

DASRIE (Developing Asylum Seeker & Refugee Integration into Europe)

Comparative Asylum Seeker Policy Matrix 2005

	United Kingdom	France (Paris)	France (Lyons)/(Refugees)	Germany	Italy
Asylum Seeker (AS) claims	To date 20 % of cases are accepted initially, rising to 40% on appeal. <i>The number of AS has reduced significantly to approximately 50,000 (from a high of 100,000 in 2002) The number of accepted cases has also fallen to 10% initially, with appeals remaining at 20%</i>	Approximately 52,200 AS in 2002 - 48 000 AS in refugee status application in OFPRA (not including children) 12,8 % of cases are accepted initially, and 6% on appeal - 31 0000 in Asile territorial (subsidiary protection), 80% are Algerians. Their claim is examined by home Office (less than 1% are accepted) <i>Approximately 51,100 in 2003 - AS in refugee status application in OFPRA (not including children) 17% of cases are accepted - 25000 in Asile Territorial (subsidiary protection), 80% are Algerians. Their claim is examined by home Office (less than 1% are accepted)</i>	The aggregate number of recognised refugees in France by the end of 2003 amounted to approximately 100 130 adults (minor children are not included). Approximately 52% come from Asia, 23% from Europe and 21% from Africa. (Source: OFPRA)	2002 - About 90.000 AS arrive in Germany yearly. Only less than 5 % of cases are accepted, the success rate for appeals is about 8 % <i>50.500 people requested asylum-in 2003. Out of 94.000 applications processed in 2003: 1,6 % have been recognized according to German Constitutional Law, 1,7 % according to Geneva Convention, 1,7 % given leave to remain for humanitarian circumstances, 67 % rejections</i> <i>Total number of de facto refugees in 2003 : 416.000</i> <i>Total number of Geneva Convention refugees in 2003: 75.000</i>	<i>According to the Ministry of the Interior, 11.319 people in Italy have requested asylum in 2003. 3.358 cases have been rejected and 555 accepted according to an average 10% of cases usually accepted. 50% of cases are reportedly accepted on appeal. 828 persons have received a residence permit on humanitarian grounds in 2003.</i>
Process	Applications are taken at the port of entry and may also be made later inside the country after arrival. <i>After nearly four years of dispersal of AS from the South to other parts of the country services and co-ordination are now occurring in a more systematic way. Challenges and gaps in service provision continue. The National Asylum Seeker Support Service (NASS) has regionalised some of its services. New AS generally receive a first decision within a few months however appeals take an average of another year (legal aid is being reduced, see below). There was an amnesty granted to families in 2003 that arrived before 2001 that affected 15,000 cases. Deportations of failed AS have</i>	Main arrivals are by land (through Spain, Italy, Germany), Boat (Marseille, Nice, Sete, Brest) and airports (Roissy CDG) In airports, ports and international railway stations, AS can be detained in "zone d'attente" for maximum 20 days. (5912 AS detained in "zone d'attente" in 2003, 98% of them in international area of Roissy CDG airport). Their claim should be examined whether it is manifestly unfounded or not (only 5,5% of approval on this basis). When admitted, AS has to	<i>Recognised refugees (under the Geneva Convention or the French Constitution-no distinction) are entitled to a residence permit valid for ten years and renewable (Ordinance of 2 November 1945). They have the same rights (as well as all foreigners living legally in France) than the French nationals except the civil rights (right to vote).</i> <u>Freedom of Movement</u> <i>No restrictions on the freedom of movement of refugees regardless of whether they are accommodated in reception centres or not.</i> <u>Integration Policy</u>	Only a few AS submit their applications for AS at the borders. The entry is refused in cases where the AS enters from "a safe third country". Most enter Germany on an illegal basis or with a valid visa and apply for asylum within the country. AS are referred to a particular reception centre in accordance to the centralised distribution procedure. All applicants are interviewed in person. Most of the decisions are made within the first 6 months. The Federal Office may reach one of the	<i>There is no specific Italian framework law on asylum. Asylum application can be made on arrival in Italy by applying to border Police. If already in Italy applications can be made at the Foreigner's Office at the local Police Station, where a hearing can be requested with the Central Commission for Recognition of Refugee Status. Most cases are called for interview after 12-14 months. The new law issued (07/30/2002) simplified procedure establishing 7 local Commissions for faster review</i>

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	<p><i>significantly increased but continue to be less than the government's targets. A new Act was passed in 2003 and another is currently before Parliament. The legislation continues to reduce benefits with the 2003 Act resulted in a severe reduction in AS applications mainly due to the fact that those who applied more than 72 hours after arrival in the country did not receive any housing or benefit support. A court case later ruled this as unlawful as 72 hours was not a 'reasonable' length of time. The proposed 2004 Act will see a severe reduction in Legal Aid, and increased powers to remove failed Asylum Seekers including separating children from families. Failed AS who cannot be returned must undertake Community Service (There have now been five major revisions of Asylum and Immigration Acts in the past decade.)</i></p>	<p>register their claim at "prefectures" (police administration) to get documentation and OFPRA file. Because of lack of personal, important delays are observed (10 months to register) Main regions Paris(60%), Lyon Marseille, Strasbourg At OFPRA, a foreign affairs office based in Paris Suburbs, the case should be examined within 4 months. If rejected, appeal is possible at Commission des Recours (administrative court), based in Paris Suburbs. The average time for examination is 8 months. Since new law (1st January 2004) Home Office is not in charge for subsidiary protection (Asile territorial has been cancelled). Instead, OFPRA examines the asylum request with a new subsidiary protection definition, as there is now a unique procedure. In case of rejection, repatriation then deportation is forecast but rarely executed.</p>	<p><i>There is a national state-funded specific disposal (Dispositif National d'Accueil – DNA) for the reception of statutory refugees (temporary reception centres – CPH) in which refugees receive, in addition to housing, educational and vocational guidance, French language courses, assistance in finding a house and a job. French language courses have been suppressed in the CPH on the 1st January 2005 because of the entry into force of the new integration contract. This specific disposal will probably be reformed since a new integration contract (Contrat d'accueil et d'Intégration) came into force on the 1st January 2004.(See Below)</i></p>	<p>following decisions:</p> <ul style="list-style-type: none"> - The recognition as a victim of political persecution (German Constitutional Law) - Refuse to grant refugee status <i>but instead grant refugee status protection against deportation in accordance with the Geneva Convention</i> - Tolerated Residence (Duldung) for rejected AS who are facing the risk of torture, death penalty or any violation of rights according to EU-Convention and aliens act. - Refusal of any right to remain, the applicant will be ordered to leave the country within one month <p>Negative decisions can be appealed. The success rate is about 8 %.</p> <p><i>The new Immigration Act (01.01.2005) intends the recognition of non-governmental persecution and gender discrimination.</i></p>	<p><i>of applications (from 20 to 35 days depending on single cases), although the National Commission coordinates and issues guidelines.</i> The Local Commission may reach one of these decisions:</p> <ul style="list-style-type: none"> - Recognition of refugee status - Rejection of application but a recommendation to the Questura to issue a residence permit on humanitarian grounds - Refusal of application. In this case, the AS can first request a review of the decision by the Local Commission with an added member from the National Commission and then, if the review is negative, the AS can appeal to the local courts. <p><i>Appealing to the local courts doesn't necessarily means that expulsion measures are suspended.</i></p> <p><i>On December 2004 the implementation act of the new immigration law (n. 189/2002) has been published.</i></p>
Welfare Benefits	<p>AS – Supported under the National Asylum Support Service those needing assistance receive housing and 70% of the welfare benefit of a UK citizen while their claim is being processed. <i>The 2003 Act generally only allows for the AS to receive benefits if they claim within a 'reasonable' time.</i> There continues to be challenges when AS receive R status as they go from one support system into another.</p> <p><i>Refugees – Entitled to same benefits as UK citizens.</i></p>	<p><i>15 000 housing places (including children) are programmed in the national accommodation centers network (for about 100,000 AS in France) Accommodation centers (CADA), managed by organisations (as, France Terre d'Asile, Sonacotra, Forum Refugies) are settled in most of territory but there's no compulsory dispersion. AS can stay in the CADA during all procedures. In the main regions; needs of</i></p>	<p><u>Housing</u> Recognised refugees are either accommodated in the 28 temporary reception centres (Centre Provisoire d'hébergement – CPH) in which places are limited, or lodged by family members or communities while waiting for a more stable housing solution (difficulties in accessing the housing market).</p> <p>Housing allowances may be granted to refugees, under the same conditions as for French citizens. The amounts are determined according to the income</p>	<p>AS have to stay in reception centres (community housing) without allowance to leave the district. Meals are provided, clothing in emergencies. After 3 months, the AS normally move into an asylum centre, distributed on the basis of current population. <i>Living there is compulsory.</i></p> <p><i>Recognised refugees and Geneva Convention-refugees have access to private housing on the same terms as</i></p>	<p><i>The new immigration law set up and provide funding for a national system of reception and assistance for AS&Rs, the "Protection System for Asylum Seekers and Refugees" (former NAP/PNA, National Asylum Program). In 2002, approximately 1.300 people received assistance. Primary border centres and secondary internal centres are used for first and second reception.</i> The Protection System offers:</p>

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		<i>housing is dramatically scarce. Emergency housing in lowest category hotels, asylums has been used to imperfectly resolve this question.</i>	and the family situation. Refugees have also access to council housing on the same terms as French nationals (in theory).	<i>German nationals.</i>	<ul style="list-style-type: none"> - Reception and assistance for AS - Support for social and economic integration for refugees - Information and assistance in following refugee status procedures - Orientation and assistance for voluntary repatriation
Income support	<p><i>AS - Housing may be provided. Individuals receive € 58.86/ week, couples € 92.38 and families € 59.23 per child. These allowances differ slightly depending on ages.</i></p> <p><i>Refugees – Entitled to same benefits as UK citizens.</i></p>	AS, if they are not housed, can get an income support "allocation d'insertion (280€) per month for the first year of application is available. After, there's nothing.	<p>Same rights as French nationals:</p> <p>▶ <u>Minimum Integration Income</u> ("Revenu minimum d'Insertion"): people over the age of 25 are entitled to receive the monthly minimum integration income (unless they already receive the unemployment benefit which is provided for to people who worked in France for a minimum period of time (6 months, ie 910 hours)). People between the age of 18 and 25 are also eligible provided they have at least one child living with them in France. The amount paid depends on the family situation and its global financial resources.</p> <p>▶ <u>Several family allowances:</u></p> <ul style="list-style-type: none"> ● <i>Young child allowance</i> ● <i>Bringing up allowance</i> ● <i>Allowance for large families</i> ● <i>Child benefit</i> ● <i>Single parent's allowance</i> ● <i>Allowance for child care</i> ● <i>Allowance for the elderly</i> 	<p>During the first three months in reception centres AS receives monthly allowances of 41€ per person, 20€ per child, food and clothes are provided.</p> <p>Afterwards in some "Länder" AS receives 75% of the welfare benefit of a German citizen, in other parts they will receive only above mentioned allowances plus food and clothes.</p> <p>After 3 years, AS are entitled to the same social benefits as nationals.</p> <p>Recognised refugees and Geneva Convention refugees are entitled to the same benefits as nationals.</p>	<p><i>For AS, at present, a daily cash benefit of €17 is provided for the first 45 days. After this there is no form of income support.</i></p> <p><i>Refugees are entitled to the same social benefits as the Italian citizens although family support is very difficult to be obtained.</i></p>
Education/ Training	<p><i>AS – For ages 5-16 school is compulsory. AS may access schools and training up to the university level (access however is often hindered by availability).</i></p> <p><i>Adult education and language training are provided free however there is a lack of places. Even with the halving of Asylum applications Liverpool Community College saw no decrease in demand for its Language classes.</i></p> <p><i>Vocational training is not allowed. At the</i></p>	<p>Children under 16 may access to school (scholar obligation by law)</p> <p>For AS over 16, access to school and university <i>is more difficult.</i></p> <p>Language training is generally not provided in accommodation centres. Exceptions are made for NGO programmes.</p>	<p><u>Vocational training:</u> recognised refugees, like any French Citizen are entitled to free vocational training. They can receive a state-allowance whilst following the training programme unless they already receive the unemployment benefit. Subject to their ability in French, they can benefit from any of the programmes set up for unemployed persons.</p> <p><u>New integration contract (Contrat d'Accueil et d'Intégration)</u></p> <p>This contract addresses all newcomers (including refugees) wishing to settle in</p>	<p>In most "Länder" children of AS have the right to attend school until the age of 18. In practice, it depends on the goodwill, interest and resources of the local schools. There are no language programmes for AS, unless NGOs organise classes. AS have no access to training programmes by the national employment office.</p> <p>No restrictions to attend university, but also no</p>	<p>AS Infants and children under the age of 16 have the right to schooling and are required to attend.</p> <p>AS above the age of 16 have no right to attend secondary or University, <i>yet secondary directors can decide to receive AS in particular classes.</i></p> <p>AS have access to Italian language courses for adults financed on the basis of Ministry of Education funds.</p> <p>In Italy, in general, there is a</p>

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	<p><i>University level AS generally must pay international fees.</i></p> <p><i>Refugees - treated same as UK citizens.</i></p>		<p>France on a permanent basis. This system came into force from January 1st 2004. Department Prefectures must have newcomers sign this contract. It is valid one year and can be renewed. This contractual document implies an equal commitment of each part:</p> <p>✓ During a welcome day, the State undertakes:</p> <ul style="list-style-type: none"> - to put newcomers through a medical examination and to provide a "social diagnosis" during which language training needs are assessed; - to provide a professional training evaluation and coordination with standard employment services during the language training programme. <p>✓ Beneficiaries undertake:</p> <ul style="list-style-type: none"> - to take part, within a maximum of 2 years after signing the contract, in a language training programme of 200 to 600 hours, at the end of which an evaluation is performed and a language skill certificate is awarded by the Ministry; - to take part in a "civics day" (additional courses on life in France). <p><u>Further education:</u> refugees are exempted from pre-registration with the French embassy in their country of origin, which is normally required for foreign students. They are allowed to study in the university of their choice, according to the courses and places available. The recognition of foreign degrees is decided by a special committee at each university and is only valid there.</p> <p><u>Scholarship:</u> same rights as French students.</p> <p><u>School attendance:</u> compulsory from the age of 6 to the age of 16 for all children in France. Foreign children attend the same schools as French children. Special "adaptation classes" for migrants and refugees are sometimes specially organised within the schools by the ministry of education. The children of refugees are not entitled</p>	<p>financial support.</p> <p>Recognised refugees and Geneva Convention refugees and their family members have the right to attend "integration-courses" for 630 hours according to the new immigration act.</p> <p>Access to vocational training same as nationals.</p>	<p>mixed system organized on a regional basis including European Social Fund (ESF), Regional Budgets and the National System for Ongoing Education (law 236/93) in which the access for AS is limited.</p> <p><i>Refugees are treated same as Italian citizens but there are many problems with the accreditation of prior learning.</i></p>
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			to mother tongue tuition. <u>Language Training</u> <i>Minimal language tuitions are provided in the framework of the new integration contract (see above).</i>		
Work	<p><i>AS – From July 2002 the right to work after 6 months in country was withdrawn AS. This policy has also resulted in removing access to vocational training. Where a person has not received an initial decision within 12 months, they may apply to work however this situation is extremely unlikely.</i></p> <p><i>Refugees – Same rights as any UK citizen. In some areas specialised outreach and support programmes have been developed recognising special needs of this group. Evidence suggests that refugee unemployment is very high compared to other groups.</i></p>	<p>Since 1991, AS are not allowed automatically to work. Exceptional authorizations can be asked to DDTE (employment administration) but can be –and are- refused regarding unemployment statistics. Same situation for Vocational training. AS are frequently working illegally (markets, textile, house buildings¹)</p>	<p><i>Conventional refugees are allowed to work officially without any restriction. No work permit is required. In reality, restrictions exist for foreigners from third countries. For example: as regard diplomas and qualifications that often aren't recognised in France or as regard nationalities</i></p>	<p><i>AS are not allowed to work during the first year. Afterwards a work permit according to the "rule of last priority" can be given. Germans or foreigners with permanent stay will be preferred. Available jobs are mostly unskilled and poorly paid. Restricted access to the labour market will last during the whole asylum procedure.</i></p> <p>People with exceptional leave to remain on humanitarian circumstances will get full access to labour market after 4 years stay in Germany, Young people who finished school degrees are allowed to work without restrictions.</p> <p>No restrictions for Recognised refugees and GC.</p>	<p>Refugees can work and are treated the same as Italian citizens. AS may participate in apprenticeships, but they are not entitled to employment because their residence permit is temporary (3 months) whereas according to the Italian law foreigners need a 1 year residence permit to be allowed to work.</p>
Legal Aid	<p>AS – Community Legal Services (Legal Aid) pay for legal advice for asylum claimants without the means to pay themselves through solicitors and firms with immigration specialities for the initial case and first appeal. Cases may be further appealed on Human Rights Grounds where they have not met Refugee Status. There is some scope for further appeals through Judicial Review but this may not be covered by Legal Aid. There are also challenges when AS do not meet the criteria for Refugee Status but cannot be returned – 'Hard Cases' (ie. Iraqi Kurds). This demonstrates a lack of communication between ministries (NASS and IND) that</p>	<p>There is no legal aid for AS in OFPRA, except NGOs programmes. On appeal, Legal aid by lawyers is conditioned (legal entrance with visa). Transportation to Paris and translation of documents are not included As OFPRA and CRR are based in Paris, most solicitors are Parisians. The relationship is difficult, considering the distances between Paris and South of France (800 1000 km)</p>		<p>AS are not entitled to free legal aid during the first instance procedure. During the second instance, free legal aid is only granted to those whose case is deemed to have prospects of success.</p>	<p>AS can request free legal aid in order to appeal against the Commission's refusal. This service is called "Gratuito Patrocinio" (Legal Aid), although it is received through a rather complex procedure at the Civil Tribunal. To appeal against an expulsion order, it is not necessary to have a lawyer. <i>It is not necessary when appealing against the "forewarning to leave the country".</i> Associations dealing with refugees or foreigners offer free legal aid <i>and orientation.</i></p>

¹ For instance, channel tunnels, Stade de France or New national library have been built with AS workers.

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	often results in local authorities or the voluntary sector providing service to these persons. <i>The 2004 Act proposes has reduced Legal Aid drastically. Additionally, to qualify for Hard Case Support you must be willing to do Community Service, something previously reserved for criminals.</i>				
Health	AS – Entitled to state health care. Access may be hindered by availability in oversubscribed doctor's surgeries. <i>Under proposed 2004 Act access to primary health care needs will continue to be provided but specialised secondary health care will be limited. Late arrival of files/records through the dispersal system continues to cause problems.</i> <i>Refugees – Entitled to same benefits as UK citizens.</i>	AS are entitled to general health care. Complementary protection is possible. AS can't get family presentations since 1988/	All foreigners living in France require a medical certificate from the Office of international Migration (Office des Migrations Internationales – OMI). Like French citizens, refugees have access to the national health system. They are also entitled to the same benefits as nationals on law income from the state medical aid service (Couverture Maladie Universelle-CMU), which covers all medical expenses.	The access to medical treatment during the first 36 months is restricted to cases of serious illness or acute pain. After this period, AS have the same access to health services as German nationals Refugees entitled to same benefits like nationals	AS are entitled to benefit from the Public Health Service, even if they are currently appealing a rejection from the Central Commission.
Funding AS&R Programs	All of the above listed receive the majority of funds from central or government. However local government and the voluntary/not-for profit sector fund AS & R projects to a significant degree. <i>Increasingly the voluntary sector is addressing the needs of destitute AS and failed refugees.</i> <i>Some programmes are funded through the European Refugee Fund and Equal.</i> <i>Projects such as the National Anti-Deportations Campaign, are funded by the National Lottery</i>	Accommodation centres and income support are received from central government (however it is insufficient). Local government are involved in emergency housing networks. NGO's projects and programs are trying to fill the abyssal void of it.	<i>The funds come mainly from the national Government. Nevertheless, some of the aspects of the integration politics and programmes are funded at the regional level (regional and local authorities). Other programmes are also run directly by NGOs and partly financed by European funds.</i>	The majority of funds come from the national government and Länder government. Some programmes run by NGOs are partly financed by European fund	Most funds come from Central Government, the European Refugee Fund and from the law on immigration (189/02). All these funds have been allocated to the National "Protection System for Asylum Seekers and Refugees" (former NAP/PNA), implemented by local authorities, for accommodation, housing, benefits, legal and social assistance, professional training and other problematic issues related to AS and refugees. <i>Other funding comes from various sources for integration projects (e.g. Equal) and for victims of torture, legal advice, measures against exclusion, cultural initiatives (EU and UN funds).</i>

Sources: extract (completed and updated) from "Legal and Social Conditions for Asylum Seekers and Refugees in Western European Countries" realised by the Danish Refugee Council in 2000.

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