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FOR AN INCLUSIVE APPROACH TO RECEPTION AND ACCOMMODATION

During the General Assembly on Thursday 18 May in Gdansk, FEANTSA members adopted, based on a proposal made by French FEANTSA members, a resolution affirming their commitment to an inclusive approach to reception and accommodation.

1. Context

The recent arrival of migrants coming in search of protection in Europe is substantial and raises questions on how to organise their reception and their integration. However, it should not be seen as a massive inflow because the statistics tell a different story: in Europe in 2016, the number of asylum seekers welcomed amounts to 0.16% of the European population, i.e. 1,200,000 applications¹, and the number of individuals granted international protection amounts to 710,000, of which over half are Syrians². The arrival of an exceptional number of asylum seekers has, nonetheless, revealed the structural weaknesses of the reception system at both European and Member State level. The lack of an effective integrated policy on the issues of asylum and migration within the Schengen Area – the area that in theory enables the free movement of people – leads to permanent crisis management and improvised short-term solutions that do not provide adequately dignified reception facilities nor any sustainable integration for people arriving on European territory. Added to these European-level weaknesses are the structural strains affecting the accommodation sector in the majority of European Member States. The lack of accommodation makes welcoming asylum seekers even more difficult, and creates harmful notions of competition among sections of the population.

Increasingly powerful political movements in Europe are capitalising on this situation and their growing success in public opinion is leading to government choices that are short sighted and ever-more restrictive with regard to asylum seekers, and migrants in general. This leads to a situation where responsibility for reception is being passed on to countries that cannot respond adequately to the demand. Furthermore, this creates a general suspicion towards newcomers, adding stigmatisation to a process that is already difficult for them. The absence of political vision, both at European and Member State level, and the absence of long-term investment into the integration of those granted

¹ Eurostat, Asylum in the EU - Member States 1.2 million first time asylum seekers registered in 2016, <http://ec.europa.eu/eurostat/documents/2995521/7921609/3-16032017-BP-EN.pdf/e5fa98bb-5d9d-4297-9168-d07c67d1c9e1>

² Eurostat, Asylum decisions in the EU - EU Member States granted protection to more than 700 000 asylum seekers in 2016 <http://ec.europa.eu/eurostat/documents/2995521/8001715/3-26042017-AP-EN.pdf/05e315db-1fe3-49d1-94ff-06f7e995580e>

international protection is of serious concern to stakeholders in the accommodation/reception sectors.

2. Consequences for the accommodation/reception sectors

Competition among sections of the population is being created in two ways: between migrant and non-migrant homeless people on the one hand and, on the other hand, between migrants with different administrative status.

The procedures for the reception of relocated asylum seekers are highly complex and often very long, due to the failure to establish a permanent and mandatory mechanism in Europe. Such a mechanism would bring about greater solidarity in the distribution of asylum seekers across the European territory and could be focussed primarily on integration. It would involve providing access to employment and to professional training as well as language learning from the moment of arrival in the host country.

Accommodation providers are facing growing pressure from the authorities to participate in return policies and this is being encouraged by the European Commission. Several associations have been asked, either implicitly or explicitly, to categorise people according to their administrative status. These requests go against the principles of our sector and are often in contravention of the legal framework for reception in countries where the principle of unconditional reception guarantees that a person's distress takes precedence over their administrative status. Such requests also have a harmful impact on the social work of associations whose mission becomes distorted by having to check up on people. This is not compatible with the trust that must be guaranteed between a person and a social worker.

Associations are being asked to exclude irregularly residing migrants, including for instance rejected asylum seekers, migrants in transit, children whose "best interests" are put aside against all international conventions, or women victims of domestic violence who have fled the household but whose administration status depends on sustaining a relationship with the partner. Many of them will remain on European territory anyway since return procedures are expensive and depend on having readmission agreements with third countries. This situation leaves people in undignified situations, with no access to services, to social benefits, to the labour market and to the housing rental market.

Associations do not have the means to meet demand, either in terms of accommodation or providing wider support to those arriving. The basic needs of these people – a large number of whom are vulnerable – are passed over to the charity sector which is unable to meet the demand despite their best efforts and the goodwill of citizens (food, transport, clothing, hygiene, health, etc.).

We note furthermore that several European countries are developing specific measures, bypassing ordinary legislation, which in some cases do not respect the fundamental rights of migrants or the asylum application procedures required by law. These ad-hoc procedures are sometimes used as a way of identifying and checking up on migrants, outside of any legal framework and the social work mission.

While in theory asylum seekers placed under the Dublin regulation should benefit from material reception conditions, the specific and constraining procedures put in place by Member States move them away from their rights and delay their access to the recognition of their right to protection.

This results in some asylum seekers being deprived of material reception conditions, while at the same time these asylum seekers are not, in the majority of cases, being returned to the State responsible for their application.

The dysfunctional asylum system and the lack of political priority given to the integration of newcomers push both asylum seekers and beneficiaries of international protection into homelessness, which leads to ever-increasing saturation of the accommodation system.

The reception of unaccompanied minors is also highly problematic in many European Member States where their migrant status takes precedence over their status as children, which has major implications in terms of mistrust of the minors and violation of their fundamental rights. It is however incumbent on each State to ensure the protection of these children, within the framework of their international commitments and particularly with regard to the International Convention on Children's Rights.

3. For an inclusive approach to accommodation

The accommodation and social support sectors do not want to be associated with policies that create competition between sections of the population and which require them to categorise people as 'good migrants' or 'bad migrants'. Not just out of respect for the fundamental rights of people but also because only an inclusive approach can contribute to integrating these new sections of the population in the medium and long term. On the contrary, limiting them within specific schemes and to conditions of poverty have a negative effect on their integration into society. In order to develop this inclusive approach, we are calling on the European Institutions and the States:

- **To reaffirm that everyone has the right to reception and support regardless of their administrative status.** For asylum seekers and beneficiaries of international protection, this involves guaranteeing respect of the principle of *non-refoulement*, and other principles enshrined in the 1951 Convention Relating to the Status of Refugees (Geneva Convention) and of EU law on asylum and, as a result, respecting the law i.e. pertaining to provision of material reception conditions ensuring asylum seekers do not end up sleeping rough, or in inadequate accommodation, and are supported in the asylum seeking process.
- **To protect associations managing social and community health services** as well as their employees, who should not be implicated in policies that compromise their principles of solidarity and respect for human rights. They should not be subjected to pressure to provide data that would lead to deportations or to refuse people who are irregularly-residing.
- **To invest in accommodation facilities and develop housing solutions** – supported housing if necessary – in the public and private sector, to promote integration of newcomers. This must happen through a rethinking of the austerity policies imposed on States and through simplifying the European funding that is intended to support the reception and integration of migrants. A structural increase in the sector's resources is necessary to ensure quality support, while giving

particular attention to vulnerable sections of the population and to the integration of those granted international protection status. This would also improve the administrative capacity for processing applications.

- **To ensure that States do not automatically apply the Dublin Regulation** without examining people's individual situation and taking into account their vulnerability. This means States would guarantee access to the European territory, register asylum applications in 3 days, in accordance to European law, and provide material reception conditions for all people requiring protection, including asylum seekers going through the Dublin regulation. States must – simultaneously and in compliance with the Dublin Regulation – use their ability to invoke the ‘discretionary clause’ of the Regulation which enables them (without waiting six months) to give a ruling on an application for international protection.
- **To guarantee access to basic services and facilities, regardless of administrative status.** These basic services should include food, healthcare, accommodation and other homeless services, such as hygiene facilities, laundry and storage. National and local authorities must put the necessary financial and human resources at the disposal of organisations working with homeless people in order to enable them to work effectively with all people experiencing homelessness, including immigrants.

4. For an asylum and immigration policy that respects fundamental rights and is coordinated on a European scale.

In a common area of free movement, common rules and policies are required for the reception of asylum seekers and other newcomers. We therefore call for:

- **An end to the current system which is inefficient.** The reform of the Dublin Regulation proposed by the European Commission is moving towards a tougher system making it even more punitive for people who do not apply for international protection in the first European country of entry and moved to another Member State. This system further jeopardises newcomers’ living conditions and does not encourage the sharing of responsibilities between European countries.
- **To replace it with a system that fully respects the European Charter of Fundamental Rights and the States’ international obligations.** This new system must enable asylum seekers to access the European territory, must evenly distribute the management of asylum seekers, must give greater consideration to the person's choices in order to enable their integration and must end the sanctions imposed on secondary movement.
- **Safe and legal routes to protection.** These include resettlement and humanitarian admission programmes, humanitarian visas, and private sponsorship programmes. In addition, there should be more effective and inclusive family reunification procedures and the opening of labour migration and education exchange programmes to refugees.
- The proposed reform of the asylum package by the European Commission would weaken the standards of protection for asylum seekers in Europe and compound suspicions on them. We want, conversely, reception conditions to be harmonised upwards in order to evenly distribute the arrival of asylum seekers, improve their reception conditions and promote integration of newcomers.

- In cases where the States provide reception conditions in kind, **we demand that the quality of the accommodation facilities meets standards of decency and dignity.** When support is proposed via financial allowances, the amount must be enough to ensure an adequate standard of living and guarantee subsistence. Currently, this would be difficult to achieve with the allowances being proposed by Member States. The accommodation solution proposed must also take into account the stability that is required for asylum seekers to meet the obligations of their asylum application.

FEANTSA members stand for an inclusive approach to reception and accommodation of migrants in Europe and will keep speaking with a strong voice for European institutions and member states to move towards this direction.