

Reception Conditions Across the EU¹

ABSTRACT

This study, commissioned by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the LIBE Committee, is based on concrete quantitative and qualitative evidence, existing available data, studies and analysis from various sources and documents from national and international institutions.

It makes a legal and policy analysis of the EU and international standards applicable to the reception of applicants for international protection, and provides a comparative overview of the implementation of the Reception Conditions and Temporary Protection Directives and of further international norms across EU Member States. Attention is also paid to how the EU supports and ensures Member States' compliance with existing rules on reception conditions.

The study concludes with policy recommendations addressed to relevant actors – including at Member State and European institutions – involved in the provision of reception conditions across the EU.

Background

According to Eurostat, in 2022 the number of first-time asylum applicants in the EU was 881,220, a 64% increase compared with the previous year.² In addition, over 4 million displaced people from Ukraine currently benefit from temporary protection in EU countries.³ At the same time, during the year, a number of EU Member States (EUMS) struggled to provide reception conditions to all asylum applicants, with "reception crises" becoming a regular occurrence.⁴

Against this backdrop, the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs, at the request of the Committee on Civil Liberties, Justice and Home Affairs (LIBE), commissioned this study on 'Reception Conditions across the EU'.

Key findings

A variety of practices in the implementation of the recast RCD are observed among the EUMS, although there are also many areas where practice converges (see Chapter 2). The main implementation gaps observed through the comparative analysis of practices in the EUMS include denial of access to reception conditions (sometimes deriving from access to an asylum procedure); poor quality of material reception conditions provided; the widespread use of detention, including of accompanied children, coupled with the lack respect for certain of the procedural guarantees which should be respected when detention is applied; structural and

¹ Full study in English: [https://www.europarl.europa.eu/RegData/etudes/STUD/2023/755908/IPOL_STU\(2023\)755908_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2023/755908/IPOL_STU(2023)755908_EN.pdf)

² Eurostat (2023), [Annual asylum statistics](#).

³ EUAA (February 2023), [Almost 1 million asylum applications in the EU+ in 2022](#); European Council, Council of the European Union (2023), [Infographic - Refugees from Ukraine in the EU](#).

⁴ EUAA (July 2023), [Asylum Report 2023](#), p.173.



systemic problems limiting access to education, employment and health care which disproportionately affect asylum applicants; and shortcomings in the identification of vulnerabilities and lack of adequate facilities for vulnerable applicants.

Good practices

Nevertheless, good practices are also reported in many countries, in particular concerning access to socio-economic rights, management of reception centres that allows for early inclusion of asylum seekers in local communities, and the creation of dedicated reception facilities for various categories of vulnerable applicants.

Case studies

Two country case studies were selected – Belgium and Italy – given the high numbers of arrivals and the need to accommodate significant fluctuations with regards to reception needs, thus requiring a well-functioning contingency planning, and in view of assessing good practices in terms of effectiveness, fundamental rights (including procedural rights), efficiency and coherence with the aims of the RCD and the CEAS as a whole (see Annex II).

A further case study explores the provision of reception conditions granted through the Temporary Protection Directive (TPD), where fewer implementation challenges were reported in most EUMS. The study finds that temporary protection beneficiaries are generally granted immediate access to rights and enjoy rights broader in scope than asylum applicants; there are shortcomings regarding access to social welfare and to the labour market (see Annex I).

The role of the EU

The EU both supports the implementation of rules on reception conditions by the EUMS and also plays a role in monitoring and enforcing implementation (see Chapter 3). Support is provided through different funding instruments; in addition, the European Union Agency for Asylum (EUAA) is specifically mandated to improve the functioning of the CEAS through, *inter alia*, the provision of operational and technical assistance to EUMS, including for their reception systems;⁵ it currently provides support on reception to several EUMS. According to the study's findings, certain funding instruments made a positive albeit uneven contribution to the implementation of reception conditions in the EU. However, the fact that inadequate reception capacity in EUMS pre-dates the 2015 crisis,⁶ suggests that EU funds for reception were being used to compensate for long-term structural weaknesses and a lack of contingency planning. At the same time, responding to the 2015 crisis caused EU funds to pivot towards crisis response, at both EU and national level. An exhaustive assessment of the impact of EU funds on reception conditions at the national level is difficult to make, given the lack of systematic data for some funding programmes.

The European Commission monitors compliance of EUMS with the asylum *acquis* and can open infringement procedures⁷ for countries failing to implement EU law. In this context, in January 2023, the Commission sent letters of formal notice⁸ to four EUMS (Belgium, Greece, Spain and Portugal) for failing to properly transpose all provisions of the RCD. While finding that infringement procedures are useful, the analysis of infringement cases on the RCD reveals that the long-term impact of the Commission's actions is determined by political and practical factors, including in relation to the use of compliance mechanism(s) and overall strategies on asylum. The RCD has also been the subject of CJEU interpretation in several cases in the past decade, with detention being the most frequent subject of preliminary references (see Annex V).

⁵ [Regulation \(EU\) 2021/2303](#) of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010, OJ L 467, 30 December 2021, Article 1.

⁶ AIDA (2019), [Housing out of reach? The reception of refugees and asylum seekers in Europe](#), p.13.

⁷ European Commission, [Infringement procedure](#).

⁸ [January Infringements package: key decisions \(europa.eu\)](#)

Recommendations

After collating and analysing the research findings, the study puts forward several recommendations to support better implementation of the RCD (see Chapter 5). It should be noted that many shortcomings are the result of wider dysfunctionalities in national asylum systems, rather than purely linked to incorrect implementation of the RCD. For example, inadequate contingency planning for the asylum system as a whole has led to insufficient reception capacity in many countries. In parallel, limiting access to the asylum procedure has as a knock-on effect the denial of access to material reception conditions for asylum seekers. As a matter of priority, the EUMS should address implementation gaps including the failure to provide one or more of the required material reception conditions; delayed access to the asylum procedure; and widespread use of detention. The EUMS could improve implementation through availing themselves of the support of the EUAA, and working with local governments, NGOs, and other providers of reception. Greater focus should be put on the needs of vulnerable applicants in order to ensure better implementation of guarantees they benefit from.

The EUMS were in general able to adapt quickly and provide reception including suitable accommodation options when the outbreak of the war in Ukraine led to activation of the TPD: despite challenges, the positive responses of states demonstrated that management of large-scale displacement is possible.⁹ This experience should help inform improvements in planning and managing reception conditions.

The EU can provide support in this process by increasing funding for AMIF emergency fund facilities, which have proven to be an effective tool, but should also ensure that funds and other EU resources such as such training, guidance, advice and enforcement measures, are all geared towards ensuring reception capacity in the long term. EU measures should focus on structural improvements, including through the use of contingency plans, in order to avoid costlier crisis response. Given the significant evidence of infringements found, monitoring of compliance should be stepped up, as should the use of enforcement measures, including increasing the number of infringement procedures. Finally, the impact of the EU's overall policy on asylum on enforcement of the RCD (and other CEAS measures) should be taken into account, especially in view of the upcoming reform of the common asylum system.

⁹ For a detailed analysis, see ECRE (2023), [AIDA Temporary Protection Compilation](#).

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