



## Setting Limits

Research paper on the effects of limits on  
the freedom of movement  
of asylum seekers within the borders of  
European Union Member States

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ECRE is a pan-European umbrella organisation of over 70 refugee-assisting agencies working towards fair and humane policies for the treatment of asylum seekers and refugees.



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## INTRODUCTION

### (i) Freedom of movement in relation to asylum seekers.

Among the Member States of the European Union many different systems operate to process asylum applications, provide reception assistance to asylum seekers and facilitate the integration of refugees. Since the Amsterdam Treaty came into effect the European Union has been working towards the harmonisation of asylum policies. ECRE, as a pan-European organisation, representing 72 refugee assisting NGOs, has engaged with this process to ensure good minimum standards in asylum provision.

One of the issues on which states differ is the extent to which they allow the freedom of movement of asylum seekers. This paper describes the effects of movement restrictions and presents ECRE's views on this controversial issue. ***ECRE's RECOMMENDATIONS CAN BE FOUND ON PAGE 44***

ECRE defines freedom of movement as the right to travel freely within the host nation and to reside within any locality of a nation state to no lesser extent than nationals who are dependent on state support. ECRE believes that the right of asylum seekers to freedom to travel should be guaranteed and reporting requirements should not significantly curtail this right. Furthermore, ECRE believes that states should endeavour to ensure the freedom of asylum seekers to choose the location of residence, within the parameters set out in the recommendations of this report. "Freedom to travel" may also be termed "freedom to circulate"; this report uses the term freedom to travel to describe the movement of individuals over small or large distances within a state.

According to current reception policies, most asylum seekers have the legal right to travel freely within national borders in all EU Member States with the exception of Germany. In some states, such as the U.K and Sweden, this right takes effect immediately after claiming asylum, in the Netherlands, for example, the right to freedom to travel is granted after initial checks and registration have taken place. In some states asylum seekers have choices about where they live, in other states dispersal has become more common and as a result restrictions are placed on the right to choose location of residence. However, a number of states operate dispersal policies while allowing some freedom to choose residence and these freedoms should be maximised. The extent to which asylum seekers are able to exercise freedom both to travel and to choose residence is clearly affected by funding. The restrictions on freedom of movement which states impose fall broadly into 3 categories:

- (1) Legal controls on movement, such as preventing asylum seekers from leaving the jurisdiction of a local authority.
- (2) Reception policies which have the effect of limiting movement e.g. dispersal schemes in which asylum seekers may be sent to isolated locations, offered no choice of accommodation and have limited opportunities to leave.
- (3) Limits on access to funds. In circumstances where destitute asylum seekers look to state authorities for financial support, the level of assistance given, and the way in which it is paid, can have the effect of limiting the ability to move freely. Restrictions on the right to work have a similar effect.

This paper does not cover the issue of detention<sup>1</sup> which is dealt with in other ECRE publications.<sup>2</sup> ECRE has long argued that detention has no place as part of a framework for providing reception services to asylum seekers and debates about detention should be kept separate from establishing good practice in relation to reception issues, including freedom of movement.

For purposes of clarity, this paper does not cover in detail the rights to freedom of movement for refugees with 1951 Convention status, complementary protection status or temporary protection status, although some reference is made to the rights of such cases in the cases studies (Chapters 3 – 6).

### (ii) **Freedom of movement in the EU context.**

This report arises from the growing concern felt by European NGOs about the effects of movement restrictions on asylum seekers' welfare. It is also a response to the European Commission's recent draft legislation:

*Proposal for a Council Directive laying down minimum standards on the reception of applicants for asylum in Member States.*<sup>3</sup>

In October 1999 the Tampere European Council affirmed the agenda set by the Amsterdam Treaty to establish a common European policy on asylum and migration, that entails the introduction of a common European asylum system, a common asylum procedure and a uniform status, valid throughout the Union, for those granted asylum. The *Proposal for a Council Directive laying down minimum standards on the reception of applicants for asylum in Member States* is one of a number of proposals drafted towards achieving this common system.

Article 7 of the Proposal states:

*7 (1). Member States shall grant applicants and their accompanying family members individual freedom of movement within their territory or in a specific area of it under the conditions set out in this Article.*

*7 (3). Member States may only limit the freedom of movement of applicants and their accompanying family members to a specific area of their national territory where it is necessary for implementing this Directive or in order to enable applications for asylum to be processed swiftly.*

In the Preamble of the proposal the Commission explains that the area of national territory where applicants are requested to live must not be as limited as in detention situations, and that it is for Member States to prove that these limits are necessary in relation to the aims of implementing this Directive or in order to enable asylum applications to be processed swiftly.

The proposal continues:

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<sup>1</sup> Apart from a reference to ECRE's position on detention in paragraph 29 of the recommendations

<sup>2</sup> ECRE: Position on the Detention of Asylum Seekers 1996, ECRE: Research Paper practical alternatives to the administrative detention of asylum seekers and rejected asylum seekers 1997.

<sup>3</sup> Proposal for a Council Directive laying down minimum standards on the reception of applicants for asylum in Member States (Brussels, 3.4.2001, COM(2001)181 final, 2001/0091 (CNS))

7(4). *In cases referred to in paragraph 3 Member States shall provide for the possibility for applicants for asylum and their adult accompanying family members to receive temporary permission to leave the area of the territory in which they live for relevant personal, health and family reasons or for reasons relating to the examination of their application. Decisions on requests for temporary permission to leave shall be taken individually, objectively and impartially and reasons shall be given if they are negative.*

7(5). *Member States shall ensure that applicants have the right to bring proceedings before a court against the limitations on freedom of movement imposed in accordance with paragraph 3 and the decisions provided for by paragraph 4 and that they have access to legal assistance which is free of charge when applicants cannot afford it.*

7(6). *Member States may require applicants who are free to choose their place of residence to inform the relevant authorities of their current address and notify any change of address to those authorities as soon as possible.*

The proposal allows Member States to continue with the use of movement restrictions within national boundaries. Therefore, the proposed minimum standard is not that states should grant freedom of movement in the territory as a whole (although they are not precluded from doing so), with the qualification that:

*“limits to the exercise of the freedom of movement affect the quality of life of applicants for asylum so that, as far as possible, substitutes for these limits.... should be put in place.”<sup>4</sup>*

ECRE is critical of the standard of freedom of movement put forward by the Commission in paragraphs 7(1) and 7(3) of their Proposal. The Proposal does not distinguish between freedom to travel and freedom to choose the location of residence and therefore lacks clarity. ECRE believes that restricting travel to “*a specific area*” of a state’s territory is not justifiable in any circumstances. In a properly developed reception system it should not be the case that restricting location of residence to “*a specific area.... (is) necessary for implementing this Directive*” – i.e. for implementing good minimum standards of reception provision. The proviso in Article 7(4) that individuals may “*receive temporary permission to leave the area of the territory in which they live for relevant personal, health and family reasons or for reasons relating to the examination of their application*” gives too much scope for inconsistent implementation at a local level.

ECRE supports Article 7(5) of the proposal which grants asylum seekers the right of appeal in cases of limitations on freedom of movement and Article 7(6) which requires asylum seekers to inform state’s of their current address.<sup>5</sup>

During the debate of the Proposal, freedom of movement proved to be one of the most contentious issues on which to reach agreement. ECRE was involved in intensive lobbying to persuade EU governments of our position on freedom of movement. In particular, ECRE argued that the final text should reflect the situation in the overwhelming majority of EU Member States

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<sup>4</sup> From the Preamble accompanying the Proposal for a Council Directive laying down minimum standards on the reception of applicants for asylum in Member States (Brussels, 3.4.2001, COM(2001)181 final, 2001/0091 (CNS))

<sup>5</sup> ECRE’s response to the Proposal can be seen in the document: Comments from the European Council on Refugees and Exiles on the Proposal for a Council Directive laying down minimum standards on the reception of applicants for asylum in Member States, August 2001.



where no legal restrictions freedom to travel apply and there are no legal restrictions on location of residence (although choice of residence is usually constrained by funding).

At the time of going to press, ECRE was informed that the European Union had reached an agreement on the Commission Proposal for a Council Directive laying down minimum standards for the reception of applicants for asylum in Member States and it is our understanding that the Directive, contrary to the position of ECRE, permits Member States to restrict asylum applicants' freedom to travel to within a specific area; and to determine the residence of the applicant. However, Member States, under the Directive, retain the right to grant freedom to travel freely within their national boundaries, and to offer freedom to choose residence. ECRE will be monitoring closely the implementation of all aspects of the Directive once it is formally adopted, and urging States to apply the Directive in accordance with the recommendations contained in this research paper.

### (iii) Arguments for and against freedom of movement restrictions.

Some states impose movement restrictions because they believe they support national asylum policies in a number of ways.

Restrictions on location of residence, such as compelling asylum seekers to reside in reception centres, are seen as a means of enforcing dispersal programmes, designed to share the responsibility for providing reception services across all regions of a state and between different local authorities. Compelling asylum seekers to reside in specific locations within a state, either as a condition of the asylum determination procedure or in order to qualify for assistance, controls the distribution of asylum seekers throughout the state. In particular, locating them in regions with abundant low cost accommodation is believed to keep the costs of reception provision to a minimum. Continued use of movement restrictions in order to ensure the success of dispersal may obscure underlying social and economic problems – such as the perpetuation of regional inequalities relating to unemployment, housing shortages or inadequate local services.

Freedom of movement restrictions, both on travel and choice of residence, are claimed by states to enable greater efficiency in processing asylum claims. It is argued that they give greater control over asylum seekers, ensuring they comply with procedures such as attending interviews so that decisions can be made more quickly. Movement restrictions are also one of a number of measures taken to reduce the rights of asylum seekers which it is hoped will have a deterrence effect, making the state a less attractive destination. There is no published evidence to suggest that freedom of movement restrictions have a deterrent effect on the numbers applying for asylum, ensure compliance with procedures or increase the rate of decision making on asylum cases. ECRE believes it is morally unjustifiable to use movement restrictions as a deterrent. Furthermore some movement restrictions may hamper compliance with asylum procedures.

Dismantling freedom of movement restrictions would eliminate the additional administrative burden necessary to enforce these restrictions. Free movement may require adjustment of the system for administering social support and welfare payments to asylum seekers but, depending on how this is achieved, it should not necessarily result in a more costly system, nor prevent burden sharing between different regions of a state.

Freedom of movement for asylum seekers – both to travel and choose residence - makes it easier for them to access essential services including legal advice and specialist healthcare. It facilitates refugee community development and reunification of family members within a state. By

increasing the likelihood of finding employment for those granted the right to work, freedom of movement reduces dependency on state services.

Removing freedom of movement restrictions is an important step towards building relationships between asylum seekers and local communities, reducing racial tension and preparing for integration of those who will be granted status. Enforcement of movement restrictions and of punishments for those who do not abide by them only generates further financial and administrative burdens both for asylum seekers and the authorities, and raises unnecessary fears of asylum seekers among local communities.

## TESTIMONY TO THE EFFECTS OF MOVEMENT RESTRICTIONS

### **Sunny Omwenyke, an asylum seeker from Nigeria, and member of the refugee organisation THE VOICE, describes living with movement restrictions in Germany.**

*I came to Germany from Nigeria and claimed asylum in June 1998. I was put in a transit camp in Hanover and told I cannot go beyond that locality. After a couple of months I was transferred to a permanent camp in Wolfsburg. On getting to the permanent camp, I was made to sign a document which compelled me, like all other asylum seekers to accept the law restricting my movement. In it, it is stated that an individual could be made to pay as much as 5000 DM for travelling without a permit. If I want to leave the permitted area, I need to go to the local Foreigners Office and tell them the address of where I want to go, why and for how long. Even if it is 5 minutes drive away, you still have to answer these questions. Sometimes they grant you a permit to go beyond the permitted area and sometimes you are refused on the grounds that you are supposed to remain in the camp. In some places, asylum seekers who only receive 80 DM cash in a month are also compelled to pay as much as 10-20 DM for such permission.*

*This system causes a number of difficulties for asylum seekers. For example, in the camp I knew a woman with two children whose husband arrived later and was put in another camp in another district. She was refused permission to travel to visit him. The only way they could meet was by travelling illegally and eventually she was caught by the police. She was given a warning only, but I know of many other cases where people were fined and even sent to prison for travelling without permission. I had a friend who needed to visit an African shop in a nearby city to get some African foodstuffs. He was denied permission and although he defied it he was controlled in the process and had to pay some fine. I remember asking if I could have a permit to visit some friends who lived about 10 minutes journey away and being refused. I asked the officials under what conditions might I be allowed to visit them and was told - none. The official told me that I may only leave in an emergency. On another occasion I asked if I could leave to visit my lawyer. I was told that permission would only be granted if I could show a letter from my lawyer confirming the meeting or ask the lawyer to call the office and inform them of my appointment. In Germany asylum seekers have to pay their own legal costs and paying the lawyer to write such a letter is expensive. In such cases you feel compelled to travel illegally and when you are controlled by the police in the process, you are recorded as having committed a criminal act. This will be later added to the statistics of 'foreigners with high criminal records' by the police and the politicians.*

*Many problems arise because, whatever the general rule is meant to be, the decision is made by the officer on duty acting alone and whether or not you get the permit depends on his mood. Once the officials think that you might be travelling for political reasons, they become antagonistic. It is impossible to travel to meetings of your country organisation because if you say you want to meet with other Nigerian people in another city they are likely to say that is political. It seems to me that the authorities are concerned that asylum seekers might be involved in political campaigns for human rights in their home country which will damage German business interests in that country.*

*When I arrived in Wolfsburg towards the end of 1999, I sought and obtained permission to attend meetings and activities of THE VOICE which is an African community group and a member organisation of the anti - fascist alliance "The Caravan For the Rights of Refugees and Migrants in Germany". After a while, the authorities realised I was seriously involved in the organisation of the group as well as being vocal in terms of the refugee situation here in Germany. From then*

*on I was refused a travel permit irrespective of the reasons given for the trip. I decided to continue to travel whether I had a permit or not.*

*In 1999 it was agreed that The Caravan would hold an International Refugee Congress from 20th April to 1st May, 2000. THE VOICE was chosen to organise and coordinate the Congress in conjunction with The International Human Rights Association, Bremen-which is the Coordinating office of The Caravan. THE VOICE has its headquarters in Jena, Thuringen (East Germany.) As an active member of THE VOICE I travelled from Wolfsburg to attend many preparatory meetings and was Secretary of the Organising Committee. After one of the preparatory meetings in Jena, I was stopped inside the train by the police when I was returning to my camp. This was after my application to obtain a permission had been refused. My identity was copied and reported to the Foreigners Office who sent me a letter warning me that I would be fined as much as 5000 DM or one year in prison or both if I continued to travel without permission. I ignored the warning and decided to apply again for permission, this time with a supporting letter from the head of the Federal Office in charge of Foreigners (Auslanderbeauftragte) who urged all local foreigner offices to grant permission to all asylum seekers who wanted to attend the Congress. My request to attend the Congress was refused. I asked my lawyer to take my case to court to ask for a permit but the court refused saying that they were right to have refused me permission as it was not important for me to attend the Congress. I was very disappointed but I went to the Congress anyway, without a permit. At the same time, some politicians threatened that asylum seekers who attended the congress without permits faced being put in prison, but many defied them. At the Congress which was attended by about 1000 people from 40 countries, refugees and migrants were able to exchange ideas and experiences. In the process, it became very clear that the restriction of asylum seekers' movement was inhibiting their ability to meet and discuss their common problems-both in their home countries and here in Europe. I was becoming more and more aware of the suffering caused by freedom of movement problems. Asylum seekers couldn't be happy, couldn't be with their family or friends and couldn't live a normal life as a human being under these restrictions. Consequently, after various workshops which were held on the topic during the Congress, it was recommended that asylum seekers protest against this restriction by engaging in civil disobedience. This recommendation was unanimously adopted and thence, asylum seekers decided not to ask for permission anymore.*

*In July 2000 President Khatami of Iran visited Berlin and Weimar and a protest was organised in support of the many refugees from Iran living in Germany, which I attended. For travelling to Weimar without a permit I was controlled again and my papers were confiscated. The City of Wolfsburg then wrote to inform me that I had been fined the sum of 300 DM and if I couldn't pay, I would spend 30 days in prison. I appealed against the decision to the court and a date was set for the hearing. The hearing was in The Lower Court (Amtsgericht) in Wolfsburg on 6th February, 2001. The press gave it good coverage and a lot of people were mobilised to attend the court hearing. I had support from many different people and organisations, there was African drumming outside the courthouse and 70 people attended the court hearing to show solidarity and protest against the restrictions - it was overwhelming.*

*My lawyer moved that the prosecutor had no case against me since I had sought and obtained permissions before from the same office but that now, the officers there deliberately refused to issue me a permission (6 previous copies of permissions were exhibited) because they wanted to stifle my political activities by preventing me from travelling and talking about the problems in Nigeria as well as the deplorable condition of asylum seekers in Germany. The case was closed without formal discussion because of a lack of public interest in punishment. My lawyer secured the consent of the presiding Judge that the State should be responsible for my legal fees because,*

*according to her, the case involved a violation of my rights. The Judge said that there are provisions for any asylum seeker to obtain a permit and if the local foreigners office refused to grant a permission it was my right to seek redress through the courts.*

*Since then I have continued to break the rules and the City of Wolfsburg has not restricted my movement. I am committed to do so because I am not someone who accepts injustice. I campaigned against injustice in Nigeria although it was difficult to do so there because then it was a military regime. Germany is a country where you are supposed to be able to express your views but the authorities do not want to hear about the injustices of their system when they feel they are being generous in accepting you as an asylum seeker.*

*Of course I worried that my campaigning would affect my asylum application but I couldn't let that deter me. I believe in acting according to a good conscience. I have been told that in my case the Judge has granted me UN refugee status but until now, the written and official decision has not been communicated to me. The protests against movement restrictions have continued, for example we held demonstrations in Berlin for three days in May 2001. Before then we also staged a very successful demonstration in Hanover, on October 3rd 2000. Here, we were showing that while the entire world was being invited to participate in Expo 2000 in Hanover, asylum seekers were being denied the opportunity of crossing the government-set boundaries. We also wanted to show that while the Germans were celebrating the unity of East and West Germany as well as the fall of the Berlin Wall, stronger walls were deliberately constructed for the confinement of asylum seekers. These protests have been successful in raising public awareness. Many German people have told me that until now they did not know about the way in which the authorities treat asylum seekers. My case has also had a positive outcome in encouraging other asylum seekers to stand up and fight for their rights. Our efforts have failed to influence the position of the German authorities, who remain committed to freedom of movement restrictions. One of our main concerns is that under the anti - terrorism measures our rights will be further curtailed so that we are unable to continue to protest.*

## GERMANY

### Introduction

Germany is the European Union Member State with the greatest restrictions on the movement of asylum seekers and so is most associated with the controversial debate concerning freedom of movement. It has laws which prohibit the movement of asylum seekers outside the boundary of the local town or the jurisdiction of the local branch of the aliens authority, and make it compulsory to reside in specified accommodation, while waiting for a decision on their asylum claim (on average this takes two years but can take up to seven years). These restrictions create a harsh environment for asylum seekers, and strengthen the impact of other restrictions imposed by the asylum system – such as limits on the right to work and to receive financial support.

Germany's persistence in the application of movement restrictions can be attributed to a number of factors: the German federal system; the existence of population and economic imbalances especially since unification; the experience of being the largest host for asylum seekers and refugees per capita in Europe; and difficulties reconciling a commitment to liberal democratic values with rising intolerance to perceived economic immigration.

In the aftermath of the Second World War, the new West German state – the Federal Republic of Germany - made a commitment to provide protection to those seeking asylum, enshrined in the 1949 Basic Law (*Grundgesetz*)<sup>1</sup>. The Basic Law provides the framework for power sharing between the state and the regional authorities of the federated Länder. The Länder have responsibility for implementing most areas of national legislation and have considerable tax raising powers. The Basic Law establishes a system of financial flows between Länder which is intended to ensure adequate service provision in areas where there is social and economic differentiation. The system of provision for asylum seekers in Germany has developed in the context of the federation of relatively autonomous regional authorities.

Numbers of asylum seekers in Germany began to rise in the early 1970s, and applicants no longer came only from Eastern Europe, but from all parts of the world. Following complaints from those authorities responsible for accommodating asylum seekers, dispersal (*Verteilung*) pending status determination was introduced in 1974. Initially asylum seekers were dispersed to the Länder from one initial centre – the Federal Office for the Recognition of Foreign Refugees (*Bundesamt für die Anerkennung ausländischer Flüchtlinge*) in Zirndorf. Applications rose to 92,000 in 1980 and additional first stage reception centres were introduced in each Länder. The 1982 Asylum Procedure Law (*Asylverfahrensgesetz*) established a system of quotas for Länder. It redistributes asylum seekers between Länder where quotas have been exceeded in order to avoid high concentrations of asylum seekers in any particular area and to share the costs to health social services etc. By European standards, West Germany was (and continues to be) densely populated with an unevenly distributed population. The system of distributing people was believed to be preferable to a system of distributing funds to areas with high numbers of asylum seekers, and freedom of movement restrictions – to travel and choose residence - were deemed necessary to ensure the success of dispersal in a country with marked economic and social regional variations. Restrictions were intended to prevent the drift of asylum seekers towards the wealthier but more populous areas, and so prevent the accumulation of asylum seekers and the generation of ethnic and national clusters in certain regions, and maintain the balance of financial and social responsibility between Länder.

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<sup>1</sup> Article 16 (2) states: Persons persecuted for political reasons enjoy the right of asylum.

Legal restrictions on movement are prescribed in the 1982 Asylum Procedure Act as follows:

*Article 56 (1) The permission to reside (Aufenthaltsgestattung) is geographically restricted to the district of the aliens authority where the reception centre is located, which is responsible for receiving the alien.... the permission to reside shall be geographically restricted to the district of the aliens authority where the alien is staying.*

*(2) If the alien is obliged to take residence in the district of another aliens authority, the permission to reside shall be geographically restricted to that district.*

The provision does not require an administrative decision on the geographical restriction in each individual case, but imposes this consequence by force of law. The designated area can be as little as 15 square km.

Despite the introduction of this highly controlled regime, the 1980s were characterised by rising numbers, increased hostility against asylum seekers and tougher rhetoric from politicians and the press.

The fall of the Berlin Wall in 1989 and subsequent reunification of East and West Germany, generated substantial movements of people across the federation as well as political and economic readjustments. The Unification Treaty of July 1990 allocated 20% of asylum seekers to the new Länder. The reception services provided in the new Länder were generally poor quality and isolated, and local communities were often hostile to the arrival of asylum seekers. High unemployment in certain localities and unfamiliarity with multiculturalism attributed to this. As a result of the lack of adequate services in the East, and following some instances of racist attacks, many asylum seekers ignored movement restrictions and drifted to western Länder but most were returned. The authorities have responded by increasing efforts to improve conditions for asylum seekers and raise public awareness in the new Länder, and NGOs now report that several, although not all, reception centres in Eastern Germany are of a good standard.

While still adjusting to the effects of unification, the new Germany became the primary country of reception in the European Union, both in absolute figures and as a percentage of the population. Due largely to the war in former Yugoslavia, applications for asylum in Germany reached a peak of 438,000 in 1992, far higher than the number of applications in any other European Union Member State. The public and political perception was that asylum seekers were increasingly attracted by Germany's generous welfare system. In common with other states, Germany responded by further reducing the entitlements of asylum seekers. The 1993 Asylum Seeker Assistance Law (Asylbewerberleistungsgesetz) restricted access to benefits available to nationals. It reduced the level of welfare payments granted to asylum seekers and made most of it in vouchers for clothing etc. It was accompanied by restrictions on the right to work. Amendments introduced in 1997 and 1998 imposed further benefit restrictions. The effect of benefit cuts has been to make travel even less possible and increase the dependency and marginalisation of asylum seekers.

As violence spread (such as events in Hoyerswerda and Rostock) so too did a protest movement in opposition to violence and government policy. Since the early 1990s, there have been numerous street protests aimed at the national parliament and local authorities. These have included calls for the abolition of movement restrictions, arguing that they increase isolation, affect race relations and prohibit asylum seekers from taking up employment. Campaigns also highlight the length of time for which the restrictions are imposed (for the duration of the asylum

procedure which is often several years) claiming this significantly increases the problems experienced.<sup>2</sup>

Movement restrictions have also been the subject of highly publicized legal challenges which have been politically embarrassing for the German state. The Green Party has joined in calls for their abolition. Resentment of the restrictions has led to polarisation between refugee communities and the authorities, with the State increasingly entrenched in its position that freedom of movement restrictions are vital for the management of asylum.

The reassessment of German asylum policy and the rationale for movement controls is long overdue. Due largely to the reduction in numbers coming from former Yugoslavia, asylum applications in Germany fell to 78,564 in 2000, which is 20,000 less than in 1999 and the lowest figure since 1987. This reduction in pressure on reception services, taken with the current EU agenda to harmonise standards of provision, give new opportunities to implement changes.

### **The reception system**

#### **(i) first stage reception**

After making an application for asylum, asylum seekers are referred to one of the federal reception centres<sup>3</sup> run by the *Bundesamt für die Anerkennung ausländischer Flüchtlinge*. In 2000 there were 34 centres, gradually some are closing as numbers of applicants fall. The capacity of the centres ranges between 130 (Bremen) and 1,500 places (Hamburg) with the average standing at 600 places. These centres are located within every Land of the German federation. The allocation of applicants is done through the centralised distribution procedure – the EASY Programme (First Reception of Asylum Seekers), according to quotas agreed by the Länder relating to their population size and economic circumstances.

It is compulsory for all asylum seekers to stay in the reception centres to which they are allocated, even for those who have family members already living in Germany. An asylum seeker is not entitled to choose a specific Land or a specific town in which to live but is obliged to stay in the reception centre to which he or she has been allocated.

In principle, asylum seekers stay in federal reception centres for a maximum of three months in order to complete their formal asylum application and undergo registration procedures and medical screening. After this period they should move into a regional asylum centre, however, many stay for much longer before being found a place in a regional asylum centre. In addition, certain centres operate both as a federal reception centre and a regional asylum centre.

It is intended that accommodation provided should be so basic that it does not act as a pull factor which encourages people to seek asylum in Germany. Reception centres and shared accommodation in some Länder house several hundred people together, sometimes in former army barracks. The vast majority of the first reception centres are located in the vicinity of larger municipalities (e.g. in Düsseldorf, Munich, Berlin or Hamburg).

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<sup>2</sup> In May 2001, for example, activists presented a petition to the Reichstag calling for abolition of the “racist practice” of movement restrictions. See Agence France Presse via NewsEdge Corporation : BERLIN, May 17, “Asylum seekers demand freedom of movement in Germany”

<sup>3</sup> For the purposes of this paper, the first stage centres are referred to as federal reception centres and second stage centres as regional asylum centres. English terminology used for the different centres differs in other documents.



In most cases, families are accommodated together in one room and single people share rooms. Unaccompanied children below the age of 16 are exempt from regulations requiring asylum seekers to live in these centres.

**(ii) second stage reception**

After the initial 3 month reception phase each Land should disperse asylum seekers into asylum centres across the different districts (*Kreise*) of the Land (with the exception of those rejected on manifestly unfounded grounds). In most cases dispersal is based on the population of different *Kreise*, although in the cities, dispersal can also depend on the availability of accommodation. Again it is the case that asylum seekers have no say in choosing their place of residence although the law provides for a distribution beyond the boundaries of the respective Land in exceptional cases involving family unity or other humanitarian reasons.

The Länder are responsible for the accommodation of asylum seekers and the financing and running of the asylum centres, but the way in which these duties are carried out varies from Länd to Länd. This responsibility is often delegated to the authorities of the *Kreise* who may sub-contract to private organisations or charities, although the Länd retains funding responsibility.

It remains compulsory for asylum seekers to stay in designated accommodation for the duration of the asylum application procedure.<sup>4</sup> Asylum centres are regulated by regional guidelines establishing minimum standards, but there are no national standards. The type and standard of accommodation varies from one Länd to another and also within one Länd. There are very small centres with less than 50 places, but also ones with up to 500 places. Some centres are located in isolated areas, others in the middle of towns. According to refugee-assisting NGOs, guidelines are not always applied and controlled effectively<sup>5</sup>. A recent Europe wide survey undertaken for the Commission stated that: “*The general standard and facilities of German reception and accommodation centres seem to be relatively poor.*”<sup>6</sup> German NGOs maintain that it is more accurate to say that conditions are mixed, and the standard has been improving, and that as numbers of asylum seekers fall some of the worst accommodation is closing.

Asylum seekers may be allowed to live in independent housing with friends or relatives in exceptional cases e.g. for medical reasons and if it is evident that such private accommodation does not result in additional costs for the social welfare system. They may also be allowed to live in independent housing if the *Kreis* to which they are allocated has no vacant places in reception centres but as numbers of asylum seekers have fallen in recent years, this is rarely the case and is an emergency provision only.

Unaccompanied children and adolescents who are under age are accommodated in children’s homes or homes for adolescents.

Accommodation in the asylum centres is also provided during the appeal procedure. Recognised refugees and those granted the lesser form of *Duldung* status can move to private accommodation but they will have to find an apartment on their own on the free market and are not provided with an apartment by the authorities.

<sup>4</sup> See the conditions of Article 53(2) Asylverfahrensgesetz

<sup>5</sup> See the discussion of standards in *Spreading the Costs of Asylum Seekers*, Anglo – German Foundation, 2001.

<sup>6</sup> See Country Profile: Germany, p28, in *Study on the Legal Framework and Administrative Practices in the Member States of the European Community regarding Reception Conditions for Persons Seeking International Protection*, PLS Ramboll Management, 2000.

**(iii) welfare payments**

During their stay in federal reception centres asylum seekers receive food, clothing, toiletries etc. in kind or in the form of vouchers or similar. Under national regulations, no cash allowance is provided other than a small amount of pocket money. Movement is therefore restricted by limiting the availability of cash payments to asylum seekers as well as through legal measures.

The system is similar in the regional asylum centres, although cash allowances may be increased in relation to the length of the procedure. A larger allowance is given to asylum seekers after 36 months when asylum seekers are entitled to financial support under the Social Assistance Act – (*Bundessozialhilfegesetz*).

Responsibility for the provision of benefits lies with the authorities of the district to which the asylum seeker was allocated and the Länder and Kreis have control over how welfare is administered. There are significant regional variations in the extent to which welfare is paid in kind, in vouchers or in cash (for example Berlin does not pay any cash allowances).

There is no right to work in the first year after an asylum claim. After one year asylum seekers can apply for a work permit. Permits are granted at the discretion of the local labour office. In order to qualify for a permit it must be shown that:

*“the employment of foreigners does not have adverse effects on the labour market, in particular as regards employment structure, the region and the industry sectors, (and if) there are no German candidates or foreigners with a comparable legal status on the labour market available for the job concerned (i.e. recognized refugees, nationals of EU Member States).”<sup>7</sup>*

The issuing of work permits to asylum applicants was forbidden entirely in 1997 due to high unemployment and the ban only lifted in December 2000.

The practice of dispersing asylum seekers to areas of high unemployment makes it difficult to find work and those with specialised skills are unlikely to find work in their chosen field. Legal restrictions on movement make it impossible to travel to find work or to relocate to an area with job opportunities. As a result, the right to paid work is so highly restricted as to make it impossible for many asylum seekers to find employment.

**(iv) family unity**

In accordance with Article 46 (3) *Asylverfahrensgesetz* the unity of the core family (spouses and dependent children) has to be respected in provision of accommodation, if they apply for asylum together.

It may be extremely difficult for family members who have come to Germany at different times to be reunited in the same district, if one part of the family has already been distributed to a local asylum centre. In general there is also no consideration given in allocation of accommodation to where an asylum seeker may have a family connection, although the possibility exists to consider this in exceptional cases.

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<sup>7</sup> See further details in Country Profile: Germany, in Study on the Legal Framework and Administrative Practices in the Member States of European Countries regarding Reception Conditions for Persons Seeking International Protection, PLS Ramboll Management, 2000.

Efforts are made to reunite the family in one centre, yet sometimes there are delays due to bureaucratic obstacles. Following the initial reception stage, family reunification is sometimes but not always achieved.

There is no right to live with family members already residing in the community as an alternative to residing in a reception centre except in the exceptional circumstances that no place is available in an asylum centre.

**(v) additional restrictions on movement**

During the first and second reception stages asylum seekers are confined to the designated area of the Kreis or Land in which they are allocated and in most circumstances must apply for a special permit if they want to travel outside this area. For certain official visits/appointments, asylum seekers do not require an authorisation but have to notify the Federal Office; for travel to lawyers and organisations assisting asylum seekers, including UNHCR, asylum seekers need an authorisation, which should be issued "without delay". In all other cases permits should be provided only if there are "compelling reasons"<sup>8</sup> and at the discretion of the local authorities. A charge is usually levied for the permit and a delay of several weeks is common before the permit is issued.

The system is especially problematic where the boundary of the designated area does not include the nearest town to a reception centre, requiring asylum seekers to apply for permits every time they wish to visit the local town.

There is insufficient national co-ordination and monitoring of the implementation of movement restrictions giving rise to inconsistent application of the legislation in different local authorities.

Asylum seekers who do not comply with movement restrictions are subject to fines of up to 2,500 EURO. Repeat infringements can lead to imprisonment for up to one year for those who are unable to pay the fines.

Persons awarded refugee status are granted a residence permit which allows them free movement within German territory, although their ability to choose the location of accommodation is limited if they rely on state support. Persons who have been granted tolerated status (*Duldung*) status are not granted a residence permit and can leave the aliens authority's district but not the boundaries of the respective Länd. If in receipt of welfare benefits, they continue to be subject to movement restrictions, since they must remain within the district which administers their welfare payments.

**The effects of this system**

**(i) on government objectives**

Germany persists in the use of freedom of movement restrictions primarily because they are believed to be vital in ensuring the success of the reception system, and achieving the governments objectives of efficient dispersal, reduced costs, deterrence and control.

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<sup>8</sup> Article 57 (1) Asylverfahrensgesetz states: An alien who is obliged to lodge in a reception centre, may be permitted by the Federal Office to temporarily leave the area for which his permission to reside (*Aufenthaltsgestattung*) is valid if compelling reasons so require.

The dispersal system is founded on the concept of equality - equality for Länder through burden sharing, and equality for asylum seekers through measures to ensure consistent standards of provision. Although there may be all kinds of reasons why asylum seekers wish to take up residence in a place other than the one allocated to them (e.g. reunification with extended family members, friends or their community), if such equality had been achieved, there would be fewer incentives for asylum seekers to move from the region where they are allocated. Movement restrictions should therefore be seen as the result, in part, of the failure of the German state to ensure consistent provision across the different Länder, leading to fears that asylum seekers, given the opportunity, would move to areas with perceived improved services.

German NGOs have argued that the national benefit system - which allows German nationals to move freely within the state and continue to receive benefits - can apply to those with Duldung status, without creating an excessive administrative burden. This argument may also be applicable to asylum seekers, even though they are given state accommodation; but the state's reluctance to institute the flexibility of financial flows to allow asylum seekers choices in location of residence, means the perpetuation of a system which incurs greater administrative, social and economic costs than if such free movement was allowed.

The cost of accommodating asylum seekers in reception centres can be three times the cost of allowing them to live in independent units of private rented accommodation.<sup>9</sup> Dispersal to areas of high unemployment increases the burden on those Länder because asylum seekers, if granted the right to work, are unlikely to find the means to support themselves.

Legal restrictions on freedom to travel necessarily require costs in police time in checking procedures and enforcing limits, and costs to the legal system in hearing court cases relating to those who infringe the rules. The system of issuing permits which in some cases must be paid for, is bureaucratic and costly to administer, as is the system of fines. As numbers of asylum applications fall, as has been the case in recent years, these bureaucratic costs become less economic as the cost per head of asylum seekers is greater.

From a moral standpoint, freedom of movement restrictions should not be used as a deterrent. It is difficult to establish how far the introduction of restrictions on asylum seekers rights to reception services have a deterrent effect (if at all) but there is no clear evidence to suggest that movement restrictions have played a part in deterring asylum seekers from entering Germany. Therefore the additional cost of enforcing movement restrictions is not offset by reducing the total number and cost of asylum applicants.

Freedom of movement restrictions are not universally effective - significant numbers of people "disappear" in order to avoid dispersal and other restrictions and as such evade control.

## **(ii) on the welfare of individuals**

The imposition of movement restrictions has had a detrimental impact on the welfare of asylum applicants. This is particularly true for those who have lived under these restrictions for years while awaiting a decision on their asylum claim. The obligation to request permission every time they need to leave the designated area in order to visit family members or other members of their community is an invasion of privacy and a significant barrier to resuming normal life. It makes

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<sup>9</sup> A private flat in Berlin costs around one third of the cost of housing a couple with three children in collective accommodation. See p27 Spreading the Costs of Asylum Seekers, Anglo – German Foundation, 2001

family tracing more difficult. It limits free association with community networks and thereby stifles the development of refugee community support structures. As a result it hinders mutual support and “self – help” between asylum seekers and settled refugees and makes asylum seekers more dependent on state services. Isolation and segregation have an impact on the welfare of asylum seekers, leading to loneliness, fear and depression.

Restrictions on residence and travel prevent asylum seekers from gaining access to services outside the area to which they have been allocated which may be beneficial to them. Movement restrictions limit opportunities to take up training or employment, where access to the labour market has been granted, adding to dependency. NGOs report cases of asylum seekers denied the right to travel to access specialist health care, counselling projects etc. although the possibility of doing so exists in law.

The requirement to pay for a permit to leave the designated area or to pay fines for violating the restrictions discriminates between those asylum seekers who rely entirely on support from the State and those who have additional income. Even where an exemption to the rules is granted the process is subject to bureaucratic delays which jeopardize the health and safety of asylum seekers.

The restrictions on residence are insufficiently flexible to respond to the needs of asylum seekers facing racism and violence. Although there is in principle a right to transfer accommodation for reasons of safety, in practice many who need it are refused and must remain in the accommodation where they have been allocated.

### **(iii) on the ability to comply with asylum procedures**

The German system of movement restrictions erects barriers between asylum seekers and their legal representatives because there is a need to apply for a permit to leave the designated area in order to meet with a lawyer who is based outside that area. There is a legal obligation on the authorities to provide the permit but nonetheless the system creates a bureaucratic obstacle which does not exist in other Member States of the European Union. Furthermore, restrictions on movement affect the ability to collect the necessary information and evidence to pursue an asylum application, by preventing asylum seekers from visiting relevant organisations, community groups etc. in other areas. These problems are particularly acute for those dispersed to isolated areas without access to appropriately qualified lawyers. Even where a permit has been obtained there is no financial assistance with related travel costs.

Measures restricting the freedom of movement have been justified with the need to have the applicant available for procedural purposes at any time, even where there exist delays due to systemic inefficiency. This is questionable since other states carry out asylum procedures without imposing restrictions on freedom to travel and without imposing compulsory accommodation.

Although sufficient statistical records do not exist, NGOs claim that a high proportion of asylum seekers withdraw their applications for asylum before receiving a decision because of difficulties faced living under asylum restrictions. This suggests that the right to seek asylum is compromised by the inability of many asylum seekers to cope during the lengthy determination process.

### **(iv) on integration**

During the 1990s, steps have been taken to improve the integration of foreigners living in Germany. The rise of right wing groups and the experience of racist violence has led to a re-

examination of inter-ethnic community relations. There is new emphasis on initiatives such as enabling long term resident aliens to learn German, and increasing public awareness of the culture of ethnic minorities.

It is however the declared policy of the German system to avoid integration of asylum seekers whose status has not yet been determined. The segregation and marginalisation of asylum seekers significantly undermines the drive for harmonious, integrated communities. Policies such as compulsory stays in reception centres, use of vouchers and restrictions on the right to work, which extend over years because of the time taken to determine asylum decisions, all hinder integration. The dispersal policy has missed opportunities to facilitate integration. It takes no account of where existing refugee communities are located, nor seeks to develop new ones; and places asylum seekers in communities known to be hostile to foreigners or where there is high unemployment.

**(v) on public opinion**

It can be argued that placing restrictions on the movement of asylum seekers within tight geographical boundaries is liable to increase local suspicion against asylum seekers. Setting limits on asylum seekers, which are not in force for the population as a whole, implies that asylum seekers cannot be trusted with the rights and responsibilities which govern the wider community. These restrictions also force asylum seekers to adopt a different lifestyle to the local community which enhances the sense of difference and encourages hostility.

The widespread use of large scale reception centres makes asylum seekers highly visible. The inability of most asylum seekers to work or engage in useful activity also feeds local resentment. There is no evidence that the policy of restricting movement reduces social tensions or has the support of the German public. On the contrary, movement restrictions have been the focus of protest among those sections of the public who are concerned to safeguard the rights of asylum seekers.

## UNITED KINGDOM

### Introduction

The UK has a long history as a country of asylum and in recent years has seen a steady rise in numbers of asylum applications. Until the early 1990s asylum seekers received support equivalent to other needy social groups, and had access to the same services. They were entitled to welfare benefits and housing assistance under the same regulations as nationals. Apart from the constraints of living on a low income, no additional restrictions were placed on freedom of movement including where they could live, or their ability to travel. Approximately 80% chose to live in London. The UK differs from many other European states in that it has no tradition of using reception centres to accommodate asylum seekers<sup>1</sup>, instead most asylum seekers live in the community in small units of rented accommodation financed by the state or by the individual (or their family and friends) – either rooms in lodging houses or hotels, or independent flats and houses.

Developing an effective response to rising numbers of asylum seekers has preoccupied the UK government over the last decade. Asylum has received increasing media attention, mainly raising concerns that there are insufficient controls on economic migrants who claim asylum: the so – called “bogus” asylum seekers. Concerns have also been raised about asylum seekers who travel through other European countries to the UK before claiming asylum because, it is argued, the UK reception system is more attractive. The tone of the media, and the comments of right wing politicians, have both reflected and inflamed public anxiety. There have been several changes in asylum legislation affecting the reception framework with a tendency to introduce more controls and reduce benefits.

Throughout the 90s the system became increasingly chaotic as responsibility for reception was passed to local authorities. Many asylum seekers failed to receive even the low level of support to which they were entitled. As asylum seekers were the responsibility of the authority where they claimed assistance, most continued to be accommodated in London and the South East. Faced with mounting accommodation costs local authorities lobbied to return responsibility to the national government and for asylum seekers to be dispersed away from London and the southern sea ports.

The Immigration and Asylum Act 1999 brought in a comprehensive new system aimed to make the system “Fairer, Faster and Firmer”. It introduced two significant policy initiatives: first, a national system of vouchers available to all needy asylum seekers as a means of welfare payments, with only a minimal cash allowance, and second, dispersal to accommodation away from London for those requiring state accommodation. The system is administered by a new central government body - the National Asylum Support Service (NASS) located in the Home Office. Unaccompanied minors continue to be dealt with separately by local authority Social Services Departments, and are not dispersed. Quicker decision making procedures mean that waiting times for a decision, including appeals should be no more than 6 months. As a result waiting times have fallen although the target is not met in all cases.

The dispersal system should be seen in the context of regional variations across the U.K. London and the South East of England – the “Home Counties” are the most prosperous region, representing the centre of economic activity and the main air, sea and rail routes to Europe.

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<sup>1</sup> Exceptions to this are the centres which have been used to accommodate those brought to the UK under humanitarian programmes e.g. from Kosovo and Bosnia.

Housing and other living costs are most expensive here. London is also the most ethnically diverse and cosmopolitan part of the country and hosts the majority of the U.K.'s refugee communities and refugee assisting agencies. In other regions – the North, Scotland and Wales, although there are pockets of prosperity, many urban centres have suffered industrial decline, unemployment and social deprivation. Regional cities are more likely to have surplus affordable housing than London. These cities have multi – racial populations but not all have refugee communities.

In 2000, the government launched its integration strategy which aimed to improve co-ordination between existing agencies and develop new projects to facilitate the integration of recognized refugees into local communities.

Although the new system for supporting asylum seekers does not explicitly limit movement one of its consequences has been a significant impact on freedom of movement, as described in more detail below. Responding to complaints, the government ordered a review of the system of dispersal and the use of vouchers. On 29.10.01, while this research was being conducted, the Home Secretary David Blunkett announced that the problematic UK reception model will be reformed. In the future, asylum seekers may be housed in regional reception centres rather than rented accommodation, and a limited pilot scheme is to be tested. Vouchers will be replaced with cash payments in the short term but other options, including an electronic card, are being considered.

The analysis below focuses on the current system, introduced in 2000, which is still “new” and under development. Following recent announcements, it is likely that this will be replaced over the next few years, and reference is made to these proposed changes where information exists.

### **The reception system**

#### **(i) first stage reception**

A person who applies for asylum and is destitute can apply for assistance from NASS. Although the UK does not operate a distinct first reception stage, there are frequent delays in processing applications to NASS. Voluntary sector agencies acting as "Reception Assistants" help asylum seekers to make applications and find emergency accommodation, until their application is processed and NASS has found accommodation for them in the regions. Delays are often due to asylum seekers not wanting to be dispersed. In theory emergency accommodation is provided for 7 days but a backlog of cases means that asylum seekers can spend up to on average 8 weeks in emergency accommodation. Emergency accommodation consists of rooms in cheap hotels in and around London. The quality of the accommodation is basic and as meals are provided, asylum seekers are given no welfare payments during this period. As a result, although no procedural movement restrictions exist for asylum seekers in emergency accommodation, in reality movement is highly limited because of lack of money and dependence on the accommodation for meals.

The recently announced changes propose the development of induction centres for asylum seekers in this early pre – reception phase, instead of relying on emergency hotels. From February 2002 induction centres will be established across the UK, they will provide a range of services but will not include assisting with making asylum applications.



**(ii) second stage reception**

Once NASS has processed claims for assistance asylum seekers are sent to accommodation away from London and the South East of England, to towns in the regions where there is available housing. There is no formal quota system as in Germany, although dispersal relies on agreements with local authorities about how many asylum seekers they can accommodate. The dispersal scheme intended to create viable networks for mutual support. It should develop clusters of asylum seekers dispersed to certain localities and to consider the location of close relatives before dispersing an individual. Although there has been a tendency to allocate asylum seekers to areas with ethnically diverse populations, rather than to isolated rural areas, the system has been hampered by failure to disseminate detailed information to the receiving authorities about asylum seekers being dispersed to their area. Although the commitment to cluster continues, asylum seekers tend to be allocated to regions on the basis of availability of accommodation.

NASS makes only one offer of accommodation. If an asylum seeker does not take up that offer, no alternative housing is offered. The scheme is not compulsory; asylum seekers do not have to live in NASS accommodation. Those who can stay with friends or relatives are free to do so, and those who are allocated accommodation are free to leave it but must keep the authorities informed of where they are living. If an individual initially relies on accommodation from relatives they cannot request accommodation from NASS at a later date. Approximately half of newly arrived asylum seekers are estimated to choose to live with friends or relatives rather than be dispersed. Since the cash allowance is insufficient to pay rent, this increases pressure on refugee communities.

Asylum seekers who are absent from their accommodation may lose it, even in cases of harassment, when they must wait for NASS to investigate and approve a move to alternative accommodation. In reality, however, the large number of small units used for accommodation means that there cannot be regular checks on absenteeism.

There is some evidence of secondary dispersal as local authorities without sufficient accommodation are moving asylum seekers within their area after they have been dispersed.

The asylum process, including any appeal, should be completed within 6 months but the government is not always successful in meeting this target, so although asylum seekers should only be in this accommodation for limited periods, many stay for longer periods. Once a final decision is reached on an asylum application, individuals have a short period of time to leave the accommodation.

Complaints about the scheme have focused on the separation of newly arrived asylum seekers from established refugee community networks, the failure to develop viable communities of asylum seekers in dispersed areas, the use of accommodation in areas with existing social problems and racial tension, and the inability of dispersed asylum seekers to access proper legal advice.

The proposals announced in October 2001 suggest placing asylum seekers in large scale accommodation centres as in other European countries, although no decision will be taken until the pilot scheme is concluded. As the pilot scheme will only include about 10% of asylum seekers, most will continue to be dispersed.

**(iii) welfare payments**

The Immigration and Asylum Act 1999 stipulates that NASS must cover the essential living needs of asylum seekers who are likely to become destitute within 14 days. NASS welfare payments are in the form of vouchers, redeemable at certain shops, plus £10 [EURO 17] per person, per week in cash. The total amount is 70% of the minimum level of support paid to nationals. (The level of support for unaccompanied children is the same as for British citizens.) Asylum seekers who stay with friends and relatives receive no additional welfare payments to pay rent. If asylum seekers remain in the process for longer than 6 months they are given an additional one off payment of £50 (approximately 80Euro).

In assessing the level of payment required to meet basic needs, the asylum support regulations state that travel is excluded as an essential need. Therefore, while travel is not prohibited the welfare payment is set at a level that is not expected to make travel possible. In reality, asylum seekers have experienced acute difficulties in meeting basic needs under the voucher scheme, and the ability to travel is one of first casualties. Vouchers cannot be used on public transport which means that asylum seekers must use the very small cash allowance to travel. Additionally, there have been problems with travel to attend immigration interviews. Asylum seekers are issued with travel vouchers to cover the cost of the train journey, but there have been problems with travel vouchers not arriving in time for the interviews. This has had a direct effect on the outcome of asylum applications since the number of refusals for “non – compliance” i.e. not attending interviews, has risen dramatically since the dispersal system was introduced.

After six months, asylum seekers can apply to the Home Office for permission to work. This is usually granted, but is not an automatic entitlement. The usual difficulties faced by asylum seekers in looking for work have been worsened by dispersal to areas of high unemployment.

There has been wide ranging and sustained criticism of the voucher scheme, from NGOs, unions, faith organisations and liberal and left wing politicians. Critics maintain that vouchers are stigmatising, unfair and do not safeguard the welfare of asylum seekers, and have lobbied hard for a return to cash payments.<sup>2</sup>

It is not yet clear whether the abolition of vouchers, as announced in October 2001, will provide a more flexible system of welfare payments.

**(iv) family unity**

When the 1999 system was introduced it was intended that consideration would be given to family unity, that family members would be kept together and that relations arriving at different times would be allocated accommodation within the same locality. Although close family members who arrive together are housed together, extended family members may be allocated accommodation in separate localities, and it is difficult for relatives who arrive at different times to be accommodated close together. As a result, the dispersal system has failed to maintain family unity. The geographical distance between people, and the low level and inflexible form of welfare payments, with their impact on movement, makes it extremely difficult for relatives to visit each other and maintain in contact.

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<sup>2</sup> See the discussion in *Token Gestures, the Effect of the Voucher Scheme on Asylum Seekers and Organisations in the U.K.*, T&G, Oxfam, Refugee Council, 2000.

Asylum seekers can choose not to be dispersed if they have relatives or friends who can accommodate them. There is increasing concern that significant numbers of asylum seekers are choosing this option primarily because they do not wish to be dispersed away from family and friends; and this is causing a burden on refugee communities in London. There is evidence, for example, of three families sharing houses intended for one.

In cases liable to detention it is often the case that male adults will be detained, and the women and children allowed to live in the community. Since the introduction of dispersal, these family members are likely to be allocated accommodation hundreds of miles away from where their relatives are detained.

Another cause for concern is the situation of unaccompanied minors. They are initially cared for by social services in the area where they first registered for assistance – normally London or the southern ports, but at the age of majority (18 years) become liable for dispersal. They have to leave the locality in which they have built up friends and may have younger siblings or other relatives who are unable to accommodate them.

If an asylum seeker finds paid work then there is the opportunity to move closer to relatives, and this is often a priority for those with the means to do so. There is a significant “drift back” effect under the dispersal scheme.

**(v) additional restrictions on movement**

Other than the difficulties caused by geography and poverty, as outlined above, there are no additional movement restrictions in force, apart from cases liable for detention. For example, there is no requirement to register repeatedly during the asylum process.

Asylum seekers who fail to keep the authorities notified of their address, make it difficult for the authorities to contact them regarding the progress of their case, which risks missing interviews and thereby having their application rejected.

The 1999 Act introduces the power to make regulations requiring asylum seekers to reside in accommodation. In effect this would enable them to leave during the day but absence at night would be prohibited. In addition there is the power to make regulations prohibiting asylum seekers from living in certain areas. However, in both cases, no regulations can be made without the consent of parliament. The government has not attempted to make such regulations.

The changes proposed in October 2001 give greater emphasis to “tracking” asylum seekers as they pass through the reception system but it is as yet unclear how this will be achieved.

**The effects of this system**

**(i) on government objectives**

The system has been only partially successful in its aim of responsibility sharing between local authorities. Authorities in the regions feel they have received insufficient support from central government to provide for asylum seekers, while authorities in the capital have to deal with the effects of large numbers who choose not to be dispersed, and with those in the backlog awaiting dispersal.

It has not been the case that dispersal has raised the quality of accommodation available to asylum seekers, although the situation in London would have become even worse without dispersal. The intention to keep families united has been harder to achieve since dispersal.

The UK government stated that the system was intended to have a deterrent effect. Numbers of asylum applications have continued to rise since 1999, suggesting that there has been no deterrence. Asylum seekers have, however, been deterred from applying for support, raising serious welfare concerns.

The government has been successful in processing applications more quickly, but this is due to additional resources being allocated to determination rather than as a result of the reception system. Costs of reception support have been reduced primarily because of the large numbers choosing not to enter the system. Accommodation costs per head are lower in the regions, but substantial administrative costs have been incurred in setting up NASS, developing the voucher scheme and paying additional grants to local authorities and NGOs to develop services in the regions.

**(ii) on the welfare of individuals**

NGOs monitoring the impact of the reception system on asylum seekers point to increasing evidence of anxiety, depression, despair, isolation, confusion and low self esteem. Problems relating to inability to travel or change accommodation, especially where individuals are isolated, are identified as contributing to these health and welfare concerns. In particular, difficulties faced in keeping in touch with distant lawyers, community organisations, interpreters and other specialist services are noted. Asylum seekers are frustrated by increased communication difficulties and lack of appropriate information. In general, the twin policies of dispersal and vouchers have resulted in a reduced ability for asylum seekers to provide each other with informal mutual support.

**(iii) on the ability to comply with asylum procedures**

The system introduced by the 1999 Act has had a negative impact on the ability of asylum seekers to comply with asylum procedures and this is directly related to their capacity to move freely within the UK.

Because of the historic concentration of asylum seekers and asylum lawyers in London, dispersal has made it difficult for asylum seekers to find an appropriately qualified legal advisor in their locality. As a result there has been an increasing number of cases of asylum seekers either receiving legal advice from London lawyers or from local lawyers without relevant expertise. The limitations on movement mean that an asylum seeker in the North of England with a lawyer in London might expect to see their lawyer only once during the asylum process.

Equally, a lack of interpreters with knowledge of the appropriate languages and experience of working with asylum applicants has created difficulties for asylum seekers in the regions. The shortage of interpreters in the regions, and the distances which they must travel to reach asylum seekers, increases the chance of difficulties due to interpreters missing appointments.

Asylum seekers are required to travel long distances to attend interviews with immigration officials. Reliance on travel vouchers is problematic (see earlier section). Not attending an interview is grounds for refusal of an asylum application.

**(iv) on integration**

Dispersal took place at a time when sections of the national media were regularly running stories hostile to asylum seekers, creating a poor climate for introducing asylum seekers into regional communities. The low level of welfare payments in cash means that most asylum seekers travel no further than they are able to walk. This puts significant limits on their ability to integrate into the local community and find work. Lack of mobility at the reception stage makes integration after status more difficult – it is harder, for example to learn the host language, to understand local procedures or to make new friends. The increase in isolation, marginalisation and welfare concerns, and the impact on public opinion, directly contradict the intended aims of the government's new integration strategy.

**(v) on public opinion**

There is no evidence that introducing a tougher reception system has had a positive effect on public opinion towards asylum seekers. Dispersal plans were met with protests in many communities and there is evidence that suggests asylum seekers have become increasingly subject to racial abuse and attacks. Local authorities can effectively prevent dispersal to their area by not making accommodation available to the scheme. Dispersal to Glasgow was halted after the death of an asylum seeker. In other areas, however, dispersal has been more successful and asylum seekers have been welcomed by local communities.

Use of vouchers sets asylum seekers apart from other members of society and implies that they are untrustworthy. Criticism of the system has been politically embarrassing for the government. Concerns have been raised that intolerance towards asylum seekers across the whole country has increased in the wake of the new system and the debate surrounding it and there has been increased activity by far right groups. The handling of the dispersal experiment could be seen as a missed opportunity by the government to generate a more positive public opinion towards asylum seekers.

## SWEDEN

### Introduction

The Swedish approach to reception of asylum seekers must be seen in the context of the relatively generous state welfare system, based on values of equality and social cohesion. There has been a commitment by successive governments to support measures to reduce discrimination, unemployment and segregation of different ethnic communities and other groups. Although asylum seekers do not have full entitlements to the welfare system and are provided for separately, there is some appreciation of the need to deal with problems which may arise in the delivery of reception services, not only for the benefit of the individuals concerned but also for the promotion of an inclusive society. The Social Democratic Government, for example, stated in 1998 that:

*“The reception of refugees must be characterized by humanity and be guided by the right of asylum and the shared belief among most political parties that refugees shall benefit from general welfare provision similar to nationals.”<sup>1</sup>*

As in other European countries, this commitment has been tested by the experience of rising numbers of asylum applications in recent years, although there have been marked annual fluctuations. Applications climbed from 19,600 in 1988 to a high of 84,000 in 1992, falling back dramatically to 5,800 in 1996. Numbers have risen gradually since then, to 16,400 in 2000. Even at its peak the number of annual asylum applications to Sweden was far less than has been typical in Germany in recent years.

Immigration has been regulated since the 1970's and in practice Swedish asylum policy is arguably less generous than is suggested by political discourse. However, the reception system compares favourably with support provided in other European countries, and is assisted by a flexible approach to provision and by public support for asylum seekers.

Despite a desire to restrict the entry of asylum seekers, there has been no move to reduce their entitlements in recent years, nor has there been widespread public or media concern about asylum, as in other European countries. It is generally believed in Sweden that the main reason for seeking asylum is upheaval in the country of origin rather than for economic reasons. The level of support is such that there are often demonstrations against the deportation of individuals whose asylum applications have been rejected. There is concern among the public about the integration of third country nationals.

An increase in activity by right wing groups in 1999 and 2000 led to some violent incidents, including arson attacks on reception centres but this was met by strong condemnation from the government, the press and the public, and this problem has abated. No mainstream political party in Sweden campaigns against immigration.

The Swedish National Immigration Board (*Statens Invandrarverket* or SIV) – has a wide remit which since 1985 has included responsibility for the conditions of reception of asylum seekers and for procedures relating to asylum applications and decisions. The Swedish reception system for asylum seekers, until 1994, was based on compulsory dispersal to and residence in nationwide

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<sup>1</sup> Statement of Government Policy, 6 October 1998

reception centres until the outcome of an asylum application. Under this system a comprehensive care package was provided to asylum seekers, but individuals had little independence.

In 1994 the Liberal government reformed the reception system. This was partly due to a more enlightened view of asylum seekers as resourceful people rather than passive recipients of care but also a recognition that, at a time of economic recession, introducing choice would reduce the state's accommodation costs. Asylum seekers could choose to live with friends or family and continue to receive welfare payments, and the right to work (after 4 months) was introduced. The state retained responsibility to ensure that sufficient accommodation is provided for all those who require it, and those living independently are registered with and so linked into a local reception centre.

Currently about 60% of asylum seekers choose to live independently. However, the additional allowance paid to those outside the reception centres is insufficient to pay market rents and as a result they must live where there are already existing refugee communities to support them to find affordable accommodation. This has exacerbated problems of ghettoisation in cities. Asylum seekers and other immigrant groups congregate in high rise flats in poor inner city areas which have been largely vacated by native Swedes. Those who choose to live independently often cite reluctance to be dispersed as the reason for their choice.

Families tend to prefer the option of continuing to stay in reception centres, even if they have other relatives and friends in Sweden, because centres are secure accommodation and offer additional support. The length of time waiting for a decision on an asylum application (currently around 18 months) can lead to problems of institutionalisation and depression for those living in reception centres, although there is the choice to move out.

Reception centres are legally obliged to accept anyone who loses their independent accommodation. The ability to switch between reception centres and independent accommodation throughout the asylum process is an important extension of the choice available to asylum seekers, although subject to bureaucratic delays.

For those who receive a positive decision on their asylum application, there exists an integration programme. Those in reception centres, are allocated to a municipality which is provided with state funding to ensure accommodation and support. Under the "all Sweden" policy recognised refugees are allocated nationwide, and they are particularly encouraged to settle in rural northern municipalities which have available accommodation. High unemployment among refugees, especially in rural areas, is a barrier to integration, resulting in a drift towards the cities. Those who chose independent living also receive less integration support after status is granted than those in reception centres.

Swedish NGOs have a number of concerns about the Swedish reception system. The main criticism is that asylum seekers do not have full access to free healthcare. It is also argued that the payments to those living independently should be raised to allow them to pay market rents and if they receive a positive decision they should receive the same level of integration support as those leaving reception centres. Institutionalisation in the centres is a cause for concern. In general however, Swedish NGOs are satisfied that the Swedish model offers a good standard of reception and report that they receive few complaints from asylum seekers.

## **The reception system**

### **(i) first stage reception**

Asylum seekers arriving to Sweden are normally briefly accommodated in one of three “transit” reception centres, located in Stockholm, Göteborg and Malmö where the basis for their asylum claim is registered and practical needs are met. They are used as a temporary residence until more permanent accommodation is arranged. This first stage is always completed within a few days. These centres are run by the Swedish National Immigration Board or SIV and have between 200 and 400 places each. After this, they are transferred to a long term reception or residence centre. There are also a number of smaller centres which may be used for this purpose which are located inside residence centres in other Swedish cities.

Accommodation in the first stage centres is not compulsory, and asylum seekers may stay outside the centres, from the day of arrival, if they are able to arrange their own accommodation, for instance if they have relatives or friends living in Sweden.

### **(ii) second stage reception**

Asylum seekers can remain in a residence centre while their application is processed. Allocation of a place in a residence centre depends on where a vacancy is available and therefore asylum seekers in need of accommodation are dispersed without a choice about the location in which they live. In the residence centres, asylum seekers usually live in furnished self-catering flats. Families generally live together, while single persons are accommodated in shared flats. There are 27 centres accommodating a total of approximately 7,500 people, the largest holding 1000 people. The SIV open up and close down centres according to demand. Since all centres are run by the SIV there are mechanisms to ensure a consistent service is provided in each centre. Unaccompanied minors are accommodated in special reception homes run by the SIV.

Activities are arranged for the asylum seekers in the centres, for example, maintenance of the centre and Swedish language classes. The activities are compulsory whether or not they are living in a reception centre. Asylum seekers in reception centres do not automatically lose their accommodation if they are absent, but it will be reallocated if it is established that they are not living in the accommodation.

Accommodation in the residence centres is not compulsory and asylum seekers can choose to stay with friends or relatives. They must register their address at the nearest residence centre, and centres may have several hundred additional people registered with them. Currently, about 60% of asylum seekers are staying outside the centres. This increases their independence but leads to overcrowding in larger cities. The SIV is not responsible for the accommodation of asylum seekers who choose to live outside the centres but there is an obligation to provide a place in a residence centre for any asylum seeker who becomes homeless after choosing to live independently.



**(iii) welfare payments**

Asylum seekers who are destitute are entitled to a cash allowance provided by the SIV designed to cover clothing, toiletries and leisure activities. It is also intended to cover the cost of medical treatment. Single adults in a centre receive 256 EURO a month. A family with 2 children receives 763 EURO a month. Additional payments can be made for persons who need glasses, winter clothes, travelling costs etc. There is no assistance granted in kind, except for meals provided at reception centres, for which deductions in allowance may be made. The daily allowance can be reduced if the asylum-seeker does not participate in organised activity.

Asylum seekers arranging their own independent living receive a small additional payment towards their living costs of 60 EURO per adult per month, 120 per family. This is insufficient to cover market rents and as those in centres are paid over 80% of the level of allowance paid to those living independently, there is a financial incentive to choose to live in the centres.

The rates of allowances paid have not changed since 1997 and this has adversely impacted on all asylum seekers reliant on state support but particularly those seeking affordable independent accommodation.

Children under 18 years of age are entitled to free medical and dental care on the same basis as other children in Sweden. Adult asylum seekers are only entitled to receive emergency medical or dental treatment for free. All other treatment and medication must be paid for. Those who cannot afford to pay medical costs can ask the SIV to pay. In practice this means that many receive the treatment they need but there are delays and the SIV can exercise its discretion not to pay.

The right to work is dependent on the time taken to make a decision on the asylum claim. If it is expected to take more than four months the right to work is granted. In practice, however, it is rare that asylum seekers are able to find work. Those applicants who find work must pay a contribution towards food and accommodation costs incurred in the reception centre.

**(iv) family unity**

Within Sweden, there is a commitment to keeping nuclear family members together, and where nuclear family members arrive at different times, efforts are made to reunite them. While efforts are made to keep together extended family members who arrive at the same time there is no commitment to reunite extended family members who arrive within the country at different times and are dispersed to different locations.

**(v) other restrictions on movement**

There are no legal restrictions on free movement. Dispersal to isolated locations on a small allowance has the effect of limiting movement but the system has the flexibility to allow asylum seekers to move in and out of centres. Those living independently must register their current address with the nearest centre but their ability to travel is not limited by having to report regularly to the centre. Welfare allowances are paid from the centre but can be received by post. The requirement to participate in regular organised activities is a de facto restriction on the ability to travel freely although this is widely believed to be offset by the beneficial effects of helping individuals to occupy their time.

## **The effects of this system**

### **(i) on government objectives**

The change in reception policy from one based entirely on reception centres to one offering choices for those with friends and family in Sweden was partly motivated by economic considerations. The move has meant a cost saving for the government –although this is in part achieved because those living independently are not given allowances to match market rents. The system of dispersal functions effectively in Sweden and although accommodation shortages pose difficulties protests against dispersal by municipalities are extremely rare.

Unemployment rates in Sweden are generally low although significantly higher for migrant groups, however programmes to encourage employers to employ a multi-cultural workforce and to integrate migrant groups, including asylum seekers and refugees, into the workforce, have met with some success.

In contrast with other European countries, control of the movements of asylum seekers has not been identified as a concern by successive Swedish governments and this is not an intended outcome of the Swedish reception system. The Swedish government appears to have been successful in maintaining public support for its approach to reception and in promoting inclusivity. Its commitment to review and improve the system over time is helpful in ensuring that the system continues to meet the needs of the state and of asylum seekers.

The most problematic area of the reception policy in terms of the governments objectives is the development of inner city ghettos in the big cities such as Stockholm, Gothenburg and Malmo where migrant groups, including asylum seekers and refugees make up the majority of the local population. In areas such as Botkyrka in Stockholm, which have been vacated by Swedish nationals moving to the suburbs, as much as 80% of the population speak minority languages making it difficult for individuals to learn Swedish and to find employment. Allowing asylum seekers to find independent accommodation with friends and family has led to the growth of such areas, but so too has insufficient attention to regeneration of poor urban areas. This contradicts the government's policy of inclusivity and has been the focus of public concern. The government has responded by providing grants for integration and regeneration programmes in the inner cities, including funding language classes, although arguably the problems should have been addressed sooner and more needs to be done to improve local services and accommodation in order to encourage native Swedes to return to live in these areas.

### **(ii) on the welfare of individuals**

Although a good standard of support is provided in the reception centres, over time asylum seekers living in reception centres can suffer institutionalisation. Dispersal to small communities can be isolating and this can lead to health problems among asylum seekers. On average a decision on an asylum application takes 18 months (and in many cases much longer), and this poses problems for the reception system and for individuals within it. Secondary movements of individuals occur when centres are closed and after receipt of status for those living in reception centres, and this upheaval can be disorienting, especially for children who must change school etc.

Financial allowances are adequate to meet basic needs but over time asylum seekers experience difficulties in maintaining a dignified standard of living while waiting for an asylum decision. The

system of cutting support for not participating in activities is not always applied consistently. Organised activities have a beneficial effect on the welfare of individuals but, according to Swedish NGOs, are not always well planned or useful.

The level of allowance paid to those living independently, which is insufficient to pay market rents, creates hardship and increases pressures on established refugee communities which act as hosts. The growth of ghettos, characterised by overcrowded, squalid housing and insufficient access to mainstream services raises health and welfare concerns, which have only partially been addressed by government policies.

**(iii) on the ability to comply with asylum procedures**

Under the highly centralised Swedish system, a lawyer is allocated to asylum seekers by the SIV. Dispersal to remote locations does not prevent asylum seekers from receiving legal advice because the travel costs of lawyers are paid by the SIV, but there are concerns about the quality and impartiality of some of the lawyers provided. NGOs argue that asylum seekers should be represented by lawyers appointed by an independent body rather than by the SIV. The registration of asylum seekers living independently with the local reception centre facilitates communication regarding the asylum process.

**(iv) on integration**

The system of reception of asylum seekers is centrally funded and operated by the SIV and thereby the financial and administrative costs to municipalities of asylum seekers dispersed to their area is kept to a minimum. This in turn facilitates acceptance of dispersal by municipal authorities and local communities. Many local volunteer groups exist to support asylum seekers and refugees although NGOs feel that there is scope to improve the involvement of the local community in activities in reception centres. There is also concern that the activities in reception centres could give more consideration to asylum seekers' skills and knowledge and so provide better preparation for integration for those who will receive a positive decision on their asylum claim.

Once a person gets status, most refugees are "moved on" to smaller municipalities in the regions under a strict quota system operated by the central authorities. An individual action plan is drawn up to assist integration which includes access to training and advice on employment opportunities. For many rural municipalities the allocation of refugees and asylum seekers, with attendant central funding, is perceived as enabling local schools, hospitals and shops to survive.

Those who are granted status and are living independently are entitled to social assistance equivalent to nationals and to those leaving reception centres, but because they are not relocating they do not receive individually tailored integration support. The emergence of ghettos in the inner cities, as described above, is a barrier to integration and by failing to provide those who live in such areas with the same integration programme as those leaving reception centres, the government misses an opportunity to assist them to overcome any problems generated while living in the inner city.

**(v) on public opinion**

In general, Swedish society is accepting of asylum seekers and hostilities are rare. Where there have been protests against asylum seekers, it is common to find counter protests by their

supporters. NGOs report that there is no hostility towards recognised refugees. This is in part attributable to Sweden's tolerant culture and the role of NGOs in communicating the needs of asylum seekers; but it is also as a result of Sweden's reception policy. Dispersal has been accompanied by a high degree of involvement in service provision by volunteers from local communities who befriend asylum seekers. The creation of ghettos where native Swedes are reluctant to live is damaging to good relations between refugee communities and the host population. Measures to improve the inner city areas are not only beneficial for asylum seekers living independently but are inclusive of other needy groups. The lack of restrictions on movement allows asylum seekers to integrate more easily with the local community and this has a positive effect on public opinion towards them.

**SUMMARY ANALYSIS WITH REFERENCE TO THREE OTHER STATES: ITALY, FRANCE AND THE NETHERLANDS.**

The three states described in the case studies – Germany, the UK and Sweden, all represent different models for providing a national system of reception for asylum seekers. In all three cases this system has developed over recent decades with adaptations made to account for rising numbers of asylum seekers. All three operate a centralised distribution system for dispersing asylum seekers across all regions of the state in order to promote equitable sharing of responsibilities among local authorities, although only Germany has a federal system of government. All three countries refer to a humanitarian tradition which demands that they provide asylum seekers with accommodation and support in cash or kind for basic needs.

The German system is clearly the most restrictive in that asylum seekers must reside in state accommodation as a requirement of the asylum process, regardless of whether they have friends or family who could accommodate them. It is also the most restrictive of the three states in granting access to the labour market. It is the only member state of the European Union to impose movement restrictions on asylum seekers, limiting their right to travel in most circumstances to the local town or equivalent area, and requiring individuals to seek permits to travel outside this area.

In the UK state accommodation is not compulsory for all asylum seekers and is only available for those in need. The UK does not have legal restrictions on travel but operates a system which for administrative and financial reasons makes travel very difficult for asylum seekers. This is due largely to the provision of support mainly in the form of vouchers which are not accepted on public transport. Problems with the provision of travel vouchers for immigration interviews have seriously impacted on the ability to fulfil the conditions of the asylum process.

Sweden operates the least restrictive system of the three. Asylum seekers choosing to live independently with family or friends receive additional financial support compared with those living in reception centres (although this is not equivalent to market rents) and they are linked to their local reception centre for activities and additional services. Asylum seekers do not have a “once only” choice to receive state accommodation as in the UK but can move in and out of that accommodation during the asylum process. There are no restrictions on travel, although those in isolated regions may find, for financial reasons, that their ability to travel is limited. Other restrictions are a cause for concern – notably restrictions on access to healthcare.

While there is not the capacity here to examine reception systems in all the European Union member states in detail there are certain aspects of the reception system in some other states which are relevant to the discussion here. This chapter will draw upon the situation in Italy, France and the Netherlands. Italy and France both represent countries which do not accommodate all asylum seekers in need. The Netherlands is included because although it operates a well developed system of provision, it has recently introduced increased restrictions on one section of the asylum seeking population – namely unaccompanied minors.

## Italy

Italy is an example of a country with minimum controls on movement. In Italy reception of asylum seekers is only just beginning to develop beyond a system based largely on voluntary assistance.

Although traditionally a country of emigration not immigration, Italy's location at the border of the European Union, and its large exposed coastline, has meant that in recent years it has been the point of entry into Europe for many asylum seekers, particularly those fleeing the Balkans in the 1990s. Asylum applications rose from under 4000 in 1990 to over 15000 ten years later.

Historically, very little state assistance has been made available to asylum seekers and no significant changes were implemented as numbers seeking asylum started to rise. Many asylum seekers pass through Italy onto other European countries, both to join family members settled in other European countries and because of lack of state aid in Italy. This in turn has led neighbouring European states to exert political pressure on Italy to introduce measures to prevent movement of asylum seekers across its borders. One element of this is the need to introduce proper reception provision to reduce the incentive for individuals to leave Italy in search of accommodation and support in countries with a more developed reception system.

Italy has two large scale reception centres in Puglia for newly arrived asylum seekers with up to 1500 places. These are run by NGOs with state funding. Accommodation is provided for up to 10 days after which time, no further accommodation is funded by the state. The local authorities – *Prefettura* - provide further accommodation for all unaccompanied children but others, including families, must make their own arrangements. Approximately 2,500 places are available for individuals run by the church and local organisations. Since the introduction of the 1998 Immigration Act, the local authorities, co-ordinated by the Italian National Association of Municipalities and with the support of the Italian government and UNHCR, have initiated new reception projects to address the shortage of accommodation. Under the national asylum programme – *Programma Nazionale Asilo* or PNA – 2200 places have been created for asylum seekers. Typically, such centres provide accommodation for a few months only, however, decisions on asylum applications take up to 10 months or more.

The state provides destitute asylum seekers with an allowance of 17 Euros per day for up to 45 days. This sum is paid by the Ministry of Interior through local authorities where the asylum seeker is registered. Some Communes continue to provide financial assistance to asylum seekers out of their own budgets after the first 45 days. Asylum seekers are not allowed to work. The short time period during which asylum seekers may receive payments prevents individuals from exercising any choice of accommodation although no legal restrictions on residence apply. Equally, freedom of travel is restricted in practice due to financial constraints.

Italy has no tradition of social provision through the welfare state as exists in other European countries. For example, there is no adequate system of payments made by the state to nationals who are unemployed, nor is there an adequate system for allocation of social housing to nationals in need of accommodation. This represents an important barrier to the development of a comprehensive package of reception services for asylum seekers.

Weaknesses in the legislative process are also responsible for delays. A draft law on asylum was passed by the Senate in February 2002 and is now in debate at the Chamber of Deputies. Until its ratification there is no legislation which would provide the basis for development of services by local authorities or for co-ordination between different agencies. Within this vacuum, and despite progress made under the PNA, assistance provided is disorganised, inconsistent and underfunded.

The failures in the reception arrangements have a significant impact on the welfare of asylum seekers. Especially in the central and southern regions of Italy the conditions are extremely poor. The lack of sufficient accommodation has led asylum seekers to construct camps on the margins of larger cities. These camps represent accommodation of the lowest standard, lacking basic services including electricity and sanitation. The lack of welfare support or legal access to the labour market forces many to work illegally. Asylum seekers eventually turn to canteens/ soup kitchens open on a voluntary basis, such as those run by Caritas.

There are no legal or procedural restrictions on freedom of movement of asylum seekers in Italy, once they have been admitted into the asylum procedure; due largely to the lack of a well developed reception system. There are substantial de facto restrictions arising from lack of funds and lack of accommodation choices.

### **France**

Like many other European states, France makes use of reception centres to accommodate asylum seekers. Where France differs from states like Germany and Sweden is that it is far from able to provide accommodation for all those asylum seekers in need of assistance – only 10% receive accommodation. This is evident in two related problems. First, there are simply not enough places provided in reception centres. Second, there are barriers to applying for reception assistance linked to the bureaucratic delays in issuing registration documents. Although France has a longer history of receiving large numbers of asylum seekers than Italy it has in common under-capacity in reception provision. Again, like in Italy, the lack of reception provision is accompanied by a laissez – faire attitude to freedom of movement, particularly in regard to those who are not provided with accommodation.

Asylum seekers who apply at borders are held in transit centres at the border for up to three weeks. Where available, they are then allocated a place in a reception centre - *centre d'accueil pour demandeurs d'asile* - or CADA for the duration of the time taken for a decision on their asylum claim. The average duration to be accepted in one of those centres is one year. As for the duration of the procedure to decide whether they are granted refugee status, it varies in each case from 3 weeks to several years, but on average it amounts to more than a year. Those who claim asylum within the country's borders are also able to apply for a place in a CADA. 63 CADAs have been set up throughout the country, typically with no more than 60 places each, the total capacity across the system is 3779 beds. CADA are run by various organisations co-ordinated by the national NGO *France Terre d'Asile*, and many are combined with hostels for young workers and other social housing. This should be seen against a total of 38,600 asylum applicants in 2000.

Those for whom there are no places available are offered no substantial assistance to find alternative accommodation. Welfare payments are insufficient to pay market rents but are sufficient to provide

some compensation where asylum seekers are accommodated by family and friends. If in possession of a three month residence permit - *recepisse* - adult asylum seekers who cannot access a place in a centre receive a one off payment of 305 Euros plus a monthly payment of 259 Euros, children get 100 Euros one off payment and no monthly allowance. Payments are for a maximum of 12 months. Asylum seekers are not allowed to work although significant numbers work illegally, particularly once their allowance has expired.

The under- capacity in the reception system is compounded by bureaucratic delays. Access to formal asylum procedures is dependent on gaining a temporary residence permit from the local offices of the *préfectures*. The permit is valid for one month then renewed every 3 months. No social assistance is paid until an asylum seeker is registered with a *préfecture* and this may take months (the average for a first appointment with the *préfecture* is about 4 months but in the *Préfecture de Paris*, where most applications are made, the average wait is 9 months. This is due to lack of sufficient resources within the *préfecture* offices to process applications, because documents are insufficient to prove identity etc., or, argue NGOs, because of a lack of will or a desire to deter applicants. This system may lead to *préfectures* stalling registration of those applicants who they judge to have an unfounded claim for asylum, despite the asylum applicant not having received a negative decision from the immigration authorities.

The seriousness of the situation is highlighted in reports<sup>1</sup> that in July 2001 the *Préfecture du Nord* in Lille which was open for only two hours each day had crowds of asylum seekers camping on the doorsteps in order to make asylum applications. Police responded by flinging 60 tickets into the crowd and only allowing those with tickets to enter.

Those asylum seekers who receive a permit and are in need of housing must apply to the National Admission Board. Asylum seekers granted accommodation are dispersed to centres across the country wherever vacancies exist. Once allocated accommodation they cannot move to an alternative centre, and they must inform the authorities if they want to be absent. There are no legal restrictions on freedom of travel, and therefore asylum seekers can travel within French territory if they have the resources to do so, although the difficulty in obtaining support payments and the time limit placed upon these payments makes travel difficult in practice.

The National Admission Board allocates the limited places available in the centres on the basis of an assessment of which applicants are most in need, and not simply how long they have waited for accommodation to become available. As such, although asylum seekers typically wait a further 6 months for accommodation after having received a permit, some applicants face far longer waiting times.

The majority of asylum seekers who are not offered accommodation congregate in cities where they can get some support from existing refugee communities and access mainstream services for the homeless. Centres established for homeless people are filled with asylum seekers.

The lack of sufficient reception accommodation means that where reception centres exist, they attract large numbers of asylum seekers who cannot be accommodated, but nevertheless will congregate in the vicinity hoping to receive assistance. This increases disruption for and so hostility among the

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<sup>1</sup> Libération 31.7.01



local community. It makes other local authorities more concerned about opening new centres in their area which will be unable to cope with demand and may become the focus of public resentment.

The rise in asylum applications and the number of destitute asylum seekers is likely to generate wide ranging social problems for the French authorities and mounting political pressure to provide additional reception assistance.

The Ministry of Social Affairs promised to create accommodation for an additional 2000 asylum seekers by 2001 but this has not addressed the delays and many of the new places are in existing centres for the homeless. NGOs argue that this does not constitute an adequate alternative and specific CADAs should be created. A recent report, commissioned by the French authorities, states that 9000 additional beds in CADA are required to be made available to meet demand.<sup>2</sup>

Under the current French system, as in Italy, the right to freedom of movement for asylum seekers results not from government reception policy but from a lack of a developed reception policy. Equally, while there are no legal or procedural movement restrictions, the financial difficulties faced by asylum seekers in France makes it difficult to travel and the lack of sufficient accommodation is a de facto restriction on the right to choose location of residence.

### **The Netherlands**

The Netherlands has a relatively well developed reception system and is able to find accommodation for all destitute asylum seekers, although fluctuating demand tests the capacity of the system and the quality of the accommodation is highly variable. In general, the Dutch system has similarities with the Swedish system. Accommodation is provided with a minimum of restrictions on freedom of movement but there remain some aspects of the system which are a cause for concern, including conditions in the first few days after arrival where restrictions on movement (both to travel and reside) are in place, and the situation of most unaccompanied minors who are subject to additional movement restrictions compared with other asylum seekers.

As elsewhere in Europe, asylum applications in the Netherlands rose in the 90's reaching just under 44,000 in 2000. Most cases are reported to take 2 years to reach a decision and there are examples of cases which have taken more than 5 years.

Under changes introduced in 1996 asylum seekers, until they received a decision on their asylum claim, were required to live in reception centres provided by the Central Agency for the Reception of Asylum Seekers - *Centraal Orgaan opvang Asielzoekers* – commonly called the COA. Due to capacity problems caused by rising numbers and the long processing times, since 1998 the system has allowed the use of accommodation other than reception centres, rented by the COA.

Upon arrival, persons seeking protection must reside in one of the four registration centres - *Aanmeldcentrum*. Concerns have been raised about overcrowding and dirty conditions in the centres. If no place is available, they are housed in other temporary facilities, usually in tents. Applicants should stay for no more than 4 nights but some remain for two weeks. Movement and access to medical treatment is restricted in this stage.

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<sup>2</sup> Rapport de l'IGAS : Inspection Générale des Affaires Sociales, January 2002.

After this first stage, asylum seekers may choose either to stay in a reception centre, in independent units rented by the authorities (approximately 10,000 bed-spaces in hotels and rented flats are financed by COA) or with friends or relatives (so called “self help” accommodation).

Applicants choosing reception centres are dispersed to one of around 100 long term reception centres - *Asielzoekerscentrum* - where they stay until a final decision on their asylum application has been reached. While waiting for a place in an *Asielzoekerscentrum* they may be moved into one of 16 temporary reception centres - *Onderzoeks en Opvangcentrum* - for two to three months.

Conditions vary between the centres although the *Asielzoekercentrum* tend to be of a better standard than the temporary centres. Both types typically have several hundred residents, and run various activities including Dutch language classes and in some cases assistance to find work outside the centres. Participation in training courses leads to an increase in benefit levels. There are no restrictions on movement for those living in the centres although asylum seekers have to report to the centre on a regular basis, and there is full access to medical care. The ability to change accommodation is limited.

At reception centres a one off payment is made to buy clothing etc and there is a payment of 165 Euros a month where asylum seekers cook their own meals and less if meals are provided. Those living with family or friends receive an additional 197 Euros a month. As in France, this payment is insufficient to meet market rents but is sufficient to make a payment to friends or relatives providing accommodation. Access to the labour market is possible after 6 months from the asylum application and is limited to a maximum of 39 weeks in a 12 month period.

The pressure to find sufficient accommodation is one of the main failings of the system, leading to the use of substandard accommodation, including accommodation in isolated areas, tents and boats. Those who stay in the large centres for many years risk institutionalisation and mental health problems, causing particular difficulties for the integration of those who move on to independent accommodation after receiving a positive decision on their asylum application.

In 2001 the Netherlands introduced a new Aliens Act. Under proposals relating to changes introduced in this Act it is planned that the initial screening centres will be phased out and that asylum seekers living in large scale reception centres will be moved out after one year into more independent accommodation.

In response to rising numbers of asylum applications from unaccompanied minors made in the Netherlands a new and tougher policy on unaccompanied minors was introduced in 2001 which includes freedom of movement restrictions. Unaccompanied asylum seekers aged 15 – 18, who cannot be repatriated because adequate care is not available in the country of origin (e.g. from a family member or a relief organisation), will be accommodated in new centres and given relief focussing on repatriation, since it is expected that they will only remain in the Netherlands until they are 18. The activities in the centres are intended to prepare them for return, they will receive no Dutch lessons and integration with the local community is discouraged. As far as possible all their needs are to be met within the centre and movement outside the centre is restricted. Only unaccompanied asylum seekers under 15 are provided with foster parents, mainstream education and integration programmes.

The Netherlands operates a system for adult asylum seekers which offers accommodation for all who need it, choices about the kind of accommodation available, and increased financial support for those who live independently, without movement restrictions beyond the first stage. Welfare concerns remain but recent changes suggest that the state is responsive to criticism of reception standards. The policy on unaccompanied minors, however, shows that the state is prepared to use tougher measures in response to perceived problems, including rising numbers of applications from specific groups, and that these measures include restricted rights, including freedom of movement and access to services.

### **Concluding remarks**

This report aims to throw light on the effects of limits on the freedom of movement of asylum seekers within the borders of European Union member states. In each of the three cases discussed in detail – Germany, the UK and Sweden – the report looks specifically at the effect of such limits on government objectives, on the ability to comply with asylum procedures, on the welfare of individuals, on integration and on public opinion. References are also made to some of these themes in the less detailed accounts of the systems in Italy, France and the Netherlands, provided in this chapter.

In Chapter 1 of this report we identify one of the key government objectives: restrictions on movement are seen as a means of enforcing dispersal programmes, designed to share the burden of reception services across all regions of the state and between different local authorities. This was shown to be a consideration in the policies of states discussed here, including the restrictions on residence in Germany and the "no choice" provision of dispersed accommodation for homeless asylum seekers in the UK.

One argument commonly used in defence of movement restrictions is that they are necessary to provide reception support; countries which impose such restrictions refer to the situation in those countries where restrictions do not apply but neither is there a good system of reception provision. In supplying information for this report UNHCR in Germany said:

*“this surely imperfect system at least ensures that asylum seekers are not left in the streets with no roof above their heads and no financial assistance whatsoever provided to them by the state.”*

While criticising Germany for its movement restrictions it is right to acknowledge that all those who seek asylum in Germany are provided with accommodation, which is not the case in France or Italy.

Equally countries in the early stages of developing reception provision, such as Italy, raise concerns that pressure to include choices and “freedoms” for asylum seekers should not make it impossible for them to provide reception on limited resources. For this reason ECRE states in the recommendations of this report that:

*“ECRE recognises that, in those states which are in the early stages of developing reception services, state funded accommodation for asylum seekers may be available in a limited number of locations*

*only. ECRE also recognises that dispersal is a common method of administering reception services and that, under certain circumstances, there are benefits to be gained from dispersal policies.*<sup>3</sup>

Before making the distinction with more developed reception systems:

*“ECRE does not accept that in a properly developed reception system it is necessary to restrict the residence of asylum seekers to certain localities within the territory of a member state in order to implement a good minimum standard of reception services or to ensure the success of dispersal.”*

Ensuring the economic efficiency of reception systems is commonly cited as a reason for imposing restrictions on asylum seekers. Locating reception accommodation in regions with abundant low cost housing is believed to keep the costs of reception provision to a minimum, particularly in states where cost of living in cities is expensive – eg Sweden and the UK. It has also been shown however, that offering asylum seekers accommodation choices, which include subsidising independent living, is cost effective. Accommodation choices have been shown to reduce costs in Sweden, which pays increased allowances to those living independently, although insufficient to afford market rents. Experience in the Netherlands shows that even where higher allowances are paid there is a cost saving to governments compared with placing all asylum seekers in reception centres. The Netherlands system is also dependent on the support of individuals in refugee communities who are prepared to accommodate asylum seekers at below market rents and asylum seekers pooling resources and living in cramped conditions. ECRE would encourage states to seek solutions which provide the choice of independent accommodation but which avoid overcrowding or over burdening refugee communities. The system of paying housing benefit for accommodation for asylum seekers which was in existence in the U.K. until the early 90s achieved this.

ECRE believes that restrictions on travel are also not cost effective. Dismantling freedom of movement restrictions such as the obligation to request permits to travel outside town boundaries, or the reliance on travel vouchers to meet immigration appointments, would eliminate the additional administrative burden necessary to operate and enforce these restrictions.

Where dispersal systems are implemented this should be in the context of a range of other policies to address underlying social and economic problems – such as the perpetuation of regional inequalities relating to unemployment, housing shortages or inadequate local services – and to develop good community relations. Movement restrictions alone cannot ensure the success of dispersal.

Freedom of movement restrictions are claimed by states to enable greater efficiency in processing asylum claims. It is argued that they give greater control over asylum seekers, ensuring they comply with procedures such as attending interviews so that decisions can be made more quickly. ECRE accepts that in the first few days after an application has been lodged – the first stage of reception - states may find that asylum seekers can be processed more quickly to the next stage if there is some restriction such as reporting or the requirement to live in a specified location. This would appear to be a commonly held view among member states as such a system is evident in a number of countries including Sweden and the Netherlands. Beyond this, ECRE does not accept that freedom of movement restrictions assist the determination process and that the opposite applies i.e. restrictions have a negative effect on the ability to comply with asylum procedures, making it harder to access

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<sup>3</sup> See recommendation 13

legal advice and to attend immigration interviews. ECRE does not accept that freedom of movement restrictions have any beneficial effect on waiting times for asylum decisions which are governed by other factors. Germany, which has the most restrictions, has one of the longest waiting times at between 2 and 7 years. It is a cause for concern that where restrictions exist, their negative effects are more apparent in states that have a slow process of decision making.

All the member states described in this report offer some form of financial assistance to asylum seekers. The extent of financial assistance varies and in some cases this leads to financial restrictions on freedom of movement even if no legal restriction applies. In countries like Sweden and the Netherlands, payments are modest but are provided in cash allowing asylum seekers the choice to travel if they wish. In the UK the predominance of vouchers makes travel extremely difficult. In France and in Italy the difficulties in accessing payments and the time limits placed on eligibility (payments are for a maximum of 45 days in Italy) also make it almost impossible to afford to travel; although in both of these countries NGOs state that this problem has resulted in widespread illegal working. ECRE believes that it is not justifiable to argue that freedom of movement restrictions are necessary in order to administer support payments to asylum seekers. Free movement may require adjustment of the system for administering social support and welfare payments to asylum seekers but this should not result in a more costly system, nor prevent burden sharing between different regions of a state.

The issues of the effects of movement restrictions on the welfare of individuals, integration and public opinion are closely linked.

Restrictions on movement have an impact on the unity of family members within a member state. Strict rules on location of accommodation can mean that family members arriving in the country at different times are accommodated in different regions, while travel restrictions make it difficult for those accommodated apart to visit each other, causing welfare concerns. Isolation is increased where, as in Germany, dispersal does not aim to encourage clustering of ethnic groups, and movement restrictions prevent asylum seekers from living where they can get the support of existing refugee communities. Movement restrictions can make it difficult to access essential services such as healthcare, furthermore ECRE notes with concern that in Sweden, for example, access to healthcare is restricted although movement is not.

ECRE is particularly concerned that, as in the case of unaccompanied minors in the Netherlands, member states may use freedom of movement restrictions as a way of excluding asylum seekers from the local community, thereby emphasising the distinction in status between asylum seekers and those with leave to stay in the state. ECRE believes that this will have negative effects on the welfare of individuals, possible future integration prospects and on public opinion towards asylum issues.

Enforcement of movement restrictions and of punishments for those who do not abide by them also has a negative effect on public opinion by raising unnecessary fears of asylum seekers among local communities. The divisive impact on public opinion of a restrictive reception system is shown in the testimony of Sunny Omwenyeke in Chapter 1 which describes the growing campaign in protest at movement restrictions in Germany.

To return to the specific issues raised by the Commission in Article 7 on freedom of movement in its proposed directive on reception, ECRE believes that on the basis of the evidence of the effects of limits on movement described in this report:

Restrictions on the freedom of asylum seekers to travel within the territory of a state are unjustifiable.

Restrictions on the freedom of asylum seekers to choose location of accommodation (to no lesser extent than nationals who are dependent on state support) are not necessary in order to provide a good standard of reception in a well developed reception system.

Restrictions on the freedom of asylum seekers to choose location of accommodation (to no lesser extent than nationals who are dependent on state support) are not necessary for implementation of the asylum determination process after initial checks have been conducted in the first few days.<sup>4</sup>

Furthermore the report has shown that movement restrictions have a negative effect on the welfare of asylum seekers, on integration and on public opinion.

The case studies in this report give evidence of inconsistent implementation of reception policies by different regions within member states. In Germany the system of decision making in relation to granting requests for travel permits is widely recognised to be open to abuse by some local officials and similarly in France the administration of residence permits granting access to reception services varies between prefectures. On the basis of such examples, ECRE believes that it is not an adequate safeguard of the welfare of asylum seekers to operate a system of travel permits or exemptions from residency rules within a framework of movement restrictions, as suggested by the Commission's proposal<sup>5</sup>.

The Commission recognises the importance of proportionality in reception policies – ie restrictions imposed on asylum seekers should demonstrate benefits against measurable aims that outweigh any negative effects on the individuals. With regard to movement restrictions it states:

*“it is for Member States to prove that these limits are necessary in relation to the aims of implementing this Directive or in order to enable asylum applications to be processed swiftly” and “as far as possible, substitutes for these limits.... should be put in place.”<sup>6</sup>*

Since only one member state – Germany – has imposed legal restrictions on the movement of asylum seekers for the duration of the asylum determination procedure it is hard to refute that substitutes for such limits are available since all other member states have asylum systems which operate without such restrictions.

In order to achieve the aim of harmonisation of asylum policies across member states ECRE believes that it would be most appropriate for the Directive laying down minimum standards on the reception of applicants for asylum to reflect the approach of the majority and:

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<sup>4</sup> or as an alternative to detention, see recommendation 29

<sup>5</sup> Article 7(4), Proposal for a Council Directive laying down minimum standards on the reception of applicants for asylum in Member States.

<sup>6</sup> From the explanatory notes accompanying the Proposal for a Council Directive laying down minimum standards on the reception of applicants for asylum in Member States

*“grant applicants and their accompanying family members individual freedom of movement”<sup>7</sup>  
across the whole territory*

Except in the limited circumstances outlined in the recommendations.

Given the continuing controversy which exists with regard to the right to freedom of movement the right to appeal against movement restrictions is an important safeguard.

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<sup>7</sup>Article 7(1).

## GOOD PRACTICE RECOMMENDATIONS

### **On defining freedom of movement**

1. In the context of reception policies, ECRE defines freedom of movement as the right to travel freely within the host nation and to reside within any locality of a nation state to no lesser extent than nationals who are dependent on state support. ECRE recognises that movement restrictions can be explicit legal restrictions, or implicit restrictions arising out of reception procedures or financial conditions.
2. Travel is a natural human activity and the imposition of travel restrictions on individuals has a negative effect on their well-being. Freedom to travel within one's country of residence is a right enjoyed by nationals of EU member states and third country nationals residing in Member States. ECRE does not accept that there are any circumstances in which restrictions on the freedom to travel of asylum seekers are justifiable. See recommendation 8.
3. With the exception of the circumstances stated in recommendations 13, 29 and 30, ECRE believes that it is not necessary to restrict the residence of asylum seekers to certain localities.
4. These recommendations should apply equally to those whose applications are being considered on appeal as well as those waiting for a first decision on their asylum claim and that those whose applications are being considered on appeal should not be subject to any additional restrictions.
5. ECRE believes that allowing freedom of movement, both to travel and choose place of residence, has many positive effects - it encourages individuals to learn the host language and build contact with the local community and, where the right to employment exists, to find work, and so reduce dependency on service providers. Equally, restrictions on the ability to travel and reside generally applied to all asylum seekers create a range of problems - for asylum seekers, communities and the state, including difficulties in accessing legal advice and complying with the determination procedure.<sup>1</sup>
6. ECRE urges states to recognise where movement restrictions are an unintended result of reception policies and to minimise this effect by ensuring clarity in the formulation and implementation of reception policies.
7. Systems should be established to enable governments, NGOs and other independent bodies to monitor the effects of freedom of movement restrictions on the welfare of asylum seekers, on their ability to pursue asylum applications and on community relations. States should ensure that there is a proper complaints procedure relating to freedom of movement restrictions. Restrictions should be open to legal challenge for which asylum seekers should receive legal assistance.

### **On freedom of movement in relation to provision of reception services**

#### ***On freedom to travel***

8. The right of asylum seekers to freedom to travel should be guaranteed for the whole territory of the member state responsible for examining the asylum application. There is no justification for limiting travel to an area smaller than the boundaries of the asylum determining authority. In

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<sup>1</sup> see casestudies in this report



particular, ECRE is concerned about instances where travel is limited to the boundaries of a town or district.

9. Asylum seekers should receive advice regarding travel in order to meet with legal representatives, for medical appointments, and, where asylum seekers have employment rights, to find and take up work. This should include appropriate advice on safety, with particular regard to the needs of women.

10. Freedom of movement restrictions should not hinder individuals wishing to trace family members, either within the state or abroad, by making it difficult to meet with other asylum seekers or migrants or with agencies like the Red Cross.

11. While it is important for asylum seekers to be able to travel to access mainstream services, for those individuals whose movement is limited for personal reasons - such as the elderly, disabled or those caring for small children, it is important that service providers are flexible enough to travel to them and are allowed access to asylum seekers in reception centres as appropriate.

12. Consideration should be given to allowing asylum seekers to cross external borders for exceptional humanitarian reasons, particularly when travelling into another European Union Member State.

### *On freedom to choose residence*

13. ECRE recognises that, in those states which are in the early stages of developing reception services, state funded accommodation for asylum seekers may be available in a limited number of locations only. ECRE also recognises that dispersal is a common method of administering reception services and that, under certain circumstances, there are benefits to be gained from dispersal policies. ECRE does not accept that in a properly developed reception system it is necessary to restrict the residence of asylum seekers to certain localities within the territory of a member state in order to implement a good minimum standard of reception services or to ensure the success of dispersal.<sup>2</sup>

14. Reception systems should offer asylum seekers choices about where they live. ECRE recognises that in many states reception centres are the main type of accommodation provided for asylum seekers. While accepting the supportive role reception centres can play for new arrivals, ECRE believes that independent housing should form the basis of any reception system and wherever possible, asylum seekers should be able to obtain alternative forms of accommodation to reception centres if they so wish.<sup>3</sup>

15. Asylum seekers should receive advice and assistance to obtain independent accommodation, whether arranged by the authorities or the asylum seekers themselves. Financial allowances to pay for this housing should be provided by the state where the social support system makes similar arrangements for nationals.

16. Where asylum seekers are living with relatives or friends, it should be accepted that their hosts might not be able to provide indefinite care. Assistance should be given to move on from this accommodation where necessary.

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<sup>2</sup> See discussion of Commission's proposals in Ch 1

<sup>3</sup> See ECRE's Position on the reception of asylum seekers, 2001

17. The ability to change accommodation within a minimum time period, where there is a risk to a person's health or safety, is an important safeguard and the particular needs of women should be considered in this regard.

18. Attention should be given to under-capacity in reception systems which too often means newly arrived asylum seekers are waiting for places in the system to become available. The welfare of these individuals and the level of restrictions placed upon them should be monitored.

19. Policies that encourage asylum seekers to voluntarily settle in areas where they may be able to access services, find employment (where the right to work is granted), and enjoy the support of their community, are preferable to compulsory dispersal policies. Asylum seekers should be given appropriate information on different parts of the country so that they can make an informed choice about where to live. Where States seek to ensure an equitable sharing of the responsibility for reception asylum seekers, accommodation choices should be provided in appropriate areas where asylum seekers have community support and attention should be given to developing regional services where needed.

20. Members of the same family, including extended family and other dependents, should have the right to be together during the asylum procedure. Dispersal should unite and not separate family members. The negative effects of isolation from one's own refugee community and from the wider host community, whether generated by dispersal over long distances or other movement restrictions, should be fully appreciated.<sup>4</sup>

21. Transfer of asylum seekers between distinct stages of the reception system, and between different forms of accommodation and procedures, should be as smooth as possible. Asylum seekers resident in reception centres or in housing provided by the State should not be subject to unnecessary compulsory transfers between locations, as this may disrupt social support and the provision of legal and medical assistance. Asylum seekers should always be informed of relocation in time to notify legal representatives, family members etc.

### ***On the provision of financial and social support and the right to work.***

22. In setting the level of financial support paid to asylum seekers the ability to travel should be included in an assessment of basic needs. States should not aim to restrict movement by limiting financial support. Allowances should enable travel equivalent to that available to nationals on social support e.g. travel to meet relatives, legal advisors to attend immigration interviews and/or comply with reporting, hospital visits, school trips etc. Financial support should be given as money and in parity with the minimum social welfare provided for EU nationals. ECRE is opposed to the use of vouchers of all kinds and this includes use of travel vouchers to travel to immigration interviews etc. Asylum seekers and refugees should receive travel advice which should include information on buying low cost tickets etc.

23. Asylum seekers should be able to access the full range of mainstream health and social services, including care for urgent and chronic needs, both mental and physical, on an equal basis with nationals, irrespective of where they are accommodated or where in the State the services are located.

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<sup>4</sup> See UN Convention on the Rights of the Child, discussed in appendix 1

24. ECRE maintains that asylum seekers should benefit from access to the labour market of the host state at the earliest possible stage and should be granted the right to work no later than 6 months after applying for asylum. In addition to the many other advantages that it conveys, freedom of movement allows greater opportunities for finding employment.

### **On types of restriction**

25. ECRE recognises that it is common practice in most EU member states that asylum seekers living in the community have a responsibility to register their address with the relevant State authorities and notify them of any change of address.

26. Except for the circumstances described in paragraphs 29-30, asylum seekers residing in reception centres should not be required to be in the centre at certain times, or to sleep at the centre every night. Asylum seekers should be entitled to time limited absences from the centre. Permission to be away from the centre should be granted without delay.

27. As much as any other aspect of reception, limits on freedom of movement are linked to the structure for administering social affairs within the state. It is not appropriate to limit asylum seekers to a municipality purely for administrative convenience. There needs to be a balance between national and local responsibility for reception provision that facilitates the ability of asylum seekers to travel and reside in any locality within the territory of the nation state. As a general rule, freedom to reside in a chosen locality is assisted where funds for reception provision follow the individual, rather than a system where asylum seekers are placed where funding has already been allocated.

28. ECRE does not accept that, in a properly developed reception system, it is necessary to restrict the residence of asylum seekers to certain localities within the territory of a member state in order to implement a good minimum standard of reception services or to ensure the success of dispersal. ECRE does accept that there may be certain circumstances in which additional restrictions may be justifiable for other reasons:

29. ECRE accepts that there may be certain circumstances in which restrictions may be justifiable in order to enable asylum applications to be registered quickly. ECRE believes it is acceptable to operate a first stage of reception in which asylum seekers are subject to reporting restrictions or restrictions on the location of their residence while their identity is established if states can demonstrate that such restrictions enable them to process asylum seekers swiftly on to the substantive stage and if strict time limits are observed. ECRE believes that this process should take no more than a few days.<sup>5</sup>

30. ECRE supports the well established position of UNHCR and other human rights organisations that, as a general rule, asylum seekers should not be detained. Alternative, non-custodial measures to detention, that is, reporting restrictions or restrictions on the location of their residence, should be considered on a case by case basis and should be subject to independent monitoring. ECRE's position on detention is described elsewhere.<sup>6</sup>

31. Where additional requirements are imposed which have an impact on freedom of movement, ECRE believes that the following should be considered:

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<sup>5</sup> Again, see discussion of commissions proposals.

<sup>6</sup> See ECRE's Research Paper Practical alternatives to the administrative detention of asylum seekers and rejected asylum seekers, 1997.

(i) Where a state has introduced the requirement to report regularly to a named centre, attention should be given to how far it meets its intended aims. States should look at how often asylum seekers need to report, the accessibility of reporting centres, how far reporting draws unwanted attention to asylum seekers and whether it adversely affects their ability to live a normal life. Costs incurred in complying with reporting (e.g. travel costs) should be the responsibility of the state. To minimise the negative effects of reporting restrictions ECRE has suggested that using a network of reporting centres would allow asylum seekers freedom to move throughout the state and fulfill their reporting obligations in different locations.<sup>7</sup>

(ii) ECRE believes that restrictions on freedom of movement should be proportional, and therefore states should consider carefully their rationale for introducing restrictions which go beyond reporting procedures.<sup>8</sup> ECRE suggests that where increased restrictions may be appropriate that these be linked to the obligation to reside in specified accommodation

32. Any restriction imposed should be time limited and must be applied without discrimination. Penalties for failure to comply with restrictions should not lead to exclusion from the asylum procedure, nor negatively influence the person's asylum application in any way.

### **Further effects of movement restrictions**

33. ECRE believes that integration is a process which begins on arrival in the host country. As such integration is closely related to the phase of reception and the quality and length of the asylum determination procedure. Integration requires the state to accept that refugees are part of the national community, and that the development of a tolerant inclusive society is necessary. ECRE considers that freedom of movement restrictions, which limit access to health care, employment opportunities, and community networks are liable to create long term problems for the integration of recognised refugees. In particular, ECRE believes that restrictions aimed at keeping asylum seekers apart from the host community inflame public opinion and harm race relations. European governments should give full consideration to the impact of marginalisation of asylum seekers, through the restrictions of the reception system, on their ability to integrate after status has been granted.<sup>9</sup>

34. Freedom of movement restrictions should never be imposed merely as a deterrent measure. To do so results in creating a harsher reception environment for, and harder public attitudes towards, those already within the state, with no evidence that it affects the decision of those intending to apply for asylum.<sup>10</sup>

35. ECRE accepts that freedom of movement restrictions may be used to track individuals who have received a final refusal of their asylum application and are liable to deportation. ECRE is

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<sup>7</sup> Again, see ECRE's Research Paper Practical alternatives to the administrative detention of asylum seekers and rejected asylum seekers, 1997

<sup>8</sup> As stated in the European Convention for the Protection of Human Rights and Fundamental Freedoms

<sup>9</sup> See ECRE's Position on the Integration of Refugees in Europe

<sup>10</sup> See Chapter 3 of this report describing the situation in Germany.

## **Recommendations**

opposed to the extension of restrictions for tracking purposes to those who are waiting for a decision on their asylum application or for the outcome of an appeal against a negative decision.

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Repatriation is central to policy on solitary underage asylum seekers, 2001

## APPENDIX 1: THE RIGHT TO FREEDOM OF MOVEMENT IN INTERNATIONAL LAW

### **1. Instruments referring to the right to freedom of movement.**

The right to freedom of movement is guaranteed by international human right laws and any restrictions placed on freedom of movement are subject to legal safeguards.

#### **(i) 1948 UN Universal Declaration of Human Rights**

**Article 13 (1)** *Everyone has the right to freedom of movement and residence within the borders of each State.*

**Article 14 (1)** *Everyone has the right to seek and to enjoy in other countries asylum from persecution.*

**Article 29 (2)** *In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare of a democratic society.*

The right to freedom of movement (Article 13 (1)) has been made legally binding by the International Covenant on Civil and Political Rights (see below).

#### **(ii) 1951 Convention relating to the Status of Refugees**

**Article 21** *As regards housing, the Contracting States, in so far as the matter is regulated by laws or regulations or is subject to the control of public authorities, shall accord to refugees lawfully staying in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances.*

**Article 26** *Each Contracting State shall accord to refugees lawfully in its territory the right to choose their place of residence and to move freely within its territory, subject to any regulations applicable to aliens generally in the same circumstances.*

Some rights granted by the Convention relating to the Status of Refugees accrue to refugees who are simply 'present in the territory'. Many legal commentators believe that such rights should be granted to asylum seekers, as recognition of refugee status is a declaratory act only and persons become refugees as soon as they fulfil the criteria of the 1951 Convention, not when they are recognised as such by State authorities.

However the right to freedom of movement and the right to choose place of residence provided by Articles 21 and 26, are reserved for refugees who are 'lawfully in the territory' or 'lawfully staying in their territory'. A number of legal commentators contend that refugees are lawfully in the territory once they have been admitted to a determination process to assess their status. Therefore, they would conclude that Articles 21 and 26 of the 1951 Convention are applicable to asylum applicants.

As is well known, Article 14 (1) of the Universal Declaration of Human Rights provides that 'Everyone has the right to seek and to enjoy in other countries asylum from persecution.' Asylum



applicants can, therefore, be said to be exercising their legal right to seek asylum. Furthermore, as is clearly stated in the UNHCR Handbook on Procedures and Criteria for Determining Refugee Status, a person is a refugee within the meaning of the 1951 Convention relating to the Status of Refugees as soon as s/he fulfils the criteria contained in the definition. "This would necessarily occur prior to the time at which his refugee status is formally determined." In other words, many asylum applicants are refugees under the 1951 Convention. It may thus be argued that under international law asylum applicants are lawfully within the territory.

However, this view remains disputed by other legal commentators.

### **(iii) 1966 International Covenant on Civil and Political Rights (entered into force 1976)**

**Article 12 (1)** *Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.*

**Article 12 (3)** *The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.*

Article 12 (1) of the International Covenant on Civil and Political Rights only applies to persons 'lawfully within the territory of a State'. The question, therefore, again arises whether asylum applicants can be considered to be lawfully within the territory of a State. As mentioned above, ECRE supports the view of a number of legal commentators who have argued that so long as an asylum applicant has provided the state authorities with the information that will enable them to consider his or her entitlement to refugee status, there is clearly a legal basis for the asylum applicant's presence.<sup>1</sup>

However, Article 12 (1) of the International Covenant on Civil and Political Rights has not been interpreted in this way by the Human Rights Committee established to monitor its implementation. It has focussed not on whether an asylum applicant is lawfully on the territory in relation to international law, but instead it has looked to domestic law. In its General Comment No.27, the Human Rights Committee stated that the "question whether an alien is 'lawfully' within the territory of a State is a matter governed by domestic law, which may subject the entry of an alien to the territory of a State to restrictions, provided they are in compliance with the State's international obligations." Although this comment refers to aliens generally, it would appear to imply that restrictions can be placed on an asylum seeker's freedom of movement. In that connection, the Committee has held that an alien who entered the State illegally, but whose status has been regularized, must be considered to be lawfully within the territory for the purposes of Article 12.<sup>2</sup> Whether an asylum seeker's status can be said to be regularised given that there is a legal basis for their presence has not been explicitly addressed. It is likely that that the Human Rights Committee would follow the interpretation given by the previous European Commission of Human Rights in interpreting a similar provision of the European Convention on Human Rights (see below).

<sup>1</sup> J. Hathaway. See also Francois Crepeau and Michael Barutciski "Refugee Rights in Canada and the 1951 Geneva Convention", 7/2-3 Journal of Refugee Studies (1994), at 245; and Gunnell Stenberg, "Non-Expulsion and Non-Refoulement" (1989), at 122 and 283.

<sup>2</sup> Communication No. 456/1991, Celepli v. Sweden, para. 9.2. See also General Comment No.15 where the Human Rights Committee stated that consent for entry may be given subject to conditions relating, for example, to movement.

**(iv) 1963 Protocol No. 4 to the European Convention for the Protection of Human Rights and Fundamental Freedoms (entered into force 1968)**

Article 2 of Protocol No. 4 to the European Convention on Human Rights is similar to the International Covenant on Civil and Political Rights insofar as it grants freedom of movement and freedom to choose one's residence to everyone lawfully within the territory of a State.

**Article 2 (1)** *Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.*

**Article 2 (3)** *No restrictions shall be placed on the exercise of these rights other than such as are in accordance with law and are necessary in a democratic society in the interests of national security or public safety, for the maintenance of "ordre public", for the prevention of crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.*

**Article 2 (4)** *The rights set forth in paragraph 1 may also be subject, in particular areas, to restrictions imposed in accordance with law and justified by the public interests in a democratic society.*

While there has been no judgment of the European Court of Human Rights interpreting Article 2 of Protocol No.4, it has been the subject of admissibility decisions taken by the then European Commission of Human Rights<sup>3</sup>. In a number of decisions, the Commission has stated, like the Human Rights Committee, that the requirement that a person be lawfully within the territory of a State refers to the domestic law of the State concerned and it is for the domestic law to establish the conditions which must be satisfied for a person's stay to be 'lawful'. The Commission clarified that "aliens provisionally admitted to a certain district of the territory of a State, pending proceedings to determine whether or not they are entitled to a residence permit under the relevant provisions of domestic law, can only be regarded as 'lawfully' in the territory as long as they comply with the conditions to which their admission and stay are subjected."

As a result of this interpretation, the Commission has not considered whether restrictions on the freedom of movement of asylum applicants can be considered to be "necessary in a democratic society in the interests of national security or public safety, for the maintenance of "ordre public", for the prevention of crime, for the protection of health or morals, or for the protection of the rights and freedoms of others" in accordance with Article 2 (3). Had the Commission reached the conclusion that asylum applicants are lawfully on the territory as they are exercising their internationally recognised right to seek asylum, it would have been questionable whether indiscriminate restrictions placed on asylum seekers' liberty of movement could be said to be necessary in a democratic society.

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<sup>3</sup> Application no. 00011825/85, U.S. v. The Federal Republic of Germany, 1/12/1986; Application no. 12068/86, Kanagasabai Paramanathan v. The Federal Republic of Germany, 1/12/1986; Application no. 14102/88, Nezmi Aygun v. Sweden, 9/10/1989.

## **2. Instruments referring to other rights which relate to freedom of movement.**

### **(i) 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms (entered into force 1953)**

**Article 8 (1)** *Everyone has the right to respect for his private and family life, his home and his correspondence.*

**Article 8 (2)** *There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well - being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.*

**Article 10 (1)** *Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers....*

**Article 10 (2)** *The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.*

**Article 11 (1)** *Everyone has the right to freedom of peaceful assembly and to freedom of association with others, including the right to form and to join trade unions for the protection of his interests.*

**Article 11 (2)** *No restrictions shall be placed on the exercise of these rights other than such as are prescribed by law and are necessary in a democratic society in the interests of national security or public safety, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others.....*

It should be noted that the above rights guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms apply to everyone within the jurisdiction of contracting parties regardless of whether they are nationals or aliens, including asylum seekers. The European Convention for Human Rights has been ratified by all the EU Member States and a number of other European states: these rights and freedoms apply to all asylum seekers within those countries.

With regard to the issue of freedom of movement, it is therefore important to bear in mind that any restriction placed on an asylum seeker's liberty of movement or freedom to choose residence must not violate other related rights.

**(ii) 2000 EU Charter of Fundamental Rights**

**Article 18** *The right to asylum shall be guaranteed with due respect for the rules of the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees and in accordance with the Treaty establishing the European Community.*

This further guarantees the right to asylum in accordance with the 1951 Convention.

**(iii) 1966 UN International Covenant on Economic, Social and Cultural Rights**

**Article 10 (1)** *The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly... while it is responsible for the care and education of dependent children.*

**(iii) 1989 UN Convention on the Rights of the Child**

**Article 9 (1)** *States Parties shall ensure that a child shall not be separated from his or her parents against their will, except where competent authorities subject to judicial review determine, in accordance with applicable law and procedure, that such separation is necessary for the best interests of the child.*

**Article 22 (1)** *States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.*

**Article 22 (2)** *For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations, and other competent intergovernmental organizations or non-governmental organisations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.*

**Article 24 (1)** *States Parties recognize the rights of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.*

The UN Convention on the Rights of the Child, signed by all EU member states, and by the majority of states worldwide, also emphasises the importance of family unity. Article 9 (1) requires that States should not separate children from their parents against their will except where it is in the best interests of the child. Furthermore, under Article 22 (2) States should co-operate to assist a child who is an asylum seeker to trace their parents or other family to obtain information necessary for family reunification.

Under Article 24 (1) children should not be deprived of access to healthcare. ECRE is concerned that movement restrictions which make such access difficult may be in breach of this Article of the UN Convention on the Rights of the Child.

APPENDIX 2: COMPARATIVE OVERVIEW OF RECEPTION POLICIES AND THEIR IMPLICATIONS ON FREEDOM OF MOVEMENT IN GERMANY, SWEDEN AND THE UK

	Germany	Sweden	UK
<b>First stage reception</b>			
<b>Is there a distinct first stage in reception provision?</b>	Yes	No, but may stay in transit centre	No, but a lack of accommodation means that there is a backlog of cases waiting to enter the reception system.
<b>Length of stay /time limit?</b>	In theory Initial checks should take place within 3 months but in reality longer, up to 2 years in some cases, because of lack of move on accommodation or because centres are combined	No set time limit but is for a few days	In theory stay is no more than 7 days, in practice longer, due to accommodation shortages.
<b>Must asylum seekers reside in the accommodation provided?</b>	Yes	No	No, those who have funds to do so, or relatives/friends to support them, can live elsewhere.
<b>Type of accommodation</b>	Federal Reception centre, minimum 130 places, largest has 1500 places.	Reception centre	“Emergency accommodation” ie rooms in cheap hotels.
<b>Are those allocated accommodation given a choice?</b>	No	No	No
<b>Must asylum seekers live in this accommodation to get a welfare payment?</b>	Not applicable as accommodation is compulsory	No	No
<b>Must asylum seekers living outside state accommodation register with a centre?</b>	Not applicable as accommodation is compulsory.	Yes, they must register their address with the SIV	No

	<b>Germany</b>	<b>Sweden</b>	<b>UK</b>
<b>Are there any additional restrictions on movement?</b>	Yes, can't leave the jurisdiction of the local police authority	No, except the requirement to participate in activities.	No
<b>Second stage reception</b>			
<b>Are all those in need offered accommodation?</b>	Yes	Yes	Yes
<b>Must asylum seekers reside in the accommodation provided?</b>	Yes, can only stay with friends if no available asylum centre, which is rare.	No	No, those who have funds or friends to support them, can live elsewhere.
<b>Are those allocated accommodation given a choice?</b>	No	No	No
<b>Is there a dispersal policy?</b>	Yes	Yes	Yes
<b>Is dispersal compulsory for those needing accommodation?</b>	Yes	Yes	Yes
<b>Can asylum seekers choose where they are dispersed to?</b>	No	No	No
<b>Type of accommodation</b>	Asylum centres with 40 – 80 places	Usually self catering flats within residence centres	Various independent units eg hostels, flats, rented rooms etc
<b>Do asylum seekers lose their accommodation if they are absent?</b>	Not applicable as accommodation compulsory.	Yes, if prolonged	Yes, if for longer than 7 days without permission.
<b>Length of stay</b>	No limit. Stay until asylum decision, which can be years.	Unlimited	Until final decision, which should be within 6 months, including appeal

	Germany	Sweden	UK
<b><u>Can move out</u></b>	No	Yes, and in	Yes
<b>Must asylum seekers living outside state accommodation outside register with a centre?</b>	Not applicable as accommodation compulsory	Yes	No, but immigration authorities must be kept informed of changes of address.
<b>Must asylum seekers live in this accommodation to get a welfare payment?</b>	Not applicable as accommodation compulsory.	No	No
<b>If not, are welfare payments sufficient to move out?</b>	Not applicable as accommodation compulsory.	No, although an additional payment is made to those who live independently	No
<b>Welfare payments</b>			
<b>Are all those in need entitled to welfare payments?</b>	Yes	Yes	Yes
<b>Are asylum seekers living in state accommodation entitled?</b>	Yes	Yes	Yes
<b>Are those not in state accommodation entitled?</b>	Not applicable as accommodation compulsory	Yes	Yes
<b>Monthly allowance in euros for single adult</b>	41 EURO	256 EURO (Less if meals provided)	195 EURO in vouchers 74 EURO in cash
<b>Monthly allowance in euros for a couple with 2 kids</b>	123 EURO	763 EURO	528 EURO in vouchers 122 EURO in cash
<b>Is this amount sufficient to rent independent accommodation?</b>	Not applicable as accommodation compulsory	No, but there is a small additional payment to those living independently of 60 EU per adult per month, 120 per family	No



	<b>Germany</b>	<b>Sweden</b>	<b>UK</b>
<b>Do asylum seekers have the right to work?</b>	After 1 year with restrictions	After 4 months	Yes, after 6 months
<b>Family unity</b>			
<b>Is the reception system committed to preserving family unity within national borders?</b>	No	Nuclear family only	No
<b>If not, is some consideration given to family unity within national borders?</b>	In law yes but this is often not evident in practice even for nuclear family	Yes	Yes
<b>Additional restrictions on movement</b>			
<b>Can asylum seekers travel within national borders?</b>	No	Yes, although some practical limits	No legal restrictions but procedures mean travel is significantly limited