



Relocation of asylum seekers in Europe

A view from receiving countries

May 2018



The relocation scheme established by Council Decisions 2015/1523 and 2015/1601 (“Relocation Decisions”) to assist Italy and Greece over a two-year period from September 2015 has sparked heated debates at the EU level.¹ Even though the Relocation Decisions formally expired on 26 September 2017, their effects continue to live on in the ongoing processing of pending relocation cases. At the same time, the relocation of asylum seekers has been at the heart of animated discussions on the reform of the Dublin system and sharing of protection responsibility between EU Member States.²

The main focus of official reporting from the European Commission,³ research,⁴ advocacy,⁵ political debate,⁶ or even judicial proceedings⁷ on the implementation of the relocation scheme has been the process of pledges and requests in Italy and Greece, the pace and numbers of transfers, obstacles to the submission of pledges or completion of transfers, the profiles of relocated asylum seekers and related questions. The way countries of relocation have treated relocated asylum seekers upon arrival, processed their claims, granted them status and reception conditions has not been analysed with equal rigour, however. The European Commission has not monitored or reported on the rights and conditions available to relocated persons after their transfer from Italy or Greece, despite calls from the United Nations High Commissioner for Refugees (UNHCR) to do so.⁸ Only a few countries have carried out evaluations of the relocation scheme in their domestic context,⁹ while some information has been made available by civil society organisations, not least in the context of earlier research under the Asylum Information Database (AIDA).¹⁰

¹ Council Decisions (EU) 2015/1523 of 14 September 2015 and 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece, OJ 2015 L239/146 and L248/80.

² European Commission, *Proposal for a [Dublin IV Regulation]*, COM(2016) 270, 4 May 2016. See among others AIDA, ‘CEAS reform: State of play of negotiations on the Dublin IV Regulation’, 30 November 2017, available at: <http://bit.ly/2GgaFS1>; ECRE, *Beyond solidarity: Rights and reform of Dublin*, February 2018, available at: <http://bit.ly/2FUJzyE>.

³ For a full list of European Commission reports, see European Migration Law, *Relocation of asylum seekers from Italy and Greece*, 3 April 2018, available at: <https://bit.ly/2vtLpWI>.

⁴ See e.g. Elspeth Guild *et al.*, *Implementation of the 2015 Council Decisions establishing provisional measures in the area of international protection for the benefit of Italy and of Greece*, European Parliament, PE583.132, March 2017, available at: <http://bit.ly/2Hbl9BT>; Friedrich Ebert Stiftung, *The relocation of refugees in the European Union: Implementation of solidarity and fear*, October 2017, available at: <http://bit.ly/2vxzbfQ>; Deutsche Welle, ‘EU relocations: the good, the bad, and the ugly’, 25 July 2017, available at: <http://bit.ly/2HL9EBX>.

⁵ See e.g. United Nations High Commissioner for Refugees (UNHCR), ‘UNHCR calls for the EU relocation scheme to continue’, 26 September 2017, available at: <http://bit.ly/2fz1OSH>; ECRE, *Relocation not procrastination*, September 2017, available at: <http://bit.ly/2eKANev>; International Organisation for Migration (IOM), ‘IOM Urges Swifter Pace as Over 10,000 Asylum Seekers Relocate Under EU Plan’, 13 January 2017, available at: <http://bit.ly/2jelTxe>.

⁶ See e.g. European Council, *Conclusions 18 and 19 February 2016*, EUCO 1/16, para 8(f) and (h); European Parliament, *Resolution on making relocation happen*, 2017/2685(RSP), 18 May 2017; European Parliament, *Written question: Effective implementation of the refugee relocation scheme*, E-003985-17, 15 June 2017; European Parliament, *Written question: Application of Relocation Decisions 2015/1523 and 2015/1601 ahead of their expiration date (26 September 2017)*, E-005767-17, 15 September 2017.

⁷ Court of Justice of the European Union (CJEU), Joined Cases C-643/15 and C-647/15 *Slovak Republic and Hungary v Council of the European Union*, Judgment of 6 September 2017; European Commission, ‘Relocation: Commission refers the Czech Republic, Hungary and Poland to the Court of Justice’, IP/17/5002, 7 December 2017, available at: <http://bit.ly/2j0Mlw8>.

⁸ UNHCR, *Building on the lessons learned to make the relocation schemes work more effectively*, January 2016, available at: <http://bit.ly/2qJruxc>, 8.

⁹ One example is **Portugal**, where the High Commission for Migration (ACM) coordinated an evaluation commissioned by the Portuguese Parliament: *Relatório de Avaliação da Política Portuguesa de Acolhimento de Pessoas Refugiadas, Programa de Recolocação*, December 2017. See also AIDA, Country Report Portugal, 2017 Update, March 2018, available at: <http://bit.ly/2lxQFtN>, 17.

¹⁰ AIDA, *Admissibility, responsibility and safety in European asylum procedures*, September 2016, available at: <http://bit.ly/2wWITGK>.

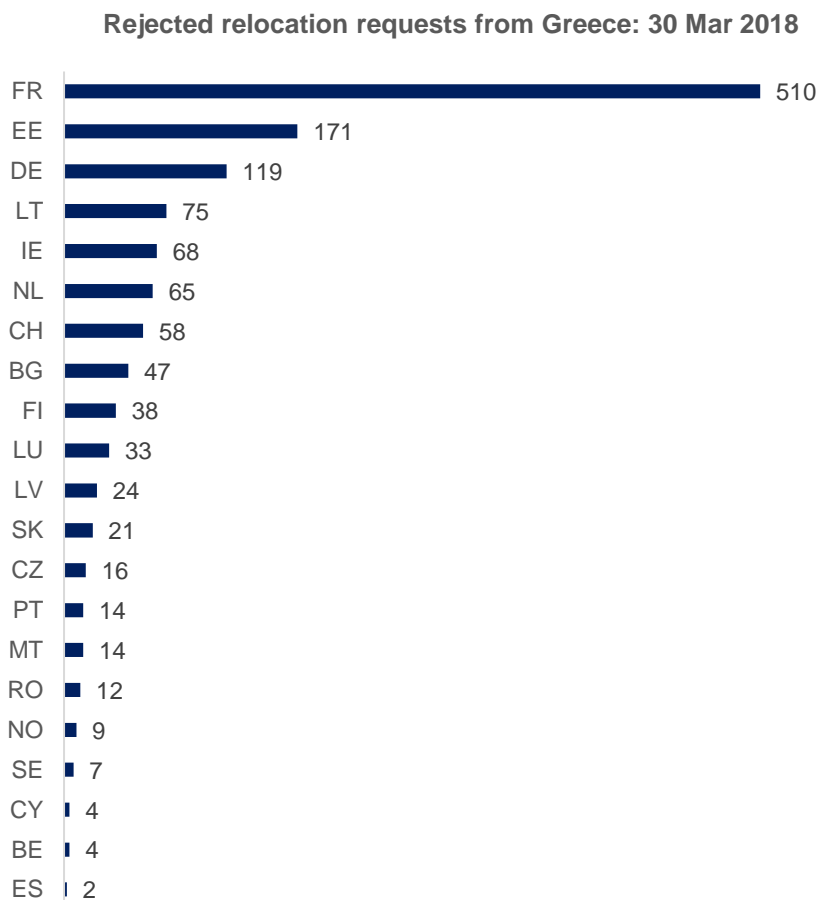
This briefing aims to contribute to a better understanding and assessment of relocation through an analysis of the practice of receiving countries. Based on information from Italy, Greece and 15 countries participating in the relocation scheme (Austria, Belgium, Bulgaria, Cyprus, Germany, France, Croatia, Ireland, Malta, the Netherlands, Portugal, Romania, Sweden, Slovenia and Switzerland), it sketches out the approaches taken by countries of relocation with regard to selected aspects of the relocation process, namely the rejection of relocation requests and the duration of the procedure. It then focuses on the treatment of asylum seekers post-relocation in the areas of registration and processing of asylum claims, protection status granted, as well as reception conditions and content of protection provided by destination countries.

Aspects of the relocation procedure

The following section provides an overview of practice from countries of relocation with regard to the rejection of relocation requests submitted by Italy and Greece, as well as the duration of the relocation procedure until the effective carrying out of transfers.

Refusal to relocate

The vast majority of relocation requests issued by Greece from the end of September 2015 to present were accepted. However, 1,311 requests out of a total of 24,911 issued by the Asylum Service were rejected by solicited countries of relocation:¹¹



¹¹ Greek Asylum Service, *Relocation statistics*, 30 March 2018, available in Greek at: <http://bit.ly/2vtpoj>.

France accounted for the vast majority of rejected requests, although these concerned less than 10% of the total requests it received from Greece. On the other hand, the pro rata number of rejected requests was much higher for **Estonia**, which rejected 171 out of 321 requests received (53.2%)¹²

Several of these rejections were issued after the Member State had initially accepted the relocation request from Greece. Until the end of 2017, out of a total of 1,023 rejections, 448 were rejections following initial acceptance of requests.¹³

Statistics on rejected requests are not available for relocation from Italy.¹⁴ However, available information refers to 38 rejections of Italian requests from **Slovenia**, 3 from **Croatia** and 3 from **Romania** as of the end of 2017.¹⁵

According to the Relocation Decisions,¹⁶ Member States retained the right “to refuse to relocate an applicant only where there are reasonable grounds for regarding him or her as a danger to their national security or public order or where there are serious reasons for applying the exclusion provisions” of the recast Qualification Directive.¹⁷ The majority of rejections were in fact grounded in security reasons, although Member States rarely specified whether the asylum seekers in question fell within the exclusion clauses or were deemed to pose a threat to national security or public order.

The majority of countries of relocation (e.g. **Germany, Sweden, Portugal, Switzerland, Spain, Belgium, Romania, Slovenia, Malta, Cyprus, Croatia, Bulgaria**) conducted security checks without proceeding to direct interviews with relocation candidates in Greece and Italy. While asylum seekers’ files in **Belgium** were screened by the Dublin Unit of the Aliens Office for security purposes, other countries enlisted specialised national authorities for such assessments.¹⁸ Document checks for **Bulgaria** were performed by the State Agency for National Security (SANS),¹⁹ while security-related queries in **Portugal** were addressed to the Antiterrorism Coordination Unit (UCAT) within the Working Group of the European Agenda for Migration that liaises with its members of the security community for background checks.²⁰

On the other hand, countries such as **France, the Netherlands, Ireland, Norway and Estonia** conducted interviews with asylum seekers in Greece and Italy before approving their relocation.²¹ In France and the Netherlands, these were conducted as follows:

France: While in most cases Member States deployed one liaison officer in Greece and one in Italy,²² France had 12 local agents of the French Office for Refugees and Stateless Persons (OFPRA) stationed in Greece. After its local agents sent lists of candidates to the Ministry of Interior, OFPRA conducted missions to Greece to hold interviews with people on the list for a period of 15 days, in particular to determine if exclusion clauses were applicable. In some rare cases, however, it proved

¹² *Ibid.*

¹³ AIDA, Country Report Greece, 2017 Update, March 2018, available at: <http://bit.ly/2G5vKP2>, 113.

¹⁴ Italian Ministry of Interior, *Cruscotto statistico giornaliero*, available in Italian at: <http://bit.ly/1Wz6QeQ>.

¹⁵ AIDA, Country Report Slovenia, March 2018, available at: <http://bit.ly/2tZwe6P>, 40; Country Report Croatia, 2017 Update, March 2018, available at: <http://bit.ly/2Hb4hvE>, 56; Country Report Romania, February 2018, available at: <http://bit.ly/2GIET0j>, 63.

¹⁶ Article 5(7) Relocation Decisions.

¹⁷ Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast), OJ 2011 L337/9.

¹⁸ AIDA, Country Report Belgium, 2017 Update, March 2018, available at: <http://bit.ly/2Gz4w68>, 56.

¹⁹ AIDA, Country Report Bulgaria, 2017 Update, February 2018, available at: <http://bit.ly/2ErP7Qz>, 40.

²⁰ AIDA, Country Report Portugal, 59.

²¹ See e.g. European Commission, *Eleventh report on relocation and resettlement*, COM(2017) 212, 12 April 2017, 4-5.

²² This possibility was foreseen by Article 5(8) Relocation Decisions.

impossible to apply exclusion clauses without conducting a fully-fledged refugee status determination interview, especially given that the exclusion clauses can only be applied if a well-founded fear has been identified. In addition to ten missions to Athens in 2016 and another seven in 2017, OFPRA also conducted a mission to Rome in November 2017 to interview asylum seekers with a view to organising relocation.²³

Netherlands: After receiving a relocation request, the Immigration and Naturalisation Service (IND) registered the asylum seekers and conducted a security screening. If the request was accepted, the IND informed the relevant national and international partners and prepared a relocation mission. The relocation mission consisted of an interview of the persons concerned in Athens or Rome with IND, which lasted about 1.5 hours and focused on grounds of public order, national security and exclusion clauses. Relocation candidates also underwent a two-day relocation training with the Central Agency for the Reception of Asylum Seekers (COA), which included: Dutch lessons; geography; information on the relocation programme; reception in the Netherlands; education; rules, regulations, norms and values; health care; and information on flight and arrival.²⁴

Beyond security reasons and exclusion as per Article 5(7) of the Relocation Decisions, some relocation requests were rejected by **Germany** and **Croatia** on the basis of polygamous marriages, as well as child marriages in Germany's case.²⁵ **Spain** and **Slovenia** rejected requests concerning persons who due to nationality fell outside the personal scope of the Council Decisions, while Slovenia also issued a rejection in one case where the number of persons proposed for relocation exceeded the total number it was prepared to accept.²⁶

The observations above show that only five countries considered stringent security screening procedures with on-site interviews necessary in order to relocate asylum seekers from Italy and Greece, while four of them (**France, Estonia, Ireland and the Netherlands**) are in the top six of countries with the highest number of rejected relocation requests. Most Member States, including main destination countries such as **Germany** and **Sweden**, refrained from onerous screening procedures and rejected a very small number of the requests put to them.

The duration of the procedure

The maximum duration of the relocation procedure under the scheme was set at two months from the submission of a pledge by the Member State of relocation, subject to the possibility of a two-week extension for replies received by Italy and Greece close to the expiry of that deadline, and another four-week extension in case there were objective practical obstacles hindering the transfer.²⁷ In other words, the entire process from pledge to transfer should be completed "as swiftly as possible" and last no more than 3 to 3.5 months.

While the duration of the procedure varied considerably depending on the sending country, the destination country and the profile of the asylum seeker, it appears that most countries were able to comply with the time limits in practice. According to observations from national authorities or civil society organisations, the average duration was reported at 1 month for **Spain**, 2 months for the **Netherlands**, 2 to 3 months for **Romania**, 2.5 to 3 months for **Germany**, 3 to 4 months for **Croatia**, and 4 months for **Switzerland**.

²³ AIDA, Country Report France, 2017 Update, February 2018, available at: <http://bit.ly/2BsOFmB>, 70-71; OFPRA, 2017 Activity report, available in French at: <http://bit.ly/2JUvow1>, 9, 125.

²⁴ AIDA, Country Report Netherlands, 2017 Update, March 2018, available at: <http://bit.ly/2G7z6Eo>, 51.

²⁵ AIDA, Country Report Germany, 2017 Update, March 2018, available at: <http://bit.ly/2lpbOqa>, 53; Country Report Croatia, 56.

²⁶ AIDA, Country Report Netherlands, 2017 Update, March 2018, available at: <http://bit.ly/2G7z6Eo>, 51.

²⁷ Article 5(10) Relocation Decisions.

Switzerland encountered longer procedures with regard to requests from Greece, which took on average about 3 weeks more to process compared to requests from Italy. According to the State Secretariat for Migration (SEM), this difference in duration of the proceedings can be explained from the fact that the examination of the dossiers submitted by Greece concerned more complex profiles of individuals. In cases of relocation of unaccompanied children from Italy, the procedure was also slightly longer as Italy has certain additional procedural requirements regarding the organisation of the departure.²⁸

In the case of **Slovenia**, the duration of the relocation procedure ranged from 5 weeks to 5 months. According to the Migration Office, the delays in procedure were due to health reasons or due to requests by Slovenian authorities for transfers of smaller groups of asylum seekers.²⁹

As for **Portugal**, according to the information provided by the Aliens and Borders Service (SEF), the evaluation and communication of the decision concerning relocation requests from Italy and Greece was conducted within the time limits provided in the Relocation Decisions. Nevertheless, the transfer to Portugal often exceeded the maximum deadline set out therein.³⁰

Treatment of asylum seekers in destination countries post-relocation

Beyond defining the “Member State of relocation” as the country which becomes responsible for an applicant under the Dublin Regulation following his or her transfer,³¹ the Relocation Decisions deferred questions of asylum procedures, reception, recognition and content of protection of relocated asylum seekers or persons awaiting relocation to Member States’ general obligations to comply with the EU asylum *acquis*.³² The relocation scheme therefore stopped short of regulating the treatment afforded to asylum seekers once they were relocated to countries of destination, as did the monitoring and reporting processes set up by the European Commission.³³

Against that backdrop, varying arrangements have been set up by countries with regard to the procedural treatment, reception, status and rights granted to asylum seekers entering their territory through relocation from Italy and Greece. Many states have integrated relocation cases in the general asylum system without opting for parallel processes or differential treatment. Others, however, have laid down specific procedures and treatment for relocation cases. The following section provides an overview of national approaches with regard to registration and processing of claims, status granted to relocated persons, as well as reception and content of protection.

Registration of applications

Several countries treated relocated persons as any other asylum seeker arriving on their territory. Applicants arriving in the **Netherlands** were directed by COA to the Aliens Police office (AVIM-straat) for the purpose of identification and registration.³⁴ In **Spain**, they were referred to the Office for Asylum and Refuge (OAR) in order to lodge their asylum application,³⁵ while in **Cyprus** this took place

²⁸ AIDA, Country Report Switzerland, 2017 Update, February 2018, available at: <http://bit.ly/2FoL9tg>, 54. On the difficulties of relocation of unaccompanied children more broadly, see *inter alia* European Commission, *Thirteenth report on relocation and resettlement*, COM(2017) 330, 13 June 2017, 6.

²⁹ AIDA, Country Report Slovenia, 40.

³⁰ AIDA, Country Report Portugal, 59.

³¹ Article 2(f) Relocation Decisions.

³² Article 5(9) Relocation Decisions.

³³ None of the European Commission progress reports on relocation and resettlement refer to the treatment of relocated asylum seekers in destination countries.

³⁴ AIDA, Country Report Netherlands, 51.

³⁵ AIDA, Country Report Spain, 2017 Update, March 2018, available at: <http://bit.ly/2plANDI>, 46.

in the Kofinou reception centre where asylum seekers were transferred from the airport by the Asylum Service.³⁶

Germany also followed its general registration arrangements for most part of the population arriving through relocation. Relocated applicants arrived by plane at Munich Airport and were brought to a “waiting room” at Erding, close to the airport, for a maximum duration of 72 hours. Registration and a medical examination took place at the “waiting room”. From there, relocated persons were sent to initial reception centres in the Federal States according to Germany’s standard distribution system (*Königsteiner Schlüssel*). However, special rules were laid down for unaccompanied children: if it was established that they had relatives in Germany, they did not travel to Munich and were transferred directly to the Federal State where their relatives were present and taken into custody by the local youth welfare office (*Jugendamt*). In special cases, persons in need of urgent medical treatment were also able to forgo the transfer to the “waiting room” at Erding and were directly transferred to the relevant Federal State. According to the Federal Office for Migration and Refugees (BAMF), no problems have been reported in the procedure relating to unaccompanied children or persons with special needs.³⁷

France, on the other hand, followed a faster registration procedure for relocation cases compared to the rest of its asylum-seeking population. Relocated persons were directly registered by the Prefectures in specific “single desks” (*guichets uniques*) for relocation set up in cities such as Besançon, Nantes, Bordeaux, Lyon, Metz and the region of Ile de France.³⁸ Therefore they were not required to go through the pre-reception phase i.e. to approach an orientation platform (*plateforme d'accueil de demandeurs d'asile*) for the purpose of obtaining an appointment with the Prefecture “single desk” in order to register a claim. This arrangement has enabled relocated persons to bypass a substantial obstacle to access to the asylum procedure facing many applicants in France.³⁹

Processing of applications

The examination of asylum applications by relocated persons also merits close consideration. Although the Relocation Decisions predominantly reflected an interstate perspective, namely relieving the Italian and Greek asylum systems of pressure,⁴⁰ one crucial objective of the relocation scheme was “to ensure, to the maximum extent possible, that all applicants in clear need of international protection would be in a position to fully and swiftly enjoy their protection rights in the Member State of relocation.”⁴¹ This is presented in the Preamble to the Relocation Decisions as the primary rationale behind the limited scope of the scheme, covering only nationals of countries with a 75% or higher EU-wide average recognition rate.⁴²

With that aim in mind, a number of countries have sought to process asylum claims from relocated persons more quickly, either by making use of prioritised procedures⁴³ or by proceeding to fast-track examination as a matter of administrative practice:

Sweden: Asylum seekers arriving through relocation received a positive decision within a maximum of 15 days from arrival, unless there were complicating factors in the individual case.⁴⁴ By way of

³⁶ AIDA, Country Report Cyprus, 2017 Update, February 2018, available at: <http://bit.ly/2CPFFVt>, 49.

³⁷ AIDA, Country Report Germany, 54.

³⁸ AIDA, Country Report France, 71.

³⁹ *Ibid*, 24.

⁴⁰ Recital 26 Relocation Decisions: “The provisional measures are intended to relieve the significant asylum pressure on Italy and on Greece...”

⁴¹ Recital 25 Relocation Decisions.

⁴² *Ibid*.

⁴³ Article 31(7) Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast) (“recast Asylum Procedures Directive”), OJ 2013 L180/60.

contrast, the average duration of the asylum procedure in 2017 was 219 days for Eritrean nationals and 317 days for Syrian nationals.⁴⁵

Netherlands: Asylum seekers received a residence permit within one day of arrival in the Netherlands, with the exception of persons whose nationality was questioned by the authorities and who were channelled to the regular eight-day procedure. The latter represented around 15% of relocation cases in the Netherlands.⁴⁶

Portugal: While in 2015 and 2016 applications of relocated asylum seekers of Syrian and Eritrean nationality had benefited from an initial fast-tracking of admissibility and regular procedures, this practice subsided throughout 2016 due to the increasing caseload before the SEF. The High Commission for Migration (ACM) reported the average duration of the asylum procedure in Portugal to be one year, although its length decreased in the second quarter 2017.⁴⁷

Ireland: Given the screening process already conducted by Irish officers through interviews in Greece, the examination of relocated applicants' claims conducted at the Emergency Reception and Orientation Centres (EROC) was quicker than for other applicants. At the same time, the International Protection Office (IPO) announced that people arriving spontaneously in Ireland and making an application after 2017 were likely to wait for 20 months to be interviewed.⁴⁸

Romania: Relocated asylum seekers were subject to different treatment depending on the Regional Centre for Accommodation and Procedures for Asylum Seekers where their application was handled. The Regional Centres of Șomcuta Mare, Bucharest and Giurgiu fast-tracked relocation cases, while Rădăuți and Galați generally processed them under similar timeframes as other applications. The Regional Centre of Timișoara was the only centre where relocated asylum seekers were not accommodated, due to the particular situation of increased arrivals from Serbia in the course of 2017.⁴⁹

Slovenia: Applicants coming through relocation were subject to fast-track procedures usually concluded within a few months, which marked a significant advantage considering that the length of the first instance procedure often extends beyond one year and can reach 18 months.⁵⁰

Cyprus: Although the Asylum Service had stated that relocation cases would be given priority in the asylum procedure, many people have faced long waiting periods, even beyond 6 months before obtaining a decision.⁵¹

Croatia: Relocated asylum seekers followed prioritised procedures and received a decision within one month. However, cases of separated children relocated from Greece, represented by the Croatian Law Centre, were not prioritised.⁵²

Conversely, several countries (**Germany, Switzerland, Spain, Belgium, Malta, Bulgaria, Austria**) processed asylum applications of relocated persons in the regular procedure and in the same way as applications by spontaneously arriving persons from the outset of the scheme. For **Germany**, this

⁴⁴ AIDA, Country Report Sweden, 2017 Update, March 2018, available at: <http://bit.ly/2E20Sfw>, 47.

⁴⁵ Swedish Migration Agency, *Asylum decisions, first time applications*, 31 December 2017, available at: <http://bit.ly/2kkz2Vu>.

⁴⁶ AIDA, Country Report Netherlands, 51.

⁴⁷ AIDA, Country Report Portugal, 59; ACM, *Relatório de Avaliação da Política Portuguesa de Acolhimento de Pessoas Refugiadas, Programa de Recolocação*, December 2017.

⁴⁸ AIDA, Country Report Ireland, 2017 Update, March 2018, available at: <http://bit.ly/2JjOfQU>, 23, 50.

⁴⁹ AIDA, Country Report Romania, 63.

⁵⁰ AIDA, Country Report Slovenia, 18, 41.

⁵¹ AIDA, Country Report Cyprus, 22, 49.

⁵² AIDA, Country Report Croatia, 55-56.

also means that the BAMF does not collect separate statistics on the treatment of these applications.⁵³

Protection status

As mentioned above, eligibility for the relocation scheme was limited to nationals of countries with a 75% or higher EU-wide recognition rate.⁵⁴ This threshold was set not only as a way of ensuring that people in need of protection would have rapid access thereto, but also as a “political” filter “to prevent, to the maximum extent possible, applicants who are likely to receive a negative decision on their application from being relocated to another Member State, and therefore from prolonging unduly their stay in the Union.”⁵⁵

These provisions were based on the presumption of equivalent standards and common approaches to the plight of people coming from the countries of origin in question. The “75% rate” rule, coupled with the possibility for Member States to reject relocation requests based on exclusion clauses or security threats, effectively meant that the persons relocated will generally be granted international protection in the countries of destination.

In practice, no negative decisions were issued on claims by relocated applicants in **Portugal, Spain, Romania** and **Bulgaria**. However, **Belgium** issued a few negative decisions to applicants who were deemed to have given fraudulent information about their nationality,⁵⁶ and the **Netherlands** and **Malta** rejected several applications on the basis that their nationality could not be established.⁵⁷ In addition, a small number of claims by Iraqi nationals were rejected by the **Netherlands** and **Slovenia** on the merits.⁵⁸ Therefore, notwithstanding the objective to relocate those “in clear need of international protection”, some have been denied international protection in countries of destination.

Furthermore, relocated persons have been confronted with the same “asylum lottery” which persists generally with regard to the type of protection status granted to applicants from the same country or origin. **France, Romania, Slovenia** and **Bulgaria** have mostly granted refugee status to relocated applicants,⁵⁹ **Spain** has awarded subsidiary protection as a rule,⁶⁰ and **Portugal** has granted subsidiary protection to Syrians and refugee status to Eritreans.⁶¹ The impact of recognition as a subsidiary protection beneficiary rather than a refugee on the individual’s rights also varies across Europe, from minimal differences in some countries to dramatic distinctions in others.⁶² It is worth highlighting that the majority of Syrian and Eritrean nationals are granted refugee status in Italy and Greece; Iraqi nationals, who were at one point eligible for relocation, are generally granted refugee status in Greece but subsidiary protection in Italy.⁶³

Reception and content of protection

Similar to questions relating to the asylum procedure, the Relocation Decisions generally deferred reception-related arrangements to Member States, with the exception of restrictive measures aimed

⁵³ AIDA, Country Report Germany, 54.

⁵⁴ Article 3(2) Relocation Decisions.

⁵⁵ Recital 25 Relocation Decisions.

⁵⁶ AIDA, Country Report Belgium, 56.

⁵⁷ AIDA, Country Report Netherlands, 51; Country Report Malta, 40.

⁵⁸ AIDA, Country Report Netherlands, 51; Country Report Slovenia, 41.

⁵⁹ AIDA, Country Report France, 71; Country Report Romania, 63; Country Report Slovenia, 41; Country Report Bulgaria, 40.

⁶⁰ AIDA, Country Report Spain, 46.

⁶¹ AIDA, Country Report Portugal, 59.

⁶² For further discussion, see AIDA, *Refugee rights subsiding? Europe’s two-tier protection regime and its effect on the rights of beneficiaries*, March 2017, available at: <http://bit.ly/2ofhDAm>.

⁶³ AIDA, Country Report Italy, 2017 Update, March 2018, available at: <http://bit.ly/2Ga01zb>, 7; Country Report Greece, 8.

at preventing asylum seekers from moving onwards after relocation. Relevant references are to be found in Recital 39, which encouraged national authorities to “consider imposing reporting obligations, and providing applicants for international protection with material reception conditions that include housing, food and clothing only in kind” and urged them not to “provide applicants with national travel documents, nor give them other incentives, such as financial ones, which could facilitate their irregular movements to other Member States.” Practice so far has not indicated restrictions imposed specifically on relocated applicants on the part of host countries, even in cases where asylum seekers left the country of relocation and travelled on.⁶⁴

As regards the provision of reception conditions more broadly, relocated asylum seekers were provided the same accommodation and conditions as other categories of applicants in the majority of countries, including **Germany, Spain, Belgium, Romania, Slovenia, Malta, Cyprus, Croatia and Bulgaria**. Some Member States, however, have set up specific frameworks or policies for the reception of relocation cases:

France: Relocated persons were accommodated in dedicated centres, pursuant to a Circular of 9 November 2015. According to this Circular, the maximum duration of the procedure in France was theoretically 4 months. During these 4 months, relocated people were channelled to reception centres for asylum seekers (CADA) or emergency centres in which special places had been created.⁶⁵

Ireland: Relocated persons – as was the case for resettled persons – were housed in Emergency Reception and Orientation Centres (EROOC) which are very similar to Direct Provision centres, apart from the fact that it was aimed that people would only stay there for a short period of approximately three months. In 2017, however, relocated asylum seekers from Greece were also placed in Direct Provision centres as the pace of relocation sped up.⁶⁶

The best illustration of parallel schemes for the reception of relocated asylum seekers can be found in **Portugal**. Whereas responsibility for the reception of spontaneously arriving applicants is shared between the Institute of Social Security, Santa Casa da Misericórdia de Lisboa and the Portuguese Refugee Council on the basis of Memoranda of Understanding,⁶⁷ reception in the context of relocation is governed by a special coordination framework, the Working Group for the Agenda for Migration. Within the framework of this Working Group, the High Commission for Migration (ACM) maintained a database of potential hosting entities that apply to receive relocated applicants. ACM sent a list of assigned cases to the selected hosting entity, which then evaluated its own capacity and matched persons to housing, with the SEF arranging for the transfer. Relocated asylum seekers in Portugal benefit from an 18-month support programme and the main providers of reception services include the Platform for Reception of Refugees (PAR), followed by the Portuguese Refugee Council in partnership with municipalities, the Municipality of Lisbon, União de Misericórdias, the Portuguese Red Cross, and other stand-alone municipalities. In the case of PAR, the initial support programme lasts 24 months.⁶⁸ In most cases, relocated persons have benefitted from rented accommodation.⁶⁹

According to the guidelines adopted by the Portuguese Institute of Social Security, the responsibility for the provision of reception conditions to relocated asylum seekers in the regular procedure reverts to the Institute of Social Security three months after completion of the initial 18- to 24-month support

⁶⁴ See for example **Portugal**, where the absconding rate among relocated asylum seekers stood at 45% at the end of November 2017: ACM, *Relatório de Avaliação da Política Portuguesa de Acolhimento de Pessoas Refugiadas, Programa de Recolocação*, December 2017.

⁶⁵ Circular NOR INTV1524992J of 9 November 2015 on the implementation of the European relocation programme, available in French at: <http://bit.ly/2IkibiW>; AIDA, Country Report France, 71.

⁶⁶ AIDA, Country Report Ireland, 50-51.

⁶⁷ AIDA, Country Report Portugal, 63-64.

⁶⁸ *Ibid*, 64-65.

⁶⁹ *Ibid*, 73.

programme provided in the framework of the Working Group for the Agenda for Migration. According to the authorities, the phase-out stage of the relocation programme, which is coordinated by ACM and consists of interviews 6 months before the end of individual support, 3 months before the end of support and then upon completion of support, is running smoothly. However, some reception entities have voiced concern that the 3-month period could lead to gaps in the provision of material reception conditions to relocated asylum seekers upon completion of their initial support programme.⁷⁰

As regards issues related to the content of international protection granted after a positive decision on the asylum application, the transition from reception support to autonomy has been challenging for relocated persons in **Cyprus**. In February 2018, a group of Eritrean refugees protested in the Kofinou reception centre against the termination of their benefits which would have enabled them to secure accommodation out of Kofinou. The demonstration coincided with severe criticisms of the alarming living conditions prevailing in the centre.⁷¹ On the contrary, relocated persons in **Sweden** have benefitted from prioritised settlement from Migration Agency accommodation to municipalities, which otherwise takes an average of 122 days for beneficiaries of international protection.⁷²

Another barrier faced by beneficiaries following relocation relates to family reunification. All family reunification applications by relocated Eritreans granted international protection in **Slovenia** have so far been rejected, on the ground that the persons concerned were only able to provide documents not issued by the Eritrean state, such as church documents, which are considered by Slovenian authorities to be less credible and of insufficient evidentiary value. This has posed a serious limitation on people's well-being and integration prospects, as they are forced to live separated from their spouses and children, and it is questionable whether they would have agreed to be relocated to Slovenia had they been aware of this in advance.⁷³

Concluding remarks

The bureaucratic and logistical delays of the procedures in Italy and Greece in the early days of the relocation scheme – triggered by factors such as the lack of sufficient and timely pledges, insufficient administrative capacity and prohibitive preferences with respect to the profiles of relocation candidates – contrast with the relatively smooth operation of the relocation process in the countries of relocation. The majority of countries which genuinely engaged in relocation eventually managed to avoid excessive bureaucracy and duplication of efforts, while most countries managed to complete the relocation procedure within the prescribed time limits. From the perspective of receiving countries, the experience from the Relocation Decisions shows that processing relocation cases without distinguishing them from the regular asylum caseload and reception system is by far the preferred and most feasible option. Nevertheless, disparities in status granted to relocated persons and procedural treatment across European countries mirror the persistent “asylum lottery” that affects refugees arriving spontaneously in the continent, and as such constitute an injustice.

As a measure of immediate relief to EU Member States under particular pressure, the Relocation Decisions have also ensured access to protection to a significant number of applicants who would have otherwise been confined in Italy and Greece and might have engaged in irregular onward movement to other countries. The relocation scheme has thus demonstrated its potential as an instrument of genuine responsibility-sharing within the Common European Asylum System.

⁷⁰ *Ibid*, 64-65.

⁷¹ AIDA, Country Report Cyprus, 65.

⁷² AIDA, Country Report Sweden, 47, 81.

⁷³ AIDA, Country Report Slovenia, 41.

THE ASYLUM INFORMATION DATABASE (AIDA)

The [Asylum Information Database](#) is a database managed by ECRE containing information on asylum procedures, reception conditions, detention and content of international protection across 23 European countries. This includes 20 European Union (EU) Member States (Austria, Belgium, Bulgaria, Cyprus, Germany, Spain, France, Greece, Croatia, Hungary, Ireland, Italy, Malta, Netherlands, Poland, Portugal, Romania, Sweden, Slovenia, United Kingdom) and 3 non-EU countries (Switzerland, Serbia, Turkey).

The overall goal of the database is to contribute to the improvement of asylum policies and practices in Europe and the situation of asylum seekers by providing all relevant actors with appropriate tools and information to support their advocacy and litigation efforts, both at the national and European level. These objectives are carried out by AIDA through the following activities:

❖ **Country reports**

AIDA contains [national reports](#) documenting asylum procedures, reception conditions, detention and content of international protection in 23 countries.

❖ **Comparative reports**

Comparative reports provide a thorough comparative analysis of practice relating to the implementation of asylum standards across the countries covered by the database, in addition to an overview of statistical asylum trends and a discussion of key developments in asylum and migration policies in Europe. AIDA comparative reports are published in the form of thematic updates, focusing on the individual themes covered by the database. Thematic reports published so far have explored topics including [reception](#), [admissibility procedures](#), [content of protection](#), [vulnerability](#) and [detention](#).

❖ **Comparator**

The [Comparator](#) allows users to compare legal frameworks and practice between the countries covered by the database in relation to the core themes covered: asylum procedure, reception, detention, and content of protection. The different sections of the Comparator define key concepts of the EU asylum *acquis* and outline their implementation in practice.

❖ **Fact-finding visits**

AIDA includes the development of fact-finding visits to further investigate important protection gaps established through the country reports, and a methodological framework for such missions. Fact-finding visits have been conducted in [Greece](#), [Hungary](#), [Austria](#), [Croatia](#) and France.

❖ **Legal briefings**

Legal briefings aim to bridge AIDA research with evidence-based legal reasoning and advocacy. [Briefings](#) have been published so far, covering legality of detention of asylum seekers under the Dublin Regulation; key problems in the collection and provision of asylum statistics in the EU, the concept of "safe country of origin"; the way the examination of asylum claims in detention impacts on procedural rights; age assessment of unaccompanied children; duration and review of international protection; length of asylum procedures; travel documents; accelerated procedures; and detention expansion. In addition, statistical updates on the Dublin system have been published for 2016, the first half of 2017 and 2017.

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