

Briefing for the LIBE mission to Brussels, Calais and Ter Apel (20-22 February 2023)



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Abstract

This briefing contains background materials for the LIBE Committee mission to Brussels, Calais and Ter Apel (20-22 February 2023).

It has been prepared by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the LIBE Committee.

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AUTHORS

Emily GOBET, Policy Department for Citizens' Rights and Constitutional Affairs
Georgiana SANDU, Policy Department for Citizens' Rights and Constitutional Affairs

ADMINISTRATOR RESPONSIBLE

Georgiana SANDU

EDITORIAL ASSISTANT

Sandrine ELTZNER

LINGUISTIC VERSIONS

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ABOUT THE EDITOR

Policy departments provide in-house and external expertise to support EP committees and other parliamentary bodies in shaping legislation and exercising democratic scrutiny over EU internal policies.

To contact the Policy Department or to subscribe for updates, please write to:

Policy Department for Citizens' Rights and Constitutional Affairs

European Parliament

B-1047 Brussels

Email: poldep-citizens@europarl.europa.eu

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1. GENERAL BACKGROUND

LIBE will carry out a mission to **Brussels** (Belgium), **Calais** (France) and **Ter Apel** (the Netherlands) between 20-22 February 2023 to analyse challenges related to reception conditions in Belgium and the Netherlands, as well as those related to irregular crossings from the French Northern coast to the United Kingdom.

On the first day, the delegation will visit the Reception Center of the 'Petit Château' and the Reception Centre and Registration Centre at the Immigration Office in Brussels and will hold meetings with NGOs and other stakeholders.

On the second day, the delegation will hold meetings with authorities and NGOs and will visit a reception centre, as well as the UK-France Coordination and Information Centre in Calais.

The third day will include a visit to the reception facilities in Ter Apel, as well as dialogues with the authorities and NGOs.

1.1. Legislation and developments at EU level

On 23 September 2020, the Commission issued the **New Pact on Migration and Asylum** in an attempt to give a fresh start to the stalled Common European Asylum System (CEAS) reform.

The new Pact includes an amended proposal for an asylum procedure regulation¹, a proposal for a pre-entry screening regulation², a proposal for an Asylum and Migration Management Regulation (RAMM)³, a crisis and force majeure regulation⁴ and an amended 2016 proposal for a Eurodac regulation⁵. A trialogue agreement from December 2022 endorsed the outcome of negotiations reached in 2018 on the Qualification Regulation⁶, the Reception Conditions Directive⁷ and the Union Resettlement Framework⁸.

On 7 September 2022, the European Parliament and five rotating Council Presidencies committed to work together to adopt the **reform initiated in 2016 of the EU migration and asylum** rules before the 2024 EU elections⁹.

The EU aims to develop a common policy on asylum, subsidiary protection and temporary protection with a view to offering appropriate status to all non-EU nationals who need international protection, and to ensure that the principle of non-refoulement is observed.

The **Reception Conditions Directive** (Directive 2013/33/EU)¹⁰ aims at ensuring common standards of reception conditions throughout the EU. It ensures that applicants have access to housing, food, clothing, health care, education for minors and access to employment. It provides particular attention to vulnerable persons, especially unaccompanied minors and victims of torture.

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1601291268538&uri=COM%3A2020%3A611%3AFIN>

² <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1601291190831&uri=COM%3A2020%3A612%3AFIN>

³ <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1601291110635&uri=COM%3A2020%3A610%3AFIN>

⁴ <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1601295614020&uri=COM%3A2020%3A613%3AFIN>

⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1601295417610&uri=COM%3A2020%3A614%3AFIN>

⁶ <https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2016/0223%28COD%29&l=en>

⁷ <https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=&reference=2016/0222%28COD%29>

⁸ <https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2016/0225%28COD%29&l=en>

⁹ <https://www.europarl.europa.eu/resources/library/media/20220907RES39903/20220907RES39903.pdf>

¹⁰ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32013L0033>

The EU **immigration policy** is intended to establish a balanced approach to dealing with both regular and irregular immigration.

The EU has adopted some major pieces of legislation to combat irregular immigration.

The **Returns Directive** (2008/115/EC) sets out common EU standards and procedures for returning irregularly resident third-country nationals. Work is ongoing as regards the proposed recast Returns Directive¹¹. In April 2021, the Commission published its strategy on voluntary return and reintegration¹², with common objectives for greater coherence between EU and national initiatives.

The **'Facilitators Package'** comprises Council Directive 2002/90/EC¹³, setting out a common definition of the crime of facilitating unauthorised entry, transit and residence, and Framework Decision 2002/946/JHA¹⁴, establishing criminal sanctions for this conduct. In 2017, the Commission conducted a REFIT evaluation¹⁵ on the application of the existing legal framework. The Commission found that, at that point in time, there was not sufficient evidence pointing to actual and repeated prosecution of individuals or organisations for humanitarian assistance, and concluded that the EU legal framework addressing migrant smuggling remains necessary in the current context. Trafficking is addressed by Directive 2011/36/EU¹⁶ on preventing and combating trafficking in human beings and protecting its victims.

A 2018 study from the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs examining whether the Facilitation Directive was fit for purpose found that the lack of an exemption from and definition of humanitarian assistance was one of the key problems of the Facilitators' Package.¹⁷

Parliament's resolution¹⁸ of 5 July 2018 called on the Commission to develop guidelines for Member States to prevent humanitarian assistance from being criminalised. As part of its New Pact, the Commission issued in 2020 a communication¹⁹ providing guidance on interpreting the Facilitation Directive, in which it stated that carrying out the legal obligation to rescue people in distress at sea could not be criminalised. The Commission also invited the Member States that had not already done so to 'use the possibility' provided by the humanitarian exemption clause.

In September 2021, the Commission adopted a **renewed EU action plan against migrant smuggling for 2021-2025**²⁰, which includes further efforts to prevent the criminalisation of humanitarian assistance. A report on the implementation of the Facilitators Package is due in 2023.

During the **EP plenary debate on 1 February 2023**, President von der Leyen announced²¹ that in 2022 there had been 924,000 asylum applications across the EU. A new anti-smuggling partnership would be launched with key third countries, bringing together prosecutors and law enforcement authorities, supported by Europol and Eurojust.

¹¹ [https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=en&reference=2018/0329\(OLP\)](https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?lang=en&reference=2018/0329(OLP))

¹² <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=COM:2021:120:FIN>

¹³ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32002L0090&qid=1421139238307&from=EN>

¹⁴ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32002F0946&qid=1421139275100&from=EN>

¹⁵ <https://www.europarl.europa.eu/>

¹⁶ <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:EN:PDF>

¹⁷ [https://www.europarl.europa.eu/RegData/etudes/STUD/2018/608838/IPOL_STU\(2018\)608838_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2018/608838/IPOL_STU(2018)608838_EN.pdf)

¹⁸ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52018IP0314>

¹⁹ <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A52020XC1001%2801%29>

²⁰ https://home-affairs.ec.europa.eu/renewed-eu-action-plan-against-migrant-smuggling-2021-2025-com-2021-591_en

²¹ https://ec.europa.eu/commission/presscorner/detail/en/speech_23_526

The **European Council**, in its **9 February 2023 Conclusions**²², called, *inter alia*, for stepping up action to prevent irregular departures and loss of life, to reduce pressure on EU borders and on reception capacities, to fight against smugglers and to increase returns, enhancing cooperation on returns and readmission.

2. BRUSSELS (BELGIUM) - STATE OF PLAY

2.1. Introduction

In 2022, according to the Belgian authorities²³, almost 37,000 people applied for international protection in the country. Compared to the previous year, the numbers increased by 40%. The majority of those applying for asylum came from Afghanistan, Syria, Palestine, Burundi and Eritrea. In addition, 63,356 Ukrainians were granted temporary protection.

The Federal agency for the reception of asylum seekers (Fedasil), tasked with housing asylum seekers while they wait for the outcome of their application for international protection, quickly became overwhelmed, unable to provide shelter to all of the asylum seekers in Belgium.

According to the EU Reception Conditions Directive as transposed into Belgian law, the Belgian authorities have an obligation to provide shelter to asylum seekers after they have lodged an application for temporary protection.

2.2. Legal framework

The main legislative acts relevant to asylum procedures, reception conditions, detention and content of protection in Belgium are:

Title in English	Original Title (FR)	Abbreviation
Law of 15 December 1980 regarding the entry, residence, settlement and removal of aliens	Loi du 15 décembre 1980 sur l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers	Aliens Act
Law of 12 January 2007 regarding the reception of asylum seekers and other categories of aliens	Loi de 12 janvier 2007 sur l'accueil des demandeurs d'asile et de certaines autres catégories 'étrangers'	Reception Act
Law of 30 April 1999 concerning employment of foreign workers	Loi de 30 avril 1999 relative à l'occupation des travailleurs étrangers	Law on Foreign Workers

Source: Own compilation based on AIDA, Asylum Information Database, 2021 update, Country Report: Belgium, available [here](#).

²² [Council Conclusions, 9 February 2023, available here.](#)

²³ <https://dofi.ibz.be/en/news/nicole-de-moor-and-asylum-services-jointly-present-statistics-2022#:~:text=Nicole%20de%20Moor%20and%20the%20asylum%20services%20jointly%20present%20the%20statistics%20for%202022,-20%2F01%2F2023&text=In%202022%2C%20almost%2037%2C000%20people,temporary%20protection%20in%20our%20country.>

Law of 21 November 2017²⁴ amending the Aliens Act transposed the provisions of the revised Reception Conditions Directive (2013/32/EU).

In January 2023, the European Commission sent a letter of formal notice²⁵ to Belgium for failing to transpose in a fully conform manner all provisions of the Reception Conditions Directive. Belgium now has two months to respond to the arguments raised by the Commission. In the absence of a satisfactory response, the Commission may decide to issue a reasoned opinion.

2.3. Asylum and reception facilities in Belgium

When an asylum seeker arrives in Belgium, they usually lodge an application for international protection at the centre of first arrival in Brussels (the '**Petit-Château**'). This was the case up until 29 August 2022. Petit-Château grouped two services: the Immigration Office and the reception facilities run by Fedasil. The Immigration Office registered asylum applications inside Petit-Château, and the migrants then went on to use the reception facilities at Petit-Château while they waited for the outcome of their application.

However, following the long lines and overcrowding in front of Petit-Château during the summer of 2022, the registration of applicants for international protection temporarily moved to the Immigration Office on Boulevard Pacheco ('Pacheco centre'). The Immigration Office now only directs the people whom it finds entitled to reception to Petit-Château.²⁶

Petit-Château is managed by **Fedasil**, the Federal agency for the reception of asylum seekers. Fedasil is tasked with receiving and guiding asylum seekers while they wait for the outcome of their asylum request. Fedasil offers first reception at the Petit-Château arrival centre, giving the agency time to find another reception location in Belgium to relocate asylum seekers.²⁷

There are approximately fifty reception centres in Belgium, run by Fedasil or by one of its non-governmental partners, such as the Red Cross.²⁸

According to Fedasil's general brochure, reception centres 'will provide for the residents' basic needs (accommodation, meals, clothing)', who will receive 'social, legal, medical and psychological guidance.'²⁹ Residents are free to enter and leave the buildings by their own volition. They stay at their reception centres while they await a decision regarding their request for asylum. Asylum seekers have a right to stay at the reception facility as long as their request for asylum is being considered.

The Fedasil brochure notes that the time it takes for asylum authorities to process a migrant's file may take a few weeks to more than a year, without counting any appeal procedures.

Individuals who filed an application for international protection in Belgium, even though it is not the Member State responsible under the Dublin III Regulation,³⁰ are also entitled to the same reception conditions as recalled by the Court of Justice of the European Union in the Cimade/GISTI case.³¹

²⁴ https://www.ejustice.just.fgov.be/cgi_loi/change_lg.pl?language=fr&la=F&cn=2017112117&table_name=loi

²⁵ [INFR\(2022\)2157](https://eur-lex.europa.eu/INFR(2022)2157)

²⁶ <https://www.fedasil.be/en/asylum-belgium/asylum-procedure>

²⁷ <https://www.fedasilinfo.be/en/arrival-centre>

²⁸ <https://www.cgrs.be/en/international-protection/registration>

²⁹ https://www.fedasil.be/sites/default/files/content/download/files/reception_of_asylum_seekers_in_belgium.pdf

³⁰ <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:180:0031:0059:en:PDF>

³¹ <https://curia.europa.eu/>

2.4. 2022 bottlenecks and civil society response

In 2022, migration flows to Europe started to rise to peaks unseen since the 2015 European migration crisis.

Belgium became **unable to provide shelter** to all the asylum seekers applying for international protection. The reasons for why Belgium arguably failed to comply with its obligations under the Reception Conditions Directive are political and complex. In a December 2022 article, the academic blog Strasbourg Observers suggests three reasons. Firstly, the previous government closed many reception facilities following the peak in the aftermath of the 2015-2016 'asylum crisis'. Secondly, the Belgian Asylum Agency responsible for deciding on asylum applications (CGR/CGVS) temporarily suspended the treatment of all international protection applications filed by Afghan nationals following the return of the Taliban to Kabul. Decisions have resumed progressively since the spring of 2022. Consequently, while the asylum applications made by Afghans remained pending, they were staying in reception facilities that rapidly became full. Thirdly, in the spring of 2022, the Temporary Protection Status Directive was activated. Under that instrument, beneficiaries of the temporary protection status are entitled to suitable accommodation, thus creating additional pressure on public infrastructures.³²

To prioritise access to shelters, Fedasil started denying shelter to single men seeking asylum in April 2022.³³ According to Belgian media reports, in mid-2022 there were roughly 30,000 places at asylum seeker centres in the country.³⁴

In May 2022, a report from Belgian newspaper De Standaard noted that more than 20,000 people were waiting to hear back on their asylum cases. The average **waiting time** for an application to be processed was 300 days, but processing times varied greatly, with half of applicants hearing back within half a year, while others had to wait years.³⁵ The Pacheco centre became a site of 'tension', due to the large crowds waiting their turn, making the situation unsafe and necessitating police intervention to close the gates.³⁶

As a result of not receiving shelter from Fedasil, refugees and migrants sleeping on the streets also do not have access to social and medical care. The Belgian government argues that as they do not provide shelter to these people, they owe them no further responsibility.³⁷

A representative from Samusocial, an organisation helping unhoused people in Brussels, accused politicians of not caring enough about the situation, and 'lacking the political will.' She said that there would be enough empty buildings in Belgium that could be put to good use and offer at least a roof over the heads of the asylum seekers currently sleeping in tents.³⁸

³² <https://strasbourgobservers.com/2022/12/02/the-belgian-reception-crisis-before-the-ecthr-the-court-orders-belgium-to-respect-the-rule-of-law/>

³³ <https://www.brusselstimes.com/314041/whilst-belgium-fails-asylum-seekers-volunteers-bear-the-burden>

³⁴ <https://www.infomigrants.net/en/post/41283/belgian-authorities-accused-of-systematically-denying-asylum-seekers-shelter>

³⁵ <https://www.infomigrants.net/en/post/41283/belgian-authorities-accused-of-systematically-denying-asylum-seekers-shelter>

³⁶ <https://ecre.org/belgium-refugees-enduring-unacceptable-inhumane-degrading-conditions-as-reception-crisis-continues-de-moor-blames-lack-of-reception-facilities-on-disproportionate-influ/>

³⁷ <https://www.brusselstimes.com/belgium/305005/like-a-war-zone-20-month-old-baby-malaria-left-out-on-brussels-streets-msf-medecins-sans-frontieres>

³⁸ <http://www.infomigrants.net/en/post/46263/asylum-seekers-in-tents-on-the-streets-of-belgium-and-the-netherlands>

Many unhoused migrants and asylum seekers, mostly young men, therefore find themselves living in tents in the centre of Brussels. Most of the tents house at least two people, if not more. Unhoused migrants do not have access to showers or any appropriate sanitation facilities. Under the priority system, unaccompanied minors, women, and families should always receive shelter. However, reports from October 2022 found 21 unaccompanied minors were left to sleep outside.³⁹

Organisations working with unhoused migrants on the street have reported cases of scabies, diphtheria and tuberculosis. Many of those sleeping on the street have experienced trauma either before they left their countries, or along the way to Europe. Living on the streets, say homeless charities, just makes those experiences even worse.⁴⁰

In October 2022, Médecins Sans Frontières (Doctors without Borders, MSF) set up a mobile health clinic, similar to those normally reserved to war zones, to respond to the health crisis on the streets.⁴¹ The clinic itself rapidly became overwhelmed, with 50 to 70 unhoused migrants seeking medical attention every day. The MSF team diagnosed a 20-month-old baby living on the streets with malaria. The organisation describes the government's failure to provide shelter for migrants as the heart of the problem.⁴²

Also in October 2022, ECRE (European Council for Refugees and Exiles) reported that the Brussels police destroyed seventeen tents acting on an 'order from the mayor'. The tents were set up by the NGO Civic Platform for Refugees to accommodate asylum seekers denied reception. The mayor's spokesperson justified this action saying: 'The mayor could not accept that minors have to sleep outside' and added: 'Allowing them to sleep in cardboard tents there at night could send the signal that we're okay with minors sleeping outside.' However, reportedly no alternative housing was offered.⁴³

A few days later, Fedasil staff took to the street for the third time to protest against the ongoing reception crisis and the Belgian government's lack of political will to solve it. In the evening of the protest day, the ministry of defence announced the plan to construct a new reception centre. According to local media, there would be 500 places in November 2022 and another 1,000 by December 2022.⁴⁴

Red Cross Belgium described the policy of leaving vulnerable people to sleep on the street 'unacceptable, inhumane, and degrading'. In a statement released in November 2022, the Red Cross noted that they were intensifying every week their evening patrols around Petit-Château and the Pacheco centre, and that they had released additional emergency funds to intervene. These funds allowed them to distribute 300 blankets, warm clothing, and to deliver crates of food to Hub Humanitaire at l'avenue du Port, where 1,200 hot meals are served every day. They also planned to hand out several hundred hygiene kits.⁴⁵

³⁹ <https://www.brusselstimes.com/belgium/304243/asylum-reception-crisis-brussels-centre-once-again-closes-doors-to-new-arrivals>

⁴⁰ <http://www.infomigrants.net/en/post/46263/asylum-seekers-in-tents-on-the-streets-of-belgium-and-the-netherlands>

⁴¹ <https://www.brusselstimes.com/belgium/305005/like-a-war-zone-20-month-old-baby-malaria-left-out-on-brussels-streets-msf-medecins-sans-frontieres>

⁴² <http://www.infomigrants.net/en/post/45121/europe-struggles-to-assist-largest-number-of-asylum-seekers-in-six-years>

⁴³ <https://ecre.org/reception-crises-court-rejects-dutch-states-demand-to-postpone-implementation-of-a-ruling-favoring-refugees-brussels-police-destroys-tents-of-asylum-seekers-as-belgium-fails-to-provide-acco/>

⁴⁴ <https://ecre.org/reception-crises-court-rejects-dutch-states-demand-to-postpone-implementation-of-a-ruling-favoring-refugees-brussels-police-destroys-tents-of-asylum-seekers-as-belgium-fails-to-provide-acco/>

⁴⁵ <https://www.croix-rouge.be/2022/11/16/crise-de-laccueil-la-croix-rouge-sindigne-et-appelle-les-autorites-a-agir-durgence/>

In January 2023, Info Migrants reported that the Belgian authorities said that they had places in accommodation for about 33,500 asylum seekers, and that about 5,000 additional places had been added over the course of 2022. Info Migrants noted that it was still not enough, reporting in January 2023 that an estimated 3,000 migrants and asylum seekers still slept unhoused or in squatted buildings.⁴⁶

On 12 January 2023, a fire broke out in a building on rue des Palais in Schaerbeek that served as a squat for nearly 800 people, most of whom were reportedly asylum seekers who had been denied shelter by Fedasil.⁴⁷ The hygiene conditions in the building were 'deplorable'. There were no hospitalisations following this event. In a message posted on Twitter, the Secretary of State for Asylum and Migration, Nicole De Moor (CD&V), said that she was 'very concerned about the situation.' 'Over the past three weeks, Fedasil has taken care of 114 people entitled to reception. We continue the work, but everyone will have to take responsibility,' she tweeted.⁴⁸

2.5. Fedasil convictions, penalty payments, confiscations

In October 2022, The Brussels Times reported that the Labour Court of Brussels had convicted Fedasil almost 4,500 times for failing to provide shelter to asylum seekers when they were legally required to do so.⁴⁹ A spokesperson from the Court stated that the number of unilateral applications to the Court regarding the dispute over the reception of asylum seekers was constantly on the rise. Indeed, in January 2023, the number of convictions imposed on Fedasil was reported to be over 8,000.⁵⁰ From 2014 to 2019, the annual average for unilateral applications that the Court had to deal with was 40.

The Federal Government was ordered to pay €5,000 in penalty fees for each working day that went by during which at least one person was not given a place to stay.

Belga News Agency reported on 20 January 2023 that the total sum of penalty payments was estimated to be in the millions.⁵¹ The Belgian authorities had refused to pay those fees, arguing instead that the money would be better used to construct new shelters. However, mass construction of shelters had not taken place yet. Nicole de Moor (CD&V), the State Secretary for Asylum and Migration, said that the challenge to build new shelters is huge and that structural reforms must be made.⁵²

The lawyers of two asylum seekers who were denied shelter by Fedasil relied on a 1994 Belgian law that allows for the confiscation of assets owned by public authorities to pay off penalty payments. These two asylum seekers, forced to sleep on the streets, are owed 33,000 and 100,000 euros respectively by Fedasil in penalty payments.⁵³

On 16 January 2023, a first instance Court in Brussels authorised the confiscation and sale of Fedasil goods, as well as goods in the cabinet of Secretary of State for Asylum and Migration Nicole de Moor (CD&V). A television and several furniture items were reportedly among the goods listed for

⁴⁶ <http://www.infomigrants.net/en/post/46263/asylum-seekers-in-tents-on-the-streets-of-belgium-and-the-netherlands>

⁴⁷ <https://www.lalibre.be/belgique/societe/2023/01/12/incendie-au-palais-des-droits-a-schaerbeek-les-conditions-sanitaires-saggravent-encore-pour-les-occupants-LL6MSTCMCJBK3OX5ANHPZRQOKA/>

⁴⁸ <https://www.archyde.com/refugee-building-on-fire-major-fire-in-schaerbeek-firefighters-are-on-site/>

⁴⁹ <https://www.brusselstimes.com/301866/almost-4500-convictions-against-fedasil-over-migrant-reception-crisis>

⁵⁰ <https://globeecho.com/news/europe/belgian-bailiffs-in-charge-of-seizing-the-property-of-a-ministerial-department-to-enforce-the-right-of-asylum/>

⁵¹ <https://www.belganewsagency.eu/reception-crisis-judge-allows-confiscation-of-fedasils-belongings>

⁵² <https://www.belganewsagency.eu/reception-crisis-judge-allows-confiscation-of-fedasils-belongings>

⁵³ <https://www.lalibre.be/belgique/2023/01/19/camouflet-pour-fedasil-qui-devra-vendre-des-biens-pour-sacquitter-des-astreintes-6OVGNHSN7VB2NCTBBJRBDBKS4/>

confiscation. The sale will take place on 13 March 2023.⁵⁴ Nicole de Moor said: 'Confiscations don't solve anything. They do not provide any additional reception places. Fedasil has already created thousands of reception places, and we will continue to do so: another 1,000 extra places are planned in January too.'⁵⁵ Mrs de Moor also stated that she would make every endeavour to prevent the confiscation and sale of her items.⁵⁶

2.6. European Court of Human Rights (ECtHR) cases

The Belgian State is also subject to two European Court of Human Rights (ECtHR) cases regarding its failure to provide accommodation to asylum seekers.⁵⁷

*Camara v. Belgium*⁵⁸

On 31 October 2022, the ECtHR applied an interim measure in a case brought by an asylum seeker from Guinea, Abdoulaye Camara. He had arrived in Belgium in mid-July and applied for asylum, but was not assigned a place in a reception facility and was forced to live on the streets. The Brussels labour court had previously ordered Fedasil to house Camara, but Fedasil did not comply. The ECtHR decided that Belgium must comply with the order made by the Brussels Labour Court and must provide the applicant with accommodation and material assistance to meet his basic needs.

*Msallem and 17 Others v. Belgium*⁵⁹

On 15 November 2022, the ECtHR applied an interim measure and ordered Fedasil to provide accommodation to 148 asylum seekers left homeless because reception centres in the country were full. The men, who are of various nationalities, had applied to a court in Brussels, relying on various articles of the Convention including Art 3 (prohibition of inhuman or degrading treatment), saying they were at risk of ‘severe and irreversible damage to human dignity.’ That court served orders on Fedasil to house the men at a reception centre, in a hotel or any other suitable facility. When no action was taken, the men asked the ECtHR to intervene. The ECtHR decided to enjoin the Belgian State to comply with the orders made by the Brussels Labour Court in respect of each of the applicants and to provide them with accommodation and material assistance to meet their basic needs for the duration of the proceedings before the Court.

3. CALAIS (FRANCE) - STATE OF PLAY

3.1. Introduction

The Pas-de-Calais is a department in northern France named after the French designation of the Strait of Dover, which it borders. Calais is the largest city in the Pas-de-Calais department, of which it is a subprefecture. Natacha Bouchart has been the mayor of Calais since 2008.

54 <https://www.lalibre.be/belgique/politique-belge/2023/01/30/des-plantes-vertes-des-teles-un-huissier-sest-rendu-au-cabinet-de-nicole-de-moor-pour-lister-les-biens-a-saisir-B3PKUAUMBjBO5LPBVJA6C4L5O4/>

⁵⁵ <https://www.belganewsagency.eu/reception-crisis-judge-allows-confiscation-of-fedasils-belongings>

56 <https://www.lalibre.be/belgique/politique-belge/2023/01/30/des-plantes-vertes-des-teles-un-huissier-sest-rendu-au-cabinet-de-nicole-de-moor-pour-lister-les-biens-a-saisir-B3PKUAUMBjBO5LPBVJA6C4L5O4/>

57 <https://www.ft.com/content/2e56acf5-1039-4b49-93b7-83bc960c0329?emailId=e34f0daf-51b2-4c62-a00f-88ea28df6b89&segmentId=488e9a50-190e-700c-cc1c-6a339da99cab>

⁵⁸ [https://hudoc.echr.coe.int/fre#{%22itemid%22:\[%22003-7477467-10255069%22\]}](https://hudoc.echr.coe.int/fre#{%22itemid%22:[%22003-7477467-10255069%22]})

59 [https://hudoc.echr.coe.int/fre#'%22itemid%22:\[%22003-7491508-10277706%22\]](https://hudoc.echr.coe.int/fre#'%22itemid%22:[%22003-7491508-10277706%22])

The first migrant camps appeared in Calais in winter 1998, populated by people mainly fleeing from Kosovo.⁶⁰ In the following thirty years, informal camps, 'jungles', and official reception centres in the area have opened, closed, and been razed down by police and local authorities. In 2016, the number of migrants in Calais reached its peak, with an estimated 10,000 residents living in Europe's largest slum, the 'Jungle', a large expanse of land that at one point contained a school, a gym, and a library. In 2016, the French authorities undertook a gradual dismantling of the 'Jungle', which culminated in autumn of that year. A delegation from the LIBE committee headed to Calais in July of the year on a fact-finding mission to visit the reception facilities in the area.

Since 2016, the number of displaced people stuck at the border in Calais and Grande-Synthe has fluctuated between 400 and 1,500 people.⁶¹ Currently, there are about 800 migrants, principally from Sudan, Eritrea, Syria, Iraq, and Afghanistan, living in informal camps in Calais.⁶²

The 2003 Treaty of Le Touquet⁶³ between the UK and France effectively moved the UK border onto French territory.

A recent briefing⁶⁴ for the House of Commons suggests that the UK has paid France over £232 million since 2014. The most recent agreement reached between both countries in November 2022 included a sum paid of about £62.2 million (about €72.2 million).

A UK-France summit during which the border between both countries will be discussed is due to take place in France in early 2023.

3.2. Legal framework

The main legislative acts relevant to asylum procedures, reception conditions, detention and content of protection in France are:

Title in English	Original Title (FR)	Abbreviation
Code of Entry and Residence of Foreigners and of the Right to Asylum	Code de l'entrée et du séjour des étrangers et du droit d'asile	Ceseda
Amended by: Law n. 2018-187 March 2019 allowing for sound application of the European asylum system	Modifié par: Loi n° 2018-187 du 20 mars 2018 permettant une bonne application du régime d'asile européen	
Amended by: Law n. 2018-778 of 10 September 2018 for managed migration, effective asylum law and successful integration	Modifié par: Loi n° 2018-778 du 10 septembre 2018 pour une immigration maîtrisée, un droit d'asile effectif et une intégration réussie	

⁶⁰ <https://france3-regions.francetvinfo.fr/hautes-de-france/1998-2015-l-evolution-du-nombre-de-migrants-calais-en-un-graphique-834641.html>

⁶¹ https://refugee-rights.eu/wp-content/uploads/2021/08/RRE_FiveYearsOn.pdf

⁶² https://www.lemonde.fr/international/article/2023/02/03/a-calais-la-frontiere-bunker-avec-l-angleterre-repousse-les-migrants-vers-la-mer_6160450_3210.html

⁶³ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/273239/6604.pdf

⁶⁴ <https://researchbriefings.files.parliament.uk/documents/CBP-9681/CBP-9681.pdf>

Civil code	Code civil	
Code of Administrative Justice	Code de justice administrative	CJA
Code of Social Action and Families	Code de l'action sociale et des familles	CASF
Labour Code	Code du travail	Ctrav

Source: Own compilation based on AIDA, Asylum Information Database, 2021 update, Country Report: France, available [here](#).

3.3. The 2016 LIBE mission to Calais

The last time the LIBE committee went on a fact-finding mission to Calais was in July 2016⁶⁵, with the aim of visiting reception facilities for refugees and asylum seekers in Calais and Grande-Synthe.

The delegation met with Damien Careme, Mayor of Grande Synthe, then visited the Camp de la Liniere. The delegation also met Natacha Bouchart, Mayor of Calais, and Fabienne Buccio, Prefect of Pas-de-Calais. They then visited the Joint Operational Coordination Centre in the Calais harbour, the Centre d'Accueil Provisoire (CAP), and the 'Jungle'. They met with several NGOs on the ground, including Salam, Acted, and L'Auberge des Migrants.

Based on the various visits and discussions held during the visit, the delegation concluded that:

- There was an urgent need for the measures and recommendations included in the European Parliament resolution of 12 April 2016 on the situation in the Mediterranean and the need for a holistic EU approach to migration⁶⁶ to be implemented and translated into facts;
- A thorough revision of the Dublin Regulation was needed as part of the establishment of a genuine common European asylum system;
- A follow-up LIBE hearing would be organized with French authorities, with a special focus on the situation of minors.

An exchange of views was organized in the LIBE Committee on 17 October 2016 with Jacques Toubon, French Defender of Rights, (*Le Défenseur des Droits de la République Française*).

3.4. UK-France legal, political and financial co-operation

The UK and France have cooperated on border controls across the Channel since the 1990s. Below is a brief timeline of the major events in the long relationship between both countries.

Sangatte protocol (1991)

In 1991, the UK and France signed the Sangatte protocol⁶⁷. This agreement provided for border checkpoints to be set up by France at the Eurotunnel Folkestone Terminal in Kent and for border checkpoints to be set up by the UK at the Eurotunnel Calais Terminal in Coquelles, France.

Le Touquet treaty (2003)

In 2003, following the closure of the temporary reception facility in Sangatte, France and the UK signed the Treaty of Le Touquet⁶⁸. This agreement provided for juxtaposed controls on a number of cross-Channel ferry routes. It effectively placed the UK border in France. Passengers travelling from Calais

⁶⁵ <https://www.europarl.europa.eu/cmsdata/136124/report-mission-calais.pdf>

⁶⁶ https://www.europarl.europa.eu/doceo/document/TA-8-2016-0102_EN.html?redirect

⁶⁷ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/273137/2366.pdf

⁶⁸ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/273239/6604.pdf

and Dunkirk to the UK now go through French exit checks as well as UK immigration entry checks before embarkation.

Sandhurst Treaty (2018)

In 2018, the UK and France signed the Sandhurst Treaty⁶⁹ concerning the reinforcement of co-operation for the co-ordinated management of their shared border. The Treaty provides a legal framework for UK-French co-operation.

Article 6 of the Treaty provides for the establishment of a **Joint Information and Co-ordination Centre (CCIC)** with responsibilities spanning the management and prevention of threats to public order in Nord and Pas-de-Calais; acting as an operational crisis management centre in the event of acute migratory pressure; and supporting action to counter the operations of smuggling rings, human traffickers and criminal networks in Nord and Pas-de-Calais. The Centre⁷⁰ opened in Calais in November 2018, with the Border Force working closely alongside Police Aux Frontières as part of the 24/7 operation to fulfil the mandate detailed in the Treaty.

The November 2022 Joint Statement

On 14 November 2022, UK Home Secretary Suella Braverman and her French counterpart Gérald Darmanin signed the most recent joint statement regarding UK-French border co-operation.⁷¹ This agreement extends the Sandhurst Treaty signed in 2018 between Theresa May and Emmanuel Macron and follows in the footsteps of the 2003 Le Touquet Treaty. The press release noted: 'The UK and France will intensify co-operation with a view to making the small boat route unviable, save lives, dismantle organised crime groups and prevent and deter irregular migration in transit countries and further upstream.'

Some of the new actions include an expansion of the UK-France Joint Intelligence Cell, a 40% increase in French police deployments to patrol beaches, and investment in 'cutting-edge surveillance technology' to enable swifter detection of crossing.⁷²

The statement includes a UK commitment to provide up to €72.2 million in 2022-2023.

The statement has been criticised by the media, notably by Le Monde, which called it 'more of the same, rather than a permanent solution.'⁷³ A member of the Centre for Sociological Research on Law and Penal Institutions and author of a thesis on UK-France police cooperation said: 'At no time do they provide solutions for unaccompanied minors, of whom there are many in Calais, for family reunification and for all the legal channels of migration to the United Kingdom. France is still being paid by the UK to prevent people from crossing. It's been dysfunctional for over twenty years, there's no reason to expect it to start working now.'⁷⁴

Financial co-operation

⁶⁹ <https://assets.publishing.service.gov.uk/>

⁷⁰ <https://homeofficemedia.blog.gov.uk/2020/05/15/media-factsheet-small-boats-2/>

⁷¹ <https://www.gov.uk/government/publications/next-phase-in-partnership-to-tackle-illegal-migration-and-small-boat-arrivals/uk-france-joint-statement-enhancing-co-operation-against-illegal-migration>

⁷² <https://www.gov.uk/government/publications/next-phase-in-partnership-to-tackle-illegal-migration-and-small-boat-arrivals/uk-france-joint-statement-enhancing-co-operation-against-illegal-migration>

⁷³ https://www.lemonde.fr/en/united-kingdom/article/2022/11/15/france-uk-migration-agreement-is-more-of-the-same-rather-than-permanent-solution_6004306_135.html

⁷⁴ https://www.lemonde.fr/en/united-kingdom/article/2022/11/15/france-uk-migration-agreement-is-more-of-the-same-rather-than-permanent-solution_6004306_135.html

Since 2014, the UK has committed slightly more than £232 million in successive published agreements with the French government.⁷⁵ The £232 million does not represent the total amount of UK spending related to border security in northern France since 2014. Answers to parliamentary questions detail additional payments of just under £87 million, at least some of which appear to have been paid to the French government.

Year	Amount	Agreement	Content of agreement
2014	£12 million	Joint Ministerial Declaration	Joint Intervention Fund to strengthen security in Calais port areas and protect vulnerable persons such as victims of trafficking
2015	£10 million	Joint Ministerial Declaration	'Comprehensive programme of work' to address issues related to migratory flows in Calais
2016	£17 million	UK-France summit Annex on migration	Priority security infrastructure, moving migrants out of camps and into reception facilities, joint work to return people to home countries
2018	£45.5 million	Sandhurst Treaty	Reinforcement of co-operation for the co-ordinated management of UK-France shared border
2019	£3.25 million	Joint Action Plan	Preventing small boat crossings
2020	£28.1 million	Joint Statement	Support for France's efforts against small boats in Boulogne and Dunkirk
2021	£54 million	Joint Statement	'To help France expand its enforcement and technological capabilities', by improving law enforcement, increasing surveillance technology, increasing border security
2022	£62.2 million	Joint Statement	Further measures to 'intensify co-operation with a view to making the small boat route unviable, save lives, dismantle organised crime groups and deter irregular migration in transit countries and further upstream'
2014-2019	£87 million	Additional payments	Security improvements, supplements to the above agreements, Eurotunnel

Source: own compilation, based on a December 2022 briefing for the House of Commons, available [here](#).

A **Franco-British leaders' summit** is due to take place in France on 10 March 2023⁷⁶.

⁷⁵ <https://researchbriefings.files.parliament.uk/documents/CBP-9681/CBP-9681.pdf>

⁷⁶ <https://uk.ambafrance.org/Franco-British-summit-announced-for-10-March>

3.5. Migrants around Calais over the years

To respond to the growing number of migrants fleeing former Yugoslavia, in September **1999**, the French government opened a temporary reception facility (the *Centre d'hébergement et d'accueil d'urgence humanitaire* or Emergency Humanitarian Accommodation and Reception Centre) in a warehouse in the town of **Sangatte**. It rapidly became overcrowded and by 2002 its population had grown to over 2,000. In December 2002, French authorities decided to close the centre citing fears that it was becoming a 'pull factor' for undocumented migrants seeking to enter the UK.⁷⁷

The closure of Sangatte did not have the desired effect of ending the influx of migrants in northern France. Instead, it led to the creation of a number of makeshift settlements or 'jungles' in the local area, as hundreds camped on unoccupied land in the outskirts of Calais and squatted abandoned buildings inside the city.⁷⁸

In **2014**, the number of migrants in the region rose from approximately 400 to 1,500, following increased violence and instability in the Middle East and Africa.⁷⁹ In August 2014, French authorities agreed to create a daytime reception facility approximately three miles outside of the city and in January 2015, the **Jules Ferry centre** opened its doors. This was the site that would become the future Calais 'Jungle' camp.

In July **2015**, the French National Consultative Commission on Human Rights reported that up to 3,000 people were living in this wasteland, in tarpaulins and precarious shacks, without electricity, lighting, sanitary facilities or drinking water.⁸⁰

A wide array of organisations and initiatives soon emerged to fill the gap left by governments and traditional actors. The grassroots initiatives joined the small number of larger organisations already operating in the area (such as Médecins Sans Frontières (MSF)), Doctors of the World, ACTED and Secours Catholique) and the local French associations that had already been present in Calais for a significant period of time (in particular, l'Auberge des Migrants and Salam).⁸¹

The camp turned into a small village or shantytown with an array of shops and social spaces being set up by its residents and volunteers and activists alike. It quickly gained notoriety as the 'biggest slum in Europe'. It had a school and a library. It also had fixed aid distribution points which supplied clothes, food, firewood, hygiene products, and other essential items.

In October 2015, the French authorities opened **Accommodation and orientation centres or 'CAOs'** (*Centres d'Accueil et d'Orientation*) far from Calais, in other parts of France as a temporary measure to accommodate those adults and families who agreed to give up on their plans to migrate to the UK. According to official figures, an estimated 6,000 people were transferred to these centres between October 2015 and October 2016. Migrants had the option of staying in these centres for up to one month whilst they considered whether they wished to claim asylum in France. Those who subsequently made an asylum claim were eligible to be accommodated in designated reception for asylum seekers centres (Centre d'Accueil de Demandeurs d'Asile or CADA), consistent with France's obligations under the Reception Conditions Directive.⁸²

⁷⁷ <https://www.barhumanrights.org.uk/wp-content/uploads/2017/10/BHRC-Calais-Report.pdf>

⁷⁸ <https://www.barhumanrights.org.uk/wp-content/uploads/2017/10/BHRC-Calais-Report.pdf>

⁷⁹ <https://www.barhumanrights.org.uk/wp-content/uploads/2017/10/BHRC-Calais-Report.pdf>

⁸⁰ https://refugee-rights.eu/wp-content/uploads/2021/08/RRE_FiveYearsOn.pdf

⁸¹ https://refugee-rights.eu/wp-content/uploads/2021/08/RRE_FiveYearsOn.pdf

⁸² <https://www.barhumanrights.org.uk/wp-content/uploads/2017/10/BHRC-Calais-Report.pdf>

In mid-January **2016**, the French authorities finally agreed to provide basic accommodation on site and opened the **Temporary Reception Centre or 'CAP'** (*Centre d'Accueil Provisoire*) in the northern section of the camp. However, this facility, which consisted of heated converted shipping containers, could only accommodate up to 1,500 individuals with priority given to vulnerable groups, although there were no specific conditions appropriate for children.⁸³

In March 2016, the southern part of the camp was demolished by the authorities, causing an estimated 3,500 individuals to relocate to the northern zones. On 24 October 2016, the French authorities began the **demolition of the camp**. During the eviction, around 6,000 camp residents were sent to temporary reception centres. The remaining people left and relocated to makeshift camps and informal settlements scattered across northern France. Many moved to Paris, Caen, Rouen and Brussels, living in tents on the streets and in parks.⁸⁴ Several large fires broke out in the refugee camp on 26 October 2016, the third day of the operation to clear it.

Individuals who had left on their own initiative in the lead-up to the clearance of the camp, and many of those who had been removed by state authorities to reception centres across France, soon started reappearing in the northern France area. The authorities made sustained attempts to prevent the creation of 'fixation points' along the coastline and the emergence of another camp.

As the distribution points and support systems established in the 'Jungle' camp had been demolished, organisations and volunteers instead relied on mobile distributions. Such groups included, for example, Refugee Youth Service, Refugee Community Kitchen, Care4Calais, Help Refugees, l'Auberge des Migrants, Phone Credit for Refugees, Art Refuge, and Utopia 56.

In March **2017**, Calais mayor Natacha Bouchart announced a **ban on food distribution** in the region. In June 2017, a civil society-led court case against the French state received a positive ruling, stating that food distributions, as well as access to sanitation facilities and essential amenities, must be allowed.⁸⁵ France's Conseil d'état would, moreover, later reject an appeal by the French authorities, thus reinstating the obligation to provide water points, toilets, showers, daily outreach for minors and departures to accommodation centres from Calais.

In spring **2018**, the French state contracted La Vie Active to provide food in Calais.

One year later, in autumn **2019**, Natacha Bouchart announced another ban on food distribution in the region. The ban was later suspended when found to be illegal by a tribunal in Lille.⁸⁶ In December 2019, the fence along Route de Gravelines in Calais was built. The mayor's objective was to prevent displaced people from accessing the woodland along the road and from settling on these grounds.⁸⁷

Persistent acts of uprooting and fencing off potential living spaces continued **throughout 2020 and 2021**, consisting of the defoliation of living spaces and the use of spikes, barbed wire, fences and walls to prevent people from setting up camp. A key component of this state strategy consisted of evictions. Several organisations, including HRO and Utopia 56, received several fines during the different lockdowns, as their work was not recognised as 'essential work.' A food ban decree was issued in September 2020, prohibiting the distribution of food and water in certain parts of Calais. While previous

⁸³ <https://www.barhumanrights.org.uk/wp-content/uploads/2017/10/BHRC-Calais-Report.pdf>

⁸⁴ https://refugee-rights.eu/wp-content/uploads/2021/08/RRE_FiveYearsOn.pdf

⁸⁵ <http://lille.tribunal-administratif.fr/content/download/104162/1042470/version/1/file/1705379.pdf>

⁸⁶ <https://www.lavoixdunord.fr/684270/article/2019-12-21/la-maire-de-calais-jugee-incompetente-pour-int>

⁸⁷ <https://france3-regions.francetvinfo.fr/hautes-de-france/pas-calais/calais/grilles-anti-migrants-installees-route-gravelines-calais-1765037.html>

food ban decrees had been ruled illegal when reaching the tribunal level, the September 2020 decree was renewed several times.

On **29 January 2023**, the French coastguard **rescued 83 people** from two small boats in the Channel after they got into difficulty. The two boats were crossing the Channel on their way to England on Sunday when they encountered problems near Gravelines, on the north coast of France between Dunkirk and Calais.⁸⁸

On **3 February 2023**, Le Monde published a long-form **investigation piece** on the situation in Calais. The article highlighted that despite increasing policing in the area, including the construction of fences and walls, an increasing number of people still found ways to cross over to the UK.⁸⁹

3.6. 'Small boats'

Attempting to cross the Channel in a small boat is incredibly perilous. While the full scale of deaths among those using makeshift rafts – or in some cases, trying to swim to the UK – is not known, a report in 2020 found that almost 300 people had died trying to cross the Channel in the 20 years up to that point.⁹⁰

Many migrants attempt to cross the Channel and enter the UK via a small boat departing from the French coast. The British government defines a 'small boat' as one of a number of vessels used by individuals who cross the English Channel with the aim of gaining entry to the UK without a visa or permission to enter. The most common small vessels detected making these types of crossings are rigid-hulled inflatable boats (RHIBs), dinghies and kayaks.⁹¹ According to the National Society for Sea Rescue, since 2019, the type of boats used for Channel crossings has changed from boats holding 4 to 5 people to 'long boats' carrying 50 people. These are very poor-quality inflatable boats made in China, which break down quickly, and which migrants do not know how to drive.⁹² The crossings are arranged by organised gangs of people smugglers who charge up to €3,500 for a place in a boat.⁹³

In autumn 2021, at least 27 migrants drowned when their inflatable dinghy capsized in the Channel. This was the largest single loss of life in the English Channel since the UN migration agency, IOM, started recording data in 2014.⁹⁴ An investigation from November 2022 found that the victims had called for help numerous times, but French rescue services waited for them to pass into UK waters and no help was sent.^{95 96}

⁸⁸ <https://www.theguardian.com/uk-news/2023/jan/29/french-coastguard-rescues-83-people-from-small-boats-crossing-channel>

⁸⁹ https://www.lemonde.fr/international/article/2023/02/03/a-calais-la-frontiere-bunker-avec-l-angleterre-repousse-les-migrants-vers-la-mer_6160450_3210.html

⁹⁰ <https://www.theguardian.com/uk-news/2020/oct/29/almost-300-asylum-seekers-have-died-trying-to-cross-the-channel-since-1999>

⁹¹ <https://www.gov.uk/government/statistical-data-sets/migrants-detected-crossing-the-english-channel-in-small-boats>

⁹² <https://www.infomigrants.net/en/post/45279/channel-crossings-we-expect-to-see-boats-with-hundreds-of-migrants-in-distress>

⁹³ <https://www.thelocal.fr/20211112/what-is-france-doing-to-stop-migrants-crossing-the-channel/>

⁹⁴ <https://news.un.org/en/story/2021/11/1106562>

⁹⁵ https://www.lemonde.fr/france/article/2022/11/14/investigation-into-2021-death-of-27-migrants-in-the-channel-shows-rescue-services-ignored-calls-for-help_6004228_7.html

⁹⁶ https://www.francetvinfo.fr/replay-radio/le-choix-franceinfo/document-franceinfo-t-entends-pas-tu-seras-pas-sauve-l-enquete-sur-le-nauffrage-d-une-embarcation-de-migrants-en-novembre-2021-dans-la-manche-accable-les-secours-francais_5450998.html

This event sparked tension between France and the UK, with each side blaming the other for not pulling its weight.

A January 2023 analysis by the UK Refugee Council⁹⁷, based on Home Office data, estimated Channel Crossing arrivals at 45,746 people in 2022. According to the analysis, 25,119 of the 45,746 people who made the journey will be allowed to stay in the UK as refugees. In 2021, 28,526 people had arrived to the UK via small boat.⁹⁸ UK Home Office officials predict that 65,000 people will cross the Channel in 2023, more than a third more than in 2022.⁹⁹

According to a briefing for the House of Commons, as of December 2022, the French authorities had:¹⁰⁰

- Stopped 42.5% (28,000) of people attempting to cross
- Intercepted and destroyed 53.4% (1,072) of boats.

The interception rates for boats and people were both around 50%.

The UK Prime Minister, Rishi Sunak, has made ‘stopping the small boats’ one of his five pledges for 2023. On 2 February 2023, he announced that a ‘stop the boats bill’ would be published ‘in the coming weeks’. He suggested it would consist of laws making it easier to detain and remove irregular migrants.¹⁰¹

4. TER APEL (THE NETHERLANDS) - STATE OF PLAY

4.1. Introduction

The Immigration and Naturalisation Service (IND) publishes Asylum Trends with statistics on asylum and family reunification applications on a monthly basis. It reported that in January 2023, the **total asylum influx** (the total of first and repeated asylum applications and following family members) amounted to 2,991. Compared to the previous month, this represented a decrease, since the total asylum influx in December 2022 had been 3,243¹⁰².

In summer 2022, an estimated 16,000 people crowded in and around a reception facility in Ter Apeol built to house 2,000 people. The crisis in Ter Apel gained international attention when a 3-month old baby died in a sports gymnasium, one of the temporary shelters erected to house the overflow of people arriving at the reception centre.

A **judgment by the Court of Appeal of The Hague** from December 2022 established that the Dutch authorities and the Central Agency for the Reception of Asylum Seekers had failed to meet European legal standards in their treatment of asylum seekers.

Many of the emergency contracts that the Dutch government had concluded with local municipalities in 2022 to provide temporary shelter for asylum seekers are set to expire in spring 2023, leaving an **estimated shortfall of 38,000 reception places**.¹⁰³

⁹⁷ <https://www.refugeecouncil.org.uk/latest/news/majority-of-people-on-small-boats-crossing-channel-last-year-are-refugees-new-analysis-shows/>

⁹⁸ <https://www.gov.uk/government/statistics/irregular-migration-to-the-uk-year-ending-december-2021/irregular-migration-to-the-uk-year-ending-december-2021>

⁹⁹ <https://www.thetimes.co.uk/article/migrant-crisis-65-000-will-cross-channel-in-small-boats-this-year-6mtdgknng>

¹⁰⁰ <https://researchbriefings.files.parliament.uk/documents/CBP-9681/CBP-9681.pdf>

¹⁰¹ <https://www.economist.com/britain/2023/02/08/the-british-government-is-planning-another-crackdown-on-asylum-seekers>

¹⁰² <https://ind.nl/nl/over-ons/cijfers-en-publicaties/asieltrends>

¹⁰³ <https://nltimes.nl/2023/01/25/netherlands-needs-create-38000-extra-asylum-shelter-spots-year>

4.2. Legal framework

The main legislative acts relevant to asylum procedures, reception conditions, detention and content of protection in the Netherlands are:

Title in English	Original Title (NL)	Abbreviation
General Administrative Law	Act Algemene Wet Bestuursrecht (AWB)	GALA
Aliens Act 2000	Vreemdelingenwet 2000 (Vw 2000)	Aliens Act
Act of the Central Agency of Reception	Wet Centraal Opvang Orgaan (Wet COA)	Reception Act
Aliens Labour Act	Wet Arbeid Vreemdelingen (Wav)	Aliens Labour Act

Source: Own compilation based on AIDA, *Asylum Information Database, 2021 update, Country Report: Netherlands*, available [here](#).

The Act of 8 July 2015 amending the Aliens Act 2000 transposed the provisions of the revised Reception Conditions Directive (2013/32/EU) and Asylum Procedures Directive (2013/33/EU)¹⁰⁴.

Concerns have been raised by scholars as regards the implementation of the Temporary Protection Directive in the Netherlands. According to the Meijers Committee (2023)¹⁰⁵, the TPD has been implemented by obliging those temporarily protected to submit an application for asylum in order to qualify for the promulgated temporary protection regime. This obligation does not have a basis in the Directive itself. As a result, those temporarily protected in the Netherlands do not receive a residence permit, but they receive a status of an asylum seeker.

4.3. Asylum and reception facilities in the Netherlands

Asylum seekers arriving by land in the Netherlands first report to the **Immigration and Naturalisation Service (IND)**. They head to the IND's **Central Reception Centre** (Centraal Opvanglocatie, COL) in Ter Apel (near Groningen, north-east of the Netherlands), where registration takes place.

The **Central Agency for the Reception of Asylum Seekers** (Centraal Orgaan opvang asielzoekers, COA) manages the reception centres in the Netherlands. The COA is an independent administrative body. The Ministry of Justice and Security is commissioner as well as supervisor. Minister of Migration Eric van der Burg is politically responsible.¹⁰⁶

According to the COA website, immediately after reporting themselves to the IND in Ter Apel, asylum seekers have 3 to 10 days to stay in the shelter of the COL of Ter Apel or Budel. Here, they will receive medical checks, a TB check and an application interview. COA staff check whether asylum seekers need special attention or counselling, and provide meals and care products.¹⁰⁷

After the registration interview in the COL, the asylum seeker is transferred to a **Process Reception Centre** (Proces Opvanglocatie, POL) close to an IND office.¹⁰⁸ There are four POLs in the Netherlands:

¹⁰⁴ <https://zoek.officielebekendmakingen.nl/stb-2015-292.html>

¹⁰⁵ See, for example, Meijers Committee, *EU Migration Law Update 4/2022, January 2023*, available [here](#).

¹⁰⁶ <https://www.coa.nl/en/organisation>

¹⁰⁷ <https://www.coa.nl/en/reception-centres-during-asylum-procedure>

¹⁰⁸ <https://asylumineurope.org/reports/country/netherlands/asylum-procedure/general/short-overview-asylum-procedure/>

Ter Apel, Budel, Wageningen, and Gilze. There, they go either through the general asylum procedure or through the extended asylum procedure.

The general asylum procedure takes four to eight days, during which the asylum seeker has two hearings with the IND.¹⁰⁹ Staff of the Dutch Council for Refugees give information about the asylum procedure. In the POL, asylum seekers have access to necessary medical care via the Health Centre for Asylum Seekers (GZA). In the POLs, residents usually get a food allowance so that they can cook their own meals.

Sometimes the IND needs more than eight days to decide on an asylum application, for example if it needs to conduct more research into the asylum seeker's home country. The IND determines on the fourth day of the general asylum procedure whether it has sufficient information to make a decision on the asylum application. If it does not, the asylum seeker is redirected to the extended asylum procedure.

For the extended asylum procedure, the asylum seeker moves from the POL to an **asylum seekers' centre (azc)**. The IND must make a decision on the application within six months from the date of the asylum application.¹¹⁰

According to the Dutch government's website,¹¹¹ depending on the available reception capacity, an asylum seeker may be placed in:

- Asylum seekers' centre (azc): Regular reception centre.
- Emergency reception: Temporary reception in the event of a shortage in asylum seekers' centres. For example in pavilions, multi-purpose halls, holiday parks.
- Crisis reception: Reception of a very temporary nature (in principle, for a maximum of 72 hours). For example, reception in sport centres. Organisation at a regional level, by the Safety Regions.

According to the Asylum Information Database of the European Council on Refugees and Exiles, asylum seekers receive an allowance of €239.68/month covering food, clothing and personal expenses, but not public transportation nor medical costs.¹¹²

According to some scholars, in the past five years, the Netherlands has faced a deteriorating **housing crisis** due to a combination of registration regulations, population growth, and privatisation.¹¹³ As a result, when an asylum seeker staying in a reception centre is granted the right to reside in the Netherlands by the Dutch Immigration and Naturalisation Service, they are unable to leave this centre as there is no appropriate housing available to them.

4.4. 2022 overflow and civil society response

The central reception centre in Ter Apel was built to accommodate up to 2,000 people.¹¹⁴ By the summer of 2022, the Ter Apel centre housed 16,000 people and over 700 people had to camp outside

¹⁰⁹ https://www.vluchtelingenwerk.nl/nl/wat-houdt-de-asielprocedure?qclid=CjwKCAiAuOieBhAIEiwAqjCvckrGm5pbvHwXLGTW7wpFyEXGcKMsGexdmkK4QznGnXUsv5bVJR P0xoCS5EQAvD_BwE

¹¹⁰ <https://www.vluchtelingenwerk.nl/nl/verlengde-asielprocedure-als-niet-direct-kan-worden-beslist>

¹¹¹ <https://www.government.nl/topics/asylum-policy/asylum-procedure/reception-asylumseeker>

¹¹² <https://asylumineurope.org/reports/country/netherlands/reception-conditions/access-and-forms-reception-conditions/forms-and-levels-material-reception-conditions/>

¹¹³ <https://dutchreview.com/expat/housing/why-is-there-a-housing-shortage-in-the-netherlands-the-dutch-housing-crisis-explained/>

¹¹⁴ <https://archello.com/project/asylum-seekers-center-ter-apel>

of the shelter.¹¹⁵ According to Doctors without Borders (MSF), sanitation in the camp was a serious issue, as there were 'no showers, and toilets are not well maintained.'¹¹⁶ MSF opened a temporary mobile health clinic in Ter Apel.

While rates of migration of asylum seekers into the Netherlands were on the rise in 2022, the Netherlands' difficulties in providing proper accommodation to asylum seekers seem to be structural in nature. In January 2023, the **Netherlands Court of Audit, an independent body reporting to the Dutch parliament, listed three main factors for the lack of reception capacity.**¹¹⁷

Firstly, the Court of Audit noted that the housing shortage in the Netherlands forced asylum seekers who had already been issued a residence permit to stay longer in COA centres. In 2022, about a third of all COA places were occupied by status holders. Furthermore, lack of staff reduced the ability to open new reception locations and increased the time needed by the Immigration and Naturalisation Service (IND) to process asylum applications.

Secondly, according to the COA, municipalities were becoming more reluctant to open reception locations. In the Netherlands, because municipalities are not formally responsible for the reception of asylum seekers, they are allowed to ignore requests from the government.¹¹⁸ When they did agree to open a location, they preferred short-term contracts and smaller locations.

Finally, the Court of Audit reported that due to the influx of Ukrainian refugees in 2022, several municipalities said that they did not have enough capacity to house both asylum seekers and displaced Ukrainians.

In its report, the Court of Audit of the Netherlands also stated that **the COA had exceeded its budget** in 21 of the past 23 years. The Ministry of Justice and Security (J&V) estimates the budget based on the expected number of asylum seekers in February, a year in advance. However, this estimate does not take into account unexpected events such as the Russian invasion of Ukraine or the Taliban takeover of Kabul. As a result, the COA has been operating in a near constant crisis mode. Due to fluctuating numbers of asylum seekers, the COA is constantly upscaling and downscaling its reception capacity, adding to its costs.

The overflow of asylum seekers at Ter Apel in 2022 gained international attention. On 24 August 2022, a three-month-old baby died in a sports hall serving as an emergency shelter in Ter Apel. A government investigation opened the following day.¹¹⁹

On 25 August 2022, Doctors without Borders (MSF) deployed to the Ter Apel centre for the first time to provide unprecedented medical care. According to MSF's report, there were many people suffering from skin infections due to unhygienic living conditions, and neglected wounds that had been caused by walking for weeks on end. There were also many who were chronically ill and who had been without medication for weeks or months on end. Others were in need of mental healthcare for symptoms including anxiety, panic attacks, depression and psychosis – conditions exacerbated by the uncertainty of the situation in Ter Apel and the lack of information about what was going to happen to them. On

¹¹⁵ <https://www.dw.com/en/dutch-asylum-center-disaster-housing-crisis-and-politics-to-blame-for-ter-apel-crisis/a-62979784>

¹¹⁶ <https://theowp.org/situation-in-dutch-refugee-camps-worsen-as-child-dies-in-ter-apel/>

¹¹⁷ <https://english.rekenkamer.nl/latest/news/2023/01/18/budget-for-asylum-reception-structurally-too-low>

¹¹⁸ <https://www.vluchtelingenwerk.nl/en/articles/nieuws/dutch-council-refugees-sues-dutch-government-over-inhumane-reception-conditions#:~:text=17%20augustus%202022-,The%20Dutch%20Council%20for%20Refugees%20sues%20Dutch%20government%20over%20inhumane,reception%20conditions%20of%20asylum%20seekers>

¹¹⁹ <https://www.bbc.com/news/world-europe-62669014>

12 September 2022, MSF's deployment to Ter Apel ended, with the organisation concluding that the shelter and sanitation provision outside of the reception centre had improved significantly.¹²⁰

4.5. Dutch Council for Refugees (VWN) Lawsuit

On 1 August 2022, the Dutch Council for Refugees (Stichting Vluchtelingenwerk Nederland, VWN), an independent organisation seeking to defend the rights of refugees and asylum seekers in the Netherlands, filed a lawsuit against the Dutch government, stating that the 'situation has since fallen even further below the humanitarian legal limit,' forcing them to sue.¹²¹ The Council claimed that this was not a refugee crisis – there was not an overwhelming number of refugees, but rather, this was an **administrative crisis** caused by the government through budget cuts and the closure of refugee centres. The Council also claimed that the inhumane conditions in Ter Apel amounted to a violation of European law and demanded that the conditions be improved by 1 October 2022, including the provision of access to clean water, showers, privacy, and adequate food and health care.

The Dutch Council for Refugees also argued that the Dutch authorities subjected refugees to **unequal treatment** depending on their country of origin. The Council claimed that the State Secretary for Asylum and Migration had sufficient means to ensure that municipalities would accommodate for the reception of more asylum seekers, because this was done for refugees from Ukraine. While refugees from countries such as Syria, Afghanistan and Yemen slept on the floor, thousands of beds for Ukrainians stood empty for months. The Council stated that the contrast between reception conditions for Ukrainians and refugees from other countries was unjustifiable.

The Council suggested that the administrative deadlock could be solved by getting State Secretary van der Burg to make municipalities temporarily responsible for the reception of asylum seekers in the short term by adopting an emergency law or state emergency law.

The case was brought before the District Court of The Hague on 15 September 2022. The **preliminary injunction judge** released their judgment on 6 October 2022.¹²² The court ruled, among other things, that:¹²³

- Asylum seekers are immediately no longer allowed to end up on the streets of Ter Apel and unaccompanied minors must leave the registration centre within five days;
- With immediate effect, vulnerable asylum seekers must not be allowed to end up in crisis emergency shelters and there must be access to clean drinking water and decent meals everywhere;
- Children in the (crisis) emergency shelter must have access to education and play facilities within four weeks;
- Within nine months, all asylum seekers and refugees must be accommodated in locations that meet the minimum legal requirements.

However, on 12 October 2022, the Dutch State and COA appealed this decision and requested the suspension of the provisional enforceability of a number of the injunctions ordered on 6 October.

On 17 October, the Court of Appeal of The Hague dismissed the request for suspension of the measures to improve the reception of asylum seekers.¹²⁴ The Court of Appeal rejected the request for suspension

¹²⁰ <https://www.msf.org/project-stranded-asylum-seekers-ter-apel-netherlands-closes>

¹²¹ <https://theowp.org/situation-in-dutch-refugee-camps-worsen-as-child-dies-in-ter-apel/>

¹²² <https://uitspraken.rechtspraak.nl/#!/details?id=ECLI:NL:RBDHA:2022:10210>

¹²³ <https://www.vluchtelingenwerk.nl/nl/artikelen/nieuws/uitspraak-rechter-kraakheldere-opdracht-aan-het-kabinet>

¹²⁴ <https://www.rechtspraak.nl/Organisatie-en-contact/Organisatie/Gerechtshoven/Gerechtshof-Den-Haag/Nieuws/Paginas/Schorsingsverzoek-Nederlandse-Staat-over-maatregelen-asielopvang-afgewezen.aspx>

without prejudice to the final verdict in the main proceedings. The Court merely considered whether the Dutch Council for Refugees' legal interest in the provisional enforceability of the judgment outweighed the interest of the State in being allowed to wait for the outcome of the appeal.¹²⁵

The substantive hearing for the appeal took place on 10 November 2022. The Court of Appeal released its judgment on 20 December 2022.¹²⁶ **The Court of Appeal upheld the core** of the previous ruling, holding that the asylum reception did not meet the legal standards and was therefore harmful to thousands of asylum seekers. In addition, and contrary to the preliminary relief judge, the Court of Appeal held that there was no justification for the unequal treatment between asylum seekers from Ukraine and other asylum seekers. The Court of Appeal upheld several orders issued by the preliminary relief judge in the ruling of 6 October 2022. The Court of Appeal furthermore extended the effect of these orders to apply to future asylum seekers. The Court of Appeal did not uphold the order to provide sanitary facilities nor did it uphold the order concerning unaccompanied minor migrants.¹²⁷

The Court of Appeal also removed the initial deadline of 9 months by which the State and the COA had to provide appropriate reception for all asylum seekers. Frank Candel, chairperson of the Dutch Council for Refugees, said: 'We are pleased that the ruling has remained at its core, but find the lack of a deadline problematic. Deadline or not, State Secretary Van der Burg has been given a clear assignment.'¹²⁸

4.6. Dutch government response

On 17 June 2022, the Dutch government launched the **national crisis management structure**.¹²⁹

On 26 August 2022, one day after the baby died in the sports hall at Ter Apel, the Dutch government released a statement calling the situation in Ter Apel 'untenable'.¹³⁰ The government announced 'far-reaching measures to control the number of refugees arriving at the centre and to facilitate the outflow of those who have obtained a permit to remain in the Netherlands.' Among plans to accommodate the asylum seekers who had been forced to sleep outside the Ter Apel shelter, the government also announced **three temporary changes**.

Firstly, people who had obtained asylum status in the Netherlands would now no longer be able to bring their families over immediately. Instead, families would only be able to come if 'suitable' accommodation was available for them. (On 8 February 2023, the highest administrative court in the Netherlands, the Council of State, ruled that the restriction on family reunifications was in violation of both Dutch and European law. This decision is final and binding. As a result, the Ministry of Justice said that about 1,200 people will immediately get to benefit from this and will receive an entry visa as a result of the ruling.)¹³¹

Secondly, the Netherlands would no longer admit people under the 2016 EU-Turkey Statement until the end of 2023. The Netherlands would start to implement this agreement from 2024 onwards.

¹²⁵ <https://www.prakkendoliveira.nl/en/news/2022/the-hague-court-of-appeal-rejects-request-for-suspension-from-state-and-coa-in-asylum-reception-case>

¹²⁶ <https://uitspraken.rechtspraak.nl/#/details?id=ECLI:NL:GHDHA:2022:2429>

¹²⁷ <https://www.prakkendoliveira.nl/en/news/2022/appeal-asylum-reception-the-state-and-coa-violate-the-rights-of-asylum-seekers>

¹²⁸ <https://www.vluchtelingenwerk.nl/nl/noodopvangschadelijk>

¹²⁹ <https://www.government.nl/latest/news/2022/09/28/current-situation-in-ter-apel-and-implementation-of-measures-to-transfer-asylum-permit-holders-to-temporary-accommodation>

¹³⁰ <https://www.government.nl/latest/news/2022/09/26/government-takes-radical-action-to-alleviate-asylum-reception-crisis>

¹³¹ <https://www.infomigrants.net/en/post/46723/netherlands-ends-ban-on-family-reunification>

Finally, agreements were concluded with the municipalities to facilitate the transfer of asylum permit holders out of the asylum reception centres. Up to and including 2024, 37,500 temporary dwellings would be created.

The Dutch government also began to look for spaces for ‘**alternative large-scale facilities**’ in order to reduce the pressure on the capacity at Ter Apel.¹³² It stated that it would look into government-owned locations in particular where all or part of the registration process could be carried out and where asylum seekers could sleep. In the meantime, the government stated that it had rented two cruise ships moored on the quay to receive asylum seekers. A first ship would be available for use on 1 September 2022, and the second would open on 1 October 2022.

On 28 August 2022, the government also noted that over the following two weeks, the COA would open reception facilities for asylum seekers in The Hague (400 spaces), Delft (260 spaces) and Voorschoten (120 spaces) and expand a number of existing reception facilities.

In a letter¹³³ addressed to the Dutch Minister for Migration on 26 August 2022, Council of Europe Commissioner for Human Rights Dunja Mijatović expressed her concern about asylum reception conditions in the Netherlands. In his reply¹³⁴, Minister van der Burg detailed the measures taken by the Government and stated that solutions were needed at the European level as well.

On 10 September 2022, some asylum seekers were moved to a new emergency centre in Zoutcamp.¹³⁵

In October 2022, it emerged that only one municipality out of 344 in the Netherlands had come forward to say it would make extra beds available for child refugees, dozens of whom were sleeping on office floors at the Ter Apel reception centre at the time. Research published by RTL Nieuws in September 2022 had showed that more than half of Dutch local councils have not provided any housing for refugees in the past 10 years. Richer council areas and Bible belt towns and villages were far less likely to have housed a refugee centre, figures from COA showed.¹³⁶

On 8 November 2022, the Dutch government published a **legislative proposal that would ensure a ‘better distribution of sufficient reception places across the Netherlands.’**¹³⁷ The bill writes that municipalities that provide accommodation for asylum seekers will receive financial compensation, and those that do not voluntarily offer places will be forced to provide them. According to the proposal, municipalities that house at least 100 asylum seekers will receive a bonus of €2,500 per asylum seeker, provided they participate in the program voluntarily and maintain the facilities for at least five years. This bill was previously stalled due to the burden that it imposed on municipalities.¹³⁸

At the beginning of February 2023, the Council of State said that the bill was ‘unnecessarily complex’ and raised ‘probing questions about its feasibility’. It advised the government to examine the law again and develop a more straightforward system.

¹³² <https://www.government.nl/latest/news/2022/09/28/current-situation-in-ter-apel-and-implementation-of-measures-to-transfer-asylum-permit-holders-to-temporary-accommodation>

¹³³ <https://www.coe.int/en/web/commissioner/-/the-netherlands-must-take-urgent-measures-to-improve-reception-conditions-for-asylum-seekers>

¹³⁴ <https://rm.coe.int/commdh-govrep-2022-12-reply-from-ministerfor-migration-of-netherlands/1680a7d216>

¹³⁵ <https://www.dutchnews.nl/news/2023/01/inspectors-ter-apel-council-were-at-loggerheads-over-refugee-crisis/>

¹³⁶ <https://www.dutchnews.nl/news/2023/01/inspectors-ter-apel-council-were-at-loggerheads-over-refugee-crisis/>

¹³⁷ <https://www.rijksoverheid.nl/actueel/nieuws/2022/11/08/wetsvoorstel-voldoende-opvangplekken-beter-verdelen-over-nederland>

¹³⁸ <https://www.euractiv.com/section/politics/news/dutch-government-to-pay-municipalities-to-house-asylum-seekers/>

4.7. 'No end in sight'

The COA is currently providing accommodation for some 51,000 refugees at 167 different locations. However, over 16,000 of them have already been given refugee status but are unable to move into the community because of the housing crisis.¹³⁹

In January 2023, the COA calculated that it would need 75,500 accommodation places in 2023, but that it currently had 50,000.¹⁴⁰ Internal documents from the COA, the IND and the Justice Ministry seen by Dutch newspaper NRC hint that there is 'no end in sight' for the accommodation shortage and that the agencies fear a couple of thousand refugees could end up on the streets because of this.¹⁴¹

Adding to this, many of the emergency contracts that the COA struck to house people in the summer of 2022 are due to expire in spring 2023. Contracts for 18 locations are already due to expire in February and March 2023, taking away a further 5,000 places in shelters.¹⁴² According to figures viewed by Dutch news outlet Nieuwsuur, about 35 locations throughout the country will close their doors between January and June 2023. That would leave the country 38,000 short of the 75,500 reception places target.¹⁴³

Seeking to avoid another crisis like the one in Ter Apel in 2022, the Dutch Cabinet is now looking to create or expand reception facilities for 19,000 more placements by 1 July 2023.¹⁴⁴ According to sources close to the Cabinet, Lelystad Airport, vacant church buildings, government buildings and docked ships may all become new temporary housing sites for asylum seekers in the Netherlands.¹⁴⁵

¹³⁹ <https://www.dutchnews.nl/news/2023/01/no-end-in-sight-to-refugee-bed-crisis-thousands-could-be-homeless-nrc/>

¹⁴⁰ <https://www.dutchnews.nl/news/2023/01/coa-facing-shortfall-of-38000-asylum-seeker-places-this-year/>

¹⁴¹ <https://www.dutchnews.nl/news/2023/01/no-end-in-sight-to-refugee-bed-crisis-thousands-could-be-homeless-nrc/>

¹⁴² <https://www.dutchnews.nl/news/2023/01/no-end-in-sight-to-refugee-bed-crisis-thousands-could-be-homeless-nrc/>

¹⁴³ <https://nltimes.nl/2023/01/25/netherlands-needs-create-38000-extra-asylum-shelter-spots-year>

¹⁴⁴ <https://nltimes.nl/2023/01/31/cabinet-may-use-lelystad-airport-empty-churches-shelter-asylum-seekers-refugees>

¹⁴⁵ <https://nltimes.nl/2023/01/31/cabinet-may-use-lelystad-airport-empty-churches-shelter-asylum-seekers-refugees>

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