

Reception Crises: Court Rejects Dutch State's Demand to Postpone Implementation of a Ruling Favoring Refugees, Brussels Police Destroys Tents of Asylum Seekers As Belgium Fails to Provide Accommodation

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The Court of Appeal in the Hague refuses the Dutch authorities' appeal demanding the delay of implementing reception measures expected to improve the housing conditions of asylum seekers. Belgium responds to the hundreds of people including families with babies and minors sleeping in the street with the destruction of temporary tents set up by a civic initiative.

The Dutch State will not be granted a reprieve for improving the living conditions of asylum seekers, the Court of Appeal in The Hague ruled on 17 October. [Earlier this month](#), the court ruled in a case brought by the ECRE member the Dutch Council for Refugees (DCR), that the State and the Central Agency for the Reception of Asylum Seekers (COA) do not meet the European standards for humane reception. Some issues needed to be corrected immediately or within a few weeks, the court found. Pending the appeal, the State now wanted to [postpone](#) the implementation of a number of

these points for improvement. The state lawyer argued that “it is not possible to receive a maximum of 55 unaccompanied, minor asylum seekers at the registration centre in Ter Apel and to make this reception last less than five days” and to remove vulnerable groups from emergency shelters. The state’s demand was rejected by the court in the Hague pointing out that “the interest of the asylum seekers outweighs the interest of the State” and noting that the state wants to postpone measures that concern vulnerable groups such as children or asylum seekers with health conditions. Recent research by DCR supports the court’s decision underlining that more than 19,000 asylum seekers including families and babies are increasingly trapped in 156 emergency shelter locations throughout the country where conditions are rapidly worsening. “It looks like Lesbos here”, DCR says describing the inhumane situation asylum seekers have been in for months. Besides providing the Dutch state with concrete recommendations, DRC called on the State and the COA to stop putting the refugee on hold and to start executing the sentence now. Furthermore, VICE shared a number of stories from queer asylum seekers based in the Netherlands “one of Europe’s LGBTQ havens” showing the precarious situation they are in due to the state’s lack of political will to improve reception conditions. LGBTQ+ asylum seekers along with other vulnerable groups suffer the consequences of inhumane asylum and migration policies, especially that “their right to stay in the country hinges on whether or not Dutch immigration will believe they are actually queer, something quite hard to prove”. “I have no papers and no home, but going back is not an option,” one asylum-seeker in the Netherlands tells VICE.

In the latest worrying development in Belgium families and children were left without accommodation. ECRE member, Flemish Refugee Action and other NGOs stepped in and placed asylum seekers in hotels a solution also supported by Belgium’s Green party. However, Prime Minister Alexander De Croo said on 14 October: “I know a number of NGOs have done so in an emergency, but it is not a solution, and they did it without the approval of the office of the State Secretary for Asylum and Migration,” On the same day, Belgium’s cabinet decided to deploy 150 staff members from federal services to increase reception capacity for asylum seekers. The Prime Minister thinks that creating places is not sufficient and therefore a “European approach” to “limit the inflow and accelerate the outflow” is needed. But citizen initiatives and organisations supporting refugees on the ground see that the government lacks a “sense of emergency” to deal with the persistent reception crisis.

Fedasil on 17 October was unable to provide accommodation to 80 people including families and children. Flemish Refugee Action communicated: “The situation for people seeking asylum is extremely worrying. About forty children and a few dozen families are on the street tonight” adding that the federal government bears full responsibility for this situation. The organisation expects concrete and pragmatic measures in line with this “humanitarian crisis”. The situation reached a new low to the point that Fedasil is now being asked to differentiate between youth when in doubt about their age. Thirty young people had to report to the Guardianship Service as authorities were in doubt of

their age. Seven others believed to be over 18 years old were accommodated in the regular asylum shelters, thirteen others through aid organizations such as the Citizens' Platform for Refugees and the humanitarian hub. NGOs warn that "another migrant camp will arise in the capital" if refugees including vulnerable groups are denied reception. In the meantime, the cabinet will meet soon to discuss a winter plan to respond to the reception crisis. In an [op-ed](#) published on 17 October Director for Flemish Refugee Action, Tine Claus urged the government to provide emergency shelters immediately for everyone sleeping rough in the street whether asylum seekers or a homeless persons and to do so now rather than to wait for the winter to arrive. On the evening of 18 October, the Brussels police [destroyed seventeen tents](#) acting on an "order from the mayor". The tents were set up by the NGO Civic Platform for Refugees to accommodate asylum seekers denied reception. The mayor's spokesman justified this action saying: "The mayor could not accept that minors have to sleep outside" and added: "Allowing them to sleep in cardboard tents there at night could send the signal that we're okay with minors sleeping outside." However, reportedly no alternative housing was offered. "This event is a sad episode of a structural problem," said Thomas Willekens of Flemish Refugee Action. "The fact that this is now happening with unaccompanied minors, which the Belgian state has to take care of by law, is extremely sad. We continue to reiterate our call to work on additional emergency shelter as soon as possible." On 20 October, Fedasil staff took to the street for the third time to [protest](#) against the ongoing reception crisis and the Belgian government's lack of political will to solve it. In the evening of the protest day, the ministry of defence announced the plan to construct [a new reception centre](#). According to local media, there should be 500 places in November and another 1,000 by December. The lack of accommodation facilities in Belgium also [affects](#) Ukrainian refugees who are now facing homelessness after being received with solidarity. "We have registered at the Heysel for temporary protection and because we do not know anyone in Belgium who can take us in, we have registered with Fedasil and the Red Cross. They said there was no place left", says a refugee from Ukraine.

For further information:

- ECRE, Reception Crises: Dutch Authorities Appeal Ruling Ordering Respect For Right to Reception, Belgium Leaves Vulnerable Asylum Seekers in the Streets Without Shelter, October 2022
- ECRE, Reception Crises: Hundreds of Asylum Seekers Left Without Accommodation in Ireland, Dutch Authorities Restrict Access to Ter Apel, NGOs Says Belgium Lacks Political Will for Shelter, September 2022

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