a potential threat to national security (Ireland, Belgium, Spain)
- To prevent criminal activities in the country (Sweden, Finland, Spain).

⁷ It is not apparent from the French response to the questionnaire whether this is the typical procedure

It is not entirely clear from the information available to us where the aliens are detained in all countries. The study indicates that in the process of establishing identities and travel routes at the external borders, in several countries aliens are detained at border points or in waiting areas in airports (France), whereas in other countries (for instance the United Kingdom, Denmark and Belgium) they are accompanied to closed reception/detention centres. Furthermore, in Spain, while theoretically they are not in detention, border applicants are not allowed to move freely in and out of the centres in which they are accommodated during this process. Attendance at a closed reception or detention centre is also part of the main procedure in most countries for persons identified inside the territory.

Luxembourg does not have any special detention centres. Instead, persons seeking protection are detained in ordinary prisons.

It seems from the study that there is a tendency towards an increased use of closed reception and detention centres for detaining or keeping certain groups of persons under control during various accelerated and preliminary procedures. For instance, in Germany and the United Kingdom there are specific plans to build additional centres of this kind.

6.2 Access to appeal

The table below shows in which countries a decision to detain a person can be appealed against.

Table 6.1: In which countries can a decision to detain a person be appealed against

Can a decision to detain a person be appealed against?			
	Yes	No	Rules and procedures
Austria	X		
Belgium	X		
Denmark	X		
Finland	n.a		
France	X		
Germany	X		
Greece	X		
Ireland		X	
Italy	n.a		
Luxembourg		X	Only extension of detention can be appealed against.
Portugal	X		
Spain	X		
Sweden	X		
The Netherlands	X		
United Kingdom	n.a		

It can be seen from the table that a decision to detain a person can be appealed against in the majority of the Member States. Only in Ireland and Luxembourg is appeal against detention not possible. It seems that in most countries aliens have the right to legal assistance when detained.

6.3 Decisive authority

Table 6.2: Juridical review of decision to retain

Juridical review of decision to detain?			
	Yes	No	Rules and procedures
Austria	No information available		
Belgium	No information available		
Denmark	No information available		
Finland		X	Senior police officer decides on the detention, but the courts have to be notified within a day
France	No information available		
Germany	X		The local court
Greece	No information available		
Ireland		X	
Italy	No information available		
Luxembourg	No information available		
Portugal	X		It is always a judge who decides on detention
Spain	X		The judge pronounces sentence
Sweden	No information available		
The Netherlands	No information available		
United Kingdom		X	Access to bail hearing 5 to 9 days after initial detention plus a further 33-37 days following initial detention.

The table above gives an overview of whether the courts are involved in the decision on detention. It should be noted that this information is not available to us with regard to all countries.

The study shows that the involvement of the courts in the detention process varies according to the country concerned. In Germany,

Spain, Portugal and Portugal the courts are involved. In United Kingdom Ireland and Finland, an Immigration Officer without a warrant or a juridical review can decide on the detention.

6.4 Length of detention

Table 6.3: Length of stay in detention for a typical stay

Length of stay in detention for a typical case	
Austria	Not answered.
Belgium	5 weeks
Denmark	Detentions relating to investigations of the identification of the asylum seekers will generally last no longer than four weeks, whereas detention related to the deportation of an asylum seeker may last longer.
Finland	The length of detention in the most typical case is less than four days. The average stay is 3-4 days but in some cases the duration of detention can be counted in months.
France	During examination of admissibility: 4 days. Other cases: sometimes more than 1 year
Germany	Not available
Greece	The detention lasts until the completion of the procedure for the examination of the request.
Ireland	Of the small number of cases in Ireland involving detained asylum seekers, the duration was only a matter of days while arrangements were made for deportation.
Italy	Not answered
Luxembourg	Not answered.
Portugal	Not answered
Spain	24 hours.
Sweden	About 47 days.
The Netherlands	On average detention lasts 48,67 days (March 1999).
United Kingdom	65 days

As it is shown in the table above, the typical length of stay in detention varies considerably from country to country. In a few countries the length of detention is less than four days (Spain, Ireland, France and Finland) whereas in the majority of the countries the detention period lasts from 5 weeks up to 9 weeks. In France detention can sometimes last more than a year. Please note that four countries (Luxembourg, Italy, Germany and Austria) failed to provide any information in response to this question.

In Greece and Austria, many illegal aliens are arrested and apply for asylum while in detention. In these cases the alien remains in detention until the definitive decision.

Table 6.4: Maximum length of detention allowed under the law of the country

Maximum length of detention allowed under the law of the country	
Austria	The authority has to ensure that the duration of detention is as short as possible. The maximum length is up to two months and under certain conditions defined by Art. 69 Section 3, up to six months.
Belgium	2 months
Denmark	Currently four weeks.
Finland	The maximum duration of stay is 3 months.
France	During examination of admissibility: 20 days. Other cases: No limit, it depends on the length of the asylum procedure.
Germany	Detention awaiting deportation may last for up to six months. It may, however, be prolonged for a maximum of another twelve months if the foreigner obstructs his deportation.
Greece	Greek law does not define a maximum length of detention.
Ireland	Under the Immigration Act, 1999, persons can be detained for up to 8 weeks. The 1996 Refugee Act does not specify any time limits, but the detention is subject to court review every 10 days.
Italy	The police are allowed to detain asylum seekers for a maximum of 20 days. In the case of deportation this can be prolonged by 10 days.
Luxembourg	1 month. Possibility of two extensions.
Portugal	If the asylum seeker is detained for the purposes of preparing the expulsion procedure (expulsion is suspended until decision on the admissibility of the asylum claim), such detention may not exceed 60 days or be extended. Detention at borders must not exceed 5 days.
Spain	72 hours. Can be extended to 40 days if authorised by a judge.
Sweden	Aliens Act, Chapter 6 Section 4: "An alien may not be detained pursuant to Section 2, subsection one, paragraph 2 for more than 48 hours. Otherwise an alien aged eighteen or over may not be detained for more than two weeks unless there are exceptional grounds for a longer period. However, if a refusal-of-entry or expulsion order has been made, an alien may be detained for up to two months unless there are exceptional grounds for a longer period. A foreign child under eighteen may not be detained for more than 72 hours or, if there are exceptional grounds for doing so, for an additional 72 hours."
The Netherlands	There is no maximum time limit for detention, although there are a number of judicial safeguards. The alien has the right of appeal before a Court. If the alien has been in detention for a period of four weeks and he – or his legal representative – has not lodged an appeal, the Minister of Justice will notify the Court of the continuation of the detention. Within two weeks after the notification the Court will hear the alien.
United Kingdom	Not answered

The table above shows that several of the countries have laws limiting the maximum length of detention allowed to approximately 2-3 months. This is the case, for instance, in Finland, Austria, Germany, Luxembourg and Belgium. Other countries vary considerably in the permitted duration of detention and the scope for its extension.

In countries such as France and Portugal the maximum time limit for detention during the admissibility period is shorter during the admissibility phase.

Greece and the Netherlands do not have a maximum length of detention. The same goes for France, except for cases in the admissibility procedure.

6.5 Other restrictions on free movement

Several of the countries have rules and practices other than detention that restrict the free movement of persons seeking protection. An example of this is Germany, where asylum seekers are obliged to stay three months in the accommodation assigned after filing an asylum claim. The same applies in Denmark.

In Ireland, persons who leave accommodation provided for them will receive reduced allowances.

7. *Special conditions for certain groups*

This chapter outlines and discusses patterns in how particular circumstances determine the reception conditions for persons seeking protection. This includes an analysis of differences in reception conditions with reference to the stage of the asylum procedure, the expected outcome of the asylum procedure or the kind of status sought and any special treatment provided for vulnerable groups.

7.1 **Conditions depending on the stage or expected outcome of procedure**

Table 7.1 below gives an overview of the rights an asylum seeker enjoys without interruption from the time an application is filed to the time a final decision is taken⁸. In other words: the rights mentioned in table 7.1 are the rights that the asylum seeker has regardless of which stage he/she is in the asylum procedure and/or how long time the asylum seeker has been in the country. If for instance an asylum seeker has the right to accommodation only in the first three months he/she is in the country this right will not figure in table 7.1. One should also remember that the rights are given to the asylum seekers by the state and therefore the help provided by NGOs or other charities is not included in the table.

⁸ By final decision means a decision, which an ordinary appeal is not possible regarding the request for asylum.

Table 7.1: Rights for asylum seekers during all stages of the asylum procedure

	Austria	Belgium	Denmark	Finland	France	Germany	Greece	Ireland	Italy	Luxembourg	The Netherlands	Portugal	Spain	Sweden	United Kingdom
Universal Rights															
a) Access to primary education	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
b) Access to health care ⁱ	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Near-universal rights															
c) Accommodation ⁱⁱ	X	X	X	X		X		X		X	X			X	
d) Access to the labour market	X			X											
e) Financial assistance ⁱⁱⁱ	X		X	X		X		X		X	X			X	X
f) Assistance in kind	X		X			X		X							X
g) Mother tongue tuition for children			X								X			X	
h) Mental health care		X	X	X	X	X	X	X	X	X	X			X	
i) Special accommodation for un-accompanied children			X	X	X	X		X			X	X	X	X	
Seldom-granted rights															
j) Educational activities for adults			X	X			X							X	
k) Special screening for victims of torture and organised violence			X	X			X					X			
l) Special accommodation for women			X									X			
m) Special accommodation for religious or ethnic groups															
n) Special accommodation for victims of torture and organised violence			X												

Comments:

Austria:

Rights are only given to asylum seekers placed under federal care (approximately 1/3 of the asylum seekers) and under temporary protection.

d) The asylum seekers have the right to work, but they seldom obtain a work-permit.

Belgium:

g) Only children under temporary protection regime are entitled to mother tongue tuition.

France:

d) Only persons under temporary protection have the right to work.

Germany:

a) Access to primary education is sometimes restricted depending on the school-capacities of the respective Länder.

Ireland:

b) Asylum seekers must apply for a medical card that is usually granted on income grounds.

Italy:

g) Only children under temporary protection regime are entitled to mother tongue tuition.

d) Only persons under temporary protection have the right to work.

m) Special accommodation policies exist only for persons seeking temporary protection.

Luxembourg:

d) Only persons under temporary protection have the right to work.

The Netherlands:

Rights are only given to people under normal procedure.

Portugal:

b) Asylum seekers in the appeal procedure are not entitled to medical care.

Sweden:

e) The financial assistance is dependent on income and wealth.

United Kingdom:

e+f) Assistance is only provided to persons who are likely to become destitute.

Table 7.2 presents an overview of if there are differences (yes or no) in the treatment offered to asylum seekers in the Member States in the European Community depending on the stage of the asylum procedure.

Table 7.3 gives more detailed information on specific differences.

Table 7.2: Overview of differences in treatment offered to asylum seekers in all Member States in the EU

Country	Accommodation	Means of subsistence	Education	Labour market related activities	Health care
Austria	Yes	Yes	No	No	Yes
Belgium	Yes	No	No	Yes	No
Denmark	Yes	Yes	Yes	No	No
Finland	No	No	No	No	No
France	Yes	Yes	Yes	No	Yes
Germany	Yes	Yes	Yes	Yes	Yes
Greece	Yes	No	Yes	No	Yes
Ireland	No	No	No	Yes	No
Italy	Yes	Yes	No	No	Yes
Luxembourg	No	Yes	No	No	Yes
Netherlands	Yes	Yes	Yes	Yes	Yes
Portugal	Yes	Yes	Yes	Yes	Yes
Spain	Yes	Yes	No	Yes	No
Sweden	No	No	No	No	No
United Kingdom	Yes	No	No	Yes	No

Table 7.3: Detailed information on specific differences

Country	Description of the differences in the treatment of asylum seekers according to status sought
Austria	In the early stage of the asylum procedure asylum seekers are held in 'milder measures' detention. They receive basic subsistence and medical care. In the later stage some accommodation or federal care is granted as an administrative measure, depending on the evaluation of each asylum seeker's case. Some asylum seekers receive full health insurance, others just basic medical care.
Belgium	During examination of admissibility asylum seekers normally stay in an accommodation centre. They are not allowed to work. During examination of substance the applicants register with a CPAS (communal centre) where mostly financial assistance is provided. Asylum seekers can choose to live outside the accommodation centre. Asylum seekers are allowed to take paid work if the employer submits a request.
Denmark	In the early stage of the asylum procedure (4-6 weeks) asylum seekers usually stay in a reception centre. During this period children are entitled to at least 20 tuition hours a week. In the later stage asylum seekers are normally referred to an accommodation centre. In the accommodation centre a child is entitled to the same tuition as bilingual children in the Danish school. The rules applying to children in accommodation centres also apply to children who stay more than 6 weeks in a reception centre. If a person has received a final refusal of his asylum application and does not cooperate with regard to his departure from Denmark, the Danish Immigration Service may decide that he will only have his expenses for food, lodging and health services defrayed. For similar reasons sometimes a box of food replaces the cash allowance for subsistence.
Finland	All asylum seekers are treated equally regardless of the stage of the asylum procedure.
France	During the examination of admissibility asylum seekers stay in the 'waiting zones' for a maximum of 20 days. Here they receive meals and emergency health care from the authorities. There is access to education. During examination of substance the asylum seeker receives 1,700 FF / month for a duration of 12 months and a 2,000 FF one-off initial allowance if not staying in an accommodation centre. After the first 12 months persons receive ad-hoc assistance. If staying in an accommodation centre they receive pocket money. Asylum seekers with a temporary residence permit have the right to be treated in the state health care system. Due to lack of information about this right and a complicated administrative procedure asylum seekers often only get treated in emergency cases. Children have the right to primary and secondary school. NGOs or local authorities provide language classes to a limited extent.
Germany	In the first three months asylum seekers are accommodated in a reception centre. There is no access to education and the asylum seeker is not allowed to work. After the first three months asylum seekers are moved to accommodation centres. They may be given permission to take up wage or salary-earning employment and children have the right to access primary education. In the first 36 months of the asylum procedure asylum seekers receive social benefits according to the Act on social benefits for asylum seekers. Medical and dental care is restricted to serious illness and acute pain. After the first 36 months asylum seekers are entitled to the same social benefits and have the same access to the national health care as German nationals.

Country	Description of the differences in the treatment of asylum seekers according to status sought
Greece	During the white note period some NGOs offer accommodation for the applicants, but many are just left to find accommodation by themselves. There's no access to education and health care, but some doctors treat asylum seekers as a matter of charity. During the 'pink card' period and pending an appeal some asylum seekers stay at the state accommodation centre or in the centres run by NGOs. The asylum seekers who are judged too rich to stay in these centres are left to find accommodation on the private market. Asylum seekers are also entitled to health care and education.
Ireland	Asylum seekers who applied for asylum before 26 July 1999 and who have been in the country for more than 12 months have the right to work. Once a person has been granted asylum he/she has the right to work
Italy	In the first 4-10 days of his stay in the country an asylum seekers stays in a reception centre. In the first 45 days after obtaining a temporary residence permit asylum seekers lacking their own means receive financial assistance. After 45 days they may turn to NGOs for shelter and other assistance. Registered asylum seekers, including people with residence permits, have access to State health care. However, treatment is mostly restricted to emergency cases and the treatment of serious illnesses.
Luxembourg	Before registration asylum seekers do not receive financial assistance. After registration (start of procedure) the asylum seeker receives financial assistance, which is reduced by 20% for asylum seekers who have appealed against a first instance decision. After recognition Convention refugees are allowed to work, but require a work permit. Their prospective employer must request such a work permit. Asylum seekers have access to free medical care. During the first 4 months the applicants receive medical care via coupons, after that they are entitled to health insurance.
Netherlands	Asylum seekers in the normal procedure are accommodated in OCs and AZCs. They are also entitled to financial assistance, introductory courses in Dutch society, education, vocational training and full access to health care. In the manifestly unfounded and the inadmissible procedure asylum seekers receive basic support and are only entitled to emergency health care.
Portugal	During the first phase of the procedure asylum seekers can stay between one and two months in a reception centre. They receive limited financial support, and do not have access to education or the labour market. Asylum seekers also have to contribute to the cost of medical care. During the second phase of the procedure asylum seekers receive allowances to cover their accommodation expenses and financial support increases. They are issued with a temporary residence permit, which allows them to work and to participate in the education system. They are also entitled to the same medical care as Portuguese citizens. During the appeal phase asylum seekers do not receive financial support. They are not entitled to health care either.
Spain	During the pre-admission phase most asylum seekers stay in one of the three reception centres, but they do not have the right to be accommodated. They receive basic social support and are not allowed to work. During the regular procedure applicants are accommodated in reception or accommodation centres or receive an accommodation allowance if they arrange accommodation themselves. They also receive a larger amount of financial assistance than in the preadmission phase and can apply for a work permit.

Country	Description of the differences in the treatment of asylum seekers according to status sought
Sweden	All asylum seekers are treated equally regardless of the stage of the asylum procedure.
United Kingdom	Some asylum seekers in the manifestly unfounded procedure are accommodated in detention or reception centres. Asylum seekers have access to the labour market only after 6 months' residence.

As it appears from the table above, a great deal of the differences in the procedures according to the stage of the procedure concerns the preliminary or admissibility phase. These phases are mainly concerned with an early investigation of the asylum claim and whether the application should be admitted into the process, i.e. the expected outcome of the procedure. In cases where the outcomes of the procedures are expected to be negative (i.e. various fast track procedures, manifestly unfounded procedures and inadmissible procedures) the persons seeking protection are often treated differently than the persons admitted into the normal asylum procedures. The main difference is in accommodation where persons not admitted in the normal procedures are accommodated in special centers and often detained. This is the case in for instance Austria, Belgium, France, the Netherlands, Spain and the UK. Further details are given in the paragraphs 7.2.1. – 7.2.5 below.

Once admitted into the normal procedure the study shows no differences in treatment or reception arrangements according to expected outcome of the procedures in any of the Member States.

Table 7.4 below gives an overview of the rights an asylum seeker enjoys only during specific phases of the procedure or in consequence of the passing of the time.

In other words: these rights are only valid for a certain period of time. In some countries the rights are dependent on the stage of the asylum procedure – admissibility, substance or appeal. If an asylum seeker only has the right to for instance accommodation during the admissibility stage, this will be marked by a 'yes' in the box marked: 'accommodation according to stage / admissibility'.

In other countries the right to for instance accommodation is dependent on the actual time that the asylum seeker has been in a country. If this is the case it will be marked under 'accommodation according to time' and then the maximum time the asylum seeker has this right.

Some countries grant the right to for instance accommodation during the whole asylum procedure. Other countries do not grant the right at all. If either of the two is the case it will be marked 'no difference'. If one wishes to see which countries that are granting the rights throughout the whole procedure one has to look at table 7.1

Table 7.4: Rights for asylum seekers according to a specific stage of the asylum procedure or in consequence of time passed

	Austria	Belgium	Denmark	Finland	France	Germany	Greece	Ireland	Italy	Luxembourg	The Netherlands	Portugal	Spain	Sweden	United Kingdom
Accommodation⁹ acc. to stage			No difference	No difference		No difference	No difference	No difference		No difference	No difference		No difference	No difference	
• Admissibility	Detention	Yes, in rec. centre			Yes				Yes, in rec. centre			Yes, in rec. centre			Yes
• Substance	Yes, under federal care	Right to choose type of acc.			Yes				No			No			Yes, if eligible
• Appeals	Yes, under federal care	No reply			No				No			No			No reply
Accommodation¹⁰ acc. to time	No difference	Max. 4 mths. in rec. centre	Max. 6 weeks in rec. centre, then acc. centre		No difference	Max. 3 mths in rec. centre, then acc. centre	No difference	No difference	No difference	No difference	No difference	No difference	No difference	No difference	No difference
• Admissibility		No					No	No				No	No		
• Substance		Yes					Yes					Yes	Yes		
• Appeals		No reply					Yes					No reply	No reply		
Access to	No	No	No	No	No	Yes,	No	No	No	No	Yes,	No	No	Yes,	Yes,

⁹ No difference is made between the right to different types of accommodation

¹⁰ No difference is made between the right to different types of accommodation

	Austria	Belgium	Denmark	Finland	France	Germany	Greece	Ireland	Italy	Luxembourg	The Netherlands	Portugal	Spain	Sweden	United Kingdom
the labour market acc. to time	difference	difference	difference	difference	difference	after 3 mnths	difference	difference	difference	difference	after 6 mnths	difference	difference	after 4 mnths	after 6 mnths
Financial assistance¹¹ acc. to stage			No difference	No difference			No difference	No difference	No difference					No difference	No difference
• Admissibility	Basic ass.	No			No					No	No	Yes	Only basic ass.		
• Substance	Yes, under federal care	Ass. by CPAS			Yes					Yes	Yes	Yes	Yes, if vulnerable		
• Appeals	Yes, under federal care	No reply								Reduced ass.	Yes	No	Only basic ass.		
Financial assistance¹² acc. to time	No difference	No difference	No difference	No difference	Max. 12 mnths full ass.	Max 36 mnths Then same benefits as nationals.	No difference	No difference	Max. 45 days	No difference	No difference	No difference	No difference	No difference	An additional £50 is granted after 6 months
Access to health care acc. to stage			No difference	No difference	No difference	No difference		No difference	No difference	No difference			No difference	No difference	
• Admissibility	Only emergency care	Only emergency care					Only emergency care				Only emergency care	Yes			Yes
• Substance	Under federal care	Same as in Belgium					Same as in Greece				Same as in Holland	Yes			Yes
• Appeal	Under federal care	No reply					Same as in Greece				Same as in Holland	No			Only emergency care
Access to health care acc. to time	No difference	No difference	No difference	No difference	No difference	No difference	No difference	No difference	No difference	First 4 mnths care via coupons	No difference	No difference	No difference	No difference	No difference

¹¹ Some countries make the financial assistance dependent on the behaviour of the asylum seeker. In this category it is presupposed that the asylum seeker is not wanted by the police, do not fail to show up at interviews with the authorities etc.

¹² Some countries make the financial assistance dependent on the behaviour of the asylum seeker. In this category it is presupposed that the asylum seeker is not wanted by the police, do not fail to show up at interviews with the authorities etc.

	Austria	Belgium	Denmark	Finland	France	Germany	Greece	Ireland	Italy	Luxembourg	The Netherlands	Portugal	Spain	Sweden	United Kingdom
Education for adults acc. to stage	No difference	No difference	No difference	No difference	No difference	No difference	No difference	No difference	No difference					No difference	No difference
• Admissibility										No	No	No	No		
• Substance										Yes	Yes	Yes	Yes		
• Appeals										No reply	No	No	No reply		
Education for adults acc. to time	No difference	No difference	First 6 weeks : only Danish language tuition	No difference	No difference	No difference	No difference	No difference	No difference	No difference	No difference	No difference	No difference	No difference	No difference

7.1.1 Accommodation:

In eleven out of the fifteen countries the accommodation offered to asylum seekers differs according to the stage of the asylum procedure. The four countries that do not make a distinction are Finland, Ireland, Luxembourg and Sweden.

Eight of the remaining eleven countries distinguish between asylum seekers who have just arrived and are awaiting a decision on the admissibility of their claim and those asylum seekers whose applications have been admitted. Asylum seekers awaiting a decision on admissibility are accommodated in special reception centres. When an asylum claim has been admitted the asylum seeker is transferred to an accommodation centre, to private lodging or to other types of accommodation. This procedure is valid for Austria, Belgium, France, Greece, The Netherlands, Portugal, Spain and the United Kingdom.

In the rest of the countries the type of accommodation is dependent on the actual time the asylum seeker has spent in the country. In Denmark an asylum seeker stays in a reception centre for the first 4-6 weeks in the country. Thereafter he is moved to an accommodation centre. In Germany asylum seekers are moved from reception centres to accommodation centres after three months in the country. In

Italy the asylum seekers stay in reception centres for the first 4-10 days, after which they can move to reception centres if they have any remaining room. If they do not, asylum seekers are left to find accommodation by themselves.

7.1.2 Means of subsistence

Six out of the fifteen countries do not distinguish between the means of subsistence granted to asylum seekers in different stages of the asylum procedure. These countries are Belgium, Finland, Greece, Ireland, Sweden and the United Kingdom.

Denmark generally does not treat asylum seekers differently according to the stage of the asylum procedure. The only exception is that a person, who has received a final rejection of his/her application and fails to cooperate in arranging his/her departure from Denmark, receives no financial assistance, only food and shelter.

Some of the countries make a distinction between asylum seekers waiting to have their application admitted and those whose application has already been admitted. Austria, France, Luxembourg, the Netherlands, Portugal and Spain all offer limited support during the first stage of the asylum procedure and a larger amount during the second. The reason for the increased amount is that in some cases asylum seekers will have to start paying for their accommodation themselves. The amount granted in the second phase in Austria is dependent on an individual assessment of each asylum seeker's need, and it therefore varies. Luxembourg reduces the financial assistance by 20% for asylum seekers who have appealed against a first instance decision.

In Germany asylum seekers receive a special benefit for asylum seekers during the first 36 months in the country, after which they are entitled to the same social benefits as German nationals.

In Italy asylum seekers only receive financial assistance for their first 45 days' stay in the country. After this time they have to turn to charities for help.

7.1.3 Education

Austria, Belgium, Finland, Ireland, Italy, Luxembourg, Spain, Sweden and the United Kingdom do not differentiate in access to education according to the stage of the asylum procedure.

In France, Greece, The Netherlands and Portugal asylum seekers do not have access to education during the admissibility stage. During the second stage children have access to primary, and in some cases secondary, education.

In Denmark, children are entitled to at least 20 hours of tuition every week during the first 4-6 weeks of the asylum procedure. Thereafter they have the same rights as bilingual children in the Danish school system.

In Germany children have the right to education after having stayed in the country for three months.

7.1.4 Labour market related activities

Austria, Denmark, Finland, France, Greece, Italy, Luxembourg and Sweden do not make any distinction in the access to the labour market according to stage of the asylum procedure.

Belgium, The Netherlands, Portugal and Spain allow asylum seekers to work once they have had their application admitted.

Germany and the United Kingdom let asylum seekers work after they have spent three and six months in the country respectively.

Ireland permits asylum seekers who applied for asylum before the 26 July 1999 and who have been in the country for more than 12 months to work.

7.1.5 Health Care

Belgium, Denmark, Finland, Ireland, Spain, Sweden and the United Kingdom do not make any distinction in the access to health care depending on the stage of the asylum procedure. Neither does Luxem-

bourg, except that here asylum seekers receive medical care via coupons in the first 4 months, after which they are entitled to health insurance.

Austria, France, Italy, The Netherlands and Portugal only give asylum seekers access to emergency or basic health care during the admissibility procedure. Once they have passed this stage, asylum seekers are entitled to full medical care.

Greece provides no medical care during the 'White Note' period. Some doctors give emergency care as a matter of charity. During the 'Pink Card' period asylum seekers are entitled to full medical care.

Germany only gives medical care to asylum seekers suffering from serious illnesses and acute pain during the first 36 months of the asylum procedure.

7.2 Differences in treatment between people seeking asylum and those seeking temporary protection

This section (Tables 7.5 & 7.6) presents an overview of differences in social rights between two groups of applicants: asylum seekers and persons seeking temporary protection. The differences are elaborated in Table 7.6, which is followed by a comparative analysis on the Member States.

PLS RAMBOLL Management has specifically been asked by the Commission to examine differences in reception conditions with reference to the type of status sought, that is persons seeking protection under the 1951 Convention, persons seeking B-status, and finally those seeking temporary protection. The usual procedure seems to be that when applying for protection applicants do not seek protection specifically under the 1951 Convention or a B-status. Rather, applicants are asking for protection in general, and whether protection is granted under the 1951 Convention or B-status is a decision taken solely by the relevant authority. As long as those applicants are still in the pre-asylum phase, with no status granted, they are all considered as applying for asylum in general. Therefore in the following no dis-

inction is made between 'persons seeking protection under the Geneva Convention' and 'persons seeking B-status'¹³ '. The following comparison is therefore made between asylum seekers and persons seeking temporary protection¹⁴ .

Table 7.5: Difference in treatment between asylum seekers and persons seeking temporary protection

	Accommodation	Means of subsistence	Education	Labour market related activities	Health care
Austria	Yes	Yes	No	No	Yes
Belgium	No	No	No	Yes	No
Denmark	No	No	No	Yes	No
Finland	No	No	No	No	No
France	No	No	Yes	Yes	No
Germany	No	No	No	No	No
Greece	Yes	Yes	No	No	No
Ireland	No	No	No	No	No
Italy	No	Yes	No	Yes	Yes
Luxembourg	No	No	No	Yes	No
Portugal	No	No	No	No	No
Spain	No	No	No	No	No
Sweden	No	No	No	No	No
The Netherlands	No	No	No	No	No
United Kingdom	No	No	No	No	No

¹³ As far as PLS has been informed, after status is being granted no differences in social rights exist for the two categories. The same social rights apply whether the applicant is granted protection under the 1951 Convention or B-status.

¹⁴ The last category refers to persons who are temporarily permitted to stay in a Member State and is often associated with a mass influx caused by war or similar conditions in the applicants' home countries.

Table 7.6: Difference in treatment between asylum seekers and persons seeking temporary protection

Austria	Persons seeking protection under the 1951 Convention or de facto/B-status receive either federal care or no assistance. Federal care includes accommodation, means of subsistence and full health care. Asylum seekers are not included under federal care, receives no means of subsistence and only basic medical care. Persons seeking temporary protection receive accommodation and means of subsistence (slightly less than persons in federal care) and full health insurance.
Belgium	Persons seeking temporary protection can take paid work.
Denmark	Persons granted temporary protection under the Kosovo law have access to the labour market.
Finland	
France	Adult Kosovo Albanians with a residence permit have the right to participate in vocational training and to work.
Germany	
Greece	Regarding means of subsistence and accommodation some NGO initiatives are restricted to those seeking protection according to the 1951 Convention.
Ireland	
Italy	Persons seeking temporary protection receive assistance for the entire period of their stay. Other asylum seekers receive assistance for 45 days only. People under temporary protection have access to the labour market and full access to national health care.
Luxembourg	Persons under temporary protection are allowed to work.
Portugal	
Spain	
Sweden	
The Netherlands	
United Kingdom	

7.2.1 Accommodation and means of subsistence

The general picture painted by the experts during interviews is that persons seeking temporary protection are granted benefits at a level, which falls between the levels of benefits available to asylum seekers, and that available to persons granted asylum. However, this trend was not confirmed by our questionnaires. As illustrated in Tables 7.5 and 7.6 the overall picture regarding the five social rights demonstrates no differences in treatment between the two groups of aliens in the majority of the Member States. However, in a few countries people seeking temporary protection are granted more social rights than those applying for refugee status.

In Italy the main difference is that persons seeking temporary protection receive state assistance for the entire period of their stay and have the right to work as well as access to national health care. In comparison asylum seekers receive financial assistance for 45 days only and are not allowed to work. Asylum seekers have access to national health care too, but are not covered by regular national health, and then care is mostly restricted to emergencies and the treatment of serious illnesses.

In Austria asylum seekers are not automatically entitled to means of subsistence. Whether or not financial assistance will be granted is determined on an individual basis. Those asylum seekers who are granted federal care receive accommodation, means of subsistence and full health care. Those not granted federal care receive no assistance. Persons seeking temporary protection do not undergo such an evaluation and automatically receive accommodation, means of subsistence (slightly less than for persons in federal care) and full health insurance.

In Greece the means of subsistence and accommodation are sometimes restricted to those seeking protection according to the 1951 Convention.

7.2.2 Education

Differences in treatment between the two groups of aliens only exist in one of the Member States in relation to this social right. In France, adult Kosovo Albanians with a residence permit have the right to participate in vocational training.

7.2.3 Labour market related activities

In relation to the labour market, differences in treatment amongst the two groups in question only exist in Denmark, France, Luxembourg and in Italy, as already mentioned. In Denmark and France people from Kosovo have access to the labour market, whereas in Luxembourg and Italy this right is generally granted to persons under temporary protection.

7.2.4 Health care

Only Italy and Austria differentiate between people seeking temporary protection and asylum seekers in relation to health care. In both countries persons seeking temporary protection have access to full medical care, contrary to asylum seekers in the two countries.

7.3 Special conditions for vulnerable groups

Table 7.7 presents an overview of special treatment offered to vulnerable groups in all the Member States of the European Communities. This is elaborated in Table 7.8 where detailed information on the specific benefits and vulnerable groups may be found. The final part is a comparative analysis on the countries in question.

Table 7.7: Special treatment for vulnerable groups:

	Accommoda- tion	Means of subsis- tence	Education	Labour market related activities	Health care
Austria	Yes	Yes	No	No	Yes
Belgium	No	No	No	No	Yes
Denmark	Yes	No	No	No	Yes
Finland	Yes	No	No	No	Yes
France	Yes	No	No	No	Yes
Germany	Yes	No	No	No	Yes
Greece	Yes	No	No	No	Yes
Ireland	Yes	No	No	No	Yes
Italy	Yes	No	No	No	Yes
Luxembourg	No	No	No	No	Yes
Portugal	Yes	No	No	No	No
Spain	Yes	Yes	No	No	Yes
Sweden	Yes	No	No	No	Yes
The Nether- lands	Yes	No	No	No	Yes
United King- dom	Yes	No	No	No	Yes

Table 7.8: Special treatment for vulnerable groups

Denmark	Vulnerable groups are offered special accommodation and health care. Single women, unaccompanied children and single women with children may be accommodated in a special centre. Victims of torture or organized violence may be accommodated in a special centre for traumatised persons and may receive mental health treatment if deemed necessary. Severe cases of torture may be referred to the Danish Centre for Torture.
Austria	There is no official policy concerning unaccompanied children, but there is a possibility of housing minors in some regions of Austria. Asylum seekers who are particularly needy (especially pregnant women, babies, old people and the handicapped) may be offered federal care, including accommodation and federal care (financial assistance). In principle, vulnerable groups are always automatically offered federal care. Only asylum seekers placed in federal care are provided with full health insurance. Other asylum seekers receive basic medical care.
Belgium	Special mental health care is provided for victims of torture and other organised violence, the mentally ill and for persons suffering from post-traumatic stress. Special health care is provided for minors.
Finland	Special accommodation is provided for unaccompanied minors and to some persons identified as having been subjected to torture or organized crime. Women are often accommodated in a special section of the centre, but this is not official policy. Special mental health care is provided for victims of torture and other organised violence, the mentally ill and for persons suffering from post-traumatic stress in acute cases.
France	Unaccompanied minor asylum seekers are accommodated in a special centre. Women have priority of access to accommodation centres, but this is not official policy. Special mental health care is provided for victims of torture and other organised violence, the mentally ill and to persons suffering from post-traumatic stress according to needs. Special health care is provided for minors and pregnant women.
Germany	Unaccompanied children and adolescents who are under age are accommodated in children's homes or homes for adolescents. Special mental health care is provided for mentally ill and traumatised persons in so-called psychosocial treatment centres. Pregnant women receive the essential medical care and nursing during pregnancy. Special free health care may be provided for minors.
Greece	There is no official policy, but unaccompanied children are put in special public establishments and vulnerable asylum seekers are placed in hostels. Torture victims, the mentally ill and disabled asylum seekers are accommodated in special centres. Persons who claim to have been tortured are referred to a specialist. Treatment of torture victims, the mentally ill and persons suffering from post-traumatic stress takes place in psychiatric hospitals and at the Rehabilitation Centre for Torture Victims. Special health care is provided for minors and pregnant women.
Ireland	Only unaccompanied minors are offered special accommodation. No official policy exists but in practice they are placed in the care of social workers and accommodated in either a facility for homeless children or fostered by a family. Special mental health care is provided for victims of torture and other organised violence, the mentally ill and for persons suffering from post-traumatic stress. Special health care is provided for minors and pregnant women.
Italy	Special accommodation is only provided for unaccompanied children, who live in special

	centres. The Temporary Protection Regime provides for special accommodation for families and specific ethnic and religious groups. Special mental health care is provided for victims of torture and other organised violence, the mentally ill and to persons suffering from post-traumatic stress. Special health care is provided for minors and pregnant women.
Luxembourg	There are no special accommodation facilities for vulnerable groups. Special mental health care is provided for victims of torture and other organised violence, the mentally ill and for persons suffering from post-traumatic stress. Special health care is provided for pregnant women and minors if required.
Portugal	Unaccompanied children are normally sent to a home organised by the "Santa Casa da Misericórdia de Lisboa". Women with children may also receive psychological and social help here. Victims of torture may be housed in special accommodation in the Regional Centre of Social Security. No special health care programmes exist for victims of torture and organised violence, the mentally ill or persons suffering from post-traumatic stress, or for pregnant women or minors.
Spain	Unaccompanied children live in a special reception centre. Before their application is admitted, vulnerable cases such as pregnant women and lone women with children are given priority in accommodation. Victims of torture and organized violence have priority in accommodation once their applications have been admitted. Only selected cases will be considered for means of subsistence. Applicants who have been admitted may be provided with special health care given to the victims of torture and other organised violence, the mentally ill and for persons suffering from post-traumatic stress. No additional health care provision for pregnant women or minors.
Sweden	Special accommodation is set up for vulnerable groups. For instance, unaccompanied children will be housed by Social Services or placed in youth residential centres. Children receive the same health care as Swedish nationals. The same applies to pregnant women. Health care for the mentally ill, victims of torture and other organised violence and for persons suffering from post-traumatic stress is provided within the ordinary health care system.
The Netherlands	Unaccompanied children live in specific centres according to age. A full medical examination is offered to all children, pregnant women and people with health problems after a session with a nurse. The same applies to people who have been tortured. Special mental health care is provided for the mentally ill, victims of torture and persons suffering from post-traumatic stress.
United Kingdom	No special policies for individual groups. However, victims of torture may not be dispersed since the only centres for treatment are located in London. Women-only accommodation does exist, but there is no official policy in this area. Unaccompanied children receive the same treatment as British citizens. Special mental health care is provided for victims of torture and other organised violence, the mentally ill and for persons suffering from post-traumatic stress. Special health care is provided for minors. The disabled receive no additional financial support, but local governments have some responsibility for caring for special needs.

7.3.1 Accommodation

As described in Tables 7.7 and 7.8 all vulnerable groups (unaccompanied children, women and women with children, pregnant women,

victims of torture and organised violence) may be referred to special accommodation in the six following countries: Denmark, Finland, Austria, Portugal, Spain and Sweden.

In Spain and Austria the vulnerable groups are the only applicants who are automatically offered special treatment (financial assistance and accommodation)¹⁵. The nine remaining Member States only provide special accommodation to certain categories of vulnerable asylum seekers, except for Luxembourg and Belgium, where no special facilities exist for any of the vulnerable groups.

Unaccompanied children and adolescents receive special accommodation in all the Member States of the European Community except for Luxembourg and Belgium. In the rest of the countries unaccompanied minors are placed in special centres or fostered in a family, as in Ireland. The only country that differs from this is Austria, which only has the possibility of housing minors together in certain regions of the country. Not all countries have an official policy regarding special accommodation for unaccompanied minors, but as described, initiatives exist in practice in most countries.

Single women or women with children may be accommodated in special facilities or in special sections of the centres. This applies to female applicants with or without children in Denmark, Finland, United Kingdom, Austria, France, Spain and Portugal. In Austria applicants who are found particularly needy, which may include pregnant women, may be offered federal care including accommodation whereas female applicants in France and Spain are offered priority to the accommodation centres¹⁶. In most of the countries mentioned above

¹⁵ It should be underlined that federal care is not a right in Austria but a political decision to offer assistance to some groups. In principle, pregnant women, babies, old people and the handicapped are always automatically offered federal care.

¹⁶ In France asylum seekers are not automatically given a place in an accommodation centre. Needy asylum seekers have the possibility to apply for it. In Spain the applicants do not have the right to be accommodated during the first phase, and only vulnerable people are granted housing in a centre in certain cases.

special accommodation for the group in question is not an official policy but is available in practice.

Victims of torture and other organised violence may be accommodated in special facilities in Denmark and Greece, and in these countries severe cases of torture are referred to the Danish Centre for Torture and the Rehabilitation Centre for Torture Victims respectively. In Finland severe cases are allocated to either the Rehabilitation Centre for Torture Victims, the Crisis Prevention Centre of the Mental Health Association of Finland, or in rare cases to a psychologist. In the United Kingdom, victims of torture are not dispersed though out the country, as the only centres for treatment are located in London. Victims of torture and organized violence have priority access to accommodation in Spain. In Portugal victims of torture are considered as vulnerable and therefore in need of special accommodation. In Austria no special measures exist for victims of torture or organized crime, however this group will typically be offered assistance by psychologists or NGO groups.

7.3.2 Means of subsistence

In some of the Member States only vulnerable groups are offered special treatment. This applies to asylum seekers in Spain and Austria where only selected cases (children, the sick, pregnant women and old people) will be considered for financial assistance. Other asylum seekers without money and relatives may turn to NGOs for assistance regarding accommodation and financial assistance. All the other Member States provide asylum seekers with financial assistance and do not differentiate among groups of applicants.

7.3.3 Education

Differences in treatment among the vulnerable groups do not exist in any of the Member States in relation to education.

7.3.4 Labour market related activities

Differences in treatment among the vulnerable groups do not exist in any of the Member States in relation to the labour market.

7.3.5 Health care

In the majority of the Member States the vulnerable groups do receive special health care in case of need. This applies to children, pregnant women and victims of organized crime and torture, as well as persons suffering from mental illness and post-traumatic stress. Portugal and Austria are the only countries not to provide any special treatment for victims of torture, whereas in Denmark, Finland and Greece severe cases of torture are referred to special centres for treatment.

In many Member States pregnant women and children are included in the same special health care programmes as citizens belonging to the same groups in that country. This applies for instance to Sweden and Denmark, where special health care programmes for pregnant women and children are provided within the ordinary health care system. In Austria only asylum seekers placed in federal care¹⁷ are provided with full health insurance. Other asylum seekers receive basic medical care.

The following three tables sum up the special treatment which is provided for unaccompanied minors, victims of torture or organized violence or mentally ill and women respectively.

Table 7.9: Unaccompanied minors

	Special health care*	Special accommodation
Austria	X	
Belgium	X	
Denmark	X	X
Finland		X
France	X	X
Germany	X	X
Greece	X	
Ireland	X	X

¹⁷ In principle, only pregnant women, babies, old persons and handicapped are always automatically offered federal care.

Italy	X	X
Luxembourg	X	
Portugal		X
Spain		X
Sweden	X	X
The Netherlands		X
UK	Not answered	

Table 7.10: Victims of torture and other organised violence and mentally ill persons

	Mental health care	Special screening	Special accommodation
Austria			
Belgium	X		
Denmark	X	X	X
Finland	X	X	
France	X		
Germany			
Greece	X	X	
Ireland	X		
Italy	X		
Luxembourg	X		
Portugal	X		
Spain	X		
Sweden			
The Netherlands	X		
UK	X		

*This means that minors are entitled to special care compared to adults.

Table 7.11: Women

	Special health care during pregnancy**	Special accommodation*
Austria	X	
Belgium		
Denmark	X	X
Finland		
France	X	
Germany	X	
Greece	X	

Italy	X	
Ireland	X	
Luxembourg	X	
Portugal		X
Spain		X
Sweden	X	
The Netherlands	X	
UK		

* In practice, the needs of single women are taken into consideration in most countries.

**This means that pregnant women are entitled to special care compared to other adults.

8. *Extension of legal rights*

The purpose of this chapter is to sum up the rights extended to persons seeking protection.

It should be noted that 'rights' implies a legal basis. This means that this summary does not necessarily represent a total picture of the conditions of persons seeking protection throughout the European Union, as access to certain goods and services may be offered by NGOs, as described in other chapters.

These rights are listed under three headings: The first heading comprises rights that seem to be universal through out the European Union. The second comprises rights that are almost universal, in the sense that they are commonly granted in the member states. The final heading comprises rights that are granted only in a few member states of the European Union. The three lists are shown alongside one another in table 8.1 below.

Table 8.1: Extension of rights

UNIVERSAL RIGHTSNEAR	UNIVERSAL RIGHTS SELDOM	GRANTED RIGHTS
Access to primary education	Accommodation	Educational activities for adults
	Access to the labour market	Special screening for victims of torture and organized violence
Access to health care	Financial assistance	Special accommodation for women
	Assistance in kind	Special accommodation for religious or ethnic groups
	Mother tongue tuition for children	Special accommodation for victims of torture and organized violence
	Mental health care	
	Special accommodation for un-accompanied children	

The contents of the table are discussed in the following three sections 8.1, 8.2 and 8.3.

8.1 Universal rights

The following is a list of the rights granted in all member states to persons seeking protection:

- Children seeking protection always have access to education until the age of 15 in all countries (in most countries until 16). There are only a few differences in access to primary education according to the stage of the procedure or other rules and practices: In Portugal applicants who are subject to the admissibility procedure theoretically have no access to school, but this does not apply in practice. In Germany access is sometimes restricted depending on the school capacities of the respective Länder.
- Access to medication and treatment during the asylum procedure is provided in all countries. Treatment covers emergencies in all countries. Chronic diseases are usually not covered unless they involve severe pain. The standard content of the medical assistance most often corresponds to the normal health insurance system for nationals in the country¹⁸, that is, free hospital and medicine, but limited dental care. In Finland, Luxembourg and Portugal applicants may be requested to pay for part of the treatment themselves, in all other countries treatment is provided gratis. A health screening upon arrival in the country is carried out in all member states except Italy. The content of the screening varies.

8.2 Near-universal rights

Below is a list of rights that are very commonly granted in the member states:

- Accommodation of some kind to persons seeking protection is provided in all countries, either as part of the immediate reception procedure, as long-term accommodation, or both. However, the capacity of the reception/accommodation centres is often ex-

¹⁸ Austria and Italy in particular diverge from this pattern, as health care is only ever provided at a basic level, which does not correspond to that available for ordinary citizens in these two countries.

tremely limited, and in a number of countries (United Kingdom, Austria, France, Portugal, Italy and Greece) accommodation is only granted to a limited group of applicants in need, further reducing the percentage of applicants staying in state-provided housing. Access to accommodation can also be affected by the admissibility of the case or the stage of the asylum procedure.

- Asylum seekers may be allowed to take paid work in 10 of the Member States leaving out Denmark, France, Italy, Ireland and Luxembourg. In practice, access to the labour market is more an exception than the rule in practically all countries, as in most member states there are several restrictions on the access to take paid work. Some have made it possible for asylum seekers to work after a certain time spent in the asylum procedure (usually 3-6 months). Some countries apply case-by-case judgements as to whether an asylum seeker is allowed to work (often dependent on his skills), while others grant permission to work simply on objective criteria. Permission to work seems to be more or less universally granted to persons seeking temporary protection. However PLS RAMBOLL Management does not possess information on the actual rate of persons under temporary protection who actually work in paid jobs. Access to unpaid work is generally available on similar terms to paid work.
- Financial assistance is either conditionally or unconditionally provided to persons seeking protection in all countries except in the United Kingdom, where the newly introduced support system is virtually cashless, and in Austria, where financial assistance is in practice restricted to a very small proportion of those seeking protection. In the rest of the member states the conditions for entitlement to financial assistance typically depend on the admissibility of the case, the means of the person seeking protection, the stage of the asylum process (rejected cases/under appeals), and the type of accommodation provided (private or in centre, self-catering or not). Persons seeking protection are not offered a choice between different types of assistance. In a number of countries (France, Spain, Portugal, Italy) financial assistance is only provided for a limited period of time. In Greece, financial assistance is provided by NGOs, as no State-financed programme exists.

- Assistance in kind is either conditionally or unconditionally provided to persons seeking protection in all countries except Sweden and Spain. Typical assistance consists of accommodation, food and clothing. If there are differences in the assistance provided, they are due to the type of accommodation and the different needs of the asylum seekers.
- Mother tongue tuition is offered to children seeking protection in ten countries, either conditionally or unconditionally. The exceptions are Germany, France, Spain, and Portugal¹⁹.
- Mental health care is provided for mentally ill persons and persons suffering from post-traumatic stress in all countries except Austria and Portugal. Most often, it is provided on an ad hoc basis according to need.
- Special mental health care for victims of torture and other organized violence is also commonly provided (the exceptions are Sweden, Germany, Austria, and Portugal). Health care for mentally ill persons is often only provided on an ad hoc basis according to need.
- Unaccompanied children are entitled to special accommodation in ten countries (the exceptions are Ireland, Austria, Luxembourg, Belgium and Greece). The provisions differ from country to country – most commonly, unaccompanied children are placed in special reception centres for minors, but they may be placed in children's homes together with nationals, or in some cases in private accommodation.

8.3 Seldom-granted rights

The final list comprises rights that are only granted to persons seeking protection in very few member states:

- Special accommodation policies for women only exist in three countries (Denmark, Spain and Portugal). In practice, the special needs of (single) women are taken into consideration in most countries whenever possible.

¹⁹ Information not available for the United Kingdom

- Special accommodation policies for religious or ethnic groups only exist in one country (Italy), and only for persons seeking temporary protection. However, an effort is made to keep conflicting groups apart in several other countries.
- Special accommodation policies for victims of torture and organized violence only exist in Denmark. However, in practice some other countries also try set aside special accommodation for victims of torture and organized violence.
- Special screening for victims of torture and organized violence is only carried out in Denmark, Finland and Greece.
- Education other than language courses only exists as a standard State-provided possibility in Denmark, Sweden and Finland. However, educational possibilities for adults exist in all countries, but their content and availability vary greatly. Most often, the available education consist of language tuition, in many cases provided only by NGOs on a limited, voluntary basis.

ⁱ Medical care is understood as access to basic medical treatment for urgent needs or chronic diseases

ⁱⁱ No difference is made between the right to different types of accommodation

ⁱⁱⁱ Some countries make the financial assistance dependent on the behaviour of the asylum seeker. In this category it is presupposed that the asylum seeker is not wanted by the police, do not fail to show up at interviews with the authorities etc.