



Ad-Hoc Query on allocation of refugees to municipalities for integration programs

Requested by LT EMN NCP on 18th November 2009

Compilation produced on 23rd December 2009

Responses from Austria, Belgium, Czech Republic, Estonia, Finland, Hungary, Ireland, Italy, Lithuania, Portugal, Slovak Republic, Sweden, United Kingdom (13 in Total)

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1. Background Information

The municipality of Klaipeda city took the decision in June 2006 introducing the “zero” quota for refugee integration in the Klaipeda municipality for 5 years. This means that Klaipeda city refuses to participate in integration programs for refugees and refuses to welcome/accept people granted international protection status in Lithuania for integration programs in their municipality. The main arguments for introducing the zero quota were: a) Klaipeda city has taken a lot of refugees in the last few years therefore now other municipalities should take over and b) too many foreigners in the municipality can create social tension therefore their number needs to be decreased in order to protect them as well as people living in the municipality. This decision was highly criticised by a number of local NGOs but was not revoked until today. LT NCP was approached by the director of the centre for social support in Klaipeda who was working with refugees in the Klaipeda municipality with the following query:

1. How does your MS regulate allocation of refugees to municipalities for integration programs? Does the law (any other legal act) envisage that all municipalities shall participate in the integration programs of refugees/foreigners?
 - a) If YES, could you please specify the law/legal act

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- b) If NO, could you please provide details on how does your MS manage the allocation of refugees to particular municipalities: signs contracts with particular municipality for a particular family, signs long-term contracts with municipality for a particular number of refugees being integrated or any other mechanism. Please provide details.
2. Do you know of a precedent in your MS when a municipality would refuse to cooperate in integrating refugees in its territory and set a “zero” quota for refugee integration, i.e. refuse to take refugees for integration program to the municipality?
- a) If YES, could you please explain how this issue was solved in your MS? What actions (if any) did your Government take in order to protect the human rights and refugee rights?

We would appreciate your response **by the 14th December 2009**.

2. Responses

		Wider Dissemination?	
	Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that their response is not disseminated further.
	Belgium	Yes	<p>1. Currently, there is no legal act regulating the allocation of refugees to municipalities. When the asylum seeker arrives in Belgium, he has the choice to live with family or friends in Belgium or, if he doesn't have any alternative accommodation, he can go to a reception centre.</p> <p>The reception of asylum seeker is organized by the federal authorities, ONGs (subsidised by the federal authorities) and also municipalities (subsidised by the federal authorities).</p> <p>Municipalities are free to create a structure for reception of asylum seeker. Those that do, usually opt for small scale housing initiatives.</p> <p>The municipalities who have a federal or red cross reception centre on their territory, receive a special subsidy for the additional work that it engenders such as more administration.</p> <p>When asylum seekers have a legal residence status in Belgium (regularisation of residence, recognized refugee), they have the freedom to live in the municipalities of their choice, just like nationals.</p> <p>The municipalities don't have any right to refuse their registration.</p> <p>In the past, asylum seekers were allocated to specific municipalities based on a 'distribution plan'. For this plan quota were calculated for each municipality based on revenue of the municipality, number of inhabitants, number of asylum seekers already registered there and number of beneficiaries of social assistance. Municipalities with an abnormally high proportion of foreigners (such as large cities) or with a reception centre on their territory received no quota. This enabled a more equitable distribution of costs and work. However,</p>

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			<p>since the abolition of the possibility for asylum seekers to receive financial aid and the exclusive offer of material aid, the distribution plan is no longer in use.</p> <p>2. No</p>
	Czech Republic	Yes	<p>1. Integration program (provided for in the Asylum Act No. 325/1999 Coll.) in the Czech Republic does not regulate allocation of refugees to municipalities.</p> <p>Providing of housing is part of the State integration program. Housing is provided by regional (there are 14 regions including the capital of Prague) authorities and paid for by the state. Government sets percent quotas for each region. The quotas are recommended, not obligatory. A municipality can decide voluntarily whether to take part in the State integration program or not. In case of positive decision the municipality may ask for grant for housing, rent or infrastructure development. from the Ministry of the Interior.</p> <p>2. Yes, there were cases of refusal of participation in the integration program. The government cannot do anything about it, as it is up to municipality to decide. In case that the state is interested in cooperation with a particular municipality, bilateral negotiations take place.</p>
	Estonia	Yes	<p>In Estonia we have really a few refugees by year and don't have (yet) such problems. Ministry of Social Affairs is organizing the settlement of persons enjoying the status of international protection within the territory of a local government within a period of four months from the issue of a residence permit. The decision concerning the place of settlement shall be made taking into account the location of the residence of refugee's relatives, if relevant, the state of his health, and chances of finding work. The refugee may give to the Ministry of Social Affairs his preference which municipality would be most suitable for him.</p> <p>The local government shall help refugee in finding housing, obtaining social and health services, arranging for translation and Estonian language instruction, and any other issue. If person refuses to settle in the place of residence arranged for him in the territory of a local government he have to find a place of residence himself and also take responsibility for the costs.</p>
	Finland	Yes	<p>Parliament of Finland decides annually when accepting the state budget how many quota refugees Finland is committed to receive (the Finnish Aliens' Act Section 90, Subsection 2). The government of Finland decides on the allocation of the quota.</p> <p>Since 2001, the annual quota has been 750 refugees. The annual refugee quota is prepared in the Ministry of the Interior and signed by the Minister of Migration and European Affairs. Finnish immigration service is then responsible for locating each refugee to the municipalities. With respect to refugee and immigration issues, local TE Centres (Employment and Economic Development Centre) are tasked with receiving asylum seekers, settling refugees in municipalities, supervising municipalities' immigrant integration work, supervising employment offices' immigrant integration work and employment services for immigrants, compensating municipalities for expenses resulting from the reception of refugees, as well as promoting ethnic relationships.</p> <p><u>The Act on the Integration of Immigrants and Reception of Asylum Seekers regulates the integration of refugees in Finland.</u> The purpose of this Act is to promote the integration, equality and freedom of choice of immigrants through measures which help them to acquire the essential knowledge and skills they need to function in society, and to ensure support and care for asylum seekers and</p>

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			<p>beneficiaries of temporary protection in the context of a mass influx by arranging for their reception.</p> <p><u>Receiving refugees under refugee quota is optional for the municipalities.</u> The TE-centres and municipalities within each centres' region will agree upon the annual refugee allocation and quota. The agreement is usually for a fixed term (one to two years) or even temporary by its nature. The municipality may, however, refuse to allocate refugees for a given time despite of the enforceable agreement.</p> <p>Each municipality may decide upon its own integration programme in order to promote and support integration. Local TE-centre will settle upon accommodation and integration measures with municipalities. Survey on integration measures conducted 2008 reveals that 43% of the municipalities in Finland have laid down their own integration programmes. Nearly half of all the municipalities have, however, received refugees at some point. In order to promote refugee allocation to municipalities State of Finland seeks to negotiate with the municipalities and offer support measures along know-how. Also those municipalities without an agreement on reception of refugees with a local TE-centre are encouraged to take part in the reception of quota refugees. The costs of the reception of refugees are compensated fully out of State funds. The Employment and Economic Development Centre and the party responsible for the upkeep enter into an agreement on the operations. Health care services are purchased from the municipality or a private provider. Specific costs of health care are compensated out of State Funds. The prerequisite for receiving compensation is that the municipality in question has an integration programme or is planning to have one.</p>
	<p>Hungary</p>	<p align="center">Yes</p>	<p>1. No, Hungary does not regulate the allocation of refugees to municipalities for integration programmes. According to our legal regulations there is a so called pre-integration phase of 6 months which can be extended when this is justified with another 6 months. In serious exceptional cases this period can be extended for more than one year. Within this period the beneficiaries of international protection may live in a reception centre (a pre-integration centre) run by the Office of Immigration and Nationality free of charge, where they are entitled to various services and supports:</p> <ul style="list-style-type: none"> - monthly payed cash (the same for adults and children, it is approximately 26 Euros, the 25% of the minimum old age pension) - cutlery, tableware, sanitary items and clothing for personal use; - receiving donations (according to law the refugee authority may receive and distribute to beneficiaries of international protection donations from national or international legal entities or individuals, in practice donations are mainly second hand clothes, shoes or food donated to the refugee authority by national private companies or individuals); - travel benefits (on the condition that the purpose of the travel of the beneficiary of international protection is to arrange things at the authorities in connection with his/her status, to access special health care services, to participate in Hungarian languages courses organized by the Hungarian authority, or to participate in a programme facilitating his/her integration or to avail himself/herself of the assistance of an NGO facilitating his/her integration; or to find employment or to work. <p>Besides these benefits they are entitled to 520 hours of Hungarian language course free of charge, and within the reception centre culture-orientation programmes and other programmes facilitating their integration is available for them (e.g.: counseling concerning finding employment) and they are also entitled to other benefits irrespective them being accommodated at the reception centre (pre-integration centre) with the purpose to facilitate among others their housing, employment, training or education. The aim of the pre-integration initiatives and other benefits is to enable the beneficiaries of international protection to find employment, move out from</p>

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			<p>the pre-integration centre and to stand on their own feet. Additional support or programmes are provided for the beneficiaries of international protection under the co-financing of the European Refugee Fund targeting the enhancement of their integration to the Hungarian society.</p> <p>2. No.</p>
	<p>Ireland</p>	<p align="center">Yes</p>	<p>1. Legal status, rights & responsibilities of resettlement refugees Refugees admitted under the resettlement programme are "programme refugees" (Refugee Act 1996 (as amended) refers). A programme refugee has, in general, the same rights and privileges as a "Convention Refugee" as specified in Section 3 of the Refugee Act 1996 (as amended). In general, this means that refugees admitted under the resettlement programme can access public services in the same manner as an Irish person. All general services (health, education, welfare etc.) and long term accommodation for resettled refugees, are the responsibility of the relevant mainline Government Departments.</p> <p>Ireland accepts 200 persons for resettlement each year, generally in the form of two large groups of approximately 75 persons each (10 - 15families per group).</p> <p>Approximately 12 months before the resettlement takes place, the resettlement team identifies the resettlement location by reference to the census, population, current ethnic/Irish ratio, availability of services such as schools, health, housing etc and possibility of employment in the future. Approximately 8 months before the move, the resettlement team works with the local authority, through the County Development Board, to ensure that mainstream service providers are aware of, and prepared to, receive the resettled refugees. Services are provided based on a mainstream model, having regard for the need for targeted initiatives during the first year post arrival.</p> <p>The right to freedom of movement and residence within the border of the State;</p> <p>Refugees accepted for resettlement have, in general, the same rights and entitlements as an Irish Citizen and as such may reside in any part of the country that they choose.</p> <p>A citizen of the State or a person lawfully resident in the State is not subject to restrictions on the freedom of movement and residence within the State.</p> <p>It should be noted that the above response is without prejudice to restrictions that may be placed on a person's right to freedom of movement or residence on foot of national laws providing for such restrictions by reference to the particular circumstances of a case e.g. in circumstances where a foreign national may be unlawfully present in the State, where it is considered to be necessary in the interests of public security, public order, public health or more generally in accordance with criminal law and family law etc</p> <p>2. No. While some local authorities (municipalities) may express reservations in the first instance about a proposed resettlement, when they become aware of the programme refugees rights and entitlements, they generally are proactive in ensuring that these are met.</p>
	<p>Italy</p>	<p align="center">Yes</p>	<p>1. Amending law no. 189/02 on immigration created the "Protection system for asylum seekers and refugees". Within the context of</p>

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			<p>this System the National Fund for Asylum Policies and Services was created. It can be accessed by all local organisations that provide services for the reception of asylum seekers and the protection of refugees and other foreigners requiring other forms of humanitarian protection. For 2003 and 2004 the continuation of existing service interventions has been guaranteed by the European Refugee Fund. In order to rationalise and optimise the protection system for asylum seekers, refugees and foreigners with humanitarian permits and to facilitate the co-ordination of territorial reception services at the national level, the Ministry of the Interior has activated the Central Service for information, promotion, consulting, monitoring and technical support for local organisations that provide reception services. The same law entrusts the management of this service to the ANCI – National Association of Italian Municipalities - thereby recognising the central role of local organisations in the area of territorial services and the ANCI's role in co-ordinating them and putting them on the network. The local organisations that are part of the protection system, which are distributed throughout the national territory, offer reception services and protection to asylum seekers, while awaiting the definition of the procedure for the recognition of "refugee status". Admission to the reception centres of the system, up until the full occupancy of the spots available overall at the national level, is carried out by the Central Service upon the indications of individual territorial projects or third party organisations (Prefectures, Police Stations, Associations). During the period of reception in the centres the beneficiaries are provided with some services, including registration with the National Healthcare Service (SSN), registration at school for minors, literacy courses for adults, and the providing of legal information regarding asylum application procedures. Local organisations provide refugees and people with residence permits for humanitarian reasons or temporary protection with services that seek to integrate them fully and autonomously in the territorial context. More specifically, they try to create training courses and classes to update professional skills to promote the finding of a job. Moreover, it promotes the connection between all of the operators of the "housing" sector" (real estate agencies, Municipal "Housing Offices, Associations of small real estate owners or tenants) to facilitate the search for autonomous housing solutions. The local organisations that are part of the Protection System collaborate with the Central Service on orientation and logistics assistance activities for repatriation and provide updated information on the situation in the countries of origin of the beneficiaries offered by the International Organisation for Migration to the recipients of the territorial projects.</p> <p>2. Given this framework, the answer is no.</p>
	Lithuania	Yes	<p>1. In Lithuania there is NO legal act regulating the allocation of refugees to municipalities. The particular municipality signs a general agreement with the Refugee Reception Centre stating its willingness to cooperate in integration programs and later individual agreements indicating families/persons sent to a municipality for integration programs.</p> <p>2. Yes. The Municipality of Klaipeda city passed a decision on 29th June 2006 introducing a zero quota for 5 years period for refugees coming to the city for integration. The decision has not been revoked</p>
	Portugal	Yes	<p>1. No. In Portugal allocation of refugees is a Government task and not a competence of municipalities.</p> <p>2. We would say that this issue should be managed and decided according to the particular national legal, judicial and political frameworks.</p>
	Slovak Republic	Yes	<p>1. The issue of integration of foreigners in the Slovak Republic is regulated by several documents.</p> <ul style="list-style-type: none"> - Complex Solution of the Process of Integration of Foreigners with Refugee Status - Concept of the Migration Policy of the Slovak Republic - Concept of Foreigner Integration in the Slovak Republic <p>The following documents define in general also the roles and tasks of the municipalities and communes regarding the integration</p>

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			<p>policy.</p> <p>Currently the accommodation and the allocation of the persons granted asylum is regulated by the Migration Office of the Ministry of Interior of the Slovak Republic. Persons granted asylum after their stay in the integration centre, in the town of Zvolen, are offered accommodation in one of the flats to which the Migration Office has a disposal right for 10 years. This option is also applicable to persons with granted asylum who were not placed in the integration centre. These flats are located in the towns of Bratislava, Kosice and Lucenec.</p> <p>At the same time these people are assisted during the integration process by the NGOs financed via the European Refugee Fund. These NGOs assist with the accommodation in places different as the above mentioned flats.</p> <p>No other allocation of persons with granted asylum to municipalities is undertaken.</p> <p>2. No this situation did not occur in the Slovak Republic so far.</p>
	Sweden	Yes	<p>1. In Sweden there is no legal act regulating the allocation to municipalities. The municipality can make a (voluntary) agreement with the Migration Board on reception and integration for a certain number of refugees (persons with permit to stay) during a year. This means that the Migration Board can, after permit to stay has been given, envisage the refugee to stay in that municipality. On the other hand the refugee has the right to move freely within the country and can choose to live in any municipality regardless of the agreement, in that case the Social Services Act say that the municipality is responsible for everyone living within their area. The economic contributions from the Central to the Local Governments are the same per person regardless of if the refugee comes to the municipality from the Migration Board or on his own but the municipalities that sign an agreement get a small amount for that.</p> <p>2. In other words – a municipality can say that they don't want an agreement which means that the Migration Board cannot place any refugees within the area of the municipality but the refugees themselves can decide to move to the municipality in which case the municipality must provide them with the same services as for anyone else living within this area – school, social services, and so on. This means that a municipality cannot refuse anyone to move into their area regardless of it is a refugee or not.</p>
	United Kingdom	Yes	<p>The UK Border Agency and central government are not directly involved in refugee integration. This is the responsibility of the local authorities – they provide services to refugees using the same legislative and procedural arrangements as they do for any UK residents who are entitled to them. The UK Border Agency does fund the refugee integration and employment service (RIES) which supports those granted asylum for up to a year.</p> <p>In respect of the allocation of asylum seekers to different regions of the UK; all applicants who have successfully applied for subsistence & accommodation will be dispersed to accommodation provided under section 95 of the Immigration and Asylum Act 1999. Under the provisions of section 97 of the Immigration and Asylum Act 1999, the UKBA must have regard to the desirability, in general, of providing accommodation in areas in which there is a ready supply of accommodation. The decision to disperse to a particular area does not take into account the availability of accommodation should the applicant be granted leave to remain in the UK.</p>

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