



**Funded by the
European Union**



Ad-Hoc Query on 2023.41 EMN SE Ad-Hoc Query on reception of applicants for international protection

Requested by Sweden on 3 October 2023

Compilation produced on 29 November 2023

Responses from Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Slovakia, Slovenia, Sweden plus Norway, Serbia (24 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.

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

In Sweden, a government commission has been tasked with investigating some aspects of the reception of applicants for international protection, particularly, measures to ensure that applicants for international protection live in designated housing and remain available to the authorities. In particular, the investigation focuses on an obligation to reside in an assigned area in accordance with article 7.1 of the Directive (2013/33/EU) of the European Parliament and of the Council laying down standards for the reception of applicants for international protection (recast), and to report to the authorities. Such measures considered by the investigation would, as a rule, apply to all applicants for international protection and might also be imposed on persons whose application for international protection has been rejected in a final decision. Thus, the legislative solutions and practices implemented by the Member States already applying such measures are of particular interest.

Seeing that the questionnaire has nine questions, after discussion with the co-chair of the AHQWG, it was decided that all the questions would be launched in a single ad-hoc query but that the query for reporting purposes would be counted as two ad-hoc queries. EMN Sweden thanks in advance for your collaboration in collecting the information for this Ad-Hoc Query.

We would like to ask the following questions:

- 1. Does your national legislation allow applicants, who are not held in detention, to move freely within the entire territory of the state? YES/NO. If you answer NO, can you please describe the restrictions imposed (including any obligation to reside in an assigned area in your Member State).**
- 2. If you answer NO to Q.1, what are the consequences (e.g. in the international protection procedure) for the individual that breaches the assignment to a specific area?**
- 3. Are applicants in your Member State obligated to live in designated housing? YES/NO. If you answer YES, please describe applicable conditions and any measures taken to ensure actual residence in designated housing.**

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.

- 4. Does your national legislation impose an obligation for applicants to report to authorities or to appear before them in person as a measure to ensure residence in housing designated to the applicant or to otherwise have knowledge on their whereabouts? YES/NO. If you answer YES, please describe the procedure.**
- 5. If you answer YES to Q.4, what are the sanctions foreseen in the legislation for breach of these obligations?**
- 6. Does your Member State provide accommodation to persons whose application for international protection has been rejected in a final decision?**
- 7. If you answer YES to Q.6, are such persons obligated to live in designated housing or to reside in an assigned area in your Member State? If you answer YES, can you explain how you implement and control this obligation?**
- 8. If you answer YES to question 7, does the breach of this obligation trigger placement in detention? YES/NO. If you answer NO, what are the measures taken against the individual?**
- 9. Are there any special arrangements applicable when families with children are involved? YES/NO. If yes, please describe these.**


We would very much appreciate your responses by **13 November 2023**.

2. RESPONSES

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

| | | Wider Dissemination² | |
|---|------------------------|--|--|
|  | EMN NCP Austria | Yes | <p>1.</p> <p>In principle, asylum seekers can move freely in Austria. Asylum seekers are subject to territorial restrictions from the time they submit their application until the procedure is admitted or any other decision is made by the Federal Office for Immigration and Asylum within the admission procedure. Their stay is only tolerated in the political district in which their place of residence is located. They will be provided with an information sheet on the boundaries of the political district in which they are required to reside. The territorial restriction applies until the admission or any other decision is taken by the Federal Office in the admission procedure. The territorial restriction ends with the decision of the Federal Office in the admission procedure. The residence restriction applies from the time of admission into the procedure and acceptance into the basic care of a province. The residence restriction applies ex lege to asylum seekers from the time they are accepted into basic care by a province. The restriction applies to the province in which asylum seekers are granted or provided with</p> |

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.

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."

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.

| | | | |
|--|--|--|---|
| | | | <p>basic care and essentially means that their place of residence and center of life must be in that province. --- Source: Ministry of the Interior</p> <p>2. Violation of the territorial restriction constitutes an administrative offense. Failure to comply with the residence restriction constitutes an administrative offense. A fine may be imposed in the event of non-compliance. --- Source: Ministry of the Interior</p> <p>3. The provision of basic care in Austria is based on the principle of shared responsibilities. This means that caring for foreigners in need of assistance and protection is a task shared between the provinces and the Federal State. Accordingly, the Federal State essentially provides basic care in the admission procedure. For the Federal State's area of responsibility, it can be stated that accommodation and care is provided exclusively in organized accommodation. There is no entitlement to care in a specific federal care facility or in a specific province (Art. 2 para 1 and para 1a Federal Basic Care Act 2005). If the asylum procedure is approved because Austria and not another State is responsible, the transfer to the basic care of the province takes place as soon as possible (see Art. 6 Federal Basic Care Act 2005) and the legal provisions of the individual province are subsequently applied, which provide for different measures such as mandatory prior approval by the provincial government in the event of a voluntary change of accommodation or a possible refusal, restriction or withdrawal of basic care</p> |
|--|--|--|---|

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.

| | | | |
|--|--|--|--|
| | | | <p>in the event of unjustified or unannounced departure from the accommodation assigned as part of basic care. At this point, private accommodation - the independent conclusion of a rental agreement - is also possible in addition to organized accommodation.</p> <p>Art. 15b of the Asylum Act 2005 stipulates that asylum seekers can be ordered by the Federal Office for Immigration and Asylum to take up permanent accommodation in housing facilities provided by the regional authority responsible for basic care for reasons of public interest, public order or for reasons of rapid processing and effective monitoring of the application for international protection.</p> <p>The order does not include any restrictions on freedom of movement. It is essential that the order to take accommodation - unlike the residence restriction - is not intended to apply to all asylum seekers but can only be ordered after an individual examination if certain circumstances exist.</p> <p>It is irrelevant whether asylum seekers have taken up residence in accommodation provided by a province or in privately organized accommodation, as long as in the latter case they also receive (additional) other basic care benefits. The waiver of basic care is also irrelevant as long as it is made available to asylum seekers.</p> <p>According to Art. 15c Asylum Act 2005, asylum seekers may not establish their place of residence or, in the absence of such, their habitual residence, outside the province that grants or provides them with basic care in accordance with the Agreement between the Federal State and the Provinces on Basic Care, unless the asylum seeker has been granted subsidiary protection status or a residence title in accordance with the 7th main section ("residence permit for exceptional circumstances").</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>4.</p> |
|--|--|--|--|

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.

| | | |
|--|--|---|
| | | <p>Pursuant to Art. 15a Asylum Act 2005, asylum seekers are subject to a periodic reporting obligation in the admission procedure if</p> <ul style="list-style-type: none"> • they are informed by procedural order that • the rejection or dismissal of the application for international protection is intended; • it is intended to revoke the de facto protection against deportation; • or the asylum seeker is not entitled to de facto protection against deportation and neither detention pending deportation has been imposed on the person nor a less severe measure has been applied (Art. 15a para 1 Asylum Act 2005). <p>In order to comply with the obligation to report, the persons concerned who are not being cared for in a facility of the Federal State must report to a designated office of a provincial police directorate at regular intervals of no less than 48 hours. The Federal Office for Immigration and Asylum must provide the persons concerned with the necessary information, such as in particular the responsible office of a provincial police directorate as well as the period and time of reporting, by means of a procedural order. For persons who are cared for in a facility of the Federal State, an absence of at least 48 hours from the care facility is considered a breach of the obligation to report. The absence from the care facility must be documented in a suitable and comprehensible manner. There is no breach of the obligation to report if it can be proven that it was impossible or unreasonable for the person concerned to fulfill this obligation (Art. 15a para 2 Asylum Act 2005).</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>5. If, among other things, the obligation to register is not complied with and the whereabouts of the person concerned cannot be easily determined by the Federal</p> |
|--|--|---|


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.

| | | |
|--|--|---|
| | | <p>Office for Immigration and Asylum or the Federal Administrative Court, this is considered a withdrawal from the asylum procedure. In this case, the asylum procedure must be discontinued (Art. 24 Asylum Act 2005).</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>6. No. However, foreigners without a right of residence whose asylum application has been finally rejected and who cannot be deported for legal or factual reasons (Art. 2 para 1 subpara 2 Agreement between the Federal State and the Provinces on Basic Care - Art. 15a Federal Constitutional Act) belong to the target group of basic care - which includes care and accommodation. Other persons whose application for international protection has been legally rejected are not entitled to such accommodation.</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>7. No.</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>8. n/a</p> <p>---</p> <p>Source: Ministry of the Interior</p> <p>9. No.</p> <p>---</p> <p>Source: Ministry of the Interior</p> |
|--|--|---|

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.

| | | | |
|---|--------------------|-----|--|
| | | | |
|  | EMN NCP Belgium | Yes | <p>1. Yes</p> <p>2. N/A</p> <p>3. No.</p> <p>However, applicants for international protection are assigned a reception place, which is the compulsory place of registration ('code 207') by the Federal Agency for the Reception of Asylum Seekers (Fedasil). This is the place where the asylum seeker can enjoy reception conditions. The reception place offered is optional. If applicants decide not to be accommodated in a reception facility because they can be hosted by friends or relatives, they can do so, but they lose the benefits of the material reception conditions, except for medical assistance (they receive the code 207: no show). They also do not receive financial assistance.</p> <p>Additional information: there is also the possibility for residents of collective reception centres who have their own accommodation solution, to leave the reception centre on a voluntary basis with the support of meal vouchers. The measure applies to all residents of collective centres who meet the following conditions:</p> <ol style="list-style-type: none"> 1. an uninterrupted stay in the reception network of <u>minimum 1 month</u> <p>AND</p> <ol style="list-style-type: none"> 2. an <u>ongoing application for international protection</u>. <p>In this case they receive meal vouchers on an electronic card or on paper every two weeks (€140 per adult and €60 per minor child) until the end of their right to material</p> |


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.

| | | | |
|--|--|--|---|
| | | | <p>reception conditions linked to their procedure for international protection or until their reintegration into the reception network (if they no longer have a sustainable accommodation outside the reception network). The measure also applies to unaccompanied minors who can stay in a safe and stable context (specific conditions apply). For them, the reception center code 207 remains unchanged. This entails that the social and medical support of the unaccompanied minors is continued by the reception center. They receive meal vouchers on an electronic card or on paper every two weeks (€140 per unaccompanied minor).</p> <p>4. No.</p> <p>5. N/A</p> <p>6. Yes. Following a negative decision, the rejected applicant for international protection receives an order to leave the territory. Those whose negative decision has been confirmed by the Council for Alien Law Litigation are invited to go to one of the five Fedasil reception centres that organise 'open return places'. The priority is to convince the residents of the advantage of a voluntary return as opposed to a forced return. The 'open' nature of the reception centres is guaranteed since no residents will be removed while awaiting for the order to leave the territory to expire (generally 30 days) and during their stay in the centre the residents are free to come and go.</p> <p>7. No, during their stay in the open return places the residents are free to come and go or leave the centre.</p> <p>8. N/A</p> |
|--|--|--|---|

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.

| | | | |
|---|---------------------|------------|---|
| | | | <p>9. No, families with children can also opt to go to the open return places of Fedasil (see question 6).</p> <p>Just for information: Concerning detention/alternatives to detention: families with minor children in irregular can stay in 'open community-based family units'. These are legally considered to be detention centres. In practice, for example, one adult must always remain present in the house. However, the family units are not closed and families have a large degree of freedom of movement. That is why the Immigration Office qualifies them as an alternative to detention. The units, consisting of individual houses and apartments, are considered 'community-based' because of their location in the centre of municipalities and the fact that they cannot be distinguished from other houses.</p> |
|  | EMN NCP Bulgaria | Yes | <p>1. Asylum seekers freedom of movement can be restricted to a particular area or administrative zone within the Republic of Bulgaria. By Decision No 550 of 27 September 2017 of the Council of Ministers, areas for movement under the Law on Asylum and Refugee were designated for persons seeking international protection in the Republic of Bulgaria. The legal definition is: "A "zone" is an administrative area designated by an act of the Council of Ministers on the proposal of the Chairperson of the State Agency for Refugees, which the international protection seeker may not leave, and which provides sufficient opportunity for movement to ensure the exercise of the rights under this Law". The asylum seeker can apply for a permission to leave the allocated zone. If the request is refused, it must be motivated. Such a permission is not required when the asylum seeker has to leave the allocated zone in order to appear before a court, a public body or administration or if he is need of specialized medical assistance.</p> |

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.

| | | | |
|--|--|--|--|
| | | | <p>2. During the procedure the asylum seeker must not leave the assigned area. Violations of this obligation shall be established by the bodies of the Ministry of Interior with a memorandum of findings drawn up in three copies – for the relevant structure of the Ministry of Interior, for the State Agency for Refugees and for the asylum seeker. The person is warned that in the event of a second violation, he will be placed in a closed-type facility until the proceedings are completed. In case of a second violation, the foreigner seeking protection is placed in a closed-type facility until the proceedings for international protection have been concluded by a final decision.</p> <p>3. The State Agency for Asylum is the authority responsible for the accommodation of asylum seekers. Applicants for international protection have the right to be accommodated in a Registration and reception center of the State Agency for Refugees. Accommodation outside the reception centres in individual dwellings is allowed under the law. When the asylum seeker has financial means to provide for his basic needs, in the course of the general procedure he may obtain permission to be accommodated at his expense at an address of his choice and will not receive financial and in-kind assistance from the State Agency for Refugees.</p> <p>4. For the prompt examination of the application for international protection or in order to ensure the participation of the foreigner seeking such protection, the Chairperson of the State Agency for Refugees or an official authorized by him may order the mandatory appearance of the applicant every two weeks during the proceedings before an official from the Agency.</p> |
|--|--|--|--|


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.

| | | | |
|--|--|--|---|
| | | | <p>5. Proceedings for granting international protection are terminated when the foreigner cannot be found twice at his approved address or at another address indicated by him; and also when the applicant changes his address without notifying the State Agency for Refugees and does not provide objective reasons for this within 30 days.</p> <p>6. No. When the application for international protection has been rejected with a final decision, an employee from the Registration and reception center of the State Agency for Refugees informs the foreigner that he does not have the right to be accommodated in a Reception center of the State Agency for Refugees and that he should be handed over to the Migration Directorate of the Ministry of Interior. According to art. 44(6) Law on the Foreigners in the Republic of Bulgaria in cases where the foreigner who has been imposed a compulsory administrative measure of "return to the country of origin, country of transit or third country" obstructs the execution of the order or there is a risk of absconding, the competent authorities can issue an order for the compulsory placement of the foreigner in a special home for temporary accommodation of foreigners in order to organise the return.</p> <p>7.</p> <p>8.</p> <p>9.</p> |
|--|--|--|---|


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.

| | | | |
|---|----------------------------|------------|---|
| | | | Families are accommodated in a separate part of the special home for temporary accommodation of foreigners. |
|  | EMN NCP Croatia | Yes | <p>1. Yes</p> <p>2. Not applicable</p> <p>3. No</p> <p>4. Yes, all applicants are obligated to register in Reception Center for Seekers of International Protection but they are not obligated to live there. In order to live in private accommodation applicants need to fill out a form with the data about place they are staying in.</p> <p>5. If the applicant does not register / leave the Reception Center without authorization it will result in suspension of procedure of international protection.</p> <p>6. No</p> <p>7. N/A</p> <p>8. N/A</p> <p>9. N/A</p> |


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.

| | | | |
|---|---------------------------|------------|--|
| | | | |
|  | EMN NCP Cyprus | Yes | <p>1. Yes.</p> <p>2. N/A</p> <p>3. Yes, but only for a specific group of applicants. More specifically, applicants from safe countries of origin, in case their application is rejected at first instance, they receive determination of place of residence in a dedicated open Centre. While staying in the designated Center, they have the right to appeal for the rejection of their claim or start procedure for voluntary return. Staying in the assigned Centre is not mandatory. Residents have the right to renounce material reception conditions, report their new residence address and leave the Centre while waiting the second instance decision or while they expect the procedures for return, i.e. within the voluntary departure period of the return decision.</p> <p>4. Yes, at the National Refugee Law, it is stated that it is an obligation of the applicants to declare their residence address.</p> <p>5. Implicit withdrawal of application for international protection and cessation of the reception conditions.</p> <p>6. No</p> <p>7. N/A</p> <p>8. N/A</p> |

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.

| | | | |
|---|---------------------------------------|------------|--|
| | | | 9. Although allowed by the national law, families with children are never detained in Cyprus for return purposes. |
|  | EMN NCP Czech Republic | Yes | <p>1. YES. Once the applicant submits an application for international protection (usually in the reception centre) and all the required procedures have been carried out (identity verification, fingerprinting etc.), the applicant for international protection is usually transferred to a residential centre to await the first instance decision. Nevertheless, the applicant may also request the possibility of living at a private address, which is then, however, entirely at his/her own expense. The choosing of the place of living within the territory of the Czech Republic is up to the choice of the applicant. Nevertheless, the applicant is required to inform the Ministry of the Interior about any changes of his/her place of living. The applicant is also obliged to mark the mailbox properly in order to be reached by the relevant authorities.</p> <p>2. The breaches of the obligations to report the whereabouts may lead to a suspension of the international protection procedure due to unknown place of residence.</p> <p>3. NO. The applicants for international protection have a right to stay in a private accommodation, but he/she is obligated to cover all the costs or may use the accommodation and related services provided in accommodation centres. The place in</p> |


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.

| | | | |
|--|--|--|---|
| | | | <p>relevant accommodation centre is allocated solely based on logistical purposes (where is suitable free place).</p> <p>4. The obligation to report or to appear by the relevant authorities is one of the so-called alternatives to detention according to Asylum Act.</p> <p>5. The Ministry of the Interior may decide to detain the applicant.</p> <p>6. NO, with exceptions where the person in question will be voluntarily returned to a country of origin or in very exceptional cases for a very few days, for example in cases where only one of the spouses obtained a negative decision.</p> <p>7. N/A</p> <p>8. N/A</p> <p>9. NO.</p> |
|--|--|--|---|

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.

| | | | |
|--|--|------------|--|
| |  EMN NCP Estonia | Yes | <p>1. No. According to § 34 of the Act Granting International Protection to Aliens an applicant is required to reside at the accommodation centre for applicants for international protection during the proceedings for international protection. There are some exceptions to the rule. With the written permission of the Police and Border Guard Board, an applicant may reside outside the accommodation centre for applicants for international protection if:</p> <ol style="list-style-type: none"> 1) the accommodation and support of the applicant is ensured by a person legally residing in Estonia; 2) the applicant has sufficient financial resources to ensure his or her accommodation and support; 3) it is necessary for the applicant to reside outside the accommodation centre for applicants for international protection in order to ensure his or her safety. <p>An applicant residing at the accommodation centre for applicants for international protection during proceedings for international protection is required to stay at the accommodation centre for applicants for international protection during night-time. The period of time from 22.00 to 6.00 is considered night-time. The accommodation centre for applicants for international protection may grant a permission to an applicant to stay away from the accommodation centre for applicants for international protection during night-time in the following cases:</p> <ol style="list-style-type: none"> 1) to receive medical care; 2) to stay with a family member who needs emergency medical care; 3) on the basis of a reasoned application of a person staying in Estonia legally. 4) on the basis of a reasoned application of an applicant in which his or her contact data and address of the stay are noted. <p>2.</p> |
|--|--|------------|--|

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.

| | | |
|--|--|---|
| | | <p>According to § 23 of the AGIPA the Police and Border Guard Board presumes that the application has been withdrawn or waived if the applicant is in hiding or has left his or her residence, the detention centre or accommodation centre for applicants for international protection without permission, without having informed the Police and Border Guard Board, the detention centre or the accommodation centre for applicants for international protection thereof within a reasonable period of time; If an applicant has withdrawn the application indirectly or has waived it, the Police and Border Guard Board shall make a decision on the rejection of the application in accordance with Article 4 of Directive 2011/95/EU of the European Parliament and of the Council.</p> <p>3. Yes. Please see the reply to Q1.</p> <p>4. Yes, an applicant who is residing outside the accommodation centre for applicants for international protection during proceedings for international protection is required to inform the Police and Border Guard Board of the address of his or her residence and any changes thereof.</p> <p>5. Please see answer to Q2.</p> <p>6. Yes. When a final decision has been made on the application, the TCN may, where necessary, be provided accommodation up to 30 days as of the entry into force of the final decision.</p> <p>7. Yes.</p> |
|--|--|---|

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.

| | | | |
|---|-----------------|-----|---|
| | | | <p>8. Yes, if there is risk of escape of the TCN and the detention is considered to be proportionate.</p> <p>9. Yes, the best interest of the child are taken into account.</p> |
| + | EMN NCP Finland | Yes | <p>1. YES. While the application is being processed, the applicant has the right to reside and move freely in Finland.</p> <p>2. -</p> <p>3. NO. Applicants may live in private accommodation if they want to. However, they still need to be registered at a reception centre and the address of the accommodation must be given to the reception centre. However, applicants cannot decide themselves in which reception centre they are registered in (and accommodated if needed).</p> <p>4. YES. Even if an applicant for international protection lives in private accommodation, they still need to be registered at a reception centre. If an applicant for international protection wants to live in private accommodation, they must give their new address in a written document to the reception centre where they are registered. They must also show their rental agreement or another document of their accommodation. Doing this is a condition for receiving other reception services. The applicant has to live in the address that they give to the reception centre. Keeping contact information up to date is a condition for receiving reception services. If the reception centre tries to contact an applicant several times but cannot reach them, the centre may conclude that they have disappeared.</p> |


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.

| | | |
|--|--|---|
| | | <p>If the applicant is accommodated in a reception centre, they can't be absent from the reception centre for long periods of time. Being absent can lead to the applicant losing their accommodation in the reception centre. If they reappear, they can be accommodated in a reception centre once again, but not necessarily the same centre as before.</p> <p>The person cannot leave Finland while the application for international protection is being processed. The application will expire if the applicant cannot be contacted for at least two months or if the authorities find out that the applicant has left Finland</p> <p>5. Keeping contact information up to date is a condition for receiving reception services. The person cannot leave Finland while the application for international protection is being processed. The application will expire if the applicant cannot be contacted for at least two months or if the authorities find out that the applicant has left Finland.</p> <p>6. NO. However, if the police are unable to remove the applicant from Finland but it would be possible for them to return to their home country on their own initiative, they may use reception services for an additional 30 days. The applicant will have 30 days to return to their home country on their own initiative or apply for assisted voluntary return. After 30 days, the applicant will no longer receive reception services. This means that they can no longer stay at the reception centre and they will no longer receive a reception allowance or other services offered by the reception centre. However, if the person submits a new application for international protection, reception services will be given for the duration of the process. Children who have arrived in Finland without a guardian are an exception. Their reception services will not end. In other words, children can continue to live at the reception centre until they are removed from Finland.</p> |
|--|--|---|

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.

| | | | |
|---|---------------------------|------------|--|
| | | | 7. - 8. - 9. - |
|  | EMN NCP France | Yes | <p>1. No. In France, applicants for international protection within the National Reception Scheme (thereafter DNA), are oriented by the French Office for Immigration and Integration (OFII) towards a region of residence, in accordance with the National Reception Scheme for Asylum Seekers and Refugees (thereafter SNADAR), which aims at ensuring a better geographical spread of asylum seekers, taking into account the rate of asylum seekers already received by each region in application of the SNADAR, and the needs of the applicants as well as their personal and family situation (article R.551-3 of the French code for the entry and stay of foreign nationals and right to asylum CESEDA).</p> <p>Applicants are required to live within the region to which they have been assigned by the OFII, for the whole duration of the examination procedure of their international protection application (article R. 551-6 of the CESEDA).</p> <p>Applicants for international protection can move freely within the region to which they have been assigned, but if they want to leave the region, other than for a serious and compelling reason or a summon from an authority or court, they must request an authorisation from the OFII (article L.551-5 of the CESEDA).</p> |

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.

| | | |
|--|--|--|
| | | <p>2. According to article L.551-15 of the CESEDA, material reception conditions can be refused to the applicant, fully or partially, in the following cases :</p> <p>1° They refuse the designated region of orientation</p> <p>2° They refuse the designated accommodation offer.</p> <p>3. YES.</p> <p>As indicated in Q.1, the OFII offers a designated accommodation to the applicant, taking into account the needs, as well as personal and family situation of each applicant, and the accommodation capacity of each region.</p> <p>According to article L.552-5 of the CESEDA, legal entities responsible for the management of accommodation are required to alert the competent administrative authorities in the event of unjustified and prolonged absence of the persons who have been directed in this accommodation for the duration of the examination procedure.</p> <p>4. NO for international protection applicants whose application is under process.</p> <p>YES for international protection applicants whose application has been definitely refused, and who are placed in house arrest for the purpose of their removal, as well as for people under the Dublin procedure placed in house arrest for the duration of the procedure of determination of the State responsible for the examination of the asylum claim (article L.751-2 and L.733-1 of the CESEDA).</p> <p>5. For foreign nationals whose international protection application is under process: N/A.</p> |
|--|--|--|

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.

| | | |
|--|--|--|
| | | <p>For foreign nationals whose international protection application has been refused and placed in house arrest for the purpose of the execution of an order to leave the French territory (thereafter OQTF) or in the context of the Dublin procedure : see Q.8.</p> <p>6. A foreign national whose international protection application has been definitely refused must leave the French territory, (article L.542-4 of the CESEDA), and no longer benefits from the dedicated accommodation for asylum seekers, starting from the definitive refusal decision.</p> <p>Article L.551-11 of the CESEDA states that the accommodation of asylum seekers terminates at the end of the month during which the applicant's right to stay on the territory ends. In particular, the foreign national loses the right to stay when the OFII refuses or declares inadmissible the application for international protection, and that no appeal has been introduced within a one month delay starting from the notification of the OFII's decision (article L.542-1 and L.542-2 of the CESEDA).</p> <p>Article 345-2-2 of the Code on Social action and Families states that any homeless person in a situation of distress, whether medical, social or psychological, can access, at any moment, the emergency accommodation scheme.</p> <p>While in principle, foreign nationals whose application for international protection has been refused must, as a consequence, leave the territory, and therefore can't benefit from the emergency accommodation scheme, the case law from the Council of State ("Conseil d'État", the highest administrative tribunal in France) still admitted that international protection applicants whose application has been denied or that have been subject to an OQTF may fall within the scope of the article.</p> <p>The rejected applicants, who are therefore forced to leave the territory, can benefit from an accommodation designated by the authorities within the emergency accommodation scheme, if it is proven that they are, in the given circumstances, homeless and in a situation of distress.</p> |
|--|--|--|

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.

| | | | |
|--|--|--|---|
| | | | <p>7. Foreign nationals whose application for international protection has been refused must leave the accommodation centers for asylum seekers, and can request to be accepted within the emergency accommodation scheme.</p> <p>According to article L.752-2 of the CESEDA, when the right to stay terminated due to a refusal or an inadmissibility decision, a foreign national can be placed in house arrest, in order to efficiently examine and follow the asylum application, and to prevent any risk of evading the enforcement of the removal order.</p> <p>The final decision to reject an application for international protection may also be accompanied by an obligation to leave the French territory (4°; article L. 311-1 of the CESEDA).</p> <p>The foreign national who is subject to an order to leave the French territory with a voluntary departure deadline can, according to article L.721-6 of the CESEDA, be forced to live in a designated area, for the entire duration of the deadline. In addition, the foreign national to which a voluntary departure deadline has been granted may be required to report to an administrative authority, or a police or gendarmerie unit, in order to prepare his/her departure (article L.721-7 of the CESEDA).</p> <p>An OQTF may be accompanied by a house arrest decision (see 1°, article L. 731-1 of the CESEDA).</p> <p>In order to ensure the respect of the house arrest, article R.731-1 of the CESEDA states that the authority that ordered the house arrest also defines its terms and conditions, and may in particular designate an authority to which the foreign national must report, within the limit of one report per day, and specifying whether the obligation also applies to Sundays and public holidays.</p> <p>Alongside, the applicant for international protection can be forced to report to police authorities or gendarmerie units as stated in article R.733-1 of the CESEDA, and up to four times per day (article R.733-2 of the CESEDA), if he/she is placed in house arrest</p> |
|--|--|--|---|

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.

| | | |
|--|--|---|
| | | <p>because he/she is subject to an expulsion decision, or must be removed in execution of a territorial ban in application of the second paragraph of article 131-30 of the French Criminal code (as stated in 6° and 7° of article L.731-1 of the CESEDA).</p> <p>8. YES. Article L.824-4 of the CESEDA provides for 3 years of imprisonment a foreign national placed in house arrest for the purpose of the execution of an OQTF, or in the context of the Dublin procedure, who failed to return to the place of house arrest within the prescribed deadline, or who leaves the designated place without an authorisation from the administrative authority. Also, articles L.733-17 and L.824-5 of the CESEDA punish with 1 year of imprisonment, any foreign national placed in house arrest for the purpose of the execution of an OQTF, who do not respect his/her reporting obligation to the police or gendarmerie units, as required by article L. 731-1 of the CESEDA. Placement in detention centre can also be prescribed, on the basis of article L.741-1 of the CESEDA, when the foreign national is at risk of evading the execution of his/her removal order, and that the house arrest decision (previously taken in application of article L.731-1 of the CESEDA), is no longer an adequate measure to guarantee the effective execution of the removal decision.</p> <p>9. The family situation of the applicant for international protection is taken into account at every stage of his/her reception.</p> <p>With regard to admission in an accommodation centre, article L. 552-8 of the CESEDA states that the OFII offers a designated accommodation, taking into account the personal and family situation of the applicant.</p> |
|--|--|---|


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.

| | | |
|--|--|--|
| | | <p>With regard to house arrest, minors are not personally placed in house arrest. Therefore, parents are not obligated to ensure that their children continuously stay in the place of house arrest.</p> <p>If a family whose application has been rejected and who has been placed under house arrest does not have a decent accommodation, the general Directorate for Foreign Nationals in France (DGEF), in its technical sheet "Elaboration of regional reception schemes for asylum seekers" concerning the removal of families whose asylum claim has been rejected, recommends that they be assigned to a hotel or other type of housing structure.</p> <p>With regard to administrative detention, minor foreign nationals cannot be placed in detention, except when they accompany a foreign national placed in detention because he/she :</p> <ul style="list-style-type: none"> • has not respected a house arrest obligation, or • has evaded or refused the implementation of a removal order. <p>Or, when, in consideration of the minor's best interests, the foreign national's administrative detention in the 48 hours preceding the scheduled departure protects the concerned foreign national, and the accompanying minor, from the constraints associated with the transfer requirements (article L.741-5 of the CESEDA).</p> <p>The detention of families with children is subject to several cumulative conditions :</p> <ul style="list-style-type: none"> • Administrative detention must be a measure of last resort • The detention period must be as short as possible • The detention of a foreign national accompanied by a minor must be carried out in an administrative detention center with isolated rooms, specially designed to accommodate families. |
|--|--|--|

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.

| | | | |
|---|----------------------------|------------|--|
| | | | In addition, the best interests of the child must be the primary consideration in the implementation of the provisions on administrative detention (article L741-5 of the CESEDA). |
|  | EMN NCP Germany | Yes | <p>1. No. The specific residence permit for asylum applicants (“Aufenthaltsgestattung”) is geographically limited to the district of the foreigners’ authority in which the reception centre responsible for taking in the alien is located (§ 56 para. 1 AsylG).</p> <p>2. The violation of the residence restriction is considered an administrative offence which may be penalised with a fine of up to 2,500 EUR (§ 86 AsylG). In the case of repeated violations, the leaving of the assigned area is considered a criminal offence, which shall be punished by imprisonment of up to one year or a fine (§ 85 para. 2 AsylG). § 57 and § 58 AsylG determine specific exceptions and conditions under which the alien may leave the assigned area legally.</p> <p>3. Yes. Depending on certain factors, asylum applicants are at first assigned to a specific reception centre, which is connected to a branch office of the Federal Office for Migration and Refugees. In most cases, the duration of the stay in the reception centre is limited to 18 months (§ 47 AsylG). Afterwards, an asylum applicant, whose asylum procedure has not been finalised, is assigned to a specific municipality. The municipality has some discretion, yet as a rule, asylum applicants should be housed in collective accommodation (§ 53 AsylG).</p> <p>4. No.</p> |


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.

| | | |
|--|--|--|
| | | <p>5. N/a</p> <p>6. Yes.</p> <p>7. Yes. Rejected asylum seekers from safe countries of origin are, as of rule, obliged to stay in a reception centre until they can leave the country (§ 47 AsylG). All other people are not required to stay and live in a reception centre after the expiry of eighteen months at the latest; they will be assigned to an accommodation facility in accordance with Asylum law. This is also applicable in the case of rejected asylum seekers if they are obliged to leave the country and if this can be enforced. In practice, rejected asylum seekers stay in the accommodation facility, which was assigned to them when they had left the reception centre, until they leave the country. In the absence of sufficient capacity in the second accommodation facility, most federal states allow rejected asylum seekers to be accommodated in the reception centre even if the applicant is not from a safe country of origin as defined by the § 29a AsylG. As a rule, rejected asylum seekers can stay and live in the reception centre as long as no other accommodation facility is available.</p> <p>Rejected asylum seekers will in any case be assigned to a certain area. If they are not obliged to continue living in a reception centre, they will gain the right to travel in the country after three months, even though the obligation to reside in the assigned geographical area continues. Since persons whose application for international protection has been rejected in a final decision are still eligible to certain welfare benefits (in case they have neither an income nor any assets), it is in the person's own interest to be present. The needs in terms of food, accommodation, heating, clothes, healthcare as well as new durable and non-durable goods will be covered as benefits in kind. In addition to that, a certain amount in cash will be paid per month in order to</p> |
|--|--|--|

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.

| | | | |
|---|---------------------------|------------|--|
| | | | <p>cover any personal needs. People who are not or no longer accommodated in a reception centre will preferentially be paid in cash.</p> <p>8. Yes, under certain circumstances. In the first place, the situation described in answer to question 2 applies. Beyond that, the general obligation to leave the non-assigned area may be ensured by the use of force. If there are indications to the fact that the alien will not abide by the obligation to leave and no reasonable other means to enforce the obligation are available, he shall be taken into custody (subject to a warrant issued by a judge) (§ 59 AsylG).</p> <p>9. Yes. The usual maximum duration of the stay in a reception centre is limited to six months instead of 18 months (cf. question 4). Even if the parent of a minor child would be required to stay beyond the six or 18 months limit (e. g. asylum applicants coming from safe countries of origin as defined in § 29a (with annex II) AsylG, or asylum applicants that have failed to cooperate in their asylum procedure), this extension of the mandatory stay in the reception centre is not applied when children are involved (§ 47 AsylG).</p> |
|  | EMN NCP Greece | Yes | <p>1. According to Article 49 (1) of the Code of Laws (4939/2022), asylum-seekers may move freely within the territory of Greece, or an area designated by a Ministerial Decision issued by the Minister of Migration and Asylum. This geographical restriction of freedom of movement within a particular area should not affect the inalienable sphere of private life and should not hinder the exercise of rights provided by the Code. According to the second paragraph of Article 49, the residence of the applicant in a designated place may be decided, but only if this is necessary for the swift processing</p> |

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.

| | | |
|--|--|---|
| | | <p>and effective monitoring of the application for international protection or for duly justified reasons of public interest or reasons of public order. This restriction is imposed by the Governor of the Asylum Service and is mentioned on the asylum seekers' cards. Moreover, according to the ministerial decision nr.1140/2019 (GG B'4736), geographical restriction to remain within the islands of Lesvos, Rhodes, Samos, Kos, Leros, and Chios is imposed on applicants for international protection who enter Greece through those territories. This restriction is also recorded on the International Protection Applicants' Cards. This restriction is removed by the decision of the Commander of each Closed Controlled Access Centre (CCAC) of the islands in the following cases:</p> <ul style="list-style-type: none"> • unaccompanied children • individuals who fall under the Dublin Regulation • individuals whose applications for international protection are reasonably believed to be well founded • vulnerable persons or persons with special reception needs who cannot receive appropriate support within the island where the CCAC is located. <p>2. Applicants who are subject to the above-mentioned restrictions (Article 49 of the Code of Laws 4939/2022) are provided with material reception conditions, as long as they reside within the place indicated. In case of non-compliance and if they leave the designated accommodation facilities without informing the competent administration or without obtaining any required permission, the provision of material reception conditions may be terminated in accordance with article 61 of the Code of Laws (Article 49 (3) Code of Laws 4939/2022). Also, if an individual breaches the geographical restriction, the provision of material reception conditions may be terminated.</p> |
|--|--|---|

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.

| | | | |
|--|--|--|---|
| | | | <p>3.</p> <p>Asylum-seekers are required to reside in the reception facility designated by the competent reception authority, which is the Reception and Identification Service. Leaving this facility without prior notification to the authorities may result in the restriction or termination of their material reception conditions. However, applicants have the right to temporarily be absent from or stay outside the designated facility if they submit a request to the facility's Director, and the request is accepted (Article 17 (5) of the Regulation on the operation of controlled reception facilities).</p> <p>More specifically, each asylum seeker is assigned to state-run accommodation in RIS' Controlled Access Accommodation Facilities (CAAF). Leaving the facility without prior notification to the authorities may result in the restriction or termination of their material reception conditions. However, applicants have the right to temporarily be absent from or stay outside the designated facility if they submit a request to the facility's Director, and the request is accepted (Article 17 (5) of the Regulation on the operation of controlled reception facilities).</p> <p>For applicants who decide to accept accommodation in state-run facilities, actual residence is mainly ensured through regular physical verification of the population in each facility. Especially with regard to separated minors, this verification takes place every week. Another way to monitor the absence of an asylum seeker from a facility is the person's failure to present themselves to the management or to the facility's services, following repeated calls to do so. Applicants whose presence is verified continue to receive material reception conditions, including cash assistance.</p> <p>Applicants who decide not to accept housing in state-run facilities are required to promptly inform the competent receiving authorities of their address and other contact information, as well as of any changes to the above information.</p> |
|--|--|--|---|


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.

| | | | |
|--|--|--|---|
| | | | <p>4. As described in the response to the previous question, obligatory physical verification of the asylum seekers takes place regularly in each facility. What is more, according to Article 49 of the Code of Laws 4939/2022, applicants are required to immediately notify the competent authorities of any changes to their place of residence for as long as the examination of their asylum application is pending to ensure the unhindered communication of the authorities with them. This is also foreseen in Article 83 para. 6 of the Code of Laws 4939/2022: 'Applicants are required to promptly inform the competent receiving authorities of their address and other contact information, as well as any change of the above information'.</p> <p>5. There is no sanction for not accepting to reside in a state-run accommodation Facility since, as mentioned, it is not obligatory to reside in a facility designated by RIS. However, applicants are informed that material reception conditions are provided under the condition that they accept the accommodation proposal and continue to reside in the designated facility throughout the period, they remain applicants for international protection. The conditions for the termination or restriction of the material reception conditions are foreseen in Article 61 of the Code of Laws 4939/2022. According to par.2 of the article, the material reception conditions may be restricted, or in exceptional circumstances terminated, in duly justified cases, when the applicants do not comply with their obligation to inform the authorities about their personal information, such as their address, as long as the examination of their application for international protection is still pending.</p> |
|--|--|--|---|


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.

| | | | |
|---|--------------------|------------|--|
| | | | <p>Also, if the applicants left the place where they were living, without requesting permission or informing the competent authorities, as they were obliged to, then, it is presumed that they have implicitly revoked their application, according to Article 86 (1) (d) of the Code of Laws 4939/2022.</p> <p>6. No. The Code of Laws 4939/2022 concerns only applicants of international protection.</p> <p>7. -</p> <p>8. -</p> <p>9. According to Article 53 of the Code of Laws 4939/2022, the competent authorities take appropriate measures to ensure the family unity of applicants for international protection present on the Greek territory, when they are provided with accommodation. These measures shall be implemented with the consent of the applicants.</p> |
|  | EMN NCP Hungary | Yes | <p>1. Yes</p> <p>2. N/A</p> <p>3. No</p> <p>4. No</p> |

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.

| | | | |
|---|----------------------------|------------|---|
| | | | <p>5. N/A</p> <p>6. No</p> <p>7. N/A</p> <p>8. N/A</p> <p>9. No</p> |
|  | EMN NCP Ireland | Yes | <p>1. YES.</p> <p>However, material reception conditions are only provided in a designated centre and as per IPAS (the International Protection Accommodation Service) House Rules residents must let centre managers know if they are away overnight. If individuals are absent for three nights without explanation, the centre manager writes asking for an explanation and if an individual stays away without explanation, this is taken as an indication that the individual no longer requires accommodation.[1]</p> <p>However, applicants can be subject to 'report and reside' requirements, under section 16(3) of the International Protection Act 2015. Section 16(3)(d) states that an immigration officer can notify an applicant in writing of a requirement to reside or remain in a specified district or place in the State, or to report at specified intervals to an immigration officer or a specified Garda Síochána (national police) station. However, it is rare for applicants to be subject to this requirement.[1]</p> |


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.

| | | | |
|--|--|--|--|
| | | | <p>[1] Correspondence with Department of Justice, October 2023.</p> <p>[1] IPAS (2023) 'House Rules and Procedures for Reception and Accommodation Centres'</p> <p>2. For those under a report and reside requirement, contravention is an offence and those found guilty on conviction are liable to a class D fine (currently up to €1,000) or imprisonment for a term not exceeding one month or both (section 16(5) of the International Protection Act 2015).</p> <p>3. NO. However, those who do not live in designated housing are not entitled to material reception conditions or state welfare supports.</p> <p>4. NO, unless they are subject to 'report and reside' requirements (see question 1 for details).</p> <p>5. N/A (see question 2 for sanctions for breaching report and reside requirement)</p> <p>6. YES. IPAS provides accommodation for applicants up to their return to their country of origin following a negative decision.</p> |
|--|--|--|--|


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.

| | | | |
|---|----------------------|------------|--|
| | | | <p>7. No. Some International Protection applicants may choose not to accept accommodation from IPAS. They may choose to source their own accommodation instead, or live with family or friends already in the community. Living in IPAS accommodation is completely voluntary and residents may leave at any time and source their own accommodation. However, when an IP applicant decides to live somewhere else while their claim is being examined, they are not entitled to state assistance and they are obliged to keep the International Protection Office (IPO) informed of their whereabouts.[1]</p> <p>[1] Correspondence with DCEDIY, November 2023.</p> <p>8. N/A</p> <p>9. N/A</p> |
|  | EMN NCP Italy | Yes | <p>1. Yes, it does.</p> <p>2. N/A</p> <p>3. No, they aren't.</p> <p>4. Yes, it does. The applicant fulfils the obligation of communicating his/her domicile or residence to the Police Headquarters by means of a declaration that must be included in the application for international protection. Any subsequent change of domicile or</p> |

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.

| | | | |
|---|----------------------------------|-------------------|--|
| | | | <p>residence is communicated by the applicant to the same Police Headquarters and to the Police Headquarters responsible for the new domicile or residence in order to renew the residence permit. For applicants received in reception facilities, the address of the centre constitutes the domicile valid for the purposes of notification and communication of acts relating to the application examination procedure, as well as any other act relating to the detention or reception procedures.</p> <p>The address of the centre or any other domicile is communicated by the Police Headquarters to the Territorial Commission.</p> <p>5. Since the domicile constitutes the place where notices of acts relating to the application examination procedure are notified, failure to do so will result in the impossibility of notifying the aforementioned acts. In general, a provision applies whereby anyone hosting a non-EU citizen must notify it to the competent authorities within 48 hours. Violation of this provision is subject to an administrative sanction.</p> <p>6. No, it doesn't.</p> <p>7. N/A</p> <p>8. N/A</p> <p>9. No, it doesn't</p> |
|  | <p>EMN NCP Latvia</p> | <p>Yes</p> | <p>1. Yes. If an asylum seeker wishes to leave the accommodation centre for a period longer than 24 hours, he or she shall inform an employee of the accommodation centre.</p> |

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.

| | | |
|--|--|--|
| | | <p>2. N/a</p> <p>3. No. If an asylum seeker does not have sufficient resources to ensure living arrangements conforming to his or her health condition and his or her residence during the asylum procedure, he or she shall be accommodated at the accommodation centre for asylum seekers. Otherwise asylum seeker during asylum procedure can choose where he/she wants to live, but in this case he/she should cover all accommodation costs by himself/herself.</p> <p>4. An asylum seeker has an obligation to inform the Office of Citizenship and Migration Affairs and State Border Guard regarding the address of the place of residence and its change, if the asylum seeker has not been accommodated at the accommodation centre for asylum seekers or has not been detained.</p> <p>5. As it was mentioned before, asylum seeker has an obligation to inform the Office of Citizenship and Migration Affairs and the State Border Guard. In the case of Office of Citizenship and Migration Affairs there can be negative consequences to asylum procedure because it can be evaluated as non-cooperation. State Border Guard can send summons to person's mentioned residence. In the case of no answer, State Border Guard going to search person. In these cases can be administrative duty.</p> <p>6. No. If international protection has been rejected person should leave Asylum seeker's accommodation centre. In relation to return decision, Immigration law prescribes that in voluntary return decision is set a time period for voluntary departure (max.30 days). The validity starts</p> |
|--|--|--|


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.

| | | |
|--|--|---|
| | | <p>from moment, when a person is informed about decision. In some special cases (family or social ties in Latvia, the foreigner has a minor child who is attending an education institution in the Republic of Latvia), the time period for departure could be extend for a period not exceeding one year. If a person does not fulfill voluntary return decision (there are no extension of departure term, no appeal to court, no asylum application etc.), there is ground for issuing forced return decision.</p> <p>7. N/a</p> <p>8. No. During asylum procedure no. As to detention, it is defined as the last measure in specifically stipulated situations:</p> <ol style="list-style-type: none"> 1. it is necessary to ascertain or verify the identity or nationality of the asylum seeker; 2. it is necessary to ascertain the facts, on which the application is based and which may be ascertained only by detention, particularly if escaping is possible (the person crossed the State border without an obvious reason evading border controls, previously evaded removal, hid his or her identity, provided false or conflicting information, there are other facts pointing to the likelihood of escape); 3. it is necessary to decide on the rights of the asylum seeker to enter the Republic of Latvia; 4. there are grounds for assuming that within the scope of the removal procedure the detained person submitted an application to hinder execution of a voluntary return decision or a removal order or to make it impossible, and it is detected that the relevant person did not have any obstacles for submitting such application earlier; 5. the competent State authorities (including the State Border Guard) have a reason to believe that the asylum seeker presents a threat to national security or public order and safety; |
|--|--|---|

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.

| | | | |
|---|------------------------------|-------------------|--|
| | | | <p>6. the necessity for transfer procedure in accordance with the provisions of Article 28 of Regulation No 604/2013 has been detected. If any of the conditions for detention mentioned above exists, an official of the State Border Guard may detain an asylum seeker for up to six days, immediately drawing up detention minutes at the place of detaining the asylum seeker or after delivery of the asylum seeker to the detention premises. The time period of detention shall be counted from the moment when the asylum seeker was actually detained. The asylum seeker has the right to contest detention to the district (city) court within 48 hours after he or she has been made acquainted with the detention minutes. The contesting shall not suspend detention.</p> <p>9. Yes. Alternatives to detention: an official of the State Border Guard, when deciding the case regarding detention of a foreigner, may, due to reasons of humanitarian nature, take the decision to apply one of the following alternative means of detention: 1) regular registration at the specified unit of the State Border Guard; 2) the handing over of a travel document and other personal identification documents at the disposal of the foreigner to an official of the State Border Guard. In the case of detention: Accommodation Centre has the premises intended for the accommodation of women or families. In order to preserve family unity, members of a family shall be accommodated together.</p> |
|  | <p>EMN NCP Lithuania</p> | <p>Yes</p> | <p>1. No. 2. N/A</p> |


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.

| | | | |
|--|--|--|--|
| | | | <p>3. No. Asylum seekers are typically accommodated in the Foreigners' Registration Center of the Refugees' Reception Center. However, they may also find alternative accommodation (e.g., rent an apartment). The place of accommodation is subject to the Migration Department's decision.</p> <p>4. No. When asylum seekers are accommodated in the Refugees' Reception Center or the Foreigners' Registration Center, they are in the care of these centers' employees and have to follow their internal rules, which makes additional measures redundant. On the other hand, courts may impose certain measures as part of the application of an alternative to detention. For example, courts may demand that an asylum seeker checks in with the Migration Department or the State Border Guard Service on a regular basis or that they periodically inform the Migration Department or the State Border Guard Service of their location.</p> <p>5. There are no specific sanctions. According to parts 2 and 3 of Article 85.1 of the Law on the Legal Status of Foreigners, if the Migration Department cannot reach an asylum seeker for longer than 72 hours or if the asylum seeker leaves the premises of the Refugees' Reception Center or the Foreigners' Registration Center without authorization for longer than 72 hours, this may be grounds for terminating the examination of their asylum application.</p> <p>6. According to Article 140^8.3 of the Law on the Legal Status of Foreigners, foreigners in respect of whom a decision has been taken to refuse to grant asylum are temporarily accommodated without the right to free movement within the territory of the Republic of</p> |
|--|--|--|--|


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.

| | | | |
|---|--------------------------------------|-------------------|---|
| | | | <p>Lithuania, by the decision of the State Border Guard Service, until such time that a final decision on the foreigner's return or deportation has been implemented or until they receive their foreigner registration certificate.</p> <p>7. Yes. Officers of the State Border Guard Service monitor that such persons live in designated housing and/or reside in an assigned area.</p> <p>8. Yes.</p> <p>9. No. However, according to Article 114.4, vulnerable persons and families with minors can only be detained in exceptional circumstances, taking into account the best interests of the child and the vulnerable persons.</p> |
|  | <p>EMN NCP Luxembourg</p> | <p>Yes</p> | <p>1. YES.</p> <p>2. N/A.</p> <p>3. NO.</p> <p>4. NO.</p> <p>5. N/A.</p> <p>6. No. However, if the person has applied for voluntary return, the individual can remain in the reception facility until the voluntary return is executed. The Luxembourg</p> |

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.

| | | | |
|---|------------------------|------------|---|
| | | | <p>government offers help in organizing the return to people whose applications have been rejected, facilitating their reintegration to their respective countries of origin or countries where they have the right to reside.</p> <p>7. N/A. In the case of rejected asylum seekers who applied for voluntary return and are allowed to remain in the reception facility they stay in the structure but they can move until the voluntary return is executed.</p> <p>8. N/A.</p> <p>9. No, except when the family with children has accepted the voluntary return, they can remain in the reception facility until the voluntary return is executed. Rejected families with minor children have 7 days to leave the National Reception Office (ONA)'s housing facilities. Parents can then seek support from other associations, such as associations for homeless people or associations helping women in distress. Meanwhile, the National Children's Bureau (Office National de l'Enfance – ONE) can take minor children into care.</p> |
|  | EMN NCP Netherlands | Yes | <p>1. Yes.</p> <p>2. N/a.</p> <p>3. No. Applicants for international protection are not obligated to stay in asylum reception facilities. They can stay elsewhere, as long as they are available for interviews with the Immigration and Naturalisation Service (Immigratie- en Naturalisatiedienst - IND). In fact, if asylum seekers have sufficient means of their own,</p> |

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.

| | | |
|--|--|---|
| | | <p>they will need to stay elsewhere. Within the framework of the asylum reception system, it is the Central Agency for the Reception of Asylum Seekers (Centraal Orgaan opvang asielzoekers - COA) which determines where residents stay.</p> <p>It is the role of the COA to provide for shelter, meals or money for food, living allowance for clothing and toiletries, guidance and recreational activities, (public) transport to the lawyer and IND in connection with the asylum procedure, access to essential medical care and third-party insurance.</p> <p>If an applicant resides in an asylum reception facility (Asielzoekerscentrum – AZC), there is a reporting obligation in place to ensure that applicants actually reside in AZC. Adult residents of a AZC must report every week to COA. This is required by law and laid down in the house rules. Failure to report will have consequences.[1]</p> <p>[1] COA, 'Meldplicht', https://www.mycoa.nl/nl/content/meldplicht-4, last accessed on 4 October 2023.</p> <p>4. Yes, see Q3. All adult residents (18+) living in a AZC must report to COA every week. This is called the in-home registration.[1] The purpose of the in-home registration is to determine whether you are still staying at the location and are entitled to shelter and (weekly) money. When you report for the in-house registration, you also report for other matters at the same time. This has to do with the legal situation of the applicant for international protection. However, an exception to the obligatory in person in-house registration are residents who have already obtained a permit and have applied for the accommodation arrangement (logeerregeling). These residents are allowed to report for the in-house registration once every two weeks per telephone.</p> |
|--|--|---|

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.

| | | |
|--|--|--|
| | | <p>All residents aged 18 or over who are still in the asylum procedure must also report to the Immigration Police, Identification and Human Trafficking Department (Afdeling Vreemdelingenpolitie, Identificatie en Mensenhandel - AVIM) every week to prevent their asylum procedure from being stopped. This is the AVIM reporting obligation. The COA in-home registration and the AVIM reporting obligation take place at the same time.</p> <p>All rejected applicants for international protection (Uitgeprocedeerde asielzoekers) still resident (four week period, see Q6) in an asylum reception facility aged 18 or over must report every day (except weekends and holidays) for the in-house registration and AVIM reporting obligation. This daily reporting obligation applies to residents of a freedom restricting facility (Vrijheidsbeperkende locatie – VBL), a family reception facility for return (Gezinslocatie – GLO) and a (pre) process availability facility (Procesbeschikbaarheidslocatie – PBL), but not in a regular AZC.</p> <p>[1] Ibid.</p> <p>5. If you are over 18 years of age and do not comply with the reporting obligation (in-house registration and AVIM reporting obligation), your residence in the AZC may be ended and you will no longer receive (weekly) money.[1]</p> <p>The following applies here.</p> <ul style="list-style-type: none"> • If you fail to report the first time, you will receive a warning by letter. • If you do not report the following week either, you will be deregistered from reception. The reception and the (weekly) money will be stopped immediately. |
|--|--|--|

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.

| | | | |
|--|--|--|--|
| | | | <ul style="list-style-type: none"> • If you often fail to report now and then, you will receive a measure. This may ultimately mean that reception and (weekly) money will be stopped for one week. <p>If you still want to use COA reception again after it has been stopped, you will have to go to the Application Centre in Ter Apel to ask to be admitted to the asylum procedure and reception again.</p> <p>[1] Ibid.</p> <p>6. Other. In the Netherlands, rejected asylum applicants may stay up to 28 days in a reception centre to prepare for their departure from the Netherlands. After this period, the reception by the COA ends and rejected applicants for international protection (Uitgeprocedeerde asielzoekers) are no longer entitled to reception or housing. However, they can be accommodated in the freedom restricting facility (Vrijheidsbeperkende locatie – VBL) in Ter Apel for up to twelve weeks, but only if there is a prospect of departure.[1] Families with minor children can stay in family reception facility for return (Gezinslocatie – GLO), run by COA, if they have exhausted all legal means and have no other shelter, or the means of their own to organise a place to live. If they do have the opportunities or means to live somewhere else, they should live outside these centres. See more detailed information in the answer under Q9.</p> <p>In the Netherlands, reception for people without residence status is excluded in the Benefit Entitlement Act (Koppelingswet). They are only eligible for acute medical care, legal aid and education (for children up to 18 years old).[2] However, municipalities can take their own initiative, such as e.g. in Amsterdam with the bed-bath-bread scheme for undocumented people and rejected applicants.[3] This local initiative meets the ruling of the European Committee on Social Rights (ECSR), which concluded that the</p> |
|--|--|--|--|

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.

| | | | |
|--|--|--|--|
| | | | <p>Netherlands should realise reception facilities for undocumented migrants and rejected applicants (Article 31(2) European Social Charter).^[4]</p> <p>[1] COA, 'Opvanglocaties voor terugkeer', https://www.coa.nl/nl/opvanglocaties-voor-terugkeer, last accessed on 5 October 2023.</p> <p>[2] Stans Goudsmit, 'Hebben uitgeprocedeerde asielzoekers recht op opvang?', https://www.njb.nl/blogs/hebben-uitgeprocedeerde-asielzoekers-recht-op-opvang/, last accessed on 4 October 2023.</p> <p>[3] Gemeente Amsterdam, 'Ik heb geen verblijfspapieren. Waar kan ik terecht voor opvang?', https://www.amsterdam.nl/veelgevraagd/ik-heb-geen-verblijfspapieren-waar-kan-ik-terecht-voor-opvang-a13fc-kp, last accessed on 4 October 2023.</p> <p>[4] Council of Europe, 'No. 90/2013 Conference of European Churches (CEC) v. The Netherlands', https://www.coe.int/en/web/european-social-charter/processed-complaints/-/asset_publisher/5GEFkJmH2bYG/content/no-90-2013-conference-of-european-churches-cec-v-the-netherlands, last accessed on 4 October 2023.</p> <p>7. See answer under Q6.</p> <p>8. Yes, as explained in Q6 the returnee (also possible families) that can return to the country of origin (no travel document and forced return obstacles) but we couldn't prepare the return for in those 28 days can be accommodated in the freedom restricting facility (Vrijheidsbeperkende locatie – VBL) in Ter Apel for up to twelve weeks, but only if there is a prospect of departure. This VBL is already a lighter measure in which the returnee gets only the right to move in that specific municipality. If the returnee does not follow up this restriction it is indeed in line to take the next step to the more restricted measurement: detention.</p> |
|--|--|--|--|

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.

| | | | |
|--|--|--|--|
| | | | <p>If there's an obstacle in the return process, such as missing travel documents and the non-cooperation of the country of origin to hand over travel documents, return will (during the period of this obstacle) not be foreseen so detention is then not allowed in the Netherlands. Which means that in such cases, placing in the VBL is also not relevant. So adults without children, that have no legal grounds to stay in the Netherlands anymore, will also lose the right for accommodation. Only families with children can't ever lose the right for accommodation, so as explained they will be placed in a family reception facility.</p> <p>9. Yes. A special arrangement is applicable when families with children are involved. Children below the age of 18 remain entitled to shelter even after rejection of the asylum application, and this includes their parents and siblings. So, if families with minor children have exhausted all legal means and have no other shelter, or the means of their own to organise a place to live, they can stay in family reception facility for return (Gezinslocatie – GLO), run by COA. If they do have the opportunities or means to live somewhere else, they should live outside these centres. The families need to leave the family reception centre as soon as the youngest child has reached adulthood. In practice their stay in such facility can last several years.</p> <p>The legal framework for these family centres is based on a ruling by the Supreme Court (2011), the highest Dutch civil court. The essence of the ruling is that the State may not terminate the shelter of a family with minor children if this threatens to create a humanitarian emergency for the minor children. The facilities and house rules in these family centres are austere and strict. Families face freedom restricting measures, such as not being allowed to go beyond the municipality boundaries and a registration duty five days a week (school-aged children are exempt from this registration rule). The restriction to travel beyond municipality borders (Art. 56) may be exempt for medical</p> |
|--|--|--|--|


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.

| | | |
|--|--|--|
| | | <p>reasons or to visit a lawyer for example. Counselling in the family centre is focused on departure. Adults are offered a limited number of activities, such as a 'Future' training and volunteer work in the centre.</p> <p>For children, the facilities are the same as in regular reception centres (AZC). They retain the right to education and attend school. They have a playground and there is a range of sports, games, arts and music activities for the children. However, they should stay within the municipality borders, just like the adults in their family.</p> <p>There are currently five family centres for return (GLO) in the Netherlands: in Katwijk, Amersfoort, Emmen, Burgum and Gilze-Rijen.[1] The municipalities involved are obliged to provide education, and if necessary youth assistance, for the children living there. In total, between 331 and 470 minors and 256 to 348 adults stayed in family centres between April 2022 and April 2023. At present, the family centres accommodate 586 persons (August 2023). Over half of the children are between five and 12 years old, while over 40 per cent are younger.</p> <p>See EUAA Query RCN.2023.002 - Family reception centres for return, answered by 17 EU+ countries (AT, BE, CZ, FI, DE, DK, HR, IT, LT, LU, NL, NO, PT, RO, SI, CH, RS).</p> <p>Whilst the rejected applicants are obliged to leave the Netherlands, at the family centres supervisors of the DT&V work on this. The DT&V's efforts are aimed at ensuring that the rejected applicant leaves voluntarily. If a family does not cooperate in return, and there is a reasonable risk for absconding together with other legal grounds for detention, as well as an agreement with the country of origin, the family can be placed in detention for forced return. However, this can only be done as a last resort.[2] For</p> |
|--|--|--|

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.

| | | | |
|---|---------------------------|------------|--|
| | | | <p>more information on accompanied children in detention, see AHQ 2023.28 about the closed family facility (GGV).</p> <p>[1] VreemdelingenVisie, 'Waarom wonen gezinnen soms zo lang op een gezinslocatie?' https://www.vreemdelingenvisie.nl/vreemdelingenvisie/2023/03/leg-mij-nou-eens-uit---gezinsopvang, last accessed on 5 October 2023.</p> <p>[2] Repatriation and Departure Service (Dienst Terugkeer & Vertrek – DT&V), 'Het terugkeerproces', https://www.dienstterugkeerenvertrek.nl/het-terugkeerproces, last accessed on 4 October 2023.</p> |
|  | EMN NCP Poland | Yes | <p>1. Yes. All centers for foreigners of the Office for Foreigners are open facilities. However, the resident is obliged to return to the center before 11:00 p.m. and in the event that a foreigner receiving social assistance in the center is away from the center for more than 2 days, the provision of such assistance is suspended by law until his/her return.</p> <p>2. N/A</p> <p>3. No. Foreigners decide by themselves what kind of social assistance they would like to apply for, i.e. provided in the center or outside the center. If applicants want to use social benefits provided outside the center, they indicate the address to which the financial assistance is transferred. On the other hand, if they want to live in a center, they stay in the center indicated by the Office. During the course of the procedure for granting</p> |

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.

| | | | |
|--|--|--|--|
| | | | <p>international protection applicants have the possibility to change the type of social assistance.</p> <p>4. No, Polish legislation does not impose such obligation for applicant (apart from the possibility of applying the alternatives to detention if needed). There are however other measures not resulting from legal provisions but from national practice applied by the reception authority – described below. As reception authority employees of the Department for Social Assistance of the Office for Foreigners carry out visits to applicants receiving cash benefits to cover the costs of their stay in Poland in order to verify housing conditions. In connection with the COVID-19 pandemic, visits have not been implemented in recent years. They are implemented now. Employees check the material conditions in which applicants live, their access to medical care, and – in case of children – the implementation of compulsory vaccinations and compulsory schooling. Families with children have been selected for visits this year, and special attention is focused on the situation of single parents. In cases where poor housing conditions are identified, a return to the reception centre is recommended. During visits to applicants' flats in previous years, no large number of poor housing conditions was identified. The reception authority also has information whether the applicants are staying at a given address if they not collect the money order that is sent to applicants receiving cash benefits to cover the costs of staying outside the reception centre.</p> <p>5. N/A</p> |
|--|--|--|--|


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.

| | | |
|--|--|---|
| | | <p>According to Polish law, if a foreigner does not comply with the ATD, for example, does not report to the border guard post in the established days, foreigner can be placed in a guarded center or in arrest for foreigners.</p> <p>6. Yes. Social assistance (including accommodation in a center or social welfare outside a center) is provided for a period of 30 days from the date on which the decision of refusal refugee status or subsidiary protection became final.</p> <p>7. No. During the procedure and social assistance provided, foreigners decide by themselves about a place of their stay.</p> <p>8. The foreigner is officially informed of the end date of the benefits as well as the possibility of assistance in returning to the country of origin and the steps necessary to obtain this assistance. He/she receives support in completing, submitting documents. In the case of taking advantage of such possibility - the assistance is extended until the day of departure. If there is a lack of cooperation in accordance with the Act on Granting Protection to Aliens within the Territory of the Republic of Poland (Article 83(2)) the provisions of the Law of 17 June 17, 1966 on Enforcement Proceedings in Administration (Journal of Laws of 2022, item 479), concerning obligations of a non-monetary nature, shall be applied to the enforcement of the obligation to leave the center.</p> <p>9. No.</p> |
|--|--|---|

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.

| | | | |
|---|-----------------------------|------------|---|
| | | | |
|  | EMN NCP Slovakia | Yes | <p>1. No.</p> <p>As for the reception facility - The applicant may leave the reception facility only on the basis of the pass to leave, and only after notification of the positive result of the medical examination (after around 21 days). Before notification of the positive result of the medical examination, the applicant may leave the reception only for an urgent visit to a medical facility.</p> <p>Accommodation facility – the applicant may leave it on the basis of a short or long-term pass.</p> <p>A short-term pass is a permission to leave the asylum facility for up to 24 hours if the applicant has not yet undergone an entry interview, but for up to seven days if he/she has already undergone an entry interview. Before leaving the asylum facility for more than 24 hours, the applicant is obliged to give the Migration Office of the Ministry of Interior of the Slovak Republic the address at which he/she will be staying.</p> <p>A long-term pass is a permission to leave the asylum facility for more than seven days – application is submitted in writing to the Migration Office stating by the applicant, that he/she is able to cover all the expenses associated with his/her stay outside the asylum facility. It can also be the case when a Slovak citizen with permanent residence on the territory of the Slovak Republic or a foreigner granted residence on the territory of the Slovak Republic submits the written statement that he/she will provide for applicant's</p> |


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.

| | | |
|--|--|--|
| | | <p>accommodation and cover all expenses related to his/her stay on the territory of the Slovak Republic. The Migration Office may grant a long-term pass for a maximum of 3 months, even repeatedly.</p> <p>If the applicant is granted a long-term pass, he/she is obliged to report within 3 working days to the Foreign Police Departments competent according to the applicant's place of stay. Failing to do so may result in a fine.</p> <p>2. The applicants can ask for short or long term pass to leave the facility. The Migration Office can only refuse to issue such a pass for reasons of public order protection and also if the personal presence of the applicant is necessary in the on-going asylum procedure.</p> <p>If the applicant is outside the asylum facility without permission for more than seven days, the asylum procedure is terminated.</p> <p>3. As written above. There is evidence of the accommodated applicants in the asylum facilities. If they live outside the asylum facility on the long-term pass, they have to report within 3 working days to the Foreign Police Departments competent according to the applicant's place of stay.</p> <p>4. Yes. Permission to stay outside the asylum facility for more than 7 days (long-term pass) shall be issued (on the basis of a written application) by an employee of the Migration Office's Procedural Department or the Dublin Unit, who is acting in the case. It is given</p> |
|--|--|--|

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.

| | | | |
|---|-----------------------------|------------|--|
| | | | <p>for certain period of time and then the applicant can ask for prolongation (and has to go again report to the competent Foreign Police Department).</p> <p>5. The asylum procedure can be terminated.</p> <p>6. No. Only when they lodge a subsequent application or if they are waiting for the arrangement of their voluntary return.</p> <p>7. NA</p> <p>8. NA</p> <p>9. No. These rules are general for all asylum applicants.</p> |
|  | EMN NCP Slovenia | Yes | <p>1. No. According to the Article 78 of International Protection Act (IPA), the applicant has the right to reside in the Republic of Slovenia and to move freely within the area of the municipality in which he/she has a specified address of temporary residence. If this is necessary for the exercise of health care rights, access to the labor market and education, or there are other valid reasons, the applicant may leave the mentioned area, which is decided by an authorized official of the Government Office for the Support and Integration of Migrants. An objection against the decision is possible within three days of its service. The head of the Office decides on the objection. Nevertheless, an objection against a decision does not delay its execution.</p> |

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.

| | | |
|--|--|--|
| | | <p>The applicant can leave the area of the municipality also for participating in a procedural act related to the procedure of international protection or hearing in court, which he/she demonstrates with an invitation from the competent authority or court.</p> <p>* UAMs may move freely throughout the entire territory of the Republic of Slovenia.</p> <p>2. According to the Article 85 of IPA, the pocket money is not paid to the applicant for one month, namely if he/she left the determined place of residence, without notifying the competent person of the office.</p> <p>3. Yes. IPA provides accommodation in the Asylum Centre or its branch facilities during the whole procedure to all asylum seekers regardless of the procedure they are in, until a final decision on their application becomes enforceable or until the transfer of an applicant to the responsible Member State under Dublin III Regulation. The Office can grant the applicant relocation to a private address if the following conditions are met: his/hers identity is established; he/she is provided with adequate conditions for his/hers stay at his private address; a personal interview was conducted with him/her. In addition, in case of exceptional personal circumstances, the Office can carry out all the necessary activities to accommodate the applicant in another suitable institution; if it cannot provide him with suitable accommodation in the asylum center or its subject (a commission appointed by the head of the Office establishes the existence of exceptional personal circumstances).</p> <p>UAMs: The Government adopted a decision that unaccompanied minors shall be accommodated in Student Dormitory in Postojna regardless of the status they have in Slovenia. In this facility, expert work and care for unaccompanied minors is provided</p> |
|--|--|--|

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.

| | | |
|--|--|--|
| | | <p>24/7 during the whole year. Student Dormitory cooperates intensively with the Office and the minors' legal representatives, guardians and centers for social work as well as with local communities that provide unaccompanied minors with different leisure time activities.</p> <p>THB: In Slovenia, the organization of assistance to victims of THB is regulated by the Act on Ratifying the Council of Europe Convention on Action against Trafficking in Human Beings. On this basis, the assistance to victims of trafficking is provided in the framework of two programs financed by the Government of the Republic of Slovenia and implemented by NGOs that are selected through a public tender: "Providing assistance to victims of trafficking in human beings – crisis accommodation"; "Providing assistance to victims of trafficking in human beings – safe accommodation".</p> <p>4. There are no obligations in place as an alternative to detention. Nevertheless, according to the IPA, the applicant must have a permit issued, with which the official of the Office allows him/her to spend the night outside the asylum centre or its branch, namely in the area of the municipality, in which he/she has a certain temporary residence. The Office can issue a permit for a maximum of seven days, and the total number of permits issued may not exceed a total of 60 days in a year. If the applicant arbitrarily leaves the place of residence at a private address or another institution in which he is staying, the landlord or the head of the institution shall immediately notify the office.</p> <p>Additionally, according to the Article 89 of IPA, the applicant also has several obligations. Among others, he/she must always be available to the competent authority, respond to its invitations and submit to its measures, and notify the Office immediately of a change of address.</p> |
|--|--|--|


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.

| | | |
|--|--|--|
| | | <p>5. According to the Article 85 of IPA, the pocket money is not paid to the applicant for one month if he/she does not fulfill the obligation to inform the competent authorities. In some cases (IPA, Article 50), the application is considered withdrawn, namely:</p> <ul style="list-style-type: none"> - if it is clear from the official records of the competent authority that the applicant left the asylum center or its branch arbitrarily and did not return to the asylum or its branch within three days of the voluntary departure; - if, during the daily check of presence, it is established that the applicant spent the night outside the asylum or its branch, without having been issued the permit (and the applicant does not provide reasonable reasons); - if the applicant has not returned to the designated address within three days from the notification of the landlord or the head of the institution to the Office. <p>6. Yes.</p> <p>7. Yes, such obligation may be imposed in accordance with Article 81 of Foreigners Act (alternative to detention). In case the foreigner- rejected applicant for international protection has not been granted to depart voluntarily or has not left the Republic of Slovenia and the territory of EU and Schengen Area within the time limit for voluntary departure, and he/she is found illegally present on the territory of the Republic of Slovenia. In such a case, Police may for the purpose of preparing or carrying out the return procedure, allow a foreigner to stay outside of the Centre for foreigners and impose one or more obligations:</p> <ul style="list-style-type: none"> - Obligation to reside at a specific address; - Obligation to report regularly to a police station; - Submission of identity documents. <p>Compliance is controlled in the framework of regular police duties and powers. Foreigners Act does not provide for specific measures to control compliance.</p> |
|--|--|--|


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.

| | | | |
|---|-----------------------|------------|---|
| | | | <p>8. Yes, the foreigner must comply with the obligations imposed with the administrative decision allowing him/her to stay outside the Centre otherwise, he/she may be subject to detention in the Centre for foreigners.</p> <p>9. Yes. There are special accommodation arrangements in place, namely specialized facilities (within collective centers) for families and couples is ensured as Branch Facility in Logatec.</p> |
|  | EMN NCP Sweden | Yes | <p>1. Yes</p> <p>2. Not applicable</p> <p>3. No</p> <p>4. No</p> <p>5. Not applicable</p> <p>6. Yes, but only to children and families with children. Adults without children are, as a rule, only entitled to accommodation during the period for voluntary departure.</p> <p>7. No, families with children are not obligated to live in designated housing or to reside in an assigned area in Sweden.</p> <p>8. Not applicable</p> |


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.

| | | | |
|---|-------------------|------------|---|
| | | | 9. Not applicable |
|  | EMN NCP Norway | Yes | <p>1. YES.</p> <p>2. N/A</p> <p>3. NO</p> <p>4. YES. There is no obligation to report nor appear before the authorities as such, however, applicants who are designated to a particular place in one of our reception centres must actually stay in the reception places designated to them, in order to be entitled to financial benefits. If the applicants are away from the centre for more than three days without having had a leave application granted, they lose their right to that reception place. (it is however possible to get a new offer of accommodation)</p> <p>5. See Q4 where sanctions are described.</p> <p>6. YES.</p> <p>7. NO.</p> |

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.

| | | | |
|---|---------------------------|------------|---|
| | | | <p>8. The same rules apply to these persons as to applicants, hence our answer to Q 4 also apply to these persons. We may add that neither applicants nor rejected applicants are obliged to stay in assigned areas in the country.</p> <p>9. NO The same rules apply to all.</p> |
|  | EMN NCP Serbia | Yes | <p>1. Yes</p> <p>2. N/A</p> <p>3. No. The foreigner who has expressed intention to submit an application for asylum, immediately after he has expressed his intention, is registered and referred to the asylum center or to another facility designated for the accommodation of applicants, to which he must report in within 72 hours from the moment when the registration certificate is issued (the Law on Asylum and Temporary Protection, art. 35). After the asylum application has been submitted, if the applicant possesses his own funds, he may stay at his own expense outside the designated facility, with the prior approval of the Asylum Office. Exceptionally, it may be issued earlier if the reasons of the security of the applicant require (the Law on Asylum and Temporary Protection, art 50). In special circumstances, the competent authority (the Asylum Office) may impose a measure prohibiting the applicant from leaving the designated housing facility, a particular address, or an area (The Law on Asylum and Temporary Protection, art. 77).</p> |

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.

| | | | |
|--|--|--|---|
| | | | <p>4. Yes. The applicant for international protection is obliged to notify the Asylum Office in writing of any change in the previously approved address within three days of the address change (The Law on Asylum and Temporary Protection, art. 58). The presence of beneficiaries in the centres or other designated facilities run by the competent reception authority (Commissariat for Refugees and Migration) is regularly checked. Any absence without prior notification that is longer than three days is reported to the Asylum Office.</p> <p>5. If the applicant does not notify the Asylum Office about the change of residence within three days from the day of the change, and does not justify the reasons for missing the notification, it is considered as withdrawal of application (the Law on Asylum and Temporary Protection, art. 47)</p> <p>6. No. In the case that application for the international protection is rejected, Asylum Office shall specify the time limit for the foreigner to leave the territory of the Republic of Serbia. This period cannot be shorter than 7 and longer than 30 days (The Law on Asylum and Temporary Protection, art. 86). After this period, accommodation shall not be provided by competent authority. As exception, persons whose application was rejected in the final decision may reside in the reception centers for the period longer than 30 days in the case that they applied for</p> |
|--|--|--|---|

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.

| | | | |
|--|--|--|--|
| | | | <p>assisted voluntary return program, until their departure to the destination country is organized.</p> <p>If the condition foreseen by the Law on Foreigners are occurred, by the decision of the competent authority, these persons may be detained until they are returned to the country of origin.</p> <p>7. N/A</p> <p>8. N/A</p> <p>9.</p> <p>In the case of the families with children, in order to respect the principle of the best interest of the child, exceptions could be made in agreement with the authorities responsible for the implementation of the Family Law and the Law on Foreigners. Access to health care, education and social care for the children is ensured while return is realized or other solution provided.</p> |
|--|--|--|--|
