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Ad-Hoc Query on 2022.57 EMN IE ad hoc query on exceptional modalities for material reception conditions

Requested by EMN Ireland on 26 October 2022

Responses from Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden (21 in Total)

Disclaimer:

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## 1. BACKGROUND INFORMATION

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Ireland is experiencing an unprecedented shortage of accommodation for international protection applicants. In this context, the Department of Children, Equality, Disability, Integration and Youth would like to find out if your Member State has applied article 18 (9) (b) of Directive 2013/33/EU (Reception Conditions Directive), and, if so, what MS experiences were. The Directive states that:

"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:

[...]

(b) housing capacities normally available are temporarily exhausted.

Such different conditions shall in any event cover basic needs." (Article 18 (9)(b)).

**We would like to ask the following questions:**

- 1. How has your Member State transposed Article 18(9) (b) of Directive 2013/33/EU in national law?**
- 2. Has your Member State already applied Article 18 (9) (b) of Directive 2013/33/EU? Yes/No. If yes, what triggered the application of this article (please indicate when this article was applied).**
- 3. If you answered yes to Q2, under which conditions was it applied and for how long? (No standard period applies).**
- 4. If you answered yes to Q2, how did your MS ensure the applicants' basic needs?**
- 5. Did you encounter any challenges in applying Article 18 (9) (b)? Please highlight any lessons learned.**


We would very much appreciate your responses by **23 November 2022**.

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## 2. RESPONSES

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		Wider Dissemination	
	EMN NCP Belgium	Yes	<p>1. Yes, Article 18(9) (b) of Directive 2013/33/EU was transposed in Article 18 of the Belgian Reception Act.</p> <p><b>Art 18 of the Belgian Reception Act</b> states that the beneficiary of reception, when the normally available reception capacity is temporarily exhausted in case of greatly increased inflow of asylum seekers, can be housed in an emergency reception structure. In that case, the applicant for international protection will enjoy limited social assistance. Reception in such an emergency structure may only be provided for the shortest reasonable period of time and the basic needs of the reception beneficiaries shall be met according to the assessment of their specific needs. The latter include the assistance required, and, inter alia, food, housing, access to sanitary equipment and medical counselling.</p> <p>2. No, in the strictly legal sense, Belgium did not apply Article 18 (9) (b) of Directive 2013/33/EU. However, in practice, the Belgian Reception Agency has had to resort to 'emergency' reception facilities several times. Note that in Belgium, different terms are often used interchangeably: emergency reception and transit reception, and emergency reception and humanitarian reception.</p> <p>The temporary solutions listed below were not classified under Article 18 of the Belgian Reception Act because they would otherwise have to meet the requirement that they apply for as short a reasonable period as possible, which, of course, is almost never the case in times of reception crisis.</p>

<sup>1</sup> If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.

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		<p>The creation of emergency reception centres was always triggered by a shortage of accommodation caused by an increased inflow of applicants of international protection.</p> <p>For example in 2011-2012: As a consequence of the ongoing saturation of the reception network, newly arriving applicants were first temporarily accommodated in an emergency reception centre and only when places became available did they move on to a regular collective reception centre. At the end of 2012, the reception network (with 22 328 regular or structural reception places) counted also 1 361 emergency reception places. The emergency reception places were phased out in 2013.</p> <p>In 2015-2016: The number of asylum applications in Belgium doubled in 2015 compared to the previous year, with a notable spike during the second half of the year. The number of people for whom Fedasil had to arrange accommodation increased correspondingly. In order to provide shelter to all beneficiaries, Fedasil expanded the capacity of its reception network (collective centres and individual facilities) rapidly, doubling the number of places in less than six months. At the end of 2015, Belgium had 33 400 reception places, compared to 16 000 structural reception places at the beginning of July 2015. Often these were additional emergency centres that were set up for a limited period of time. As of February 2016, the number of arrivals in reception structures was lower than the number of departures. To adjust the number of reception places to this new reality, the federal government decided to reduce the reception capacity by 10 000 places in 2016. This was achieved by closing a number of temporary emergency reception centres, which had been opened to accommodate the large number of asylum seekers in 2015.</p> <p>2021-2022: Because of the saturation of the reception network, Fedasil's executive committee decided on 30 August 2021 to go into 'crisis mode'. In November 2021, Fedasil prepared for the opening of several emergency reception centres. Additional reception places were needed immediately to be able to offer accommodation to beneficiaries of reception.</p> <p>3. As mentioned above, in the case there is no sufficient capacity to accommodate applicants for international protection emergency reception facilities are created. Only 'new' applicants are accommodated in emergency shelters.</p> <p>An earlier version of the Belgian Reception Law specified that the stay in emergency reception structures should not exceed 10 days. With the amendment of the law in 2017, this period was removed and replaced</p>
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		<p>by the provision that the stay in such a structure can only be for the shortest reasonable period possible. According to the Explanatory Memorandum, this provides more flexibility to the duration of the stay in an emergency shelter. However, the emergency accommodation must always meet the basic needs of the residents, according to the evaluation of their specific needs.</p> <p>4. In an emergency reception centre, applicants receive the material assistance to which they are legally entitled. Such assistance primarily covers the basic needs of the residents: a place to sleep, meals, sanitary facilities and clothing. Applicants are also entitled to medical care as provided for in the Reception Act (Articles 23 to 29)</p> <p>However, in emergency accommodation, applicants may receive a more limited social counselling/accompaniment. The same applies for the psychological guidance and a limited or no access to community services in the reception centre (residents can perform various tasks at the reception centre such as cleaning common areas, distributing meals, etc. to supplement their pocket money) and to activities, training courses, ...</p> <p>Furthermore, other minimum quality standards should be also be adhered to as much as possible, but they are not enforceable in their entirety. Certain Fedasil minimum quality standards relating to infrastructure do not apply to emergency shelters. For example, the maximum number of people per room may be larger than 6, the number of people per shower/toilet may be larger than 8, and the availability of common recreational areas varies from centre to centre. In terms of security, fewer concessions are made and, of course, fire safety must be ensured.</p> <p>5. Taking into account the comment in question 2, below are some of the challenges Belgium encountered with emergency reception centres.</p> <ul style="list-style-type: none"> <li>- Only limited social accompaniment is provided, for example limited procedural guidance. Especially for newcomers, this poses difficulties.</li> <li>- Applicants may stay in emergency accommodation for a longer period that is considered 'a reasonable period which shall be as short as possible'.</li> <li>- Emergency reception centres are often buildings that are in poor condition or are not adapted to the</li> </ul>
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			<p>reception of persons, so that the Reception Agency's quality standards are not met.</p> <ul style="list-style-type: none"> <li>- Lack of knowledge of asylum procedure and reception in case the emergency accommodation is organised in cooperation with a partner who has limited knowledge of this matter.</li> <li>- Due to the temporary nature of emergency accommodation, only temporary employment contracts can be offered to staff. This increases staff turnover and reduces staff expertise</li> <li>- Lack of qualified/trained staff (due to the short time frame in which staff must be recruited and the limited time for training possibilities).</li> <li>- Limited psychological supervision and guidance.</li> <li>- Emergency reception constitutes an additional stage in the reception process that gives rise to discontinuity in the guidance and an increase in workload and costs. Moreover, information and efforts are lost due to a transfer.</li> <li>- Legal follow-up is complicated and expensive. An applicant takes a lawyer in the region where the transit/emergency centre is located and afterwards the applicant is transferred to another part of the country.</li> <li>- A relatively short stay and high turnover causes anonymity. Staff do not know the residents and residents do not know each other.</li> <li>- Large cost for the government to make the emergency reception centres ready for use for a relatively short period.</li> <li>- Emergency shelters more often receive negative press coverage, which has a negative impact on public opinion on asylum and reception.</li> </ul>
	EMN NCP Bulgaria	Yes	<ol style="list-style-type: none"> <li>1. No. Article 18(9) (b) of Directive 2013/33/EU not been transposed in national law.</li> <li>2. N/A</li> <li>3. N/A</li> <li>4. N/A</li> </ol>


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			5. N/A
	EMN NCP Croatia	Yes	<p>1. In Croatia it is transposed in Article 7 paragraph 4 of the “Rulebook on the exercise of material conditions of acceptance”</p> <p>2. So far, we have not had the need to apply the mentioned Article.</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. As mentioned earlier, Croatia has not faced, so far, the need to apply Article 18 (9) (b).</p>
	EMN NCP Cyprus	Yes	<p>1. Yes. Article 18(9)(b) of Directive 2013/33/EU has been transposed in the Cyprus Refugee Law under Article 9KA(1)(β)</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. N/A</p>
	EMN NCP	Yes	<p>1. Czech Republic hasn't transposed it into national law. However, the Czech Asylum Law (Section 80 (3))</p>

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	Czech Republic		<p>allows the Refugee Facilities Administration of the Ministry of the Interior to 'add' to the existing housing capacities on a contractual basis. However, this option is not conditioned by a shortage/running out of accommodation.</p> <p>2. n/a</p> <p>3. n/a</p> <p>4. n/a</p> <p>5. n/a</p>
	EMN NCP Estonia	Yes	<p>1. Yes, Estonia has transposed Article 18(9) (b) of Directive 2013/33/EU into national law - Act on Granting International Protection to Aliens § 36 (6) Accommodation of applicants for international protection in emergency situations. Link to legislative act: <a href="https://www.riigiteataja.ee/en/eli/530082022008/consolide">https://www.riigiteataja.ee/en/eli/530082022008/consolide</a></p> <p>2. No.</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. N/A</p>




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+	EMN NCP Finland	Yes	<p>1. Finland has not transposed Article 18(9) (b) of Directive 2013/33/EU in national law. In Finland, no modalities for material reception conditions different from those provided for in the Directive are set in national legislation.</p> <p>However, the possibility of housing capacities being temporarily exhausted is recognized. According to the Act on the Reception of Persons Applying for International Protection and on the Identification of and Assistance to Victims of Trafficking in Human Beings, article 9, the Finnish Immigration Service is responsible for maintaining reception centres, and for deciding on establishing and closing down reception centres. Article 12 of the Reception Act allows for short term reception and accommodation services of applicants at registration centres instead of reception centres in situations where there is no capacity in the reception system. Essential commodities to cover basic needs would be provided at registration centres. Article 12 of the Reception Act was amended in 2021 to state that the Finnish Immigration Service is responsible for preparing a national contingency plan for the reception of applicants of international protection (and beneficiaries of temporary protection) in a situation of large-scale influx of migrants. Even prior to the amendment, The Finnish Immigration Service has conducted contingency planning, and to respond to possible situations of large-scale influxes of migrants, emergency housing plans have been made, for instance on how to utilise tents and containers for housing and how to convert old school buildings or other premises into housing for AIPs.</p> <p>In Finland, housing capacities were exhausted in 2015. As per the Reception Act and the Directive, new reception centres with adequate housing, or other premises adapted for housing applicants were established. Applicants were housed at emergency housing, such as tents, for short periods of time.</p> <p>2. N/A</p> <p>3. N/A</p>
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			<p>4. N/A</p> <p>5. N/A</p>
	EMN NCP France	Yes	<p>1. Yes</p> <p>2. Law 2015-925 of 29 July 2015 on the reform of the right of asylum transposes Directive 2013/33/EU. An article of this law stated that "When the proportion of asylum seekers residing in a region exceeds the proportion set for this region by the national reception plan for asylum seekers and the reception capacity of this region, the asylum seeker may be directed to another region, where he or she is required to reside while his or her asylum application is being examined".</p> <p>3. In fact France has not been concerned so far by the situation described by IE. France has not implemented any specific process since French authorities have been trying to anticipate the issue of fluidity upstream. Indeed several measures are being implemented to improve the care of asylum seekers in saturated regions such as the Île-de-France region (around paris) and the North region near Calais (to reach the UK). Thus, since 1 January 2021, the national plan for the reception of asylum seekers and the integration of refugees (SNADAR) introduced by the law of 10 September 2018 for controlled immigration, an effective right of asylum and successful integration has been implemented. By mobilising national solidarity at an early stage by organising the departure of asylum seekers from the one-stop shops to the provincial reception and examination centres (CAES), this scheme helps to combat the creation of camps. In case of camps, French authorities organize shelter operation to dismantle camps.</p>



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			<p>since 2015 French authorities have been increasing (they have doubled) the number of available places for asylum seekers.</p> <p>4. In accordance with Article L.551-1 of the CESEDA, this regional distribution follows a key calculated on the basis of demographic, social and economic criteria and the reception capacity of each region. This key is defined in the national reception plan for asylum seekers and refugees 2021-2023.</p> <p>Its implementation follows a multi-annual trajectory, aiming to reach a theoretical target of 2,500 referrals per month in 2023. Between 4 January 2021 and 31 July 2022, 27,558 asylum seekers were referred.</p> <p>5. n/a</p>
	EMN NCP Greece	Yes	<p>1. Article 18 para.9 (b) of the recast Reception Conditions Directive has been incorporated in article 60 para.5 (b) of the Code of Laws no.4939/2022 (O.G A' 111/2022).</p> <p>According to this provision:</p> <p>"5. In duly justified circumstances, a Ministerial Decision issued by the Minister of Migration and Asylum 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:</p> <p>[...]</p> <p>b) housing capacities normally available are temporarily exhausted".</p> <p>In any event, the possibility of derogating from the above-mentioned obligations does not release the competent Reception authorities from their obligation of ensuring that the asylum-seekers have the necessary material and non-material means to cover their basic needs.</p> <p>2. Greece has never applied this provision, for this reason the required Ministerial Decision has never been</p>


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			<p>issued.</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. N/A</p>
	EMN NCP Hungary	Yes	<p>1. No</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. N/A</p>
	EMN NCP Ireland	Yes	<p>1. Ireland's transposition is in regulation 4(5) of the European Communities (Reception Conditions) Regulations 2018.</p> <p><i>(5) The Minister may, exceptionally and subject to paragraph (6), provide the material reception conditions in a manner that is different to that provided for in these Regulations where -</i></p> <p><i>(a) an assessment of a recipient's specific needs is required to be carried out, or</i></p> <p><i>(b) the accommodation capacity normally available is temporarily exhausted.</i></p> <p><i>(6) The provision of the material conditions authorised by paragraph (5) shall -</i></p> <p><i>(a) be for as short a period as possible, and</i></p> <p><i>(b) meet the recipient's basic needs.</i></p>


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			<p>2. No.</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. N/A</p>
	EMN NCP Italy	Yes	<p>1. The Legislative Decree of 18 August 2015, No. 142 adopts the Reception Directive 2013/33/EU and regulates the reception of applicants for international protection. In particular, Art.11 "Extraordinary measures for reception" indicates in the first subsection:</p> <p>1. In the case that reception facilities as of Article 9 are temporarily full due to a significant and sudden arrivals of applicants, reception may be arranged in temporary facilities by the Prefect, after consulting the Department for Civil Liberties and Immigration of the Ministry of the Interior. These facilities are indeed specifically set up for this purpose, upon applicant's check-up to assess health conditions to establish the need of special reception provisions.</p> <p>2. Considering the critical shortage of places within institutional first reception facilities and second reception system, in response to the several emergencies recorded from 2014 onwards, Prefectures have proceeded to identify extraordinary facilities to deal with the ongoing emergency. As a result, temporary facilities have emerged throughout the country following the publication of appropriate calls for tenders issued by the Prefects in compliance with Article 11 of Legislative Decree 142/2015. It should be noted that the temporary availability of such structures lies in their legal nature, since these are not institutional facilities and are made available by private individuals for a fixed-term period. However, such temporary nature does not entail a lowering of standards in services or housing conditions. In fact, these facilities are normally set up in existing buildings, while the use of containers, tents or other moving structures is entirely residual and strictly</p>


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			<p>linked to extraordinary situations of emergency.</p> <p>3. The adoption of the Legislative Decree 142/2015 Art. 11 follows the events of migration flows. Prefectures expand or reduce the number of reception facilities following the changes in reception needs, as well as procurement issues related to local entities.</p> <p>4. Through the issuing of the Terms of Reference that guarantee harmonised standards in all types of reception facilities, including extraordinary ones.</p> <p>5. No. The Italian reception system, based on the organisation of tenders issued by the Prefectures, aims at responding to the variable emergency needs in a flexible way. In recent years, there has been a persistent difficulty in finding extraordinary facilities, due to the opposition faced in some territories and to the limited participation in tendering procedures. The extraordinary needs related to the massive influx of Ukrainian refugees made it necessary to introduce more flexible criteria by means of regulatory exceptions to the provisions concerning the services and the rules for tendering procedures.</p>
	EMN NCP Latvia	Yes	<p>1. No In Latvia the responsibility for asylum seekers accommodation falls on the Office of Citizenship and Migration Affairs. In accordance with the Paragraph two of Section 9 of the Asylum Law (available: <a href="https://likumi.lv/ta/en/en/id/278986">https://likumi.lv/ta/en/en/id/278986</a> ) the accommodation centre for asylum seekers is a joint dwelling for non-detained asylum seekers, in which the conditions necessary for everyday life are ensured, by taking also into account the special reception needs of the asylum seeker, and his or her physical and mental health is protected. The Cabinet shall determine the internal rules of procedure of the accommodation centre for asylum seekers.</p>

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			<p>According to the Paragraph five of Section 9 of the Asylum Law the Office of Citizenship and Migration Affairs may accommodate an asylum seeker outside the accommodation centre for asylum seekers, if its capacity has been exceeded and the conditions referred to in Paragraph two of Section 9 are ensured. Taking into account above mentioned, even if the Office of Citizenship and Migration Affairs decides to accommodate asylum seekers outside the accommodation center for asylum seekers, all reception conditions has to be ensured at the same level and the same extend</p> <p>2. No.</p> <p>3. N/a</p> <p>4. N/a</p> <p>5. N/a</p>
	EMN NCP Lithuania	Yes	<p>1. In 2021, during the unprecedented influx of irregular migrants from the territory of Belarus, the Law on the Legal Status of Foreigners was amended with Article 140^8, which transposed Article 18(9)(b). Article 140^8 regulates the arrival of foreigners and their temporary accommodation during periods when a state of war, a state of emergency, or an extreme situation due to a mass influx of foreigners has been officially declared. According to this article, <u>during such periods</u>, the State Border Guard Service may provide temporary accommodation in border control points, transit areas, the premises of the State Border Guard Service, the Refugees' Reception Center, and other places, premises, and shelters that are suitable for temporary accommodation to:</p> <p>a) asylum seekers who submit their asylum applications at border control points or transit zones, until a decision is made regarding their entry to the Republic of Lithuania;</p> <p>b) foreigners who crossed the border illegally and are not asylum seekers, as well as foreigners whose asylum applications have been rejected, until the implementation of the final decision regarding their return,</p>

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		<p>expulsion, or until they are issued a foreigner registration certificate.</p> <p>Asylum seekers and foreigners who belong to vulnerable groups have priority to be accommodated at the Refugees' Reception Center.</p> <p>Persons accommodated in the above-mentioned places of temporary accommodation do not have the right to move around the country freely. If a particular place of accommodation does not provide medical, social, educational, catering, or psychological support services, the head of a place of temporary accommodation may permit to temporarily leave a place of accommodation to obtain such services or buy food provisions outside, provided that the risk of absconding is controlled.</p> <p>2. Yes. An extreme situation due to a max influx of foreigners was declared on July 2, 2021, and the provisions of Article 140^8 were implemented to deal with an unprecedented influx of irregular migrants from the territory of Belarus.</p> <p>3. The Minister of the Interior, acting as the head of operations for dealing with a country-wide extreme situation, indicated the places of temporary accommodation. Subsequently, the procedure for the accommodation of foreigners in these centers was approved.</p> <p>Since the extreme situation due to a mass influx of foreigners has not ended, the above-mentioned provisions of the Law on the Legal Status of Foreigners continue to apply.</p> <p>4. The applicants' basic needs were ensuring by means of passing <a href="#">various decisions of the head of operations</a> (in this case, the Minister of the Interior). More than 80 decisions were passed since July 2021, addressing various issues arising in relation to the mass influx of foreigners, as well as the provision of services to migrants in places of temporary accommodation (e.g., appointing places of accommodation, specifying the requirements for such places, the provision of medical services etc.).</p> <p>5. As it was mentioned, this article was invoked in the summer of 2021, during what was perceived and <a href="#">officially declared</a> by the Parliament of the Republic of Lithuania as a hybrid attack by Belarus using</p>
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			irregular migrants. The influx of irregular migrants in June-July of 2021 posed serious challenges because Lithuania had only two centers for the accommodation of foreigners – one managed by the State Border Guard Service under the Ministry of the Interior and one run by the Ministry of Social Security and Labor. However, as the head of operations passed decisions and these decisions were successfully implemented, the situation related to temporary accommodation was brought under control. The main lesson that was learned was the importance of having a detailed, realistic plan for the reception of migrants under the conditions of an extreme situation.
	EMN NCP Luxembourg	Yes	<p>1. Luxembourg transposed article 18 (9) of the directive 2013/33/EU in article 11 of the amended law of 18 December 2015 on reception of applicants for international protection and temporary protection (Reception Law), which states that when the accommodation capacities normally available are temporarily exhausted, the applicant may be accommodated for as short a period as possible in an emergency reception structure. In this case, he/she benefits from all the material reception conditions.</p> <p>2. No. Since 2016, Luxembourg has been able to house applicants for international protection in the reception facilities structures. If a massive influx occurs and the normal reception structure cannot lodge them, the National Reception Office can set up emergency structures as it did, when dealing with the arrivals of the beneficiaries of temporary protection. In that case, the Luxembourgish government sets up a first reception centre for people fleeing the conflict. This center offers shelter for the first days and meals as well as basic necessities, for people wishing to apply for protection in Luxembourg, but also for people wishing to go to another European country.</p> <p>3. As it was mentioned in Q2, only if there is no capacity to accommodate the applicant, then article 11 will be applied (see answer to Q1) and this temporary accommodation has to be of a short duration.</p> <p>4. The applicant will benefit of all the material reception conditions in accordance with article 11, that go beyond the basic needs. The National Reception Office is in charge of ensuring that the applicant receives all</p>



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			<p>the material reception conditions.</p> <p>5. One of the challenges will be to obtain emergency accommodation in hotels, youth hostels, campings during the summer season and to adapt cultural centers, industrial and office buildings in a short term.</p>
	EMN NCP Poland	Yes	<p>1. There are currently no provisions in national law that are direct transposition of Article 18(9) (b) of the Directive, i.e. a mechanism allowing set modalities for material reception conditions different from Article 18 when housing is provided in kind.</p> <p>However, it is possible to receive the whole social assistance in cash to cover the costs of staying in the territory of the Republic of Poland on one's own.</p> <p>Pursuant to the Act on granting protection to foreigners within the territory of the Republic of Poland, a cash benefit may be granted if it is required for organizational reasons or if it is necessary for:</p> <ol style="list-style-type: none"> <li>1. ensuring the safety of the foreigner, taking into account the special situation of single women;</li> <li>2. protection of public order;</li> <li>3. protection and maintenance of family ties;</li> <li>4. preparing the foreigner for an independent life outside the accommodation facility, after receiving the decision on granting the refugee status or the decision on refusal to grant the refugee status, in which subsidiary protection was granted.</li> </ol> <p>Therefore, for organizational reasons which the Head of the Office considers as important, and such may be organizational reasons consisting in the exhaustion of accommodation places due to a mass influx of foreigners or placing facilities under quarantine, he may grant the whole social assistance in the form of cash benefit to cover the costs of the foreigner's stay in Poland.</p> <p>At this point, it should be mentioned that the form of social assistance consisting in granting a cash benefit instead of accommodation and meals in the accommodation facility is popular among foreigners themselves (at present, the structure of benefits is as follows: 19% foreigners accommodated in accommodation facilities and 81% receiving cash allowances instead of accommodation and meals).</p> <p>There is also a possibility for a foreigner to return to the accommodation facility in a situation where she/he</p>




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			<p>is unable to support herself/himself outside the facility and thus it is not possible to ensure decent living conditions.</p> <p>2. No. Given the lack of a relevant provision in Polish national law, Poland has never applied article 18(9) (b) of Directive 2013/33/EU (Reception Conditions Directive).</p> <p>3. Not applicable.</p> <p>4. Not applicable.</p> <p>5. Not applicable.</p>
	EMN NCP Portugal	Yes	<p>1. Article 18(9) (b) of Directive 2013/33/EU was transposed into national law through article 57, number 4 of the Asylum Law (Law 27/2008, of 30 June, with the amendments introduced by law 26/2014, of May 5th and by Law 18/2022, of August 25th.</p> <p>2. As far as we are aware, this article has never been applied.</p> <p>3. n/a</p> <p>4. n/a</p> <p>5. n/a</p>
	EMN NCP Slovakia	Yes	<p>1. The Slovak Republic did not transpose this article in the national legislation.</p> <p>2. NA</p>

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			<p>3. NA</p> <p>4. NA</p> <p>5. NA</p>
	EMN NCP Slovenia	Yes	<p>1. Slovenia has not transposed Article 18(9)(b) into national law.</p> <p>2. N/A</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. N/A</p>
	EMN NCP Spain	Yes	<p>1. This Directive has not been transposed in Spain.</p>
	EMN NCP Sweden	Yes	<p>1. Sweden did not transpose Article 18 (9) as the Law on Reception of Asylum Seekers and Others (1994:137) was considered to comply with the Reception Conditions Directive in this matter.</p> <p>2. No, but the housing capacities were temporarily exhausted in Sweden in 2015. This implied that priority was given to women and children, some men were subsequently left without housing for a few days. This was for a limited period of time, within one or two weeks. The asylum seekers were however granted daily</p>

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			<p>allowances for their basic needs.</p> <p>3. N/A</p> <p>4. N/A</p> <p>5. Sweden has encountered similar challenges even though the Article 18 (9) was not transposed into Swedish law. The Swedish Migration Agency identified a number of challenges in 2015 and in 2016 when the housing capacities were temporarily exhausted. The coordination and the management of logistics for the initial process is an example, to receive the applications for asylum and to provide housing. Another challenge is procurements and contracts to arrange housing rapidly and finally, coordination and cooperation to promote swift access to housing with in particular municipalities.</p> <p>A new law entered into force 1 July 2022, requiring municipalities to take over the responsibilities of arranging housing for those who have been granted protection under the Temporary Protection Directive. It is too early to assess to what extent the objectives have been reached. The new guidelines are nevertheless aimed to prevent a repeat of the situation in 2015 and 2016, when a number of municipalities were considered to have been given a disproportionality part of the responsibilities to provide accommodation.</p>
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