

Reception Systems, their Capacities and the Social Situation of Asylum Applicants within the Reception System in the EU Member States

1. Short Historical Overview of the Development of Reception Facilities

Refugee issues became relevant in the Czech Republic after 1989. When the first asylum seekers began arriving in the Czech Republic it became necessary to establish asylum facilities, set up appropriate legislation and deal with the integration of asylum applicants. The Ministry of the Interior has been responsible for refugee issues since 1990. Under international conventions the Czech Republic is obliged to provide asylum applicants with accommodation and other services from the very moment they apply for asylum until a final decision is taken on their applications. The Refugee Facilities Administration (RFA) was established for these reasons.

The RFA was established on 1 January 1996 as a budgetary organisation of the Ministry of the Interior of the Czech Republic. It came into being upon the division of the Refugee Department, in order to separate the part of the state administration conducting asylum proceedings (Department for Asylum and Migration Policies) from the provision of services to asylum applicants (RFA). The RFA operates asylum facilities of the Ministry of the Interior, i.e. provides accommodation, catering, social, health and other services for asylum seekers and persons who are under the temporary protection of the Czech Republic's government.

2. Asylum Application Procedures and Legal Framework

2.1 Asylum Application Procedures

The asylum issues in the Czech Republic are regulated by the Asylum Act. The proceedings for granting or withdrawing of asylum are within the competence of the Ministry of the Interior of the Czech Republic.

The asylum procedure is conditional on the foreigner's declaration [made on the territory of the Czech Republic](#) apparently showing the foreigner's intention to apply for asylum. The declaration of the intention to apply for asylum can be made to the Police at a border crossing, in a reception centre, in an [Alien and Border Police](#) Department [when a person came voluntarily](#), in an aliens detention centre, or to the Ministry, if an applicant is hospitalised in a medical facility, or imprisoned. The asylum declaration may be made in writing, or orally and entered into a record.

The foreigner is obliged to appear in the reception centre within 24 hours since he or she made the intention to submit the application for asylum. [The only exception is a situation when the foreigner cannot arrive due to objective reasons \(imprisonment, hospitalisation\) – in these cases](#) a representative of the [Department for Asylum and Migration Policies](#) visits the foreigner [and take the application for asylum at the place of his or her actual stay](#).

The asylum proceedings are commenced by filing an asylum application. An alien who has already applied in the Czech Republic for grant of asylum may file a new application no sooner than two years of the date on which the previous proceedings were completed with legal effect.

A participant in the proceedings is entitled to request assistance from a legal entity or a private individual engaged in providing legal assistance to refugees. Participant is also entitled to use his or her mother tongue, or a language in which he or she is able to communicate, during the course of the asylum proceedings. For this purpose, the Ministry provides the participant, at no charge, with an interpreter for the entire course of the

proceedings. The applicant is entitled to engage an interpreter of his or her own choice at the applicant's own costs.

An interview is obligatory conducted with the asylum applicant in order to establish the actual state of the matter in a reliable manner. The interview is entered in a record.

Within 90 days following the commencement of the proceedings, the Department for Asylum and Migration Policy of the [Ministry of the Interior](#) makes its first instance decision [on asylum application](#). If, given the nature of the matter, a decision cannot be made within this period of time; the Ministry may extend this period accordingly. [In the case of manifestly unfounded application accelerated procedure is used](#). [In this case](#) a decision is issued within 30 days of the date of commencement of the proceedings.

An action against the decision of the Ministry on the asylum matter may be file. The filing of an action has a suspensive effect. The proceedings on an action fall within the competence of the regional court in the jurisdiction of which the asylum applicant has the registered address on the day of filing the action. This step ensures that the asylum applicant can be provided with an independent review of the administrative decision. The court reviews the decision for legality – it does not decide on the asylum matter. Hence, the court can either confirm the decision of the administrative body or cancel it and refer it to new administrative proceedings.

[An extraordinary appeal remedy against the regional court decision on asylum matters is a cassation](#). [Decision on cassation is in competence of the Supreme Administrative Court](#).

2.2 Legal Framework of Reception Conditions

Conditions for reception of asylum applicants in the Czech Republic are laid down in the Asylum Act.

Each asylum applicant must be registered in one of reception centres and stay there for a necessary period (usually about three weeks) until the primary admission procedures are concluded.

The admission procedures include identification by the Alien and Border Police, initiation of asylum grant proceedings by an administrative body (Department for Asylum and Migration Policies) and comprehensive medical examinations.

After the conclusion of the admission procedures, an asylum applicant is moved to one of the residential centres or can exercise his or her right to stay in private housing.

Applicants for asylum have the following rights in the asylum establishment in which they have their registered address: to get accommodation, food and other services at no charge, and to get pocket money.

If an asylum applicant waits for a final decision on asylum in a residential centre, he or she is entitled to material and non-material assistance and social, legal, psychological, educational and medical advisory services (the services are similar to those available in a reception centre). In contrast to reception centres, asylum applicants can leave residential centres as they please.

In case asylum applicants exercise their right to stay in private housing they shall cover the costs of living from their own funds, with the exception of medical care. Applicants can apply for a financial contribution to cover their expenses. This contribution equals to the subsistence minimum and, according to the law, can be granted only for a maximum period of three months.

3. Organisation, Number and Capacities of Reception Facilities

3.1 Organisation of Reception Facilities

Czech reception system is a centralised one. The Refugee Facilities Administration (RFA), a budgetary organisation of the Ministry of the Interior of the Czech Republic, is responsible for management of all asylum facilities in the country.

There are two types of reception facilities: reception centres and residential centres. Main task of reception centres is to provide accommodation and basic living conditions for new asylum applicants until the primary admission procedures are concluded. After the conclusion of the admission procedures, an asylum applicant is moved to one of the residential centres where he or she awaits the final decision on his or her asylum application.

The RFA is responsible for management of all asylum facilities in the country. Seven centres are owned by the state and operated by the RFA and five are run by other legal entities, mostly municipalities, under contracts concluded with the RFA and for a fee.

The RFA, as a budgetary organization of the Ministry of the Interior, pays for all expenses of the reception centres from its own budget. The amount paid for one residential day of an asylum applicant is approximately CZK 388 (excepting investments and employee wages), i.e. €12.9.

If exercising the right to stay in private housing an applicant may be provided, upon request and with regard to the proven property and his or her financial situation, with a financial contribution. This contribution equals to the subsistence minimum as specified by the Government (currently CZK 4,200 per person per month, i.e. €140) and cannot exceed a period of three months. The financial contribution is paid by the Ministry.

3.2 Number, Capacities and Distribution

There are twelve asylum facilities in the Czech Republic. Currently, the total capacity of the asylum facilities is 1,647 beds and the number can be increased to 4,293 in the event of emergency.

There are two reception centres (Vyšší Lhoty, capacity of 422 beds, and Praha – Ruzyně Airport, 16 beds, which has been established for foreigners who intend to apply for asylum in the transit area of the Prague international airport) and 10 residential centres (Zastávka u Brna, 125 beds, Bělá – Jezová, 102 beds, Červený Újezd, 149 beds, Havířov, 45 beds, Kostelec nad Orlicí, 300 beds, Seč, 100 beds, Stráž pod Ralskem, 110 beds, Bruntál, 88 beds, Zbýšov, 110 beds, and Kašava, 80 beds).

The average length of stay of asylum applicants in the accommodation centres is approximately 6 months.

The existing reception capacity has been sufficient in the past. It is quite flexible in a way that the number of beds can be increased by almost three times within few days. As the numbers of new asylum applicants decreased in 2004, the total capacity of Czech reception facilities has been temporarily lowered. Few buildings are currently closed and some are being reconstructed. Nevertheless, the government does not plan to reduce the number of existing facilities. An opening of a new reception centre at the Prague international airport is planned for the autumn 2005; its capacity will be 50 beds.

The reception centre in Vyšší Lhoty is located in north-western part of the Czech Republic, close to state boundaries with Slovakia and Poland, as majority of migrants enter the territory of the Czech Republic from these two countries. The second reception centre is located at the international airport in Prague. Ten residential centres are evenly spread across the territory of the Czech Republic, they are located both in rural and urban locations.

3.3 Problems and Strengths of the Reception System

Generally, the reception system in the Czech Republic is functioning well. According to the Refugee Facilities Administration (RFA), that is responsible for management of all asylum facilities in the country, the main problem is that the Czech Republic is considered to be a transit country by some groups of asylum applicants. Therefore the RFA has to cope with high turnout of asylum applicants in accommodation centres.

From the point of view of the Department for Asylum and Migration Policies as an administrative body in asylum proceedings there are problems in delivering the official documentation to asylum applicants staying outside an accommodation centre. A possible solution is an approach adopted in one of the residential centres, when the date of renewal of stay permit was combined with handing over the important documentation.

4.1 Social Situation in Accommodation Centres and Other Reception Facilities

Families, women and men are accommodated separately. Nationality of asylum seekers and their religion is also taken into consideration. Great attention is paid to vulnerable groups - children, unaccompanied minors, single women, mothers, seniors and the physically, mentally or socially handicapped persons. Numbers of persons vary from two to six per room.

If unaccompanied minors are under 18 years of age, they are placed in children's diagnostic institutions. They stay in residential centres only when an asylum applicant who is their legal guardian accompanies them.

With regard to single women and mothers, attention is focused on their protection because of their vulnerability and exposure to abuse. In order to enable them to stay in an asylum facility in a dignified manner, women are accommodated in protected zones. The RFA provides them with enhanced social advice, health care, psychological assistance, prevention and individual material assistance (especially during pregnancy and motherhood).

In 2002 the RFA initiated the Internal Security Strategy project. Its objective is to consolidate the social and technical aspects of care for vulnerable groups into a well-functioning system. The area of asylum facility has been divided into standard and protected zones. Each zone is run in a different way. The goal of this concept of protected and standard zones is to provide safety, different care and protection of personal freedom to each applicant.

Immediately after coming to an asylum facility, asylum applicants are placed in one of the zones, following preliminary screening carried out by social and reception workers. A protected zone demands enhanced attention and guarding in order to provide maximum security. Asylum applicants who belong to vulnerable groups are accommodated there. The standard zone where mainly single men are accommodated demands a different approach, with respect to their adaptation. Both zones are visibly demarcated and either a private security service or RFA employees guard the entrance. Monitoring systems surveying grounds and inner rooms are installed in reception centres and larger residential centres.

There are various recreational facilities available in accommodation centres: sport grounds, gyms, TV rooms, and graphics arts creative workshops. Owing to the high mental burden to which asylum applicants are exposed because of migration and staying in a foreign country, the artistic activities play a therapeutic role and, together with Czech language lessons, are one of the few ways to spend the daytime.

The system of food supply is combined. Catering is provided in most of accommodation centres. Asylum applicants are given three meals a day. Children under 15 years get two extra snacks daily. People accommodated in centres with no general food supply get cash and cook for themselves.

4.2 Benefits of Asylum Applicants

The criteria for receiving benefits are specified in the Asylum Act.

An applicant for asylum has the following rights in the asylum establishment in which he or she stays:

- to get accommodation, food and other services at no charge;
- to get pocket money if applicant's financial and property situation is such that he or she cannot be fairly required to make even a partial payment for services mentioned above.

Applicants with their registered address outside an accommodation centre who request a financial contribution are obligated to state their financial and property situation or the financial and property situation of their family (if applicable) in the form of an affidavit, and evidence the same by all documents available.

A financial contribution may not be provided if:

- liability for payment of costs of accommodation is borne by a legal entity or an individual;
- applicant for the financial contribution stated untrue data regarding his or her financial or property situation or the financial or property situation of his or her family;
- applicant for the financial contribution did not inform about facts decisive for the provision of the financial contribution or about any change therein;
- applicant for the financial contribution has repeatedly filed the application for grant of asylum.

A financial contribution includes the following:

- contribution to cover sustenance and other basic personal needs;
- contribution to special diet food;
- contribution to cover necessary household expenses.

All adult asylum applicants living in reception or residential centres receive CZK 12, €0.4, as a daily allowance (CZK 6, €0.2, for a child under 15 years). They are also monthly provided with hygienic materials.

4.3 Provision of Services

Children's centres have been established in all asylum facilities for pre-school children and they are equipped as nurseries. In these centres children gain basic hygienic habits, learn to live and work in a collective with regard to fitting in with the new conditions in the host country and overcome the language barrier.

School age children attend elementary schools near their asylum facility under similar conditions to Czech children. Before first attending an elementary school, all children have Czech language lessons. The children are given the necessary school materials according to teachers' requirements. There is a compulsory school attendance for all children under 15 years of age in the Czech Republic. Asylum applicants can later attend various secondary schools and universities free of charge; the only condition is a sufficient knowledge of Czech language.

No special vocational training is organised for asylum applicants. Access to the labour market is regulated in a way that a working permit can be obtained no earlier than one year after applying for asylum status.

Asylum applicants have access to free legal support. Lawyers from different NGOs regularly visit accommodation centres and help asylum applicants with their problems.

Health care is provided in all accommodation centres. Nurses and doctors (employees of the RFA) are present in the centres. Asylum applicants living in a private accommodation can seek treatment either in asylum facilities or in health centres having contract with the RFA. The extent of health care provided is basically the same as the one provided for Czech citizens.

Both state organisation and NGOs provide psychological care. Asylum applicants can always choose whether they want to talk with a psychologist hired by the RFA or the one having contract with a particular NGO.

4.4 Duties

Asylum applicants accommodated in Czech accommodation centres have following duties:

- duty to co-operate with the administrative body during asylum proceedings;
- duty to pay for services provided in a residential centre (accommodation, catering), if the asylum applicant's financial circumstances allow it;
- duty to submit a declaration on his/her financial circumstances after coming to an asylum centre;
- duty to abide by the accommodation rules;
- duty to tolerate accommodation in a reception centre;
- duty to tolerate the identification procedure in a reception centre (fingerprinting, photographing), the procedure is carried out by the Police of the Czech Republic;
- duty to tolerate the entrance medical examination (lung X-ray, test for venereal diseases, taking of biological material samples);
- duty to identify himself or herself using his or her asylum applicant's ID card;
- duty to report residence outside a residential centre to the Ministry of the Interior if he or she leaves for private housing or long-term leave;
- duty to report his/her departure from a residential centre for a period exceeding 24 hours to the residential centre's director in writing (reporting is not subject to approval);
- duty to pay for damage caused to asylum centres;
- duty to report a childbirth to the administrative body within 15 days.

5. Other Approaches

In order to keep good relations with local communities and authorities, the Asylum Act makes it possible to give a financial contribution to municipalities so they can pay part of the expenses related to the establishment of an asylum facility within their territory. For 2005 the government specified that the amount of the contribution would be CZK 8 per capita per day.

The Refugee Facilities Administration (RFA) is not only responsible for running of reception facilities but also for integration asylum centres. Following five integration centres can be found on the territory of the Czech Republic: Havířov, Hošťka, Jaroměř, Předlice and Zastávka u Brna. Such centres are designed for persons who have already been granted asylum. As far as concerns access to the labour market and social security and health systems, the refugees have the same rights and duties as Czech citizens. Their stay in an integration centre is governed by a contract of lease and they have to pay for it. The contract of lease is terminated when a person who has been granted asylum status finds a permanent residence under the state integration programme. Person's stay in an integration asylum centre is a first stage of integration into Czech society. It is compulsory for people who stay there to attend Czech language lessons.

Voluntary repatriation to the country of origin is a highly preferred RFA programme, which not only brings financial savings but also meets the goal of humanitarian care for asylum applicants. The programme not only gives asylum applicants the option of concluding asylum grant proceedings with dignity, but also prevents social-pathological phenomena of persons who would stay in the Czech Republic even after the end of asylum grant proceedings – with no chance of legalising their stay. An asylum applicant may apply for voluntary repatriation expenses at any time during asylum grant proceedings or up to 24 hours after legally concluding asylum grant proceedings. Altogether 3,739 persons have opted for this possibility from 1996 to 2004.

