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4.7.2.1 House rules and measures for disruptive applicants



4.7.2.1 House rules and measures for disruptive applicants

In a few Member States, such as Austria and Czechia, reception facilities updated their house rules to include some measures related to the pandemic. In Czechia, the objective of these changes was to align the house rules with national pandemic measures.

As in previous years,[600] the Netherlands continued with measures to address the issue of disruptive or criminal applicants. Following a serious incident, applicants in reception may now be placed temporarily in time-out, a separate, sober place within a reception facility where applicants would only be entitled to material reception conditions in kind, not in cash.[601] In addition, the State Secretary for Justice and Security presented a toolbox on dealing locally with disruptive or criminal applicants.[602] The toolbox presents 70 measures which provide support in different areas: general measures and measures within reception, for public transport, for shopping areas and for residential areas.[603]

The Swiss National Commission for the Prevention of Torture recommended the establishment of a complaints management system that applicants can easily trigger. The commission also saw the need to improve the training of security personnel in reception centres. The organisation received reports of several incidents when security personnel used excessive force or implemented disproportionate measures.[604]

The Vilnius Regional Administrative Court deliberated on the case of a Russian applicant who repeatedly breached the rules of the reception centre, and the State Border Guard Service requested his detention. The court assessed that the applicant's behaviour – alcohol consumption, refusing to wear a protective mask and not complying with the COVID-19 health requirements – does not pose a threat to public order or national security and, thus, found that the grounds for detention were not established.

Legislative amendments from 2018[605] entered into force in Switzerland, setting the legal framework for the modalities and limits of video surveillance in federal asylum centres.[606] Also in Switzerland, the Federal Administrative Court held that assigning an applicant to a special reception centre for disruptive applicants does not amount to a deprivation of liberty, as applicants have a certain degree of freedom of movement and can leave the centre under certain conditions.

This special centre in Les Verrières was temporarily closed in September 2019 but reopened again in February 2021.607

[600] See: European Asylum Support Office. (June 2020). *EASO Asylum Report 2020: The Situation of Asylum in the European Union* . /asylum-report-2020; European Asylum Support Office. (2019). *Annual Report on the Situation of Asylum in the European Union 2018* . /easo-annual-report-2018

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https://www.nkvf.admin.ch/dam/nkvf/fr/data/Berichte/2020/baz/ber-zus-baz-fr.pdf.download.pdf/ber-zus-baz-fr.pdf

[605] See European Asylum Support Office. (2019). *EASO Annual Report on the Situation of Asylum in the European Union 2018* . /easo-annual-report-2018

[606] Ordonnance portant mise en vigueur partielle de la modification du 14 décembre 2018 de la loi sur les étrangers et l'intégration, RO 2020 881 [Ordinance partially bringing into force the amendment of 14 December 2018 to the Law on Foreigners and Integration, RO 2020 881]. https://www.fedlex.admin.ch/eli/oc/2020/170/fr; Ordonnance 1 sur l'asile relative à la procédure (Ordonnance 1 sur l'asile, OA 1), RO 2020 913 [Ordinance 1 on asylum related to procedures (Ordinance 1 on asylum, OA1), RO 2020 5869]. https://www.fedlex.admin.ch/eli/oc/2020/173/fr

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