



Ad-Hoc Query on the regime of movement in reception and transit centres

Requested by the BG EMN NCP on 28th August 2013

Compilation produced on 22nd November 2013

Responses from Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Hungary, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovak Republic, Spain, Sweden, United Kingdom plus Norway (22 in Total)

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1. Background Information

In view of the need to transpose the new EU legislation in the field of asylum, the Bulgarian State Agency for Refugees is currently considering changes to its Law on Asylum and Refugees, and in particular its provisions on the regime of movement in reception and transit centres in Bulgaria. It will be very useful for us to gather information about the regime of movement in reception and transit centres in the other Member States.

We would very much appreciate your responses to the below questions by the 9th of September 2013.

2. Responses¹

		Wider Dissemination?²	Questions
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¹ If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.

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			<ol style="list-style-type: none"> 1. What is the regime of movement in the transit and/ or reception centres in your country, i. e. are there any restrictions on the movement of third-country nationals accommodated in those centres? 2. If the reception and/ or transit centres in your country have a closed (restricted) regime of movement, what is the legal basis for that?
	Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	Belgium	Yes	<p>There are some (minor) restrictions on the movement of asylum seekers accommodated in the (open) reception centres.</p> <ul style="list-style-type: none"> - One can only keep his/her place in de reception structure if (s)he is present on a regular basis. If the resident notifies (his absence) prior, (s)he can be absent for a maximum of 10 nights a month. If not, his bed or room is put at disposal for another person. The same applies if the resident is more than 3 consecutive nights absent without prior notification (the asylum seeker will have to go to the dispatching service in order to receive a new accommodation place). The presence of the resident is checked on a regular basis. This rule is incorporated in the (internal/domestic) regulations of the reception centres (no legal base) <p>The hour of arrival (closing times of the centre) varies from centre to centre, is (also) incorporated in domestic regulations and is established by the management of the centre with approval of the head office. Some centres close at a certain moment (for example at midnight or 2 AM) and re-entrance is only possible in the morning (f.i. 6 AM), while other centres stay open at night and/or have a night watchman (although arrival after a certain hour can be listed as 'absent'). Also for this rule there is no legal basis; it is determined by each centre director.</p>
	Bulgaria	Yes	<ol style="list-style-type: none"> 1. The Bulgarian State Agency for Refugees runs three territorial units for the reception and accommodation of asylum seekers: <ul style="list-style-type: none"> - Registration – and - Reception Centre in the village of Banya, Nova Zagora Municipality; - Registration – and - Reception Centre in the capital of Sofia; - Transit Centre in the village of Pastrogor, Svilengrad Municipality. <p>Our transit centre is a place for registration, accommodation, medical examination, and conduct of proceedings for determination of the state responsible for examining the application for international protection, and of accelerated proceedings for illegally staying foreigners.</p> <p>Our registration centres are places for registration, accommodation, medical examination, social and medical support and conduct</p>

² A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then for the Compilation for Wider Dissemination the response should be removed and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."

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			<p>of proceedings for determination of the state responsible for examining the application for international protection, and the proceedings for granting protection to foreigners; for providing accommodation to applicants for international protection.</p> <p>There are no restrictions on the movement of asylum seekers accommodated in the reception centres and the transit centre.</p> <p>2. N/A</p>
	Cyprus	Yes	<p>1. The movement regime for the reception and accommodation centres for asylum seekers in Cyprus (currently only one operating) is open, i.e. there are no restrictions in the movement of persons residing there. There is no transit centre operating in Cyprus.</p> <p>2. N/A</p>
	Czech Republic	Yes	<p>There are 2 reception centres and 2 accommodation centres in the Czech Republic. Based on the Act on refugees No. 325/1999 Coll., Section 46, it is not possible to leave the <u>reception</u> centre until the reception proceedings (identification, medical examination, issue of refugee ID card, possible quarantine) are concluded.</p>
	Denmark	Yes	
	Estonia	Yes	<p>1. Following reception and transit centres available in Estonia (for asylum seekers):</p> <ul style="list-style-type: none"> - 1 reception centre for asylum seekers in Illuka (under Ministry of Social Affairs) which is an open centre and applicants are free to enter and leave the centre whenever they want (As a rule, an applicant staying in this centre during asylum proceedings are expected to stay in the centre at night-time. The time from 10 PM to 6 AM is considered night-time. During daytime, asylum seekers are unattended and free to leave the building). - 1 Police and Border Guard Expulsion Centre (under Ministry of Internal Affairs) where besides the persons to be removed, asylum seekers who have applied for asylum while staying in the expulsion centre are also accommodated. Expulsion Centre is a restricted institution and persons placed there do not have the freedom to leave its premises except with a special permit from the centre's director. <p>So far Estonia has not established an initial reception centre for asylum seekers.</p> <p>In Estonia, the bases for granting international protection to an alien, the legal status of an alien who is applying for international protection and of an alien who has been granted international protection and the legal bases for his/her temporary stay, residence and employment in Estonia are regulated by the Act on Granting International Protection to Aliens. The same Act regulates the staying and movement in reception centre and expulsion centre. More information about expulsion centre is described on Obligation to Leave and Prohibition on Entry Act.</p>
	Finland	Yes	<p>1. There are no restrictions on the movement of asylum seekers accommodated in the reception centres or in the transit centre.</p> <p>2. N/A</p>
	France	Yes	<p>1/ In France, there are 2 transit centres and 269 reception centres, which can host up to 21 656 (246 in transit centres and 21 410 in reception centres) applicants for international protection.</p>

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			<p>There are no restrictions on the movement of asylum seekers accommodated in reception and transit centres. The only moment when the movements of asylum seekers can be controlled is when they receive a final decision on their application. Asylum seekers who have been granted a refugee status must leave these centres within 3 months after the final decision of the French Office for the Protection of Refugees and Stateless Persons (OFPRA) or the National Court for Right of Asylum (CNDA). Asylum seekers who have been denied international protection must leave these centres within 1 month after the final decision of the OFPRA or the CNDA.</p> <p>2/ N/A.</p>
	Germany	Yes	<p>1. Third-country nationals who are seeking international protection in Germany are accommodated in initial reception centres, where they stay up to six weeks, however no longer than three months. The applicants receive an “Aufenthaltsgestattung” (temporary residence permit), which is geographically limited to the city or rural district of the initial reception centre. If there are compelling reasons, the applicant is allowed to leave this area temporarily. The applicant may attend appointments with authorities and courts without permission. After the accommodation in the initial reception centre, the applicants will be distributed to accommodation centres. Again the movement of the asylum seekers is in principle restricted to the city or rural district of the accommodation. In practice the area in which the applicant is allowed to stay is often enlarged to several areas or the territory of the federal state in which he/she has to reside.</p> <p>2. The geographical restriction of the “Aufenthaltsgestattung” (temporary residence permit) is defined in the Asylum Procedure Act. The provision conforms to the requirements of Art. 7 of the Reception Directive.</p>
	Greece	Yes	
	Hungary	Yes	<p>1. Reception facilities provide temporary accommodation for asylum seekers, who can stay in the facility after submitting their applications until authorities take decision in their cases. The facilities offer accommodation, food, basic medical service and monthly allowance for applicants, who reside on its territory.</p> <p>The following facilities exist in Hungary:</p> <p>a.) guarded reception centre for asylum detention: a place for detention maintained by the refugee authority (OIN), asylum seekers illegally entering the country are accommodated here for a maximum period of 6 months;</p> <p>b.) reception centre: maintained by the OIN, designated as a compulsory place for residence for asylum seekers during the procedure, in the case of beneficiaries of international protection for one year, foreigners are allowed to leave the facility during the day;</p> <p>c.) community shelter: maintained by the OIN, serves as a designated place of residence for persons under alien policing procedure and foreigners recognized for a tolerated stay which they are allowed to leave during the day and with a maximum stay of 18 months that can be extended;</p> <p>d.) immigration guarded accommodation: maintained by the Police, foreigners waiting for the execution of their expulsion ordered by the OIN or the immigration authority of the Police are accommodated there for a period of one year at most.</p> <p>Unaccompanied minors or separated children are placed in child protection institutions.</p> <p>There are no restrictions on the movement of asylum seekers accommodated in the reception facilities. Free movement within the premises is guaranteed, however, in the case of the guarded, closed reception centre for asylum detention, asylum seekers are not allowed</p>

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			to leave the centre during the procedure. 2. Hungary – in line with EU asylum <i>acquis</i> , especially the recast Reception Conditions Directive and the recast Dublin Regulation – introduced legislative changes that came into force on 1 July 2013. Within the framework of the amendments a new, specific regime for detention (asylum detention) was created. The primary aim of the modification was to create a solid and autonomous legal basis for detaining asylum seekers as measure of last resort, to ensure the presence of the asylum seeker in the asylum procedure and to prevent asylum-shopping. Asylum seekers can move freely inside the premises of the guarded, closed reception centre, but cannot leave its territory during the procedure.
	Ireland	Yes	
	Italy	Yes	
	Latvia	Yes	1. The Office of Citizenship and Migration Affairs of the Ministry of Interior is responsible authority for the reception and accommodation of asylum seekers. There is one Accommodation Centre for asylum seekers where there are no restrictions on the movement of asylum seekers. However according to the Internal Rules of Procedure of an Accommodation Centre for Asylum Seekers (Regulation No.173 of the Cabinet, 23.02.2010.) if an asylum seeker wishes to leave the accommodation centre for period longer than 24 hours, he/she shall inform an employee of the centre. 2. N/A
	Lithuania	Yes	1. Persons who lodged asylum applications can leave the accommodation centre for up to 24 hours and their movement is not restricted. Irregular migrants are detained in the centre and their movement is restricted. 2. The legal basis for the regime of movement is the Law on the legal status of aliens. P.S.: Currently, changes in the grounds of detention of asylum applicants are suggested and are being discussed in the Parliament, therefore the situation may change.
	Luxembourg	Yes	1. In Luxembourg all reception facilities (55) are open collective reception centres. Residents are allowed to leave the centre whenever they want. However, in some reception centres (run by the OLAI or NGOs), a 'curfew' is imposed. Doors are generally closed between midnight and six o'clock in the morning. Also, residents have the right to be absent for three nights per month. However, these absences must be duly registered and allowed otherwise it will be considered an unjustified absence. 2. N/A
	Malta	Yes	1. What is the regime of movement in the transit and/ or reception centres in your country, i. e. are there any restrictions on the movement of third-country nationals accommodated in those centres? It depends if the asylum seeker is hosted in a closed or open centre. MT has both closed and open centres. Movement is only restricted in closed centres. 2. If the reception and/ or transit centres in your country have a closed (restricted) regime of movement, what is the legal basis for that?

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			<p>The legal basis for the detention of irregular migrants is prescribed by Articles 5 and 14 of the Immigration Act (Cap. 217, Laws of Malta) http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8722&l=1:</p> <p>Detention is pursued in order to prevent unauthorised entry into the country or to enable the authorities to make the necessary arrangements to effect removal. The maximum period of detention is 18 months, which period is prescribed by policy. It should be noted that in the case of asylum seekers this period is reduced to 12 months. Such a detention requirement does not apply across the board, as vulnerable persons, including unaccompanied minors, women with children, families and disabled persons are not subject to detention.</p>
	Netherlands	Yes	<p>1. What is the regime of movement in the transit and/ or reception centres in your country, i. e. are there any restrictions on the movement of third-country nationals accommodated in those centres?</p> <p>The regime in the reception centers in The Netherlands is an open regime of free movement for all residents. There are no restrictions on the movement of the asylumseekers accommodated in the reception centers, residents need to report every 14 days, but this has no effect on their movement.</p> <p>2. If the reception and/ or transit centres in your country have a closed (restricted) regime of movement, what is the legal basis for that?</p> <p>N/A</p>
	Poland	Yes	<p>1. Pursuant to the provisions of Article 71 paragraph 1 of the Act of 2003 on granting protection to foreigners within the territory of Poland, the Head of the Office for Foreigners provides and organizes the management of centres for foreigners under the refugee procedure. The Department for Social Assistance of the Office for Foreigners is in charge of these issues. The Department for Social Assistance of the Office for Foreigners provide to foreigners accommodation in an open centre for foreigners, of which 12 are currently operating (4 are run by the Office for Foreigners and other 8 by third parties, selected on the basis of open tender procedures – public procurement). All centres for foreigners of the Office for Foreigners are open institutions and foreigners are allowed to freely move toward the territory of Poland, however they are obliged to inform the Head of the Office for Foreigners as regards to any changes in their place of residence on the territory of Poland. Foreigners applying for the refugee status are obliged also to stay on the territory of Poland by the date when the final decision on granting or not the refugee status is issued and delivered to a foreigner, unless the foreigner submitted another application to be granted a refugee status and the Head of the Office for Foreigners did not withhold the execution of the decision on expulsion.</p> <p>Four reception centres owned by the Office for Foreigners are located in Czerwony Bór near Łomża, Linin near Góra Kalwaria, Dębak near Podkowa Leśna and in Biała Podlaska, whereas the last two serve as initial reception centres, from which foreigners are transferred to accommodation facilities (foreigners who have applied for refugee status in Poland [at the border and within the Polish territory] for the first time are to register at the reception centre in Biala Podlaska within two days, and foreigners</p>

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			<p>who have reapplied for refugee status should register within two days at the centre in Podkowa Leśna - Dębak; this also applies to persons who have come back to Poland after a voluntary return and have applied for the renewal of a discontinued refugee procedure).</p> <p>Other centres for foreigners applying for refugee status and managed by third parties are located in Grotniki, Grupa near Grudziądz, Białystok, Lublin, Łukow, Kolonia Hobrów in Zalesie, Warsaw and in Bezwola.</p> <p>Foreigners have also the right to receive funds for financing their stay on the Polish territory instead of being located in the accommodation centre - in this case, a foreigner receives financial assistance to cover his/her everyday expenses regarding i.a. accommodation outside the reception centre.</p> <p>2. n/a</p>
	Portugal	Yes	<p>1. In Portugal there are no restrictions on the movement in the transit centres, but there are in the reception centres.</p> <p>2. The Portuguese legal basis are the law that establishes the conditions and procedures for granting asylum or subsidiary protection and the statutes of the asylum seeker, refugee and subsidiary protection (Act n. ° 27/2008, 30th June) articulated with the law that approves the legal entry, staying, exit and expulsion of foreigners from the national territory (Act n. ° 29/2012, 9th August).</p>
	Romania	Yes	
	Slovak Republic	Yes	<p>1. While in the reception centre the personal freedom of the asylum seekers is partially restricted. They are obliged to stay in the reception centre until the results of the health examination are announced and the so called quarantine is ended (usually up to 30 days). Before the end of the quarantine the asylum seeker can leave the reception centre only for the reasons of urgent visit in the medical centre. After the end of the quarantine he/she can leave the centre based on the permit (the permit is needed also for the urgent visit in the medical center), which can be issued by the responsible employee of the Migration Office of the Ministry of Interior of the SR (as the responsible institution for the asylum policy in the SR) in the centre. If the initial interview with the asylum seeker was already conducted he/she can ask for the permit for up to 7 days. If the interview was not conducted the permit can be issued for max. 24 hours.</p> <p>In the accommodation centre which is already an open facility, the same rules apply regarding the permits. The initial interview is usually already conducted so the asylum seekers can apply for a permit for up to 7 days. If the interview was not conducted the permit can be issued for max. 24 hours. Based on the Act on Asylum the request for the issuance of the permit can be refused only for the reasons of public order or when the asylum seeker has to be personally present in the asylum proceeding.</p> <p>The asylum seeker may be allowed to stay outside of the asylum facility following a written request and under certain conditions. The asylum seeker can be granted a long term permit by the procedural department of the Migration Office of the Ministry of Interior of the SR.</p> <p>2. The restricted regime is applied only in the reception centre until the results of the health examination are announced, thus in so called quarantine period (usually up to 30 days). The basis for this is the Act No. 480/2002 on Asylum as amended.</p>
	Slovenia	Yes	
	Spain	Yes	<p>1. What is the regime of movement in the transit and/ or reception centres in your country, i. e. are there any restrictions on the movement of third-country nationals accommodated in those centres?</p> <p>The reception and/or transit centres for international protection applicants have an open regime of movement.</p>

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			<p>2. If the reception and/ or transit centres in your country have a closed (restricted) regime of movement, what is the legal basis for that?</p> <p>There is no restricted regime of movement for applicants of international protection accommodated in reception centres.</p>
	Sweden	Yes	<p>1, Asylum seekers who wish to be accommodated by the Swedish Migration Board during their application process usually stay in ordinary flats that the Board provides and that can be anywhere in Sweden. They may not choose where they want to stay but they are not restricted from leaving the accommodation if they have found somewhere else to stay. Only detention centres restrict movement.</p> <p>2, Not applicable.</p>
	United Kingdom	Yes	<p>1. The UK only provides accommodation to asylum seekers if they are destitute. In the initial stage following registration of the asylum claim, individuals who are destitute are usually housed for 2/3 weeks in one of six Initial Accommodation (IA) centres around the UK. Thereafter, they are usually moved to properties within the community as a whole, rather than in reception centres.</p> <p>Whilst there are no restrictions on the travel or movement of asylum seekers within the territory of the UK, they are subject to residential and reporting restrictions. If they fail to comply with these requirements they may be detained under Immigration Powers.</p> <p>2. Not applicable</p>
	Croatia	Yes	
	Norway	Yes	<p>In Norway there is one arrival transit centre through which all asylum seekers pass. Before arriving at this centre all those who apply for international protection (asylum) must register at the Police Immigration Service (PU) in Oslo. In addition to registering the asylum seeker into the Foreigners data base (UDB) the police also investigates whether s/he has been registered in any of the other countries party to the Schengen agreement, and whether an accelerated procedure should be applied. Following the registration, the applicant is transported to the arrival transit reception centre. In this centre further information about the asylum seeker is registered in UDB. At the arrival transit centre food and accommodation, kitchen utensils, clothing and a hygienic pack is provided. A mandatory medical examination is conducted and information about the asylum procedure is given. After having gone through this procedure, the asylum seeker is transferred to a transit reception centre. In the transit centres s/he stays until the interview with UDI concerning their asylum claims has been completed. Pending the outcome of the processing of the asylum claim, the asylum seeker stays in an ordinary reception centre. Most ordinary centres are self-catering and participation in information programmes and certain activities are mandatory, leisure activities are offered and the asylum seekers attend Norwegian classes.</p> <p>1. There are no restrictions on the movement of third country nationals in transit centres or in the ordinary centres.</p> <p>2. NA</p>