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icon for entitlements to material reception conditions

Similarly to previous years, the continued pressure on reception and related court cases arising from delays in accessing reception prompted the judiciary to underline that applicants must be ensured suitable material reception conditions from the moment of making an application, and any other practice (for example, the use of waiting lists) would not be sufficient to meet obligations under EU law.251 In Sweden, the Supreme Administrative Court ruled that even a rejected applicant with a legally-binding deportation order must continue to receive reception when they use their right to apply for a residence permit on grounds of work within 2 weeks from the rejection.252

The tightening of rules on the period and amount of entitlement continued in 2024. For example in Belgium, there is still a 30-day notice period after a final negative asylum decision, but the end of the right to material reception conditions is now linked to the notification of such a final negative asylum decision and not to the notification of an order to leave the territory, which typically happened at a later stage.253Changes in French law now oblige authorities to revoke material reception conditions received in cash in certain circumstances, while this was previously not obligatory.254 The Finnish government decreased the financial allowance for all applicants to the minimum permitted by EU and national laws and proposed amendments to exclude applicants from material reception conditions when they submit several subsequent applications after a negative decision.255

Another trend pointed to the strict implementation of the rules requiring applicants with a certain amount of financial resources to contribute to the cost of reception. These rules were often already included in national legislation but were not applied in practice.256

Jurisprudence continued to grow on the interpretation of a dignified standard of living and how authorities should apply the rules on reducing or withdrawing material reception conditions.257 These questions have multiplied, as authorities have strived to deter secondary movements and

subsequent applications by changing the scope of material reception conditions (often replacing in cash with in kind benefits).258 In addition, altering or reducing material reception conditions have been used as sanction measures for incidents of breaching house rules repeatedly or security incidents related to substance abuse or involvement in criminal gangs.259 Several referrals for a preliminary ruling were pending at the CJEU, which will provide further guidance on the application of these rules.260

Conditions in reception have been at the centre of concern in several countries, although some countries experienced some relief and improved conditions as their number of applications decreased. Where overcrowding persisted, both applicants and reception staff were at increased risk for their safety, residents lacked privacy, and support services were often inadequate (for example to address applicants' health needs or to ensure that children are enrolled in school quickly).261 Some applicants remained in destitute situations and were homeless while waiting to access reception.262 The ECtHR delivered several judgments in 2024 which were related to inadequate reception conditions in Greece for applicants who were accommodated in 2016 and in 2018-2019.263

EU+ countries invested significant resources in recent years to improve their reception facilities. 264 Nonetheless, international organisations and civil society continued to report on several issues throughout 2024, including infrastructural issues, concerns related to the safety of staff and residents, gaps in the provision of healthcare services (including mental health support), gaps in educational support for children and challenges in accessing the labour market.265

The focus of legislative changes and new projects to provide services to applicants were divergent, according to the specific situation in an EU+ country. For example in Austria, the amount of pocket money was reduced and applicants (with a few exceptions) must now attend mandatory orientation courses and undertake community services in federal reception centres – and only then they can receive pocket money which corresponds to the previously full amount. 266 Belgium and the Netherlands continued projects to facilitate the employment of applicants. 267In Finland, stricter rules apply to ending the right to work for rejected applicants.268

The Irish Supreme Court referred a question to the CJEU for a preliminary ruling on interpreting the notion of a delay that can be attributed to the applicant when counting the time limit to access the labour market,269 while IPAT clarified that the parents of a minor in the international protection procedure cannot be granted access to the labour market on behalf of their minor child or as a derived right.

To improve access to healthcare for applicants, Belgium implemented a digitalisation project to administratively and financially simplify the invoicing of medical costs. Amendments were made to their legislation to allow for the personal data of applicants to be processed electronically.270 In Greece, the IOM was mandated to implement the Hippocrates programme, aiming to provide primary health services and psychosocial care to applicants and ease the burden on general local health services and hospitals.271

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