
GETTING THE BALANCE RIGHT

STRENGTHENING ASYLUM RECEPTION CAPACITY AT NATIONAL AND EU LEVELS

EU ASYLUM: TOWARDS 2020 PROJECT



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By Michael Kegels

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The research project aims to contribute to development of the Common European Asylum System (CEAS) consistent with the European Union's interests, values, and obligations, through research on challenges and options on asylum to inform the development of evidence-based policies and laws. The project involves broad consultations with Member States, EU institutions, civil society, international organisations, and academics, to draw on their expertise and seek to work towards consensus on the many key questions around responses to asylum on which perspectives differ.

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EXECUTIVE SUMMARY

With arrivals of asylum seekers to the European Union (EU) occurring on a huge scale, Member States face daunting technical and political challenges. The resources and institutional capacity of some Member States have been overwhelmed, leaving people homeless or in overcrowded and otherwise precarious shelter and livelihood situations. The crisis situation that began in 2015 sharply highlights the central importance of well-functioning reception systems for asylum seekers in the European Union.

Three imperatives underlie the operations of a successful reception system:

- ***Efficient management of resources.*** As reception is the most expensive component of any asylum system, the significant financial, infrastructure, and human resource needs of reception organisations are often scrutinised by policymakers and publics alike. In periods of high demand, reception managers must seek to secure, and use, in the most efficient way possible the resources required to meet legal standards and provide for human needs. Whenever demand dwindles, political pressure to reduce costs often places valuable assets and expertise—likely to be needed again—at risk.
- ***Flexibility.*** Reception organisations must be ready for situations that are inherently hard to predict. While investments can be made in early-warning systems and buffer capacity, the volatility of migrant and asylum-seeker flows to and within the European Union makes it impossible to prepare for all scenarios—necessitating the ability to expand and contract capacity on a flexible basis.
- ***Quality standards adhered to across the European Union.*** Any reception strategy must be implemented in line with demanding European and national legal standards that protect the rights of asylum seekers. When these standards are not met and a reception system cannot perform its role, individuals face hardship, secondary movement is likely to increase, and trust among Member States is eroded.

It is no easy task to keep these elements in balance. Member States must continually upscale or downgrade budgets, open or close reception facilities, and increase the number—or productivity—of expert human resources that are finite.

Ways must thus be found to develop cooperation and synergies at the EU level to enable all Member States to operate reception systems that are efficient, flexible, and meet requisite standards. Bilateral or multilateral cooperation can provide a means to pool resources and expertise, develop capacity, and reinforce preparedness and responses to changing needs. EU agencies can play a key role in facilitating and scaling up cooperation, promoting the better sharing of information between and across Member States, and developing and facilitating the use of tools that can help achieve more effective solidarity and burden-sharing among Member States.

The creation of a ‘high representative for migration’ that can function as the intermediary between the political level and the national states, and could take up the role to coordinate between all the different actors, could be a game changer.

I. INTRODUCTION

Asylum-seeker flows to the European Union have reached a scale not seen since the 1990s, when the breakup of Yugoslavia and resulting wars in the Balkans prompted major outflows. In 2014, a 45 per cent rise in applications for asylum placed significant strain on many national reception entities and facilities. Then a surge in

2015 pushed several Member States into crisis.¹ Yet even as policymakers heatedly discuss relocation, hotspots,² and support for asylum processing, there has been little structural reflection on the Common European Asylum System (CEAS) and ways to ensure that its reception obligations are met. The perspective of reception authorities³—i.e., those responsible for providing accommodation and basic services to every asylum seeker in the European Union—should be taken into account in any EU-level strategic debate on the future of the CEAS.

When the reception capacity of one country comes under pressure, efforts to promote solidarity at the wider EU level can be undermined. A country whose overburdened system cannot accommodate more applicants may see new arrivals avoiding or passing through it in search of better conditions. Smugglers may use the weakest parts of the European asylum system as easy transit points into more ‘desirable’ Member States. Faced with high numbers of arrivals, countries with less-developed reception systems or more limited experience integrating refugees effectively may attempt to deflect migrant flows by, for instance, facilitating their onward travel or closing borders. The result is even greater pressure on neighbouring Member States. In a separate point, Member States struggling to process spontaneous arrivals may prove reluctant to accept asylum seekers and refugees by other means, such as relocation or resettlement.

In this context, each reception authority confronts difficult questions. How can capacity be provided at a scale sufficient to respond to asylum seekers while also meeting taxpayer demands for the effective use of resources? How can national authorities establish a system that demonstrates stability and control in an environment characterised by unpredictability and volatility? And how can pressure to meet large-scale flows or demonstrate value for money be addressed without undermining legal commitments to rights and institutional commitments to quality?

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Member States have an additional challenge in periods of relative calm. Once high arrival numbers subside, the investments made in reception capacity often come under the scrutiny of central government departments keen to allocate resources efficiently. In EU countries where far-right elements are gaining prominence and cash is tight, budgets for noncitizens, such as asylum seekers, may be most at risk. Reception authorities must battle to maintain their knowledge, expertise, and physical assets so that they can be prepared for the next crisis.

This report seeks to understand the reception capacity challenges faced by EU Member States and the CEAS, and to stimulate reflection on possible answers. It first presents the three tenets of a successful reception system—flexibility, efficiency, and quality—and the difficulty balancing their often-conflicting demands. It then reflects on divergent national approaches to reception management, and seeks to understand why certain strategies are adopted, and with what consequences for Member States and the CEAS at large. The report concludes with reflections on the central importance of reception as a building block of the CEAS, and potential ways forward to strengthen its quality, flexibility and cost-efficiency through improved coordination and delivery of support.

- 1 Eurostat, Statistics Explained, ‘Asylum Statistics’, accessed 2 November 2015, http://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum_statistics.
- 2 Hotspots were introduced in the second half of 2015 to better coordinate the operations of Frontex, the European Asylum Support Office (EASO), Europol, and Eurojust in areas of acute migratory pressure, with oversight from an EU Regional Task Force. Hotspot resources support national authorities in the registration and screening of irregular migrants, debriefing and security, asylum support (including relocation and return), and investigation of organised crime. As of January 2016, 11 hotspots had been identified in Italy and Greece, but only one in Greece (Lesvos) and two in Italy (Lampedusa and Trapani) were operational. See European Commission, ‘Explanatory note on the “Hotspot” approach’, Statewatch, accessed 26 January 2016, www.statewatch.org/news/2015/jul/eu-com-hotspots.pdf; European Commission, ‘Refugee crisis: Commission reviews 2015 actions and sets 2016 priorities’, (press release, 13 January 2016), http://europa.eu/rapid/press-release_IP-16-65_en.htm.
- 3 ‘Reception organisation’ and ‘reception authority’ are used interchangeably throughout this report. Both terms refer to the organ or organisation that bears the greatest executive responsibility for the reception of asylum seekers on a national level. It should be noted that the actual structure of such organisations varies tremendously, and includes semiautonomous bodies, highly centralised systems, and federal structures.

II. MANAGING RECEPTION: KEY CHALLENGES

A. *Background: Managing resources in a volatile environment*

A common misconception that gains credence when inflows of asylum seekers are relatively low is that reception is a stable activity. But as a response to asylum and migration flows, reception rarely, if ever, operates in a stable context. Demand increases and decreases from month to month and year to year on a near-continuous basis. And then there are trends that span several years or more: for example, there is little to suggest that the dramatic rise in asylum seekers seen in 2015 and early 2016 will soon abate. In part this is due to ongoing persecution, conflict, and human-rights violations in numerous countries of origin.⁴ These and other drivers—poverty and climate change, for example—are likely to keep numbers high for the foreseeable future.⁵

As a response to asylum and migration flows, reception rarely, if ever, operates in a stable context.

A combination of large inflows, public and political pressure, along with leanings toward ‘deterrence and money-saving measures’,⁶ has challenged the ability of EU Member States to meet reception needs in accordance with the standards laid down in the Reception Conditions Directive.⁷ The poor, and occasionally deplorable, conditions of asylum-seeker accommodation have prompted the concern of publics, media, civil-society organisations, and European institutions; and the widely varying implementation of reception and asylum directives has been the subject of widespread analysis and debate.⁸ Few, however, have investigated the tension between guaranteeing good conditions and meeting high levels of demand. Even where such analysis exists, it often neglects to highlight the mechanics of how cooperation would actually work.⁹

The limited analysis in this area is reflected in the lack of coordinated response mechanisms facilitating collaboration across and within asylum systems. The European Refugee Fund (succeeded by the Asylum, Migration, and Integration Fund, AMIF) aimed to promote ‘a balance of efforts in receiving and bearing the consequences

4 United Nations High Commissioner for Refugees (UNHCR), ‘Worldwide displacement hits all-time high as war and persecution increase’, 18 June 2015, www.unhcr.org/558193896.html.

5 The Nansen Initiative, ‘Nansen Initiative Intergovernmental Global Consultation on the Protection Agenda’, accessed 2 November 2015, www.nanseninitiative.org/global-consultations/.

6 Roland Bank, ‘Reception Conditions for Asylum Seekers in Europe: An Analysis of Provisions in Austria, Belgium, France, Germany, and the United Kingdom’, *Nordic Journal of International Law* 69, no. 4 (2000): 257–88.

7 European Parliament and the Council of the European Union, ‘Directive 2013/EU/33 of the European Parliament and of the Council laying down standards for the reception of asylum seekers (recast)’, 26 June 2013, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32013L0033>.

8 Sieglinde Rosenberge and Alexandra König, ‘Welcoming the Unwelcome: The Politics of Minimum Reception Standards for Asylum Seekers in Austria’, *Journal of Refugee Studies* 25, no. 4 (2011): 537–54; Odysseus Network, *Comparative Overview of the Directive 2003/9 Laying Down Minimum Standards for the Reception of Asylum Seekers in the Different Member States* (Brussels: European Commission, 2006), http://ec.europa.eu/dgs/home-affairs/e-library/docs/pdf/odysseus_synthesis_report_2007_en_en.pdf.

9 Matrix Insight Ltd., Dr. Eiko Thielemann, Richard Williams, and Dr. Christina Boswell, *What System of Burden-Sharing between Member-States for the Reception of Asylum Seekers?* (Brussels: European Commission, 2010), [www.europarl.europa.eu/RegData/etudes/etudes/join/2010/419620/IPOL-LIBE_ET\(2010\)419620_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/join/2010/419620/IPOL-LIBE_ET(2010)419620_EN.pdf).

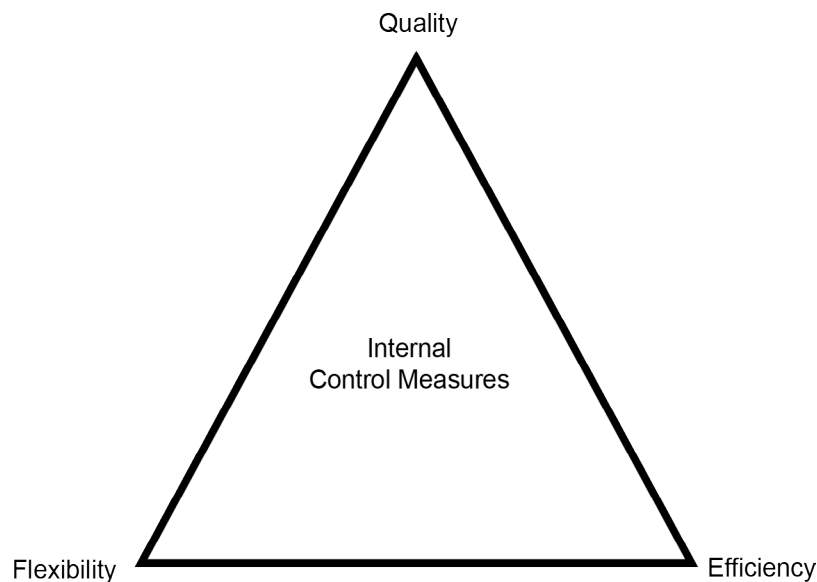
of displaced persons’,¹⁰ with the rationale that financial solidarity with underdeveloped reception systems could go some way toward improving overall EU capacity. The European Asylum Support Office (EASO), meanwhile, was created chiefly to facilitate practical cooperation among Member States and the building of technical capacity at the state level. Yet innovative examples of effective collaboration beyond basic financial redistribution have been rare. As financial resources, political capital, and public patience become increasingly scarce, an understanding of how national asylum systems operate—and can collaborate for mutual benefit—can be seen as a prerequisite to the successful implementation and progress of the CEAS.

Innovative examples of effective collaboration beyond basic financial redistribution have been rare.

B. Balancing the ‘reception triangle’

Reception authorities face a triple challenge: maintaining the legal standards of the CEAS, meeting national expectations of effective resource use, and upholding Member States’ normative obligations to those seeking protection. To meet these challenges, they must attain a critical balance between the three tenets of an effective reception system, namely: flexibility, efficiency, and quality (see Figure 1).¹¹

Figure 1. Three tenets of an effective reception system



Source: Author’s rendering.

Flexibility. Referring to reception authorities’ ability to swiftly adapt to changing circumstances, flexibility comes at a cost, and can be achieved via a range of strategies. For example, the Netherlands’ flexible central budget allows it to quickly open new government-owned reception centres, while in the United Kingdom, flex-

10 Eiko Thielemann, ‘Symbolic Effects or Effective Burden-Sharing? Redistribution, Side-Payments and the European Refugee Fund’, *Journal of Common Market Studies* 43, no. 4 (2005): 807–24.

11 With thanks to discussions held within working groups in the European Platform for Reception Agencies (EPRA). These discussions were held between 2012 and 2015 in meetings in Dublin, Stockholm, Vienna, Oslo, Paris, The Hague, Brussels, and Helsinki.

ible contracts allow a quick expansion of asylum-seeker beds. The financial autonomy of the reception organisation, the legal constraints on public procurement, and the structure and norms of the Member State all play a role in determining the degree of national reception systems' flexibility.

Quality. Reception standards are enshrined in national and European legislation, which provide detailed, binding obligations on the minimum level of facilities and services to be provided to asylum seekers. These rules are enforceable in national and European courts. Compliance with the Reception Conditions Directive and a range of national laws can impact on the strategy of a reception agency in many areas, from construction standards to child and family rights. The extent to which a reception agency complies with these provisions in times of rising pressure defines its ability to cope. Variables such as which standards are applicable—especially commitments to specialised provision for vulnerable groups—and how they are measured can, in turn, affect the flexibility of an organisation by, for example, limiting the range of acceptable accommodation options. Internal and external mechanisms for monitoring quality, especially where services are outsourced, are critical to ensuring that reception organisations continue to meet their legal obligations.

Efficiency. The resources of national asylum administrations have come under increasing scrutiny in recent years from central budget departments and the public, which demand that public funds in general (and, in some cases, for asylum seekers in particular) are used as efficiently as possible. Calls for streamlined budgets put direct pressure on the quality of reception services, as well as on the ability of the reception organisation to maintain expensive buffer capacity. In the end, however, efficiency depends on long-term planning and effective processes for ensuring the best possible arrangements with other actors in the asylum system, and to ensure that the workload of the reception organisation is concentrated on those in the process of applying for protection.

Attempts to balance the *flexibility*, *quality*, and *efficiency* of European reception occur in a fast-changing context where immigration has been scrutinised increasingly closely.¹² The media can be critical of any aspect of the reception system, including the type, cost, and standard of accommodation, either for being too high *or* too low. Political impulses and spending priorities drive budgets as much as external demand and the need for efficiency. These and other elements define the parameters within which reception agencies make strategic decisions.

C. *An integrated approach: Internal and external measures*

1. The fight to preserve the assets of a reception organisation

The reception authority is expected to implement a number of mechanisms that allow it to respond quickly and flexibly to changing reception needs.¹³ These mechanisms range from data management and forecasting to risk management, administrative support processes (such as information technology systems, flexible budgets, access to additional human resources), and stakeholder engagement. These mechanisms vary significantly in the level of investment required for their setup and maintenance, and consistently come under pressure when budgets are revised downwards. Most Member States have downscaled at various points in time, even when the numbers of arrivals were fairly constant (as in Finland in early 2014¹⁴).

12 European Commission, 'Spring 2015 Standard Barometer: Citizens see immigration as top challenge to tackle' (press release, 31 July 2015), http://europa.eu/rapid/press-release_IP-15-5451_en.htm.

13 Several countries have developed mechanisms to cope with changing needs, ranging from the activation of 'buffer' reception accommodation places to public procurement, relying on defence, acquiring and hiring additional capacity, placing containers and tents, etc.

14 Maahanmuuttovirasto (Finnish Immigration Service), 'Number of reception centres and accommodation places will be reduced' (press release, 7 May 2014), www.migri.fi/for_the_media/bulletins/press_releases/press_releases/1/0/number_of_reception_centres_and_accommodation_places_will_be_reduced_53297.

The challenge is to effectively manage reception assets across time and between stakeholders. Such assets may be owned and controlled by the national reception agency or by other actors, including local and regional authorities, and can occur in many forms such as staff, knowledge, building, public acceptance, buildings, IT systems, etc. Reception organisations are threatened by a cycle of construction and deconstruction: capability and competency built up in times of high pressure are often lost—along with their associated investment—when demand falls. After a period of downsizing in the Netherlands in 2009, for instance, authorities were surprised by a sudden upswing in Chinese asylum applications a short time later, and were forced to seek nonconventional means—such as tents and caravans—to meet demand.¹⁵ Belgium reduced its capacity to around 16,600 places in May 2015 then had to activate its buffer resources three months later to provide 30,000 reception places by the end of November 2015. But ‘places’ are not always an adequate measure of what’s gained or lost. In the Belgian case, the initial reduction concerned fixed assets (buildings, beds); human capital (knowledge, skills, manpower in general); and intangible assets such as the local support where reception centres were operational for many years. Such assets can be eroded quickly, but can be costly to regain.

The challenge is to effectively manage reception assets across time and between stakeholders.

The disappearance of physical and other assets thus puts the reception authority at risk. To manage this risk at the national level, efforts can be made to:

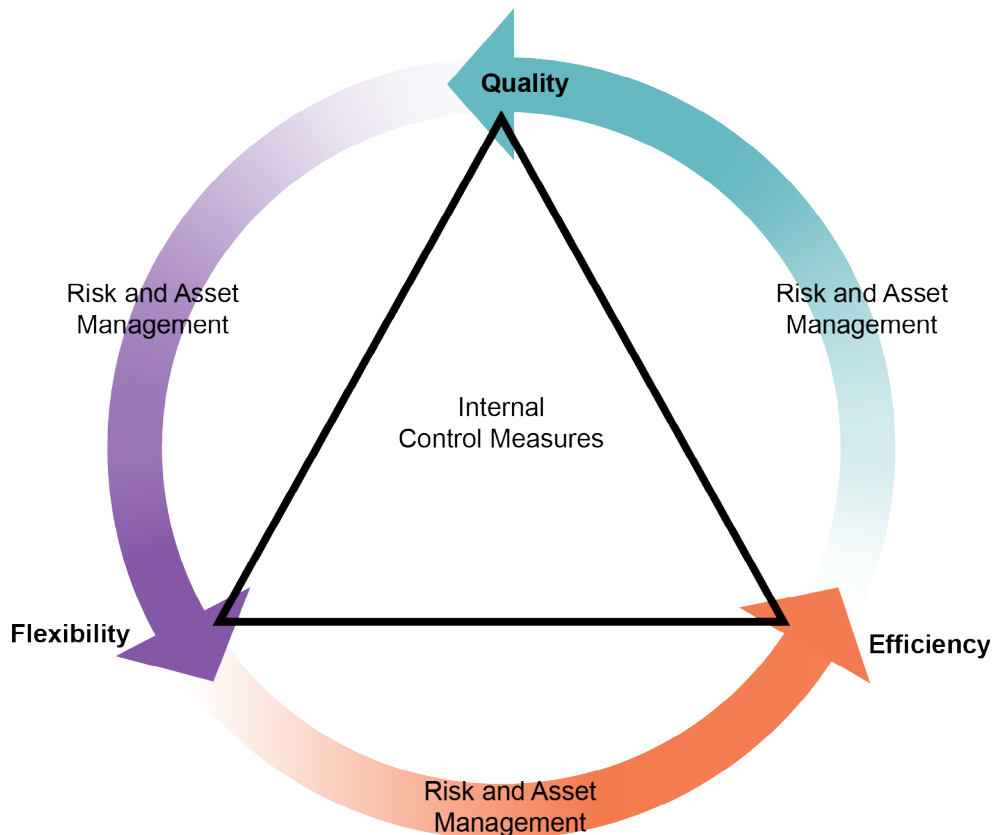
- Improve knowledge management and sharing among actors
- Provide long-term commitments to maintain core functions (and thus enable effective long-term planning)
- Work with flexible budgets and flexible procurement processes
- Create flexible instruments that can be expanded and increased swiftly
- Determine the essential and nonessential functions of the organisation
- Streamline procedures, for example through early warning systems, flexible recruitment and creation of new places, and joint task forces with other stakeholders.

The reception organisation can also invest in relationships with other stakeholders along the asylum chain, so that channels of communication and concertation can be activated in urgent situations. This prepares other, often local, actors for the possible ground-level consequences of ‘emergency measures’. In partially decentralised reception systems, such as Austria’s, local entities are relied upon to ‘offer’ places to those processed by the national asylum agency. Local authorities must contend with relatively limited financial means and intense local scrutiny. Where local entities are unable to provide such places, responsibility in most cases falls back to national level. In this context, the challenge of maintaining reception assets can be amplified.

The extent to which an organisation invests in risk and asset management will be an indicator of its preparedness to deal with sudden influxes, and the extent to which it will be able to balance the three points of the ‘reception triangle’ (see Figure 2).

15 European Migration Network, *The Organisation of Reception Facilities for Asylum Seekers in Different Member States: the Netherlands* (Brussels: European Commission, 2013), http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/19.netherlands_national_reception_facilities_final_en.pdf.

Figure 2. The importance of risk and asset management



Source: Author's rendering.

2. Achieving coordination among members of the reception and asylum 'chain'

Well-functioning internal control measures are only one part of a successful national asylum system. As has been noted, the reception organisation is not an isolated actor; it is a fundamental part of a chain consisting of other authorities, agencies, and nongovernmental stakeholders. Efforts made in any part of a Member State's asylum machinery directly impact the others. Thus, while a well-organised and smooth-functioning reception organisation is an important prerequisite to the success of the overall system, without coordination in the chain, the reception system will remain vulnerable to external shocks. The provision of capacity—based on needs defined by the number of asylum seekers requiring accommodation—is influenced to a great extent by external policies and conditions that affect the number of asylum seekers that enter the reception system (inflow), the speed at which they are processed and remain (through-put), and the speed at which they then exit the reception system following a decision on their application (outflow).

There are several ways to limit inflow within legal parameters. These may affect entry into the Member State, on the one hand, or the reception system itself, on the other. For example, information campaigns conducted in countries of origin may aim to dissuade asylum seekers from seeking entry to a particular Member State or the European Union in general. Reception admissions procedures may be slowed or accelerated for specific target groups, or qualifying criteria (regarding, for example, repeat applications, family reunification or personal means testing) tightened or relaxed.

In relation to through-put, investments in the capacity to process asylum claims can pay dividends in the overall costs of reception. Every employee recruited by asylum authorities can generate a range of savings in the provision of reception services. Speeding up procedures increases the through-put and reduces the need for additional reception places. In Belgium, for example, it was found that investments in speeding up and strengthening the asylum procedure had a direct impact on the number of places required.¹⁶

Another way to affect through-put is to set up fast-track procedures for claimants considered especially likely (or not) to be granted protection. However, focusing solely on the speed of through-put will not necessarily improve the process. A range of other variables affect overall performance, including legal and procedural provisions (accelerated procedures for faster status determination, safe countries of origin opening greater possibilities of return the provision of interpretation services and of counselling on voluntary return, and the use of automation and information sharing). Planning should always take into account how changes to one link in the chain will affect the others. For example, faster procedures in Austria led to an increase in family reunification claims which, counter to the intention of improving efficiency, in fact increased pressure on the reception system.

There must be a strong system for coordination across the asylum chain.

The management of outflow, meanwhile, can be improved in several ways. The adjudication of asylum claims represents the main business of the reception system, and asylum seekers waiting for decisions usually constitute the majority of the system's occupants. But sometimes a queue forms at the very end of the asylum chain of both recognised and rejected asylum seekers who cannot leave one Member State's reception accommodation because they have nowhere else to go. This is mostly due to a lack of effective policies and procedures facilitating the transition from reception to integration for recognised asylum seekers, or the removal and return of rejected ones. If such queues are allowed to become long, they constrain the overall performance of the reception organisation. At a certain point in time in Norway, around one-third of asylum seekers had been recognised, and one-third refused—meaning only around one-third belonged to the actual core business of the reception agency. In Ireland, 75 per cent of applicants were found to have lived in shelters for four years or more.¹⁷

There must be a strong system for coordination across the asylum chain. Supporting the integration of recognised refugees and subsidiary protection beneficiaries—primarily through coordination with local governments, aid organisations, and other stakeholders—is necessary to ensure that successful asylum seekers exit the reception system. To address unsuccessful applicants, coordination with the police and the development of programs on voluntary return (variously run in conjunction with the International Organization for Migration, nongovernmental organisations, or other contracted services) is an important corollary to outflow policy. In contexts where applicants move between centres depending on the stage of their claim, such as in Italy, a shortage of places in one centre can cause a backlog in others.¹⁸

In Italy, a new law requiring that decision-making be shared among national, regional, and local actors might have been feared for signalling a loss of autonomy for the national reception organisation, but in fact has reinforced communication across government levels and prefectures around the country, and resulted in bet-

16 It should be noted that one should carefully make one-to-one comparisons when it comes to gauging the benefits of adjusted asylum procedures. Speeding up the process and investing in processing was the one step among many taken by the Belgian government.

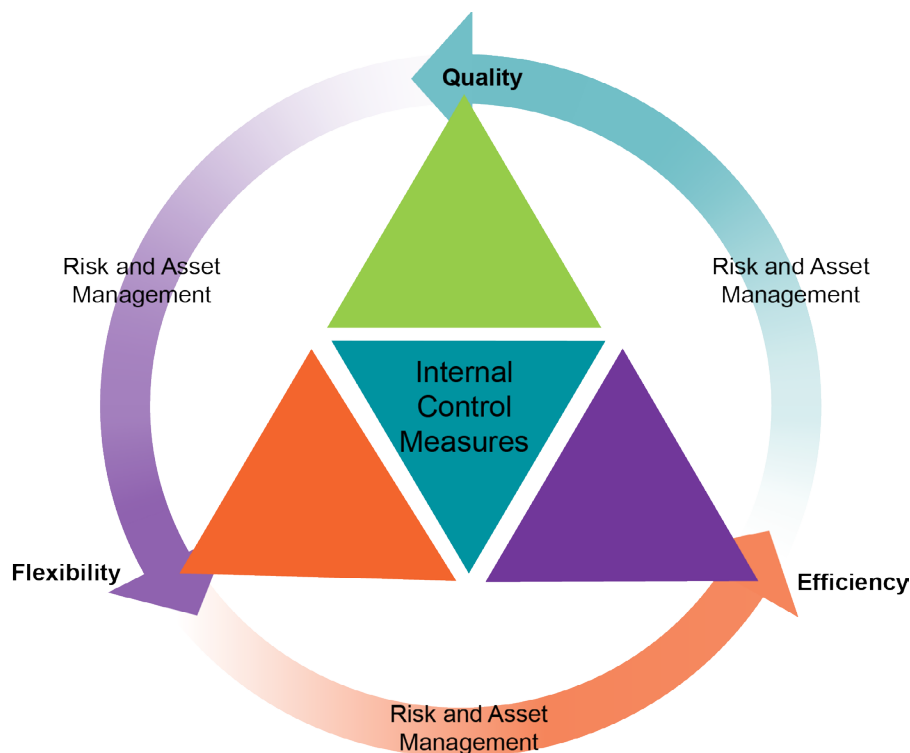
17 Numbers are estimates based on European Migration Network, *Synthesis Report: The Organisation of Reception Facilities for Asylum Seekers in Different Member States* (Brussels: European Commission, 2014), http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/emn_second_focussedstudy2013_organisation_of_reception_facilities_final_version_28feb2014.pdf; private correspondence, European Platform for Reception Organisations.

18 In recognition of this, Italy has increased the capacity of its second-tier 'SPRAR' reception facilities (with the latest tender it will have increased its 2012 capacity tenfold—from 3,000 to 30,000) to ensure the smooth through-put of asylum seekers transitioning from the first stage, thus increasing its capacity to accept new arrivals.

ter facilitated outflows from central to local reception facilities. A similar effect can be seen in Austria, where a ‘coordination council’ made up of authorities from local and national levels, as well as other stakeholders, meets regularly to exchange information on current and future capacity. Such mechanisms can also be useful in cultivating wider community and political support. In Rhineland-Palatinate, Germany, ‘task force’ meetings facilitate dialogue between industry representatives and community leaders, as well as authorities at federal and local levels.

In contrast, countries such as the United Kingdom and—more recently—Sweden operate systems in which local authorities are required by law to receive successful asylum seekers according to a quota system. The benefits of such an approach depend on the balance achieved, in practice, between the efficiency of automatic dispersal and the barriers to integration faced by asylum seekers arriving in potentially reluctant communities. External control measures must be addressed strategically; efforts to do so supplement internal control measures and asset management, and thus bolster the *flexibility-efficiency-quality* triangle from the inside (see Figure 3).

Figure 3. A holistic approach to both internal and external controls



Source: Author's rendering.

D. Challenges across national reception systems

Reception systems are complex. They are subject to changing political leadership and national conditions that shape budgets and restrict or empower capabilities, and they must contend with a range of stakeholders along the asylum chain. Looking at four interlinked areas can help us understand Member States' reception operations.

1. Managing the asylum chain

How a reception system is structured will in large part decide the particular challenges it faces in governing the asylum chain. The structure of a system, especially when decentralised, and the degree to which local and national actors collaborate, are key variables. Without the cooperation of local authorities, national reception organisations are likely to face obstacles to the outflow of asylum seekers from the reception system, or from one part of the reception system to another. Similarly, coordination with other actors in the chain—border agents, police, domestic and foreign policy actors—can leave reception agencies with little warning of, or ability to influence, inflows of asylum seekers.

The current period of high pressure has arguably increased motivation to develop greater cooperation across the asylum chain, but the same high pressure can make it difficult for Member States to find the time and resources to engage in longer-term strategizing. Local authorities, as representatives of the communities in which asylum seekers arrive and must ultimately be integrated, are key stakeholders whose cooperation the national reception authority must secure. An agreement in October 2015 between the Swedish ruling coalition and several opposition parties obliges local municipalities to accept a certain number of asylum seekers, using legal instruments to overcome resistance.¹⁹ This was similar to a UK Home Office decision to take over responsibility for asylum accommodation from local authorities, which followed intermittent local hostility to asylum seekers after major influxes from the former Yugoslavia in the 1990s.²⁰ The United Kingdom's decade-old '28-day rule', which guarantees outflow from the reception system for successful asylum seekers, also reflects an approach whereby the legal obligations of local authorities are clear and not subject to negotiation.²¹ The Italian response differed by legislating on co-decision-making between national, regional, and local levels of government, a step which has made local authorities partners in the distribution of asylum seekers, rather than (potentially reluctant) executors of national decisions.²² In Germany and Belgium, formal mechanisms for dialogue are largely lacking, but the crisis has prompted regular meetings to encourage information exchange. Such exchange goes a long way toward generating goodwill among national, regional, and local actors that has the potential to last beyond the current crisis.

The need for greater coordination, meanwhile, can prompt dialogue among previously disconnected actors. In Austria, border police take part in the daily coordination meetings of the reception organisation, allowing real-time updates of the situation at the border. But the efficacy of even daily communication has its limits: asylum seekers crossing the southern border of Germany and federal state Bavaria can spontaneously arrive in *länder* as far afield as Rhineland-Palatinate, in the east of the country, in a matter of hours. Where notification for relocation within the country provides sufficient warning to aid preparation, keeping up with spontaneous arrivals is more demanding.

This brings us to the critical importance of the information and data management tools and processes at the disposal of the reception agency. Such tools vary in sophistication and ambition. Their purpose can be split into two main categories: (1) monitoring and forecasting inflows, and (2) analysing asylum seeker and reception conditions within the system. Forecasting systems range from the sophisticated 'situation room' of the Swedish Migration Agency to the manual compilation of figures and statistical analysis seen in a number of Member States. While EU-level agencies such as Frontex provide relevant reports, there is clear scope for a more inte-

19 Aleksandra Eriksson, 'Sweden beset by anti-migrant arson attacks', *EU Observer*, 3 November 2015, <https://euobserver.com/beyond-brussels/130944>.

20 Alan Travis, 'How many refugees should Britain take?' *The Guardian*, 2 September 2015, www.theguardian.com/world/2015/sep/02/how-many-refugees-should-britain-take-middle-east-syria-migrants.

21 There are exceptions to the rule if the asylum seeker's household includes a dependent child. Until 2002, the rule was 21 days, which remains the timeframe for those who are unsuccessful in their applications. See UK Visas & Immigration, 'Ceasing asylum support instruction, Version 12', 9, accessed November 23, 2015, www.gov.uk/government/uploads/system/uploads/attachment_data/file/460419/Ceasing_asylum_support_v12.pdf.

22 Antonio Golini et al., *Rapporto sull'accoglienza di migranti e rifugiati in Italia: Aspetti, procedure, problem* (Rome: Italian Ministry of the Interior, 2015), www.asylumineurope.org/sites/default/files/resources/ministry_of_interior_report_on_reception_of_migrants_and_refugees_in_italy_october_2015.pdf.

grated approach to predicting and monitoring asylum seeker flows to and through the European Union, including greater data sharing between reception agencies.

At the same time, the automated processes that may speed the information sharing needed for accurate forecasts are not a panacea when it comes to analysing asylum conditions and reception. Here, qualitative data require a human eye. For example, the housing needs of asylum seekers, many of whom have specific accommodation needs, cannot always be easily categorised or coded.²³

As a side note, data on multiple elements of the asylum chain may be integrated in a manner that supports operations. For example, the Slovak Republic maintains a roster of citizens on standby to support reception efforts in the event of an emergency.

2. Ownership and control

The extent to which reception organisations retain or delegate the executive tasks required to source accommodation or provide basic services will shape their strategy. Not only is buffer capacity expensive, but public tendering and rigid hiring processes can limit the speed at which reception organisations implement measures in response to high pressure.

Political decisions taken without an assessment of the potential consequences for reception management ... challenge efficiency.

Equally, the ability of a reception system to react quickly depends on the degree of independent decision-making afforded it by government. Some reception authorities may, for instance, be required to wait for budget decisions to be approved, while others may seek approval in retrospect, having already carried out the measures deemed necessary to deal with an influx. Beyond budgets, reception organisations may also be required to present operational decisions to ministerial departments or special councils. Any wait time built into the system negatively impacts both the flexibility and efficiency of the reception response.

Political decisions taken without an assessment of the potential consequences for reception management also challenge efficiency. For example, politicians in several Member States have discussed the possibility of removing cash assistance for asylum seekers and instead providing support in kind. Such proposals passed to varying degrees in Belgium in 2007, the Netherlands, and now in Germany. However, Germany reached a compromise in which discretion was afforded to *länder* on whether to apply the controversial rule of removing cash assistance for asylum seekers, and instead providing assistance in kind (*Sachleistung*). Most *länder* opted against introducing the new rule. While on the one hand this represents a valid attempt to address a pull factor and therefore limit inflows into the reception system, on the other, the logistical difficulties in providing goods arguably make the reception system less efficient, as staff must be employed to purchase and distribute goods. The quality of reception in terms of rights afforded to the asylum seeker can be reduced by limits placed on their economic autonomy.

The use of contractors also plays a major role in determining the extent and nature of a reception organisation's control over the service provided. A competitive tendering process can bring in bids from experienced providers

²³ For instance, an automated system may show that a collective reception centre with a capacity of 500 currently has 485 occupants, leaving 15 vacancies. However, the centre might still be at running at full capacity as a result of special circumstances, for example requiring torture victims to be housed individually or in specialist units, single women being housed apart from men, and families with children being given their own space.

that offer high value for money. These providers can then be required to implement measures to meet fluctuating demand, releasing the reception organisation from day-to-day responsibility and increasing both its flexibility and sustainability through the ‘outsourcing’ of the need to upscale and downscale. Such systems work with predominantly private providers in Austria and the United Kingdom, and largely third-sector providers in Spain.²⁴ However, the benefits of flexibility and efficiency can be tempered by the risk of reduced control over the quality of provision. Though the UK Home Office signed new contracts with private providers in 2012, when the National Audit Office—the national body responsible for scrutinising the public tendering procedure—produced its 2014 report, two key providers (G4S and Serco) were found to be failing to meet performance targets relating to accommodation standards.²⁵

Measures can be taken to compel providers to remedy such deficiencies, such as through regular reporting requirements, financial penalties, and external inspections. However, the caveat remains that private contractors are also not immune from shortages in surplus places for accommodation or human resources, and the measures they take to cope with increased demand reflect directly on the contracting reception authority. The housing of asylum seekers in nonconventional venues such as hotels in the United Kingdom, for instance, has provoked public criticism,²⁶ even as overcrowded reception centres in Austria received the censure of nongovernmental organisations (NGOs).²⁷

In sum, special measures may not only undermine overall system quality but also prove financially untenable. This may explain the lack of hybrid systems that combine centralised ownership with flexible private contracts. Low returns have seen private providers exit service provision in Germany and incur significant losses in the United Kingdom.²⁸

The way in which a Member State is able to cope with high pressure is a mark of its flexibility, with consequences for other EU Member States.

3. Flexibility, ‘buffer’ resources, and contingency planning

Further differences can be observed in how reception systems prepare for high-pressure periods, how they define the onset of an ‘emergency’ or ‘crisis’, and whether special mechanisms follow such a declaration. The way in which a Member State is able to cope with high pressure is a mark of its flexibility, with consequences for other EU Member States. As has been noted, asylum seekers who find little prospect of adequate reception in one country are likely to move on to another. This is illustrated well in the current crisis: a small number of Member States with significant built-in capacity have seen pressure increase exponentially, while applications to Member States with limited capacity have fallen.

Emergency response mechanisms seek to address a wide range of crises. Such mechanisms are typically attached to flexible budgets and access to civil-protection mechanisms. The extent to which they are applicable to

24 European Migration Network, *The Organisation of Reception Facilities for Asylum Seekers in Different Member States—Spain* (Brussels: European Commission, 2013), http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/25.spain_national_report_receptionfacilities_en_version_dec2013_final.pdf.

25 Referred to in official documents as ‘Key Performance Indicators’; see Amyas Morse, *COMPASS contracts for the provision of accommodation for asylum seekers* (London: National Audit Office, 2014), www.nao.org.uk/wp-content/uploads/2014/01/10287-001-accommodation-for-asylum-seekers-Book.pdf.

26 Chris Ballinger, ‘Crawley hotel being used to home up to 140 asylum seekers until new year’, *Crawley News*, 15 October 2015, www.crawleynews.co.uk/Crawley-hotel-used-home-140-migrants/story-27990734-detail/story.html.

27 Denise Hruby, ‘Austria held thousands of refugees in a squalid camp’, *USA Today*, 12 October 2015, www.usatoday.com/story/news/world/2015/10/12/austria-migrants-global-post/73806236/.

28 Gill Plimmer, ‘Serco foots the bill for “win at all costs” public sector contracts’, *Financial Times*, 5 March, 2015, www.ft.com/cms/s/0/8ed1f97e-b040-11e4-a2cc-00144feab7de.html#slide0.

situations of mass displacement varies. In Italy, a formal declaration of emergency followed the Arab Spring, as applications for asylum grew fourfold between 2010 and 2011.²⁹ Yet the even-greater number of arrivals in 2014 and 2015 prompted no such declaration, with authorities proving reluctant to proclaim a prolonged period of emergency.

Emergency measures are useful, nevertheless; they allow reception agencies to access the initial resources necessary to respond to situations of mass influx, and put in place measures to cope in the longer term, for example, by kick-starting buffer mechanisms. Buffer mechanisms, in turn, vary in rigidity, from real beds kept empty—either across multiple reception facilities or in dedicated ‘buffer centres’—to flexible budgets and standby agreements with providers that typically hold spare capacity, such as tourist accommodations in the off-season. However, money does not guarantee a supply of places, nor access to reliable suppliers of contingency goods. Belgium’s earmarked budget for 5,000 extra places via public tendering at first failed to yield offers of sufficient beds from private providers, although now the market is growing and responding more swiftly.

In recent years, Belgium has maintained a buffer capacity of around 2,500 spaces in anticipation of acute high pressure. If a crisis adds 500 more people per month to the reception system beyond the number that are leaving it,³⁰ such a buffer would be useful for a period of about five months. Arguably, these five months would provide ample time for the reception agency to respond and source additional places using other techniques. The reality, however, is that since August 2015 Belgium has faced a positive influx of around 950 persons a week, and the buffer capacity that should have lasted until November was used up by the end of August. Thus, when preparing for unpredictable crises, the key is not simply to have enough spaces in reserve—this may in fact be impossible (and unaffordable) if the crisis is of the record proportions seen in 2015—but to have sufficient leeway to launch a set of strategic responses.

Emergency measures...allow reception agencies to access the initial resources necessary to respond to situations of mass influx, and put in place measures to cope in the longer term.

Other relevant strategies centre on human capital: recruiting additional staff, requesting existing staff to work overtime, and deploying staff to roles in the field that may differ radically from their usual day-to-day tasks. All three approaches have been used in varying degrees in Sweden and Germany, among other Member States. The ability to hire asylum-processing staff can be especially useful in a crisis, to process pending applications. Building such a strategy in advance helps to ensure the quality of operations. The use of untrained staff—seen in a number of Member States struggling to respond to the crisis—may result in unreliable decision-making that can prolong legal processes through appeal procedures, thereby undermining the potential benefits of recruitment. Many reception organisations overcome this by training staff in multiple functions, so as to create a flexible internal workforce.

4. Measures of ‘success’

The extent to which an organisation manages to preserve and protect its assets (and thus to prepare for unforeseen demand) on the one hand, and to guarantee the rights of the person entitled (and therefore comply with the European Directives) on the other, will indicate the extent to which that organisation has developed a successful management strategy that addresses the three points of the ‘reception triangle’: *flexibility*, *efficiency*, and *quality*.

²⁹ There were 40,355 applications for asylum in 2011, compared to 10,050 the previous year; Eurostat, ‘Asylum and new asylum applicants—annual aggregated data’, accessed 2 November 2015, <http://ec.europa.eu/eurostat/tgm/table.do?tab=table&init=1&language=en&pcode=tps00191&plugin=1>.

³⁰ This was more or less the case in mid-2015.

To accomplish this, the accumulated knowledge and expertise of the organisation must be preserved. These centre on the reception system's core processes and do not accumulate vertically, but cut cross the organisation. Finances, human resources, and data and stakeholder management are critical to ensure a flexible, efficient, and high-quality care network. They should also be flexible, efficient, and high-quality in themselves.

Yet meeting the points of the reception triangle depends on a variety of context-specific factors. As an example, the optimal occupancy rate measures the point at which the number of beds occupied fulfils the operational costs budgeted to them without further investment or the wastage of surplus places, while meeting expected quality standards, such as avoiding overcrowding. The measure of success lies in the reception organisation's ability to maintain the optimal rate at times of both low and high pressure. When capacity drops by 40 per cent and the cost drops by only 10 per cent, it can be concluded that the organisation has not yet found balance. In contrast, a balanced approach would be to adjust the budget in line with the number of beds occupied, while maintaining the capacity to efficiently increase the number again when required.

Member States with optimal occupancy rates of 100 per cent, such as Latvia and Romania, tend to have a fixed workforce and a fixed number of beds. This means that the best value for money is achieved when all beds are full. At the other end of the spectrum, the United Kingdom can be said to have an optimal occupancy rate of 0 per cent. This is because demand-led contracts with private providers—whose rates are flexible, per asylum seeker—means that the reception organisation (in this case, the UK Home Office) pays only for the number of beds it uses.³¹ Other Member States sit in different places along this spectrum and can mark the point at which a reception system is considered at full occupancy, such that no more spaces can be provided without additional investment (94 per cent, Belgium), or the point identified by authorities at which capacity will be adjusted because per bed costs become unacceptably high (<70 per cent, Finland).³²

III. THE EUROPEAN PERSPECTIVE

Since the Tampere Conclusions in 1999,³³ there has been increasing focus on the CEAS and its operation. At first this was limited to the construction of a unified European legal base. The idea was that once a common set of rules was established, operations would follow quickly. It is clear, however, that significant differences between Member State asylum systems persist. The objective of common legal standards and a collective approach has been strained by challenges in the European Court of Human Rights, which halted transfers to the Greek reception system³⁴ and demanded that the applications of certain vulnerable asylum seekers be reviewed on an individual basis.³⁵ Meanwhile, a number of Member States maintain minimal reception capacity, limiting

31 In reality costs are not zero as the Home Office must meet overhead costs, not least the costs of administering the contracts, irrespective of the occupancy rates.

32 Private communication with the author by EPRA, November 2015.

33 The Tampere European Council 15 and 16 October 1999 Presidency Conclusions, or 'Tampere Conclusions' set out four areas in which to pursue a common EU asylum and migration policy: (1) Partnership with countries of origin; (2) a Common European Asylum System; (3) fair treatment of third-country nationals; and (4) management of migration flows. See European Parliament, 'Tampere European Council 15 and 16 October 1999, Presidency Conclusions', accessed 26 January 2016, www.europarl.europa.eu/summits/tam_en.htm.

34 In *MSS v. Belgium* and the joint cases *N.S v. Secretary of State for the Home Department* (United Kingdom) and *M.E. and Others v. Refugee and Applications Commissioner and Minister for Justice, Equality and Law Reform* (Ireland) the European Court of Human Rights found that the transfer of asylum seekers to Greece 'put [the asylum seeker] at risk of inhumane and degrading treatment', and thus constituted a violation of Article 3 of the European Convention on Human Rights. The full judgments are available at [http://hudoc.echr.coe.int/eng?i=001-148070#{"itemid":\["001-148070"\]}](http://hudoc.echr.coe.int/eng?i=001-148070#{) and <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62010CJ0411>

35 In the *Tarakhel v. Switzerland* case, 'the court set out an unprecedented requirement that sending state authorities . . . obtain an individual guarantee from a receiving Member State that an applicant's basic rights and needs would be met . . .' See Madeline Garlick and Susan Fratzke, 'EU Dublin Asylum System Faces Uncertain Future after Ruling in Afghan Family's Case', *Migration Information Source*, 15 April 2015, www.migrationpolicy.org/article/eu-dublin-asylum-system-faces-uncertain-

their ability to participate in any solidarity mechanism.

The CEAS has been complemented by the development of other instruments designed to help countries conform to their *acquis* obligations, which include an early warning system in the Dublin Regulation, reforms in 2013 to increase convergence in EU asylum laws³⁶ and various EU funds, and special support provided to requesting states under the coordination of EASO. The special support plans (SSPs) for Italy, Greece, Bulgaria, and Cyprus have employed expertise from other Member States to help the requesting states reinforce their capacities. EASO has also overseen joint-processing pilot projects involving several Member States.³⁷ Member States have another European asset available for their use: A common training programme for staff across the asylum and reception chain, drawing from a potent repository of common knowledge and skills. These elements can be called upon in times of crisis and potentially yield a positive impact on EU-wide responses to asylum and reception challenges.³⁸

An effective mechanism for coordinating the response of reception organisations is notably absent.

The European Network of Asylum Reception Organisations (ENARO) supports exchanges, job shadowing, and informational meetings for the staff of 20 reception organisations drawn from EU Member States, plus Norway and Serbia. The Common Support Initiative (CSI) facilitates dialogue on assisted voluntary return,³⁹ and is buttressed by the thematically related European Reintegration Instrument Network (ERIN).⁴⁰ Both platforms seek to improve the capabilities of reception agencies in facilitating outflow while providing assurances of quality and humane treatment. In 2011, several Member States took the initiative to establish the European Platform for Reception Agencies (EPRA),⁴¹ a network of senior managers in 16 countries; members share information and examples of good practice and collectively address European institutions such as EASO.

Despite these promising signs, however, an effective mechanism for coordinating the *response* of reception organisations is notably absent. This is a shortcoming cast in particularly harsh light by the current crisis. In practice this means that agencies on a national level react to asylum-seeker flows in isolation, while EU agencies

[future-after-ruling-afghan-family%E2%80%99s-case](http://www.asylumlawdatabase.eu/sites/www.asylumlawdatabase.eu/files/aldfiles/CASE%20OF%20TARAKHEL%20v.%20SWITZERLAND.pdf). See European Court of Human Rights, Grand Chamber, 'Final Judgement in Case of Tarakhel v. Switzerland, Application no. 29217/12', 4 November 2014, www.asylumlawdatabase.eu/sites/www.asylumlawdatabase.eu/files/aldfiles/CASE%20OF%20TARAKHEL%20v.%20SWITZERLAND.pdf.

36 Since the Tampere Conclusions, the European Union has been pursuing legislation in a wide range of asylum-related areas. Examples include the Asylum Procedures Directive, Reception Conditions Directive, Qualification Directive, Dublin Regulation, and EURODAC regulation. See European Commission, Migration and Home Affairs, 'Common European Asylum System', accessed 26 January 2016, http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/asylum/index_en.htm.

37 For example, initiatives around the joint registration of asylum applications, pooling of interpreters, etc. See European Asylum Support Office (EASO), *EASO work programme 2016* (Valletta, Malta: EASO, 2015), <https://easo.europa.eu/wp-content/uploads/EASO-WP-2016.pdf>.

38 Ibid.

39 The Common Support Initiative (CSI) is an expert network on assisted voluntary return (AVR) that meets four times a year to promote information exchange and operational cooperation among members drawn from Belgium, Finland, France, Germany, Luxembourg, the Netherlands, Norway, Switzerland, and the United Kingdom; Belgian Federal Agency for the Reception of Asylum Seekers (Fedasil), 'Fedasil, the EU and return', accessed 26 January 2016, <http://fedasil.be/en/content/fedasil-eu-and-return>.

40 The European Reintegration Instrument Network (ERIN) is a network for the combined public tendering of reintegration programs after voluntary return; German Federal Office for Migration and Refugees, 'ERIN project', last updated 13 March 2015, www.bamf.de/EN/Rueckkehrfoerderung/ProjektERIN/projekt_erin-node.html. Members come from Belgium, Germany, Finland, France, Norway, the Netherlands, and the United Kingdom. ERIN receives cofinancing from the European Return Fund.

41 EPRA is a platform for the senior management level of reception organisations; Fedasil, 'EPRA', accessed 26 January 2016, <http://fedasil.be/en/EPRA>. Members meet four times a year to discuss various aspects of asylum reception management, including quality, flexibility, chain management, and the reception of target groups with special needs. Its current membership is drawn from Austria, Belgium, Finland, France, Germany, Ireland, Latvia, the Netherlands, Norway, Poland, Romania, Spain, Sweden, and the United Kingdom. Malta has observer status.

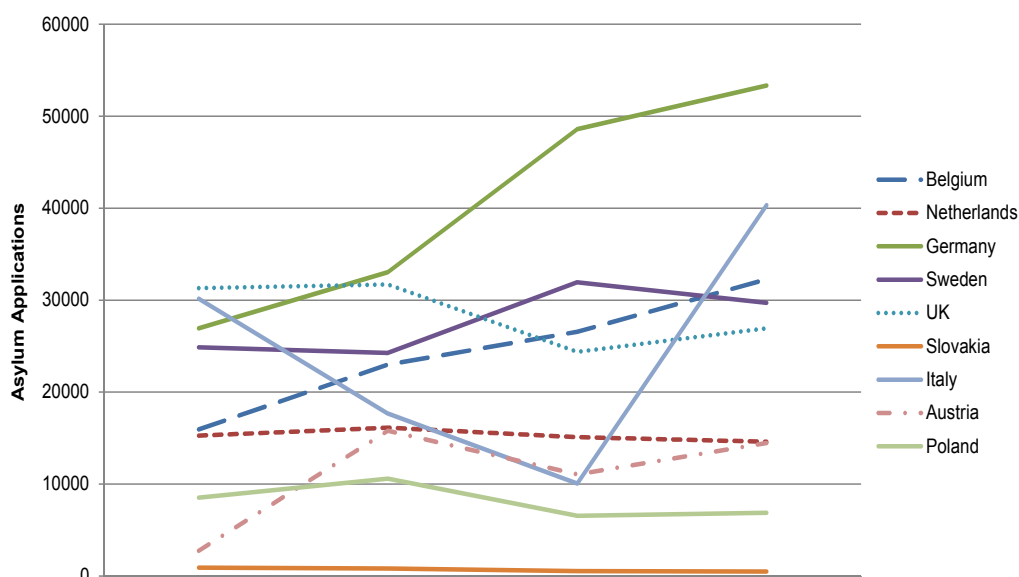
and tools are deployed largely in response to national, rather than European, needs. The absence of coordination is itself symptomatic of a wider lack of understanding of exactly how national reception systems converge and diverge.

A. The case for European cooperation

Well-developed national measures are arguably sufficient to deal with national asylum flows during periods characterised by lower pressure and greater predictability. However, periods of high pressure expose the disparities and inefficiencies of a European system in which cooperation in the field of reception management remains embryonic. Migrant routes regularly change, and Member States that have typically seen few arrivals may be faced with unexpected high pressure and have to make significant investments to scale up capacity. Meanwhile, Member States accustomed to high numbers of asylum seekers might have to scale down their capacity in response to a decrease in arrivals, especially to reduce costs.

Looking at the period 2008-11, when asylum applications to the European Union as a whole remained fairly steady, the year-on-year increases and decreases in national asylum applications demonstrate the volatility faced by individual Member States (see Figure 4). For instance, applications to Sweden increased by roughly 30 per cent between 2009 and 2010, while Poland and Slovakia adjusted to decreases of a similar size.

Figure 4. Asylum applications to selected EU Member States, 2008-11



Sources: Data except for UK 2008 from Eurostat, 'Asylum and new asylum applicants—annual aggregated data', <http://ec.europa.eu/eurostat/tgm/table.do?tab=table&init=1&language=en&pcode=tps00191&plugin=1>; UK 2008 data from UK Home Office, 'Control of Immigration, Statistics 2009', www.gov.uk/government/uploads/system/uploads/attachment_data/file/116016/hosb1510.pdf.

Although recent times have seen increases across nearly all EU Member States, national figures are just as erratic: in 2014 the United Kingdom and Belgium addressed relatively small increases of 7 per cent and 8 per cent respectively, while five Member States saw increases in excess of 50 per cent.

The case for EU-wide cooperation becomes even stronger when considering states that are geographically proximate. In the 2009-12 period, significant increases in asylum-seeker numbers in Belgium ran alongside a major decrease—and the downsizing of operations—in the Netherlands. Perhaps most striking, 2014 saw asy-

lum seekers in Austria increase by 60 per cent, and drop by 25 per cent in neighbouring Slovakia—producing a dramatic disparity in absolute terms. While Slovakia has processed under 20 applications in most months of 2015, Austria has faced over 250 per day.

The inherently transnational nature of asylum-seeker and other migrant flows demands dynamic, transnational information tools.

The problematic effects of this disparity are evident. While the Netherlands reduced its capacity in the period 2008-12 in response to a fall in numbers, on the other side of the border, Belgium increased its capacity in response to a rise—and 13,000 people still ended up living on the street. More recently, in a reversal, Belgium closed capacity until mid-2015, while the Netherlands expanded. While such shifts in investment levels may have a national logic, from the wider European perspective they make little sense.

Table 1. Changes to reception budgets, Belgium and the Netherlands, 2009-12

Year	Belgium		Netherlands	
	Budget (millions EUR)	% change on previous year	Budget (millions EUR)	% change on previous year
2009	247	4	495	8
2010	322	30	464	-6
2011	347	8	457	-2
2012	389	12	383	-16

Source: Belgian Federal Agency for the Reception of Asylum Seekers (Fedasil), 'Budget', accessed 2 November 2015, <http://fedasil.be/nl/inhoud/budget>; European Migration Network, *The Organisation of Reception Facilities for Asylum Seekers in Different Member States: The Netherlands* (Brussels: European Commission, 2013), http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/emn-studies/19.netherlands_national_report_reception_facilities_final_en.pdf.

Other efficiency gains on the European level could be made by streamlining data collection (cutting both duplication and confusion) and developing more sophisticated early-warning mechanisms. Here there is a clear case for Member States to exercise their comparative advantage in order to produce a global public good: an open database.⁴² This would see Member States sharing fragmented information on the nature and number of asylum flows—as well as their effect on reception capacities—in order to build a more complete and true-to-life picture of the situation at the EU level. The inherently transnational nature of asylum-seeker and other migrant flows demands dynamic, transnational information tools to replace the static, descriptive statistical analysis now prevalent. When integrated with reception data, the overcapacity of reception centres in one area might trigger a warning to analysts in neighbouring states, who could then factor this into their predictions and plans.

In sum, collaboration across the European Union would strengthen all the mechanisms—both internal and external—needed to calibrate effective reception. EU-level directives explicitly make Member States responsible for reception and asylum. Meanwhile, the decisions of each state have ripple effects across the union. Facilitation at the European level is critical to strengthen and support national measures, and to ensure efficiency across states.

⁴² For an analysis of the applicability of the public goods framework to the EU asylum regime (before the 2015 migration and refugee crisis), see Eiko Thielemann and Carolyne Armstrong, 'Understanding European Asylum Cooperation under the Schengen/Dublin System: A Public Goods Framework', *European Security* 22 (2): 148–64.

B. Toward greater solidarity: Recommendations to strengthen reception capacity EU-wide

The state of play in Europe highlights the necessity of more structured collaboration. The question, then, is why integrated approaches have not been undertaken. The lack of trust among Member States is a crucial obstacle, highlighted in recent times by the European Court cases of *MSS vs. Belgium*⁴³ and *Tarakhel vs. Switzerland*,⁴⁴ based on which transfers under the Dublin system for allocating asylum seekers were suspended because of shortcomings in the asylum and reception conditions in certain Member States. The sheer number of new arrivals in recent years has compounded the problems of an already compromised system.⁴⁵ It is clear that a number of the differences in the material conditions in reception centres around the European Union are seen, at least by some, as a failure to apply agreed rules. When reception standards are below minimum standards, new arrivals are not registered correctly, or rates of recognition vary significantly and without justification, then the basic trust and solidarity between Member States can be undermined.⁴⁶

A functional solidarity depends on mutual trust. Developing this will be a process that, ideally, sees the bottom-up initiatives of Member States and subnational actors mirrored by the structural facilitation and coordination capacity at EU level. The next paragraphs attempt to go deeper into this.

1. Invest in bilateral cooperation

Managing reception capacity poses major challenges. Sufficient internal control systems must be developed to ensure adequate quality, efficiency, and flexibility in a volatile environment. While volatility on a national level appears all but inevitable, greater European cooperation holds promise for more stability.⁴⁷ Existing programs for relocation and resettlement, and programs to be developed around the pooling of resources and the sharing of capacity, can ensure that at times when pressure lessens (and there is a surplus of places), Member States might be encouraged to maintain their reception capacity. Instead of downsizing, they might increase relocation and resettlement quotas or otherwise relieve the pressure on Member States with a deficit of places.⁴⁸

Outsourcing reception needs in this way could even create income, for instance, from European funds for resettlement or relocation, or revenue drawn from ‘renting’ facilities to other Member States. By playing an active role in these programmes, and making them a structural part of national coping mechanisms, the reception agency protects its flexibility (more places remain available), quality (skills, knowledge, and expertise are retained and further developed), and efficiency (the net cost of the agency falls in line with declining need). In times of rising need, the system works in reverse. Targets could be lowered in anticipation of better times, capacity could be rented, and the outflow could be improved by appealing to European solidarity through resettlement programmes. This is a win-win situation for all countries concerned, whether encountering low or high pressure. In this way, reception can also evolve from a problem to an (economic) opportunity.

43 European Court of Human Rights, *M.S.S v. Belgium and Greece [GC]*, Application No. 30696/09 (2011), www.asylumlawdatabase.eu/en/content/ecthr-mss-v-belgium-and-greece-gc-application-no-3069609.

44 European Court of Human Rights, *Tarakhel v. Switzerland*, Application No. 29217/12 (2014), www.asylumlawdatabase.eu/en/content/ecthr-mss-v-belgium-and-greece-gc-application-no-3069609.

45 Susan Fratzke, *Not Adding Up: The Fading Promise of Europe’s Dublin System* (Brussels: Migration Policy Institute Europe, 2015), www.migrationpolicy.org/research/not-adding-fading-promise-europes-dublin-system.

46 Madeline Garlick, *Strengthening Refugee Protection and Meeting Challenges: The European Union’s Next Steps on Asylum* (Brussels: Migration Policy Institute Europe, 2014), www.migrationpolicy.org/research/strengthening-refugee-protection-and-meeting-challenges-european-unions-next-steps-asylum.

47 A similar suggestion is made by UNHCR, ‘Asylum and international protection in the EU: the next five years?’ (press release, 16 May 2014), www.unhcr.org/5384a2cb9.pdf.

48 These quotas could be determined from a multiyear perspective, which would make it possible for Member States to vary their annual quotas.

Such collaboration has the added benefit of reducing the costs of preparedness. With the assurance that reception places across borders can be drawn upon in times of high pressure, overhead can be diminished without losing flexibility. In a way, something akin to a mutual insurance scheme is created on a European level as Member States know that they will be called upon to provide roughly the same capacity, whichever route asylum seekers choose—and can count on the support of others, should they come under pressure in the future. This system can start as a part of bilateral agreements, but can develop further towards an EU-wide distribution scheme of reception places where efforts are being shared on an EU basis.

The potential of such collaboration depends on a number of competing factors, and the obstacles are both political and practical. Namely, how do stakeholders build national trust in collaborative practices? How can asylum seekers be convinced to take part? How can a global EU-wide reception goal be imposed when overall numbers are going up?

Collaboration between Austria and Slovakia in 2015 is a case in point. Once legal issues were addressed and the day-to-day running of the centres managed, the disparity in health care between the two systems remained a question.⁴⁹ Even so, demand outstripped supply: a 500-strong Slovakian reception centre is considered full, with 485 Syrians resident in Slovakia but seeking asylum in Austria. This kind of cooperation is not unprecedented. In 2010, Belgium and the Netherlands agreed on shared responsibility for 500 Belgian inmates in the Dutch prison of Tilburg. On the subnational level, more densely populated *länder* in Germany and in city-states such as Hamburg and Berlin occasionally seek support for reception from neighbouring *länder*.

Even as nations respond reactively—and too often alone—to the pressure on their reception systems, mechanisms of collective response exist.

The challenge may be therefore to establish wider collaborative mechanisms that allow countries to better manage their asylum flows in the longer term. Several reports⁵⁰ investigating the possibility of quotas, allocation keys, and other mechanisms for distributing asylum seekers gained little traction until the European Union's development of a relocation mechanism in response to the 2015 refugee crisis.⁵¹ But it is questionable whether such a mechanism can work sustainably at the scale required without real coordination and political buy-in at all levels of the asylum system. In this context, 'bottom-up' efforts in which neighbouring Member States delineate clear mutual benefits can be an effective way to build the technical and political capital needed to upscale collaboration to the level where it should be.

2. Create a more effective coordination capacity at EU level

Even as nations respond reactively—and too often alone—to the pressure on their reception systems, mechanisms of collective response exist. As this report demonstrates, there are tools available to support collective responses to reception challenges, and considerable openness to greater cooperation on the part of numerous Member States and their reception authorities. However, these tools and possibilities are not sufficiently utilised at present, such that many Member States feel they must struggle to respond alone and with immediate short-term measures only when pressure on their reception capacity grows.

49 Austria permits asylum seekers to access its mainstream health-care services, while Slovakia restricts asylum seekers to only specialist services that are at times perceived to be of lesser quality.

50 Eiko Thielemann, 'The Future of the Common European Asylum System,' *European Policy Analysis* 1 (February 2008), <http://personal.lse.ac.uk/thielema/Papers-PDF/Sieps-2008.pdf>; Hillel Rapoport and Jesús Fernández-Huertas Moraga, 'Tradable Refugee-Admission Quotas: A Policy Proposal to Reform the EU Asylum Policy' (Research Paper No. RSCAS 101, Robert Schuman Centre for Advanced Studies, Fiesole, Italy, 2014).

51 European Commission, 'Refugee crisis: European Commission takes decisive action' (press release, 9 September 2015), http://europa.eu/rapid/press-release_IP-15-5596_en.htm.

One reason why EU tools may be underutilised could be their perceived lack of operational effectiveness, adaptability, or suitability to specific national situations. Their limited scale may also constrain utility. The example of Asylum Support Teams (AST), for which insufficient experts are often made available, serves to illustrate the challenge. AST effectiveness can also be undermined by lack of political buy-in in the receiving country and (mis-)alignment with other initiatives. Furthermore, it is not clear to what extent the deployment of such teams is aligned with other activities towards these receiving countries, for example Frontex activities, the priorities in AMIF and other funds, or even the large-scale interventions of UNHCR and humanitarian NGOs in providing emergency shelter for the thousands of arriving migrants.

The possibility of misalignment between decisions of the European Council and AMIF priorities, as well as the mandate of EASO, and the lack of a common approach to hotspots in Greece and Italy, among other problems, are symptomatic of a CEAS that holds promise but is very much a work in progress. If Europe is to tackle the challenges of migration and asylum effectively, it must invest in a more deepened collaboration.

Different actors at national and EU level—including Member States’ authorities at different governmental levels, EASO, the Commission and particularly its funding mechanisms—all have important roles to play. However, there would appear to be in many cases a lack of structures to ensure clear coordination of their efforts, creating the risk of duplication, gaps, and insufficiently targeted support arrangements overall.

EU asylum policy can be seen as a fleet of vessels with varying interests, speeds, and sizes. At the moment different pilot programmes or initiatives are being taken within the European Union—bilateral talks between countries, special support plans, resettlement, relocation, pilots on joint processing, and the creation of hotspots, among them. What could be bettered is an integration of all these elements, and their transposition to the political level, so that pilots, road maps, and support plans are integrated in one holistic approach that can be broken down into targeted, pinpointed national roadmaps.

The creation of coordination and leadership capacity at EU level—either in the form of an individual role, as a ‘high representative for migration’—or a collective coordinating structure, comprising representatives of different states and entities, could help address this challenge. Such a coordinating structure could be mandated and empowered to consult, but also lead on design of appropriate measures to address a given situation of need, and then call all of the necessary actors and resources in to put the measures into effect. Such an arrangement could serve, for example, to overcome differences and confusion around the key priorities for hotspots, particular AST deployments, or funding needs. It could then aim to articulate the resource needs and involve all those with the requisite authority and expertise to address a problem, and facilitate a unified approach and action to short- and longer-term needs. This coordination structure could define a common direction for a range of EU asylum and migration tools and interventions, and muster the political buy-in to ensure that goals are reached.

This coordination can, as its second core task, also function as an ‘elevator’. Its objective would be to translate political priorities to the various actors involved in a coordinated manner, and then channel this into a single action plan in the field. The elevator then gets feedback from the field, helping the coordinator to adjust its consolidated action plan. This would allow the coordinator to give the necessary input to the political level, thus helping them to take the necessary, technically sound decisions. There are several ways in which this could work.

Scaling up pilot projects on cooperation. Numerous elements can be put into place to make pilots and chosen policies (such as hotspots, among others) more structured, to provide financing, and to share good practices. EASO can play an important role by supporting Member States under pressure by incubating pilot projects, as well as usual activities such as capacity building. Specifically, bilateral cooperation might be encouraged for the mutual benefit of neighbouring Member States, especially where high pressure has spurred lateral thinking on the issue: Austria-Slovakia cooperation is a good example. A history of friendly UK-Ireland and Spain-Portugal communication on a sub-EU level might also prove promising. Special support plans can be framed with activities undertaken by Frontex, AMIF, or others. In specific cases, for example the Greek Islands, activities to create big-scale emergency shelter by UNHCR/Médecins Sans Frontières (MSF), can be integrated in one holistic approach and timeframe.

Transnational data management. Useful tools include globalised data management and trend analysis. Migration constitutes a European (and global) policy challenge, so it is logical to organise the analysis of migration figures and trends at the European, rather than solely national, level. It is also important to make these trends and data readily available to all Member States.

Strategic use of EU funding instruments. AMIF could improve the management of the asylum and reception chain. AMIF explicitly provides for investments in training, the development of information technology platforms, European exchanges, and targeted collaborative projects. It therefore seems appropriate that these resources initially would be used for strengthening the national strategies and management systems that should allow countries to be prepared for, or respond to, an increased inflow. As AMIF is allocated for a period of seven years, Member States might also be permitted to build reserves that should allow them to make increased investments in times of higher need. These higher investments could focus on both national internal measures (such as creating additional capacity and strengthening management systems for reception) and external measures (such as reinforcing the capabilities of asylum authorities to process applications more quickly).

Coordination of EU platforms for dialogue. It is crucial to support networks of good practices and practical cooperation to further stimulate transnational cooperation. Practical collaboration that exists in the field today involves networks established through national initiatives, for example, EPRA and CSI. It is worth exploring how their objectives might be explicitly aligned to a common European vision. For the exchange of good practices, further innovation, and the creation of trust, informal networks of professionals must be incubated through joint events and mobility schemes between Member States.

3. Developing a holistic approach in (national) roadmaps

It is worth reflecting how a bottom-up approach, and more effective coordination, might lead to more solidarity at the European level. Lack of time to develop adequate responses is one of the most important challenges faced by Member States under pressure. The solution on offer to struggling Member States is the possibility to develop an SSP, then EASO helps build capacity, and emergency funding is released from AMIF for whichever ad hoc measures the Member State deems appropriate.

But as mentioned above, a more holistic viewpoint would shift the focus to tackling causes (high numbers of asylum seekers) rather than their consequence (overburdened systems) by attempting to reduce the temporary pressure felt by certain Member States. Could a more global approach, with clear checks and balances, boost the confidence of EU members—and pave the way for greater trust in further collaboration?

A number of tools can be deployed to relieve the high pressure on a given Member State.

The European Commission, and as mentioned above a coordination office, would do well to develop a national road map, that combines the different aspects of the EU response mechanisms, for national reception systems in crisis. This would outline objectives, a timeframe for their attainment, possible sanctions for noncompliance, and the manner in which pressure on the Member States will temporarily be relieved, as well as the financial resources that will be liberated as a result. By stating clearly the mutual benefits of an EU solidarity mechanism—namely, support and relief in addressing temporarily high pressure in the affected Member State, and assurances within a specific timeframe of compliance with EU legislation for other Member States—a win-win can be created and all stakeholders might be persuaded to cooperate. By letting the coordination play its role as ‘elevator’ Member States can be persuaded to participate since the success rate will be higher as a result of resources being combined and aligned, and because a clear reporting mechanism towards the political level on the basis of transparent goals is being created.

A number of tools can be deployed to relieve the high pressure on a given Member State. In a best-case scenario, these tools will have already been tested at the pilot stage in bilateral operations (or will, in the light of a specific situation, be demanded by the coordination office to be tested bilaterally or via an exchange platform), and might range from pooling reception places (or broader forms of capacity sharing) to developing a relocation mechanism or a halt in Dublin transfers. Not all measures might have a huge impact, but their deployment could be used to test elements of distribution. A distribution key, used on a small scale to assist a certain country, may be a first step toward a more structural solution (consider the hotspots initiative). EASO, AMIF, and other cooperative platforms such as EPRA can play an important role in scaling bilateral initiatives to the multilateral level. As they develop, data management (coordinated by EASO) and shared early-warning systems could also be incorporated.

These national action plans could imply a combination of different balanced actions where emergency shelter is being built with UNHCR/MSF, while at the same time local capacity is being built up via AMIF emergency funding and with support from the AST; where Dublin is stopped and large-scale relocation is started, but at the same time borders are being reinforced, identification is being done, and the local asylum instances are being strengthened; where hotspots are being raised at a much larger and more coordinated scale; where the EU coordination office discusses holistic plans with a clear mandate with local authorities and can deploy and coordinate the measures. The coordination office could initiate and test new projects first on a bilateral level or within the platforms where Member States under pressure can receive assistance from other Member States in building up new competencies and knowledge.

IV. CONCLUSION

Managing reception capacity is complex. Not only must reception authorities be able to adapt resources to dynamic fluctuations in demand, but must do so efficiently and within standards of quality. Thus, the tenets of *flexibility*, *efficiency*, and *quality*—defined in this report as the three points of the ‘reception triangle’—must be in balance. This is not easy to accomplish in a volatile context too often characterised by crisis. It is important to take a holistic view of the various influencing factors—internal, external, European—so that they can be addressed in a coherent manner.

National reception capacity depends on both internal and external factors. The task of building successfully managed individual reception centres is intertwined with the entire asylum and migration chain. An integrated approach involves implementing internal control measures, increasing external coordination, and engaging in intra-European cooperation, as well as investing in management. Such an approach moves reception practices beyond meeting the basic needs of ‘bed-bath-bread’ to a flexible policy tool with the potential to generate economic value, and strengthen international partnerships—both outcomes that could galvanise public backing for protection systems.

From a European perspective, it is important to invest more in improving management systems and preparedness. Steps to encourage, support, and facilitate cooperation and coordination among Member States would enhance mutual trust, in turn providing the basis for further steps toward integration, and enabling the CEAS to overcome the shortcomings of the Dublin system. The *MSS* and *Tarakhel* rulings will not be the last cases in which dysfunction in reception systems raise questions about the wider CEAS.

The financial and political costs of the status quo in asylum reception are many times greater than the costs of pursuing a more integrated approach. Successful cooperation in the technical field of reception management can bring order and restore confidence in asylum systems within and between countries. This can provide the springboard needed for Member States to launch more ambitious—and practically grounded—programmes within the evolving Common European Asylum System.

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