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The lack of reception places gave rise to several judgments which obliged national authorities to immediately ensure access to material reception conditions for applicants *(see Section 4.7.2.1)*. Other court cases looked into the scope of persons who are covered by national legislation in reception and provided guidance on when an applicant's material reception conditions can and cannot be withdrawn.

Among legislative changes, new regulations entered into force in Norway, which determined benefits for residents in asylum reception centres.[531] In Poland, the Helsinki Foundation for Human Rights underlined that cash benefits for applicants staying outside of reception facilities remained very low and not sufficient to cover daily costs.[532]

Amendments to the Slovak Asylum Act codified the already-existing practice that applicants could stay outside of the reception facility for 3 months, with the possibility to extend this period without losing their right to material reception conditions.[533]

In December 2022, the Secretary of State for Migration in Spain adopted an instruction detailing the requirements to access and stay in the reception system. Among other issues, the instruction foresees that the phase of the initial assessment and referral, despite being a part of the reception system, does not count while calculating the 18-month (or 24-month) period of stay, and only the other two phases are taken into consideration for the calculation of the duration.[534]

In 2022, a new Ministerial Decision was issued in Cyprus which determines the criteria and level of material reception conditions. It also introduced a new application form.[liii]

In the context of the reception crisis, Fedasil in Belgium issued a new instruction in November 2022 on the forced and voluntary withdrawal of reception conditions for working applicants. The aim of the instruction was to free up spaces in the reception network, and thus it ordered the forced withdrawal of reception conditions for applicants with a stable work contract (of a minimum of 6 months) and an income higher than the minimum living wage. Applicants who meet these conditions receive a motivated decision indicating that they must leave the

reception centre within 1 month.[535]

The Swedish Supreme Administrative Court concluded that persons were not covered by the Law on Reception of Asylum Seekers and Others if they already had a residence permit (for example, for studies) and then applied for international protection.

The Slovenian High Court confirmed the lower courts' decisions that an applicant was not guaranteed accommodation and access to health care while awaiting his transfer to Croatia under the Dublin III Regulation *(see Section 4.2)*. In the meantime, legislation in Slovenia related to the entitlement to material reception conditions changed,[536] and the situation of applicants in the Dublin procedure was clarified.

The French Council of State concluded that an applicant's refusal to appear for summons to organise a Dublin transfer could be considered a serious breach of house rules, entailing the withdrawal of the reception place and the applicant's expulsion from the facility *(see Section 4.2)*. The Labour Court in Brussels found that Fedasil's decision to revoke material reception conditions for 14 days from an 18-year Afghan applicant was contrary to the recast RCD and the CJEU's Haqbin judgment. In this judgment, which the CJEU reaffirmed in another case, the court underlined that the withdrawal of material reception conditions cannot deprive the applicant from the possibility of meeting the most basic needs. Sanctions should always be proportional and respect human dignity.

Related to the amount of cash benefits to which applicants are entitled, the Federal Constitutional Court in Germany concluded that the reduction of benefits for single people and single parents living in collective reception facilities was unconstitutional. The court found that the assumption that the residents would form a financial community (phrased as "community of destiny") cannot be considered as evidence that the impacted residents could correspondingly reduce their needs.

In Poland since 24 February 2022, it is possible to grant a financial allowance for asylum seekers living outside of reception centres without their prior registration in one of the first reception centres. The Human Rights Commissioner appealed (in 2022 and February 2023) to the Ministry of the Interior and Administration to increase the amount of the financial allowance for asylum seekers living outside of the reception centres.[537] In Romania, the amounts of financial allowances were doubled as of 27 February 2022.[538]

The Organization for Aid to Refugees (OPU) in Czechia highlighted that when a decision on an applicant's Dublin transfer became final, the person loses the applicant status under the Asylum Act and, consequently, the right to reception, including the right to access health care under public health insurance. The organisation described the case of an applicant family with a child with disabilities, who were merely issued an exit visa to travel to Italy but were not able to organise their travel on their own due to the child's needs.[539]

In Cyprus, organisations indicated difficulties in accessing material reception conditions outside of collective accommodation centres as the recently-revised application to apply for them required the submission of eight types of documentation for the applicant and each family member, the processing times were long and, although the application for material assistance

could be submitted without a rental contract, in such cases applicants would not receive rent allowances and the amounts for bills and daily expenses would be reduced. For applicants in the Pournara centre, in August 2022 the Social Welfare Services – with the assistance of UNHCR and the Cyprus Refugee Council – piloted a new procedure where asylum seekers submit an application for material reception conditions before exiting the centre.540

In 2022, PRO ASYL and the Refugee Council Berlin published a comprehensive study on reception conditions in Germany, noting that the average duration of stay varied not only for different nationalities but also due to regional differences.

- 531Forskrift om stønad til beboere i asylmottak [Regulations on benefits for residents in asylum reception centers], June 1, 2022. https://lovdata.no/dokument/LTI/forskrift/2022-05-31-948
- 532Helsinki Foundation for Human Rights | Helsińska Fundacja Praw Człowieka. (2023). Input to the Asylum Report 2023. https://euaa.europa.eu/sites/default/files/2023-02/helsinki_foundation_for_human_rights.pdf
- 533Zákon č. 124/2022 Z. z. ktorým sa mení a dopĺňa zákon č. 480/2002 Z. z. o azyle a o zmene a doplnení niektorých zákonov v znení neskorších predpisov [Act No 124/2022 amending Act No 480/2002 on asylum and amending certain acts, as amended], March 17, 2022. https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2022/124/20220601.html
- 534European Council on Refugees and Exiles. (2023). Input to the Asylum Report 2023. https://euaa.europa.eu/sites/default/files/2023-03/european_council_on_refugees_and_exiles_ecre.pdf
- liiiAccording to the new Ministerial Decision, the person must be an applicant for international protection, for whom material reception conditions cannot be covered in Reception and/or Accommodation Centres, who lives in the areas controlled by the Republic of Cyprus and both the applicant and their family members are not employed. In the event that the applicant or any member of their family is employed, the family may continue to receive assistance as long as the monthly income is less than the total amount of assistance to which the family is entitled.
- 535European Council on Refugees and Exiles. (2023). Input to the Asylum Report 2023. https://euaa.europa.eu/sites/default/files/2023-03/european_council_on_refugees_and_exiles_ecre.pdf
- 536European Union Agency for Asylum. (2022). Asylum Report 2022. https://euaa.europa.eu/asylum-report-2022
- 537European Council on Refugees and Exiles. (2023). Input to the Asylum Report 2023. https://euaa.europa.eu/sites/default/files/2023-03/european_council_on_refugees_and_exiles_ecre.pdf
- 538European Council on Refugees and Exiles. (2023). Input to the Asylum Report 2023. https://euaa.europa.eu/sites/default/files/2023-03/european_council_on_refugees_and_exiles_ecre.pdf
- 539Spanish Commission for Refugee Aid | Comisión Española de Ayuda al Refugiado. (2023). Input to the Asylum Report 2023. https://euaa.europa.eu/sites/default/files/2023-02/cear_spanish_commission_for_refugees.pdf
- 540European Council on Refugees and Exiles. (2023). Input to the Asylum Report 2023. https://euaa.europa.eu/sites/default/files/2023-

03/european_council_on_refugees_and_exiles_ecre.pdf

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