



# **European Migration Network**

## Ad-Hoc Query on the resident requirement of asylum seekers

Requested by DE EMN NCP on 5<sup>th</sup> March 2009

Responses from AT, BE, BG, DE, EE, ES, FI, FR, HU, LT, LV, MT, NL, PL, PT, RO, SE, SI, SK, UK ( 20 in Total)

Compilation dated: 9 June 2009

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### **1. Background Information**

Hearing of a parliamentary committee in the Bavarian Land Parliament, topic “Transfer of the Social Welfare Law for Asylum Seekers in Bavaria”. From special interest is the residence requirement for asylum seekers in the European Countries.

### **2. Responses**

		<b>Wider Dissemination?</b>	<i>Does your country have a residence requirement for asylum seekers/applicants? Has the petitioner the duty to reside at the place of the foreigners authority responsible ?</i>
	<b>Belgium</b>	yes	In Belgium there are in principal no residence requirements for the asylum seeker. The Constitution guarantees a free choice of residence in Belgium, including the asylum seekers. The federal state can only impose an administrative place of residence to the asylum seeker, through which he/she receives material aid. The rule is that the asylum seeker is upon his application assigned to a reception centre by Fedasil, taking into account as much as possible the specific needs of the applicant. The first four months this will in principal be a collective reception centre, and afterwards the person can be transferred to a local, more individual reception facility. Only in the reception structure the applicant will receive material assistance from the state (housing, social, legal, and medical assistance). However, the applicant is under no obligation to stay in the assigned reception structure but in that case he/she will no (longer) have right to material assistance, except for medical care. In practice, the assignation of an administrative place of residence for material assistance purpose sometimes triggers practical difficulties, e.g. in case of homeless individuals, or during the transition from the material assistance regime to the state benefit regime (the social integration income is distributed by the Public welfare

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			<p>centre of the actual place of residence). The transition from reception centres or reception initiatives can be particularly complicated in large cities, where cheap housing is hard to find on the private rental market.</p> <p>Sources : <a href="http://www.vmc.be/vreemdelingenrecht/wegwijs.aspx?id=292">http://www.vmc.be/vreemdelingenrecht/wegwijs.aspx?id=292</a>  <a href="http://www.vvsg.be/sociaal_beleid/Vreemdelingen/Pages/spreidingsplan.aspx">http://www.vvsg.be/sociaal_beleid/Vreemdelingen/Pages/spreidingsplan.aspx</a></p>
	<b>Bulgaria</b>	<b>yes</b>	<p>During the procedure an alien must reside at addresses authorized by the State Agency for Refugees.</p> <p>An alien shall be accommodated in a transit, registration and accommodation center or another type of shelter provided by the State Agency for Refugees upon assessing the health condition, family status and living conditions of the alien according to requirements and procedures determined by the Chairperson of the State Agency for Refugees.</p> <p>When the alien has financial means to provide for his/her basic needs, in the course of the general procedure he/she may obtain permission to be accommodated at his/her expense at an address of his/her choice and will not receive financial and in-kind assistance from the State Agency for Refugees.</p> <p>Unaccompanied minor or juvenile aliens shall be accommodated by the time they become of age:</p> <ol style="list-style-type: none"> <li>1. with relatives or close acquaintances;</li> <li>2. with a foster family;</li> <li>3. in a specialized institution;</li> <li>4. in other accommodation facilities with special conditions for minor and juvenile persons.</li> </ol>
	<b>Germany</b>	<b>yes</b>	<p>In Germany the permission for asylum seekers to reside during the asylum procedure is limited to the district of the foreigners authority where the reception centre responsible for receiving the foreigner is located. In cases when the asylum seeker holds a residence title with an overall validity of more than six months, the permission to reside is limited to the district of the foreigners authority where the foreigner is staying.</p>
	<b>Estonia</b>	<b>yes</b>	<p>In Estonia all asylum seekers are generally accommodated at the Illuka Reception Centre for Asylum Seekers, where they are requested to spend their nights (from 10. p.m. to 6 a.m.). If the asylum seekers want to live somewhere else, they have to submit a relevant application to the Citizenship and Migration Board (CMB). With the written permission of the CMB the asylum seeker may reside outside the reception centre if:</p> <ul style="list-style-type: none"> <li>· their accommodation and subsistence is ensured by their relative or friend legally residing in Estonia or</li> <li>· they have sufficient financial resources to ensure their accommodation and subsistence or</li> <li>· this is necessary for their security.</li> </ul> <p>After receiving the protection status and residence permit the Ministry of Social Affairs shall organise their settlement within the territory of a local government within a period of four months from the issue of a residence permit. The decision concerning the place of settlement shall be made taking into account the location of the residence of their relatives, if relevant, the state of their health, and their chances of finding work. Their residence is not limited to any district.</p>
	<b>Spain</b>	<b>yes</b>	<p>Asylum seekers in Spain obtain a permit of stay until their asylum proceedings are finalised. Such permits do not involve any limitations as regards geographical mobility. In other words they may reside wherever they wish within Spanish territory. They are only required to give notice of their domicile and, should it change, they should also give notice thereof.</p>

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	<b>France</b>	yes	<p>Asylum seekers in France are free to choose their place of residence and generally are not required to reside in places. The asylum seeker who goes into a prefecture in order to apply for provisional admission to residence under the asylum (either the 1st application or not) must indicate the address where it is possible to send all correspondence relating to the proceedings. This address may be an association approved by order of the “Préfet” (prefect). If the applicant is allowed to stay temporarily in France, he must show where he has his residence. The applicant may provide a certificate of an “accommodation centre for asylum seekers” (CADA) or a certificate of accommodation from a third party. In cases of extreme tenuousness or if the situation of the person is unstable in view of its ability to actually receive mail addressed to him under the procedure for handling of his application for asylum, it is possible to submit a postal address with an approved association.</p> <p>If an applicant is the subject of an order of the “Préfet” (Prefect) of deportation, a prefectural or ministerial decree of expulsion, a decision to surrender to the authorities of another Member State of the Union European or a judicial prohibition of the territory he can be placed in administrative detention or house arrest.</p>
	<b>Latvia</b>	yes	<p>Asylum seekers in Latvia are entitled to stay:</p> <ol style="list-style-type: none"> <li>1) In Asylum Seekers Reception Centre (there is only one asylum seekers reception centre in the country so far) or</li> <li>2) Outside the reception centre if person has legal ground to stay in Latvia (for example valid visa or residency permit).</li> </ol> <p>Asylum seekers who live in the reception centre are free to leave the centre and come back with permission of centre’s administration for each time.</p>
	<b>Lithuania</b>	yes	<p>Asylum seekers, which are legally present in Lithuania, may choose a place of residence according to their discretion. In such case they write a request to the Migration department under the Ministry of Interior indicating the address in Lithuania where they intend to reside. If the Migration department establishes that the asylum seeker is legally present in Lithuania, the permission to reside in the chosen place is granted.</p> <p>If the asylum seekers do not have any place of residence in Lithuania, they remain in the Aliens’ registration centre.</p>
	<b>Hungary</b>	yes	<p>According to the Hungarian asylum law the refugee determination procedure is a two-phased procedure. First there is the preliminary examination procedure which shall be completed in 15 days. During this phase admissibility criteria is examined. If the refugee authority finds an application admissible, it shall submit the application for substantive proceedings.</p> <p>If a foreigner submits an application for asylum there are two options. If s/he is in detention (in practice mainly because of illegal border crossing) s/he will stay in detention during the preliminary examination procedure. If not s/he will be placed in a reception centre in Békéscsaba. During the preliminary examination the applicant shall be allowed to leave the reception centre only for justified reasons, subject to permission by the refugee authority, provided that his/her absence is not an obstacle to the proceedings.</p> <p>The refugee authority in its ruling for submission of an application for substantive proceedings shall specify the applicant’s designated place of accommodation, in a private lodging - upon request - or in a reception centre or some other place of accommodation maintained under contract. The applicant shall stay and live in the place of accommodation designated by the refugee authority during the period of substantive proceedings. The substantive proceedings shall be concluded within 60 days of the date of the ruling for submission for substantive proceedings.</p> <p>During the substantive proceedings the applicants live – usually – in a reception centre (in Debrecen). This centre is an open centre. The</p>

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			<p>applicant shall stay and live in the place of accommodation designated by the refugee authority during the period of substantive proceedings.</p> <p>Both in the preliminary examination procedure and the substantive procedure if the applicant's absence is an obstacle to the proceedings the refugee authority may terminate the procedure (if the certain legal provisions apply).</p>
	<b>Malta</b>	<b>no</b>	<p>The Maltese asylum scenario is intermingled and compounded by the irregular arrival by sea of undocumented immigrants, the majority of whom apply for asylum. In this regard, such irregular immigrants (with the exclusion of vulnerable cases) are denied entry and confined to stay at places of detention. Such asylum applicants whose case is positively determined can reside in Malta for the whole duration of their term of protection. Asylum Seekers released from detention may stay at reception centres intended for receiving Third Country Nationals and are required to notify the asylum determination authorities of their address.</p>
	<b>Netherlands</b>	<b>yes</b>	<p>The Central Agency for the Reception of Asylum Seekers (COA) is an independent administrative body funded by the Ministry of Justice. COA assumes the responsibility for the reception of asylum seekers.</p> <p>COA accommodates asylum seekers at an Asylum Seekers' Centre focussed on repatriation, or at an Asylum Seekers' Centre focussed on orientation and integration. The stage of the asylum procedure determines in what kind of centre the asylum seeker is accommodated.</p> <p>COA's reception process has the following stages:</p> <p><u>Arrival at Reception Centres.</u> When an asylum seeker applies for asylum in the Netherlands, his first dealings are with the NL Immigration and Naturalisation Service. The asylum seeker must report to the Application Centre at Amsterdam Airport (Schiphol). After the first interview, the IND decides whether or not the asylum seeker will be admitted to the asylum procedure. If the IND decides to handle the asylum procedure, the asylum seeker will be accommodated at the COA reception centre. In general, COA reception will end when the asylum procedure ends.</p> <p><u>Temporary Accommodation</u> It may happen that the asylum seeker must wait for a short time before being interviewed by the Immigration and Naturalisation Department at the Application Centre. During the short wait, the asylum seeker will stay at a COA-managed Temporary Reception Centre.</p> <p><u>Staying at Reception Centres.</u> If the asylum seeker has been admitted to the asylum procedure he will stay at an Asylum Seekers' Centre focussed on Orientation &amp; Integration. The asylum seeker stays at this reception centre as long as the IND has not decided on his request for asylum.</p> <ul style="list-style-type: none"> <li>• If the asylum seeker receives a negative decision he will be transferred to an Asylum Seekers' Centre focussed on Repatriation.</li> <li>• If he gets a positive decision, he will stay at an Asylum Seekers' Centre focussed on Orientation &amp; Integration.</li> </ul> <p><u>Departure from Reception Centres.</u> The asylum seeker must leave the COA reception centre after the asylum procedure. When the decision is positive, the asylum seeker can live in a council house.</p>

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			<p>If the result is a negative decision, the asylum seeker must return to the country of origin, or depart for another country. Until his departure, the asylum seeker can stay at an Asylum Seekers' Centre focussed on Repatriation for another 28 days. After these 28 days, he will return to his country of origin, or transmigrate to another country.</p> <p>In the offing of deportation, the Immigration and Naturalisation Department can detain the asylum seeker for the purpose of expulsion or extradition, for instance at an extradition centre.</p>
	<b>Austria</b>	<b>no</b>	This EMN NCP has provided a response to the requesting EMN NCP. However they have requested that it is not disseminated further.
	<b>Poland</b>	<b>yes</b>	In Poland, no restrictions apply with regard to place of residence of asylum seekers – during the procedure, an asylum seeker holding a Temporary Certificate of Foreigner's Identity may freely move within the territory of the Republic of Poland.
	<b>Portugal</b>	<b>yes</b>	In Portugal, asylum applicants haven't any duty to reside at the reception centre responsible to accommodation during the asylum procedure. There is no residence requirement for asylum seekers foreseen in the national legislation.
	<b>Romania</b>	<b>yes</b>	<p>During the asylum procedure the asylum seekers should be staying in one of the reception centers specially arranged and managed by Romanian Immigration Office or he may establish his residence in the area of competence of the reception center which is responsible for analyzing the request for asylum.</p> <p>According to the Romanian law the asylum seekers is forbidden to leave the place of residence (the reception center) without approval. The applicant must address a personal request to the head of the center in order to obtain an authorization. If he gets the authorization he receives a certificate which includes the place and date of leaving. No penalties are provided by the law of asylum for leaving the place of residence without approval.</p>
	<b>Slovenia</b>	<b>yes</b>	<p>The Slovene International Protection Act provides that the applicants for international protection have the right to reside in Slovenia. The Ministry of the Interior of the Republic of Slovenia organises the Asylum Centre for the accommodation of the applicants where they stay until the procedure for granting the international protection is final.</p> <p>This provisions therefore show that the applicants whose movement is not restricted are allowed to move freely in the Slovene territory yet they have the duty to return to the Asylum Centre every day. If they wish to be absent from the Centre for several days they have to apply for a special permission.</p> <p>The Act also provides that in exceptional cases (such as medical reasons, trauma etc.) the applicants may be accommodated also in other institutions (safe house, for example) or at a private address. In these cases the competent authority periodically performs the control over their accommodation</p>
	<b>Slovak Republic</b>	<b>yes</b>	Movements of asylum seekers within Slovakia (except of first 30 days of obligatory quarantine during the which they can not leave the reception centre) are restricted by the obligation to notify the authorities in the residence centre (in case of short-term stays outside the centre – up to one week) or the Alien Police Department of their place of stay (in case of long-term stays outside the residence centre). If the asylum seekers in Slovakia want to live outside the residence centre (run by the Migration Office), they have to apply for a long-term

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			<p>permit with the decision-maker of the Migration Office. In this case, the applicant must prove he/she has a valid accommodation lease and the necessary financial means. It is also possible for another person to sign a declaration of honour, stating that the applicant will live with them and that they will cover all necessary expenses. This declaration has to be verified by a public notary. The long-term permit is issued for up to a month. The applicant, who is granted such a long-term permit, has to notify the Alien Police Department of the place where he/she is staying within three days. The long-term pass can be repeatedly renewed.</p>
+	Finland	yes	<p>In principle an asylum seeker can choose where to live, according to wherever one finds accommodation, if the person can afford to pay for his own living costs. Few people are able to do so. Of course the Finnish authorities need to have knowledge of the person's address to be able to contact him / her in regards to interrogation, asylum interview, and notifications of decisions on the person's case.</p> <p>When an asylum applicant, who can not afford to arrange one's own accommodation independently, announces that he / she is applying for political asylum, accommodation is arranged for in a reception centre. The Police or the Border Guard direct the person to the closest transit centre, from where the applicant is forwarded to another reception centre, where he stays while waiting for a decision on the asylum case. The goal is that both the Police interrogation (for the identity and the travel route) and the Finnish Immigration Service interview (for the persecution grounds) are conducted while the person is staying in Transit Unit. Currently, due to the large numbers of asylum applicants, the transit units are forced to forward persons to other reception centres before the above mentioned measures, which are meant to be conducted during the Transit Unit stay, have been completed.</p> <p>Living in a reception centre is cost free to the applicant, if he / she is without means and receives income support to secure his living. If the applicant is working and earns sufficiently enough (according to the norm calculated by the social worker), he / she has to pay for his accommodation in the reception centre.</p> <p>A person can transfer from the reception centre to a so called private accommodation, but only on the approval of the reception centre's personnel. This approval requires, that the housing association which runs the building into which the person is moving, is aware of the matter and accepts the asylum applicant moving into the premises. Furthermore, the reception centre requires a copy of the register of occupants from the housing association (to verify who else are living in that address.)</p> <p>If the housing unit is owned by a private person, the owner's prior approval is needed. An applicant staying in private accommodation does not receive financial support for his / her living costs (as there is an option for living in a reception centre), but he / she has to use the income support received from the state funds also for the accommodation expensed. The income support received by the asylum applicants is 10 % lower compared to the general income support stipulated in the law.</p> <p>Persons staying in private accommodation in Helsinki area are under the responsibility of Metsälä reception centre, which is situated in the outskirts of Helsinki, and they are registered having Metsälä as their official municipality. Likewise, some asylum seekers living elsewhere in southern Finland, in such places as the town of Porvoo on the southern coast, and in Tampere (180 km north of Helsinki), where the reception centre was closed down, are also registered in Metsälä reception centre. Thus, all their health and social services are provided by Metsälä reception centre. Living in private accommodation in Helsinki while waiting for a decision on the asylum application does not guarantee that after a positive decision has been made, Helsinki will be appointed as the municipality for them to stay in. In</p>

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			practice, however, most of them end up staying long term in Helsinki or around the capital city area. One can also stay in private accommodation elsewhere in Finland while waiting for asylum decision. In those cases the person is registered under the closest reception centre.
	<b>Sweden</b>	<b>yes</b>	No, Sweden has no residence requirements for anyone. The asylum seeker can, as anyone else, at any time move anywhere within the country.
	<b>United Kingdom</b>	<b>yes</b>	Asylum seekers (AS) are required to reside at a pre-notified address. This does not however need to be one provided by the authority, but could be an acceptable address provided by the AS (i.e. a family address).