



Guidance on Reception

Operational standards and indicators



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May 2024

This guidance complements <u>EASO Guidance on reception conditions:</u> operational standards and indicators.

On 19 January 2022, the European Asylum Support Office (EASO) became the European Union Agency for Asylum (EUAA). All references to EASO, EASO products and bodies should be understood as references to the EUAA.



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About the guide

Why was this guide created? The mission of the European Union Agency for Asylum (EUAA) is to facilitate and support the activities of EU Member States and the Schengen associated countries (EU+ countries (¹)) in the implementation of the Common European Asylum System (CEAS) (²). According to its overall aim to promote a correct and effective implementation of the CEAS and to enable convergence, the EUAA develops common operational standards and indicators, guidelines and practical tools.

How was this guide developed? This guide was created by Member States experts from Belgium, France, Greece, Luxembourg, Poland, the Netherlands and the EU candidate Serbia, with valuable input from the European Commission and the United Nations High Commissioner for Refugees (UNHCR) (3). The development was facilitated and coordinated by the EUAA. Before its finalisation, a consultation on the guide was carried out with EU+ countries through the EUAA Network of Reception Authorities.

Who should use this guide? This guide is primarily intended for reception authorities, policymakers, reception officers as well as any other person or organisation working or involved in the field of reception of applicants for international protection in the EU context and in partner third countries (4).

How does this guide relate to other EUAA tools? This guide should be used in conjunction with other available practical guides and tools, particularly with the 2016 *Guidance on reception conditions: operational standards and indicators* (⁵) – that it complements – and the *Guidance on reception conditions for unaccompanied children: operational standards and indicators* (⁶). All EUAA practical tools are publicly available online on the EUAA website: https://euaa.europa.eu/practical-tools-and-guides.

The EUAA also provides a wide range of training modules for the asylum and reception context. The European Asylum Curriculum Training Catalogue offers a detailed description of

⁽⁶⁾ EASO, <u>Guidance on Reception Conditions for Unaccompanied Children: Operational standards and indicators</u>, 2018.



⁽¹) The 27 EU Member States, and the Schengen associated countries (Iceland, Liechtenstein, Norway and Switzerland).

⁽²) The CEAS in its present form is binding on all Member States with the exception of Denmark and Ireland. Denmark does not participate and is not bound by the treaty provisions or any secondary legislation relating to the CEAS. Ireland has not opted in to <u>Directive 2011/95/EU</u> 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), nor in to <u>Directive 2013/32/EU</u> of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast).

⁽³⁾ Note that the finalised guide does not necessarily reflect the positions of UNHCR.

⁽⁴⁾ EUAA, External Cooperation Strategy, March 2023.

⁽⁵⁾ EASO, Guidance on Reception Conditions: Operational standards and indicators, 2016.

all available training modules. For further information, please visit www.euaa.europa.eu/training.

How does this guide relate to national legislation and practice? This is a soft convergence tool. It is not legally binding and reflects commonly agreed standards as adopted by the EUAA Management Board on 6 May 2024.

Disclaimer

This guide was prepared without prejudice to the principle that only the Court of Justice of the European Union can give an authoritative interpretation of EU law.



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List of abbreviations

Abbreviation	Definition
2016 guidance	EASO, Guidance on Reception Conditions: Operational standards and indicators, 2016.
CEAS	Common European Asylum System
CJEU	Court of Justice of the European Union
CSOs	civil society organisations
EUAA	European Union Agency for Asylum
EUAA regulation	Regulation (EU) 2021/2303 of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010
EU Charter	Charter of Fundamental Rights of the EU
EU+ countries	EU Member States and Schengen associated countries
GDPR	general data protection regulation – Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)
Member States	EU Member States
RCD (recast)	reception conditions directive — Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast)
UNHCR	United Nations High Commissioner for Refugees





Introduction

Background

The reception conditions directive (7) (RCD (recast)) specifies that

standards for the reception of applicants that will suffice to ensure them a dignified standard of living and comparable living conditions in all Member States should be laid down.

The directive leaves a considerable degree of discretion to define what constitutes a dignified standard of living and how it should be achieved. At the same time, national reception systems differ greatly in the set-up and modalities for the provision of reception conditions.

Consequently, standards for reception conditions continue to vary across Member States, causing differences in the treatment of applicants for international protection.

To achieve greater convergence, the EUAA has developed practical guides and operational standards and indicators based on applicable legal provisions as well as existing practices and recommendations (8). The aim is to help Member States in implementing key provisions of the asylum procedures directive (9), the Dublin III regulation (10), the RCD (recast) and the qualification directive (11), with the ultimate goal of strengthening the CEAS at an operational level. In particular, in 2016 the EUAA (then EASO) developed the *Guidance on reception conditions: operational standards and indicators* (2016 guidance) (12) that was followed, in 2018, by the *Guidance on reception conditions for unaccompanied children: operational standards and indicators* (13).

⁽¹³) EASO, <u>Guidance on reception conditions for unaccompanied children: operational standards and indicators</u>, December 2018.



⁽⁷⁾ Recital 11 of <u>Directive 2013/33/EU</u> of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast), (OJ L 180, 29.6.2013).

⁽⁸⁾ Article 13(2) Regulation (EU) 2021/2303 of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010 (OJ L 468, 30.12.2021) (EUAA regulation): 'The Agency shall, on its own initiative or at the request of the Management Board or the Commission, develop operational standards, indicators, guidelines and best practices related to the implementation of Union law on asylum.'

^{(9) &}lt;u>Directive 2013/32/EU</u> of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast), (OJ L 180, 29.6.2013).

⁽¹º) Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast) (OJ L 180, 29.6.2013).

^{(1) &}lt;u>Directive 2011/95/EU</u> 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 L 337, 20.12.2011).

⁽¹²⁾ EASO, Guidance on reception conditions: operational standards and indicators, September 2016.



This guidance complements existing standards and indicators on reception elaborated in the 2016 guidance, also in light of the new EUAA mandate entered into force in 2022, that enhances the role of the Agency in supporting the implementation of the CEAS (¹⁴).

This guidance has been developed according to a multi-level approach, as follows:

- formulation of standards and indicators for areas not covered by the 2016 guidance
 (e.g. <u>Individual file</u>, <u>House rules</u>, <u>Complaint and response mechanism</u>), including some
 of the areas explicitly excluded based on the methodology of that guidance (e.g.
 <u>Reduction or withdrawal of material reception conditions</u>; <u>Exceptional modalities for</u>
 the provision of material reception conditions);
- formulation of new standards and indicators complementing some of the areas that were not exhaustively covered by the 2016 guidance (e.g. Security and safety, Staff).

In both cases, all standards and indicators have been developed based on the RCD (recast) which is the legal basis in force at the time of writing. It should be noted that the text has also taken into account the <u>New Pact on Migration and Asylum</u>, including a new <u>recast of the</u> reception conditions directive (¹⁵).

Importantly, Member States may introduce or retain provisions in the field of reception for applicants that are more favourable than those included in this guidance. Under no circumstances should this guidance be understood as an invitation to lower existing standards but rather as an encouragement to reach, as a minimum, the benchmarks developed herein.

Purpose and scope of the guidance

The overall objective of these operational standards and indicators is to support Member States in the implementation of key provisions of the CEAS, addressing issues related to the reception of applicants for international protection.

This guidance has been designed to serve multiple purposes, as follows.

- At European policy level, it harmonises the operational and technical application of the CEAS by promoting commonly agreed practices.
- At national policy level, it serves as a tool to support Member States in establishing
 fair and efficient reception systems that comply with the CEAS, support reforms or
 developments in the area of reception, provide a framework for setting and/or further
 developing reception standards.
- At **operational level**, it aims to support Member States in establishing and/or assessing whether their practices are in line with the provisions of the CEAS. It can also be used

⁽¹⁵⁾ At the time of publishing, the text of the new pact is adopted but not yet published in the Official Journal of the European Union.



⁽¹⁴⁾ The new mandate of the EUAA, as laid out in the EUAA regulation, introduces in Articles 14 and 15, the EUAA monitoring mechanism for the operational and technical application of all aspects of the CEAS. Furthermore, in light of Article 13(6) 'the Agency shall take into account the operational standards, indicators, guidelines and best practices ... for the purposes of the monitoring mechanism referred to in Article 14.'



by reception authorities and practitioners to support the planning and running of reception facilities.

In addition, the guidance can also provide a framework for Member States to assess the quality of their own reception systems.

This guidance does not intend to prescribe a method for the provision of reception conditions nor does it endeavour to create a model for the perfect reception system. Its aim is to compile commonly agreed standards, indicators and good practices which already apply and/or are considered achievable across Member States. A number of different actors are often involved in the provision of material and non-material reception conditions, for example state, regional or local service providers as well as intergovernmental or civil society organisations (CSOs). Nevertheless, the ultimate responsibility for the application of the standards lies with Member States authorities.

Structure and format of the guidance

The guidance starts with an introductory section that provides background information, defines its purpose and structure and clarifies the concepts of standard, indicator, additional remark and good practice, as used herein (see <u>How to read the guidance</u>).

The guidance elaborates standards and indicators on the following 15 thematic sections.

Area of development	Brief description
Preparation and planning for the establishment of a new accommodation centre	focuses on the steps to take to open an accommodation centre, once the decision to establish it has been taken.
2. Transport to the reception facility	complements the 2016 guidance standard on allocation, by looking in particular at the element of transport of the applicant to the reception facility.
3. Medical screening	provides guidance on the initial medical examination that may be performed upon the applicant's arrival in the reception facility.
4. <u>Individual file</u>	focuses on the file that is created for each applicant upon arrival in the reception facility, used to record relevant information.
5. House rules	focuses on the rules applicable in reception facilities, regulating applicants' rights and obligations.
6. Security and safety	complements the 2016 guidance standard on security, by looking in particular at access to accommodation





	centres, reinforced security infrastructure and critical incidents management.
7. <u>Staff</u>	complements the 2016 guidance section on 'Staff training', by looking in particular at staff ratio and staff well-being.
8. Administrative support	focuses on the support provided to applicants for the effective exercise of their rights and benefits as laid down in RCD (recast).
9. Reduction or withdrawal of material reception conditions	focuses on general principles related to reduction or withdrawal of material reception conditions, with particular attention to reception-related elements of Article 20 RCD (recast).
10. Complaint and response mechanism	focuses on the mechanism of lodging a complaint and receiving a response, including recording and reporting.
11. Applicants' participation and engagement in areas that affect their daily life in the reception facility	provides guidance on ways in which applicants are enabled to participate, engage and influence decisions affecting their daily life in a reception facility.
12. Preparing the end of reception: measures oriented towards the applicant's integration or towards voluntary return	provides guidance on activities that may be carried out to prepare applicants in view of their integration into the host society or their voluntary return.
13. Data collection	focuses on data management system, data to be transmitted to competent authorities on a regular basis and data to be available for transmission upon request.
14. Assessment of reception conditions	focuses on the set of activities that Member State authorities should carry out to observe, check and assess the quality of reception conditions in their facilities.
15. Exceptional modalities for the provision of material reception conditions	focuses on preparedness measures and standards applicable to situations falling within the scope of Article 18(9) RCD (recast).

The guidance ends with the following three annexes.

Annex 1. Summary table includes a summary table of all standards and indicators
listed in this guidance. The table should be read in conjunction with the main guidance
which provides additional clarifications to support interpretation thereof.





- Annex 2. Glossary specifies the terminology used in this guidance.
- Annex 3. EUAA resources lists EUAA available resources (e.g. tools, guides) that can support Member States in achieving the standards and indicators.

How to read the guidance

When reading this guidance, the following aspects should be taken into account.

• Each thematic section includes **standards**, **indicators**, **additional remarks** and **good practices** that should be read in accordance with the definitions provided below.

Standard	describes a commonly agreed practice that is considered achievable by all Member States. Standards aim to ensure the establishment of fair and efficient asylum and reception systems in compliance with the provisions set out in the CEAS.
Indicator	is what can be observed and/or measured to demonstrate whether the operational standard is achieved. Indicators listed under each standard should be understood as cumulative without an order of hierarchy.
Additional remark	highlights specific points of attention, particular circumstances or exceptions for applying the indicator. In light of the different national contexts, the applicability of the additional remarks might vary across Member States.
Good practice	refers to practices that Member States are encouraged to consider adopting in their national systems, even though they do not constitute commonly agreed practices.

- Each thematic section starts with an introductory part that defines its scope, outlines the methodological framework used to draft the standards and indicators and clarifies the terminology used therein.
- All standards and indicators in this guidance are directly or indirectly linked to the RCD (recast). The Legal reference box under each thematic section fully quotes the relevant Articles only when this is deemed helpful to guide the reader through the standards and indicators elaborated therein.
- An Available EUAA resources section complements the thematic sections for which
 the EUAA has resources to support Member States in meeting the standards and
 indicators elaborated therein.
- In some sections, the focus of standards and indicators is at national level while in others it is at facility level. When relevant, this distinction is reflected in the introductory remarks of the section.
- The optional nature of the RCD (recast) provisions concerning <u>Medical screening</u>, <u>Preparing the end of reception: measures oriented towards the applicant's integration or towards voluntary return</u>, <u>Applicants' participation and engagement in areas that affect their daily life in the reception facility has also been taken into account.</u>





Standards and indicators elaborated in those sections provide guidance to those Member States that implement or intend to implement those areas in their systems.

- The order in which thematic sections of the guidance have been organised takes into account the reception pathway. Although the EU legislation on asylum does not set rules on how exactly Member States should organise their systems, the reception process can be generally divided into three distinct and interconnected phases which can be linked to the asylum procedures, including Dublin (¹⁶). The three phases can be summarised as follows.
 - The arrival phase includes the start of many of the processes that are linked to both procedural and reception aspects, such as registration, medical screening, age assessment, vulnerability assessment and reception intake.
 - The phase of stay entails a more tailored-made approach addressing the individual reception needs of the applicant. It has a stronger focus on the well-being and resilience of the applicant and on the support provided for preparing them to the possible outcome of their asylum application.
 - The end phase focuses on leaving the reception facility or system. This can include transition to the integration pathway for those who are granted a form of international protection, transition to immigration procedures such as return for those who receive a final negative decision, or transfer to another Member State in case of a Dublin procedure.

The following infographic summarises the relevant phases of the reception pathway and displays along it the thematic areas covered by this guidance.

As such, the pathway does not correspond to how the reception system is organised in all Member States. It is a simplification that visualises each thematic section vis-à-vis the phases of reception. It should therefore be understood simply as assistance in properly interpreting this guidance.

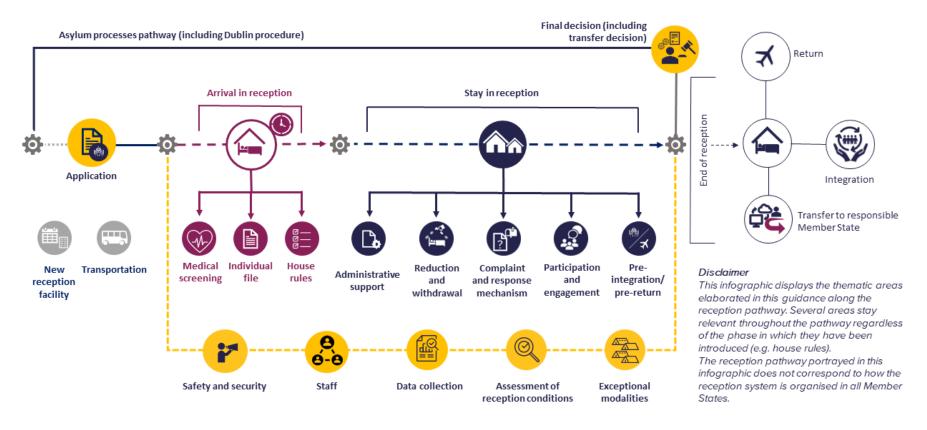
⁽¹⁶⁾ Provision of information and vulnerability identification, assessment and response are carried out continuously throughout these phases.





Figure 1. Standards and indicators along the reception pathway

This guidance along the reception pathway



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Guiding principles

The following principles are integral to the standards and indicators included in this guidance and should be observed in the provision of reception conditions in the national systems.

- Transparency and accountability: the provision of reception conditions should be
 based on transparent and fair rules and decision-making procedures. Notwithstanding
 the relevance of additional actors in the implementation of specific tasks in national
 reception systems (e.g. CSOs, private sector), the overall responsibility to achieve the
 highest levels of transparency and accountability lies with the reception authority.
- Confidentiality: all personnel working with applicants for international protection is bound by the principle of confidentiality as enshrined in national law in relation to any information obtained in the course of their work and in the application of these standards and indicators.
- **Data protection**: any processing activity (e.g. recording, storing, communicating) vis-à-vis the data related to an applicant must be in compliance with the general data protection regulation (GDPR) (¹⁷) and in accordance with national law. National rules governing the retention period of personal data should be respected.
- Consideration for special needs (18): the definition of 'special needs' is not limited to the categories of applicants with vulnerabilities included in the non-exhaustive list (19) of Article 21 RCD (recast) but includes any applicant with special reception needs. Gender, gender identity and sexual orientation are specific factors to be taken into account in this regard.
- **Fundamental rights:** every human being must be valued and respected. This guidance should be applied in accordance with the United Nations Universal Declaration of Human Rights (²⁰) and the Charter of Fundamental Rights of the EU (EU Charter) (²¹).

⁽²¹⁾ European Union, Charter of Fundamental Rights of the European Union, 26 October 2012, 2012/C 326/02.



⁽¹⁷⁾ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016).

^{(&}lt;sup>18</sup>) The wording 'special needs' reflects the terminology used in the RCD (recast) in force at the time of writing. Nevertheless, the term 'specific needs' is used in the new <u>recast reception conditions directive</u>.

⁽¹⁹⁾ The list includes 'minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation'.

⁽²⁰⁾ UN General Assembly, <u>Universal Declaration of Human Rights</u>, 10 December 1948, 217 A (III)



Fundamental rights

- **Human dignity:** it stipulates that a human being has an innate right to be valued, respected and to receive ethical treatment (²²).
- **Right to life:** it prohibits the death penalty or execution and stipulates the duty to take preventive measures in situations where there is a real and immediate risk to the life of an individual (²³).
- **Prohibition of torture:** it stipulates that no one can be subjected to torture or to inhuman or degrading treatment or punishment (²⁴).
- **Non-discrimination**: it stipulates that any discrimination based on any ground, such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation, is prohibited (²⁵).
- **Right to asylum:** everyone has the 'right to seek and to enjoy protection' (²⁶) from persecution in other countries. Member States must ensure that each person, whether an adult or a child, has the right to make an application for international protection on their own behalf or through their relative or representative (²⁷).
- **Principle of** *non-refoulement*: it is the obligation of states to refrain from expelling or returning a person in any manner whatsoever to a situation where they may face persecution and/or torture, inhuman or degrading treatment or punishment (²⁸).

Note on terminology

This note clarifies the main recurrent concepts in the guidance, providing some key definitions to guide the reader across the standards and indicators. Definitions of the other technical terms used in this guide are provided in <u>Annex 2. Glossary</u>.

Accommodation centre v. accommodation / reception facility

The applicability of some of the standards and indicators elaborated in this guidance varies depending on whether the physical place where applicants are housed is exclusively a collective facility or rather includes private housing as well.

⁽²⁸⁾ Article 33(1) UN General Assembly, <u>Convention relating to the status of refugees</u>, Geneva, 28 July 1951, United Nations, Treaty Series, vol. 189, p. 137. On this principle, also refer to Article 21 <u>Directive 2011/95/EU</u> (gualifications directive (recast)).



⁽²²⁾ Article 1 of the European Union, <u>Charter of Fundamental Rights of the EU</u>, 26 October 2012, 2012/C 326/02 (EU Charter).

⁽²³⁾ Article 2 EU Charter.

^{(&}lt;sup>24</sup>) Article 4 EU Charter.

⁽²⁵⁾ Article 21 EU Charter.

⁽²⁶⁾ Article 14(1) of the UN General Assembly, <u>Universal Declaration of Human Rights</u>, 10 December 1948, 217 A (III).

⁽²⁷⁾ Article 18 EU Charter.



To reflect this distinction, the terms 'accommodation centre' on one hand and 'accommodation facility' or 'reception facility' on the other hand should not be understood as synonyms. More specifically, for the purpose of this guide they are defined as follows:

- 'accommodation centre': any place used for the collective housing of applicants (as per Article 2(i) RCD (recast)) that guarantees an adequate standard of living (as per Article 18(1)(b) RCD (recast));
- 'accommodation facility' or 'reception facility': any place for the housing of applicants, (collective or not). It encompasses accommodation centres as well as private houses, flats, hotels or other premises adapted for housing applicants (as per Article 18(1)(c) RCD (recast)).

In light of the above definitions and given their broader meaning, 'accommodation facility' and 'reception facility' are used more frequently to indicate any place for the housing of applicants. The term 'accommodation centre' is only used when the standards and indicators specifically apply to collective housing only.

Information provision

Information provision refers to information in the framework of Article 5 RCD (recast). When used in this guidance, 'information provision' should also be understood as in line with the standards and indicators elaborated in the 2016 guidance. In particular, the criteria below should be met.

- 'Written information is provided in a language that the applicant understands or is reasonably supposed to understand.
- Where necessary and appropriate, the information is provided also orally in a language the applicant understands.

[...]

- Information is provided according to the special needs and individual circumstances of applicants.

[...]' (²⁹).

Reception officer

'Reception officer' refers to practitioners who are in direct contact with applicants for international protection in a reception context, irrespective of their employer (the state, a civil society organisation, a private contractor, a municipality, etc.) (30). Reception officers can include social workers, education and healthcare staff, registration officers, interpreters, facility managers, administration/coordination staff.

⁽³⁰⁾ EASO, <u>Guidance on reception conditions: operational standards and indicators</u>, 2016, section 8. Staff training, p 43.



⁽²⁹⁾ EASO, Guidance on reception conditions: operational standards and indicators, 2016, standards 30 and 31.



Standards and indicators

Preparation and planning for the establishment of a new accommodation centre

This section sets standards and indicators aimed to guide national reception authorities in the process of planning and preparing the set-up of a new accommodation centre, once the decision to establish it has been taken.

The standards and indicators elaborated in this section are not covered in the 2016 guidance and reflect common practices that give shape to Article 18(1) RCD (recast) concerning the in kind provision of housing.

Consequently, this section does not cover situations where:

- accommodation is provided in the form of financial allowances or vouchers;
- extra capacity is created within an already active accommodation centre;
- applicants are hosted in private houses or flats.

The elements covered in this section do not follow a strict chronological order as Member States practices on the subject differ greatly. However, they set a number of key steps to take prior to opening a new accommodation centre. These include, as a minimum:

- have a procedure in place to regulate and coordinate the opening process;
- identify sites and/or buildings that could be used for accommodation purposes, assessing their adequacy on the basis of predetermined criteria;
- put in place all necessary actions to have the accommodation centre ready before its formal opening.

These steps may not cover all the tasks necessary in the specific local context. Similarly, it may not always be possible to perform all steps in contexts characterised by disproportionate pressure or high influx.

Related standards and indicators in other EUAA guidance

This section needs to be read in conjunction with:

- Guidance on reception conditions: operational standards and indicators, 2016,
 Section 8. Staff training:
 - Standard 38: Ensure reception officers are provided with the necessary and appropriate training.





Legal reference



RCD (recast)

Article 18(1) – Modalities for material reception conditions

Standards and indicators

Standard 1. Procedure for opening an accommodation centre

Standard 1. The opening of an accommodation centre follows defined procedural steps and is properly coordinated.

Indicators

Indicator 1. A standardised procedure that prescribes the steps to take for opening a new accommodation centre is in place.

 Additional remarks: the procedure can be established at the central or local level. In the latter case, different procedures may apply across the country.

Indicator 2. The procedure prescribes who is responsible for the overall coordination, implementation and reporting to the central or local level.

Indicator 3. Coordination actions among relevant authorities and stakeholders are taken prior to opening the accommodation centre.

Additional remarks: coordination actions can take several forms, e.g.
information sessions, meetings, roundtables. The competent
authorities for the reception of applicants vary across Member States.
Depending on rules applicable in each Member State, institutions that
may be involved in the coordination process can include educational
institutions, hospitals, police, municipalities or border guards.

Indicator 4. The local community is informed of the setting up of an accommodation centre, when appropriate.

 Additional remarks: information activities can take different forms, e.g. leaflets, written communications, radio broadcasts or open days.

Factors such as the likelihood of violent contestations can contribute to make a decision on when and how to inform the local community.

Good practice

- Create an operational manual/toolkit explaining the different steps to take prior to opening a new accommodation centre.
- Set up a committee that includes local residents to facilitate the establishment of a new accommodation centre, including by collecting concerns of the local population and finding possible solutions.





Standard 2. Identification and assessment of sites and buildings

Standard 2. Sites and/or buildings to be used for accommodation purposes are identified and assessed in an adequate and coordinated manner.

Indicators

Indicator 1. Sites and/or buildings to be used as accommodation centres are identified based on reception needs.

 Additional remarks: reception needs can encompass different elements, including: the number of people expected to be accommodated in the new accommodation centre; the profiles of applicants to be hosted (e.g. single adult men, families, unaccompanied children) and their corresponding special reception needs; the functions assigned to the facility, which may vary according to the typology of centre and include for example registration, medical check, intake and information provision, accommodation, healthcare and administrative support.

All these elements should be taken into account during the identification process in order to determine which site or building better responds to the identified reception needs.

An additional important parameter to consider is the location. The suitability of a location depends on the type and functions assigned to the centre. For example: proximity to the national border for first reception facilities; accessibility of services and means of transport for long-term stay facilities; availability in the area of healthcare and other specialised services for facilities dedicated to applicants with special needs.

Sites or buildings may be owned by the authorities or made available by other bodies, including private ones.

Indicator 2. The suitability of sites and/or buildings is assessed based on the analysis of available documentation and the outcome of on-site visits.

• Additional remarks: available documentation can include: land rights certificate, soil certificate, building permits, plans of the site or building, technical documentation (31), documentation on connection to essential infrastructure (sewage, electricity, potable water), reports of certified external auditors, including asbestos and hazardous materials reports, sanitary and fire protection reports issued by competent authorities.

The suitability assessment of a site should consider several criteria, such as size available, topography, environment, soil composition, risks of natural or artificial hazards, wildlife, former and current use of the site, security, public infrastructure, water, electricity, services nearby, road accessibility.

The suitability assessment of a building should additionally consider whether the existing rooms and surrounding areas can be transformed

⁽³¹⁾ For example high tension cabin, installation certification, low voltage, heating installation, heating, ventilation and air conditioning plans, electrical plans.





and adapted to the functions of the centre and to the needs of the residents and staff.

When planning the establishment of a new accommodation centre, Member States should take into account previous assessments conducted on the same site or building, if available.

Indicator 3. The suitability assessment specifies the infrastructural interventions required as well as their estimated duration and financial outlay expected.

• **Additional remarks:** the availability of financial resources should be analysed before proceeding to set up the accommodation centre.

Indicator 4. In the process of identifying and assessing the sites and buildings, the competent reception authority acts in coordination with other relevant actors.

 Additional remarks: depending on national legislation, other relevant actors can include competent sanitary (inspection) services, fire department, etc.

Good practice

• In consultation with other stakeholders, create a list of empty sites and existing buildings suitable to be converted or used for accommodation purposes, catering for the needs of different profiles of applicants for international protection.

Standard 3. Actions to take before the formal opening of an accommodation centre

Standard 3. The accommodation centre is ready to operate efficiently and safely before its formal opening.

Indicators

Indicator 1. Essential infrastructure and utilities, compliant with relevant regulations, function properly.

 Additional remarks: essential infrastructure and utilities that need to be in place before the opening of an accommodation centre are generally regulated by national law and may require the involvement of different public authorities. They include for example connection to water, electricity, gas, sewage system, heating, security infrastructure.

Indicator 2. Essential furniture and equipment, compliant with relevant regulations, are in place.

 Additional remarks: essential furniture and equipment include, for example: beds and mattresses, office computers and related equipment, security and safety equipment (such as first-aid kits, fire extinguishers, a set of keys for all doors) in line with relevant protocols (e.g. evacuation protocol).





Indicator 3. A mechanism is in place to ensure coordination, reporting and data exchange between the accommodation centre and the central or local level.

 Additional remarks: before a new accommodation centre is opened, necessary arrangements are made to ensure that collection, recording and transmission of data from the accommodation centre to a centralised database are adequately planned and organised.
 For this indicator, also refer to Section 13. Data collection.

Indicator 4. Staff, including persons in charge of managing the accommodation centre and those responsible for delivering necessary services, are identified and appointed.

 Additional remarks: depending on national legislation, necessary services may vary. If the daily operation of the accommodation centre is outsourced to an external actor, the minimum number of staff required and the different profiles should be specified in the contract with the external provider.

For this indicator, also refer to Section 7. Staff.

Good practice

- Ensure a right balance between experienced staff (who can manage and coordinate the start-up of the new accommodation centre and support proper communication with the headquarters) and unexperienced staff (for which training is recommended).
- Carry out a risk assessment before formally opening an accommodation centre.

Available EUAA resources



Site and Building Assessment Tool (forthcoming)

The tool provides criteria for the assessment of empty sites and buildings that could be used as or transformed into an accommodation centre. As such, it can be used in particular to measure Standard 2 and the related indicators.



Modular Approach to Reception: Container Site Design

Principle 2 can orient users in understanding the different functions that an accommodation centre may have, as indicated in the additional remarks of <u>Standard 2</u>, <u>Indicator 1</u>.





2. Transport to the reception facility

The 2016 guidance elaborates standards and indicators on the principles and criteria governing the allocation process of applicants (32). Building on it, this section intends to complement by looking in particular at the element of transport of the applicant to the reception facility (transport from the place of registration to the assigned accommodation facility or transport between two reception facilities in case of a transfer). Therefore, this section does not apply to transport aimed at enabling applicants to access relevant services located outside the accommodation facility. Such situation is already covered by the 2016 guidance (see Standards 1.2(c) and 1.2(d) related to the location of the facility). Similarly, this section does not apply either to transfers operated between countries, e.g. under the Dublin procedure.

The standards and indicators included in this section should be read and implemented fully in line with the principle of family unity as well as respect for special needs. Importantly, compliance with these principles is not only relevant upon entry into the reception system but also at the moment of transferring applicants to different housing facilities.

Member States can choose whether to deliver housing in kind or through financial allowances (Article 2(g) RCD (recast)). This section applies to Member States that provide housing in-kind.

Related standards and indicators in other EUAA guidance

This section needs to be read in conjunction with:

- Guidance on reception conditions: operational standards and indicators, 2016, Section 1.2. Allocation:
 - Standard 2. Ensure that the principle of family unity is respected.
 - Standard 3. Ensure that special needs are taken into account when (re-)allocating particular housing to an applicant.
 - Standard 4. Ensure that specific and objective reasons linked to the individual situation of the applicant are taken into account when allocating housing to an applicant.

⁽³²⁾ The allocation process is governed by the principle that Member States are free to organise their internal reception system and capacity as long as they comply with the provisions laid down in the RCD (recast). Member States regulate the allocation process in different ways, including through dispersal systems whereby applicants are distributed across different areas of the country. Dispersal quotas may be based on different factors, for example: the population of each province, municipality and/or region; the population combined with the tax revenues of the state; the population combined with the GDP per inhabitant; unemployment rate; regional reception capacity. The majority of Member States, however, resort to a direct allocation whereby applicants are assigned to a specific reception facility typically based on the availability of places combined with the profile of the applicant (such as special needs and vulnerabilities, family status or composition, health and medical needs) or depending on the type of asylum procedure (for example, specific facilities exist in some countries for applicants in the Dublin procedure. For further information, see EASO, <u>Situational Update, Issue No 8, 13 January 2022: Overview of the organisation of reception systems in EU+ countries</u>, p. 6. In addition, also refer to EUAA, <u>Private Accommodation for Displaced Persons from Ukraine</u>, 2022: though not specifically elaborated for applicants for international protection, this tool illustrates criteria that could be used for matching and allocating persons to facilities and could therefore be of inspiration for Member States.





• <u>Guidance on Vulnerability in Asylum and Reception – Operational standards and indicators</u>, 2024.

Legal reference



RCD (recast)

Article 12 – Families

Article 18(6) – Modalities for material reception conditions

Standards and indicators

Standard 4. Transport

Standard 4. The applicant's transport to the accommodation facility is organised and coordinated in an effective way.

Indicators

Indicator 1. A mechanism is in place to regulate the applicant's transport to the accommodation facility.

• Additional remarks: the mechanism is applicable to different situations, such as transport from the place of registration to the assigned reception facility as well as transport between two reception facilities in case of a transfer.

Indicator 2. The mechanism specifies the modalities in which the applicant should reach the accommodation facility.

• **Additional remarks**: reception authorities provide the applicant with information and means to reach the accommodation facility.

Information on how to reach the facility must include the address and the related contact point.

Means to reach the facility can include the direct organisation of transport by the Member State or the provision of related costs (e.g. through reimbursement or tickets).

If the receiving facility is located within reasonable walking distance, the applicant can be requested to reach it with their own means. The assessment of 'reasonable walking distance' takes into account different elements, including the local environment and safe available infrastructure for walking. For this aspect, also refer to <u>Standard 1</u>, <u>Indicator 1.2</u>, in the 2016 guidance.

Transport to the reception facility must be adapted to the applicant's special needs.

Indicator 3. The mechanism specifies a reasonable timing within which the applicant should reach the accommodation facility.





 Additional remarks: to determine what constitutes 'reasonable time', different parameters should be taken into account, including the available transport options and the geographical distance.

Indicator 4. The mechanism regulates the coordination process between the receiving accommodation facility and the reception authority.

 Additional remarks: reception authorities notify the receiving accommodation facility of the applicant's expected arrival and of any special reception needs. The notification of expected arrival should reach the facility before the applicant arrives.

Similarly, the receiving accommodation facility notifies the reception authorities upon the applicant's arrival/non-arrival.

Notifications can be done in different ways, including by encoding it into a centralised database.

For this indicator, also refer to Section 13. <u>Data collection</u>, <u>Standard 29</u>.





3. Medical screening

In this section, the term 'medical screening' refers to the initial medical examination that may be performed upon the applicant's arrival in the reception facility. As such, the term does not encompass the medical checks that may be carried out upon arrival in the country (i.e. upon disembarkation or at the borders) where the involvement of reception authorities is generally marginal.

The use of the term 'medical screening' is in line with Article 13 RCD (recast) and is without detriment to the variety of terms that Member States may use in their national legislation to describe this type of medical examination.

Article 13 RCD (recast) envisages that Member States may require medical screening for applicants on public health grounds. Indeed, carrying out medical checks upon arrival in the facility has gradually become a common practice and has proved to be extremely important during the COVID-19 pandemic to minimise risks associated with the spread of contagion. In a broader perspective, conducting a medical examination upon entry in a reception facility may also contribute to give shape to Article 22 RCD (recast) according to which Member States must assess whether the applicant has special reception needs.

In this view, a medical screening may serve different purposes, namely:

- at an individual level, it ensures that the applicant receives appropriate care for any physical or mental health needs that require immediate medical attention;
- from a public health perspective, it can be used to identify any communicable diseases that may pose a risk to the general population;
- from a practical point of view, it helps identify vulnerabilities that may be relevant to activate procedural guarantees or recognise the applicant's special reception needs, also in view of their allocation inside the facility.

Notwithstanding the optional nature of the medical screening, the standards and indicators contained in this section provide guidance to the Member States that conduct or intend to conduct a medical screening upon arrival in a reception facility.

Among other elements, the standard and indicators encompass principles that should be applicable to all medical examinations (such as non-discrimination, respect for the person's dignity, information provision and confidentiality, professional codes of ethics). In all cases, the medical screening should not lead to re-traumatisation of the person.

Data protection considerations and compliance with GDPR are particularly relevant for the standard and indicators elaborated in this section. Data concerning health constitute a special category of personal data (33) and merit specific protection.



⁽³³⁾ Article 9 GDPR 'Processing of special categories of personal data'.



Related standards and indicators in other EUAA guidance

This section needs to be read in conjunction with:

- Guidance on reception conditions: operational standards and indicators, 2016, Section 5. Healthcare:
 - Standard 29. Ensure access to necessary healthcare, at least at level of emergency care and essential treatment of illnesses and serious mental disorders.
- <u>Guidance on Vulnerability in Asylum and Reception Operational standards and indicators</u>, 2024.

Legal reference



RCD (recast)

Article 13 - Medical screening

Member States may require medical screening for applicants on public health grounds.

Article 22(1) – Assessment of the special reception needs of vulnerable persons

Member States shall assess whether the applicant is an applicant with special reception needs.

Standards and indicators

Standard 5. Medical screening

Standard 5. Without prejudice to applicable national legislation, the medical screening is conducted in an adequate, timely and justified manner and in full respect of the applicant's dignity.

Indicators

Indicator 1. The medical screening is carried out as soon as possible upon arrival in the facility.

• Additional remarks: the medical screening can be mandatory or voluntary for the applicant, depending on Member State legislation. The medical screening can be carried out within the premises of the reception facility, when this is possible, or through medical services available on the territory. Member States should avoid unnecessary repetition of medical examinations. To this end, when a medical check was already conducted immediately prior to the arrival in the receiving facility (e.g. upon disembarkation/arrival in the country, at the borders or in another facility before a transfer), its results should be timely communicated to the applicant and to the competent medical staff of the receiving facility.

Indicator 2. The medical screening is proportionate to its purpose.





Additional remarks: the medical screening can be carried out with
different purposes, such as identify medical issues that require
immediate attention and/or identify special reception needs of the
applicant, also in view of their allocation inside the facility and/or to
control and prevent the spread of contagious and infectious diseases.
Depending on the purpose of the screening, the medical examinations
can include: screening for acute and urgent issues related to physical
and mental health in view of possible emergencies or hospitalisation (e.g.
pregnancy, reduced mobility, need of medication such as insulin);
screening for contagious diseases or pest contamination detection (e.g.
scabies, bedbugs) in view of quarantine/isolation measures; additional
screenings and vaccinations as required by national public health
policies.

Indicator 3. Measures are taken to ensure that the applicant's dignity is respected.

• Additional remarks: measures can include carrying out the medical screening in an adequate setting that protects the privacy of the applicant (e.g. to dress and undress).

Indicator 4. Adequate information is provided to the applicant about the medical screening they are required to undergo.

Additional remarks: information can include: explaining to the applicant
that they have the right to refuse to undergo certain examinations and
the consequences connected with such a refusal; explaining the reasons
for conducting the medical screening, giving the applicant the
opportunity to ask questions; explaining to the applicant what the
examination entails so as to provide them with a clear idea of what to
expect, including any pain or discomfort.

Indicator 5. Informed consent (34) is obtained from or on behalf of the applicant prior to the examinations.

• Additional remarks: if it is not possible to obtain the consent prior to the examinations (e.g. because of urgent medical treatments), this should be obtained as soon as possible afterwards, without any delay.

Indicator 6. Adequate arrangements are in place to ensure that the applicant is able to communicate with the medical personnel.

 Additional remarks: adequate arrangements can include free-of-charge provision of professional interpreting services (onsite or remotely, e.g. over the phone) where necessary, also taking into account the preference expressed by the applicant in terms of the interpreter's gender.

Indicator 7. The medical screening is conducted by qualified medical personnel.

^{(34) &#}x27;Informed consent' refers to the consent under health law, that can be defined as: the process in which a health care provider educates a patient about the risks, benefits, and alternatives of a given procedure or intervention. The patient must be competent to make a voluntary decision about whether to undergo the procedure or intervention. Source: PubMed – National Library of Medicine.





Indicator 8. An individual medical file is created immediately after the medical screening has taken place, at the latest.

Additional remarks: the medical file can be either a stand-alone document or be integrated within an electronic service environment.

If medical information relevant to ensure adequate reception is included in the individual file together with social and administrative information, access rights to the different elements must be managed in compliance with national legislation on professional secrecy and the GDPR.

The applicant's consent (35) is required to create the medical file, as well as to share information with other medical professionals, unless the sharing of the information is an obligation under national law.

In case of a transfer, the medical file should be accessible to the applicant and to the competent medical staff of the receiving facility.

For this indicator, also refer to Section 4. Individual file, Standard 6.

Indicator 9. Necessary follow-up actions are taken after the medical screening.

 Additional remarks: follow-up actions can include: prompt referral for immediate medical assistance; application of isolation/quarantine measures for applicants with contagious or infectious diseases; scheduling of appointments for in-depth examinations or vaccinations; dedicated consultations with the applicant upon detection of new diseases.

Indicator 10. The applicant is provided with access to their medical records, without prejudice to national legislation.

Good practice

- Update and document the applicant's vaccination status according to national recommendations, if this was not done upon arrival in the country. The applicant should have access to their vaccination records in the same way as Member State nationals (e.g. immunisation record, vaccination passport).
- Train medical personnel on cultural diversity and migrant health.

Available EUAA resources



Practical Guide on Setting Up and Managing an Arrival or Reception Centre (forthcoming)

The guide contains a section on health screening that specifies its different objectives and phases (including the medical screening) and provides step-by-step guidance on the actions to take. Suggestions on possible types of screening and vaccinations as well as practical tips for the organisation of screening activities are also provided.

⁽³⁵⁾ To be valid, consent must be freely given, specific, informed and unambiguous (Article 4(11) GDPR). In the context of processing of personal data concerning health, an additional requirement is to have explicit consent (Article 9(2(a) GDPR).





4. Individual file

This section focuses on the individual file that is created for each applicant (³⁶) upon arrival in the reception facility and records relevant information gathered by reception officers during the meetings conducted at the intake (³⁷) or during the applicant's stay in reception.

Member States are required to create an individual file for each applicant within three days from arrival to record their presence in the facility. Additional information will be progressively added to the individual file, as soon as it becomes available. Whenever possible, a well-documented individual file should be able not only to capture administrative, social and medical information, including special reception needs, but also to give a broader overview of the applicant's life in the reception facility. For instance, in case of applicants hosted in accommodation centres, the individual file should capture additional elements, such as their interaction with other residents and their active participation in the daily life of the facility. It should also report the actions undertaken over time to provide support to the applicant in different areas. As information can be gathered anytime during the stay in the facility, the individual file needs to be kept systematically up to date.

The RCD (recast) allows Member States to choose whether to provide housing to applicants in kind or through financial allowances. The standards and indicators elaborated in this section strictly apply to situations in which housing is provided in kind.

Data protection considerations and compliance with GDPR are particularly relevant for the standard and indicators elaborated in this section. As regards in particular the medical section of the individual file, it should be noted that 'data concerning health' constitute a special category of personal data (38) and merit specific protection.



⁽³⁶⁾ The focus of this guidance is on applicants for international protection. However, an individual file should be created for all residents accommodated in the reception facility.

⁽³⁷⁾ The term 'intake' refers to the 'formal or informal procedure implemented by reception officers upon arrival of an applicant in a reception facility' (see Annex 2. Glossary). The intake can take various forms: it can be a single meeting or consist of different stages and can be conducted by one reception officer or by several ones with different functions (e.g. social worker, doctor). Its objectives include providing information to the applicant (e.g. house rules, rights and duties, available services, material reception conditions), collecting information from the applicant (e.g. social, legal, psychological, medical information), identifying persons in a vulnerable situation also in view of determining their allocation within the facility and their special reception needs. Indeed, the intake interview can be a privileged moment to obtain information relevant for the vulnerability identification process. As a core element of the intake, information needs to be provided in a time-specific and phasespecific manner and communicated in a clear way. Information provision sessions can be organised individually or collectively. In the latter case, the number of participants should be limited and groups should be homogeneous: participants should speak the same language or share other common characteristics (e.g. age, gender, country of origin, or belong to the same family) so that the transmission of information is effective. Various information channels should be used, including written information (e.g. for house rules) and oral explanations, also taking into account the special needs of the applicant (e.g. information should be accessible to blind, deaf and illiterate or low-literate residents and adapted for children). Interpreters and other means such as videos, leaflets, information boards, pictograms, should also support clear communication. In this sense, the intake can be considered as a two-way process in which the reception officer actively provides key information to the applicant who, in turn, shares with the reception officer important data that will be used to develop the applicant's individual file.

⁽³⁸⁾ Article 9 GDPR 'Processing of special categories of personal data'.



Related standards and indicators in other EUAA guidance

This section needs to be read in conjunction with:

- Guidance on reception conditions: operational standards and indicators, 2016, in particular Section 6. Provision of information and counselling and Section 7. Identification, assessment and response to special needs.
 - Standard 30. Ensure the applicant receives and understands phase-relevant information on benefits and obligations relating to reception conditions.
 - Standard 35. Ensure the mechanism for identification and assessment of special reception needs is effectively applied – with particular focus on indicator 35.2
- Guidance on Vulnerability in Asylum and Reception Operational standards and indicators, 2024.

Legal reference



RCD (recast)

Article 5 - Information

Standards and indicators

Standard 6. Individual file

Standard 6. An individual file is timely created and updated for each applicant.

Indicators

Indicator 1. Within maximum three days from arrival in the facility, an individual file is created for each applicant.

Additional remarks: the timeline of three days refers to the creation of the individual file for the purpose of registering the person's presence in the facility. At this stage, the file may contain limited information gathered during the intake meetings, such as personal data (name, gender, unique identifier) and information on family members in line with Article 2(c) RCD (recast).

Indicator 2. The individual file is systematically kept up to date.

Additional remarks: the individual file should be updated on a regular basis, especially when new information becomes available, such as information gathered by reception officers in the context of meetings, consultations and counselling sessions held with the applicant. When relevant, actions undertaken to support the applicant in different areas (social, medical, educational) should be also included.





Indicator 3. The individual file includes, as a minimum, the following administrative, social and medical sections:

- personal data, including information on family members in line with Article 2(c) RCD (recast);
- legal status;
- education, including literacy level and language skills;
- vulnerability and special reception needs;
- medical information relevant for providing adequate reception conditions.

Additional remarks: the individual file can be composed of one file only or of three different files (administrative, social and medical files). If administrative, social and medical information is gathered in one file only, access rights to the different elements should be managed in compliance with national legislation on professional secrecy and the GDPR. On the matter, also refer to Section 3. Medical screening, Standard 5, Indicator 8.

The section on vulnerability and special reception needs could include, for example, information on indicators related to vulnerability, (risk of) violence (e.g. gender-based or domestic violence, female genital mutilation), (risk of) human trafficking, information on referral (e.g. to health counselling, medical or psychological care), including contact details of civil society organisations offering specialised services.

Additionally, the individual file should be able to give a broader overview of the applicant's life in the facility, such as respect of the house rules, interaction and conflicts with other residents, self-care, participation in social and/or pre-integration activities, presence of social network in the territory and, where applicable, working situation and interest expressed to reception officers towards voluntary return.

The individual file should include house rules signed by the applicant. When the individual file is in electronic format only, an electronic copy of the signed house rules should be kept therein. For <u>House rules</u>, also refer to <u>Standard 7</u>.

In line with the GDPR, the applicant can receive a copy of their individual file on request. In addition, the applicant has the right to ask for rectification of inaccurate personal data and have incomplete personal data completed.

Good practice

- Create a standardised individual file template to be used in all reception facilities.
- Create an electronic database to collect and update information on the applicant and ease the exchange of updates and information between operators in charge of different tasks/areas inside the reception facility, in compliance with the GDPR.





Available EUAA resources



IPSN - Tool for Identification of Persons with Special Needs

The IPSN tool can support EU+ countries to timely identify persons with special procedural and immediate reception needs. This initial identification that should take place during the reception intake (1 to 3 days) cannot be considered a sufficient nor a stand-alone response to vulnerabilities. It needs to be complemented, during the phase of stay, by an in-depth vulnerability assessment (that can be supported by the SNVA tool).



Practical Guide on Setting Up and Managing an Arrival or Reception Centre (forthcoming)

The guide contains a section on reception intake procedures and workflows that specifies the activities and steps that should take place upon the applicant's first entry in the arrival/reception facility. Particular attention is given to the applicant's individual file, that must be created at the arrival phase and follow the applicant throughout stay and the pathway in the reception system.





5. House rules

In this section, the term 'house rules' refers to the document that lists the rules applicable within the accommodation facility and regulates the applicant (³⁹) rights and obligations.

The RCD (recast) mentions house rules in the provision related to the reduction or withdrawal of material reception conditions, envisaging that 'Member States may determine sanctions applicable to serious breaches of the rules of the accommodation centres as well as to seriously violent behaviour' (⁴⁰).

Although the practices differ widely across as well as within the Member States depending on the type of reception facility, house rules are an important instrument to ensure that a facility operates smoothly and remains a safe and peaceful environment for all.

Information on house rules should be provided upon arrival in the facility, through different means, also taking into account the individual situation of each applicant. Additionally, house rules should be also provided in writing, signed by each adult applicant and displayed in easily accessible areas.

The RCD (recast) allows Member States to choose whether to provide housing to applicants in kind or through financial allowances. The standards and indicators elaborated in this section strictly apply to situations in which housing is provided in kind.

Legal reference

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RCD (recast)

Article 5 – Information

1. Member States shall inform applicants, within a reasonable time not exceeding 15 days after they have lodged their application for international protection, of at least any established benefits and of the obligations with which they must comply relating to reception conditions.

Article 20(4) - Reduction or withdrawal of material reception conditions

4. Member States may determine sanctions applicable to serious breaches of the rules of the accommodation centres as well as to seriously violent behaviour.



⁽³⁹⁾ The focus of this guidance is on applicants for international protection. However, this section can extensively refer to 'residents' considering that, on the basis of the principle of non-discrimination, house rules are applicable and should be accessible by all those accommodated in the reception facility, irrespective of their status

⁽⁴⁰⁾ Article 20(4) RCD (recast).



Standards and indicators

Standard 7. House rules

Standard 7. Written house rules are communicated and accessible to and signed by each applicant.

Indicators

Indicator 1. Written house rules are in place in each reception facility.

 Additional remarks: written house rules can be in digital format or printed. In the latter case, pictograms and icons can be used to support the understanding of illiterate or low-literate applicants.

Indicator 2. Written house rules are provided to each applicant upon arrival in the facility.

• **Additional remarks**: when needed, house rules are explained to the applicant in a clear and non-technical language.

Indicator 3. Written house rules are visibly displayed in the facility, in areas accessible to all applicants.

 Additional remarks: house rules, complemented by pictograms, should be displayed in different languages, also taking into account the main languages spoken by the applicants hosted in the facility.

Indicator 4. Written house rules are signed by adult applicants.

• Additional remarks: reception officers should verify the applicant's understanding of the house rules they are signing, e.g. by reviewing them together and providing clarifications if needed. House rules could also be considered as signed 'indirectly' when they are embedded or annexed to another document (e.g. contract between the facility and the applicant). Signed house rules should be stored in the individual file of the applicant. When the individual file is in electronic format only, an electronic copy of the signed house rules should be kept therein. For the Individual file, also refer to Standard 6.

Good practice

- Develop at the central level a standard template of house rules applicable to all reception facilities, allowing each facility to complement with its own specific rules.
- Translate the standard template of house rules in different languages.
- Have standardised house rules embedded in law.
- Avoid technical and legal language when drafting the house rules.
- Organise information sessions on a regular basis to remind applicants of applicable house rules.





Standard 8. Rights and obligations

Standard 8. House rules include relevant information on applicants' rights and obligations in the facility.

Indicators

Indicator 1. House rules contain information on the use of the premises.

 Additional remarks: information can encompass indications on the modalities of accommodation (such as cohabitation with other applicants), rules applicable to the use of rooms and common areas, available equipment, supplies and furniture.

Indicator 2. House rules contain information on security and safety norms.

 Additional remarks: information can encompass indications on the use of heating, electric appliances and kitchens as well as on safety norms to be respected, e.g. dedicated areas for smoking, when available.

Indicator 3. House rules contain information on hygiene rules.

• Additional remarks: information can encompass indications on the (frequency of) hygienic products distribution, (frequency of) bedlinen and towel change, duty to keep accommodation clean.

Indicator 4. House rules contain information on peaceful cohabitation.

 Additional remarks: information can encompass indications on hours in which silence needs to be observed, as well as principles governing cohabitation, such as respect for others, for privacy and tranquillity, for cultural, political, religious and any other differences.

Indicator 5. House rules contain information on the possibility and modality to lodge a complaint.

• Additional remarks: for this indicator, also refer to Section 10.

Complaint and response mechanism, Standard 22 and Standard 23.

Indicator 6. If applicable, house rules contain information on opportunities available to the resident to actively participate and engage in the daily management of the facility.

Additional remarks: for this indicator, also refer to Section 11.
 Applicants' participation and engagement in areas that affect their daily life in the reception facility, Standard 26.

Indicator 7. House rules contain information on rules applicable to access the facility.

 Additional remarks: information can encompass indications on hours to access the premises (including curfew, if applicable) and means provided to the applicants to access (i.e. cards, keys, electronic badges).





For this indicator, also refer to Section 6. <u>Security and safety</u>, <u>Standard 10</u>.

Indicator 8. House rules contain information on rules applicable in case of absence from the facility.

 Additional remarks: information can encompass indications on what is considered to be a justified absence, the duration of tolerated absence, the authorisation needed for an absence, the applicant's duty to inform about their absence.

For this indicator, also refer to Section 9. <u>Reduction or withdrawal of material reception conditions</u>, <u>Standard 21</u>.

Indicator 9. House rules contain information on procedures applicable to inspection of individual premises by the staff, in line with applicable national legislation.

Indicator 10. House rules contain information on the conditions under which an applicant is entitled to stay in the reception facility, in line with applicable provisions in national law.

• Additional remarks: the applicant should be informed that their stay in the reception facility is in principle temporary and linked to certain conditions, such as the issuance of a final decision on their asylum application or termination of stay (due to forced return, voluntary departure, transfer to another facility, or early termination as a result of a sanction).

Indicator 11. House rules contain information on rules applicable to visits from external visitors.

• Additional remarks: information can encompass indications on the days and time when visits can be received, maximum duration of visits and requirement of prior authorisation to receive visits.

For this indicator, also refer to Section 6. <u>Security and safety</u>, Standard 10.

Good practice

- House rules describe the procedure for room allocation and room transfer.
- Organise information sessions to explain rules related to the rational consumption of utilities in the facility.





Standard 9. Prohibited behaviours and sanctions

Standard 9. House rules provide information on prohibited behaviours and related sanctions.

Indicators

Indicator 1. House rules clearly describe prohibited behaviours and actions.

• Additional remarks: prohibited behaviours and actions can include: possession of weapons or ammunition, explosives or other items which pose a threat to public order; possession or use of drugs; possession or consumption of alcoholic beverages; disturbing peace and order in the facility, in particular by shouting, making excessive noise, intentionally triggering an alarm, threatening or being violent towards other residents and/or staff etc.; hosting overnight persons who are not authorised to stay in the facility; recording conversations, photographing or filming other residents or staff without their consent; destroying and/or damaging the property of the facility and the property of other residents.

Indicator 2. House rules make reference to applicable sanctions in case of prohibited behaviours and actions, in line with national law.

Additional remarks: house rules should make reference to applicable
national law related to unlawful behaviours as well as to applicable
sanctions, including reduction or withdrawal of material reception
conditions. If behaviours are not reprehensible by law, house rules can
elaborate minor sanctions such as an oral and/or written warning,
temporary exclusion from activities organised in the facility, transfer to
another facility.

For this indicator, also refer to Section 9. <u>Reduction or withdrawal of material reception conditions</u>, <u>Standard 20</u>.

Available EUAA resources



Let's Speak Asylum

The Let's Speak Asylum platform has a section on intake, with practical information messages and information materials (i.e. 'welcome package') that can be used during the arrival phase in a reception facility to provide information to applicants for international protection in group or individual information sessions. The 'welcome package' material includes templates on rights and obligations in reception settings as well as templates on house rules that can help achieve the standards and indicators elaborated in this section.





Figure 2. Example of house rules



atimetralius .

4.00





It is prohibited to smoke inside the structure, except in areas designated and marked as such.



Illegal drug use and trafficking are prohibited and punishable under criminal law.



Bringing, possessing and carrying weapons within the structures are strictly prohibited.



Animals are strictly prohibited inside the structures.



Visits by third parties may take place between 9 am and 9 pm at designated locations.



It is prohibited to use device to make recordings of any person within the structures without their consent.



Every occupant is required to respect the tranquility and rest periods of other occupants (10 pm to 6 am)



Any occupant not having returned to the structure by 1 am (Monday to Friday) or 2 am (Saturday and Sunday) is registered as absent.



The room must be ventilated at least twice a day. While the window is open the heater must be switched off.



Any additional equipment (household appliances, fundure,...) in the room must be authorised in advance by the supervising staff.



Every occupant must follow and actively participate in the cleaning plan applicable on-site.



Individual bins must be emptied daily into the external containers.



The waste must be sorted in the bins provided for this purpose.



Clothing must be washed in the laundry room.



Clothes can be dried in the laundry room using dryers, or outside the facility.



Meals must be taken in the dining halls at the displayed times.



Parents must not leave their young under-aged child(ren) unattended on the premises.



It is prohibited to damage and disable cameras, smoke detectors, fire extinguishers and any other security equipment.



It is prohibited to obstruct emergency exits and escape routes.



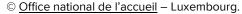
It is prohibited to use emergency exits or other accesses to enter/exit the structure, except in case of emergency.



112: In case of fire, accident or injury.



113: Police emergency. In case of violence, conflict or imminent danger.







6. Security and safety

In this section, the term 'security' relates to protection from deliberate threats or acts of violence. The term 'safety' relates instead to accidental hazards such as road accidents, fire, diseases and natural hazards.

Ensuring a safe and secure environment for all whilst providing material reception conditions to applicants is a priority. To this end Member States have developed operational security and safety procedures in response to the identified risks concerning both applicants and staff working in reception facilities.

Incidents, including critical ones (that can be defined as sudden, unexpected and overwhelming events, out of the range of expected experiences (41)) may occur in reception facilities. They can take different forms, such as threats or harm to the life, physical safety or mental health of applicants and/or staff; material damage; disruption of daily life; acts of aggression, harassment or abuse; conflict situations; violence (verbal or physical).

Most of the activities to prevent conflicts and violence, as well as to react to critical situations, are undertaken by the reception officers working in the facility. They are the ones monitoring the situation on a daily basis and usually reporting security threats to the competent authorities.

To this end, it becomes crucial for Member States to have in place a formal procedure to prevent and manage incidents, including critical ones.

This section complements the 2016 guidance with new standards and indicators focusing on access control, reinforced security infrastructure and critical incidents management.

Related standards and indicators in other EUAA guidance

This section needs to be read in conjunction with:

- Guidance on reception conditions: operational standards and indicators, 2016:
 - Standard 11. Ensure sufficient security measures
 - Standard 40. Promote process-oriented support for reception officers
- <u>Guidance on Vulnerability in Asylum and Reception Operational standards and indicators</u>, 2024.

⁽⁴¹⁾ See UNHCR, <u>Dealing with critical incidents and trauma (staff)</u>, 2023 and EUAA, <u>Critical Incident Management in the Field of Asylum and Reception</u>, 2022, p. 8.





Legal reference



RCD (recast)

Article 17(2) - General rules on material reception conditions and health care

Article 18(2)(c) – Modalities for material reception conditions

Article 18(4) – Modalities for material reception conditions (42)

Standards and indicators

Standard 10. Access control

Standard 10. Access to accommodation centres is adequately controlled.

Indicators

Indicator 1. A mechanism to control access to accommodation centres is in place.

Additional remarks: access control to accommodation centres (43) can take different forms, including but not limited to: an electronic entryexit system enabling to have a real-time overview of applicants inside the premises; access through badges or ID; 24/7 presence of a guard.

For this indicator, also refer to Section 5. <u>House rules</u>, <u>Standard 8</u>.

Indicator 2. A procedure regulating the access of non-residents is in place.

Additional remarks: access restrictions can be applied to nonresidents. They can be implemented in different ways, e.g. issuing ad hoc permits to enter the premises, keeping a list of authorised persons, specifying access restrictions for non-residents in the house rules.

In line with Article 18(2)(c) RCD (recast), access of family members, legal advisors or counsellors, persons representing UNHCR and relevant civil society organisations recognised by the concerned Member State in order to assist the applicants can only be limited on certain grounds.

For this indicator, also refer to Section 5. <u>House rules</u>, <u>Standard 8</u>.

⁽⁴³⁾ Access control can also be implemented for private houses, flats, hotels etc. through different means, such as on-the-spot visits by reception officers.



⁽⁴²⁾ In accordance with Article 20(4) of the new recast reception conditions directive: 'When providing housing ..., Member States shall take appropriate measures to ensure, as far as possible, the prevention of assault and violence, including violence committed with a sexual, gender, racist, or religious motive.' Furthermore, in accordance with Article 20(5): 'Where female applicants are placed in accommodation centres, Member States shall provide separate sanitary facilities and a safe place in those centres for them and their minor children.'



Standard 11. Reinforced security infrastructure

Standard 11. Reinforced security infrastructure takes into account the aim of facility.

Indicators

Indicator 1. External reinforced security infrastructure is proportionate to the aim of the facility.

• Additional remarks: while it is recognised that external security infrastructure in accommodation centres is needed also to protect residents, its disproportionate use should be avoided. In this sense, sensors and surveillance systems such as fence-pointing cameras are considered more adequate options to secure the perimeter around the external fencing than concrete external walls with razor blade wire and wire-mesh fences.

This indicator is applied with flexibility in case of facilities that have been repurposed to accommodate applicants, when external reinforced security infrastructure was already in place.

Indicator 2. Internal fencing between residential areas is minimised as much as possible to guarantee freedom of movement.

 Additional remarks: exceptions include the use of internal fencing in safe zones for applicants in a vulnerable situation, zones with restricted direct access to applicants (administration, finance, logistics, etc.) and places fenced off for the safety of residents and employees (such as generators, waste management sites, water tanks).

Standard 12. Critical incidents management

Standard 12. A procedure is in place to manage critical incidents.

Indicators

Indicator 1. Procedures are in place to address critical incidents and potential threats for residents and/or staff.

 Additional remarks: a non-exhaustive list of incidents and potential threats involving residents includes: incidents with an aggressive resident; occupation of official premises, riots or mob violence; acts of vandalism; consumption of alcohol or drugs in the reception facility; threats and attempts of self-harm and suicide; hunger and thirst strikes.

Procedures responding to incidents and potential threats for residents and staff are developed based on the risk assessment and are primarily applicable in large-scale accommodation centres (44).

⁽⁴⁴⁾ A non-exhaustive list of procedures includes: an emergency response plan after disasters, e.g. earthquake or wildfire evacuation; fire safety guidelines for staff and residents; specific procedures in the following cases: pandemic or other major health crisis; incident with a suspicious object/vehicle; incident with a suspicious parcel; threat from chemical, biological, radiological and nuclear agents; risk of armed or terrorist attack; hostage-taking or kidnapping; mass casualty/active shooter incident.





The incident-management procedure can include the following elements: anonymous and safe reporting of incidents; timely communication, both internally and with the competent authorities; clear and documented instructions on who can be contacted (e.g. police, medical services); standardised recording and reporting templates for quick and effective incident management; post-incident support to other affected residents and staff.

Indicator 2. Signs on specific types of hazards identified in the reception facility and on actions prohibited in the premises are visibly displayed in places accessible by all applicants.

 Additional remarks: signs can take different forms, including diagrams, pictograms or written messages.

For this indicator, also refer to Section 5. House rules, Standard 9.

Indicator 3 Capacity building activities on how to manage critical incidents and associated stress are carried out for the benefit of staff.

 Additional remarks: capacity building activities can take different forms, including awareness raising or training sessions. Capacity building activities should use practical examples and real case scenarios/simulations and include warning signs and de-escalation techniques. They should specifically focus on rules of conduct, prohibition of any form of violence, sexual exploitation and abuse.

For this indicator, also refer to Section 7. Staff, Standard 15.

Indicator 4. Critical incidents and actions taken to address them are recorded.

 Additional remarks: critical incidents should be recorded in a specific register. Recording can include information about the applicant(s) involved and their profile, the types and timing of incidents, as well as the specific actions taken for dealing with the incident.

For this indicator, also refer to Section 13. <u>Data collection</u>, <u>Standard 30</u>.

Good practice

- Establish multisectoral and/or interinstitutional teams at local level to ensure ongoing cooperation and exchange of information between relevant parties, e.g. reception facility staff, medical personnel, psychologists, social workers, security, police.
- Hold cooperation meetings with local authorities, fire brigades, police etc. in regard of the local emergency management plan.
- In accommodation centres, install alarm systems that can be activated by staff to broadcast warning signals and voice messages. In the absence of a voice alarm system or its failure, megaphones can be used instead.
- Organise exercises (e.g. evacuation exercises) to adequately respond to critical incidents together with the residents/staff of the facilities.
- Establish a risk reduction plan taking into account the profile of residents, the size and location of the facility, environmental factors, neighbourhood etc.





 Organise 'exploratory walks' within the facility with applicants and staff to identify together potential risks. Such walks can be organised in dark hours and/or with specific groups of applicants (e.g. women).

Available **EUAA** resources



Modular Approach to Reception: Container Site Design

Principle 7 can support Member States in meeting <u>Standard 10</u> and <u>Standard 11</u>, providing guidelines and practical suggestions (DOs and DON'T's) on the use of reinforced security measures and on access control to the facilities.



Critical Incident Management in the Field of Asylum and Reception

The document presents the results of a survey conducted in 2021 across EU+ countries on incidents' management. As such, it can support Member States in meeting <u>Standard 12</u> of this section.





7. Staff

In this section, the term 'reception officers' refers to practitioners who are in direct contact with applicants for international protection in a reception context, irrespective of their employer (the state, a civil society organisation, a private contractor, a municipality, etc.). Reception officers can include social workers, education and healthcare staff, registration officers, interpreters, facility managers, administration/coordination staff.

In contrast, the terms 'staff' and 'human resources' are used interchangeably. They encompass employees who operate in a reception facility and are not in a direct contact with applicants.

This section complements the 2016 guidance that focused on staff qualifications and training requirements. It looks in particular at the obligations incumbent on Member States, reception authorities and reception facilities' managers to: allocate the necessary resources to accommodation facilities so that they can function efficiently; guarantee and promote staff well-being, also in light of the stressful and difficult environment to which staff is exposed.

In turn, staff are required to respect the rules of conduct, that can be a stand-alone document or be embedded in other documents, such as the work contract or a code of conduct.

The standards and indicators developed in this section apply to all levels of staff (including middle and top management) working inside reception facilities.

Related standards and indicators in other EUAA guidance

This section needs to be read in conjunction with:

- Guidance on reception conditions: operational standards and indicators, 2016, section 8. Staff Training
 - Standard 37. Ensure that reception officers are sufficiently qualified.
 - Standard 38. Ensure reception officers are provided with the necessary and appropriate training.
 - Standard 39. Promote the awareness of other stakeholders who are in regular contact with applicants.
 - Standard 40. Promote process-oriented support for reception officers.
- <u>Guidance on Vulnerability in Asylum and Reception Operational standards and indicators</u>, 2024.

Legal reference



RCD (recast)

Article 29(2) – Staff and resources

Member States shall allocate the necessary resources in connection with the national law implementing this Directive.





Standards and indicators

Standard 13. Staff ratio

Standard 13. Human resources are allocated in an adequate number to provide services in an effective manner.

Indicators

Indicator 1. An adequate number of human resources for each reception facility is defined by the competent reception authorities and deployed accordingly.

 Additional remarks: different parameters can be taken into account to determine what constitutes an adequate number, such as: capacity of the facility or total number of applicants hosted in the facility (occupancy or average occupancy over a period of time); range of services to be provided and/or working hours/days to be guaranteed for the services to be provided in an effective manner (⁴⁵).

For this indicator, also refer to Section 15. <u>Exceptional modalities for the provision of material reception conditions</u>, <u>Standard 34</u>.

Indicator 2. Specific arrangements are in place to ensure on-call duty of reception officers.

 Additional remarks: depending on national legislations and practices, different categories of reception officers may be required to work on call, such as managerial staff, interpreters or health professionals.

Indicator 3. When justified and possible, the gender composition of reception officers is adapted to the profiles of the resident population.

 Additional remarks: in accommodation facilities hosting women and men, the gender composition of reception officers should allow for applicants to request support from an interpreter or medical professional of the gender of their choice.

Good practice

- Elaborate a human resources plan (including anticipation of staff turnover).
- Have the staff/residents ratio embedded in law.
- Define different ratios according to specific categories of reception officers.
- Define the weekly hours to be guaranteed by each reception officer in relation to each service provided in the facility, as well as in relation to the capacity and/or occupancy of the facility.

⁽⁴⁵⁾ In line with Article 33(2) of the new <u>recast reception conditions directive</u>, seasonal fluctuations in the number of applicants should also be taken into consideration to determine the adequate number of staff: 'Member States shall allocate the necessary resources, including the necessary staff, translators and interpreters, for the implementation of this Directive, taking into account seasonal fluctuations in the numbers of applicants.'





Figure 1. Example of staff ratio

Capacity or occupancy	up to 50		from 51 to 100		from 101 to 300		from 301 to 600		from 601 to 900	
Professional roles	Units	Hours/week Hours/day On call	Units	Hours/week Hours/day On call	Units	Hours/week Hours/day On call	Units	Hours/week Hours/day On call	Units	Hours/week Hours/day On call
Director(s)										
Administration officer(s)										
Finance officer(s)										
Day-time operator(s)										
Night-time operator(s)										
Social worker(s)										
Interpreter(s)										
Doctor(s)										
Nurse(s)										
Psychologist(s)										
Information provision										
officer(s)										
Local language										
teacher(s)										
Other										

Disclaimer. The professional roles listed in the table are for illustrative purposes only and do not necessarily correspond to those envisaged in all Member States. The table was inspired by the Italian framework governing reception facilities (*Schema di capitolato di appalto dei servizi di accoglienza*). For more information, visit the website of the Italian Ministry of Interior.





Standard 14. Rules of conduct

Standard 14. Rules of conduct are applicable to and observed by all staff.

Indicators

Indicator 1. Rules regulating the conduct of staff in reception facilities are in place.

 Additional remarks: the rules of conduct can be embedded in different documents, such as the work contract, terms of reference attached to the work contract, a specific code of conduct or other documents such as confidentiality agreements. Rules of conduct should include reference to confidentiality, fundamental values and deontology, prevention of sexual exploitation and abuse, anti-corruption, behaviour and health and security.

Indicator 2. A system is in place to report and follow up on breaches of the rules of conduct.

 Additional remarks: such system guarantees that alleged breaches to the rules of conduct are followed up appropriately, ensuring anonymity of the person reporting the alleged breach.

Good practice

- Organise yearly training sessions on the rules of conduct for staff.
- When the rules of conduct are contained in a stand-alone document (e.g. code of conduct), the latter is signed by each staff member.

Standard 15. Staff well-being

Standard 15. The physical and mental well-being of staff is promoted and protected.

Indicators

Indicator 1. Measures are taken to promote and protect the physical and mental well-being of staff.

• Additional remarks: measures can take different forms, such as mentoring, coaching, information and/or training sessions particularly aimed at identifying and preventing signs of stress and burn-out also in light of the difficult environment to which staff is exposed. Measures can also include support activities carried out by professionals working within the reception facility or external service providers. Formats can also be different, including individual or group counselling or sessions with a specialist (e.g. psychotherapist, psychologist). Measures should also target staff in managerial positions.

For this indicator, also refer to Section 6. <u>Security and safety</u>, <u>Standard 12</u> and <u>Section 15</u>. <u>Exceptional modalities for the provision of material reception conditions</u>, <u>Standard 34</u>.





Indicator 2. Personal protective equipment (PPE) is provided according to the circumstances.

 Additional remarks: PPE is anything that workers use or wear to protect themselves against risks at work. PPE can include gloves, safety glasses, shoes, masks, etc. Relevant PPE is provided according to the circumstances, e.g. outbreak of contagious diseases.

Indicator 3. Adequate workspace and equipment is provided to each staff member, taking into account the functions individually performed and in line with applicable national legislation.

• Additional remarks: what constitutes adequate workspace, in terms of furniture and equipment, is generally regulated in detail by national law. Nevertheless, as a minimum, each workstation should include one desk, one chair per person, sufficient lockable storage space and ICT and communication equipment, depending on the functions performed by the staff member. It should guarantee lighting, heating/cooling system as appropriate and cleanliness. Workstations can be shared by reception officers working on different shifts, provided there is enough storage for personal items. ICT and communication equipment can include computers, software, internet access, devices to communicate inside the reception facility (e.g. walkie-talkies) when needed.

Good practice

- Develop a staff welfare strategy and communicate it through relevant channels to all staff. The strategy should prescribe the supporting measures and indicate who is responsible for their implementation. It should be updated according to the risks and needs identified. The participation of reception officers with different functions in this process is recommended.
- Mainstream resilience, ways of coping in stressful situations and self-care throughout the duration of employment of the staff member, with particular attention paid to the selection process and the onboarding of new reception officers.

Available EUAA resources



Practical Guide on the Welfare of Asylum and Reception Staff

The guide provides a practical solution for EU+ countries to design and build a welfare strategy at national level, supporting Member States in meeting <u>Standard 15</u> and related good practice.





8. Administrative support

In this section, the term 'administrative support' relates to practices and procedural safeguards aimed at enhancing the effective exercise of the rights and benefits laid down in the RCD (recast), such as access to healthcare, education, employment and vocational training. It additionally looks at access to a postal address and to a bank account.

In several Member States, banks or employment bodies may play a more prominent role than reception authorities in ensuring such rights. Whilst recognising this aspect, the standards and indicators elaborated in this section look at the support that reception authorities can provide in terms of facilitating access to services offered to the general population and regulated by national policies (e.g. healthcare or education systems). In this sense, it should be noted that the standards and indicators do not necessarily imply that administrative support should be provided to all applicants in an individual manner. Indeed, it can be provided with other means, e.g. through an information provision platform that guides applicants through the applicable procedures and system of the host country, complemented with individual support upon request.

The RCD (recast) requires Member States not to impose unnecessary or disproportionate documentation or other administrative requirements on the applicant before granting them the rights to which they are entitled under the same directive. In this sense, continuous administrative support is deemed essential, especially as regards access to social rights and benefits that fall under general policies implemented by the Member State (46).

The scope of administrative support relates to the phase of stay in the reception system. It does not include activities performed in the arrival phase nor procedures linked with the end of stay, e.g. the issuance of a residence permit.

The standards and indicators below are addressed to reception officers irrespective of their employer (the state, a civil society organisation, a private contractor, a municipality, etc.) but can also serve as guidelines for competent authorities at central level, especially concerning services that are provided outside accommodation facilities.

Related standards and indicators in other EUAA guidance

This section needs to be read in conjunction with:

- Guidance on reception conditions: operational standards and indicators, 2016 and in particular with:
 - Standard 29. Ensure access to necessary healthcare, at least level of emergency care and essential treatment of illnesses and serious mental disorders.

⁽⁴⁶⁾ This guarantee is confirmed in the new <u>recast reception conditions directive</u>. Namely, its Article 6(2) provides that 'Member States shall not require applicants, for the sole reason that they are applicants for international protection or on the sole basis of their nationality, to provide unnecessary or a disproportionate amount of documentation or impose other administrative requirements on applicants before granting them the rights to which they are entitled under this Directive.'





- Guidance on material reception conditions for unaccompanied minors, 2018 and in particular with:
 - Section 1. Information, participation and representation of unaccompanied children;
 - Section 7. Education Preparatory classes and vocational training.

Legal reference

RCD (recast)

Article 6(6) – Documentation

6. Member States shall not impose unnecessary or disproportionate documentation or other administrative requirements on applicants before granting them the rights to which they are entitled under this Directive for the sole reason that they are applicants for international protection.

Article 14(1) (2) – Schooling and education of minors

1. Member States shall grant to minor children of applicants and to applicants who are minors access to the education system under similar conditions as their own nationals for so long as an expulsion measure against them or their parents is not actually enforced. Such education may be provided in accommodation centres.

The Member State concerned may stipulate that such access must be confined to the State education system.

Member States shall not withdraw secondary education for the sole reason that the minor has reached the age of majority.

2. Access to the education system shall not be postponed for more than three months from the date on which the application for international protection was lodged by or on behalf of the minor (47).

Preparatory classes, including language classes, shall be provided to minors where it is necessary to facilitate their access to and participation in the education system as set out in paragraph 1.

Article 15 – Employment

1. Member States shall ensure that applicants have access to the labour market no later than 9 months from the date when the application for international protection was

⁽⁴⁷⁾ The three-month period is shortened to two months in the new recast reception conditions directive. In accordance with Article 16(2) of this recast: 'Member States shall grant minors ... access to an education system as soon as possible and shall not postpone the granting of that access for more than two months from the date on which the application for international protection was lodged taking into account school holidays. Member States shall provide education within the general education system. However, as a temporary measure and for a maximum period of one month, Member States may provide that education outside the general education system.'





lodged (48) if a first instance decision by the competent authority has not been taken and the delay cannot be attributed to the applicant.

2. Member States shall decide the conditions for granting access to the labour market for the applicant, in accordance with their national law, while ensuring that applicants have effective access to the labour market.

For reasons of labour market policies, Member States may give priority to Union citizens and nationals of States parties to the Agreement on the European Economic Area, and to legally resident third-country nationals.

3. Access to the labour market shall not be withdrawn during appeals procedures, where an appeal against a negative decision in a regular procedure has suspensive effect, until such time as a negative decision on the appeal is notified.

Article 16 - Vocational training (49)

Member States may allow applicants access to vocational training irrespective of whether they have access to the labour market.

Access to vocational training relating to an employment contract shall depend on the extent to which the applicant has access to the labour market in accordance with Article 15.

Article 19 - Health care

1. Member States shall ensure that applicants receive the necessary health care which shall include, at least, emergency care and essential treatment of illnesses and of serious mental disorders.

⁽⁴⁹⁾ The provision regarding vocational training is modified in the new <u>recast reception conditions directive</u>. In the new recast, allowing applicants access to vocational training is no longer optional and becomes an obligation incumbent on Member States. See Article 18 of the new recast: 'Member States shall ensure that applicants have access to language courses, civic education courses or vocational training courses that those Member States consider appropriate in order to help enhance applicants' ability to act autonomously, to interact with competent authorities or to find employment, or, depending on the national system, Member States shall facilitate access to such courses, irrespective of whether applicants have access to the labour market ...'.



⁽⁴⁸⁾ The nine-month period is shortened to six months in the new <u>recast reception conditions directive</u>. In accordance with Article 17(1) of this recast: 'Member States shall ensure that applicants have access to the labour market no later than six months from the date on which the application for international protection was registered provided that an administrative decision by the competent authority has not been taken and the delay cannot be attributed to the applicant.'



Standards and indicators

Standard 16. Administrative support to facilitate access to a postal address and a bank account

Standard 16. Administrative support is provided to facilitate the applicant's access to a postal address and a bank account.

Indicators

Indicator 1. Administrative support is provided to facilitate the applicant's access to a postal address to receive written correspondence.

Indicator 2. Administrative support is provided to facilitate the applicant's possible opening of a bank account or access to comparable financial services.

Additional remarks: administrative support can take different forms, including physically accompanying the applicant to open a bank account, making appointments with the bank, facilitating the issuance of relevant documentation that may be required by the bank (e.g. certificate of residence), providing the applicant with relevant information. Nevertheless, the responsibility of reception authorities is limited to providing support and does not extend to securing the opening of a bank account or access to comparable financial services.

Standard 17. Administrative support to access rights under the RCD (recast)

Standard 17. Administrative support is provided to facilitate the applicant's access to the rights laid down in the RCD (recast).

Indicators

Indicator 1. Administrative support is provided to facilitate the applicant's access to healthcare.

Additional remarks: administrative support can be provided in several
ways, including by facilitating the issuance of relevant documents to
access healthcare (e.g. social security number), facilitating contacts
with health services for at least emergency care and essential
treatment of illnesses and serious mental disorders, scheduling and
physically accompanying the applicant to medical appointments with
an interpreter when needed, providing information on the national
health system and/or available healthcare services, etc.

Indicator 2. Administrative support is provided to facilitate the child applicant's access to schooling and education in line with RCD (recast).

 Additional remarks: without prejudice to the parental role, administrative support can be provided in several ways, including by facilitating interaction between the school, the child applicant and their parent(s)/legal representative, providing interpretation when needed,





facilitating the child's access to preparatory classes or facilitating the issuance of documents that may be required by the Member State for school enrolment (e.g. birth certificate, vaccination certificates, attestation of residence), communicating any special needs to the competent education authorities. To guarantee the child applicant's effective access to schooling and education within the timeframe provided by the RCD (recast), administrative support should be provided in advance so that all necessary formalities are completed by the time access must be guaranteed.

Administrative support to facilitate the access of child applicants to schooling is relevant when schooling and education is provided by the state education system and not in the reception facility. Such administrative support should also be provided in case of transfer to another facility.

Indicator 3. Administrative support is provided to facilitate the applicant's access to employment in line with RCD (recast).

Additional remarks: administrative support can be provided in several
ways, including by directing and/or accompanying the applicant to the
competent employment authorities/institutions, or facilitating the
issuance of relevant documentation or employment formalities that
may be required by the Member State (e.g. work permit, fiscal
registration number). To guarantee the applicant's effective access to
employment within the timeframe provided by the RCD (recast),
administrative support should be provided in advance so that all
necessary formalities are completed by the time access must be
guaranteed.

Indicator 4. Administrative support is provided to overcome any practical difficulties that the applicant may encounter in relation to recognition of documents issued abroad.

Additional remarks: administrative support can include providing the applicant with relevant information, coordination and communication with relevant institutions, facilitating the issuance of relevant documentation that may be required, e.g. concerning the authentication of foreign diplomas, certificates or other evidence of formal qualifications in the context of existing procedures for the recognition of foreign qualifications. Nevertheless, the responsibility of reception authorities is limited to facilitate the applicant's overcoming of practical difficulties, if needed. Reception authorities are not required to meet any cost or provide any evidence on documents issued abroad.

Indicator 5. Administrative support is provided to facilitate the applicant's access to vocational training, in line with RCD (recast) and applicable national legislation.

 Additional remarks: administrative support could be provided in several ways, including by physically accompanying the person and provide interpretation when needed, providing information on





available vocational training opportunities, directing the applicant to competent authorities and institutions, communicating any special needs to agencies providing vocational training. Depending on the national rules on access to vocational training initiatives outside the reception facility, administrative support can take the form of facilitation in the recognition of foreign qualifications or facilitation in the issuance of documents required by the Member State.

Good practice

- Automatically issue the social security number/fiscal registration number on the asylum card of the applicant, provided that the databases of the relevant public services are interoperable.
- Appoint education focal points in reception facilities to liaise with public schools and education authorities.
- Establish a coordination mechanism between reception authorities and employment/education/health authorities to ensure that the latter are familiar with the applicant's rights and with the documents issued to them.

Available EUAA resources



Referral Toolkit (forthcoming)

The tool can be used to facilitate the referral of applicants with special needs to adequate services, including healthcare and employment. In this sense, it may be helpful for achieving Standard 17.





Reduction or withdrawal of material reception conditions

In accordance with Article 20 RCD (recast), the reduction or, exceptionally, withdrawal of material reception conditions may be possible in specific circumstances. This provision is optional and leaves a considerable degree of discretion to the competent authorities. However, such discretion is limited by the explicit obligation to ensure under all circumstances access to healthcare (Article 19 RCD (recast)) and a dignified standard of living (50).

Article 20 further lays down general principles upon which decisions for reduction or withdrawal of material reception conditions should be based, namely: individuality, proportionality, justification, objectivity, impartiality, consideration of the situation of the applicant concerned. In addition to elaborating standards and indicators focusing on general principles applicable to decisions for the reduction or withdrawal of material reception conditions, this section looks into the reception-related aspects of Article 20.

Specific attention is paid to the situation envisaged by Article 20(4), in which the reduction or withdrawal of material reception conditions constitute a sanction applicable to serious breaches of the rules of the accommodation centre or to seriously violent behaviour (51). In such a case, it is important to ensure that the applicant is informed upon arrival about the house rules applied in the reception facility, and that such rules are reminded during their stay (see section 5. House rules). Breaches of rules that are subject to sanctions or disciplinary measures should be appropriately communicated to the applicant, taking into account any special reception needs. The last standard in this section additionally looks into the notion of abandonment as per Article 20(1)(a) RCD (recast), considering its recurrence in practice across all Member States.

The standards and indicators elaborated in this section reflect a reformative rather than a punitive approach towards applicants who are subject to sanctions. They only apply when the national legislation provides for sanctions applicable to serious breaches of the rules of the accommodation facilities and to seriously violent behaviour.

⁽⁵¹⁾ Whereas Article 20(1), (2) and (3) RCD (recast) describes cases in which Member States may reduce or withdraw material reception conditions, Article 20(4) envisages the possibility of reduction or withdrawal as a sanction applicable to serious breaches of the rules of the accommodation centres as well as to seriously violent behaviour. Nevertheless, neither the definitions of serious breaches of the rules and seriously violent behaviour nor the nature of the sanctions referred in Article 20(4) are specified.
Based on the range of scenarios reported by Member States, the European Migration Network (EMN) defined the serious breach of the rules of an accommodation centre as 'any event or act that may cause material damage to the facilities or compromise the physical or moral integrity of other persons – both residents and staff'. See EMN, EMN Inform on sanctions/measures applicable to applicants for international protection who commit serious breaches of the rules of accommodation centres or display seriously violent behaviour, 2022.



⁽⁵⁰⁾ In order to define what constitutes 'a dignified or adequate standard of living', Article 20 should be interpreted in conjunction with the <u>Charter of Fundamental Rights of the European Union</u>, while ensuring compliance with the 1989 <u>United Nations Convention on the Rights of the Child</u> and the <u>European Convention for the Protection</u> of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14.



Situations regulated by Article 18(9) RCD (recast) fall outside the scope of this section (⁵²). Similarly, this section does not apply when material reception conditions are not provided by the Member State, for example when the applicant refuses them on the grounds that they can cover autonomously for their own accommodation and living.

Legal reference



RCD (recast)

Article 20 - Reduction or withdrawal of material reception conditions (53)

- 1. Member States may reduce or, in exceptional and duly justified cases, withdraw material reception conditions where an applicant:
- (a) abandons the place of residence determined by the competent authority without informing it or, if requested, without permission; or
- (b) does not comply with reporting duties or with requests to provide information or to appear for personal interviews concerning the asylum procedure during a reasonable period laid down in national law; or
- (c) has lodged a subsequent application as defined in Article 2(q) of Directive 2013/32/EU. In relation to cases (a) and (b), when the applicant is traced or voluntarily reports to the competent authority, a duly motivated decision, based on the reasons for the disappearance, shall be taken on the reinstallation of the grant of some or all of the material reception conditions withdrawn or reduced.
- 2. Member States may also reduce material reception conditions when they can establish that the applicant, for no justifiable reason, has not lodged an application for international protection as soon as reasonably practicable after arrival in that Member State.
- 3. Member States may reduce or withdraw material reception conditions where an applicant has concealed financial resources, and has therefore unduly benefited from material reception conditions.
- 4. Member States may determine sanctions applicable to serious breaches of the rules of the accommodation centres as well as to seriously violent behaviour.
- 5. Decisions for reduction or withdrawal of material reception conditions or sanctions referred to in paragraphs 1, 2, 3 and 4 of this Article shall be taken individually, objectively and impartially and reasons shall be given. Decisions shall be based on the particular situation of the person concerned, especially with regard to persons covered by Article 21, taking into account the **principle** of proportionality. Member States shall under all circumstances ensure access to health care in accordance with Article 19 and shall ensure a dignified standard of living for all applicants.
- 6. Member States shall ensure that material reception conditions are not withdrawn or reduced before a decision is taken in accordance with paragraph 5.

⁽⁵³⁾ The provision regarding reduction or withdrawal of material reception conditions is modified in the new recast reception conditions directive. In the new recast, Article 23 reads as follows: '1. With regard to applicants who are required to be present on their territory ..., Member States may reduce or withdraw the daily expenses allowance. If duly justified and proportionate, Member States may also: a) reduce other material reception conditions, or b) where paragraph 2, point (e), applies, withdraw other material reception conditions. 2. Member



⁽⁵²⁾ For standards and indicators related to Article 18(9) RCD (recast), see the section Exceptional modalities for the provision of material reception conditions.



Articles 26(1) and (2) - Appeals

- 1. Member States shall ensure that decisions relating to the granting, withdrawal or reduction of benefits under this Directive or decisions taken under Article 7 which affect applicants individually may be the subject of an appeal within the procedures laid down in national law. At least in the last instance the possibility of an appeal or a review, in fact or in law, before a judicial authority shall be granted.
- 2. In cases of an appeal or a review before a judicial authority referred to in paragraph 1, Member States shall ensure that free legal assistance and representation is made available on request in so far as such aid is necessary to ensure effective access to justice. This shall include, at least, the preparation of the required procedural documents and participation in the hearing before the judicial authorities on behalf of the applicant.

Free legal assistance and representation shall be provided by suitably qualified persons, as admitted or permitted under national law, whose interests do not conflict or could not potentially conflict with those of the applicant.



CJEU, 2019, Haqbin (⁵⁴)

The Court held that neither serious breaches of the rules of the accommodation centre in which an unaccompanied child applicant is hosted nor the child applicant's seriously violent behaviour allow Member States to impose sanctions consisting in the withdrawal, even temporary, of material reception conditions relating to housing, food or clothing, in light of Article 1 of the Charter of Fundamental Rights of the European Union.

⁽⁵⁴⁾ CJEU, judgment of 12 November 2019, <u>Zubair Haqbin (Afghanistan) v Belgium</u>, C-233/18, ECLI:EU:C:2019:956 Summary available in the EUAA Case Law Database.



States may take a decision in accordance with paragraph 1 where an applicant: (a) abandons a geographical area within which the applicant may move freely in accordance with Article 8 or the residence in a specific place designated by the competent authority in accordance with Article 9 without permission, or absconds; (b) does not cooperate with the competent authorities, or does not comply with the procedural requirements established by them; (c) has lodged a subsequent application ...; (d) has concealed financial resources, and has therefore unduly benefitted from material reception conditions; (e) has seriously or repeatedly breached the rules of the accommodation centre or has behaved in a violent or threatening manner in the accommodation centre; or (f) fails to participate in compulsory integration measures, where provided or facilitated by the Member State, unless there are circumstances beyond the applicant's control. 3. Where a Member State has taken a decision in a situation referred to in paragraph 2, points (a), (b) or (f), and the circumstances on which that decision was based cease to exist, it shall consider whether some or all of the material reception conditions withdrawn or reduced may be reinstated. Where not all material reception conditions are reinstated, the Member State shall take a duly justified decision and notify it to the applicant. 4. Decisions in accordance with paragraph 1 of this Article shall be taken objectively and impartially on the merits of the individual case and shall state the reasons on which they are based. Decisions shall be based on the particular situation of the applicant, especially with regard to applicants with special reception needs, taking into account the principle of proportionality. Member States shall ensure access to health care ... and shall ensure a standard of living in accordance with Union law, including the Charter, and international obligations for all applicants. 5. Member States shall ensure that material reception conditions are not withdrawn or reduced before a decision is taken in a situation referred to in paragraph 2.'





CJEU, 2022, *TO* (⁵⁵)

In 2022, the Court reiterated that not even adult applicants can be deprived of housing, food or clothing in case of violent behaviour (either in or outside the reception facility).

Standards and indicators

Standard 18. Principles on reduction or withdrawal of material reception conditions

Standard 18. Decisions for reduction or withdrawal of material reception conditions are taken in an individual, objective, impartial, proportional and justified manner.

Indicators

Indicator 1. The decision for reduction or withdrawal of material reception conditions negatively affects only the person concerned.

 Additional remarks: when applying sanctions that lead to reduction or withdrawal of material reception conditions, consequences that may affect family members of the applicant should be taken into account and prevented to the extent possible.

Indicator 2. The decision substantiates the reasons for the reduction or withdrawal of material reception conditions.

• Additional remarks: if reduction or withdrawal is the result of serious breaches of house rules or seriously violent behaviour, decisions should make reference to any available staff reports on the alleged breaches or behaviour and/or written warning notes notified to the applicant prior to the sanctioning. If the sanction imposes termination of accommodation in a facility, the decision should indicate alternatives to meet the accommodation needs of the applicant (such as holding the applicant in a separate part of the accommodation centre or transferring them to another facility).

Indicator 3. The decision for reduction or withdrawal of material reception conditions is issued and duly signed by competent bodies in accordance with national legislation.

Indicator 4. The decision for reduction or withdrawal of material reception conditions is proportionate and takes into account the applicant's vulnerabilities and/or special reception needs.

⁽⁵⁵⁾ CJEU, judgment of 1 August 2022, <u>Ministero dell'Interno v TO</u>, C-422/21, ECLI:EU:C:2022:616. Summary available in the EUAA Case Law Database.





• Additional remarks: for this indicator also refer to <u>Standard 20</u>, <u>Indicator 7</u>, that further elaborates on the proportionality of the sanction mechanism.

Indicator 5. Without prejudice to Article 20(3) RCD (recast), the decision for the reduction or withdrawal of material reception conditions does not affect nor impede by any means the applicant's right to appropriate housing, food, personal hygiene and clothing.

• Additional remarks: the applicant's right to appropriate housing, food, personal hygiene and clothing can also be provided in the form of financial allowance or vouchers.

Indicator 6. The decision for reduction or withdrawal of material reception conditions does not affect nor impede by any means the applicant's access to healthcare.

Indicator 7. The decision for reduction or withdrawal of material reception conditions does not affect nor impede by any means access to education for children.

Standard 19. Decisions for reduction or withdrawal: notification and appeal

Standard 19. Decisions for reduction or withdrawal of material reception conditions are duly notified and include information on appeal.

Indicators

Indicator 1. The decision is notified in writing to the applicant.

• Additional remarks: the decision should be notified in writing to allow the applicant to exercise their right to appeal in line with Article 26 RCD (recast). The decision should be notified in a language that the applicant understands or is reasonably supposed to understand. If not possible, adequate arrangements should be in place to ensure that the applicant understands the reasons and the content of the decision.

Indicator 2. The decision specifies for which duration the reduction of material reception conditions applies.

Indicator 3. The decision indicates to which authority an appeal may be lodged and within what time limit from its notification.

• Additional remarks: free legal assistance and representation is made available to the applicant when the appeal is lodged before a judicial authority, in line with Article 26(2) RCD (recast).





Standard 20. Sanction mechanism

Standard 20. A standardised sanction mechanism, in line with Article 20(4) RCD (recast), is in place and timely communicated to the applicants.

Indicators

Indicator 1. A mechanism regulating sanctions leading to the reduction or withdrawal of material reception conditions is applicable to all reception facilities.

Additional remarks: the mechanism should be established at central
or local level to ensure its uniform application. Sanctions can take
different forms, such as reduction of services, exclusion from
communal activities or transfer to another facility.

Standard 20 and its indicators do not apply to Member States that do not envisage in their legislation sanctions applicable to serious breaches of the rules of the accommodation centres or to seriously violent behaviour.

Indicator 2. The sanction mechanism clearly defines the circumstances in which material reception conditions may be reduced or withdrawn.

 Additional remarks: the sanction mechanism should in particular specify which breaches of the house rules are considered 'serious' and what constitutes 'seriously violent behaviour', in line with Article 20(4) RCD (recast).

Indicator 3. The sanction mechanism clearly prescribes who is responsible for the imposition of sanctions.

Indicator 4. The sanction mechanism prescribes mandatory reporting to competent authorities in case of breach of national law.

 Additional remarks: where relevant, reporting to competent authorities should take into consideration protection issues that may arise (e.g. adhere to gender-based violence protocols to protect the victim).

Indicator 5. The sanction mechanism provides for a hearing before a decision for the reduction or withdrawal of material reception conditions is taken.

Indicator 6. Adequate and timely information about the sanction mechanism is provided to the applicant.

 Additional remarks: information should be provided upon the applicant's arrival in the facility and should also focus on the consequences of breaching the house rules.

For this indicator, also refer to Section 5. House rules, Standard 9.

Indicator 7. In line with the principle of proportionality, the sanction mechanism envisages gradual measures prior to the imposition of withdrawal or reduction of material reception conditions, taking into account the severity





and/or frequency of house rules serious breach or of seriously violent behaviour as well as the specific vulnerability and/or special reception needs of the applicant.

Additional remarks: gradual measures can take different forms, such
as warning notes. In the case of applicants in a vulnerable situation,
the applied sanction should also be accompanied, when need be, by
referral to appropriate psychosocial care and support.

For this indicator, also refer to Section 9. <u>Reduction or withdrawal of material reception conditions</u>, <u>Standard 18</u>, <u>Indicator 4</u>.

Standard 21. Abandonment

Standard 21. Material reception conditions are reduced or withdrawn only once abandonment of the place of residence is determined, in line with Article 20(1)(a) RCD (recast).

Indicators

Indicator 1. The applicants' presence in the accommodation facility is verified on a regular basis.

• Additional remarks: for this indicator, also refer to Section 5. <u>House rules</u>, <u>Standard 8</u>, and Section 13. <u>Data collection</u>, <u>Standard 29</u>.

Indicator 2. A reasonable margin of time is ensured before abandonment is determined.

 Additional remarks: what constitutes 'a reasonable margin of time' should be defined by Member States in national law. Abandonment should be determined only after all legitimate means to communicate with the applicant have been exhausted.

Indicator 3. The applicant is informed about their obligation to present themself in the accommodation facility for presence verification.

Indicator 4. The verification of presence in the accommodation facility does not create excessive burden on the applicant.

 Additional remarks: verification of presence is organised in a flexible manner, in order not to unnecessarily disrupt or impede the daily activities of the applicant.

Good practice

 Organise two roll calls per day outside standard business hours (e.g. in the morning and in the evening) to verify presence without interfering with the daily schedule of applicants.





Available EUAA resources



EUAA Case Law Database

The EUAA case law database constitutes a valuable source of reference to analyse how the provision on reduction or withdrawal of material reception conditions has been interpreted over time by national and international courts (including the Court of Justice of the European Union and the European Court of Human Rights).





10. Complaint and response mechanism

In this section, the term 'complaint' refers to an expression of dissatisfaction or a specific grievance that may be related to any aspect of the applicant's daily life in the reception facility falling within the competence of reception authorities, including access to services, material conditions, collective life and treatment by staff. (⁵⁶)

A complaint should be seen as an opportunity to improve the reception conditions at individual level (applicant), local level (reception facility) and national level (reception system). From this perspective, the complaint and response mechanism is to be considered an integral part of a quality system (in line with Article 28 RCD (recast)) as well as a way to promote the well-being of applicants and the respect of their rights. Indeed, a high number of complaints is not necessarily to be interpreted in a negative way. It can be also considered as an indicator of a well-functioning system in which applicants' voices are heard and their concerns are taken into account. In addition, an efficient complaint and response mechanism can strengthen accountability of the reception authorities towards applicants for international protection.

The possibility to submit a complaint is meaningful only if the complaint is carefully analysed and investigated, and if a response is provided. Each complaint should be handled in an objective way and justified feedback to the complainant should be given within a reasonable period of time.

Developing a complaint mechanism requires taking into account several elements, including: informing applicants and reception officers about its existence and the modalities to activate it; defining who is responsible to manage complaints and to follow up on them; defining an appropriate time for a response; putting in place a recording and reporting system.

This section focuses on a complaint and response mechanism at the level of the reception facility. However, Member States should grant access to such a mechanism also to applicants who are entitled to material reception conditions but are not accommodated in reception facilities (such as when housing is provided through financial allowance).

Data protection considerations and compliance with GDPR are particularly relevant for the standards and indicators elaborated in this section.

Related standards and indicators in other EUAA guidance

This section needs to be read in conjunction with:

• <u>Guidance on Vulnerability in Asylum and Reception – Operational standards and indicators</u>, 2024.

⁽⁵⁶⁾ The focus of this guidance is on applicants for international protection. However, this section can extensively refer to 'residents' considering that, on the basis of the principle of non-discrimination, the complaint and response mechanism is applicable and should be accessible by all those accommodated in the reception facility, irrespective of their status.





Legal reference



RCD (recast)

Article 28 – Guidance, monitoring and control system

Standards and indicators

Standard 22. Setting up a complaint and response mechanism

Standard 22. A well-structured complaint and response mechanism is in place.

Indicators

Indicator 1. A standardised complaint and response mechanism is defined.

Additional remarks: the mechanism should be established by competent reception authorities at the central or local level.

Indicator 2. The complaint and response mechanism defines the areas in relation to which a complaint can be lodged.

Additional remarks: areas in relation to which a complaint can be lodged should fall under the competence of reception authorities and can include any aspect of the applicant's daily life in the facility (e.g. accessibility and quality of services provided).

Indicator 3. The complaint and response mechanism clearly indicates the modalities for lodging a complaint.

Indicator 4. The complaint and response mechanism clearly indicates the modalities and timing for receiving a response.

Indicator 5. The complaint and response mechanism clearly prescribes who is responsible for the management and follow-up of complaints.

Indicator 6. Without prejudice to national legislation, the complaint and response mechanism indicates the modalities to escalate the complaint to competent higher authorities.

Additional remarks: a complaint can be escalated in different situations, including when it was not responded to in due time or when the response was negative or not sufficiently justified.

Indicator 7. Measures are taken to ensure that reception officers and applicants are adequately informed about the complaint and response mechanism.

Additional remarks: measures to ensure that reception officers are informed on the complaint and response mechanism can take different forms, including dedicated awareness raising sessions.





As for applicants, information about the possibility and modalities to lodge a complaint should be provided during the intake and should also be contained in the house rules. For this aspect, also refer to Section 5. House rules, Standard 8.

Information materials on the complaint and response mechanism should be available in several languages and be accessible to applicants. Adequate arrangements should be in place to ensure that the applicant is able to communicate with the personnel in charge of receiving a complaint or in charge of providing information about the possibility of lodging it.

Good practice

- Have the complaint and response mechanism embedded in national law.
- Organise specific training sessions about the complaint and response mechanism for all reception officers.

Standard 23. Effective access to the complaint and response mechanism

Standard 23. The complaint and response mechanism is accessible in a timely, safely
and effective manner.

Indicators

Indicator 1. A complaint can be lodged any time.

Indicator 2. A complaint can be lodged in an anonymous and/or confidential manner.

Additional remarks: private settings, such as making use of a
dedicated room, may be needed in certain cases, including for
complaints that relate to misconduct by staff at the reception facility.

Indicator 3. A complaint can be lodged in writing, orally and/or by digital means.

Indicator 4. Specific arrangements are in place to ensure that applicants with special needs may lodge a complaint.

Good practices

- Install in the reception facility, in a place easily accessible and adequate to ensure privacy, letter boxes in which the applicant can insert a written complaint in an anonymous manner.
- Create a help desk, a toll-free number or a dedicated email address to receive complaints.
- Ensure that applicants can lodge a complaint to a person with a gender of their choice and/or to a person of trust.





Standard 24. Response mechanism

Standard 24. Each complaint is responded to in a timely manner.

Indicators

Indicator 1. Actions are taken to timely address each complaint.

 Additional remarks: actions may take different forms, including acknowledging the receipt and providing individual feedback to each complaint, unless anonymous; taking immediate actions when, after analysis and investigation, the complaint proves to be well-founded.

Complaints are to be addressed within the timing specified in the complaint and response mechanism. Timing for responding should take into consideration the potential urgency as well as the specific circumstances of each complaint (such as whether the complaint appears to be reasonably well-founded, whether it was lodged by an applicant in a vulnerable situation, whether a delay in the response may produce negative effects).

Standard 25. Recording and reporting of complaints and responses

Standard 25. A recording and reporting system for complaints and responses is in place in each reception facility.

Indicators

Indicator 1. All complaints and responses are recorded.

 Additional remarks: all complaints need to be recorded, regardless of the way they are lodged. Recording can take place in different ways, including through the use of a dedicated database or register.

For this indicator, also refer to Section 13. Data collection, Standard 30.

Indicator 2. Recording of complaints and responses includes as a minimum information on:

- the location where the complaint was lodged;
- the date in which the complaint was lodged and/or received;
- the progressive number of the complaint;
- the area(s) in relation to which the complaint was lodged;
- the type of actions taken to address the complaint;
- the processing time spent for addressing the complaint.

Indicator 3. All recorded complaints and responses are reported to the competent authorities, on request.

For this indicator, also refer to Section 13. <u>Data collection</u>, <u>Standard 30</u>.





11. Applicants' participation and engagement in areas that affect their daily life in the reception facility

In line with Article 18(8) RCD (recast), reception authorities are strongly encouraged to facilitate the participation and engagement of applicants in the management of material and non-material aspects of reception conditions. The same applies to children, in a manner appropriate to their age.

Notwithstanding the optional nature of the provision, in recent years Member States have put in place several practices to give shape to the participatory approach in areas that affect the applicants' daily life in the reception facility (for example through the establishment of advisory boards or councils that contribute to specific aspects linked to the stay in the facilities, such as composition of meals or calendar of activities).

In this perspective, the standard and indicators elaborated in this section focus on two different elements, i.e. enabling applicants to a) express their opinions and b) actively engage in the facility activities. By giving the applicant the opportunity to constructively propose improvements or changes, these elements can increase their sense of ownership in the process. In this sense, participation and engagement differ from a complaint, that can be considered as an expression of dissatisfaction or as a specific grievance.

Participation and engagement play important functions as they prevent the possible deterioration of the reception environment caused by a sense of frustration and lack of ownership. At the same time, they promote the applicant's dignity and well-being, encouraging and empowering them to become an active actor in proposing and finding solutions. This can lead, in turn, to create a better and safer reception environment for everyone.

Standards and indicators elaborated in this section concern the actions that Member States can take to enable applicants to participate and engage in the daily life of the reception facility. Nevertheless, the applicant's willingness to do so remains a necessary pre-condition for these measures to be effectively implemented.

In view of the optional nature of the RCD provision, standards and indicators elaborated in this section provide guidance to the Member States that implement or intend to implement in their systems such measures.

Related standards and indicators in other EUAA guidance

This section needs to be read in conjunction with:

• <u>Guidance on Vulnerability in Asylum and Reception – Operational standards and indicators</u>, 2024.





Legal reference



RCD (recast)

Article 18(8)

Member States may involve applicants in managing the material resources and non-material aspects of life in the centre through an advisory board or council representing residents.

Standards and indicators

Standard 26. Applicant's involvement in areas that affect their daily life

Standard 26. Applicants are regularly involved in areas that affect their daily life in the reception facility.

Indicators

Indicator 1. Actions are taken to ensure that applicants are enabled to voice their views on a regular basis.

Additional remarks: applicants, especially those who have been staying in the facility for a longer period of time, are enabled to voice their opinions and views on improving their daily life in the accommodation centre through different means, such as: surveys or questionnaires (e.g. on food, services, activities); suggestion boxes; creation of an advisory group inclusive and representative of applicants with different profiles (e.g. based on nationality, age and gender); group discussions (e.g. focus group discussions with members that are part of specific groups); meetings between the representatives of the residents and site managers. The management team should consider input from applicants to the extent possible and provide feedback on whether and how it has been taken into account. These actions can be carried out by the facility managers on their own initiative and/or upon specific request of applicants (e.g. as a response to complaints).

Indicator 2. Actions are taken to ensure that applicants willing to actively engage in activities carried out in the accommodation centre are enabled to do so.

Additional remarks: applicants are enabled to engage on a voluntary basis in activities of the reception facility, such as cooking food, organising leisure and group activities, etc. Engagement should be as much as possible inclusive of applicants with different profiles (e.g. based on nationality, age and gender).

Good practice

Run satisfaction surveys in different languages using digital means and analyse the results with a view at improving the quality of reception.





Available EUAA resources



EUAA–OECD, Surveys on Arriving Migrants from Ukraine

Though not specifically designed for applicants for international protection, the EUAA-OECD (Organisation for Economic Co-operation and Development) Surveys of Arriving Migrants from Ukraine is an example of a mechanism that allows applicants to voice their views in a voluntary and anonymous manner. See for example <u>Tell Us Your Story (2023)</u>.





12. Preparing the end of reception: measures oriented towards the applicant's integration or towards voluntary return

The applicant's stay in the reception system is in principle temporary. One of the objectives of social work in accommodation facilities is to prepare the applicant to exit reception as an independent and self-determined person, while ensuring respect for their dignity and human rights.

Depending on the decision on the application for international protection, two measures should be highlighted: **pre-integration measures**, relating to a set of activities aimed at preparing and supporting the applicant's potential integration into the host society; and **voluntary return measures**, relating to a set of activities aimed at preparing and supporting the applicant in view of their voluntary return to their country of origin, to the country responsible for processing their asylum application or to the country where they have the right of residence.

The concept of pre-integration is not described as such in the RCD (recast). Whilst recognising that integration measures are generally offered to beneficiaries of international protection only, some EU countries started to implement measures oriented to the integration of applicants during the phase of stay in reception. The idea behind is to invest and capitalise on the time spent by the applicant in reception, waiting for a decision on their application for international protection, and to support them with skills and competences that can be helpful for their future integration into the host society, in case of a positive decision.

Pre-integration measures can take different forms (such as language courses, civic education, support in job searching (e.g. how to apply to the employment services, administrative procedures and deadlines), orientation to local culture, norms and values of the hosting society). They can be offered to all applicants or to the applicants who are considered to have higher prospects for recognition.

Pre-return measures do not strictly fall under the competences of reception authorities, as other actors are generally involved in their execution. However, in different Member States, information on available return options is delivered to all applicants accommodated in reception facilities, especially those who are considered to have lower prospects for recognition (e.g. after a first negative decision on their application for international protection). In this sense, standards and indicators elaborated in this section give mainly shape to the information provision requirement.

The applicant's willingness to be involved in pre-integration activities is a necessary condition for any action taken by Member States in this sense. Furthermore, in all cases, voluntary return is only possible with the free and informed consent of the applicant.

Standards and indicators contained in this section provide guidance to the Member States that implement or intend to implement measures oriented towards the applicant's integration or voluntary return.





Legal reference



RCD (recast)

Article 5 – Information

Article 14(2) – Schooling and education of minors

Article 15 – Employment

Article 16 – Vocational training

Standards and indicators

Standard 27. Measures oriented towards the applicant's integration

Standard 27. Applicants have access to pre-integration activities, in line with national legislation.

Indicators

Indicator 1. Information on available pre-integration activities is provided on a regular basis to the applicant.

 Additional remarks: depending on national legislation, pre-integration activities can include language courses, civic education sessions, support in job searching, involvement in volunteering activities, orientation to local culture, norms and values of the hosting society. Such activities may take place within the reception facility or outside, making use of available resources on the territory and/or with the support of other bodies, such as civil society organisations or institutions.

Information on available pre-integration activities should be provided during the different phases of reception, starting from the initial days after arrival. Information on whether the applicant decides or not to engage in pre-integration activities can also be recorded in the individual file. On this point, also refer to Section 4. Individual file, Standard 6, Indicator 3.

Indicator 2. Measures are taken to ensure that the applicant is invited to actively consider engaging in available pre-integration activities.

Additional remarks: measures can take different forms, including organising dedicated individual meetings and counselling sessions, especially while a decision on the application for international protection is still pending.

Indicator 3. Adequate arrangements are in place to ensure that all applicants have access to the available pre-integration measures, on the basis of the principle of non-discrimination.





 Additional remarks: although pre-integration measures can focus on specific groups/areas (e.g. to support female employment), efforts should be made to make pre-integration measures available to all applicants without discrimination.

Good practice

- Establish a cooperation network between reception authorities and actors who
 provide pre-integration activities. The network can help map the available services,
 identify possible gaps and facilitate the applicant's access to measures oriented to
 integration, such as job placements and internships.
- Sign agreements with local civil society organisations or other stakeholders that may offer pre-integration activities.
- In consultation with the applicant, create an individual plan of pre-integration measures, taking into account their identified needs as well as personal skills, education and work experience.
- Allow the applicant to express opinions on the activities related to their preintegration and on the quality of services provided to them, e.g. by setting regular meetings and/or through surveys.
- Establish cooperation with relevant stakeholders (such as housing authorities, social services, local councils) to improve the outflow of recognised applicants from reception facilities.
- Promote engagement with the local community to foster social cohesion and improve integration prospects.

Good practice on language courses

- Have certified teachers delivering language classes.
- Make language classes available to adults as soon as possible.
- In the language courses curriculum, systematically include topics related to civic education, applicable norms and values of the hosting society, education and health systems, employment opportunities, local labour market, etc.

Good practice on vocational training

 Provide vocational training activities based on the assessment and validation of the applicant's skills, competences and qualifications.

Standard 28. Measures oriented towards the applicant's voluntary return

Standard 28. Applicants have access to available voluntary return options, in line with national legislation.

Indicators

Indicator 1. When it falls under the responsibility of reception authorities, information on available voluntary return options is provided on a regular basis to the applicant.





 Additional remarks: when the responsibility to provide information on voluntary return falls under the competence of different authorities or institutions, reception authorities should facilitate contacts and promptly refer the applicant to the relevant actor, especially when they show an interest to avail themself of such options.

Information should be provided to the applicant during the different phases of reception, starting from the initial days after their arrival. It should be provided through different means, including with the support of material available in different languages and with the support of other institutions, such as Frontex and the International Organization for Migration (IOM).

Information on whether the applicant has shown interest in voluntary return and actions taken (e.g. referral to competent authorities) can also be recorded in the individual file. On this point, also refer to Section 4. Individual file, Standard 6, Indicator 3.

Indicator 2. Measures are taken to ensure that the applicant is encouraged to actively consider available voluntary return options.

Additional remarks: measures can take different forms, including the
organisation of dedicated individual meetings and counselling
sessions to discuss return prospects, especially after a first negative
decision on the application for international protection has been
issued (when needed, with the support of competent authorities and
institutions).

Good practices

Offer a structured training to applicants about their options for the future after a
negative decision on their asylum application. The session should include
information on irregular stay, reality check and future expectations as well as
support provided by different organisations, such as the International Organization
for Migration (IOM) and Frontex in the field of assisted voluntary return.





13. Data collection

'Data collection' is the systematic process of gathering and acquiring information from various sources with the purpose of generating meaningful insights and knowledge. It involves the collection, organisation, recording and transmission of relevant data for analysis and decision-making.

In the field of reception, data collection may serve different purposes:

- to identify the needs of applicants (⁵⁷) in order to offer adequate reception conditions in compliance with Articles 17 and 21 RCD (recast);
- to assess and optimise the effectiveness of the reception system at a central and/or local level, enabling authorities to make evidence-based decisions about the allocation of necessary resources, as prescribed by Article 29 RCD (recast), and about the activation of preparedness measures;
- to enable assessment and control of the level of reception conditions, as prescribed by Article 28 RCD (recast).

To achieve these objectives, the competent reception authority should have access to:

- data on the accommodation facilities, including information on the number and typology of reception facilities, indication of which target group can be accommodated (e.g. families, single men, single women, unaccompanied children) and information on the capacity of each facility;
- data on the number of applicants accommodated, including information on their profiles and their assessed special reception needs, and time-stamped data related to their day of arrival and departure from the reception facility.

With these elements in place, Member States authorities can have an overview of their reception capacity and occupancy, enabling them to make more efficient operational decisions to: better manage their reception system; better plan for adequate reception conditions for all applicants, including those with special reception needs; better respond to crisis situations.

As outlined above, the collection of detailed data at a local and/or central level is for operational purposes only. Based on such data, Member States' reception authorities can perform an internal assessment and plan their operational needs accordingly. This becomes possible only if data on places available in each facility and applicants accommodated or in need of accommodation are regularly updated and timely transmitted by the reception facilities to the competent authorities at a central or local level.

⁽⁵⁷⁾ While the standards and indicators elaborated in this section refer to applicants for international protection, Member States are encouraged to collect data on all residents, including persons to whom protection has already been granted or denied and who are still hosted in reception facilities. Similarly, Member States are encouraged to also collect data on applicants who are entitled to reception conditions but, for instance, have chosen to decline accommodation because they have sufficient means to pay for it.





Furthermore, reception facilities should have additional data that may be needed for other purposes ready for transmission to competent authorities, when so required by national law. This can include, for instance, data related to financial or material allowances and services granted to each applicant.

Data protection considerations and compliance with GDPR are particularly relevant for the standards and indicators elaborated in this section.

Legal reference



RCD (recast)

Article 21 – Provisions for vulnerable persons, general principle

Article 28(1) – Guidance, monitoring and control system

Article 29 – Staff and resources

Standards and indicators

Standard 29. Data management system

Standard 29. A centralised data management system is in place and updated.

Indicators

Indicator 1. Data on reception facilities and on the capacity of each facility are available at central or local level and are updated on a regular basis.

Additional remarks: data on reception facilities should include information on the number, location and typology of accommodation facilities, as well as indication on the target group that can be accommodated therein (e.g. families, single men, single women, unaccompanied children).

This indicator, in the part requiring an update on a regular basis, should be read with flexibility in situations falling within the scope of Article 18(9) RCD.

Indicator 2. Data on applicants accommodated are available at central or local level and are updated on a regular basis.

Additional remarks: data on applicants for international protection accommodated in the reception system should include general information on the applicant (e.g. age, sex, citizenship) and on their profile (e.g. single men, single women, unaccompanied child, family). In addition, data should include for each applicant the date of arrival and the date of departure from the reception facility. In the latter case, data should also indicate the reason for departure (e.g. abandonment, transfer to another reception facility, end of procedure etc.). In case of





abandonment, the day in which the abandonment was determined should be recorded.

For the notion of abandonment, also refer to Section 9. <u>Reduction or withdrawal of material reception conditions</u>, <u>Standard 21</u>.

Standard 30. Data available for transmission to competent authorities upon request

Standard 30. The reception facility maintains up-to-date data ready to be transmitted to the competent authorities when requested.

Indicators

Indicator 1. The reception facility maintains an updated inventory of the essential equipment in the reception facility and in the rooms.

 Additional remarks: essential equipment in the reception facility includes cooking facilities, sanitary equipment, furniture, communication equipment (phones, Wi-Fi, etc.). Essential equipment in the rooms includes furniture. If the equipment needs to be replaced, this should be indicated in the inventory.

Indicator 2. When falling under its competence, the reception facility maintains time-stamped data relating to financial or material allowances and services granted to each applicant.

Indicator 3. The reception facility maintains data on any critical incidents that occur in its premises.

 Additional remarks: for this indicator, also refer to Section 6. <u>Security</u> and safety, Standard 12.

Indicator 4. The reception facility maintains data on the complaints lodged by applicants and on the actions taken to address them.

Additional remarks: for this indicator, also refer to Section 10.
 Complaint and response mechanism, Standard 25.







Practical tip: example of how to organise a robust data management system

An efficient data management system should be primarily able to provide reception authorities with a real-time overview of the capacity and occupancy of their reception system. It should enable them to effectively assign every new applicant in need of accommodation to an available place, also taking into account their special reception needs. As such, the data management system should include detailed information on available beds in each reception facility and on applicants to be accommodated.

The following serves as an example to illustrate how to organise the data management system.

- Assign a unique identifier to each reception facility, including information on the typology.
- Assign a unique identifier to each room in each reception facility specifying for each room the capacity, size and an indication of the target population that can be received (e.g. families, single men, single women, unaccompanied children).
- Assign a unique identifier to each bed.
- Ensure that the data management system is capable of distinguishing between beds that are available for the general population and those that are dedicated to a specific population only (e.g. unaccompanied children, single women).
- Ensure that the data management system is capable of distinguishing between
 beds that are unavailable because occupied, reserved, unavailable due to family
 unity, technical reasons, co-living reasons etc. When a bed is unavailable due to
 malfunctions/repairs in the room/facility, an indication on the date it is expected
 to become available again can be included.
- Assign a unique identifier to each applicant, including information on citizenship, age, gender, legal status, duration of stay in reception, profile (e.g. single men, single women, unaccompanied children).
- Assign a unique identifier to each family, in accordance with the definition of Article 2 RCD (recast) and in line with the principle of family unity.

If separate data management systems are used for collecting data on the reception facilities and on the applicants accommodated, the data sets can be linked and cross-referenced, for instance, through the occupied beds.





14. Assessment of reception conditions

In this section, the term 'assessment of reception conditions' refers to the set of activities that Member State authorities carry out to observe, check and control, on a regular basis, the quality of reception conditions in their facilities, to ensure compliance with national and EU standards. Such an assessment is mandatory under Article 28 RCD (recast) which prescribes that Member States must put relevant mechanisms in place to ensure that appropriate guidance, monitoring and control of the level of reception conditions are established.

In this sense, the term 'assessment of reception conditions' does not refer to the monitoring mandate that the EUAA (58) will gradually begin in 2024, covering the operational and technical application of all aspects of the CEAS. Nor does it refer to monitoring activities carried out by actors or institutions other than reception authorities (e.g. international organisations, ombudspersons).

The assessment of reception conditions can serve different purposes, including: verify the correct functioning of the overall system (compliance function); discourage the misuse of public funds (preventive function) especially in countries where services in reception facilities are outsourced to third actors; identify gaps and take corrective measures (corrective function). When conducted using common standards and indicators, the assessment of reception conditions ultimately contributes to reduce divergences among reception systems in different countries, fostering harmonisation and ensuring equal treatment of applicants for international protection in reception throughout the EU+.

The standards and indicators in this section look at the mechanisms to assess reception conditions that Member States should have in place, at the methodology and tools for assessing reception conditions, as well as at the actions required to follow up on assessment findings. Indeed, the ultimate responsibility to ensure the efficiency of the reception system as well as the adequate level of provision of material reception conditions lies with the state authorities.

Legal reference



RCD (recast)

Article 28(1) – Guidance, monitoring and control system

Member States shall, with due respect to their constitutional structure, put in place relevant mechanisms in order to ensure that appropriate guidance, monitoring and control of the level of reception conditions are established.

⁽⁵⁸⁾ See Chapter 5 – Monitoring of EUAA regulation of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010 (OJ L 468, 30.12.2021).





Standards and indicators

Standard 31. Assessment of reception conditions

Standard 31. A mechanism to assess reception conditions in reception facilities is in place.

Indicators

Indicator 1. A standardised mechanism to assess reception conditions is defined and adopted.

 Additional remarks: the assessment mechanism can derive from existing law and/or be established by competent reception authorities at central or local level. In the latter case, different mechanisms may apply across the country.

Indicator 2. The mechanism clearly indicates who is responsible for assessing reception conditions.

• **Additional remarks:** depending on the national system, different actors may be involved in the assessment of reception conditions.

Indicator 3. The mechanism defines the areas to be assessed.

 Additional remarks: the assessment should focus in principle on all reception conditions, including the areas covered by the 2016 and by this guidance. The assessment should encompass all services provided inside the accommodation facility, including those provided by third parties.

Indicator 4. The mechanism clearly provides a timeline for conducting the assessment of reception conditions.

 Additional remarks: the assessment of reception conditions in reception facilities should be carried out on a regular basis. To do so, an assessment plan should be developed in advance by reception authorities. The frequency at which reception facilities are assessed can vary across Member States and can depend on different factors, such as the number of reception facilities to be assessed and/or the human resources allocated to this function. The assessment can also be reactive, i.e. triggered by reports of incidents or irregularities.

Indicator 5. The mechanism clearly prescribes the methodology and tools to conduct onsite assessment visits and to report findings.

• Additional remarks: the assessment methodology and tools for onsite visits can derive from existing law; it should be based on the principle of triangulation of information, that entails using multiple methods and sources of information to validate and ensure the accuracy of findings. Sources of information can include direct observation, documentation, reception facility staff and applicants. Tools that can be used to collect information from key sources can include: questionnaires addressed to the managers of the reception





facility and/or to the applicants (including anonymous questionnaires); focus group discussions with selected reception officers or applicants (men, women or children); surveys; quality audit checklists.

An assessment report should be elaborated after every onsite visit. The report should: analyse the information collected; describe any findings; make time-bound recommendations for the improvement of reception conditions in the assessed areas; point out any identified good practices. The report can be addressed to different recipients as appropriate, for example competent reception authorities or managers of the facility.

The personnel in charge of assessing reception conditions should be properly trained on the methodology and tools.

Indicator 6. The mechanism prescribes follow-up measures.

 Additional remarks: actions should be timely taken to implement time-bound recommendations formulated in the assessment report. Recommendations can include different measures and ultimately lead to the closure of a reception facility, in case of serious inefficiencies or irregularities.

Good practice

- Develop a digital tool for assessing reception conditions based on quality standards and indicators.
- Create specific rules of conduct applicable to the personnel in charge of assessing reception conditions.
- Every five years, conduct an external and independent evaluation of the assessment mechanism.
- Provide feedback to persons who have provided information, where appropriate.
- Review regularly the progress on recommendations' implementation.
- After the assessment, conduct formal coordination meetings with relevant stakeholders in the reception facility as a part of a regular follow-up system, to ensure that any gaps are addressed in a timely manner.
- Draw up a recommendations' implementation matrix and identify who is responsible to follow up on each recommendation and within which timeframe.
- Systematically analyse and disseminate identified good practices that could be replicated in all reception facilities.





Available EUAA resources



Assessment of Reception Conditions (ARC) Tool

The tool has been specifically developed for assessing reception conditions and can support Member States in meeting <u>Standard 31</u>. It is based on the operational standards and indicators elaborated in the 2016 guidance on reception conditions and in the 2018 guidance on reception conditions for unaccompanied children.

The tool allows to assess several areas, including housing, food, clothing, healthcare, information and counselling. The user can choose to assess all the areas at once or one by one. The tool is available on mobile and desktop version. It is an offline tool that does not require an internet connection once loaded. At the end of the assessment, the tool can generate a report as well as statistics and graphs for all the sections that have been assessed, summarising how the centre performs against the standards.





15. Exceptional modalities for the provision of material reception conditions

The 2016 guidance focuses on the regular functioning of the reception system and explicitly does not cover situations falling under Article 18(9) RCD (recast). Under this article, Member States can exceptionally derogate from the general standards on the provision of material reception conditions in duly justified cases (as assessed by independent parties and through court proceeding) and for a reasonable period that must be as short as possible. Shortages in reception capacity, coupled with high influx situations experienced by different Member States in recent years, have raised the need to define the standards applicable in such exceptional situations and to specify the level of reception conditions that is considered adequate to cover basic needs.

Situations falling under Article 18(9) RCD (recast) are to be considered exceptional and any deviation from the ordinary provision of material reception conditions should be justified and documented. In this sense, systemic inefficiencies and/or deficiencies in the reception system do not fall within the scope of Article 18(9). Indeed, any derogation from the ordinary provision of material reception conditions is based on the assumption that, in normal circumstances, the capacity of the reception system is adequate to properly accommodate expected inflows, including a buffer capacity for occasional increases.

This section focuses in particular on reception systems whose normally available housing capacity is exhausted, e.g. because of persisting high and unprecedented influx. The standards and indicators below take into account the ability of Member States to anticipate, manage and respond to situations of strain by: having in place preparedness measures; planning and swiftly activating extra housing capacity; deploying in a fast and effective manner stocks and supplies through flexible procurement modalities; mobilising human resources needed to tackle the exceptional situation.

The purpose of this section is not to prescribe a specific type of reception modalities but rather to ensure that reception conditions provided in a situation falling within the scope of Article 18(9) respect the human dignity of the applicant and the fundamental principles enshrined in the RCD (recast). Indeed, even in situations that justify the activation of Article 18(9), reception conditions should ensure the full respect of an adequate standard of living in line with Union law, including the Charter of Fundamental Rights and international standards.

Applicants' basic needs must be met and any derogation must not exceed a reasonable period that must be as short as possible. Member States should put in place all efforts to ensure that the standards and indicators applicable in normal circumstances are progressively achieved.

Given the diversity of reception set-ups across Member States, responses to exceptional situations may differ substantially also in consideration of different variables, such as the size and duration of the influx, available resources, specific characteristics of the arriving population, weather conditions, geographical location of the entry point, etc.





Related standards and indicators in other EUAA guidance

This section needs to be read in conjunction with:

 Guidance on Contingency Planning and Preparedness in the Asylum Procedure – <u>Operational standards and indicators</u>, 2024.

Legal reference



RCD (recast)

Article 18(9) (59)

In duly justified cases, Member States may exceptionally set modalities for material reception conditions different from those provided for in this Article, for a reasonable period which shall be as short as possible, when:

- (a) an assessment of the specific needs of the applicant is required, in accordance with Article 22;
- (b) housing capacities normally available are temporarily exhausted.

Such different conditions shall in any event cover basic needs.

'1. Each Member State shall draw up a contingency plan in consultation with local and regional authorities, civil society and international organisations, as appropriate. The contingency plan shall set out the measures to be taken to ensure an adequate reception of applicants in accordance with this Directive in cases where the Member State is confronted with a disproportionate number of applicants for international protection, including of unaccompanied minors. The contingency plan shall also include measures to address situations referred to in Article 20(10), point (b), as quickly as possible. 2. The contingency plan referred to in paragraph 1 shall take into account the specific national circumstances, using a template to be developed by the Asylum Agency, and shall be notified to the Asylum Agency by ... [ten months after the entry into force of this Directive]. That plan shall be reviewed when needed due to changed circumstances and at least every three years and, if updated, shall be notified to the Asylum Agency. The Member States shall inform the Commission and the Asylum Agency whenever its contingency plan is activated. 3. Member States shall provide the Asylum Agency, upon its request, with information on their contingency plans referred to in paragraph 1 and the Asylum Agency shall assist Member States, with their agreement, to draw up and review their contingency plans.'



⁽⁵⁹⁾ Exceptional modalities for the provision of material reception conditions are also covered in the new recast reception conditions directive. In accordance with Article 20(10) of this recast: 'In duly justified cases and for a reasonable period of time which shall be as short as possible, Member States may exceptionally provide material reception conditions that are different from those provided for in this Article where: (a) an assessment of special reception needs of the applicant is required ; (b) housing capacities normally available are temporarily exhausted or, due to a disproportionate number of persons to be accommodated or a man-made or natural disaster, housing capacities normally available are temporarily unavailable. Different material reception conditions referred to in the first subparagraph of this paragraph shall in any event ensure access to health care and a standard of living for all applicants in accordance with Union law, including the Charter, and international obligations. Where a Member State provides different material reception conditions in accordance with the first subparagraph of this paragraph, that Member State shall inform without delay the Commission and the Asylum Agency in accordance with Article 32(2) ... on the activation of its contingency plan. That Member State shall also inform the Commission and the Asylum Agency as soon as the reasons for providing those different material conditions have ceased to exist.'

Further provisions specifically applying to contingency planning can be found in Article 32 of the new recast:





Court of the Hague, 2022, Vluchtelingenwerk Nederland (60)

The Dutch Council for Refugees (*Vluchtelingenwerk Nederland* (VWN)) submitted a claim to the Court requesting the Dutch state and the Central Agency for the Reception of Asylum Seekers (*Centraal Orgaan opvang asielzoekers*, (COA) to provide reception conditions for asylum applicants in full compliance with the standards established by EU law. The case concerned reception provided in and around Ter Apel and in other (crisis) emergency reception locations where standards were not fully met – VWN claimed. The Court reiterated the standards envisaged at national, EU and international level as laid down in the RCD (recast), 2016 guidance, EU Charter, ECHR and Convention on the Rights of the Child. Following a thorough analysis of the situation, the Court instructed the Dutch state and the Dutch reception authority (COA) to align standards, immediately or in the shortest possible reasonable time, in relation to the following areas: accommodation, access to sanitary and hygienic services, access to drinking water and food, weekly financial allowance; access to play facilities and education for minor children; immediate access to health care; provision of medical screening; specific provisions for unaccompanied children.

Standards and indicators

Standard 32. Preparedness measures

Standard 32. Adequate preparedness measures are in place.

Indicators

Indicator 1. Preparedness measures addressing situations of temporary exhaustion of housing capacity are defined and adopted.

 Additional remarks: preparedness measures can be part of broader contingency planning and standard operating procedures. In federal or decentralised Member States, preparedness measures should be composed of coordinated subnational mechanisms. Situations of a temporary exhaustion of normally available housing capacity may include unprecedented high influx (it is recommended to have a numerical definition of 'high influx' applicable at national level).

Indicator 2. Preparedness measures envisage different scenarios and, for each scenario, the response to be activated.

 Additional remarks: when developing preparedness measures, it is of utmost importance to formulate realistic scenarios of anticipated situations and identify the responses that need to be taken in each scenario, including responsible actors and timeframe. For each scenario, preparedness measures should specify early alert triggers

⁽⁶⁰⁾ Court of The Hague, judgment of 6 October 2022, <u>Vluchtelingenwerk Nederland (VWN) v The Dutch state and the COA</u>, C/09/633760 KG ZA 22-733, ECLI:NL:RBDHA:2022:10210. Summary available in the <u>EUAA Case Law Database</u>.





for different levels of alertness, linked to identified thresholds (e.g. a certain increase of arrivals over a defined period of time; exceeding a predefined occupancy rate for a period of time).

Indicator 3. Preparedness measures clearly specify the roles and responsibilities of the competent authorities and other stakeholders involved in the process, as well as coordination mechanisms between stakeholders.

 Additional remarks: the coordination within the reception authority as well as between the latter and other authorities (especially those in charge of asylum) are of utmost importance for the successful implementation of preparedness measures. Preparedness measures in federal or decentralised Member States may be further composed of coordinated subnational mechanisms.

Indicator 4. Preparedness measures are adequately communicated in advance to all authorities and staff members involved in their implementation.

• **Additional remarks:** communication can take different forms, including ad hoc sessions or written guidelines (e.g. a manual).

Indicator 5. Preparedness measures are assessed and updated on a regular basis.

Good practice

 Roll out exercises to test the preparedness measures with all actors that have a role in the process.

Standard 33. Extra housing capacity, procurement modalities, stock and supplies

Standard 33. Extra housing capacity, procurement modalities, adequate stocks and supplies are planned in an effective manner.

Indicators

Indicator 1. Preparedness measures contain clear plans on how to adapt housing capacity in a timely manner.

• Additional remarks: the creation of extra housing capacity can take different forms, such as: increasing capacity within an active accommodation centre; expanding capacity through the acquisition of new locations; making use of empty reception facilities identified as contingency sites; raising the occupancy rate in the reception system (e.g. by suspending planned renovation works); providing applicants with material reception conditions in the form of financial allowances rather than in kind provision of housing, in line with national law and regulations; promoting outflow measures to prevent the system from becoming overcrowded (e.g. by speeding up the outflow of applicants in the Dublin procedure, by speeding up the outflow of those who are granted international protection or who are not entitled to reception).





Indicator 2. A mapping of the premises that can be quickly acquired or adapted in situations of temporary exhaustion of housing capacity is available.

Indicator 3. Procurement modalities that allow for quick adaptation to changing needs are in place.

• Additional remarks: procurement procedures should ensure flexibility and short processing time without prejudice to transparency and public tendering rules. Different procedures can be used, including framework agreements that allow for the fast adjustment of quantities (e.g. food, non-food items, interpretation services) or procedures that allow for the immediate start of negotiation for a contract with a supplier in case of an unexpected calamity.

Indicator 4. A minimum stock of supplies to be deployed in a fast and effective manner is available as part of the preparedness measures.

 Additional remarks: preparedness measures should define the type and quantity of stock and supplies. Stocks can include tents, beds, mattresses, heating devices, generators, non-food items such as hygienic items and blankets.

Good practice

- Establish a network of housing capacity suppliers to expedite the acquisition of new housing capacity.
- Establish cooperation agreements with other actors (e.g. the army, civil society organisations) for the purchase, transport, storage and installation of beds, tents, supplies etc.
- In the process of housing acquisition or adaptation, consider sustainable solutions which allow to retain the facility instead of closing and reopening it as needed.

Standard 34. Human resources

Standard 34. Qualified human resources are planned and used in an effective manner.

Indicators

Indicator 1. Preparedness measures envisage how to rapidly increase and mobilise an adequate number of human resources in case of an exceptional situation.

 Additional remarks: human resources can be increased in different modalities, including through reallocation of own staff, secondment from other authorities, recruitment of new staff, use of an external pool. The definition of 'adequate number' can take into account different parameters such as: capacity of the facility or total number of applicants hosted in the facility (occupancy or average occupancy considered over a period of time), range of services to be provided and/or working hours/day to be guaranteed for the services to be provided in an effective manner.





For this indicator, also refer to Section 7. Staff, Standard 13.

Indicator 2. Flexible modalities are used to ensure the most effective use of existing human resources, envisaging 24/7 presence to ensure safety.

 Additional remarks: flexible modalities can include different forms, such as shifts, rotation, etc. Existing human resources should be timely informed about potential changes affecting their job description. A flexibility clause should be introduced in job descriptions, outlining tasks that are expected to be performed in case of exceptional situations.

Indicator 3. New staff appointed to deal with the exceptional situation receive basic training as soon as possible after appointment.

 Additional remarks: basic training can include sessions on: code of conduct, first aid, fire prevention, asylum law, internal procedures, special needs and prevention of sexual exploitation and abuse. Such trainings can also take the form of on-the-job training, ensuring the pairing between experienced and unexperienced staff.

Indicator 4. Measures are taken to promote and protect the mental and physical well-being and to prevent burn-out of staff dealing with the exceptional situation.

• Additional remarks: for this indicator, also refer to Section 7. <u>Staff</u>, Standard 15.

Good practice

- Promote to the extent possible measures for staff retention after the exceptional situation ends.
- Offer open-ended employment contracts with a clause stipulating that the contract
 will terminate when the exceptional situation ends. This can be a good compromise
 between flexibility and giving a longer-term perspective to the new staff under
 temporary contracts.
- Train staff to also perform basic functions of other roles so that tasks can be flexibly re-assigned in case of an exceptional situation.

Standard 35. Activation of Article 18(9) RCD (recast)

Standard 35. The activation of exceptional modalities in the provision of material reception conditions as per Article 18(9)(b) is duly justified and documented.

Indicators

Indicator 1. The activation of exceptional modalities is based on evidence (numerical data and reports, among others) that demonstrates the exceptional situation.





Indicator 2. The decision to activate exceptional modalities is formally taken and include a specific description of such modalities and their estimated duration.

 Additional remarks: the authority competent for issuing a decision to activate exceptional modalities may be different across Member States, in accordance with applicable national legislation. The duration of exceptional modalities can be extended if the conditions persist.

Indicator 3. The facilities and/or areas within facilities operating under exceptional modalities are clearly specified and identifiable.

 Additional remarks: the typology of facilities used in emergency contexts can include temporary housing solutions such as containers, tents and gyms, as long as basic needs are covered.

Standard 36. Provision of material reception conditions through exceptional modalities

Standard 36. The provision of material reception conditions through exceptional modalities is as short as possible and fully respects the human dignity of the applicant.

Indicators

Indicator 1. In all circumstances, material reception conditions provided through exceptional modalities cover basic needs, including provision of a shelter with access to functioning sanitary infrastructure, provision of food and water, provision of necessary clothing and non-food items, provision of basic information, provision of necessary healthcare.

• Additional remarks: while some level of discretion is given to the Member States in order to determine the level of acceptable deviation from ordinary circumstances, such deviation must always take into account the human dignity of the person. Member States should provide applicants with at least: bedding in a place with functioning heating/cooling system depending on the weather conditions; access to functioning infrastructure (toilets, showers and sinks); three meals per day (or cash equivalent for children or in other justified cases); water in sufficient quantity; a minimum number of adequate clothing to those who do not possess any; bedlinen and a towel; personal hygiene products; access to necessary healthcare including at least emergency care and essential treatment of illnesses and serious mental disorders; basic information.

Indicator 2. Material reception conditions provided through exceptional modalities respect the principles of family unity, best interests of the child, prevention of sexual and gender-based violence, as well as the special reception needs of persons in a vulnerable situation.

Indicator 3. Applicants are transferred to ordinary facilities as soon as it is practically feasible, with prioritisation given to persons with special reception needs, families and children.





Additional remarks: the FIFO principle (first in first out) for all other categories of applicants can be applied to guarantee a fair and transparent transfer policy from exceptional reception modalities to ordinary ones. To ensure the application of the FIFO principle, the applicant's date of arrival in the facility operating under exceptional modalities needs to be recorded. In this regard, also refer to Section 13. <u>Data collection</u>, <u>Standard 29</u>.

Indicator 4. Efforts to ensure the gradual achievement of the standards and indicators applicable in ordinary circumstances are documented in progress reports.

Available EUAA resources



Guidance on Contingency Planning in the Context of Reception

The guide contains extended information to support Member States in their preparedness and ability to cope with high influx situations.





Annex 1. Summary table

Section	Standard	Indicators
1. Preparation and planning for the	accommodation	Indicator 1. A standardised procedure that prescribes the steps to take for opening a new accommodation centre is in place.
establishmer of a new accommodat centre	defined procedural	Indicator 2. The procedure prescribes who is responsible for the overall coordination, implementation and reporting to the central or local level.
		Indicator 3. Coordination actions among relevant authorities and stakeholders are taken prior to opening the accommodation centre.
		Indicator 4. The local community is informed of the setting up of an accommodation centre, when appropriate.
	Standard 2. Sites and/or buildings to be used for	Indicator 1. Sites and/or buildings to be used as accommodation centres are identified based on reception needs.
	accommodation purposes are identified and assessed in an adequate and	Indicator 2. The suitability of sites and/or buildings is assessed based on the analysis of available documentation and the outcome of on-site visits.
	coordinated manner.	Indicator 3. The suitability assessment specifies the infrastructural interventions required as well as their estimated duration and financial outlay expected.
		Indicator 4. In the process of identifying and assessing the sites and buildings, the competent reception authority acts in coordination with other relevant actors.
	Standard 3. The accommodation centre is ready to	Indicator 1. Essential infrastructure and utilities, compliant with relevant regulations, function properly.
	operate efficiently and safely before its formal opening.	Indicator 2. Essential furniture and equipment, compliant with relevant regulations, are in place.





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		Indicator 3. A mechanism is in place to ensure coordination, reporting and data exchange between the accommodation centre and the central or local level.
		Indicator 4. Staff, including persons in charge of managing the accommodation centre and those responsible for delivering necessary services, are identified and appointed.
2. Transport to the reception facility	Standard 4. The applicant's transport to the	Indicator 1. A mechanism is in place to regulate the applicant's transport to the accommodation facility.
	accommodation facility is organised and coordinated in an effective way.	Indicator 2. The mechanism specifies the modalities in which the applicant should reach the accommodation facility.
		Indicator 3. The mechanism specifies a reasonable timing within which the applicant should reach the accommodation facility.
		Indicator 4. The mechanism regulates the coordination process between the receiving accommodation facility and the reception authority.
3. Medical screening		Indicator 1. The medical screening is carried out as soon as possible upon arrival in the facility.
	legislation, the medical screening is conducted in an	Indicator 2. The medical screening is proportionate to its purpose.
	adequate, timely and justified manner and	Indicator 3. Measures are taken to ensure that the applicant's dignity is respected.
	in full respect of the applicant's dignity.	Indicator 4. Adequate information is provided to the applicant about the medical screening they are required to undergo.
		Indicator 5. Informed consent is obtained from or on behalf of the applicant prior to the examinations.
		Indicator 6. Adequate arrangements are in place to ensure that the applicant is able to communicate with the medical personnel.
		Indicator 7. The medical screening is conducted by qualified medical personnel.





		Indicator 8. An individual medical file is created immediately after the medical screening has taken place, at the latest. Indicator 9. Necessary follow-up actions are taken after the medical screening. Indicator 10. The applicant is provided with access to their medical records, without prejudice to national legislation.
4. Individual file	Standard 6. An individual file is timely created and updated for each applicant.	Indicator 1. Within maximum three days from arrival in the facility, an individual file is created for each applicant. Indicator 2. The individual file is systematically kept up to date. Indicator 3. The individual file includes, as a minimum, the following administrative, social and medical sections: - personal data, including information on family members in line with Article 2(c) RCD (recast); - legal status; - education, including literacy level and language skills; - vulnerability and special reception needs; - medical information relevant for providing adequate reception conditions.
5. House rules	Standard 7. Written house rules are communicated and accessible to and signed by each applicant. Standard 8. House	Indicator 1. Written house rules are in place in each reception facility. Indicator 2. Written house rules are provided to each applicant upon arrival in the facility. Indicator 3. Written house rules are visibly displayed in the facility, in areas accessible to all applicants. Indicator 4. Written house rules are signed by adult applicants. Indicator 1. House rules contain information
	rules include	on the use of the premises.





	relevant information on applicants' rights and obligations in	Indicator 2. House rules contain information on security and safety norms.
	the facility.	Indicator 3. House rules contain information on hygiene rules.
		Indicator 4. House rules contain information on peaceful cohabitation.
		Indicator 5. House rules contain information on the possibility and modality to lodge a complaint.
		Indicator 6. If applicable, house rules contain information on opportunities available to the resident to actively participate and engage in the daily management of the facility.
		Indicator 7. House rules contain information on rules applicable to access the facility.
	Standard 9. House rules provide information on prohibited behaviours and related sanctions.	Indicator 8. House rules contain information on rules applicable in case of absence from the facility.
		Indicator 9. House rules contain information on procedures applicable to inspection of individual premises by the staff, in line with applicable national legislation.
		Indicator 10. House rules contain information on the conditions under which an applicant is entitled to stay in the reception facility, in line with applicable provisions in national law.
		Indicator 11. House rules contain information on rules applicable to visits from external visitors.
		Indicator 1. House rules clearly describe prohibited behaviours and actions.
		Indicator 2. House rules make reference to applicable sanctions in case of prohibited behaviours and actions, in line with national law.
6. <u>Security and</u> <u>safety</u>	Standard 10. Access to accommodation	Indicator 1. A mechanism to control access to accommodation centres is in place.





	centres is adequately controlled.	Indicator 2. A procedure regulating the access of non-residents is in place.
	Standard 37. Reinforced security infrastructure takes	Indicator 1. External reinforced security infrastructure is proportionate to the aim of the facility.
	into account the aim of facility.	Indicator 2. Internal fencing between residential areas is minimised as much as possible to guarantee freedom of movement.
	Standard 12. A procedure is in place to manage critical incidents.	Indicator 1. Procedures are in place to address critical incidents and potential threats for residents and/or staff.
		Indicator 2. Signs on specific types of hazards identified in the reception facility and on actions prohibited in the premises are visibly displayed in places accessible by all applicants.
		Indicator 3 Capacity building activities on how to manage critical incidents and associated stress are carried out for the benefit of staff.
		Indicator 4. Critical incidents and actions taken to address them are recorded.
7. <u>Staff</u>	Staff Standard 13. Human resources are allocated in an adequate number to provide services in an effective manner.	Indicator 1. An adequate number of human resources for each reception facility is defined by the competent reception authorities and deployed accordingly.
		Indicator 2. Specific arrangements are in place to ensure on-call duty of reception officers.
	Indicator 3. When justified and possible, the gender composition of reception officers is adapted to the profiles of the resident population.	
	Standard 14. Rules of conduct are	Indicator 1. Rules regulating the conduct of staff in reception facilities are in place.
	applicable to and observed by all staff.	Indicator 2. A system is in place to report and follow up on breaches of the rules of conduct.





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	Standard 15. The physical and mental well-being of staff is promoted and	Indicator 1. Measures are taken to promote and protect the physical and mental wellbeing of staff.
	protected.	Indicator 2. Personal protective equipment (PPE) is provided according to the circumstances.
		Indicator 3 Adequate workspace and equipment is provided to each staff member, taking into account the functions individually performed and in line with applicable national legislation.
8. Administrative support		Indicator 1. Administrative support is provided to facilitate the applicant's access to a postal address to receive written correspondence.
		Indicator 2. Administrative support is provided to facilitate the applicant's possible opening of a bank account or access to comparable financial services.
		Indicator 1. Administrative support is provided to facilitate the applicant's access to healthcare.
		Indicator 2. Administrative support is provided to facilitate the child applicant's access to schooling and education in line with RCD (recast).
		Indicator 3. Administrative support is provided to facilitate the applicant's access to employment in line with RCD (recast).
		Indicator 4. Administrative support is provided to overcome any practical difficulties that the applicant may encounter in relation to recognition of documents issued abroad.
		Indicator 5. Administrative support is provided to facilitate the applicant's access to vocational training, in line with RCD (recast) and applicable national legislation.
9. Reduction or withdrawal of material	Standard 18. Decisions for reduction or	Indicator 1. The decision for reduction or withdrawal of material reception conditions negatively affects only the person concerned.





reception conditions

withdrawal of material reception conditions are taken in an individual, objective, impartial, proportional and justified manner.

Indicator 2. The decision substantiates the reasons for the reduction or withdrawal of material reception conditions.

Indicator 3. The decision for reduction or withdrawal of material reception conditions is issued and duly signed by competent bodies in accordance with national legislation.

Indicator 4. The decision for reduction or withdrawal of material reception conditions is proportionate and takes into account the applicant's vulnerabilities and/or special reception needs.

Indicator 5. Without prejudice to Article 20(3) RCD (recast), the decision for the reduction or withdrawal of material reception conditions does not affect nor impede by any means the applicant's right to appropriate housing, food, personal hygiene and clothing.

Indicator 6. The decision for reduction or withdrawal of material reception conditions does not affect nor impede by any means the applicant's access to healthcare.

Indicator 7. The decision for reduction or withdrawal of material reception conditions does not affect nor impede by any means access to education for children.

Standard 19.

Decisions for reduction or withdrawal of material reception conditions are duly notified and include information on appeal.

Indicator 1. The decision is notified in writing to the applicant.

Indicator 2. The decision specifies for which duration the reduction of material reception conditions applies.

Indicator 3. The decision indicates to which authority an appeal may be lodged and within what time limit from its notification.

Standard 20. A standardised sanction mechanism, in line with Article 20(4) RCD (recast), is in place and timely

Indicator 1. A mechanism regulating sanctions leading to the reduction or withdrawal of material reception conditions is applicable to all reception facilities.

Indicator 2. The sanction mechanism clearly defines the circumstances in which material





communicated to the applicants.

reception conditions may be reduced or withdrawn.

Indicator 3. The sanction mechanism clearly prescribes who is responsible for the imposition of sanctions.

Indicator 4. The sanction mechanism prescribes mandatory reporting to competent authorities in case of breach of national law.

Indicator 5. The sanction mechanism provides for a hearing before a decision for the reduction or withdrawal of material reception conditions is taken.

Indicator 6. Adequate and timely information about the sanction mechanism is provided to the applicant.

Indicator 7. In line with the principle of proportionality, the sanction mechanism envisages gradual measures prior to the imposition of withdrawal or reduction of material reception conditions, taking into account the severity and/or frequency of house rules serious breach or of seriously violent behaviour as well as the specific vulnerability and/or special reception needs of the applicant.

Standard 21.

Material reception conditions are reduced or withdrawn only once abandonment of the place of residence is determined, in line with Article 20(1)(a) RCD (recast).

Indicator 1. The applicants' presence in the accommodation facility is verified on a regular basis.

Indicator 2. A reasonable margin of time is ensured before abandonment is determined.

Indicator 3. The applicant is informed about their obligation to present themself in the accommodation facility for presence verification.

Indicator 4. The verification of presence in the accommodation facility does not create excessive burden on the applicant.





10. Complaint and response mechanism	Standard 22. A well- structured complaint and response mechanism is in place.	Indicator 1. A standardised complaint and response mechanism is defined.
		Indicator 2. The complaint and response mechanism defines the areas in relation to which a complaint can be lodged.
		Indicator 3. The complaint and response mechanism clearly indicates the modalities for lodging a complaint.
		Indicator 4. The complaint and response mechanism clearly indicates the modalities and timing for receiving a response.
		Indicator 5. The complaint and response mechanism clearly prescribes who is responsible for the management and follow-up of complaints.
		Indicator 6. Without prejudice to national legislation, the complaint and response mechanism indicates the modalities to escalate the complaint to competent higher authorities.
		Indicator 7. Measures are taken to ensure that reception officers and applicants are adequately informed about the complaint and response mechanism.
	Standard 23. The complaint and	Indicator 1. A complaint can be lodged any time.
	response mechanism is accessible in a timely, safely and effective manner.	Indicator 2. A complaint can be lodged in an anonymous and/or confidential manner.
		Indicator 3. A complaint can be lodged in writing, orally and/or by digital means.
		Indicator 4. Specific arrangements are in place to ensure that applicants with special needs may lodge a complaint.
	Indicator 1. Actions are taken to timely address each complaint.	





	Standard 25. A recording and reporting system for complaints and responses is in place in each reception facility.	Indicator 1. All complaints and responses are recorded.
		Indicator 2. Recording of complaints and responses includes as a minimum information on: - the location where the complaint was lodged; - the date in which the complaint was lodged and/or received; - the progressive number of the complaint; - the area(s) in relation to which the complaint was lodged; - the type of actions taken to address the complaint; - the processing time spent for addressing the complaint. Indicator 3. All recorded complaints and responses are reported to the competent authorities, on request.
11. Applicants' participation and engagement in areas that affect their daily life in the reception facility	Standard 26. Applicants are regularly involved in areas that affect their daily life in the reception facility.	Indicator 1. Actions are taken to ensure that applicants are enabled to voice their views on a regular basis. Indicator 2. Actions are taken to ensure that applicants willing to actively engage in activities carried out in the accommodation centre are enabled to do so.
12. Preparing the end of reception:	end of reception: measures oriented towards the applicant's integration or end of reception: access to pre-integration activities, in line with national legislation.	Indicator 1. Information on available pre- integration activities is provided on a regular basis to the applicant.
oriented towards the applicant's integration or		Indicator 2. Measures are taken to ensure that the applicant is invited to actively consider engaging in available pre-integration activities.
towards voluntary return	Indicator 3. Adequate arrangements are in place to ensure that all applicants have access to the available pre-integration measures, on the basis of the principle of non-discrimination.	





Applicant access to voluntary options, i	Standard 28. Applicants have access to available voluntary return options, in line with national legislation.	Indicator 1. When it falls under the responsibility of reception authorities, information on available voluntary return options is provided on a regular basis to the applicant.
		Indicator 2. Measures are taken to ensure that the applicant is encouraged to actively consider available voluntary return options.
13. <u>Data collection</u>	Standard 29. A centralised data management system is in place and	Indicator 1. Data on reception facilities and on the capacity of each facility are available at central or local level and are updated on a regular basis.
	updated	Indicator 2. Data on applicants accommodated are available at central or local level and are updated on a regular basis.
	Standard 30. The reception facility maintains up-to-date data ready to be transmitted to the competent authorities when requested	Indicator 1. The reception facility maintains an updated inventory of the essential equipment in the reception facility and in the rooms.
		Indicator 2. When falling under its competence, the reception facility maintains time-stamped data relating to financial or material allowances and services granted to each applicant.
		Indicator 3. The reception facility maintains data on any critical incidents that occur in its premises.
		Indicator 4. The reception facility maintains data on the complaints lodged by applicants and on the actions taken to address them.
14. Assessment of reception conditions	Standard 31. A mechanism to assess reception	Indicator 1. A standardised mechanism to assess reception conditions is defined and adopted.
	conditions in reception facilities is in place.	Indicator 2. The mechanism clearly indicates who is responsible for assessing reception conditions.
		Indicator 3. The mechanism defines the areas to be assessed.





		Indicator 4. The mechanism clearly provides a timeline for conducting the assessment of reception conditions.
		Indicator 5. The mechanism clearly prescribes the methodology and tools to conduct onsite assessment visits and to report findings.
		Indicator 6. The mechanism prescribes follow-up measures.
15. Exceptional modalities for the provision of material	Standard 32. Adequate preparedness measures are in place.	Indicator 1. Preparedness measures addressing situations of temporary exhaustion of housing capacity are defined and adopted.
reception conditions		Indicator 2. Preparedness measures envisage different scenarios and, for each scenario, the response to be activated.
		Indicator 3. Preparedness measures clearly specify the roles and responsibilities of the competent authorities and other stakeholders involved in the process, as well as coordination mechanisms between stakeholders.
		Indicator 4. Preparedness measures are adequately communicated in advance to all authorities and staff members involved in their implementation.
		Indicator 5. Preparedness measures are assessed and updated on a regular basis.
	Standard 33. Extra housing capacity, procurement	Indicator 1. Preparedness measures contain clear plans on how to adapt housing capacity in a timely manner.
	modalities, adequate stocks and supplies are planned in an effective manner.	Indicator 2. A mapping of the premises that can be quickly acquired or adapted in situations of temporary exhaustion of housing capacity is available.
		Indicator 3. Procurement modalities that allow for quick adaptation to changing needs are in place.
		Indicator 4. A minimum stock of supplies to be deployed in a fast and effective manner is





		available as part of the preparedness measures.
	Standard 34. Qualified human resources are planned and used in an effective manner.	Indicator 1. Preparedness measures envisage how to rapidly increase and mobilise an adequate number of human resources in case of an exceptional situation.
		Indicator 2. Flexible modalities are used to ensure the most effective use of existing human resources, envisaging 24/7 presence to ensure safety.
		Indicator 3. New staff appointed to deal with the exceptional situation receive basic training as soon as possible after appointment.
		Indicator 4. Measures are taken to promote and protect the mental and physical wellbeing and to prevent burn-out of staff dealing with the exceptional situation.
	Standard 35. The activation of exceptional modalities in the provision of material reception conditions as per Article 18(9)(b) is duly justified and documented.	Indicator 1. The activation of exceptional modalities is based on evidence (numerical data and reports, among others) that demonstrates the exceptional situation.
		Indicator 2. The decision to activate exceptional modalities is formally taken and include a specific description of such modalities and their estimated duration.
		Indicator 3. The facilities and/or areas within facilities operating under exceptional modalities are clearly specified and identifiable.
	Standard 36. The provision of material reception conditions through exceptional modalities is as short as possible and fully respects the human dignity of the applicant.	Indicator 1. In all circumstances, material reception conditions provided through exceptional modalities cover basic needs, including provision of a shelter with access to functioning sanitary infrastructure, provision of food and water, provision of necessary clothing and non-food items, provision of basic information, provision of necessary healthcare.
		Indicator 2. Material reception conditions provided through exceptional modalities respect the principles of family unity, best interests of the child, prevention of sexual and





gender-based violence, as well as the special reception needs of persons in a vulnerable situation.

Indicator 3. Applicants are transferred to ordinary facilities as soon as it is practically feasible, with prioritisation given to persons with special reception needs, families and

children.

Indicator 4. Efforts to ensure the gradual achievement of the standards and indicators applicable in ordinary circumstances are documented in progress reports.





Annex 2. Glossary

Term	Definition	Source
Accommodation centre	Any place used for the collective housing of applicants (in accordance with Article 2(i) RCD (recast)) that guarantees an adequate standard of living (in accordance with Article 18(1)(b) RCD (recast)).	Article 2(i) RCD (recast)
Accommodation facility (or reception facility)	Any place for the housing of applicants, collective or not. It encompasses accommodation centres as well as private houses, flats, hotels or other premises adapted for housing applicants (in accordance with Article 18(1)(c) RCD (recast)).	EUAA working definition used for the purpose of this guide
Applicant for international protection	A third-country national or a stateless person who has made an application for international protection in respect of which a final decision has not yet been taken.	Article 2(b) RCD (recast)
Applicant in a vulnerable situation	An applicant whose ability to understand and effectively present their case or fully participate in the process and/or benefit from the reception conditions is limited due to their individual circumstances.	EUAA Vulnerability Strategy
Applicant with special reception needs (⁶¹)	A vulnerable person, in accordance with Article 21 RCD (recast), who is in need of special guarantees in order to benefit from the rights and comply with the obligations provided for in the aforementioned directive.	Article 2(k) RCD (recast)
Buffer capacity	Collective or individual vacant housing that is not in use but could be prepared to be occupied at short notice in case of high reception inflows.	EUAA terminology
Conditions for the reception of applicants for	The full set of measures granted to applicants for international	EUAA terminology

⁽ 61) On 'special needs' v. 'specific needs' see fn. $\underline{^{18}}$.





international	protection by Member States	
protection	under the RCD (recast).	
Individual file	File (hard copy or electronic file) compiling all the information about a resident and their family members, relevant for the reception officers to assess the resident's needs and profile. The file has to be regularly updated. It is confidential and should follow the person in case of transfer to another reception facility. In the context of reception, the number of new persons arriving in	EUAA working definition used for the purpose of this guide EUAA terminology
	the national reception facilities during a given period of time (e.g. daily, weekly, monthly).	
Information provision	Information to be provided in the framework of Article 5 RCD (recast). When used in this guidance, 'information provision' should also be understood as in line with the standards and indicators elaborated in the 2016 guidance. In particular, the following criteria should be met. - 'Written information is provided in a language that the applicant understands or	EUAA working definition used for the purpose of this guide
	is reasonably supposed to understand. - Where necessary and appropriate, the information is also provided orally in a language the applicant	
	understands. - Information is provided according to the special needs and individual circumstances of applicants.' (62)	
Intake	Formal or informal procedure implemented by the reception officers upon arrival of an applicant in a reception facility.	EUAA working definition used for the purpose of this guide
Lodging an application	Act of formalising the application for international protection with the	EUAA terminology

⁽⁶²⁾ EASO, <u>Guidance on reception conditions: operational standards and indicators</u>, 2016, pp. 36-37.





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	determining authority or any other	
	body charged with lodging as per	
	with national practice.	
Making an	Act of expressing, in any way and	EUAA terminology
application	to any authority, one's wish to	
' '	obtain international protection.	
Occupancy rate	Ratio between the reception	EUAA working definition used for
Occupancy rate	capacity and number of occupied	the purpose of this guide
	reception places.	the purpose of this guide
O. His	 	ELLA A tomosimology
Outflow	In the context of reception, the	EUAA terminology
	number of persons leaving the	
	national reception facilities during	
	a given period of time (e.g. daily,	
	weekly, monthly).	
Reception	Number of existing places in	EUAA working definition used for
capacity	national reception facilities,	the purpose of this guide
	regardless of the types of places	
	(collective accommodation,	
	individual housing, other).	
Reception	Any place for the housing of	EUAA working definition used for
facility	applicants, collective or not. It	the purpose of this guide
(or	encompasses accommodation	
accommodation	centres as well as private houses,	
facility)	flats, hotels or other premises	
lacinty)	adapted for housing applicants (in	
	accordance with Article 18(1)(c)	
	RCD (recast)).	
Decention	Practitioners who are in direct	ELIAA terminology
Reception		EUAA terminology
officers	contact with applicants for	
	international protection in a	
	reception context, irrespective of	
	their employer (the state, a civil	
	society organisation, a private	
	contractor, a municipality, etc.).	
	These practitioners may include	
	social workers, education and	
	health care staff, registration	
	officers, interpreters, facility	
	managers, administration/	
	coordination staff, etc.	
Reception	The collective infrastructure	EUAA terminology
system	consisting of facilities, equipment,	
_	services, human resources,	
	including legal framework and	
	funding, used for to provide	
	adequate reception conditions for	
	applicants for international	
	protection during the asylum	
	process.	





	T	I
Resident	Any person who is entitled to stay	EUAA working definition used for
	in a reception facility and is	the purpose of this guide
	accommodated therein,	
	irrespective of their legal status.	
Sanctions	Punitive measures taken against a	EUAA working definition used for
	resident, following for instance	the purpose of this guide
	serious breaches of house rules of	
	accommodation centre or violent	
	behaviour. Sanctions should be	
	taken individually, proportionally,	
	objectively and impartially and	
	reasons should be explained.	





Annex 3. EUAA resources

Resource	Description	Туре
Assessment of Reception Conditions (ARC)	The Assessment of Reception Conditions tool aims to support national authorities and operators working within reception facilities to assess that reception conditions are in line with the standards and indicators elaborated in EASO, <i>Guidance on Reception Conditions: Operational standards and indicators</i> , 2016 and EASO, <i>Guidance on Reception Conditions for Unaccompanied Children: Operational standards and indicators</i> , 2018. Developed by the EUAA in close cooperation with a working group of experts from national reception authorities, the tool is available on mobile and in a desktop version. It is an offline tool that does not require an internet connection once loaded. The tool has several functionalities: it can generate a report as well as statistics and graphs of all the sections that have been assessed, summarising how the centre performs against the standards.	IT tool
Case Law Database	The EUAA Case Law Database is an online public platform developed to manage, store and share case-law concerning the implementation of the CEAS at national and European level, as well as information on new asylum jurisprudence issued by national and international courts (covering both the Court of Justice of the European Union and the European Court of Human Rights).	Online database
Critical Incident Management in the field of Asylum and Reception	This report presents the results of a survey on the topic of incident management conducted in 2021 across EU+ countries. The survey was designed for first-line officers working in reception facilities and those conducting personal interviews. It focuses on the types of critical incidents observed in reception and the personal interview situation; understanding how incidents are currently documented, reported and responded to; and where and what the main gaps are. The findings will facilitate the design of tailored EUAA support to Member States.	Guide
Guidance on Contingency Planning in the Context of Reception	Published in 2018, the guidance is addressed to reception officers, policy makers and managers of national reception authorities. It aims to assist reception authorities in their preparedness and ability to cope with situations of mass influx or unexpected events, by providing detailed guidance on contingency planning on reception to facilitate early	Guide





action, manage future uncertainty and help anticipate and solve problems related to potential high-influx situations.

Let's Speak Asylum (LSA)

The LSA platform is the portal of reference for information providers and professionals designing communication and information provision activities in the field of asylum and reception. It aims to support the harmonised implementation of the Common European Asylum System (CEAS) in EU+ countries. Developed by the EUAA, it offers methodological guidance and practical tools on the provision of information in the context of asylum, Dublin procedure, reception and resettlement. The section on reception includes a set of materials, in multiple languages, to provide information to applicants in all the phases of the reception process ('arrival in reception', 'stay in reception' and 'end of reception'). Besides practical materials and tools (posters, leaflets, brochures, animations for different target audience, etc.), the portal also provides a set of relevant icons and illustrations and a library with selected information provision products collected from national authorities of different EU+

Modular Approach to Reception: Container site designs

Developed by the EUAA in close collaboration with experts from national reception authorities of EU+ countries, the guide intends to primarily support reception authorities by offering operational and practical solutions for the design and management of modular accommodation centres, in accordance with the EUAA standards and principles, as contained in the EASO, *Guidance on Reception Conditions:*Operational standards and indicators, 2016 and EASO,
Guidance on Reception Conditions for Unaccompanied
Children: Operational standards and indicators, 2018.

countries and other organisations.

The guide promotes a model to design accommodation centres built from containers based on nine key principles (organic design, functions and locations of services, target groups, uniform layout, community-centre approach, modular units based on EUAA standards, safety and security, perspective of the resident, internal and external communication and coordination).

Practical Guide on the Welfare of Asylum and Reception Staff

The guide addresses managers, team leaders and coordinators as well as first-line staff working in asylum and reception. It provides methods, tools and a roadmap to support staff well-being and ensure a safe and healthy working environment for asylum and reception professionals working with applicants of international protection. The guide comprises three stand-alone parts:

Portal

Guide

Guide





- Part I: 'Standards and policy' focuses on how authorities could develop a staff welfare strategy, based on suggested standards and indicators.
- Part II: 'Staff welfare toolbox' details all the practical tools identified as good practices implemented in some EU+ countries.
- Part III: 'Monitoring and evaluation' supports authorities with designing mechanisms and tools to assess progress made.

Practical Guide on Setting Up and Managing an Arrival or Accommodation Centre (Software) – forthcoming

The guide addresses national and local authorities as well as civil society organisations involved in the set-up and management of arrival centres and accommodation centres. It defines necessary processes and workflows in the main areas of the reception pathway: first entry, registration, medical screening, reception process and organisation of services, accommodation, and ongoing healthcare.

The practical guide has been developed by the EUAA together with a dedicated working group of experts from national reception authorities of EU+ countries. The guide is complemented by design principles and examples of layouts developed by an EUAA working group composed of technical experts in site design, infrastructure and planning.

Practical Recommendations on the Provision of Emergency Placement in Private Accommodation for Persons Displaced from Ukraine

The guide was developed in the aftermath of the massive displacement following the Russian invasion in Ukraine in February 2022, with the aim of providing practical recommendations to guide national and local authorities as well as civil society organisations in matching displaced persons with available private accommodation. The practical recommendations complement functioning and existing procedures within EU+ countries, ensuring that safeguards for persons in need of emergency shelter and for those providing such accommodation are put in place in a coordinated, safe, effective and systematic manner.

Referral Toolkit – forthcoming

The toolkit addresses authorities and personnel working directly with applicants for international protection to facilitate the referral of applicants with special needs to adequate support.

The tool is composed of three main parts: a) a standardised referral form aimed at facilitating the communication between actors involved in the referral of the applicant, b) a searching tool helping users in finding the services providing the needed support, c) a guidance to orientate users on how to adequately conduct a referral.

Site Assessment/ Building

The tool aims to support national reception authorities, relevant stakeholders and technical practitioners (e.g. engineers, architects, reception experts, etc.) in assessing

IT tool

IT tool

Guide

Guide





Assessment Tool - forthcoming	whether identified empty sites or existing buildings are suitable to be used as (or transformed into) accommodation centres to host applicants for international protection, based on predefined criteria.	
	Developed by the EUAA in close collaboration with experts from national reception authorities of EU+ countries, the tool has several functionalities: it can generate an assessment report as well as statistics and graphs related to areas that have been assessed.	
Special Needs and Vulnerability Assessment (SNVA)	The SNVA is an offline application, designed to support Member States authorities in assessing the needs of persons in a vulnerable situation and facilitating the access to adequate support in view of the particular circumstances of each case.	IT tool
Tool for Identification of Persons with Special Needs (IPSN)	The IPSN is an interactive online tool developed to support personnel working directly with applicants for international protection (including non-specialised personnel) to timely identify persons with potential special procedural and/or reception needs. It may be used at any stage of the asylum and reception procedure.	Interactive online tool
EUAA training modules	The EUAA provides a wide range of training modules for the asylum and reception context. The European Asylum Curriculum Training Catalogue offers a detailed description of all available training modules. For further information, visit www.euaa.europa.eu/training .	Training offer





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