

Allocation of asylum seekers to the cantons

**Report by the Parliamentary Control of the Administration for the
attention of the Council of States Control Committee**

of 21 June 2024

Key terms

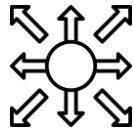


Federal Asylum Centre (FAC)

Asylum seekers are initially accommodated in one of six Federal Asylum Centres. This is where the asylum procedure is carried out. After this, they are allocated to a canton: depending on the type of asylum procedure, allocation may take place sooner or later.

Allocation to the cantons

Under the law, cantons must agree on the allocation of asylum seekers. The State Secretariat for Migration (SEM) is responsible for allocation, whereby it takes into account the interests of the cantons and those of the asylum seekers.



Allocation criteria

SEM allocates asylum seekers to the cantons based on the size of the canton's population. It also takes into account the person's nationality, any special care needs they may have, and whether any family members are already living in a particular canton.

eSyVAS

SEM uses an electronic system called eSyVAS for allocating asylum seekers. The system uses an algorithm to propose a canton for each asylum seeker.



Main points at a glance

The allocation of asylum seekers to the cantons is based on a range of factors and is therefore a complex process. Since the electronic system cannot take all the relevant factors into account, cantonal allocation is often adjusted manually. It is inevitable that, the allocation of asylum seekers is not always proportional to the population of the respective canton. In addition, the emergency plans for dealing with large numbers of asylum seekers are outdated.

The Control Committee of the Federal Assembly (CC) commissioned the Parliamentary Control of the Administration (PCA) in January 2023 to evaluate the allocation of asylum seekers to the cantons. Since the reorganisation of the asylum system in 2019, the method of allocation has changed considerably.

The FDJP/FCh sub-committee of the Council of States Control Committee (CC-S) decided at its meeting on 8 May 2023 that the evaluation should examine how asylum seekers are allocated to the cantons and how to respond to the considerable fluctuation in their numbers.

For this purpose, the PCA analysed various documents on which the State Secretariat for Migration (SEM) bases its allocation. In addition it conducted 25 interviews with employees from various SEM units, cantonal representatives and asylum experts. The PCA also commissioned an external mandate taker to analyse the algorithm and the effective allocation of asylum seekers. Its conclusions are presented below.

Cantonal allocation takes into account numerous factors and is therefore complex

The allocation of asylum seekers is based on an agreement among the cantons, which called for taking into account numerous factors. These factors include the size of the population of each canton, the type of asylum procedure (e.g. Dublin procedure), the number of persons to be allocated and their nationality, unaccompanied minor asylum seekers (UMAs), medical cases, and compensations for cantons in which federal asylum centres (FACs) are located or which offer other special services. This wide range of factors means that the allocation process is inevitably complex. Despite their wide range, these factors do not necessarily cover every case that arises, nor do they take into account the integration of those concerned. The cantons are generally satisfied with the choice of factors, but are of the opinion that compensation is not clearly regulated and certain costs are not covered by the flat-rate federal payments (Sections 3.1 and 3.2).

The electronic system only does not always ensure suitable cantonal allocation

The electronic system uses an algorithm to propose a canton for each asylum seeker. It takes into account numerous, but not all, allocation factors. In more than three out of five cases, the system's proposals are manually adjusted, i.e. the algorithm is overridden (Section 5.3). In particular, the algorithm does not take into account whether the asylum seeker already has family members in Switzerland. However, this factor must be taken into account by law and is the reason why almost half of the system-based allocations are overridden. Moreover, the algorithm cannot be applied to certain categories of persons: this accounts for more than half of all cases

(Section 4.3). SEM does not provide sufficient transparency as to how the individual factors are weighted by the system, although these factors significantly influence cantonal allocation (Section 4.4).

Inconsistent overriding of allocation proposals across the FACs can lead to unequal treatment

The FACs are responsible for allocating asylum seekers to the cantons. All allocations are subsequently checked by SEM's Occupancy Management and Cantonal Allocation (BMKV) section. The processes within the FACs and between the BMKV section and the FACs generally work well. However, when overriding an algorithm-based allocation, the FACs do not follow a standardised procedure. Instead, each FAC interprets the guidelines differently, which can lead to the unequal treatment of asylum seekers. In order to harmonise processes, the BMKV section has organised training sessions in the FACs and compiled new allocation guidelines clarifying when allocation proposals may be overridden (Section 4.1). Although every allocation proposal is checked by the BMKV section, the check only takes a few seconds and is based on a small amount of information. The analysis carried out on behalf of the PCA revealed numerous discrepancies in the data. Although SEM was able to explain some of these discrepancies, it is not sufficiently transparent in how it processes the data on which cantonal allocation is based (Section 4.2).

Actual allocation differs inevitably from target allocation, particularly in small cantons and for various subgroups of asylum seekers

The PCA found significant deviations between the actual allocation and the algorithm-based target allocation of asylum seekers. For SEM, it is crucial that the deviations balance out by year end so that the flat-rate payments to the cantons correspond to the number of asylum seekers each canton receives. The analysis shows, however, that actual and target allocations still deviate considerably at the end of the year. There is little scope for compensating these deviations owing to the legal framework. There are also few possibilities for balancing out the number of asylum seekers between the cantons because asylum seekers who belong to subgroups are allocated separately. The deviations are particularly pronounced with respect to small subgroups (namely medical cases and unaccompanied minors) and in cantons with a small population. Generally, the system was found to work less well when only a small number of asylum seekers are allocated. This is due to mathematical modelling: the more asylum seekers allocated, the less individual deviations matter (Sections 5.1 and 5.2).

Coordination with the cantons generally works well, but emergency plans require updating

The people who were interviewed found that coordination between the federal and cantonal authorities generally works well. The BMKV section publishes a comprehensive newsletter twice a year for the cantons and FAC staff; however, the cantons find these newsletters too detailed (Section 5.4). The majority of those interviewed also said that SEM had adjusted the frequency of its dialogue with the cantons to the fluctuation in the number of asylum applications. It was further found that when cantons order an allocation stop, this leads to an additional burden on the

FACs. Allocation then becomes particularly difficult if the stop lasts longer than a week, as is the rule; in some cases, the stop may last for up to two months (Section 4.6).

An emergency plan exists that defines what measures should be taken and when in order to cope with an exceptionally high influx of asylum seekers. The emergency plan is based on various scenarios and takes into account available instruments and the current division of responsibilities. However, the scenarios need to be updated because they were defined before the asylum system was restructured. According to SEM, the scenarios will be revised in 2024 (Section 3.3). Those interviewed welcomed that fact that the emergency plan was activated in October 2022 as a result of the high number of asylum applications and the influx of refugees from Ukraine. However, the cantons were informed at too short notice that the number of asylum seekers being allocated to the cantons from the FACs was to be increased. Overall, all those interviewed were of the opinion that an increase in the number of asylum applications does not require additional allocation rules, but rather more accommodation and supervision capacity at both federal and cantonal level (Section 4.6). The only factor taken into account regarding the interests of asylum seekers when allocating them to a canton is family unity. When an asylum seeker is allocated to a canton outside the region of the FAC in which they are living, this poses difficulties for organising legal representation during the asylum procedure (Section 4.5).

The full report is available in French, German and Italian (www.parl.ch).