



The organisation of Reception Facilities in Belgium

Focussed Study of the Belgian National Contact Point for the European Migration Network (EMN) in cooperation with the Federal Agency for the Reception of Asylum Seekers (FEDASIL)



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The European Migration Network was set up with the purpose of providing up-to-date, objective, reliable and comparable information in the areas of asylum and migration for the European institutions, national authorities and other stakeholders.

The Belgian National Contact Point is a mixed point composed of experts from the Immigration Office, the migration observatory of the Centre for Equal Opportunities and Opposition to Racism and the Office of the Commissioner General for Refugees and Stateless Persons.

Further information on the Belgian National Contact Point of the European Migration Network and its work can be obtained from:

www.emnbelgium.be

The Belgian Contact Point can be contacted through the following channels:

Benedikt.Vulsteke@ibz.fgov.be ;	Tel. +32 (0)2/ 793 92 30
Alexandra.Laine@ibz.fgov.be ;	Tel. +32 (0)2/ 793 92 32
Peter.Vancostenoble@ibz.fgov.be ;	Tel. +32 (0)2/ 205 56 97
Ina.Vandenberghe@ibz.fgov.be ;	Tel. +32 (0)2/ 793 92 31

Or by ordinary mail at the following address:

EMN Belgium National Contact Point
Immigration Office, WTCII 24th floor,
Antwerpsesteenweg 59B,
1000 Brussels



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TABLE OF CONTENTS

Executive summary	4
Section 1: Different types of Reception Facilities and different Actors	6
Section 2: Take up of Reception facilities: Factors determining access to the different types of facilities	10
Section 3: Quality: National Legislation on Material Reception Conditions	18
Section 4: Flexibility	25
Section 5: Efficiency	33
Section 6: Conclusions	36
Annex: Reception Conditions in different Reception facilities	39

EMN FOCUSSED STUDY 2013

The Organisation of Reception Facilities for Asylum Seekers in different Member States

Executive Summary

The reception system in Belgium

The Belgian Reception Act from 2007 guarantees to all asylum seekers material aid/aid in kind during the entire duration of the asylum procedure. This material aid, in collective or individual reception centres, comprises: accommodation; food; clothing; medical, social and psychological support; access to interpretation services; access to legal representation; access to training; access to a voluntary return programme and a small allowance (so-called pocket money). The Reception Act also contains specific provisions on vulnerable persons and minors as well as disciplinary measures and sanctions. Moreover, there are several Royal Decrees that describe how certain provisions of the Reception Act should be applied. A large number of operational guidelines and instructions is also available.

The Belgian reception network is organised by the Federal Agency for the Reception of Asylum Seekers (FEDASIL) together with partner-organisations (such as local authorities and NGO's like the Belgian Red Cross), and is coordinated by FEDASIL. The cooperation is laid down in conventions. Collective reception centres comprise half of the total reception capacity, reception places in private houses or flats represent the other half.

Today, Belgium has a three-stage reception model. In a *first stage*, asylum seekers are assigned to collective reception structures (managed by FEDASIL or by partners such as the Belgian Red Cross). After four months the asylum seekers (*second stage*) can ask to be transferred to individual accommodation provided by the municipalities or NGO's. Since September 2012 asylum seekers who received a negative decision in appeal (*third stage*) are hosted in specific reception places to prepare them for a voluntary return. During the reception crisis, between the end of 2008 and the beginning of 2012, newly arrived asylum seekers first were accommodated temporarily in transit or emergency reception centres, before being transferred to a collective centre. At that time, the last stage did not exist yet.

Allocation of asylum seekers to the different reception facilities is done by (the Dispatching Service of) FEDASIL, who seeks a reception place taking into account the availability of places that day, the occupation rate in each reception facility, the three-stage reception model, and the profile of the asylum applicant. The Reception Act introduced a mechanism for individual evaluation of the beneficiaries of reception: their personal medical, social and psychological situation is examined, where the focus lies on (underlying) signs of vulnerability. There are specific reception facilities for certain vulnerable groups such as unaccompanied minors.

In general terms there could be argued that, apart from the described problems (see below) during the reception crisis, the quality of the reception and assistance of asylum seekers in Belgium meets higher standards than the minimum norms set out by European legislation.

Tackling the reception crisis

The reception crisis during the past years has shown that the system of reception was unable to cope with a large and rapid influx of asylum seekers (lack of flexibility). Belgium was faced with a strong reception crisis from mid-2008 until the beginning of 2012, this especially due to a significant increase of the number of asylum seekers from 2008 onwards and also because of a longer duration of stay in the reception network. Between the end of 2009 and the beginning of 2012 more than 12,000 asylum seekers could not be offered accommodation, while some others were housed at low-cost hotels. FEDASIL was condemned repeatedly by the Labour Court and had to pay fines to asylum seekers that were not accommodated.

The reception agency FEDASIL, the competent State Secretary, and by extension the entire government, were criticized by NGO's, politicians and the public. The issue was debated in the parliament and the reception crisis took wide media attention.

A wide range of measures has been taken to counter the reception crisis. Despite a difficult budgetary context the budget for reception increased year after year in an attempt to tackle the crisis. It took time, but the capacity of the reception network increased from around 16,000 in 2007-2009 till to 24,000 places in 2012.

The political awareness grew that the only way out of the reception crisis was the creation of an *integrated policy on asylum, reception and return* (so-called 'chain management'). Managing the reception of asylum seekers became one part of the process. Much more emphasis was put on the coordination of the actions of the different institutions involved in the process of asylum, reception and return. Besides some exceptional measures, structural measures were taken at each link in the chain. The *inflow* of asylum seekers in the reception facilities was limited (e.g. legal modifications to limit the inflow and to exclude misuse), and campaigns were organised in countries of origin (to explain legal forms of migration and the criteria for asylum as well as to discourage illegal migration, ...). The duration of stay in the reception centres was shortened by accelerating the processing of asylum applications. At the end of the chain, the outflow out of the centres was increased, due to a better control of departures and the introduction, from September 2012, of a new third stage in the reception model: the opening of special reception places where the focus lies on voluntary return.

The turning point came in the beginning of 2012. The measures taken were bearing fruit: reception centres were no longer saturated and instead of the continuous increase of the numbers of asylum seekers, the numbers were declining.

Section 1
Different types of Reception Facilities and different Actors

Q1. Please indicate in Table 1 below what type of reception facilities exist in your (Member) State. Please also indicate how many of these facilities exist and indicate what their capacity is and how many applicants were accommodated in these facilities per year starting from 1 January 2008 to 31 December 2012.

Table 1 Different types of Reception Facilities

Type of accommodation	Does this type of facility exist in your Member State?	If so, how many of these facilities existed at the end of 2012?	Specify the maximum number of applicants the facilities could accommodate	Number of applicants accommodated in such facilities per year – Methodological remark for Belgium ¹
Collective initial/transit reception centres	Yes	6	1 361 places	2008: 98 2009: 201 2010: 1157 2011: 2077 2012: 835 May 2013: 314
Collective open reception centres² <i>(Remark for Belgium: These are total numbers, including e.g. the collective places for unaccompanied minors etc.)</i>	Yes	56	11 018 places	2008: 7665 2009: 7703 2010: 8681 2011: 10382 2012: 9899 May 2013: 8256
Special reception centres or facilities for vulnerable groups (e.g. victims of torture or specific vulnerable female	Yes	2	113 places ³	

¹ Remark : The numbers represent a « picture » of the state of affairs each time at the end of the year (on 31 December, for the years 2008-2012).

² Open centres means that applicants are free to enter and leave the centre whenever they want.

³ 40 places in the Federal centre of Rixensart (Fedasil) and 73 places in Les Logis de Louvranges (Caritas).

applicants)				
Special separate reception centres for unaccompanied minors	Yes	3 so-called Observation and Orientation Centres + specific reception places for non-accompanied minors in other reception facilities	115 places ⁴ + 1.302 specific reception places in the reception network.	2008: 84 2009: 99 2010: 100 2011: 96 2012: 61 June 2013: 66 (At the end of June 2013: 807 non-accompanied minors were accommodated in the reception network: 66 in Observation and Orientation Centres and 741 in specific reception places in other reception facilities).
Private houses or flats: arranged and paid for by competent authorities	Yes		11310 places	2008: 8222 2009: 9811 2010: 9683 2011: 10455 2012: 10391 June 2013: 8834
Private hotels: arranged and paid for by competent authorities	Not for the moment, but hotels have been used when there was a shortage in available places.	None at the end of 2012	N/A	2008: - 2009: 1.209 2010: 1.203 2011: 135 2012: 0 June 2013: 0
Individually arranged accommodation such as houses, flats, hotels and/or possibilities of staying with friends and/or family⁵	No, but asylum seekers are free to stay in individually arranged accommodation (instead of in the housing that is provided), but in that case they do not receive any assistance,	N/A	N/A	N/A

⁴ 115 places in 3 special « Observation and Orientation Centra », see below (general answer Q6).

⁵ Please specify whether applicants receive (or have the possibility of receiving) a financial allowance in case they have individually arranged their accommodation.

	except for medical aid.			
Other premises for the purpose of accommodating applicants for international protection which are arranged and paid for by the competent authorities	No If yes, please briefly describe	N/A	N/A	N/A

Q2. Which authority(ies) carry financial responsibility over the reception facilities?

- **State authorities:** The federal government, and more specific the Federal Agency for the Reception of Asylum Seekers (FEDASIL).

Q3. Which authorities carry executive responsibility⁶ over the facilities:

- **State authorities:**
- **Local authorities**
- **External service provider such as NGOs, actors from the private sector or any other kind of third party involvement?**

The Belgian reception network is coordinated by the federal state agency FEDASIL, but it is organised (executive responsibility) by FEDASIL together with partner-organisations. By type of facility⁷:

- **Collective reception centres (51% of the total reception capacity)** are managed by FEDASIL and by the NGO-partners from the Belgian Red Cross, namely *Croix-Rouge Communauté francophone* and *Rode Kruis-Vlaanderen*, the non-profit association *Les Sept Lieues*, the *Socialist Health Insurance Fund*, the *Brothers of Charity*, and the *Urban Reception Initiative Ghent*.⁸
- **Reception places in private houses or flats (46% of the total reception capacity)** are organised by local authorities (the Public Social Welfare Services organise local reception initiatives) and the NGO-partners “Flemish Refugee Action”⁹ and “Coordination and Initiatives for refugees and foreigners”¹⁰ (CIRÉ).
- **Transit and emergency reception (3% of the total reception capacity)** is mainly organised by FEDASIL, the Belgian Red Cross and the non-profit association *Samu Social*.

⁶ Executive responsibility refers to the day-to-day running of the reception facilities and would also for example include including quality control of the services provided in the facility.

⁷ Statistics on the number of reception places on the 1st of May 2013. Source: FEDASIL. Available on <http://www.fedasil.be/nl/home/cijfers> (calculations by the BE EMN NCP).

⁸ And, to be complete, for a small part (2%) by local authorities, via the Public Social Welfare Services.

⁹ *Vluchtelingenwerk Vlaanderen*.

¹⁰ *Coordination et Initiatives pour réfugiés et étrangers*.

A look at the **share of each operator in the total reception capacity** (on the 1st of May 2013) shows the following¹¹:

- (Federal) state authorities: FEDASIL directly manages 22% of the total capacity;
- Local authorities: Public Social Welfare Services (local authorities) represent 40% of the total capacity;
- NGO-partners:
 - The French part of the Belgian Red Cross represents 18,5% and the Flemish part of the Belgian Red Cross represents 7%;
 - CIRÉ and “Flemish Refugee Action” represent 8,5%;
 - Other partners represent 1%;
- Emergency reception structures represent the remaining 3%.

Q4. In case reception facilities are run by local authorities/regional governments or with the involvement of an external service provider (e.g. NGOs or actors from civil society), please indicate whether the reception facilities are centrally coordinated (i.e. does one single authority still carry overall responsibility for the reception of applicants for international protection?)

Yes. The federal state agency (FEDASIL) centrally coordinates the Belgian reception network, which is organised by FEDASIL itself together with partners (see Q3). The Dispatching Service of FEDASIL, located in Brussels (in the same building where asylum seekers lodge their asylum application), is in charge of referring asylum seekers to a appropriate reception structure throughout the Belgian reception network.

Q5. In case reception facilities are run by local authorities/regional governments or with involvement of an external service provider (e.g. NGOs or actors from civil society), how is their involvement regulated?

Have any formal coordination mechanisms between the different actors been signed (for example cooperation agreements stipulating the division of competences)?

The principle of involvement of external service providers is laid down in the Belgian Reception Act¹². The cooperation between the state agency (FEDASIL) and its external reception partners is laid down in **conventions**.

These conventions stipulate that the reception partner has to guarantee the material aid, as described in the Belgian Reception Act, to all beneficiaries of reception appointed to the facility. The partner organisation has to organise and manage the reception places and has to make support staff available for the coordination and organisation of the aid in kind in these reception facilities.

FEDASIL is in charge of the coordination and the attribution of asylum seekers to the different facilities. FEDASIL and the different reception partners meet on a regular basis in a so-called ‘Round Table on Reception’¹³.

¹¹ Statistics on the number of reception places on the 1st of May 2013. Source: FEDASIL. Available on <http://www.fedasil.be/nl/home/cijfers> (calculations by the BE EMN NCP).

¹² Law of 12 January 2007 on the reception of asylum seekers and certain other categories of foreigners (Below : Reception Act), available in French and Dutch on http://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=2007011252&table_name=loi

¹³ This round table is called “TRAC” (“*Table ronde accueil*”).

Section 2
Take up of Reception Facilities: Factors determining access to the different types of facilities

Q6. Please provide a short overview of which applicants for international protection are entitled to reception facilities provided by the State. Please complete Table 2 below:

In Belgium, **applicants for international protection, and their family members**, are entitled to reception **during the length of the asylum procedure**. A number of exceptions to this general rule apply (e.g. multiple applications, ...).

Besides asylum seekers, there are **three other categories** of people that are entitled to reception in Belgium:

- (1) Rejected asylum seekers can receive a prolongation of their right to reception in a limited number of cases. Without entering into further details, this concerns six situations (when a close family member still has this right; for certain medical reasons; in case of pregnancy; when it is impossible to return because of reasons beyond the control of the person; for a limited period at the end of the school year; when the person involved is the parent of a Belgian child.)
- (2) For unaccompanied minors (UM) a special reception regime is in place, also in three stages. In a first (short) stage, all UM - whether they are asylum seeker or not – are entitled to stay in special “observation and orientation centres”. Afterwards, UM applying for asylum (UMA) are transferred to designated parts for UM of collective reception facilities. UM who do not seek asylum fall under the competence of the Communities’ Youth Welfare Services. Although, when there are no places available, they go to the reception facilities for UMA. In a third stage, preparation for living independently is undertaken and more stable individual housing is pursued.
- (3) Certain accompanied minors who, with their parents, reside in Belgium without a permit, are entitled to reception. It concerns those minors for whom the state determines that their parents are unable to support them. During the past years a lot of these families were not accommodated due to the reception crisis. Since May 2013, these families get a place during 30 days in a so-called “open return centre”.

Table 2 Categories of applicants entitled to reception facilities

Different categories of applicants depending on type/stage of procedure	Entitled to reception facilities (Yes/No)	Are these applicants entitled to standard or specific reception facilities¹⁴?
Applicants under Dublin II¹⁵	Yes	Standard collective reception facilities

¹⁴ Specific reception facilities refer to facilities which divert from mainstream reception facilities, e.g. depending on the type of applicant, or stage/procedure.

¹⁵ Applicants under Dublin II means those applicants for which a Dublin procedure has been initiated and who are awaiting a Dublin decision determining the responsible country for examining the asylum claim.

Applicants in admissibility procedures¹⁶	Yes (e.g. applicants from EU Member States, applicants from safe third countries of origin)	Standard collective reception facilities
Applicants subject to accelerated procedures	Yes (e.g. applicants from EU Member States, applicants from safe third countries of origin)	Standard collective reception facilities
Vulnerable groups of applicants¹⁷ (with specific psychological/medical assistance needs)	Yes	Adapted places in standard reception facilities (e.g. disabled people), specific reception facilities (eg. pregnant girls, ...) For people with specific needs FEDASIL can sign conventions with specialised institutions and associations For victims of human trafficking special reception facilities are in place ¹⁸
Unaccompanied minors awaiting decision for international protection	Yes	Specific reception facilities and specific places in standard reception facilities (see also general answer above the table)
Unaccompanied minors who have exhausted the procedure for international protection and are awaiting return	Yes	Specific reception Facilities and specific places in standard reception facilities
Applicants who have lodged an appeal procedure	Yes	Standard reception facilities
Applicants who have lodged a subsequent application	Not during the admissibility phase for subsequent applications and not if the	(Only right to urgent medical aid)

¹⁶ Admissibility procedures refer to the stage of the application in which (Member) States determine whether an application will or will not be considered in substance based on the criteria laid down in Article 25 of Directive 2005/85/EC (the Asylum Procedures Directive) which stipulates circumstances in which Member States are allowed to declare application as inadmissible and are subsequently not required to examine the application.

¹⁷ The Reception Conditions Directive makes reference to the following categories of applicants under vulnerable groups: unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, persons who have been subjected to torture, rape, or other serious forms of psychological, physical, or sexual violence.

¹⁸ Reception and accompaniment of victims of human trafficking is regulated and organized in a different framework than reception of asylum seekers. See also: Q8a).

	<p>application is not admissible (no substantial new elements)</p> <p>Yes, if the application is admissible</p>	Standard reception facilities
Applicants who have received a positive decision on their international protection application¹⁹	Yes, but they have to leave the reception facilities generally within 2 months after the positive decision.	During the 2 months after the reception: in standard reception facilities
Applicants who have exhausted the procedure for international protection and who are awaiting return	<p>Yes, (some) failed asylum seekers are still entitled:</p> <p>(1) during (in principle) 30 days, in preparation of their voluntary return (see Q26)</p> <p>(2) In certain well defined situations, failed asylum seekers are entitled to a prolongation of their right to reception (see general answer above)</p>	<p>(1) Specific reception facilities. It concerns “open return places” or places in a “return centre”</p> <p>(2) Standard reception facilities</p>
Other (e.g. applicants from other EU Member States, families with children with an irregular migrant status, applicants from safe third countries of origin etc. Please specify)	<p>Yes: families with children with an irregular migrant status (see general answer above). But not for applicants from EU Member States except for Rumanians and Bulgarians.</p> <p>Yes: applicants from safe third countries of origin.</p>	<p>Special reception facilities : open return centre.</p> <p>See applicants subject to accelerated procedures.</p>

Q7. From the aforementioned categories of applicants who are entitled to reception, can any be excluded from reception facilities for particular reasons (e.g. because the applicant has sufficient financial means, or because the applicant has misbehaved in a reception facility, or any other reasons)?

Yes, in two cases.

¹⁹ If possible please specify for what duration they are still entitled to reception facilities.

(1) The Belgian Reception Act²⁰ foresees that the aforementioned categories of applicants can be excluded from their right to material aid if they have **sufficient financial means**. In that case they are only entitled to medical aid.²¹

(2) The Belgian Reception Act also foresees (article 45,7°) the possibility to temporarily exclude a beneficiary of reception from material aid by way of **sanction**, and this for a maximum of one month (during which he is only entitled to medical aid). This sanction can only be given in case of a very serious breach of the house rules of a reception facility (involving safety risks or public disturbance in the facility).

Q8. a) Does your (Member) State carry out an assessment of vulnerability which could result in assignment to special reception facilities for vulnerable groups of applicants?

Yes. Article 22 of the Belgian Reception Act introduced a **mechanism for individual evaluation** of the beneficiaries of reception, by which their personal situation is examined.²² The examination applies to the medical, social and psychological situation of the person concerned. Particular attention goes to underlying signs of vulnerability (e.g. persons who have been confronted with torture or with psychological, physical or sexual violence).

The examination occurs within thirty days following the allocation of the first reception facility and then takes place at certain intervals during the stay. The goal is to verify if the reception location is adapted to the specific needs of the person. When needed, the accommodation provided may be modified, or the person may be transferred to another facility. The evaluation is carried out by a social worker who can seek advice from all the necessary services and persons and is formalized in an evaluation report.

The Reception Act (article 36) includes a non-exhaustive **list of vulnerable categories** of applicants, which is the same as used in the Reception Conditions Directive.

A more adapted reception place can be found within the reception network, or outside the network. The Reception Act foresees that the FEDASIL can conclude **conventions with specialized institutions and associations**²³ to accommodate vulnerable beneficiaries of

²⁰ Article 35/2, introduced by the Law of 19 January 2012.

²¹ In practice this is only possible when the asylum seeker works. Instructions of FEDASIL provide in a mechanism for asylum seekers that work:

- if they have a stable working contract (minimum duration of 6 months) and an income higher than the 'subsistence income' (which is currently €534,23 for a person living together with someone, €801,34 for a single person, and €1068,45 for a person with a family at charge), the person must leave the reception facility;
- in case the person works but he does not comply with the previously mentioned conditions, he/she is still entitled to aid in kind, but he pays a percentage of his income to the reception facility.

²² The modalities of this evaluation are defined in an executive order (so-called Royal Decree): Koninklijk besluit tot bepaling van de nadere regels van de evaluatie van de individuele situatie van de begunstigde van de opvang

²³ FEDASIL has concluded conventions with several institutions and associations: e.g. with "Mentor-Escale" (accompaniment of pregnant girls and girls with children), "Ulysse" (psychological accompaniment of asylum-seekers), "Synergie 14" (psycho-social accompaniment of UMA's) etc. There are also conventions concluded with the support of the European Refugee Fund, e.g. with "Exil" (medical and psychosocial accompaniment for victims of human right violations in exile – project for unaccompanied minors which are victim of physical

material aid. In that case the administrative and social follow-up of these persons is guaranteed by FEDASIL.

Specifically for **newly arrived unaccompanied minors (UM)** (see also Q6), the Reception Act foresees that they are accommodated during a short period (in principle two to four weeks) in special ‘observation and orientation centres’. In these centres they do a first medical, psychological and social examination of the minor (*observation*) to refer them afterwards to a suitable reception centre (*orientation*).²⁴

Concerning **victims of human trafficking**, Belgium has three specialised reception facilities. However, their reception and accompaniment is regulated and organized in a different legal and organizational framework than the reception of asylum seekers.²⁵

Q8. b) If yes, please indicate whether the assessment of vulnerability is:

- a) *Obligatory and laid down in law. Yes, see Q7.*
- b) *Standard practice. Yes.*
- c) *Optional. No.*

Q9. Which authority/(ies) carry responsibility for deciding on the allocation of applicants for international protection to different reception facilities?

The federal state agency (FEDASIL), and more precisely its Dispatching Service, is in charge of referring asylum seekers to the reception structures. This service has an overview of the available places on each day in the entire reception network and they assign a place to each asylum seeker.

Q10. How do these authorities allocate applicants to different types of reception facilities?

i) **Capacity;**

The Dispatching Service of FEDASIL will seek a reception place taking into account the (number of) places available on that day and the occupation rate in each of the reception facilities.

violence) and “GAMS Belgium” (accompaniment of female asylum seekers from Sub Saharan Africa - genital mutilation, forced marriages, other reasons related to gender and tradition).

²⁴ However, UM with special needs, often end up on a waiting list for special reception and accompaniment since there is a severe shortage of specialised reception places organised by the Communities. These UM then remain in the reception network of FEDASIL.

²⁵ The specialized facilities provide information on the specific procedure/assistance for victims of trafficking in human beings (and victims of smuggling under aggravated circumstances). The facilities offer victims a safe shelter, although being in a shelter is no prerequisite for being accompanied. (Victims may submit another address under the condition that their housing is not related to their exploitation or the alleged perpetrator.) The centres provide victims of trafficking with three types of assistance: 1) reception and safe shelter; 2) medical, social and psychological assistance and 3) administrative and legal assistance. Once a so-called ‘reflection period’ has passed, these services will only be rendered to those victims being granted the status of Victim of Trafficking. One of these prerequisites is providing the police/competent authorities with relevant information on those who exploited the victim.

ii) Dispersal Mechanism;

Not really, but the Reception Act (article 11§3, 2°) foresees that FEDASIL – when allocating reception places - must take into account an even distribution over the municipalities in Belgium.

Moreover, the Law of 8 May 2013²⁶ introduced a legal base to be able, in the future, to oblige all the municipalities to create a certain number of individual reception facilities, taking into account the specific situation of each municipality. However, the provision can only be used when a Royal Decree is agreed upon with the mechanism and criteria of the dispersal scheme.

iii) Type of asylum procedure;

Asylum seekers originating from countries on the Belgian list of ‘safe countries’ are assigned to one specific centre.

iv) Stage of asylum procedure;

There exists a three-stage reception model. The timing for the steps is only partially determined by the asylum procedure. In each stage asylum seekers are to be assigned to a different sort of reception facility:

- **First step:** Asylum seekers are initially assigned to collective reception structures.²⁷
- **Second step:** After four months one can ask to be transferred to a more individual accommodation in the municipalities (the so-called *local reception initiatives*) or private housing provided by NGO’s. The transfer is only possible when there are sufficient places available.
- **Third step:** When a negative decision is confirmed in appeal, the rejected asylum seeker is transferred to a special reception places to prepare them for voluntary return. This third step was introduced only recently (September 2012).

At the end of 2010 (until the beginning of 2013), because of the enduring reception crisis, newly arrived asylum seekers were firstly accommodated **temporarily in transit or emergency reception centres**, before being transferred to a collective centre. The accommodating in an emergency reception is foreseen in the Reception Act and provides the possibility to lower the standards, but is limited to 10 days. The accommodation in transit facilities is not explicitly foreseen in the Reception Act.

v) Profile of the asylum applicant;

From the start the Dispatching Service of FEDASIL will seek a reception place taking into account as much as possible the **individual situation of the asylum seeker**, so he or she can be assigned a suitable place. Different elements are being considered at this point: the composition of the family, the age of the children, health conditions and the knowledge of

²⁶ More information: http://www.ejustice.just.fgov.be/doc/rech_n.htm

²⁷ It is possible a person is transferred to a more adapted reception place after one month when a personal evaluation is done.

one of Belgium's three languages (Dutch/French/German). There is also special attention for vulnerable persons.

As explained above (see Q8), a person/family can also be transferred to another location during the stay in a reception centre, e.g. when **personal evaluation** has shown that the facility is not adapted to his/their requirements.

vi) Duration of the asylum procedure;

As mentioned above (see Q10,iv), asylum seekers are initially placed in a collective reception centre and after four months one can ask to be transferred to a more individual accommodation. The transfer is only possible when there are sufficient places.

vii) Other criteria (e.g. family composition)?

See above: Q10,v.

Q11. Is the process for assignment of applicants to different reception facilities:

a) Laid down in legislation? Yes, the principles are laid down in the Reception Act.

b) Outlined in soft law/guidelines? Yes

c) Not outlined in official documents, but there is a standard practice in place? There are a number of operational guidelines and standard practices in place to ensure the most appropriate reception place for each asylum seeker and to obtain as much as possible a balanced occupation of reception centres. E.g. the number of single men in proportion to the number of families; the number of certain nationalities in each reception centre; etc.

Q12. Provided there is sufficient capacity, does your (Member) State offer the applicant a choice for reception facility/location?

No, applicants are appointed to a reception facility on the basis of the criteria mentioned in Q10, not on the basis of the preferences of the applicant.

Q13. a) Does your (Member) State provide for a possibility to relocate applicants for international protection to different reception facilities after initial assignment to a reception centre?

Yes, in a number of cases:

- 1) Transfer after an individual evaluation - because the location is not adapted to personal needs.** As explained above (see Q8), one can be transferred from one reception facility to another if an evaluation of the has shown the need for an accommodation which is better adapted to the personal needs of the applicant concerned.
- 2) Transfer as a sanction.** When a beneficiary of material aid does not abide the house rules of a reception facility, this facility can impose the transfer to another reception location as a sanction.
- 3) Transfer from an emergency reception,** which is limited to 10 days by the Belgian

Reception Act, to a standard collective reception centre.

- 4) **Transfer from a collective to individual housing** (as mentioned previously): In Belgium asylum seekers are initially placed in a collective reception and after four months one can ask to be transferred to a more individual accommodation. The transfer is only possible when there are sufficient places available.
- 5) **Transfer to an open return places to prepare for voluntary return** (as mentioned previously). Since September 2012, the Belgian reception model is organised in three stages. In the final stage when a negative decision is confirmed in appeal, the rejected asylum seeker is transferred to a special reception place to be prepared for voluntary return.²⁸
- 6) **Other:** e.g. transfer to allow all of the members of a family to be accommodated within the same location.

Q13. b) If yes, which of the below criteria are applied, or a combination thereof, for relocation to a different reception :

- i) **Capacity/bed management issues.** No, unless a reception centre is closed down.
- ii) **Change in family profile (e.g. birth of a child.** Rarely.
- iii) **Medical or special need reasons.** Yes, when required.
- iv) **Incidents at reception centres which may require transfer to alternative accommodation.** Yes.
- v) **Time limits (procedural-driven.** Yes, see above (Q13a: 4-5-6).
- vi) **Programme for voluntary return to the country of origin.** Yes, for rejected asylum seekers. Asylum seekers who sign up for a voluntary return programme while their procedure is still on-going are not transferred to alternative accommodation.
- vii) **Any other reasons?** See above.

²⁸ Fedasil created in 2012 'open return places' inside 4 reception facilities (4 times 75 places, counting for a total capacity of 300 places). Starting from September 2012 failed asylum seekers were allocated to these places.

**Section 3 Quality:
National Legislation on Material Reception Conditions**

Q14. According to national legislation in your (Member) State, what are applicants for international protection who are accommodated in reception facilities entitled to in terms of the following reception conditions:

- a) Food;*
- b) Clothing;*
- c) Financial allowance²⁹.*

Article 6 of the Reception Act provides that asylum seekers are entitled to material aid. As mentioned before asylum seekers can be hosted in reception centres or, in a second stage, in private housing. About half of the asylum seekers are staying in collective reception facilities and the other half are receiving local individual reception.

This material aid **in reception centres** comprises: accommodation; food; clothing; medical, social and psychological help; access to interpretation services; access to legal representation; access to training; access to a voluntary return programme and a small allowance (so-called pocket money). The weekly pocket money for asylum seekers residing in the reception network amounts to: 4.50 euro for each minor younger than 12; 5.70 euro for each unaccompanied minor during the stage of observation and orientation; 7.40 euro for each school attending minor of 12 years or older and 7.40 euro for each adult. This amount of pocket money can be raised in case the asylum seeker does community services (e.g. cleaning).

After four months in a reception centre the asylum seeker can apply for a more **individual reception facility** in the municipalities, the so called local reception initiatives (LOI's) provided by the Public Centre for Social Welfare, or in private housing provided by NGOs.³⁰

Q15. Please indicate in Table 3 below for each type of reception facility in place in your (Member) State: the available surface per applicant (in square meters); the supervision rate (number of staff per applicant); and specify whether applicants have the possibility to take part in organised leisure activities.

Table 3 Other quality criteria for reception facilities that relate to the applicant's experience of being accommodated in a reception facility

<i>Type of accommodation</i>	<i>Available surface per</i>	<i>Supervision</i>	<i>Possibility of</i>
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²⁹ Please explain what costs the financial allowance is intended to cover (e.g. does it cover accommodation costs, does it include pocket money etc) and specify whether the financial allowance is provided de facto and/or whether it can be used to remunerate applicants who carry out work (small tasks) within the reception facility.

³⁰ For a more detailed overview of the support for the different categories of asylum applicants staying in individual accommodation, see EMN ad hoc query launched by UK: "asylum support rates" (1/02/2013).

	<i>applicant in square meters³¹</i>	<i>rate (number of staff per applicant)</i>	<i>leisure activities? Yes/No. If yes, briefly describe</i>
<p>Collective initial/transit reception</p> <p>Belgium: At the time of writing, the transit centres are not operational anymore, except in two federal centres (one wing each) and 400 places in the reception organised by a partner (Samu social).</p>	<p>4m²/pp/bedroom, 1,3m²/pp/restaurant, 30m²/50p/multifunctional room, 10m²/visitors room, 12m²/medical office</p>		<p>Yes, but limited. Most activities are offered inside the facilities (not possible to participate to external activities) and with the help of volunteers.</p>
<p>Collective open reception</p>	<p>4m²/pp/bedroom, 1,3m²/pp/restaurant, 30m²/50p/multifunctional room, 10m²/visitors room, 12m²/medical office</p>	<p>50 files/social worker</p>	<p>Yes, see * below the table.</p>
<p>Special reception or facilities for vulnerable groups (e.g. victims of torture or specific vulnerable female applicants)</p>	<p>4m²/pp/bedroom, 1,3m²/pp/restaurant, 30m²/50p/multifunctional room, 10m²/visitors room, 12m²/medical office</p>		<p>Yes. Each centre has a budget to organise activities or to let the residents participate in activities outside the centre.</p>
<p>Special separate reception for unaccompanied minors</p>	<p>4m²/pp/bedroom, 1,3m²/pp/restaurant, 30m²/50p/multifunctional room, 10m²/visitors room, 12m²/medical office</p>	<p>Each centre for observation and orientation for UM's has 30,5 full time employees for 50 UM³² During the second phase of reception: 14</p>	<p>Yes. Each centre has a budget to organise activities or to let the residents participate in activities outside the centre.</p>

³¹ The available surfaces mentioned in the table are not laid down in official rules, but are internal guidelines of FEDASIL. FEDASIL is currently evaluating and redefining the guidelines for minimum available surface.

³² There are 8 social experts in charge of individual assistance, 8 tutors/educators and 3 social workers for coordination activities. There are also 2 supervisors during nighttime, 4 staff members providing logistical support (e.g. transport), a nurse, a part-time doctor, an administrator, an accountant and a director.

		<i>employees for 40 UM's³³</i>	
<i>Private houses or flats: arranged and paid for by competent authorities</i>	<i>16m²/pp (the regional legislation varies from 15 to 18m²/pp)</i>	<i>10 to 15 files (family or single person)/social worker</i>	<i>Yes. the local reception initiatives organise activities themselves or pay for leisure activities for residents.</i>
<i>Private hotels: arranged and paid for by competent authorities</i>	<i>/³⁴</i>	<i>/</i>	<i>/</i>
<i>Individually arranged accommodation such as houses, flats, hotels and/or possibilities of staying with friends and/or family</i>	<i>N/A</i>	<i>N/A/</i>	<i>N/A</i>
<i>Other premises for the purpose of accommodating applicants for international protection which are arranged and paid for by the competent authorities</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>

* Staff members of the different reception centres organise various activities throughout the year, e.g. sport events or cultural excursions. Each centre has a budget to organise activities or to let the residents participate in activities outside the centre. Each reception centre also has a budget to organise activities to bring together the residents of the centre and the inhabitants of the municipality in order to improve the integration of the centres into the local communities.³⁵ Residents of the centres are also permitted to follow training courses (language or computer lessons, sewing or cooking, technical training, ...). This training may be provided within or outside the reception facility.

Beside this, all adult residents of reception centres carry out 'community services' (see also Q14). This services include the cleaning of communal areas of the reception centre (halls, dining room...), serving meals and support with various other services (laundry, centre store, ...).

Q16. Has your (Member) State developed guidelines or a handbook in relation to the reception offered to applicants for international protection?

³³ There are 2 social workers, 11 educators (= 3,5 UM per educator) and a coordinator.

³⁴ For the moment no asylum seekers are being hosted in hotels

³⁵ E.g. an open house day.

Based on the Reception Act and its Royal Decrees several **instructions** from FEDASIL are available. These are addressed to its partners (Belgian Red Cross, NGO's,..) on various issues concerning the reception of asylum seekers.³⁶ These instructions or guidelines mostly regard all reception structures, irrespective its operator, unless the topic of the guideline specifically regards certain types of reception structures. The medical handbook for example is a collection of guidelines that deal with questions such as which medical costs can be reimbursed by the reception agency, under what conditions the stay in a reception facility can be prolonged due to medical reasons, etc.

There is also a **manual** and there are **brochures** to inform the general public on how a reception facility operates³⁷. Furthermore, there are brochures and a film in eleven languages to inform the asylum seeker arriving in Belgium about the asylum and reception procedure and, as well as about their rights and obligations during their stay in a reception facility.³⁸

Q17. What control mechanisms are in place to ensure that reception conditions are provided according to the standards specified in national legislation or other protocols/regulations?

In the conventions with the local authorities (the Public Social Welfare Services), organising the local reception initiatives, a quality control is provided. An evaluation of the infrastructure and the functioning of the reception facility is foreseen every two years on the basis of the Reception Act, the quality standards, the instructions of FEDASIL and its best practices. A negative evaluation can result in the suspension or even close-down of the reception places involved.

In addition there are also formal and informal procedures for individual complaints of residents of the reception facilities:

- The applicant who has complaints about the living conditions or on the application of house rules in a reception facility has to address the **director of the reception centre** (without any formal requirements). If the complaint is not handled within seven days, the applicant may submit a written complaint to the director-general of FEDASIL or his replacement. This complaint has to be answered within thirty days. In 2012 there were 109 complaints, of which 38 complaints were considered to be founded and 26 complaints were considered to be partly founded. These complaints lead to mediation and in some cases to measures.
- The applicant who considers that his rights on reception have been violated, who disagrees with a sanction or another decision of FEDASIL or the Public Social Welfare Services, or who considers that his living conditions in a reception facility are not in accordance with legal provisions may lodge an appeal with the **Labour Court**. During the last years, while there was a severe shortage of reception places, FEDASIL was repeatedly condemned by for failing to provide housing to asylum-seekers.

³⁶ For example instructions on who is entitled to reception, when and how the reception is to be terminated, regarding the return path, modifications to the reception act, etc...

³⁷ FEDASIL, Opvangcentra een handleiding, 44p. <http://www.fedasil.be/nl/home/publications>

³⁸ FEDASIL and CGRS, Asylum in Belgium, 10 maart 2011, 46p. http://www.fedasil.be/home/nieuws_detail/i/20560/

- The **Office of the Federal Ombudsman** was established in 1997 and is an independent institution that examines complaints about the way the federal administrative authorities act or function.³⁹ Since 2009 the federal Ombudsman argues that FEDASIL does not fulfil its legal obligations to provide reception to all categories entitled to reception. In particular, there was discussion with FEDASIL regarding the right on reception for undocumented families with children and EU-nationals.

The complaints filed with the Labour Court or the Office of the Federal Ombudsman were mostly related to the fact whether or not the right to reception was unjustly denied.

Q18. Has there been a public debate about the quality of reception facilities in your Member State in the period from 2008 onwards - to date?

Yes, the reception crisis has been a heavily debated and reported issue in Belgium since 2009. Between the end of 2009 and the beginning of 2012 more than 12,000 asylum seekers, entitled to reception, were not accommodated, while others were housed at low-cost hotels. Needless to say that this was problematical in terms of quality. But also the asylum seekers in hotels could not be offered qualitative reception and assistance.

The reception agency FEDASIL, the competent State Secretary and by extension the entire government were criticized by NGO's, politicians and the public. The issue was debated in the parliament and the reception crisis took wide media attention. The coverage included reportages about the life conditions of asylum seekers and frequent media-interviews. Belgium was unable to grant all asylum seekers reception and that was unacceptable to many, especially during the winter months.⁴⁰

Among policy makers, the opinion grew that endlessly creating new reception places is not sustainable and that something needed to be done to control the asylum influx, speed up the asylum procedures and to tackle abuse of the asylum system.

Q19. Does primary research exist in your Member State, evaluating the quality of reception facilities?

There have been several evaluations of the reception system by different organisations, from different angles. Most of these evaluations concern an evaluation of the Reception Act of January 12, 2007 and the impact of these new regulations on the organization and quality of the reception system.

³⁹ <http://www.federalombudsman.be/content/what-federal-ombudsman-0> The Office of the Federal Ombudsman will verify whether the administrative authority has acted properly and will discuss with the administrative authority if the complaint is justified. Besides the handling of complaints from citizens the Office of the Federal Ombudsman also investigates, at the request of the House of Representatives, how the federal administrative services function and makes recommendations to the federal administrative authorities and to Parliament.

⁴⁰ On the other hand, there was also a high media interest and public outrage regarding the judicial conviction of FEDASIL to pay high penalty payments to asylum seekers (because Fedasil could not offer them a reception place) and concerning reception in hotels. Although there was poor assistance in the hotels, due to perception reception in hotels seemed attractive to asylum seekers and was as a pull-factor for some asylum seekers. Also the high penalty payments to asylum seekers who were unjustly denied reception was a pull-factor.

1. **Evaluation by FEDASIL in 2009**⁴¹: This evaluation provides an overview of the main changes of the Reception Act compared to the previous regulation. Specifically with regard to quality the evaluation contains the following conclusions:

- The above mentioned mechanism for personal evaluation (see Q8) in which the personal situation of the beneficiary of reception is evaluated (art. 22 Reception Act) is considered by Fedasil to be an effective instrument to reveal the individual reception needs and to respond appropriately.
- Access to medical care for all beneficiaries of reception is clarified in an executive Act (a so-called Royal Decree).
- The Reception Act created the opportunity to make complaints and to introduce appeals. This way, the beneficiaries of reception can contribute to improve the functioning of the reception centres and improve the living conditions.

2. Evaluation by a **Parliamentary Commission** in 2009⁴²: Most Commission members and organisations involved in the reception system and this evaluation agreed that the new Reception Act, which provides a system of material aid in two stages, is an improvement compared to the situation as it existed before. The report proposes several recommendations on the (lack of) publication of certain executive Acts (Royal Decrees) to implement the Reception Act, the saturation of the reception capacity, the phased system and limited reception capacity, problems with outflow, the duration of the material aid, the access to the labour market, the reception for vulnerable groups such as unaccompanied minors, etc...

3. **Medimmigrant** is a non-profit association who gives individual support to people with medical needs who have a precarious residence status. The association has evaluated the medical aspects of the Reception Act.⁴³

4. Inquiry by the **Office of the Federal Ombudsman in 2009**⁴⁴: This report was specifically about the quality of the reception in the collective facilities and the legal rights of the inhabitants. The report mentioned several examples on different aspects of reception where the quality was lacking. In addition, no less than 88 recommendations were cited to improve the quality and to guarantee the rights of the beneficiaries of reception.

5. Evaluation by “**Flemish Refugee Action**” and “**Ciré**”⁴⁵: The report concludes that, at the time of the evaluation (March 2009), the Reception Act is not completely implemented yet. As a consequence the reception system doesn't function as it should and the quality of the reception is not sufficiently guaranteed. Further on, The report provides some recommendations towards policy-makers and towards the administration.

6. The research project conducted by the “**National Council of Women of Belgium**”

⁴¹ FEDASIL, Eerste evaluatie van de toepassing van de wet van 12 januari 2007 betreffende de opvang van asielzoekers en bepaalde andere categorieën van vreemdelingen, juni 2008 (update februari 2009).

⁴² Belgische Senaat, Evaluatie van de opvang van vreemdelingen, 30 juni 2009, 4-1203/1.

⁴³ Medimmigrant, Evaluatie van de medische aspecten van de opvangwet, januari 2008.

⁴⁴ De federale ombudsman, onderzoek naar de werking van de open centra beheerd en erkend door fedasil, april 2009.

⁴⁵ Vluchtelingenwerk Vlaanderen, De wet over de opvang van asielzoekers, een evaluatie, maart 2009.

investigated the living conditions, needs and requirements of women in reception centres for asylum seekers.⁴⁶ The project also focused on the quality of the help that is offered to these women, the respect for their fundamental rights and the extent to which their reception contributes to gender equality. This report also contains a set of recommendations towards policy makers to improve the living conditions of the women in the centres.

7. Evaluation of the reception model by Fedasil in 2013.⁴⁷ In the framework of this evaluation a working group was founded and seminars with all stakeholders were held. The report of this working group offers 32 recommendations towards policy-makers and towards the administration centralised around seven pillars. The report underlines the importance of the adaptability of the reception system and the need of a certain buffer capacity, to be able to deal with future situations. Further on, this evaluation highlights, among other things, the benefits of a phased reception and a transfer from collective towards individual accommodation. However in practice it appears to be difficult to find an individually arranged accommodation for the many single men. On the other hand, the question arises whether it is desirable to organise this transfer towards individually arranged accommodation after four months within a context where more procedures are handled within a shorter timeframe. The report also highlighted the importance of the mechanism for individual evaluation but warns that this mechanism is sometimes considered as a mere formality.

⁴⁶ Nederlandstalige Vrouwenraad, Women in asylum reception centres, towards a gender sensitive approach, June 2010, 121p.

⁴⁷ Directie Netwerkbeheer en –controle, Dienst Voorbereiding Opvangbeleid, Rapport evaluatie van het opvangmodel en aanbevelingen, april 2013, 119p.

**Section 4
Flexibility**

Q20 National statistics:

Table 4 National statistics on flexibility⁴⁸

	2008	2009	2010	2011	2012
Total number of applicants entitled to reception	14.106	23.038	24.968	30.833	24.903
Total number of applicants accommodated in reception facilities⁴⁹	16.281	18.164	20.824	23.145	21.382
Maximum number of applicants that could be accommodated in reception facilities⁵⁰	15.862	17.168	20.289	23.927	23.989
Average occupation rate in reception facilities	>100%	>100%	>100%	>100% ⁵¹	89,13%

Q 21. Please describe any pressure that your (Member) State may have experienced in relation to the reception of applicants for international protection during the period 2008-2012 and briefly explain possible reasons for such pressure. (Note that annual statistics from Eurostat on the number of applications for international protection, first decisions,

⁴⁸ The total number of applicants accommodated in reception facilities is for some years higher than the maximum number of applicants that could be accommodated because this last category does not include emergency reception capacity.

⁴⁹ Total number of applicants accommodated on 31 December for each year.

⁵⁰ Capacity at the end of the year, without hotels.

⁵¹ Officially the occupation rate for 2008, 2009, 2010 and 2011 was around 97%. This is because an occupation rate calculated by FEDASIL is defined bases on morning figures. In practice the occupation rate for these years was above 100% (source: EPRA, Conclusions second working group, 25-26 January 2012, p.16.)

etc. over the years 2008-2012 will be incorporated in the relevant section of the Synthesis Report. Hence, if relevant, you may refer to a period of pressure by comparing the number of applications with the capacity of your (Member) State's reception system).

From June 2007 on the choice was made to provide reception in kind during the entire asylum procedure. Before asylum seekers were only accommodated in reception centres during the admissibility phase. Because the asylum procedure was reformed and was supposed to be more efficient, the reception capacity was not significantly increased. The new asylum procedure introduced a “filter” at the level of the appeal to the Council of State to prevent that all the rejected asylum seekers introducing this appeal would be entitled to reception during several years. However, in 2007 and 2008, due to the backlog at the Council of State, the amount of residents in appeal with the Council of State staying in reception facilities was still considerable.⁵²

Nevertheless, the most important problem was the increase of the number of asylum applications from 2008 onwards. The reception system was not at all prepared for the strong raise of the number of asylum seekers between 2008 and 2012 (from 15,940 in 2008 to 32,270 asylum seekers in 2011). The network occupancy rate rose from 75% to 90% in less than a year, and reached the saturation point (94%) by the beginning of 2008.

Despite all kinds of measures, Belgium was faced from mid-2008 till the beginning of 2012 with a strong reception crisis. Between the end of 2009 and the beginning of 2012 more than 12,000 asylum seekers could not be offered accommodation. A lot of others were housed at low-cost hotels or in emergency structures. Fedasil was condemned repeatedly by the Labour court and had to pay fines to asylum seekers that were not accommodated.

Despite a difficult budgetary context, year after year, the budget for reception went up in an attempt to tackle the crisis. In the summer 2008 the first emergency centre was opened, the existing centres started working with surplus capacity. It turned out to be difficult to create new reception facilities in a short period. One of the reasons was the NIMBY-phenomenon: *Not in My Backyard*. Nevertheless, the capacity of the reception network increased from around 16,000 in 2007-2009 till 20,000 in 2010, 21,500 in 2011 and 24,000 places in 2012.

A whole range of other measures was taken (see Q.23). The Reception Act was modified to limit the persons eligible to support. The processing of asylum applications was accelerated (although it took some time before this measure had effect, because it took time to invest in the necessary human resources for treating the extra applications), a plan was implemented to inform and accompany (rejected) asylum seekers on voluntary return, dissuasion campaigns were organised in the main countries of origin,...

The turning point came in the beginning of 2012. The range of measures taken achieved result, and instead of the continuous increase of the numbers of asylum seekers, the numbers were going down.

⁵² June 2007: 46%, February 2008: 33%.

Q 22. Which flexibility mechanisms are foreseen and/or have been used in case there are shortages or surpluses in reception facilities? Please answer this question by indicating in Table 5 below whether any of the below mechanisms exist in your Member State and whether they have been actually used:

Table 5 Flexibility Mechanisms

Type of mechanism	Does this exist in your (Member) State? (Yes/No)	If yes, please describe	Has this mechanism been used? (Yes/No) If yes, please describe
Early warning mechanism⁵³ (including any software programmes monitoring capacity and occupancy in reception facilities)	No ⁵⁴	Although an early warning system is not really in use, there are data projection tools for the amount of persons to be accommodated based on the actual average growth in the network over the past twelve months and taking into account the inflow of the past twelve months, the planned capacity, the calculated outflow, measures by asylum authorities and measurements to facilitate departures.	
Additional reception centres acting as buffer capacity	No	Currently discussions are being finalised in order to create a substantial quantity of 'buffer' capacity (about 2000 places)	
Emergency plans	No ⁵⁵		

⁵³ An early warning mechanism refers to a monitoring system, e.g. a mechanism that monitors the inflow of applicants for international protection, evaluating in particular whether the (Member) State possesses the necessary capacity to deal with increased (or decreased) pressure. Such a monitoring system would enable identification of possible shortcomings (or excess capacity) at an early stage. An early warning mechanism could for example include a.o. any software programmes monitoring capacity and occupancy rate in reception facilities.

⁵⁴ Source: EPRA, Conclusions second working group, 25-26 January 2012, p.14,16,17.

⁵⁵ EPRA, Conclusions second working group, 25-26 January 2012, p.14

Budget flexibility (to in- or decrease the budget when necessary)	Yes	The allocated budget for reception can be adapted according to the needs, however it is the government who decides on this. ⁵⁶	Yes, the budget for reception increased every year since 2008 (see table 6).
Employing more case-workers to speed up decision-making	Yes	(chain management: reception as part of a process)	Yes, in 2011 the CGRS ⁵⁷ recruited 125 people while 31 left the asylum instance. Most of the new staff were caseworkers. ⁵⁸
Fast-tracking procedures	Yes	(chain management: reception as part of a process)	Yes, on 1 June 2012 a list of safe countries of origin came into force shortening the asylum procedure and limiting the appeal possibilities. ⁵⁹ There is also a fast-tracking procedure for asylum applicants from EU countries. Besides the formal fast-tracking procedures, certain applications can also be prioritized.
Application of different standards/modalities of reception conditions in emergency situations⁶⁰	Yes	Article 18 of the Reception Act provides the possibility to provide emergency reception with lower standard for a limited period of time.	Yes, the law provides the possibility to offer emergency reception for a limited duration of 10 days, in practice however, during the reception crisis 2008-

⁵⁶ , There is no specific mechanism of budget flexibility for FEDASIL and the Reception Agency has no mandate to sign contracts with reception operators in case of sudden influx. EPRA, Conclusions second working group, 25-26 January 2012, p.14).

⁵⁷ Commissioner General for Refugees and Stateless Persons (CGRS).

⁵⁸ The newly recruited personnel in 2011 became fully effective in 2012. In 2012 the CGRS was able to increase its output (17% more decisions than the year before) and to reduce the backlog.

⁵⁹ The CGRS has to take a decision within 15 working days, the burden of proof for the asylum applicant is higher and the appeal procedure is limited to an annulment procedure.

⁶⁰ Article 14 paragraph 8 of the Reception Conditions Directive 2003/9/EC stipulates that: “Member States can exceptionally set modalities for material reception conditions different from those provided for in Article 14 for a reasonable period which shall be as short as possible, when: an initial assessment of the specific needs of the applicant is required; material reception conditions, as provided for in article 14, are not available in a certain geographical area; housing capacities normally available are temporarily exhausted; the asylum seeker is in detention or confined to border posts. The different conditions must cover in any case basic needs”.

			2012 the emergency reception was often much longer.
Provision of financial vouchers/allowance to cover costs of private accommodation	Yes	The law provides the possibility to provide financial assistance in case of exceptional circumstances ⁶¹ .	Yes, during the reception crisis this mechanism was used a number of times. On these occasions, certain categories of asylum seekers received financial support to reduce the pressure on the reception structures. The persons concerned were geographically dispersed over the municipalities in Belgium.
Review for specific categories of applicants who obtain priority access to reception	Yes		When insufficient place available, priority was given to the most vulnerable asylum seekers.
The use of excess space for other purposes	Yes		Yes, during the reception crisis the capacity of some existing centres was enlarged and new places were created in military barracks and transit facilities.
Other?			
Creation of emergency (transit)reception)	Yes		Yes, this emergency reception (or transit) did comply with requirements of the reception act (and is therefore no application of different standards).
Creation of emergency reception in hotels	Yes	(see also, application of different standards/modalities)	Yes, from 2008 until 2012 there was reception in hotels. In

⁶¹ Article 11 § 4 of the Reception Act.

			May 2009 the number peaked with around 1.300 reception places in hotels.
Legal adjustments to limit the number of persons eligible to reception	Yes		Yes, bills were adopted to limit the reception rights for subsequent asylum claims (see Q23)

Q 23. Please indicate best practices in handling (disproportionate) pressure as well as ability to adjust to fluctuating numbers of applications over time. Where possible, please refer to the use (and effectiveness) of any of the aforementioned flexibility mechanisms.

It is important to emphasise that there is not one unique best practice or one single flexibility mechanism that is most suitable to deal with fluctuating numbers of asylum applications. It is the combination of different measures and mechanisms which leads to a successful handling of a reception crisis.

It is obvious that, in case of sustained increase of the number of persons entitled to reception, for example as a result of a continuous rise of the number of asylum applications, the **expansion of the reception capacity is inevitable**. In Belgium there was a significant enlargement of the reception capacity during the past years (see row 3, table 4). The best mechanism to expand the capacity is debatable. Obviously, a buffer capacity would allow to deal very quickly with a sudden increase, without actually having to enlarge the capacity, but this mechanism could be expensive. In Belgium there was no sufficient buffer capacity to deal with the new Reception Act of January 2007, prescribing material aid for all asylum seekers. Currently the reception capacity can be downsized due to a rapid decrease of the occupation rate. The current plan is to maintain a buffer capacity of about 2,000 places.

Regardless of the manner how additional reception capacity is created, a budget increase will be needed most of the time. A **certain level of budget flexibility** is necessary and a strict annual budget for reception of asylum seekers seems inadequate. The total budget for reception in Belgium increased from about 239.6 million Euro for 2007 to 415.6 million Euro for 2012.⁶²

The **application of other standards** (for example creating additional reception facilities or overcapacity in a reception structure) allows only to deal with temporary increases, but has proven to be not a good mechanism to deal with sustained pressure. This because the quality of the reception is compromised and the residents and staff members of the facilities come under pressure. The Reception Act allows the application of other standards in emergency reception structures, but only for a limited period of 10 days.⁶³ In practice the **emergency reception** (in hotels and other temporary facilities) became part of the reception system: newly arrived asylum seekers were first sent to an emergency reception structure, called transit reception, and after a period of maximum 10 weeks they were transferred to collective

⁶² The budget for 2013 is 387.7 mio €.

⁶³ Article 18 of the Reception Act.

centres. After four months in a centre and if sufficient place available they can be transferred towards more individual accommodation by the municipalities. The lack of assistance during the emergency phase in hotels was problematic, while **the individual reception** after a period of staying in a reception centre could be considered as a best-practice. The transfer towards accommodation by the municipalities lowers the pressure on the collective centres, spreads the applicants across the territory and increases privacy and opportunities for individual development. On the other hand, a transfer to a individual facility is not desirable if the refusal is imminent.

Another flexibility mechanism that was used during the recent reception crisis (2008-2012) was the re-introduction of the possibility for asylum seekers to receive **financial assistance from the municipalities**. This method can hardly be described as a best practice since the measure of 2001 to provide during the first stage of the asylum procedure only material instead of financial aid, is considered as one of the most important measures in countering the huge reception and asylum crisis of the year 2000.⁶⁴ The system of financial assistance, as known before, where the asylum seeker was provided financial assistance and had to find a residence on the private market worked as a pull factor and was negative in terms of support and quality for the asylum seeker (slum landlords and human trafficking). Therefore, this measure was only applied in 2009 and 2011 to a limited number of persons (based on criteria such as the date of the asylum application and duration of the asylum procedure). An approach to deal with the reception crisis that was applied in Belgium, and that can be described as a best practice, is the attention to the asylum chain as a whole. It appears to be many times cheaper to invest in a rapid processing of asylum applications compared to investing in additional reception capacity. Shortening the processing time of asylum applications was accomplished through several measures: by **contracting more case-workers to speed up decision-making** in asylum cases, by introducing **legal changes** to counter unfounded applications (list of safe countries of origin), by prioritizing certain asylum applications, etc.. Of course, this approach of speeding up the asylum procedure only works if rejected asylum applicants who are no longer entitled to reception also actually leave the reception structures. The law of 19 January 2012 **introduces an individualised return path and stimulates voluntary return**.⁶⁵ The rejected asylum applicant is issued with an order to leave Belgian territory within 30 days.⁶⁶

A faster processing of asylum applications in combination with more attention for the **outflow and (voluntary) return** does lower the pressure on the reception structures directly, but also indirectly, as these measures can reduce the future inflow of unfounded asylum applications. In addition the government also tried to tackle the asylum influx by conducting several prevention campaigns in the Western Balkans. The government also **limited the inflow**

⁶⁴ The Reception Act of 12 January 2007 builds on this principle and prescribes material aid for all asylum seekers (first instance and appeal).

⁶⁵ From now on, rejected asylum seekers are first transferred to a so-called 'return place' in designated reception centres where return coaches provide information on voluntary return. In case of insufficient cooperation from the asylum seeker, forced return is envisaged.

⁶⁶ The enforcement of the order to leave the country will be suspended if the asylum seeker lodges a suspensive appeal with the Council for Alien Law Litigation (CALL) until such time as CALL has ruled on the applicant's appeal.

directly towards reception structures via some legal adjustments, for example subsequent asylum applications⁶⁷.

We can conclude that the approach of **chain management**, looking at reception as part of a process (inflow - asylum procedure – reception – return) and not limiting the effort to enlarging the reception capacity obviously appeared to be a best practice and crucial in the handling of the recent reception crisis.

⁶⁷ On 10 January 2010 the reception rights for asylum seekers introducing a third asylum application became limited. In October 2011 another bill was adopted that allowed FEDASIL to exclude asylum seekers who filed a subsequent application from reception and material aid, unless the subsequent asylum claim is declared admissible.

Section 5 Efficiency

Q24. Please fill in the national statistics Table 6 below (please provide figures or, if not possible, estimates thereof):

The total costs of FEDASIL (Belgian Federal Agency responsible for the Reception of Asylum Seekers) for 2012 are estimated at € 413.298.963 (approved budget 2012). The 2012 budget comprises the following costs:

- **Personnel costs** (own personnel of FEDASIL): € 57.706.356
- **Working costs of collective centres owned by FEDASIL:** € 53.222.176
 - ➔ which consists of the following costs:
 - Rental charges & energy: € 10.499.930
 - Reception costs asylum seekers (catering, transport,...): € 20.576.998
 - Medical costs: € 19.090.244
 - Administration and other costs: €3.055.005
- **Funds transferred to non-governmental organisations and local authorities for the reception of asylum seekers:** € 295.592.270
 - ➔ which comprises:
 - Reception in collective centres: € 170.620.665
 - Reception in individual reception structures: € 115.649.619
 - Programmes for voluntary return: € 5.424.050
 - Other: € 3.897.936
- **Investments (of collective centres FEDASIL):** €2.957.215
- **Other:** € 3.820.946 (European projects in which Fedasil takes the role as responsible authority for distributing EU funds towards other partners)

Table 6 National Statistics on Efficiency

	2008	2009	2010	2011	2012
National budget allocated to the reception of applicants for international protection⁶⁸	241 994 903	253 536 122	327 555 141	357 802 419	395.138.298
Total costs of reception⁶⁹	242 909 658	282 875 094	327 555 141	413.378.909	415 628 581
Total direct costs⁷⁰					See above the table

⁶⁸ Source: FEDASII, *Annual Reports*.

⁶⁹ Source: FEDASIL *Ibid*.

⁷⁰ Direct costs refer to explicitly defined costs and budgets for the reception of applicants for international protection in each (Member) State.

Total indirect costs⁷¹	/	/	/	/	/
The above mentioned concerns the budget of FEDASIL and does not include other related costs for asylum seekers like free schooling, police interventions, etc.					
Total costs of reception including Dublin cases	See total costs	See total costs	See total costs	See total costs	See total costs
Total costs of reception excluding Dublin cases	Not significant since the proportion of Dublin cases is only 0.4%.	Not significant since the proportion of Dublin cases is only 0.8%.	Not significant since the proportion of Dublin cases is only 0.9%.	Not significant since the proportion of Dublin cases is only 0.5%.	Not significant since the proportion of Dublin cases is only 0.4%.
Inflow of new applicants to reception facilities⁷²	11 188	20 958	17 601	24 358	22 589
Inflow/return of applicants who have temporarily left a reception facility	N/A	N/A	N/A	N/A	N/A
Outflow of applicants from reception facilities, who do not return later	8 930	19 075	14 941	22037	24231
Share of applicants in	14.60%	16.10%	14.91%	13.41%	20.33%

⁷¹ Indirect costs refer to costs that are not directly measurable (as costs are borne by a wide range of stakeholders and further relate to the applicant's access to general public services).

⁷² The data of "new applicants" also includes a limited number of asylum seekers with an admissible second or multiple application and applicants that initially did not want access to reception facilities but did ask access later on.

reception facilities who have received a final decision on their application					
Median⁷³ range of an applicant's stay	Estimation: 16.5 months	Estimation: 9.9 months	Estimation: 13.1 months	Estimation: 11.1 months	Estimation: 11.8 months
Interquartile⁷⁴ ranges of an applicant's stay	Not available (median range is an estimation)	Not available (median range is an estimation)	Not available (median range is an estimation)	Not available (median range is an estimation)	Not available (median range is an estimation)

Q25. Are cost (estimations) available for the flexibility mechanisms used in your Member State (see Question 22)?

To some extent: budgets for the following year are prepared based on prognoses of future occupation rates. Specific rates for buffer capacity are currently being negotiated.

Q26. What is the tolerance time for extended stay of applicants in reception facilities who have already received a final decision on their application?

Recognised refugees or beneficiaries of subsidiary protection must leave the reception facility within two months after the final decision. This is the time needed to find suitable accommodation elsewhere.

Rejected asylum seekers are transferred from the standard reception facilities to special (open) return places when a negative appeal decision is taken (by the Council for Aliens Law Litigation). During the period of validity of the order to leave the country (in principle 30 days), the authorities don't carry out a forced return and all effort is placed to facilitate a voluntary return. When the period foreseen by the order to leave the country elapses and the return project is evaluated in a negative way (no willingness to return voluntarily), the Immigration Office can proceed to a forced return (including administrative detention). The rejected asylum seeker must in any case leave the reception facility.

In some specific cases, the Reception Act foresees an extended right to material aid. See the answer given in Q6 under (1).⁷⁵

⁷³ The median is the numerical value separating the higher half of the distribution of the lower half (middle value).

⁷⁴ The interquartile ranges refer to the value of the first quartile (25 percentile) and the third quartile (75 percentile) in a distribution.

⁷⁵ The time provided for extended stay depends in these cases on the reasons of the case. For example: prolongation of the material aid in the context of family unity, the applicant can stay in the reception facility until the right to material aid for the family member comes to an end; a pregnant applicant can ask for a prolongation from the 7th month of pregnancy until 2 months after giving birth; in case an applicant cannot leave the reception facility because of an illness supported by a demand for medical regularization FEDASIL executes

Section 6 Conclusions

Q27. Please summarise the organisation of reception facilities in your (Member) State, indicating main strengths and weaknesses (please specify any evidence for these findings)

The general principle of the Belgian Reception Act introduced in 2007 is to guarantee to all asylum seekers reception in kind during the entire duration of the asylum procedure. In a first phase, asylum seekers are assigned to collective reception structures managed by the federal authority (FEDASIL) or by partners such as the Belgian Red Cross. After four months the asylum seekers can ask to be transferred to more individual accommodation provided by the municipalities or NGO's. Since September 2012 asylum seekers who received a negative decision in appeal are hosted in specific reception places to prepare for voluntary return.

This system of reception in kind has the advantage that asylum seekers can be assured of accommodation and social, medical and legal assistance; this within a framework where the quality of the housing and reception in general can be guarded (this in contrary to a system of financial assistance where the asylum seeker has to find a place on the private market and where he is vulnerable to abuse). The phased system (collective towards individual reception) has the advantage that in a first stage the framework for reception is more elaborated while the individual housing in a second stage offers more privacy and opportunities for personal development. The diversity of reception structures is not limited to individual and collective reception facilities; there are also specific reception facilities for vulnerable groups inside such as unaccompanied minors and victims of human trafficking. The personal needs of the asylum applicant are properly taken into consideration. In general terms there could be argued that the quality of the reception and assistance in Belgium meets higher standards compared to the minimum standards as set out in European legislation.

Although, regarding the mechanism of individual evaluation (see Q8) and regarding the reception needs for unaccompanied minors and other vulnerable groups, there is still room for improvement. The criteria to evaluate the individual needs of applicants are not yet harmonised. Also there still is work to put in place more specialised reception and accompaniment of persons with special needs and vulnerable groups. One element is the need to identify and map the existing specialisations inside the reception network and the cooperation agreements that exists with external services. In the future additional efforts will be made to give this issues specific attention.

The most important weakness of the Belgian reception system was the lack of flexibility. The reception crisis during the past years has shown that the system of reception in kind was unable to cope with a large and rapid influx of asylum seekers.⁷⁶ Furthermore, the variety of reception structures and external partners who organise reception brings additional challenges in terms of coordination, conformity and implementation of new regulations and guidelines. However, increasing the flexibility of the reception system and a better overall management are priorities of the current policy makers.

periodical controls (the right to material aid ends when a control shows that the medical inability to leave the centre no longer exists or when a decision is taken regarding the request for medical regularization, etc).

Q28. Please summarise whether your (Member) State has experienced pressure on its reception facilities (in terms of both in-and outflow, and duration of the processing time of applications) and indicate what measures have been most successful in handling such pressure

Belgium was faced from mid-2008 until the beginning of 2012 with a strong reception crisis, this especially due to a significant increase of the number of asylum seekers from 2008 onwards.⁷⁷ Between the end of 2009 and the beginning of 2012 more than 12000 asylum seekers could not be offered accommodation. A wide range of measures was taken to counter the reception crisis.

First of all, the budget of the responsible agency FEDASIL was increased considerably during the crisis to **seriously expand the number of reception places**. At the same time, and also because the numbers of asylum seekers kept rising, the general feeling was that is not possible – for budgetary, practical and political reasons – to continue to open up new facilities.

The political awareness grew that the only way out of the reception crisis was the creation of an **integrated policy on asylum, reception and return (chain management)**, this under the supervision of a single State Secretary for Asylum, Migration and Social Integration competent for all aspects regarding asylum, reception and return. Managing the reception of asylum seekers as part of a process (inflow - asylum procedure - reception - return) proved to be rewarding to counter the reception crisis.

The **inflow in the network** was restricted via legal adaptations excluding some categories of asylum seekers from reception such as subsequent asylum applicants who are not presenting substantial new elements. In addition, the government also tried to tackle the asylum influx by organising several dissuasion campaigns in the main countries of origin that produced a lot of unfounded asylum claims.

There were also legal adaptations to speed up the **asylum procedure**, such as the introduction of the safe countries of origin concept into Belgian legislation. Furthermore, the output and efficiency of the asylum instance and asylum appeal board was increased through the contracting of additional staff and the prioritization of certain asylum applications and appeals.

At the same time the reception agency focussed on increasing the number of **departures out of the reception network** by reorienting some categories of people out of the reception network towards financial help on the one hand and enforcing control and follow-up that those who were no longer entitled to reception were actually leaving the reception structures. The rejected asylum applicant is issued with an order to leave Belgian territory within 30 days. The law of 19 January 2012 introduces an individualised return path and stimulates voluntary return. The asylum applicant is now informed about voluntary return from the start of the asylum procedure and asylum seekers rejected on appeal are hosted in specific reception facilities where they are prepared for a (voluntary) return.

Q29. Please describe best practices in controlling costs of reception facilities whilst ensuring quality

Belgium experienced that the best way to control the total cost of the reception of asylum seekers, is to **consider all possible elements that are interconnected with reception**, including the asylum procedure and the return policy (see Q28). As a result of the reception crisis, much more emphasis is put on making internal processes of the reception network and the asylum instances more efficient and on improving the coordination of the actions of the different institutions involved in the process of

⁷⁷ Another reason is the increase of the average duration of stay in the reception network. The new Reception Act of 2007 prescribed aid in kind for all asylum seekers during the entire asylum procedure. Before asylum seekers were only accommodated in reception centres during the admissibility phase. Because the asylum procedure was reformed and was supposed to be more efficient, the reception capacity was not significantly increased. For more information: see Q21.

asylum, reception and return.

In this view, it is more cost-efficient to **invest in accelerating the handling of asylum applications** rather than investing in additional reception facilities. After all, the shorter the processing time, the shorter the duration of stay in a reception facility. Especially since the cost of the reception of asylum seekers is many times higher than the cost to increase the output of the asylum instances. Of course, the quality of the assessment of asylum applications must remain intact.

With regard to the purchase or installation of new reception places there is determined which places are needed, for what stage of the procedure. The objective is to provide sufficient and adequate reception for all those entitled to reception. Additional reception places are created on the basis of the reception needs and a cost calculation.

Other elements worth mentioning here, are, first of all, that the infrastructure and other purchases (caterer, laundry, etc..) for the reception facilities are done via public tenders and there are financially interesting conventions and framework contracts with public transport companies. Another element is the existence of several concrete operational practices to improve the cost efficiency of reception facilities such as raising environmental awareness among the residents of the reception facilities to prevent energy waste. The reception centres also try to make optimal use of volunteers for certain activities and rely on gifts for toys and clothing.

Reception Conditions in different Reception facilities

Please fill out the table below concerning the rights granted to applicants for international protection as laid down in national legislation in different reception facilities.

Table A1.1 Reception conditions in different reception facilities

	Collective initial/transit reception centres	Collective open reception centres	Special reception centres/facilities for vulnerable groups	Special separate reception centres for UAMs => Belgium: Observation and orientation centres	Private houses or flats ⁷⁸	Private hotels ⁷⁹	Individually arranged accommodation ⁸⁰	Other premises
Food	meals	meals/food package/ meal vouchers	meals/food package/ meal vouchers	meals	meal voucher/money/ one meal provided by the reception facility	meal voucher	no	
Clothing	Yes	yes	yes	yes	yes	yes	no	
Financial allowance⁸¹	pocket money (see Q14)	pocket money (see Q14)	pocket money (see Q14)	pocket money (see Q14)	pocket money + weekly allowance (see Q14)	pocket money (see Q14)	no	
Emergency health care	yes in all basic health care and emergency centres as well	yes in all basic health care and emergency centres as well as by	yes in all basic health care and emergency centres as well	yes in all basic health care and emergency centres as well as by	yes in all basic health care and emergency centres	yes in all basic health care and	yes in all basic health care and emergency centres	

⁷⁸ Arranged and paid for by competent authorities.

⁷⁹ Arranged and paid for by competent authorities.

⁸⁰ E.g. houses/flats/hotels and/or staying with friends and family.

⁸¹ Please explain what this consists of.

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The Organisation of Reception Facilities for Asylum Seekers in different Member States

	as by medical staff in the reception facilities	medical staff in the reception facilities	as by medical staff in the reception facilities	medical staff in the reception facilities		emergency centres		
Medical care	yes	yes (provided in and outside of the centre)	yes (internally or externally provided)	yes (internally provided)	yes (externally provided)	yes (externally provided)	yes (externally provided)	
Psychological care	yes	yes (internally or externally provided)	yes (internally or externally provided)	yes (internally provided)	yes (externally provided)	yes (externally provided)	no	
Free legal assistance	yes	yes	yes	yes, the tutor is responsible for finding a lawyer	yes	yes	yes	
Interpretation services	yes	yes	yes	yes	yes	yes	/	
Access to education	no	yes	yes	no	yes	no	yes	
Access to vocational training	no	Yes (if they fulfill the general conditions set for the course, e.g. sufficient knowledge of the language). Some specific professional training is only accessible when registered for employment – this is only open to asylum seekers with access to employment.	Yes (if they fulfill the general conditions set for the course, e.g. sufficient knowledge of the language). Some specific professional training is only accessible when registered for employment – this is only open to asylum seekers with access to employment.	no	Yes (if they fulfill the general conditions set for the course, e.g. sufficient knowledge of the language). Some specific professional training is only accessible when registered for employment – this is only open to asylum seekers with access to employment.	no	Yes (if they fulfill the general conditions set for the course, e.g. sufficient knowledge of the language). Some specific professional training is only accessible when registered for employment – this is only open to asylum seekers with access to employment.	

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The Organisation of Reception Facilities for Asylum Seekers in different Member States

Access to employment (after which period of time?)	no	After 6 months in the asylum-procedure without first instance decision ⁸²	After 6 months in the asylum-procedure without first instance decision	no (but student jobs are allowed from the age of 15)	After 6 months in the asylum-procedure without first instance decision	After 6 months in the asylum-procedure without first instance decision	After 6 months in the asylum-procedure without first instance decision	
Other? Please add								

⁸² Decision from the Office of the Commissioner General for Refugees and Stateless Persons (CGRS)