



Dimitris Avramopoulos
European Commissioner for Migration, Home Affairs and Citizenship

CC:
Olivier Bergeau, Member of Cabinet
Matthias Rüte, Director General for Migration and Home Affairs
Laura Corrado, Head of Unit B.1 Legal Migration and Integration
Task force on migration

Brussels, 11 July 2017

Re: the exclusion of groups of people in vulnerable situations in the context of migration and the use of EU funding

Dear Commissioner Avramopoulos,

We are writing to you on behalf of the European Expert Group on the Transition from Institutional to Community-based Care (EEG). The EEG is a broad coalition of organisations representing people with care or support needs (including children, persons with disabilities, the homeless and people experiencing mental health problems) and their families, as well as service providers, public authorities and intergovernmental organisations.¹

In the past months, the EEG has seen a worrying trend in the way that the European Union (EU) and Member States have responded to the needs of groups of people in vulnerable situations in the context of migration. In particular, we are concerned by the findings of reports highlighting that the needs of people in vulnerable situations, including children, homeless people, persons with disabilities and people experiencing mental health problems, are not being met in a manner that is consistent with human rights.²

With regards to reception measures, the EEG strongly believes that material reception conditions allow for depersonalisation, rigidity of routine and block treatment, and are becoming increasingly long stay,

¹ For more information on the EEG, please see: <https://deinstitutionalisation.com/>.

² For more information, please see the annex to this letter.

jeopardising the social inclusion and integration of newcomers.³ Adequate accommodation and support services provided in line with European legal standards in the Reception Conditions Directive are paramount to the well-being of asylum seekers.⁴

Institutional culture tends to have grave consequences for people and societies because, both in the short and long-term, it can be detrimental to health and well-being and breeds social exclusion and dependency.⁵ The United Nations High Commissioner for Refugees (the UNHCR) also recognises the risks related to the use of camps and has a policy promoting alternatives which states that camps should only be used in exceptional circumstances as a temporary measure.⁶

Drawing from the expertise of its members, the EEG has compiled a series of recommendations to be applied to groups of people in vulnerable situations. In conjunction with these recommendations, the EEG has also prepared a background document with more information on the legal framework and situation of specific groups, which can be found in the attached annex.

Recommendations⁷

Based on the information in the attached annex, the EEG recommends that:

- The European Commission should work with Member States, including civil society, to monitor the spending of EU funds⁸ in compliance with international human rights standards, ensure internal and external coherence in human rights implementation and extend the provisions of ex-ante conditionalities to external funds.
- The EU and Member States should ensure that reception centres, hotspots and camps respect human rights and are provided only as a short-term solution, while family and community-based solutions, including housing and emergency foster care for unaccompanied minors, are prioritised in the long-term. Additional protection must be granted to the specific circumstances of victims of trafficking.
- Member States must put in place mechanisms that allow a quick and easy transition from reception centres and other accommodation services for asylum seekers to adequate housing for refugees.
- The EU and Member States should put in place a mechanism for securing the participation of migrants, asylum seekers and beneficiaries of international protection, including unaccompanied minors, in any decision which concerns their lives.

³ For more on the definition of an institution and institutional culture, please see the Common European Guidelines on the Transition from Institutional to Community-based Care at page 10 and the Report of the Adhoc Expert Group on the Transition from Institutional to Community-based Care at page 9: <http://www.deinstitutionalisationguide.eu/>.

⁴ 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): <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013L0033&from=EN>.

⁵ For instance, eighty years of research has demonstrated the harm caused to children by institutionalisation. For more information, see Berens, A. & Nelson, C. (2015) The science of early adversity: is there a role for large institutions in the care of vulnerable children? *The Lancet*. 2015.

⁶ For more information, please see UNHCR's "Policy on Alternative to Camps":

<http://www.unhcr.org/protection/statelessness/5422b8f09/unhcr-policy-alternatives-camps.html>.

⁷ Recommendations are not strictly applied to EU Member States but to all European countries that accommodate migrants and refugees.

⁸ E.g. Asylum Migration and Integration Fund (AMIF), European Structural Investment Funds (ESIF), the European Neighbourhood and Partnership Instrument, the European Development Fund, Instrument for Pre-accession Assistance, the Fund for the European Aid to the Most Deprived (FEAD), and the Fund for Humanitarian Aid (ECHO).

- The European legal framework on asylum, including provisions on persons in vulnerable situations, should be fully implemented. Adequate training should be provided to all staff who work with asylum seekers and beneficiaries of international protection.
- Groups of people in vulnerable situations should have equal access to basic services, on an equal basis with the rest of the population, including social and mental health services, to address the experience of trauma and distress, regardless of their status and in line with international human rights standards.
- Member States should take all appropriate measures to provide alternatives to detention for people in vulnerable situations and/or with care or support needs, including children and their families. The EU should assist Member States by monitoring progress on alternative care.
- EU Agencies directly involved in the management and reception of migrants and asylum seekers, including the European Asylum Support Office (EASO) and the European Border and Coast Guard Agency (Frontex), must adhere and respect directives and international human rights standards in their work, in terms of adequate reception and support of asylum applicants.
- The EU must take full account of the needs and rights of persons in vulnerable situations when revising migration and asylum legislation and policies under the European Agenda on Migration.
- The EU must develop adequate migration and asylum policies which acknowledge the important role played by social and health services that provide health, accommodation and other basic services to migrants, asylum seekers and beneficiaries of international protection.
- The EU must collect disaggregated and reliable data on the presence of people with care or support needs (including children, persons with disabilities, homeless persons and people experiencing mental health problems) and their families among groups of migrants, asylum seekers and beneficiaries of international protection.
- The EU must ensure safe passage to all people fleeing armed conflicts and persecution.

The EEG would be interested in engaging in more detailed discussions on the use of EU funds in the context of migration and the provision of services through possible meetings or targeted seminars in the future.

We remain at the European Commission's disposal for further collaboration on this important and complex issue.

We thank you for your consideration and look forward to working with you on this topic.

Yours faithfully,

The EEG co-chairs,

Ms. Sabrina Ferraina

Policy Manager at the
European Association of
Services Providers for
Persons with Disabilities
(EASPD)

Mr. Milan Šveřepa

Executive Director of Inclusion Europe

Sir Roger Singleton

Consultant at Lumos



For more information,
www.deinstitutionalisation.com

The Guidelines on transition to Community
based Care and the Toolkit on the use of funds
for transition to Community based Care
www.deinstitutionalisationguides.eu