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icon for entitlements to material reception conditions

Barriers in accessing the asylum procedure created delays in accessing reception, for example in Belgium and Italy, and were subject to several media reports, civil society reports and court rulings *(see Sections 4.1 and 4.7.1.2).*

Fedasil underlined that it did not change its general policy related to reception conditions for subsequent applicants, who are not entitled to material reception conditions until the application is considered admissible. This concerned mainly a group of Afghan applicants who submitted subsequent applications after the situation changed in Afghanistan, but the CGRS had not taken an admissibility decision or notified an inadmissibility decision *(see Sections 4.3 and 4.4)*.698 Deliberating on the Belgian policy to assign a specific reception facility to applicants who will be transferred to another Member State under the Dublin III Regulation, the CJEU held in cases C-92/21 and C-134/21 that this was in line with EU legislation and the regulation's provisions related to remedies *(see Sections 2 and 4.2).*

In Cyprus, applicants from a safe country of origin may be assigned to the Collective Reception and Accommodation Centre through an individual administrative act for an accelerated processing of their application. If they leave the centre, their material reception conditions may be reduced or, in exceptional and duly justified cases, withdrawn.699

In Slovenia, the amendment of the International Protection Act triggered changes to the implementing legislation. Two new decrees were adopted on applicants' reception rights700 and accommodations for unaccompanied children *(see Section 5),*701 as well as a decree on house rules of the asylum centre *(see Section 4.7.2).*702

A ministerial decision in Greece underlined that material reception conditions can be withdrawn, keeping the right to education and medical support, when an applicant breaches the accommodation rules of any type of facility, especially in case of violent behaviour. When an applicant is no longer a resident, a decision is taken that the person is no longer eligible for material reception conditions (either in-kind or in-cash).703 In addition, the payment of financial assistance requires a verification of the applicant's physical presence in a reception facility since 1 July 2021. The objective of this support is to cover needs beyond accommodation, thus

applicants benefiting from cash support without an accommodation could apply for housing.[704]

Civil society organisations underlined that in practice this meant that applicants living with family or friends lost their entitlement to cash assistance.[705] A ministerial decision clarified that applicants are entitled to this cash support if they are not employed full-time, or when employed part-time and their salary does not exceed 50% of the basic salary.[706] The financial support ends after 12 months of continuous payments. It can be reduced, if an applicant causes major damage to the facility or produces exaggerated utility costs.

The Ministry of Migration and Asylum in Greece signed an agreement with a non-profit organisation to provide support in managing the financial assistance scheme and distributing cash cards. The Mobile Info Team and HumanRights360 both observed important delays in the implementation of the scheme during the transition period, when the Ministry of Migration and Asylum took over the cash assistance component of the ESTIA programme from UNHCR *(see Section 4.7.1.3),* leaving many applicants without cash support.[707]

The Maltese authorities continued to focus on enforcing contracts signed with applicants for their accommodation to ensure that reception spaces are swiftly available (contract templates were revised and translated in 2019). When appointments are not respected or when there are clear indications that the applicant abandoned the asylum procedure, the IPA considers the application implicitly withdrawn and informs the Agency for the Welfare of Asylum Seekers (AWAS), which terminates the reception contract. To complement state-provided reception, the civil society organisation MOAS piloted an initiative where families in Malta can host asylum applicants in their homes.[708]

The Czech Supreme Administrative Court ruled that the fact that an applicant did not reach the assigned reception facility within the foreseen 24-hour time limit cannot automatically lead authorities to determine that the application was implicitly withdrawn *(see Section 4.4.10).*

The Italian Council of State decided that the withdrawal of material reception conditions can be considered lawful when the applicant was convicted of drug dealing, even if he was not informed about the initiation of the withdrawal procedure. The council added that this serious act makes the applicant’s presence incompatible within the reception structure.

The Swedish Supreme Administrative Court continued delivering judgments on the interpretation of people and support which are covered by the Law on Reception of Asylum Seekers and Others.[709] For example, it confirmed the Swedish Migration Agency’s decision to reduce the daily allowance of a rejected applicant who refused to comply with a voluntary return.

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- 699N. 6(I)/2000 Ο περί Προσφύγων Νόμος του 2000 [N. 6(I)/2000 Refugee Law of 2000]. Articles 9E(1)(b)(ii) and 9KB(1)(a)(i). http://www.cylaw.org/nomoi/enop/non-ind/2000_1_6/full.html

- 700Uredba o načinih in pogojih za zagotavljanje pravic prosilcem za mednarodno zaščito [Decree on the methods and conditions for ensuring the rights of applicants for international protection], November 4, 2021. http://www.pisrs.si/Pis.web/pregledPredpisa?id=URED8348
- 701Uredba o načinu izvajanja zakonitega zastopanja mladoletnikov brez spremstva ter načinu zagotavljanja ustrezne nastanitve, oskrbe in obravnave mladoletnikov brez spremstva [Decree implementing legal representation of unaccompanied minors and ensuring adequate accommodation, care and treatment of unaccompanied minors], October 14, 2021. http://www.pisrs.si/Pis.web/pregledPredpisa?id=URED8334
- 702Uredba o spremembah in dopolnitvah Uredbe o načinu izvedbe preselitve oseb, ki so v Republiko Slovenijo sprejete na podlagi kvote in delitve bremen med državami članicami Evropske unije [Decree amending the Decree on the method of resettlement of persons admitted to the Republic of Slovenia on the basis of a quota and burden-sharing between the Member State of the European Union], October 20, 2021. http://www.pisrs.si/Pis.web/pregledPredpisa?id=URED8338 Uredba o spremembah in dopolnitvah Uredbe o načinu izvedbe preselitve oseb, ki so v Republiko Slovenijo sprejete na podlagi kvote in delitve bremen med državami članicami Evropske unije [Decree amending the Decree on the method of resettlement of persons admitted to the Republic of Slovenia on the basis of a quota and burden-sharing between the Member State of the European Union], October 20, 2021. http://www.pisrs.si/Pis.web/pregledPredpisa?id=URED8338
- 703Απόφαση Αριθμ.2857 Τροποποίηση της υπ' αρ. 2089/16-07-2021 κοινής υπουργικής απόφασης «Κοινό Πλαίσιο Διαχείρισης Προγραμμάτων που ανατίθενται στην Ειδική Υπηρεσία Συντονισμού και Διαχείρισης Προγραμμάτων του Ταμείου Ασύλου, Μετανάστευσης και Ένταξης και Ταμείου Εσωτερικής Ασφάλειας και άλλων πόρων και δεν χρηματοδοτούνται από τα Εθνικά Προγράμματα» (Β' 3120), ΦΕΚ 4496/Β/29-9-2021 [Amendment of No 2089 / 16-07-2021 Joint Ministerial Decision "Common Management Framework Programs assigned to the Special Service of Coordination and Management of the Asylum, Migration and Integration Fund and Internal Security Fund and other resources and they are not funded by the National Programs" (B'3120), Government Gazette B 4496]. https://www.nomotelia.gr/photos/File/4496b-21.pdf
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