



MATERIAL CONDITIONS FOR THE ACCOMMODATION OF REFUGEES UNDER THE ASYLUM LAW

The huge humanitarian tragedy brought to the order of the day the issue of human rights and European policies of granting of international protection and accommodation of refugees.

In fact we are experiencing one of the major human dramas, thousands of people (men, women and children) fleeing from the horrors of war in their countries of origin (mostly from Syria, but also from Iraq and Libya) are today installed at the gates of the European Union (many, after the stormy crossing of the Mediterranean).

In Portugal, the main legislative instrument reflecting such policies is Law No. 27/2008 of June, 30 2008, amended by Law No. 26/2014 of May, 5 2014 (the so-called Asylum Law), laying down the conditions and procedures for granting asylum or subsidiary protection and the statutes of asylum refugees and subsidiary protection, seeking transposing into national law the EU Directives.

The above-mentioned law determines that to asylum and subsidiary protection seekers and their respective family members, which do not have sufficient resources to enable their subsistence, material conditions and health care are to be ensured, with a view to assuring the satisfaction of their basic needs in conditions of human dignity (according to article 56, No. 1).

Law No. 27/2008, also establishes that if an applicant has sufficient resources he or she may be requested to contribute, in whole or in part, to cover the cost of the material reception conditions and health care, or the reimbursement of such expenses (article 56, No. 4).

According to article 57, No. 1 of the same law, material accommodation conditions may take the following forms: a) accommodation in kind; b) nourishment in kind; c) social support cash benefit, paid monthly, for nourishment expenses, clothing, hygiene and transportation; d) supplementary allowance for housing, paid monthly; e) supplementary allowance for personal and transport expenses.

According to the availability of existing resources and conditions in the geographical area in which the applicants are, the modalities of accommodation may take different forms, cumulating themselves or possibly exceptionally for a certain period, material conditions different from those for seen above may be determined.

As to cash benefits referred to in paragraphs c) and d) above, they are calculated by reference to the social support allowance provided for in the applicable legislation (article 58).

Finally, it should be noted that accommodation conditions may totally or partially be canceled as per the circumstances set out in article 60, No. 3, usually based on a certain type of behavior or actions on the part of those granted asylum, for example, abandonment of the place of residence determined by the competent authority without informing SEF or without the required authorization (paragraph a)), or concealment of their financial resources, unduly benefiting from material accommodation conditions (paragraph e)).