



Ad-Hoc Query on the terms of implementation of Council Directive 2003/9/EC (asylum seekers under Dublin Regulation)

Requested by FR EMN NCP on 30th April 2010

Compilation produced on 1st June 2010

Responses from Responses from [Belgium](#), [France](#), [Germany](#), [Netherlands](#) (4 in total)

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

1. Background Information





France wonders about the terms of implementation of Council Directive 2003/9/EC of January 27 2003 laying down minimum standards for the reception of asylum seekers in Member States ("Reception Directive") with regard to **asylum seekers under Dublin Regulation**.

In this context, the Department of Asylum of the Ministry of Immigration would appreciate information on the support/coverage of those asylum seekers in other Member States, and especially **Belgium, Germany, and the Netherlands**.

It would be very much appreciated if we could receive your answers by **17 May 2010**.

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2. Responses

		Wider Dissemination?	How does your Member State apply the provisions of Council Directive 2003/9/CE to asylum seekers under Dublin Regulation: do they benefit from a different support/coverage from other asylum seekers (as in France) or do they enjoy the same benefits as other asylum seekers? Can you briefly describe these benefits?
	Belgium	Yes	In Belgium, FEDASIL (Federal Agency for the Reception of Asylum seekers) is responsible for the reception of asylum seekers. For the reception no difference is made between Dublin-cases and non-Dublin cases. Applicants will be assigned to a reception facility, where they will receive material aid (no financial aid) It is the Immigration Department that is responsible for examining the application by virtue of the Dublin regulation. If the Immigration Department decides that Belgium is responsible, the Belgian authorities will examine the substance of the application. If Belgium is not responsible, a decision of refusal of entry or of expulsion will be taken, accompanied with an order to leave the territory. This also implies that the applicant has, in most of the cases within 5 days after the notification of this decision, to leave the reception facility, also when he would lodge an appeal for annulment for the Aliens Litigation Council, as this appeal has as such no suspensive effect. The applicant loses his right to reception/material aid and only has access to urgent medical care. A separate appeal for suspension can also be lodged.
	France	Yes	In France, these asylum seekers do not benefit from the same rights as other asylum seekers since they are not allowed to stay on the French territory and are, by definition, waiting for readmission in another Member State which is responsible for their asylum application and their support/coverage. In particular, they cannot access the national reception system which is composed of nearly 300 reception centres for asylum seekers (CADA in French) where asylum seekers receive a well-developed social, administrative and sanitary care. They can not benefit either from the temporary allocation (10.67 Euros a day) due to asylum seekers waiting for their accommodation in a reception centre. On the other hand, asylum seekers under Dublin Regulation may access an emergency accommodation, either in a collective structure or in a hotel.
	Germany	Yes	Asylum applicants awaiting transfer to another Member State in application of the Dublin Regulation are entitled to benefit from the same level of reception conditions as other asylum seekers, in accordance with the German "Law governing benefits for asylum seekers".
	Netherlands	Yes	In the Netherlands, asylum seekers under the Dublin Regulation have the same rights to reception facilities as other asylum seekers. This means (summarized) that they have a right to housing, a financial allowance, medical care and insurance. Asylum seekers enjoy these rights until their actual transfer to the responsible member state has taken place. If a transfer is averted, the right to reception facilities ends, or, if the Dutch authorities decide to take responsibility for the asylum application, reception will be continued.
