



Open dissemination

EMN Ad-Hoc Query on NO EMN limited AHQ on allowances for asylum seekers (AT, BE, FI, FR, DE, HU, NL, SE, UK, NO)

Requested by Kathleen CHAPMAN on 15th March 2017

Miscellaneous

Responses from Austria, Belgium, Finland, France, Germany, Netherlands, Sweden, United Kingdom, Norway (9 in total)

Disclaimer:

The following responses have been provided primarily for the purpose of information exchange among EMN NCPs in the framework of the EMN. The contributing EMN NCPs have provided, to the best of their knowledge, information that is up-to-date, objective and reliable. Note, however, that the information provided does not necessarily represent the official policy of an EMN NCPs' Member State.

Background information:

The Norwegian government is continually reviewing different parts of the system for managing asylum claims including allowances for asylum seekers. The purpose is among other things, to try to achieve greater harmonization between the Norwegian system of allowances for asylum seekers and the systems in the EU member countries.

On behalf of the Norwegian Ministry of Justice and Public Security, The Norwegian Directorate of Immigration sent out an EMN AHQ in July of 2016 with a summary in August of 2016 on benefits and allowances for asylum seekers. The Ministry would now like to follow-up the information from that EMN AHQ to obtain a simplified, overall picture of the situation for asylum seekers in reception centres, as described by the indicators mentioned below.

To obtain information that can be reasonably comparable, we ask the MS to provide the amounts for allowances within the given parameters. Some MS operate with concrete cash amounts, while others operate with ranges of payments. Due to differences in cost of living in the various MS, the information/data will not be 100% comparable under any circumstances, but a rough picture of practices will be useful all the same. Please calculate all figures for monthly payments.

You will have to upload the attached file to IES due to the tables.

In an attempt to simplify matters, we ask that if possible, you use the following parameters:

- a. This query includes questions about cash allowances for basic expenses and does not include questions about in-kind benefits. (reported practices in 2016 were very similar)


- b. This query does not include questions about asylum seekers living outside reception facilities and or asylum seekers whose cases are being handled in a fast track procedure. (The 48 hour fast track procedure is used when applicants' country of origin is considered to have acceptable standards of human rights and where its citizens are generally not persecuted.)


Questions


1. 1. Please see question and table in attached document.
2. 2. Please see question and table in attached document.


3. 3. In July of 2016, all responding MS (except UK) to our AHQ reported that asylum seekers have the right to work while their application is being handled; provided certain conditions are satisfied (such as established identity). If anything has changed in this regard, please briefly comment.
4. 4. In July of 2016, some MS reported in our AHQ that there were special reception center conditions/practices/routines for asylum seekers from countries with low risk for persecution – please briefly describe your practices in this regard and indicate if there have been any changes in the past 8 months or if any changes are planned.
5. 5. Is the right to financial support lost (including the right to housing):(i) if an applicant has received a negative decision and been informed that he/she will be deported and this decision is in force? YES / NO Any comments? (ii) when the period for voluntary departure has ended? YES / NO Any comments? If yes, when was this practice put into effect?
6. 6. Does your MS make any routine demands on recipients of allowances in order to better facilitate the process of establishing an asylum seeker's legal ID? Can the daily allowance be reduced / does your MS ever reduce allowances, if the asylum seeker does not actively cooperate in proving his/her identity? If so, please briefly comment.


Responses


	Country	Wider Dissemination	Response
	Austria	Yes	<ol style="list-style-type: none"> 1. see document attached 2. see document attached 3. No amendments since July 2016. Source: Federal Ministry of the Interior 4. Asylum seekers from countries with low risk for persecution receive the same material reception conditions and standards as other applicants entitled to benefits deriving from the RCD. Source: Federal Ministry of the Interior 5. (i) if an applicant has received a negative decision and been informed that he/she will be deported and this decision is in force? YES / NO Any comments? No. The right to financial support including the right to



			<p>housing is ensured as long as the applicant participates in his voluntary departure. However in case of detention, financial support is not granted. Source: Federal Ministry of the Interior (ii) when the period for voluntary departure has ended? YES / NO Any comments? See replay to question 5. (i) Source: Federal Ministry of the Interior If yes, when was this practice put into effect? It has always been practiced like described above. Source: Federal Ministry of the Interior</p> <p>6. No. Source: Federal Ministry of the Interior</p>
	Belgium	Yes	<p>1. See attached document</p> <p>2. to be completed shortly</p> <p>3. All answers provided by Belgium on 16/08/2016 on the AHQ 2016.1091 - Ad-Hoc Query on access of international protection applicants to the labour market, still apply.</p> <p>4. Belgian legislation does not set out different types of first instance procedures, but not all applications for international protection are processed within the same time frame. In some specifically determined situations, the CGRS has to prioritise/accelerate the examination of an asylum application and has to take a decision within a specific period of time. This is the case – inter alia – when an asylum applicant is from one of the countries listed on Belgium’s list of ‘safe countries of origin’. In principle, these accelerated procedures can contribute to swift removals. Asylum seekers from safe countries enjoy the same reception conditions as applicants from other countries.</p> <p>5. No, the actual right to support ends when the order to leave the country, which follows the negative decision, is expired. Following a negative decision by the CGRS, the Immigration Office issues a return decision – on average – within a week. The time it takes to issue the return decision depends on the case (e.g. people in detention are issued a return decision as a priority). A return decision cannot always immediately lead to a removal. The appeal procedure in full jurisdiction against a negative decision of the CGRS before the Council for Aliens Law Litigation (CALL) is suspensive, with some exceptions. Furthermore, a return decision cannot lead to the removal of a TCN during the time period available to the TCN to lodge a request</p>


			<p>for suspension in case of extremely urgent necessity against this decision before the CALL, and – if such a request is lodged – during the examination of the request. Following a negative asylum decision, rejected asylum seekers’ access to certain services is limited. They cannot stay in the reception facilities, but can go to the ‘open return places’ (located in ‘regular’ reception centres managed by Fedasil) where they receive the same material aid as during the asylum procedure and receive intensive return counselling from Fedasil and the Immigration Office. They can stay in these open return places until the order to leave the territory expires (usually maximum 30 days). Once this deadline has passed, the rejected asylum seekers will have to leave the open return place and no further accommodation is provided (although the provision of material aid can be extended in certain cases). Moreover, they can no longer access the labour market, are not entitled to social welfare and - once their right to material aid has come to an end - they only have access to urgent medical assistance. Please have a look at Section 2 – Q9 of the EMN Questionnaire of the 2016 EMN Study “RETURNING REJECTED ASYLUM SEEKERS: CHALLENGES AND GOOD PRACTICES IN BELGIUM (Rights and services available to rejected asylum seekers. Table 1 : Rights and services available to rejected asylum seekers required to return).</p> <p>6. No, no other routine demands in order to better facilitate the process of establishing an asylum seeker's legal ID are applied as the ones during the asylum registration, the asylum procedure and during the preparation for return. Note: the daily allowance is not reduced if the asylum seeker does not actively cooperate in proving his/her identity, but on 6 July 2016 the Reception Law of 2007 was modified with regard to the sanctions that can be imposed on the residents of the reception structures in case of serious breaches of the internal rules . A definitive exclusion from the reception network is now possible, provided that a dignified standard of living shall remain ensured. The possibility to impose a complete or partial withdrawal of the daily allowance, for a period of maximum four weeks, has also been added.</p>
	Finland	Yes	<ol style="list-style-type: none"> 1. See attachment. 2. See attachment. 3. No changes. 4. No special reception centers for asylum seekers from countries with low risk for persecution.

			<p>5. (i) and (ii): YES and NO. In principle, an asylum seeker who has received a negative decision to his/her asylum application continues to receive financial support and has the right to remain in reception facilities until s/he leaves the country. However, there are limitations to this if it turns out that the asylum seeker will not leave voluntarily and his/her removal cannot be enforced by authorities. Please see more detailed information below: When the applicant is informed of a negative decision to his/her asylum application, s/he is informed of the possibility to return voluntarily through assisted voluntary return. If the applicant does not leave voluntarily/apply for AVR during the 30-day period of voluntary departure, the Police will enforce the removal decision. If the Police is unable to enforce the removal decision, the Police will inform the reception centre of the fact that the enforcement of removal by authorities is not possible. After this notification, the applicant has a 30 day time-frame to apply for assisted voluntary return. If s/he does not apply for assisted voluntary return during these 30 days, his/her reception services are discontinued. The legislative amendment setting a restriction to the duration of reception services for rejected asylum seekers entered into force on 1 July 2015.</p> <p>6. No.</p>
	France	Yes	<p>1. See table in attached document.</p> <p>2. See table in attached document.</p> <p>3. NO.</p> <p>4. NO.</p> <p>5. (i) YES. The asylum seeker's allowance stops at the end of the month following the month of the notification of the final decision relating to the asylum application or starting at the transfer (or absconding) of the asylum seeker under the Dublin Regulation. (ii) See above.</p> <p>6. In order to receive the asylum allowance, the applicant needs to provide a proof of his asylum application. He has to cooperate and provide all documents (ID and travel documents). Article L. 744-8 of the Code on Entry and Residence of Foreigners and Right of Asylum (CESEDA) states that the asylum seeker's allowance may be suspended if the third country national does not comply with requests to provide</p>

			information or to appear for personal interviews concerning the asylum application.
	Germany	Yes	<p>1. See answer in the attached document.</p> <p>2. See answer in the attached document</p> <p>3. The Integration Act, which entered into force on 6 August 2016, aims to improve the professional qualifications of those asylum seekers who are likely to be granted a long-term residence title in view of the fact that the protection rate for asylum seekers from their country of origin is high. The Act includes provisions for easier access to training assistance for a limited period of time, for the assignment of labour-market issues, for a temporary labour-market programme for refugee integration and for mandatory integration course participation from 1 January 2017. In addition, allowances may be reduced if migrants refuse to participate in these qualification measures or to cooperate during the asylum or identification procedure or if they have been granted a protection status or right of residence by another EU country or a country which participates in the Dublin procedure.</p> <p>4. No changes. A draft law by the federal government concerning the classification of Algeria, Morocco and Tunisia was not adopted by the Bundesrat (the second chamber of parliament).</p> <p>5. (i) if an applicant has received a negative decision and been informed that he/she will be deported and this decision is in force? YES / NO Any comments? Yes. Recipients who cannot be deported for reasons within their responsibility will receive only basic support, i.e. food, housing (including heating) and hygiene and healthcare necessities, from the day after the date on which the deportation order entered in force. Such reasons are on hand if the foreigner submits false data or deceives about his/her identity or nationality or does not fulfill reasonable requirements in order to eliminate obstacles to his/her departure (e.g. rejects to apply for a passport at the embassy of his/her country of origin). Only in special circumstances can other basic benefits be provided. The benefits are to be provided in kind. (ii) when the period for voluntary departure has ended? YES / NO Any comments? Yes. Once the way and date of departure are fixed, recipients will only receive benefits as described in section 5.(i) above from the day after that date, unless the reasons why they have not departed are within their responsibility. If yes, when was this practice put into effect? The current provision (Section 1a subs. 2 and 3 of the Asylum Seekers' Benefits Act) was introduced</p>

			<p>by the Act on the Acceleration of Asylum Procedures of 20 October 2015.</p> <p>6. Yes. Asylum seekers who do not cooperate in the identification efforts during the asylum procedure will only receive benefits as described in section 5.(i) above, unless their behaviour stems from reasons which are not within their responsibility (Section 1a subs. 5 of the Asylum Seekers' Benefits Act).</p>
	<p>Netherlands</p>	<p>Yes</p>	<p>1. Please see attached document. Additionally I want to refer to the *'s at the tables of Q1 and Q2.</p> <p>2. Please see attached document. Additionally I want to refer to the *'s at the tables of Q1 and Q2.</p> <p>3. If an asylum seeker has submitted an asylum application, he is not allowed to work during the first 6 months of the asylum procedure. After 6 months the asylum seeker is allowed to work for 24 of every 52 weeks, as long as the asylum application is still being processed. Before being able to employ an asylum seeker, the employer has to apply for a work permit (' tewerkstellingsvergunning') for the person in question. With a work permit the asylum seeker is also allowed work as self-employed person. The limitation of 6 months does not apply for voluntary work and work carried out for the asylum seeker center the asylum seekers resides in. For more information, please see Article 18, Rva 2005. Additional information can also be found at: https://www.rijksoverheid.nl/onderwerpen/vluchtelingen-werk-en-integratie/vraag-en-antwoord/mogen-asielzoekers-werken https://www.rijksoverheid.nl/onderwerpen/vluchtelingen-werk-en-integratie/vraag-en-antwoord/mogen-asielzoekers-vrijwilligerswerk-doen https://www.coa.nl/nl/actueel/veelgestelde-vragen/wonen-in-een-azc#werken</p> <p>4. This is not the case in the Netherlands.</p> <p>5. i. Yes/No, There is the opportunity – after a final negative decision, when all legal remedies are exhausted - for an asylum seeker whom has got a negative decision to stay to still get shelter and social benefits, through a so called “Restricted location” or “Family location” - in Dutch: “Vrijheidsbeperkende locatie (VBL)” or “Gezinslocatie (GL)”. In general this means that the condition is uphold that an asylum seeker has to return. The Dutch Repatriation and Departure Service decides if asylum seekers can be placed in an VBL or GL. In a GL there is no legal obligation for the Dutch government to provide money for these groups under the ‘Regeling verstrekkingen asielzoekers en andere categorieën vreemdelingen 2005 (Rva 2005). However, these families are getting financial benefits for food related to the size of a family plus if</p>

			<p>there is a kitchen within the facility. Additionally, these families also get financial benefits for the children. In a VBL the children receive pocket money plus money for food. The adults only receive money for food.</p> <p>ii. Same conditions apply as mentioned under 5.1.</p> <p>6. A. Nothing to report at the moment. B. YES, this is possible in correlation to Article 10, first paragraph under c, Rva 2005. If the asylum seeker during two weeks has not replied to requests for information by COA, regarding information to be needed for the realization of his/her conditions in the asylum reception. These information requests include date of birth, nationality, country of origin, family composition, financial position and the date when the an asylum application has been made by or on behalf of him. This measure is not commonly implemented.</p>
	Sweden	Yes	<p>1. Please see the attached document</p> <p>2. Please see the attached document</p> <p>3. No changes</p> <p>4. No changes</p> <p>5. (i) if an applicant has received a negative decision and been informed that he/she will be deported and this decision is in force? Yes (but only for adults without children) (ii) when the period for voluntary departure has ended? Yes (but only for adults without children) If yes, when was this practice put into effect? 1 June 2016</p> <p>6. Yes The daily compensation may be reduced if the person: •do not cooperate to establish his/her identity •hinder the investigation of the asylum request by hiding away •do not cooperate to organize the trip back home if he/she have received a decision rejecting his/her request or that he/she will be deported.</p>
	United Kingdom	Yes	<p>1. Please see attached</p> <p>2. Please see attached</p>

			<p>3. No change. With certain exceptions, asylum seekers in the UK are not permitted to take employment pending the final determination of their protection claim. Please see relevant policy guidance for more detailed information about the UK policy and relevant legislation. https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/299415/Permission_to_Work_Asy_v6_0.pdf Asylum seekers are only given access to the labour market if their asylum claim has been outstanding for 12 months or more, and where the delay cannot be attributed to the applicant. Applicants must apply for permission to work by writing to UK Visas and Immigration.</p> <p>4. No change. Asylum seekers who would otherwise be destitute are entitled to access support regardless of their country of origin. Asylum applications from EU nationals will however normally be declared inadmissible when they lodge a claim. Therefore the question of accessing asylum support does not apply.</p> <p>5. (i) Yes. Asylum seekers who are found not to need protection and have no other basis to stay in the UK are expected to leave voluntarily. If they fail to do so their removal will be enforced. A failed asylum seeker therefore usually loses access to accommodation and subsistence support once appeals have been exhausted (21 days after the final rejection of their asylum claim or any appeal). They may only continue to receive support in limited circumstances, generally when they can show that there is a legal or practical obstacle that prevents them from leaving the UK. An exception is made to these arrangements if the failed asylum seeker has children in their household. In these circumstances, automatic access to accommodation and subsistence support continues. (ii) The UK does not have a defined period of voluntary departure. However as stated above a failed asylum seeker usually loses access to accommodation and subsistence support once appeals have been exhausted (21 days after the final rejection of their asylum claim or any appeal). They may only continue to receive support in limited circumstances, generally when they can show that there is a legal or practical obstacle that prevents them from leaving the UK</p> <p>6. No</p>
	Norway	Yes	<p>1. See attached document.</p> <p>2. See attached document.</p>

			<p>3. N/A</p> <p>4. Asylum seekers arriving from specific countries regarded as having low risk for persecution will be subject to a 48 h procedure (accelerated procedure). This group will not receive any in-cash benefits, but may receive in-kind benefits such as hygiene articles.</p> <p>5. (i) NO (ii) NO</p> <p>6. In Norway, we have authority to reduce benefits to people who do not contribute to the verification of their identity. However, in practice, this authority is not often exercised.</p>
--	--	--	--