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6.8 Material reception conditions for vulnerable applicants

Legislative and policy efforts in Member States – and concerns raised by UNHCR and civil society organisations – focus on reception capacity, funding, the quality of material reception conditions and reception rights and obligations for unaccompanied minors.

Reception capacity and funding

Reception capacity and funding was increased in some Member States. The overall reception capacity for unaccompanied minors remained stable in Belgium, with a slight increase in places in the first reception phase in Observation and Orientation Centres and a reduction of places in the second phase in collective reception centres, which were typically converted to adult places due to a shortage in the reception network.

The Belgian federal authorities signed an agreement between Fedasil and both the Flemish government and the Fédération Wallonie-Bruxelles which applies to unaccompanied applicants younger than 15 years old or older unaccompanied minors with distinct vulnerabilities, re-enforcing the policy of regional co-financing for the reception of minors.

Within the Protection System for Beneficiaries of International Protection and Unaccompanied Foreign Minors (SIPRIOMI), the Ministry of the Interior in Italy allocated funds to finance projects related to unaccompanied minors organised by local authorities.

The Royal Decree 631/2019 of 31 October 2019 in Spain mandated the reception centres for unaccompanied minors in Ceuta and Melilla to receive funding directly, making it easier to adjust resources to the increasing challenge of providing material reception conditions (ES LEG 01). By the end of 2019, authorities responsible for reception conditions had drafted standard operating procedures for preventing and responding to SGBV incidents applicable to women and girls.

The Order of 28 June 2019 in France settled the state's financial contribution to the *départements* for accommodating and assessing the health of applicants claiming to be unaccompanied minors (FR LEG 05). The reception conditions in the country were also further expanded, for example, with wheelchair accessibility and special areas for victims of violence or human trafficking. Indeed,

300 accommodation places were created for female victims of violence and human trafficking, offering proper support. A special experimental accommodation centre was opened for LGBTI refugees, providing
30 places in Maine et Loire. The project will be further developed in 2021.

In Lithuania, a newly-built dormitory opened for a maximum of 15 vulnerable persons at the Foreigners' Registration Centre of the State Border Guard Service. A safe zone for vulnerable applicants was designed with EASO's support in the First Reception Centre "Pournara" in Cyprus, but it is not yet operational.

Reception conditions for vulnerable groups

Other notable initiatives aimed at improving the quality of material reception conditions mainly intended for minors, but some catered to vulnerable groups overall or women. The new Foster Care Act entered into force on 1 January 2019 in Croatia, allowing unaccompanied minors to stay with a foster family
(HR LEG 01). The legislative process is ongoing in Croatia to update the method and procedure to assess foster families.[267] The Department for Reception and Accommodation of Asylum Seekers of the Ministry of Interior also initiated the development of standard operating procedures for rapid response in addressing sexual and gender-based violence in reception centres.

The Federal State and the provinces in Austria concluded an agreement which aimed to harmonise the child and youth welfare system in general. The agreement entered into force on 1 January 2020 and defines the responsibilities of the provinces in providing care and support to unaccompanied minors
(AT LEG 01). Children and families with children with a final return decision were no longer accommodated at the facilities in Schwechat and Fieberbrunn, as they do not provide adequate access to schools.[268]

The Committee on the Rights of the Child expressed their continued concern about the differentiated application of the legislation in Austria and inconsistencies in the implementation of children's rights, as reported in their periodic reports.[269] In its recommendations to improve the guardianship system, UNHCR called for guardianship as of the first day of the arrival of unaccompanied or separated children.[270] Currently, legal guardians for unaccompanied or separated children are appointed only after a child is assigned to a provincial reception facility which may take time due to age assessments.

In Spain, there continues to be a need to establish procedures to prevent separating children from their families and to expedite status determination procedures in urgent cases for the purposes of family reunification, especially in the autonomous city of Melilla.[271]

Fedasil in Belgium continued to subsidise several projects. For example, the KU Leuven project aimed to improve care and protection for unaccompanied minors, with a focus on psychological and psychiatric care[272] and the Xtra MENA project, implemented by Minor Ndako and Caritas International, focused on minors in transit.[273]

The Let's Talk about Children method was introduced in additional reception centres in Finland, to be rolled out in full by 2020.[274]

UNHCR published a report and recommendations in the interest of unaccompanied minors in the Netherlands.[275] The COA and Nidos already prepared and started implementing plans to improve accommodation and counselling for unaccompanied minors, based on a report from the Health and Youth Care Inspectorate and the Justice and Security Inspectorate. This includes, for example, adapting the methodology to develop a future-oriented counselling plan, a safety plan and improve information exchange between mentors when an unaccompanied minor needs to be relocated within the country. Nidos developed a new project to offer minors the possibility to live with a family over the weekend or to swap families for weekends (OWGplus), created an after-care programme for teens who turn 18 (OWG18plus) [276] and launched a pilot programme for accommodating and counselling unaccompanied minors with disruptive behaviour.

The Asylum Act, Article 44(2a) in Germany was amended to underline that federal states were obliged to provide reception conditions which ensure the protection of women and other vulnerable applicants
(DE LEG 02). The AWAS in Malta established the Therapeutic Services Unit for migrants suffering from psychological disorders due to trauma, with a team for children and unaccompanied minors.

UNHCR in Poland published guidelines on working with children suffering from stress and mental trauma.[277] The Czech NGO, Organization for Aid to Refugees, published recommendations for procedures on placing unaccompanied minors in foster care,[278] as part of the FORUM project.[279]

Amendments to the Act No 305/2005 Coll. on Social and Legal Protection of Children and on Social Guardianship, adopted in 2018, came into force in Slovakia on 1 January 2019.[280] In 2019, for instance, the capacity of the centre for children and family (established by the Act's amendment and replacing former facility for minors) was enhanced due to an increase of unaccompanied minors. In cooperation with the IOM, a role of cultural mediator was introduced to the facility.

The Law on Asylum and Refugees in Bulgaria was amended following the letter of formal notice of the European Commission sent on 8 November 2018 to address the shortcomings identified in the accommodation and legal representation of unaccompanied minors and identification and support for vulnerable applicants in general (BG LEG 01). The AIDA report noted that these changes did not result in a substantial improvement of the overall situation.[281]

Temporary arrangements for unaccompanied minors in Slovenia were further extended until the implementation of a comprehensive accommodation, care and support strategy.

Existing challenges reported by civil society organisations and UNHCR

The quality of material reception conditions continued to raise significant concerns in some Member States. Reception conditions remained dire in Greece and especially worrying for women, children and minor applicants.[282] The Ministry of Labour, Social Security and Social Solidarity worked on a strategy to gradually decrease the use of hotels and

urgent accommodation schemes for unaccompanied minors in an effort to develop a pilot programme for supervised apartments. But progress remained slow due to the rapid increase in the number of unaccompanied minors.

Conditions for vulnerable persons, including families with minor children and unaccompanied minors over the age of 14, continued to be severe in the transit zones in Hungary, as noted by UNHCR,[283] the Commissioner for Human Rights of the Council of Europe,[284] the UN High Commissioner for Human Rights,[285] the UN Special Rapporteur on the human rights of migrants [286] and civil society organisations, like ECRE[287] and the Hungarian Helsinki Committee.[288] The ECtHR issued 12 interim measures throughout 2019 to ensure that applicants, including families with children, were not refused food.[289] The European Commission addressed a reasoned opinion to Hungary on this issue.[290]

The conditions in the centre for unaccompanied minors in Melilla, Spain deteriorated throughout 2019.[291] The creation of additional places within the centre and re-distribution throughout other Spanish regions are part of the plan to improve the situation in the future.[292]

The poor conditions for children and women within the Ħal Far accommodation centre in Malta were observed by UNHCR[293] and civil society organisations.[294] The organisations also welcomed the adoption of Law No. 47 of 7 April 2017 on measures to protect unaccompanied foreign children in Italy, but noted that its implementation remained uneven across the country, resulting in diverse conditions for children.[295]

The detention of vulnerable applicants, especially children, continued to raise fundamental questions in many Member States *(see Section 7.8 on detention).*

Few changes were introduced on reception rights and obligations of vulnerable applicants. The Flemish family allowance system was reformed in Belgium and transformed into a so-called Growth Package (*Groeipakket*):[296] Every unaccompanied minor in Flanders is now entitled to this allowance since 1 January 2019.

The work permit for professional training or apprenticeship delivered to unaccompanied minors in France became valid, even when the child lodges an asylum application (FR LEG 06, entry into force 1 June 2019). In Spain, an Instruction by the Ministry of Inclusion was passed in January 2020, granting unaccompanied asylum seeking children the right to work for working-age children (ES LEG 02).

UNHCR launched a campaign about the substantial barriers faced by asylum-seeking children in Europe to access education.[297] It highlighted that the overwhelming majority of asylum-seeking and refugee children in the Greek islands did not attend school.[298]

A project implemented in the special homes in Rijeka and Ivanec by the Croatian Law Centre, and financed by the Ministry for Demography, Family, Social Policy and Youth, focused on improving access to education for unaccompanied minors in Croatia,[299] in addition to existing clear instructions from the education and health ministries.[xlii]

The continued need to ensure adequate reception conditions, in particular with regard to sanitary conditions, access to information on rights and obligations, identification of

vulnerabilities and access to education for children, was highlighted by the Romanian Ombudsman following visits to reception facilities across the country.300 In reply to these observations, GII stated that within a maximum of three months all minors who apply for international protection are registered in the public education system.301 It added that the facilities had been repaired and disinfected, the applicants are provided with hygienic products and are informed about internal rules of reception facilities.302 For vulnerable applicants, the GII stated that a mechanism had been established to identify vulnerable persons and their needs.303

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xlii The Protocol on the Treatment of Unaccompanied Children sets out how to access health care and steps on enrolling unaccompanied children in the educational system. The Ministry of Demography, Family, Youth and Social Policy is responsible for appointing a special guardian for unaccompanied children. The guardian is responsible for representing the child in accordance with the legal framework which protects children's rights and interests. The Protocol on the Treatment of Unaccompanied Children represents a major accomplishment in establishing a solid and efficient national system in the treatment of unaccompanied children. In addition, during 2020, new sub-law, Ordinance on Health Care for Applicants for International Protection, was adopted which clearly states that vulnerable groups, including children, are entitled to adequate health care. Children up to the age of 18 have the right to full health care and psychosocial support and assistance. In terms of access to education, all minor applicants are allowed to enrol in elementary and secondary education under the same conditions as Croatian citizens. They can exercise this right within 30 days of lodging an application until a final decision is rendered on return. If the minor does not speak Croatian or speaks it insufficiently, he/she is provided with preparatory classes or supplementary classes in the Croatian language, as well as supplementary classes in individual subjects if needed.

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