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icon for reception capacity

The sharply-increasing number of applicants for international protection, as well as the need to accommodate persons with temporary protection, pushed many reception systems beyond their limits. While caring for persons with temporary protection has often been the responsibility of organisations other than reception authorities, and their accommodation has often been organised outside of traditional reception systems for asylum seekers, the situation had an impact on the number of available sites or on the ability of municipalities to offer new sites. In countries where persons with temporary protection were supported through the reception system, facilities quickly became full. Among the 13 EUAA operational plans implemented in 2022, 10 included measures on enhancing reception capacity.541

A number of countries needed to significantly increase the number of accommodation places, such as Austria, Belgium, France (20,000 places for people displaced from Ukraine), Germany, Ireland, Italy (where the hotspot of Messina was reopened), Luxembourg, the Netherlands, Romania, Slovenia and Switzerland. New facilities were opened in other countries, such as Estonia, Finland, Latvia,542 Norway and Slovakia, while an existing centre of Kofinou in Cyprus was being extended. The occupancy rate of existing structures largely increased, for example, in Bulgaria and Croatia. The Croatian Ministry of the Interior added that it was actively working on finding new locations with an adequate structure that would meet the needs for the reception and accommodation of applicants for international protection according to EU standards, due to a high number of arrivals. The refurbishment of the facility in Kutina was completed and the centre’s capacity was increased to 140 places, increasing the total capacity to 740 places. Further expansion of the reception capacity was planned through opening new facilities and expending the capacity of existing ones.

Only Greece reduced the number of reception places, and the end of 2022 marked the completion of the accommodation programme for vulnerable asylum seekers, “Emergency Support to Integration and Accommodation (ESTIA)”. Municipalities which hosted the programme recognised the positive impacts of the scheme on local communities.543

In Austria, the Minister of the Interior announced in October 2022 that the reception system had reached its capacity. Applicants who are admitted to the asylum procedure generally move to facilities managed by federal provinces, but those facilities also needed to accommodate persons with temporary protection. In addition, due to the funding structure, many federal provinces closed reception places in recent years. Asylkoordination österreich highlighted that at the end of 2022 there were 17,000 fewer places than 5 years ago for applicants for international protection,544 and since many applicants travelled on, there was a high fluctuation rate which was a big challenge for the Federal Agency for Reception and Support Services (BBU) that operates the federal centres.545

UNHCR also noted that, despite a surge in applications, the number of reception places available for applicants for international protection in federal provinces was just slightly above the level at the end of 2021.546 Thus, many applicants remained in federal facilities managed by the BBU. 547 The national authorities underlined that, although there were less places in organised reception facilities in 2022, the reception system overall took care of more people in total compared to 2017. People (especially beneficiaries of temporary protection) were mostly in private accommodation but still cared for through the reception system. Tents were used for a few weeks in autumn 2022 to fill the gap in accommodation places, but this practice quickly stopped due to the winter.548 UNHCR underlined the inadequacy of these tents to accommodate applicants during winter conditions.549

Pressure has been building up in the Belgian reception system for several years. On 19 January 2022, the Brussels first instance tribunal condemned Fedasil for not having foreseen appropriate structures to accommodate an increasing number of applicants and ordered the treasury to pay a daily fine until the situation was resolved. However, civil society organisations estimated that at the end of 2022, there were 3,000 persons seeking protection who had not been offered reception.550 NGOs indicated that since March 2022 the access to the reception network is systematically denied to single men applying for international protection, and in general, applicants without access to the reception network are not given an individually-motivated decision. They are merely informed about the shortage of places and instructed to register themselves on a waiting list.551

The ECtHR indicated interim measures in five cases throughout 2022, concerning approximately 600 persons, all of whom received a final domestic decision from the Brussels Labour Court.552 Overall, Fedasil was condemned more than 6,000 times by the Brussels Labour Tribunal for failing to provide material reception conditions.553 The federal government and Fedasil undertook several steps to address the situation. At the end of 2022, the reception system reached 33,505 places, with 4,000 places created in 2022.554 The focus was especially on creating new places for unaccompanied children *(see Section 5)*.555 The agency also recruited 800 employees in 2022,556 and 58 persons were recruited through an inter-institutional process from other public service organisations.557 The winter plan was signed, for example reserving a certain amount of places in the accommodation structure for the homeless, specifically for applicants for international protection. At the same time, this initiative, coordinated by the civil society organisation Samusocial, also faced a critical lack of staff to manage the places.558

Fedasil launched a public procurement for the private sector to offer an additional 3,500 places, while contracts for four centres already managed by private operators were extended until 15 March 2023.559 Other stakeholders of the asylum procedure also made adjustments to alleviate pressure. The registration process was re-organised and applicants needed to report again at the Immigration Office's Pacheco building instead of the arrival centre in Brussels *(see Section 4.1)*.560

The CGRS prioritised certain categories of applicants in the reception system and focused on applications from countries with high recognition rates, where decisions could be made based on the file *(see Section 4.4)*. However, these efforts could still not match the challenge of accommodating all applicants, whose numbers were rapidly increasing.561 In March 2023, the Belgium government announced measures aiming to free up spaces in reception facilities by focusing on outflow and on returning rejected applicants. In total, additional places were planned to be created, for example through the use of EUAA containers, but the authorities had not been able to secure an adequate site.562

The situation in the Dutch reception system became critical in 2022, even though the number of reception places continued to grow significantly (for example, cruise ships had been hired to accommodate applicants).563 The deteriorating conditions were the most noticeable in the central reception facility in Ter Apel. The death of a baby in a sport hall that served as an emergency facility for Ter Apel in August 2022 received a lot of attention and led to the announcement of a comprehensive set of measures to address the situation.564 On 26 August 2022, the Secretary of State announced several measures to address the reception crisis, referred to as the 'asylum deal'. The most important measures were prolonging the decision-making period (WBV 2022/22), suspending family reunification, temporarily cancelling the resettlement of refugees under the EU-Türkiye deal, and launching the 'Dispersal Law' (*Spreidingswet*). In response to the reception crisis, on 8 November 2022 a legislative proposal was put forward aiming to distribute the number of reception places in the country. The Dispersal Law – currently pending – will ensure that municipalities will be responsible for providing sufficient reception places for asylum seekers (Article 6(1)).565

A common investigation was conducted by the Health and Youth Care inspectorate and the Justice and Security Inspectorate.566 The set of measures were temporary in nature, planned to be in place until 31 December 2023, specifically to alleviate the pressure on the reception system. These included: limitations on family reunification, suspending resettlement under the EU- Türkiye deal, and setting up a general Housing Construction Programme to speed up the outflow of recognised beneficiaries of international protection.567 The Advisory Council on Migration assessed that these measure did not solve the structural issues of the reception system, had a negative impact on the rights of applicants and beneficiaries of international protection, and many of them were not aligned with national and EU legislation.568

Several measures were proposed to speed up the outflow of recognised beneficiaries of international protection, accounting for approximately one-third of the residents in reception. For example, the Hotel and Accommodation Regulation was extended until the end of 2022 to provide financial support to municipalities and support beneficiaries of international protection in

moving out of reception.569 In addition, the Dutch government observed that efforts to set up new reception places were often undermined by the negative image projected through a small group of residents who engaged in criminal behaviour. Thus, measures against disruptive behaviour continued and were planned to be enhanced *(see Section 4.7.3.1)*. Municipalities were also hesitant to open new places due to the funding system, and discussions were ongoing to reform this.570

On 8 November 2022, the Minister for Migration launched the consultation process on the law proposal obliging provinces and municipalities to provide reception places for applicants for international protection, with several sets of financial incentives for municipalities to create more reception places, including for unaccompanied minors *(see Section 5.6.5)*.571 The Advisory Council on Migration welcomed the proposal and underlined that it essentially followed the council's earlier recommendations. Additional suggestions were made to adapt the planning cycle of the proposal and establish more stable funding for the stakeholders involved.572

As underlined by the Advisory Council on Migration,573 the Council for Public Administration574 and the Court of Auditors,575 the situation was partially the result of the constant opening and closing of centres and the lack of a more stable reception system with adequate funding. According to the forecast of the Ministry of Justice and Security in November 2022, 75,000 reception places were necessary for the end of 2023.576The Court of the Hague condemned the Dutch State and the Central Agency for the Reception of Asylum Seekers (COA) for the crisis situation and ordered them to meet reception standards in terms of adequate rooms, access to sanitary facilities, drinking water, sufficient and adequate food, financial allowance, play areas and education for children, health care, medical screening, and accommodation for unaccompanied minors and other applicants with special needs.

The measures were confirmed by the Court of Appeal of The Hague in December 2022, setting aside the limitation that they applied to applicants 'currently' residing in crisis emergency shelters. In addition, on appeal, the court ruled that the state should ensure that applicants for international protection and persons with temporary protection receive the same quality of reception conditions.

The German Federal Ministry of the Interior announced additional financial resources to support municipalities in accommodating the increasing number of applicants and beneficiaries of temporary protection. The federal government provided federal buildings to municipalities to be used as reception facilities, accounting for 64,000 places and enabling the creation of 4,000 additional places.577

The Irish Refugee Council published a report on the impact of the accommodation crisis on reception capacity, noting that in September 2022 newly-arrived applicants were turned away due to a lack of accommodation and were offered a place only a few weeks later.578 In January 2023, the provision of an emergency shelter for adult applicants for international protection was paused in the Transit Hub at Citywest in Dublin, as it reached full capacity. The authorities requested applicants who cannot be provided with accommodation to provide their contact details, so that they can be reached when accommodation becomes available.579

At the same time, several protests were reported against the opening of new centres.580 A new policy took effect in November 2022 for beneficiaries of temporary protection in order to manage the crisis. According to this policy, they were offered one suitable accommodation and no further offers were made.581 Due to the pressure on the reception system, the Head of the Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process expressed concerns over the possibility to meet the governments' timeline to end direct provision and transition to a not-for-profit system by 2024. 582 However, the rolling out of the new policy continued in 2022 and the Irish Minster for Children, Equality, Disability, Integration and Youth announced that 67 projects received EUR 1.6 million from the International Protection Integration Fund 2022 to support the integration of applicants.583

Luxembourg continued to increase its capacity, both for applicants of international protection and beneficiaries of temporary protection throughout the year 2022. For applicants for international protection, the National Reception Office (ONA) increased the number of temporary accommodation facilities from 54 in the beginning of 2022 to 56 at the end of 2022, and its total capacity from 4,249 beds to 5,126 beds. The additions included a new modular structure in Frisange, a new temporary accommodation structure in the Gasperich quarter of Luxembourg City584 and the re-opening of the renovated structure in Weilerbach.585 To cope with the mass influx of people fleeing the war in Ukraine, the ONA opened emergency facilities, often temporary. At the end of 2022, the number of these facilities reached 11, accommodating 1,205 people. The ONA recruited an additional 75 staff members to operate the new sites and manage the arrival of persons in need of temporary protection. Overall, the bed capacity increased from 4,155 beds at the end of 2021 to 7,010 beds in December 2022.

Italy continued to increase the number of reception facilities throughout the year. Nonetheless, in December 2022 it requested the temporary suspension of Dublin transfers to the country due to the unavailability of places. Civil society organisations reported that several applicants were forced to live on the streets, for example in Ancona586 and in Trento,587 due to a lack of reception places.

Cases reached the courts as well, and for example, the Regional Administrative Tribunal of Veneto reiterated that material reception conditions should be provided immediately when the application for international protection is made. In that case, the applicant expressed his wish to apply for international protection in February 2022 but was still without material reception conditions in May 2022. A group of Italian NGOs also observed delays between expressing the wish to apply for international protection and the enrolment in the reception system, forcing applicants to sleep outdoors sometimes for weeks.588

The Regional Administrative Tribunal of Brescia confirmed that applicants must be provided with material reception conditions, despite the high number of arrivals. In that case, the authorities rejected the applicant's request for reception based on a lack of places due to an increase in the number of Afghan applicants arriving through humanitarian corridors and the rise in the number of COVID-19-positive applicants.

SEM in Switzerland also reported on challenges to find sufficient accommodation for the increasing number of asylum applicants and persons in need of temporary protection. It highlighted the close cooperation among the Confederation, cantons, cities and municipalities to address this issue.589 Civil protection and additional members of the civilian service were called on to set up and help to operate emergency accommodation facilities.590 Asylex and the Swiss Refugee Council noted that temporary accommodation structures included underground shelters as well, which often triggered negative experiences and trauma for applicants.591

In October 2022, SEM started to assign some applicants to cantons at an earlier stage to alleviate overcrowding in federal reception centres. This measure was in place until mid-December 2022 for applicants whose asylum procedure had not yet been concluded, and remained in force for former applicants who had received a return decision.592 In addition, the military offered temporary support in the establishment and operation of federal reception centres, pending the arrival of newly-recruited, qualified SEM staff.593 In December 2022, SEM communicated again that more military buildings were to be temporarily used as reception centres and that the army would provide further support in logistics and transportation, but not assistance nor security. Given the acute lack of personnel, civil servants also provided support in assistance tasks. At its meeting of 1 February 2023, the Federal Council adopted the corresponding report for the parliament's attention. The parliament approved this deployment of the army in the 2023 spring session.594 SEM noted that, by the end of March 2023, as planned, the subsidiary support of the military with army staff could be terminated.

New reception facilities were opened in Finland throughout 2022 to accommodate persons fleeing the war in Ukraine.595 A tender was launched in September 2022 for 16 reception centres, intended mainly for the accommodation of persons with temporary protection.596 Reception capacity was quickly scaled up in Norway as well to accommodate arrivals from Ukraine. Ukrainians were swiftly referred to municipalities, thus reception for applicants for international protection was not impacted.

In Portugal it was announced that AMIF funding was granted to the Jesuit Refugee Service for the creation of a reception centre in Vendas Novas. According to the information available, it is expected to start its operations in 2023.597

The number of reception places was significantly decreased in Greece as occupancy rates declined.598 In its press release, the Ministry of Migration and Asylum announced that the number of applications significantly increased, but the number of residents in reception indeed declined, as many of the applicants were either relocated, returned or expulsed.599 For example, after a substantial decrease in the number of places available under the ESTIA II programme in 2021600 and at the beginning of 2022,601 the Ministry of Migration and Asylum ended the ESTIA II scheme by 31 December 2022 and moved all remaining beneficiaries of the scheme into mainland structures.602 The Minister of Migration and Asylum announced that the closing of the scheme is a sign that “migration is under control”.603

Refugee Support Aegean observed that residents were often told only a few days in advance about the transfer and did not know about the location of their new accommodation. The

transfer disrupted many applicants' education, employment or health treatment. The organisation also noted that the closing of the scheme meant that small-scale accommodation was no longer available, for example, for vulnerable applicants. It cited UNHCR Greece's spokesperson, who acknowledged the need to adapt reception capacity to the changes of migration flows but underlined that at least some small-scale structures should be maintained for extremely vulnerable applicants.604 Other Greek NGOs expressed similar concerns.605

In Poland, the special rules on the duration of material reception conditions connected with the COVID-19 pandemic were repealed in April 2022. Thus, the prolongation of the provision of the material reception conditions beyond the regular timeframe lasted only until 15 May 2022. In 2022, the Association for Legal Intervention joined cases before administrative courts on the protection of these rights. The proceedings are pending.606

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