

Position on the Reception of Asylum Seekers

**by the
European Council on Refugees and Exiles**

Contents

Executive Summary

Conclusions

General Remarks

| | |
|--|--------------------|
| Definition and scope of the paper | Par. 1 - 17 |
| Non-discrimination | Par. 1 - 3 |
| Reception conditions and procedural quality | Par. 4 - 6 |
| Reception in the framework of integration and return | Par. 7 - 10 |
| The role of non-governmental organisations (NGOs) | Par. 11 - 12 |
| Socio-economic context | Par. 13 - 15 |
| | Par. 16 - 17 |

Conditions of Reception

| | |
|---------------------------------|---------------------|
| Access to legal advice | Par. 18 - 61 |
| Provision of information | Par. 18 - 19 |
| Interpreters | Par. 20 - 21 |
| Reception facilities at borders | Par. 22 - 24 |
| Freedom of movement | Par. 25 - 26 |
| Accommodation | Par. 27 - 29 |
| Employment | Par. 30 - 37 |
| Social assistance | Par. 38 - 39 |
| Health services | Par. 40 - 42 |
| Language training | Par. 43 - 47 |
| Education | Par. 48 |
| Family unity | Par. 49 - 50 |
| Children | Par. 51 - 52 |
| Civil and political rights | Par. 53 - 54 |
| Implementation | Par. 55 |
| Sanctions | Par. 56 |
| | Par. 57 - 61 |

Annex 1

EXECUTIVE SUMMARY

In this position paper, the European Council on Refugees and Exiles (ECRE) has compiled the views of its Member Agencies, consisting of some 72 refugee-assisting non-governmental organisations throughout Europe, with regard to how asylum seekers who arrive in Europe should be received.

ECRE is a pan-European organisation, and is therefore acutely aware of the wide differences between national experiences and systems of reception in northern, southern, western and eastern Europe. It is clear that there is no one perfect model, and that the socio-economic context of each country is a major factor in determining standards of reception. However, ECRE also believes that, as European policy is harmonised, policy makers should seek to define common areas of “best practice”. This paper collects the experience of non-governmental professionals in the field of reception for this purpose. It draws, in particular, on issues raised in response to the document: Proposal for a Council Directive laying down minimum standards on the reception of applicants for asylum in Member States (Brussels, 3.4.2001, COM (2001) 181 final, 2001/0091 (CNS)). It does not, however, examine in detail either the issue of child asylum seekers or the detention of asylum seekers, as these are the subjects of other policy papers by ECRE¹.

In the General Remarks, some basic propositions about reception are stated: that a reception policy can prepare simultaneously for both possible outcomes of the asylum determination procedure, namely return or integration; that certain standards of social reception are necessary for due process of law and a fair and efficient procedure; and that civil society (NGOs and refugee community groups in particular) have a valuable contribution to make to all stages of the reception process when properly supported by governments.

The structure of the section on Conditions of Reception then follows, in rough chronology, the process of reception. It emphasises the immediate need for legal assistance and procedural rights, and then goes on to describe the wider support and freedom that each asylum seeker requires during the asylum procedure. The conditions advocated take account of the fact that, at present, the determination of asylum claims in Europe can often take up to several years. The conclusions of this section reflect the common denominators that ECRE was able to identify among different national approaches to, for example, freedom of the individual within the host society as opposed to emphasis on social management. One such conclusion was the need for an asylum seeker to be free to choose the form of his/her accommodation after, as a maximum, six months.

In several European countries with traditionally high levels of social assistance for asylum seekers, such assistance has recently been cut. In other regions, social assistance for asylum seekers is, and always has been, virtually non-existent. European NGOs therefore find

¹ ECRE’s Position on Refugee Children, November 1996, and ECRE’s Position on the Detention of Asylum Seekers, April 1996.

themselves united in either defending or promoting higher levels of assistance. They seek to keep the provision of such assistance free from all forms of discrimination, including that based on where or when the individual happened to apply for asylum, or which type of procedure or appeal the asylum seeker is under.

ECRE hopes that this Note will assist the ongoing process of searching for guiding principles and standards among the European Union Member States, and raise public awareness regarding the complex needs of those who seek asylum throughout the wider Europe.

General Remarks

Definition and scope of this paper

1. Reception is here defined as commencing from the moment that an asylum claim is received, lasting throughout the period during which the application and any appeals are examined, until a final decision has been made. The proposals in this paper should apply to all asylum seekers, including those whose applications are being processed under admissibility and accelerated procedures. Where another State is deemed to be responsible for the examination of the asylum application, under the Dublin Convention or another such treaty or readmission agreement, the period of reception extends until the moment of departure to that State.

During this time certain material provisions should be made available to each individual asylum seeker or asylum seeking family; this is the concern and responsibility of the receiving State.

2. This paper is concerned specifically with the reception of individual asylum seekers, as opposed to the reception of recognised refugees, persons under Temporary Protection², or others who may be resettled into European States. However, ECRE recognises that reception of these several statuses of persons are often closely inter-related, and therefore recommends that the capacities and expertise of people and organisations working with recognised refugees should be utilised, wherever possible, in the reception of asylum seekers.
3. Many of the points covered in this paper relate also to the issue of minimum guarantees for asylum procedures, on which ECRE and other non-governmental organisations have previously expressed their shared concerns³. National reception policy should be seen as closely related to the quality of the asylum procedure, and as a vital part of providing international protection.

Non-discrimination

4. There should be no discrimination in standards of reception on any grounds. There may, however, be differentiation of services in order to positively assist those with special needs.
5. ECRE believes that the standard of reception should not be dependent upon the time or place that the asylum claim is lodged. In other words, there should be no discrimination against asylum seekers who do not apply at the border or at the earliest opportunity, as there are often valid reasons for delayed or “in-country” applications.
6. Asylum seekers whose applications are processed under the Dublin Convention, or are

² For details of reception conditions for persons under Temporary Protection, see ECRE’s Position on Temporary Protection in the light of a Supplementary Refugee Definition, March 1997.

³ See ECRE Guidelines on Fair and Efficient Procedures for Determining Refugee Status, September 1999.

considered to be manifestly unfounded, or otherwise undeserving of a thorough examination in the normal asylum procedure, nevertheless require a standard of reception which fully respects their human rights as persons within the jurisdiction of the receiving State and which does not in any way obstruct or deter them from pursuing their case, or from appealing against negative decisions.⁴ ECRE believes that the framework for reception provision outlined in this paper applies equally to asylum seekers whose cases are dealt with substantively and those dealt with by accelerated or admissibility procedures.

Reception conditions and procedural quality

7. ECRE believes that adequate conditions of reception are essential to the functioning of a fair and efficient asylum procedure. To enable an asylum seeker to be physically and mentally equipped to deal with the asylum interview process, reception must embrace more than just *non-refoulement* and the supply of most basic needs. It must ensure the independence and personal dignity of each asylum seeker.
8. ECRE emphasises the importance of asylum seekers possessing a certain degree of confidence in the decision-making process and the authorities. Therefore each asylum seeker needs to be approached with respect for his/her dignity throughout the procedure.

This approach involves, for example, taking full account of language problems, taking the time to inform each asylum seeker of their rights and duties, dealing with each case on its individual merits, and approaching each person with an initial assumption of credibility. Upon arrival, asylum seekers generally need rest, space and respect. Both reception facilities and procedures should therefore seek to meet these needs.

9. Asylum seekers may have recently escaped from the most extreme experiences. They may be traumatised by the disappearance or death of family members and friends or by the experience of combat. Therefore all immigration officers and staff involved in provision of reception services should be trained in the needs and behaviour arising from these experiences, and act in an appropriately sensitive manner. In particular, asylum seekers should, wherever possible, be interviewed by an immigration officer of the same gender, and assisted with certain needs by staff of the same gender.
10. ECRE believes that efforts should be made to improve reception conditions in relation to how long individuals' spend in such conditions, and as a general rule, the type of reception facility used should not be determined by the status of the asylum seeker during the procedure but should reflect the period of time spent within the country. This will avoid exclusion from normal life of individuals whose claims may need to remain undetermined for long periods.

Reception in the framework of integration and return

11. It is important that the period of stay in a reception centre is as short as possible and does not exceed six months (see *Accommodation*). Long term stay in reception centres may lead to 'institutionalisation' and loss of personal initiative, aversion to the host society, as well as unnecessary dependency on State care. These effects are detrimental

⁴ See also ECRE's Position on the Detention of Asylum Seekers, April 1996, and ECRE's Working Paper on Airport Procedures in Europe, February 1993.

to later integration, *as well as* to preparation for possible return⁵.

12. If eventual integration or return is understood as the context of a State's reception policy, such policy will then be designed to assist asylum seekers to prepare themselves for *both* possible outcomes. Therefore the basis should be that asylum seekers maintain as much autonomy as possible in their own lives.

The Role of Non-Governmental Organisations (NGOs)

13. Reception of asylum seekers is first and foremost the responsibility of the receiving State (the central and local authorities). However, NGOs, refugee associations and/or communities, and other individual volunteers, can also play an invaluable role in the reception process and should be supported in this work.
14. NGOs form an important link in promoting public awareness and fostering better understanding of the asylum issue. NGOs can also play a valuable "accompanying" role in the introduction of the asylum seeker to the host society's culture and codes of behaviour. These are usually best understood through direct experience of living in the community.
15. Designated NGOs, as well as UNHCR, should always be given access to reception facilities for monitoring of conditions and the provision of services.

Socio-economic context

16. As a general rule, standards of reception should reflect the context of the host country's society and economy, while always respecting the asylum seeker's human rights.
17. In European countries where there is not a developed welfare system, or only very limited provisions, the international community should nevertheless explore ways to finance the assistance of asylum seekers. Such international financial assistance would be justified on the grounds that asylum seekers usually do not have the same extended family networks to support them as the local population, are likely to suffer discrimination, may lack the language proficiency necessary to gain employment, and are often particularly vulnerable as a result of traumatic experiences, uprooting and/or medical conditions. ECRE refers to its support for the establishment of the European Refugee Fund as a gesture of responsibility sharing⁶. ECRE believes that the European Refugee Fund has a key role in the implementation of European Union wide minimum standards of reception provision and will be monitoring its effectiveness.

⁵ In this respect ECRE refers to the conclusions of the Norwegian Ministry of Local Government and Labour: "Experience has shown that those who master their life in exile, often are better qualified for managing the transition that is involved in re-establishing oneself in the country of origin. Thus there is no contradiction between measures facilitating an active, self-reliant life in Norway and measures aimed at facilitating repatriation" (Refugee Policy, The ministry of local government and labor of Norway, 1995).

⁶ See ECRE's Position on Sharing the Responsibility: Protecting Refugees and Displaced Persons in the Context of Large Scale Arrivals, March 1996.

Conditions of Reception

Access to legal advice

61. The first right of the asylum seeker following admission to the territory is the right to independent legal advice. This includes, where the financial situation of the asylum seeker requires, the provision of free legal aid by the host State. This right should be provided throughout the determination procedure, prior to the first interview and including any appeals. Attention should be given to the availability of good quality legal advice, to ensure that asylum seekers can access the legal assistance to which they are entitled.⁷
19. Access to legal advice should not be limited by reception procedures. Transfer of asylum seekers between locations, movement restrictions and use of isolated reception centres should be avoided. Where asylum seekers are allocated or dispersed to different locations, states must ensure that a sufficient number of qualified providers of free legal assistance, adequate means to disseminate information as to how to access free legal assistance, and financial support, of necessary to fund transport to meet with their legal advisers, are available in that location.

Provision of information

20. Asylum seekers should be informed of the procedures for refugee status determination at the earliest possible stage, prior to the first interview, and be kept well informed throughout the whole procedure. As a minimum, information should always be provided in writing in the host State's language, and orally in a language which the asylum seeker understands. Any regulations or conditions relating to reception should also be fully explained to the asylum seeker at the earliest opportunity.

Although it is the responsibility of the host authorities to ensure that the asylum seeker is properly informed, NGOs may be the primary providers of such information.

Asylum seekers should be helped to access up to date information on the changing situation in their home country. This may reduce levels of anxiety, assist with asylum applications, and prepare individuals for the possibility of return.

21. At a later stage, the possible negative outcome of the determination procedure and its consequences should be carefully and fully explained to the asylum seeker.

Interpreters

22. Many refugees complain about the unsatisfactory services of interpreters. Their concerns include issues of impartiality, trust and competence. Insensitivity to feelings of shame during interviews (with particular reference to discussion of sexual assault or persecution on grounds of sexuality or gender) and insufficient technical knowledge are also commonly reported problems.
23. Interpreters should interpret accurately. The authorities should ensure that the asylum

⁷ See ECRE's report: Study on the availability of free and low- cost legal assistance for asylum seekers in European States, November 2001.

seeker understands the interpreter's role and does not mistake it for that of either an advocate or a decision-maker. Training programmes for interpreters, and for those employing them, should specifically address this point and aim to improve overall technical knowledge. Wherever possible, professionally qualified interpreters, who are guided by a code of conduct, should be used.

24. The language used should, wherever possible, be the one requested by the asylum seeker and not merely a language which s/he is "supposed" to understand.

Reception facilities at borders

25. Asylum seekers who lodge their applications at border points and are accommodated in facilities at such points should be provided with all necessary assistance, including access to legal representation and medical services. If such facilities only provide basic necessities, such as food and shelter, no asylum seeker should be forced to remain there for a prolonged period but should instead be moved to a reception facility more fully equipped with other amenities.
26. ECRE maintains that the reception of asylum seekers in 'closed' facilities at many European border points amounts to detention. It should be avoided and, where resorted to in exceptional cases, covered by the same legal safeguards as other forms of deprivation of liberty in the host state⁸.

*Freedom of movement and residence*⁹

27. States should fully guarantee the right to freedom of movement within the host country.
28. Asylum seekers should also have the freedom to reside in the location of their choice. Policies that encourage asylum seekers to voluntarily settle in certain environments where they may be able to access services, find employment most easily, and enjoy the support of their community, are generally preferable to compulsory dispersal policies.

However, the freedom to reside in any area of the country may be subject to certain restrictions in order to ensure, for example, an equitable sharing of the responsibility for reception throughout the country. Such restrictions should never be imposed merely as a deterrent measure, nor merely to increase surveillance by the authorities. If restrictions are required, they must be proportional to the ends to be achieved, respect the right of family unity, be applied without discrimination, and for a limited period only.

29. In general, it is the responsibility of the asylum seeker to notify the competent authorities of any change of address, and this should be clearly explained to each individual in a language which s/he understands. Penalties for failure to comply with reporting restrictions or with the rules of a reception system, or for failure to immediately notify the authorities of a change of address, should never lead to exclusion from the asylum procedure, nor negatively influence the person's asylum application in any way.

⁸ See ECRE's Position on the Detention of Asylum Seekers for further details.

⁹ Note that this is a separate issue, under human rights law, from detention. Note also that the term "freedom of movement" is not here used in the sense of EC Law.

Accommodation

30. It is the responsibility of the host State to ensure that asylum seekers have access to accommodation in decent conditions.
31. Open reception centres may have certain advantages during the initial months following arrival, allowing easy orientation and access to advice, but should not be used to house asylum seekers (including asylum seekers whose applications have been rejected) remaining for a period of more than six months unless independent housing is absolutely unavailable, or unless there is an emergency reception situation. (Detailed conditions which should be provided within open reception centres are listed in the Annex.)
32. Wherever possible, asylum seekers should be able to obtain alternative forms of accommodation to reception centres if they so wish. Asylum seekers should therefore receive financial assistance sufficient to obtain independent accommodation, whether arranged by the authorities or the asylum seekers themselves.
33. Independent housing and community development (where such communities exist) should be the basis of any reception system for asylum seekers. Efforts should be made to monitor and evaluate the accommodation and services available to asylum seekers who live independently, as well as those provided directly within a centre, in order to ensure that they are of a sufficient standard.
34. There is evidence that large, crowded reception centres tend to create a number of problems for the individual residents. As a rule, therefore, centres should be as small as is economically feasible. This will also promote mutual support among asylum seekers and a greater sense of responsibility for the care and maintenance of the centre.
35. As far as possible, services should be provided outside the centres in a way that is integrated with service provision for local citizens. In order for this to be possible, reception centres should not be built in isolated locations.
36. Asylum seekers resident in reception centres or in housing provided by the State should not be transferred between locations unnecessarily, as this may disrupt both social support and the provision of legal or medical assistance. Asylum seekers should always be informed of relocation in time to notify legal representatives, family members etc.
37. Authorities responsible for the deportation of rejected asylum seekers should have only the same authorisation to enter reception centres as to enter independent housing.

Employment

61. ECRE maintains that asylum seekers should benefit from access to the labour market of the host State at the earliest possible stage. Certainly, where applications remain pending due to delays in the determination procedures, or where there is insufficient social assistance provided, the right to undertake gainful employment must not be denied to applicants. Reform of the asylum procedures is, of course, the starting point in such a situation.
39. A reception policy which includes the right to work will simultaneously prevent

exclusion from the host society and facilitate re-integration upon return to the country of origin. Employment promotes self-sufficiency among asylum seekers and is therefore in the interests of the host State. It is of great concern to ECRE that where asylum seekers neither receive sufficient financial support on which to live, nor have the right to work legally, they will be forced to work in clandestine settings, where they may be at risk of exploitation. Where the right to work has been granted, states should aim to remove barriers to finding work. This may include enabling requalification and recognition of qualifications and giving employers appropriate information on employing asylum seekers.

*Social assistance*¹⁰

40. Denial of necessary social assistance to asylum seekers amounts to forcing the individual into destitution and thus threatens his/her basic human rights¹¹.
41. The terms by which an asylum seeker may qualify for social assistance from the host State should be clearly defined by national legislation, including explanation of how the asylum seeker's own ability to support him/herself will be assessed. Such legislation should be applied without discrimination.
42. Social assistance should be received as money sufficient to cover basic needs, equivalent to nationals and within a reasonable time. The provision of social assistance in kind or food is only appropriate in emergency situations of mass influx or at the first, temporary point of reception. ECRE is opposed to any non-cash system. Experience suggests that it is more appropriate to give asylum seekers control over their living expenses. We are specifically opposed to the use of vouchers as a means of providing assistance, because they are stigmatizing and because of the many practical difficulties which arise in exchanging vouchers for basic items.

Health Services

43. Asylum seekers should have access to health care (including care for both urgent and chronic needs) irrespective of where they are accommodated. Irrespective of the procedure used to deal with asylum applications, under no circumstances should access to healthcare be limited to emergency healthcare only. Medical professionals should decide when a condition requires treatment, as opposed to the decision resting with an immigration official or the managing staff of a reception centre. Special attention should be paid to gender related issues.
44. In addition, asylum seekers should be provided with specialised treatment for physical and psychological problems related to experiences in the country of origin or arising from the hardships of flight, uprooting and exile (such as guilt and anxieties about family members, uncertainty about the future, and adaptation to a new culture). Doctors assisting asylum seekers should be trained so that symptoms of distress are not mistaken

¹⁰ As indicated under *Accommodation*, asylum seekers should be given freedom of choice over the form of their accommodation through the provision of money sufficient to pay the costs of living outside a reception centre.

¹¹ Article 25 of the Universal Declaration; Article 11 of the International Covenant of Economic, Social and Cultural Rights.

for mental illness. Any counselling of asylum seekers requires cultural sensitivity, clear reassurance of confidentiality, and a high quality of language interpretation.

45. All immigration officers and staff involved in provision of reception services should be trained with regard to relevant cultural issues, psycho-social care specific to refugee needs, and particularly the experiences and needs of asylum seeking women and children.
46. ECRE recommends that State authorities establish a specialist organisation, or department of an existing organisation, to advise doctors in general on the health needs of asylum seekers and refugees, including cross-cultural health issues. Wherever possible, asylum seekers and refugees should be engaged as partners to meet the health needs of their community.
47. The opportunity to provide asylum seekers with a holistic health assessment, including health screening, should be grasped. Medical screening should only be carried out with the informed consent of the applicant. Member states should ensure that the competent bodies, that carry out the screening, use methods that are safe and respect human dignity, and that all screening is made subject to rules of strict confidentiality and ethical guidelines.

Language training

48. All asylum seekers should be entitled to basic language training in the language of the host state, free of charge, when applicants cannot afford it. This is a critical factor in enabling asylum applicants to fulfil their obligations and exercise their rights both with regards to their reception and with regard to the asylum procedure. The ability to speak the language of the host country influences other factors such as finding employment, securing accommodation, maintaining good health and developing good relations with the local population.

Education

49. Children must be given access to the State education system at the earliest opportunity, irrespective of where they are accommodated. When joining local schools, they will require induction into the new education system, and additional support to meet their particular linguistic and psycho-social needs. ECRE is concerned about separate educational provision for refugee children within reception centres, which may hinder a child's learning. Where such separate provision occurs, this should be for a limited period and for reasons other than simply organisational convenience.
50. State policies should in no way prevent adult asylum seekers from acquiring new education and skills in the host State. All asylum seekers should be supported in these aims. Again, ECRE believes that such a policy – if it meets both the asylum seekers' needs and those of the host State – will both prevent exclusion from the host society and facilitate re-integration upon return to the country of origin.

Family unity

51. ECRE considers it a violation of the right to family unity that members of one family are sometimes forced to reside in different European countries while they await the outcomes of their asylum claims, due to the inflexible implementation of the Dublin Convention or other such agreements. ECRE therefore calls on States to fully respect Article 8 of the European Convention on Human Rights and Fundamental Freedoms in the implementation of such agreements.
52. The principle of family unity should be respected throughout the reception process. All forms of accommodation, whether collective or independent, compulsory or voluntary, dispersed or without restriction, should preserve existing family units, respect privacy, and promote family reunification wherever possible. The definition of a family unit should be flexible and not limited to the nuclear family. It should include those who would normally reside together and those who are dependent upon other family members.

Children

53. Detailed recommendations relating to the reception of refugee children, including unaccompanied minors, are to be found in ECRE's Position on Refugee Children, November 1996. The basis of those recommendations is that refugee children have the full rights of children as well as the full rights of refugees¹², which implies that "the best interests of the child"¹³ should inform all policy and procedures affecting the child.
54. Children should, in some cases, be assisted directly as well as through their family, especially where the adult members of the family are depressed or preoccupied by their situation in exile. Children often symbolise the future hopes of the asylum seeking family and can play an active role in the recovery of that family after the experiences of exile.

Civil and political rights

55. In addition to the rights and conditions described above, asylum seekers also possess the civil and political rights of persons within the jurisdiction of a State, as contained in the International Covenant on Civil and Political Rights and the European Convention on Human Rights and Fundamental Freedoms. This implies, inter alia, that they are free to engage in lawful political activities in the host State, related to their countries of origin and/or their political opinions, without fear of penalty.

Implementation

56. Staff of all ranks, who work in the provision of reception services, should receive appropriate training on the needs of asylum seekers and their families. This should include training on the additional needs of specific groups. States should ensure national and local co-ordination between the authorities responsible for reception provision and other actors, including NGOs and refugee community organisations. – (Based on draft directive and ECRE response). Monitoring systems should be put in place to ensure minimum standards of provision of reception services are achieved

¹² UN Convention on the Rights of the Child, Article 2, prohibits discrimination against a child on the territory of a signatory State on the grounds of, *inter alia*, that child's status.

¹³ UN Convention on the Rights of the Child, Article 3.

and maintained. Independent offices should be established to hear complaints and resolve disputes.

Sanctions

57. Asylum seekers who engage in criminal behaviour, or are considered a threat to national security, should be dealt with according to the national criminal law of the host state and should be treated equally with nationals. States should ensure that criminal proceedings are explained to individuals in a language they understand.
58. In cases where asylum seekers either do not comply with rules governing material reception provision or with asylum procedures, consideration should always be given to the reasons for their behaviour before sanctions are imposed. The effect of trauma and disorientation on an individual's ability to make decisions and follow procedures should be taken into account. It is also important to recognise practical difficulties that may prevent individuals fulfilling their obligations (such as inability to read and understand documents).
59. Asylum seekers who do not comply with the rules governing the provision of accommodation or healthcare, or conditions of employment, education or training, may, after proper consideration of their circumstances, find those rights subject to sanctions equivalent to those imposed upon nationals. Sanctions should never be imposed indefinitely, but should have a fixed time limit. Sanctions should not be imposed which mean that the rights of applicants and their family members to a basic standard of health care, accommodation, food and social assistance are withdrawn under any circumstances. Any restrictions should relate specifically to the service where the individual has not complied with procedures, and not other unrelated services. No sanctions should be imposed which prevent an asylum seeker from pursuing his/her claim for asylum, which adversely affect family members or which disregard the best interests of children.
60. Asylum seekers have a responsibility to comply with procedures relating to the determination of their asylum claim. Where asylum seekers fail to do so, since sanctions should not be invoked which prevent an asylum seeker applying for asylum, states could consider sanctions relating to material reception provision, subject to the same criteria outlined above: sanctions should be time limited and not jeopardise the rights of applicants and their family members to a basic standard of health care, accommodation, food and social assistance.
61. All sanctions relating to asylum seekers should be part of a national regulatory framework, backed by law, in order to avoid inconsistency and discrimination. This should include the right to appeal against the imposition of sanctions.

RECOMMENDATIONS

1. ECRE's recommendations of "best practice" in this area are based upon the principle that asylum seekers should be enabled to keep control over their own daily lives and encouraged to contribute to the host society, even if their stay in the country is brief. ECRE maintains that such policies, if adopted, will *both* prevent exclusion from the host society *and* facilitate re-integration following return.
2. The principle of non-discrimination is one of the foundations of successful reception policies. In particular, the standard of reception should not be dependent upon the time or place that an asylum claim is lodged. Nor should it be dependent upon the status of the claim, for example where an application is processed under the Dublin Convention.
3. Upon arrival, asylum seekers must have access to the refugee determination procedure, information on those procedures both orally and in writing in a language they understand, independent legal advice with the means to obtain that advice, and the services of a competent interpreter. The reception system should support and facilitate a fair and efficient determination process.
4. States should not restrict the freedom of movement of asylum seekers. Nor should they limit the freedom of asylum seekers to reside in any area of a host country unless such measures meet important criteria, such as respecting the right to family unity.
5. Asylum seekers should be provided by the host State with a choice between reception centres or the means to obtain independent accommodation. In addition, social assistance should be available to asylum seekers in the form of money sufficient to cover basic needs, equivalent to the level paid to nationals and within a reasonable time.
6. Asylum seekers should not be housed in reception centres for more than six months unless there are exceptional reasons. Residents of reception centres should be involved in the running of those centres.
7. Asylum seekers should have early access to the labour market. Employment promotes self-sufficiency among asylum seekers and is therefore also in the interests of the host State.
8. Asylum seekers should have access to health care, both emergency and routine, irrespective of where they are accommodated. Additional steps should be taken by States to ensure that the physical and psychological issues specific to asylum seekers are widely understood, and appropriately treated. Special attention should be paid to gender related issues.
9. Asylum seeking children and teenagers should be given access to the State education system at the earliest opportunity. The special needs of unaccompanied minors should be taken into account in all legal and social aspects.
10. State authorities should strive to keep the public sensitised to the needs of asylum

seekers within the host society.

November 2001

ANNEX 1

Within open reception centres, the following conditions (in addition to those general conditions relating to health, education and language training which are listed elsewhere in this paper) should be met for all residents:

- The residents (and in some cases ex-residents) should have a say in managing the material resources and non-material aspects of life in the centre through a representative advisory board or council, and should be given joint responsibility wherever possible;
- Activities (recreational, educational, etc.) should therefore be designed to meet the expressed needs of the residents;
- Professional staff in each centre should be responsible for ensuring good communications with, and information provision to, all residents;
- The personal safety and security of all residents should be guaranteed at all times;
- No unnecessary limitations on freedom of movement should be imposed;
- Privacy (letters, telephone calls, etc) should be respected and living areas should be treated in conformity with the general laws of private property (i.e. - officials unable to enter or search without reasonable suspicion). If asylum seekers do not have private rooms, they should at least be provided with private lockers for their possessions;
- Equal treatment of all asylum seekers within the centre should be guaranteed;
- Provision for persons with special needs such as children, single women, elderly asylum seekers, and the physically or psychologically disabled should be made;
- Provision for living in family groups, including extended family should be made;
- Provision for living according to the prescriptions of one's religion or belief should be made;
- Provision, if requested, to prepare one's own food, observing cultural and religious diets, should be made as a matter of both good health and self-reliance;
- Access to an independent/impartial arbitrator (*ombuds person*) who can resolve complaints and disputes should be guaranteed.