

Scoping paper on the urban reception of refugees

Towards identifying bottlenecks and potentials

This scoping paper provides a starting point for the Urban Agenda development partnership with regard to the reception of refugees on urban level. It identifies key challenges cities face when dealing with the arrival of people seeking international protection, particularly in case of high or unexpected numbers. It relates the identified challenges to the threefold goal of the Urban Agenda to achieve better use of EU policies, funds and data/knowledge.

In terms of the Urban Agenda Working Programme, the scoping paper builds a bridge from the initial 'stocktaking phase' to step two, 'identification of bottlenecks and potentials' on which the future Action Plan should focus. It is an impetus for a discussion among the partners on priorities, additional aspects to be covered and first proposals for concrete actions; and help the partnership to agree on a common agenda. The scoping paper draws from different sources, with a combination of desktop research and contributions of the five cities represented in the partnership.

The particularities of refugee reception in cities has guided the analysis throughout, including e.g. the scope of voluntary/civil society engagement and the related potentials for community building, challenges of communication and awareness-rising in complex urban societies, the arrival of refugees in disadvantaged neighbourhoods and schools etc. In a first phase, cities' responses to the current developments were analysed, inter alia by making use of a questionnaire for the participating cities, and reporting by European and national urban stakeholder organisations. In a second phase, the key policy challenges were brought into the Urban Agenda context by asking for improvements in the use of existing EU instruments when addressing the challenges.

Urban reception & early integration: How cities matter & how Europe matters to cities

Already in the reception phase (i.e. when migrants seeking international protection arrive and wait for the decision on their asylum application), local authorities play a decisive role across a range of interlinked areas from day one. Cities have to:

1. implement the EU reception standards on accommodation and material support, wherever they have a role in hosting asylum-seekers within national systems;
2. work with local health providers involved in the medical and psycho-social care for persons seeking international protection;
3. fulfil their direct responsibilities in the care and integration of unaccompanied minors and other vulnerable groups;
4. work together with local schools and education providers on where, when and how refugee children are enrolled;
5. fill gaps to promote early integration, language learning and orientation needs, make public services accessible and support civil society;
6. cooperate with public employment services, or even have own active labour market programmes, to provide early labour market integration; and
7. play a key communication and leadership role for community building among newcomers and citizens at local and even EU level.

EU policies and laws, funding opportunities or information tools exist in all of these policy areas. Some are entirely determined by EU standards, while in others the EU currently has a more

complementary role. Cities can raise the issue of multi-level governance on refugee reception and community-building as they are affected and sometimes directly responsible for implementation of EU policies, but not always included in EU policy-making and monitoring. Each of these areas involves a different set of institutions, authorities and actors on local level in reception and early integration. The timely horizontal coordination within cities poses as much of a challenge as the vertical coordination with national and EU policymakers.

The main section of the scoping paper points out, for each of the seven key policy areas, the relevance of the EU frame conditions and highlights the policy, funding or knowledge gaps to be addressed by the partnership.

Summary: Key bottlenecks and potentials

- **Implementation gap on EU reception standards**, especially with national and local challenges in the provision of accommodation and material support. Cities, within the context of national reception and dispersal systems, can gain from improved support and guidance on proper implementation of the Reception Conditions Directive, potentially through an enhanced role of urban umbrella organisations and peer learning.
- **Policy and legal gap on dispersal policies to municipalities** of asylum-seekers and beneficiaries of international protection. People are rarely allocated to municipalities based on objective criteria matching the city's specific capacities to the individual's specific integration needs; including specific health needs, education needs, care standards for unaccompanied minors or future employment opportunities. Cities can gain from harmonised rules for dispersal policies if Member State governments or the European Parliament in the ongoing negotiation of a recast Reception Conditions Directive puts such amendments forward.
- **Policy and legal gap on early integration**, including early language training, orientation knowledge, local registration or access to public services, all of which is NOT covered by the Reception Conditions Directive. Cities can gain from EU-wide harmonised early integration standards with clear obligations for the national level, which would also require amendment of the recast Reception Conditions Directive currently under negotiation.
- **Policy and cooperation gap** on the mandate and work of the **EU Asylum Agency**, which will have an increased role in monitoring and advising on reception conditions. Cities can gain from technical and operational assistance provided by the Agency on accommodation and material standards, health support, groups with special needs or schooling; based on a clear multi-level mandate in an amended Asylum Agency Regulation.
- **Policy-making gap** on cities' participation in **EU legislative processes** in areas where formal and informal EU decision rules do not appropriately reflect the implementation responsibilities and legal competences of cities (i.a. concerning material reception standards, care for unaccompanied minors or early employment support). Cities can gain from improved multi-level governance, including timely involvement in the drafting phase of Commission proposals, greater exchange in Council and Parliament negotiations, comparable consultation standards in all relevant policy fields and continuous policy dialogues.
- **Funding gaps** on the rules, priorities and accessibility for cities of **AMIF**, the key EU fund for supporting reception and early integration. Whether cities can access funding across the entire range of relevant policy areas depends on spending priorities and rules set in national AMIF programmes, or good intra-state coordination to co-benefit from AMIF Emergency

Assistance. Cities can gain from improved national programming processes based on the partnership principle, taking into account cities' needs, and amended AMIF regulations in the upcoming programme period.

- **Funding gaps** on other delegated EU funds under **shared management** (incl. ESF and FEAD), when national programmes and their rules do not allow access to funding for early integration in the reception phase. Cities can gain from improved national programming based on the partnership principle; including the transfer of EU best practices in multi-level programme planning and amended regulations in the upcoming programme period.
- **Funding gaps** at the **nexus of different EU programmes**, resulting from EU programme rules and national implementation patterns (e.g. early skills and qualification assessments not eligible under AMIF or ESF in certain constellations). Cities can gain from systematic efforts in all Member States to strengthen synergies between the existing programmes, improved intra-state cooperation among managing authorities and amended regulations in the upcoming programme period.
- **Accessibility gaps** on the **use of EU funds for small-scale projects** carried by civil society organisations or voluntary initiatives, which fill key gaps in support for early local integration. Community building efforts, early integration initiatives or school-related activities have numerous EU options (from AMIF to Erasmus+, Europe for Citizens and REC), but often fail to access funds. Cities can gain from more civil society-driven projects enabled by EU-funds, based on lower thresholds for small-scale projects and funding instruments geared towards non-public/non-profit project carriers.
- **Data gap** regarding the availability of **disaggregated data** on local level, including on numbers of asylum seekers and unaccompanied minors in cities, persons with specific health needs or school enrolment of refugee children. Cities can gain from Europe-wide comparable data as a foundation for informed policy and funding decisions; collected at national and local level through Eurostat, OECD, the Asylum Agency or independent research.
- **Knowledge gap** on the practices and success of **early local integration policies**, including the language training, orientation and other measures provided on the local level. Cities can gain from extended mapping, analysis and evaluation as well as opportunities for exchange and mutual learning; based on extended efforts by the Commission to create appropriate frameworks and financially support the measures.

1. Meeting fundamental humanitarian needs: Accommodation and material support

European policies, hard & soft law. The Reception Conditions Directive provides the standards for the accommodation and material support of asylum-seekers across the EU. Transposed into national law, cities may be responsible for implementing these standards wherever they have a role in hosting asylum-seekers within national reception and dispersal systems. The quality of the implementation of the Directive's standards is known to be uneven and often insufficient across Europe, including at sub-national levels. Diverging reception and integration policy standards can cause secondary movements, exacerbating the unequal distribution of burdens among European cities. National dispersal policies, by disregarding specific integration needs (as allowed by EU law) can also reinforce secondary movements that are not in cities' interests. Reception systems that foresee temporary accommodation after initial stays in reception centres can add additional movements between and within cities, throwing back integration. The proposed recast Reception Conditions Directive, though, does not intend to harmonise reception and dispersal systems with an eye to increase people's local integration prospects. To address the overall implementation gap, the proposed EU Asylum Agency (i.e. today's EASO with a strengthened mandate) is to monitor and assess reception conditions based on operational standards, benchmarks and indicators, and then support reception systems with technical and operational assistance. However, the current Asylum Agency regulation under negotiation would need amendment, as the current draft does not mention sub-state levels.

→ Proper implementation of EU reception standards at all responsible levels of government is a core concern. This would include better guidance from the Commission and future Asylum Agency about practical local administrative and material standards within the context of national reception and dispersal systems and direct, frequent two-way communication with cities, potentially through an enhanced role of urban umbrella organisations and peer learning. The current Asylum Agency regulation under negotiation would need amendment, as the current draft does not mention sub-state levels.

European funding opportunities, data & knowledge tools. Funding of reception support is highly dependent on the quality of national coordination and distribution mechanisms, as cities usually access both national and EU funds (i.e. AMIF National Programmes, AMIF Emergency Assistance and FEAD) through Member State authorities. Cities may not be able to act as co-beneficiaries from AMIF emergency support. National AMIF funds may not be readily available to meet the needs of cities due to the National Programmes' specific priorities and calls. Member State Operational Programmes for FEAD may not include asylum seekers as possible beneficiaries. Funding may also not get to the right local authorities because of a major data gap across the EU; urban authorities may not know the exact number of refugees currently present on their territory. EU statistics on the number of asylum-seekers applying in each Member State are not disaggregated at regional and local level. Among national statistical institutes, the local or regional statistics on the distribution of asylum-seekers is patchy, not only in emergency times with high inflows.

→ The accessibility of EU funds could be addressed from two sides. On the one hand, in the development and implementation of the national AMIF and FEAD programmes, the national practice of the "partnership principle" must fully consider local needs. AMIF and FEAD could live up to the high standards and procedural rules for multi-level stakeholder involvement applied in the partnership principle of ERDF programmes. On the other hand, future programme regulations could allow for sub-state levels of government to be directly eligible for Emergency Assistance and/or automatically receive a certain share of available funding

based on objective statistics. In addition, financing opportunities for local authorities can be developed with the EIB and Council of Europe Development Bank. The accessibility of data would require the disaggregation and collection of data on asylum-seekers. A future Asylum Agency could be mandated to gather indicators on local-level needs.

2. Access to health services & support for groups with health-related special reception needs

European policies, hard & soft law. The EU Reception Conditions Directive requires that asylum-seekers receive sufficient medical support, including for special health needs. Although national health systems and governments cover care in first-line reception centres, local health providers also regularly become involved. Asylum-seekers may bring or develop many complex health issues and traumas. Yet those in need may end up in areas without sufficient local specialised health resources. This pattern can be reinforced by national dispersal systems that do not take into account specific health needs when allocating asylum seekers to municipalities. Access to health care may also be complicated by requirements of local registration as a precondition for services.

→ The rules of national dispersal systems and local reception practices can better take into account health needs if such provisions are added to the recast Reception Conditions Directive and to future Asylum Agency benchmarks and operational standards.

European funding opportunities, data & knowledge tools. AMIF national programmes and emergency assistance can support access to health care, but the availability of funds depends on national programming and bidding procedures – while asylum-seekers’ physical and psychological health needs must be addressed under EU law. In reality, AMIF is mostly supporting reception infrastructures and asylum procedures under the asylum/reception chapter of National Programmes (Specific Objective/SO 1; Art. 5 AMIF Regulation). Health support under the integration chapter (SO 2; Art. 9) is only open to asylum seekers upon the decision of Member States’ national governments. Additional EU funding can be provided under the EU Health Programme if prioritised in EU-level annual work plans. Similar data gaps emerge with refugee health as with their distribution.

EU indicators only exist in terms of asylum-seekers’ rights and support (MPG’s MIPEX and ECRE’s AIDA report) but lack in terms of their health needs and outcomes.

→ Health support could figure more prominently in AMIF spending. Data on the health of asylum-seekers and refugees could be improved by DG Health and DG Home in cooperation with the future Asylum Agency and with Eurostat through a new EU-SILC variable/ad hoc module on the situation of different categories of migrants.

3. Support for groups with special reception needs that are not health-related (in particular unaccompanied minors/UAMs)

European policies, hard & soft law. The recent rise in the numbers of unaccompanied minors has become a priority for the major transit and destination cities, as youth welfare is usually a local or regional competence. Cities have full and direct responsibility for the well-being of asylum-seeking children when Member States choose to place them in mainstream youth welfare institutions (e.g. Germany and Sweden which together host 56% of UAMs applying for asylum in 2015). The EU Reception Conditions Directive requires that unaccompanied minors receive effective support to address their special reception needs and vulnerability. However, the level of capacity and preparedness of local youth welfare institutions is not a criterion for national dispersal policies under EU law. Even when national governments provide targeted reception facilities and funding for UAMs,

this support may not reach local social and education services that could respond to these children's diverse integration needs.

→ Local authorities should be privileged partners in all policy debates around UAMs and in the implementation of relevant EU rules and funds. This support could be provided through future Asylum Agency benchmarks, operational standards and technical assistance, as well as the relevant provisions in the recast Reception Condition Directive.

European funding opportunities, data & knowledge tools. Access to EU funding to support UAM (AMIF National Programmes & Emergency Assistance) should reflect cities' direct needs. A relatively small share of AMIF support goes into this local infrastructure in terms of social care, custody and guardian work, depending on priorities set by AMIF National Programmes. Erasmus+ funding can fulfil a supplementary role to support activities and cross-border learning for youth-related organisations.

Local data is missing across the EU not only for asylum-seekers, but also for UAMs, with all of the same negative repercussions for policymaking, programming and the allocation of funds.

→ AMIF could function better for the local reception not only for asylum-seekers, but also for UAMs. Reinforced European funding could also target support for social care, custody and guardian work for UAMs in mainstream youth welfare systems. The numbers and needs of UAMs and other special needs groups could be mandated or collected at EU level and included as part of policy and funding mechanisms.

4. Access to education and early enrolment

European policies, hard & soft law. EU law requires access to education for asylum-seeking minors and schooling under similar conditions as nationals at the latest three months after application. Schools are often the first mainstream public service that asylum-seeking parents and children encounter. In the early reception phase, a key task is assessment of the prior learning/education and the choice/placement in an appropriate school; followed by provision of language support and quality insertion programmes. However, educational needs are often not a criterion for national dispersal policies. Under such systems, children and families can be placed in areas without quality school and local targeted support, a practice contrary to EU case-law. Whether or not schools and education are a direct municipal competence, cities often have to work with schools to facilitate enrolment and fund capacity building so that local schools maintain the required legal and education standards for all children.

→ Education needs and support need to be taken into account in dispersal policies, funding and coordination mechanisms, including in future provisions in a recast Reception Directive as well as EU Asylum Agency benchmarks and operational standards. EU reception policies must live up to the high EU and national standards for the education of children, youth and adults.

European funding opportunities, data & knowledge tools. National AMIF programmes can support education under the reception and asylum chapter (SO 1/Art. 5) and integration chapter (SO2/Art. 9) so long as education funding is prioritised in the national programme and extended under SO 2 to asylum-seekers. Likewise, under ESF and ERDF funding, the national (or regional) programmes determine whether or not funding is available for integration and infrastructure for the education of migrants. Erasmus+ supports transnational Strategic Partnerships (Key Action 2) to innovate and transfer best practices, including for newcomer children. Erasmus+ also supports education policy

reform (Key Action 3), i.e. innovative policy development, policy dialogue and pilot implementation, in a few Member States, based on specific EU-wide calls. Cities can benefit more from these activities by actively supporting local education actors to apply, for example through the provision of the necessary co-financing and preparation support.

In education statistics, comparable European or international data is lacking on the enrolment and early school leaving of refugee and asylum-seeking children and youth. Tracking the educational success of refugee pupils will be a major task for the coming years. Disaggregated data at city and school level is highly relevant for refugee pupils, who may be more likely to be concentrated in specific—often disadvantaged—areas and schools.

→ AMIF funding could become more accessible for education, while other EU funding opportunities could be better targeted at early education integration for asylum-seekers and newcomer refugee children and youth. Comparable statistics, including on enrolment, could be collected at national and local level through Eurostat, OECD or independent research and then integrated into policymaking and funding mechanisms.

5. Early integration: Language, orientation & municipal services

European policies, hard & soft law. EU law does not require that Member States prioritise integration from day one. Early targeted integration support for asylum-seekers is required under neither the current Reception Directive nor its recently proposed recast. Whether or not to fund and organise early integration is left up to each Member State, including sub-state levels of government. As a result, many destination countries' systems were not prepared for the massive societal challenge following the 2015 arrivals to quickly integrate the large number of asylum-seekers who will have to wait for much longer periods of time before receiving a positive decision and, by extension, access to targeted integration support. On the front-line of reception, sub-state governments are often pressed into action, even in the absence of national funding or support, in order to respond to these immediate needs and demands for orientation, language teaching and other targeted support to access a wide range of essential public services from public transport to social infrastructure. If this integration policy gap is not addressed early on, the later integration costs will be much greater and fall disproportionately on cities, leading to an issue of multi-level governance of shifting the burden.

→ EU and national rules and funding requirements on the provision of early integration support and targeted support for access to public services are critically missing for many cities in the discussion around the recast Reception Condition Directive and future EU asylum and integration support.

European funding opportunities, data & knowledge tools. National AMIF programmes can support language, information, translation and other services under the reception and asylum chapter (SO 1/Art. 5), and possibly under the integration chapter, including orientation activities (SO 2/Art. 9) so long as this is prioritised in the national programme and extended under SO 2 to asylum-seekers. Under the 2016 Integration Action Plan, Erasmus+ will provide online language learning modules, while national ESF programmes are encouraged to support employment-oriented language training.

No mapping exists of the policies and uptake of early integration support, as the EMN and OECD are largely focused on labour market integration and beneficiaries of international protection. The European Website on Integration (EWSI) has a map of local and regional best practice based on ad

hoc updates by users and country coordinators, although early integration support has not been the subject of a specific EWSI analysis.

→ A more binding use and local distribution of national AMIF funds could address early language training and orientation purposes, while a better picture of the current local and regional state of play and good practices could be collected as a starting point for mutual policy learning and benchmarking.

6. Early integration: Employment

European policies, hard & soft law. While access to the labour market is mostly a national competence, active labour market programmes (ALMPs) have become an area of multi-level governance. Cities are not only cooperating with the national public employment service, but also operating their own bodies and ALMPs. Important measures in the early reception phase include the assessment and validation of skills and formal qualifications, targeted multilingual trainings and bridging qualifications, facilitating access to work permits as well as networking and mentoring with potential employers. Local administrative practice can also affect asylum-seekers' access to the labour market (after maximum 6 months under recast proposal and most national practices). The application of labour market tests in a minority of Member States has strong local-level implications. Urban authorities carry an additional responsibility where proper local registration is a precondition for labour market access.

→ Cities must be fully recognised and involved as a multi-level governance partner in labour market integration, bringing together EU, national and sub-national levels for policy development including around the Common European Asylum System and employment and integration guidance.

European funding opportunities, data & knowledge tools. At first glance, EU funding opportunities for early labour market integration seem to be extensive. While AMIF national programmes can support trainings during the reception phase (under SO 1/Art. 5), ESF has considerable means to support asylum seekers with labour market access and the national ESF programmes can broadly support the labour market integration of migrants. ERDF funding is also available for employment promotion of marginalised groups and integrated urban actions, when these are included in the Operational Programmes. EaSI specifically supports pilots with a potential multiplier effect.

After close inspection, a critical funding gap seems to appear for early skill and qualification assessment. ESF excludes asylum seekers without labour market access. AMIF only covers preparatory labour market actions for asylum-seekers based on national programming decisions by the Member States (making SO 2/Art. 9 funding available for the reception phase). As a result, asylum seekers without labour market access may not be eligible as direct beneficiaries of EU programmes in assessment measures that are implemented as ALMP. While EaSI can support policy development (e.g. Skills Toolkit), broad-based implementation may be critically dependent on AMIF or ESF funds. Beyond the labour market access restriction, the actual use of ESF funding for early labour market integration depends on the priorities and procedures set at national level, as with other EU programmes implemented through delegated national programmes.

EU data and knowledge tools have yet to collect data on local level policies, uptake or effects of early labour market access, employment opportunities and early support measures, despite a flurry of recent studies (EMN, OECD, etc.) that focus on the national level.

→ *The entire spectrum of early labour market integration measures (incl. skills and qualification assessments) for asylum seekers could be better supported from EU funds and made more accessible for cities, particularly in cases of large influxes. The EU could also support policy mapping, indicator collection and evaluation of early labour market integration measures for beneficiaries of international protection.*

7. Community building & public communication

European policies, hard & soft law. Refugee reception and integration requires the involvement and information of the local population from day one. Early interaction and civic participation are inherently local. Proactive and transparent public communication as well as leadership are key factors for promoting refugee reception and a welcoming culture. Urban leadership can also translate into European leadership if urban decision-makers can create networks of refugee destination cities and work together with the EU on solutions like the relocation scheme. EU policies and support on local community building and public communication are very limited in these regards, beyond the normative framework set by the Common Basic Principles and the tools promised by the new Integration Action Plan (incl. handbooks and toolboxes for practitioners on cultural awareness, intercultural dialogue and active participation of TCNs in political, social, cultural life).

→ *The limited cooperation for cities and the EU to work together on community building and communication can create and even exacerbate policy gaps in many other areas of integration and reception. A stronger EU policy framework and cooperation can pave the way to increased uptake of EU funds for community building purposes. Making community building a more visible part of the EU Integration Action Plan should entail a broad involvement of cities.*

European funding opportunities, data & knowledge tools. National AMIF programmes can support information for local communities under the reception and asylum chapter (SO 1/Art. 5), and possibly under the integration chapter (SO 2/Art. 9) including civic participation and local interaction – but only if prioritised under the national programmes and deliberately expanded to asylum-seekers. The new EU Integration Action Plan points to other EU funds less dependent on national programming, where community building activities can be supported: AMIF EU-level actions, ‘Europe for Citizens’ town networks/civil society projects on civic participation, ‘Rights, Equality and Citizenship’ projects on combating racism and xenophobia, as well as Erasmus+ support for good-practice transfer of social inclusion activities. Cities can call for the expansion of these funds and encourage their uptake by municipal and civil society actors, including through the provision of the necessary co-financing and preparation support.

→ Support for early community building could be more visible and facilitated at EU level, for example as a binding part of national AMIF programmes. The accessibility and usefulness of EU funds for NGOs and voluntary initiatives is another key issue given the key role they play to foster local interaction, civic participation and public communication. Better use of EU funding for community building will result from more opportunities on the level of programme priorities and calls, better involvement in programming in line with the partnership principle, targeted consultation, information and support for potential project carriers and fewer obstacles in terms of procedural and financial requirements.