

1. Camp structures - who's responsible?

Trying to find out who's in charge of the organization of the federal asylum camps is confusing. Apart from the State Secretariat for Migration (SEM) there are several other players involved. Who's responsible for what also remains unclear to those who research into it. Here's a general overview:

The *State Secretariat for Migration (SEM)* is the manager at federal level and administers asylum procedures and asylum seekers' accommodation. The SEM outsources many of its responsibilities to non-governmental institutions and private firms. The task of running the federal asylum camp Basel was assigned to the ORS Service AG. The ORS has been active in the Swiss "asylum business" for decades. In Switzerland, the ORS is leader in the field with 100 million CHF in revenue. The profit-oriented company belongs to a Private-Equity-Firm based in London through holdings.¹ The ORS has been under criticism for profiting from "the misery of refugees."² Social workers have recently pointed out that the ORS does not hire qualified workers and thus cannot do justice to the "complex task of professional work with refugees."³

Despite ongoing and worrying criticism, the SEM continues to award million-CHF contracts to the ORS. What exactly they look like is unclear. The media project Republik has been trying to access Zürich's social service office's contracts with the ORS and the AÖZ (Asylum Organization Zürich) for quite some time and has been turned down under questionable pretext. At the end of April 2020, the Republik won this case in court and thus made a point in the fight for more transparency.⁴

¹ Carlos Hanimann: "Die Republik erkämpft sich Einsicht in Millionenverträge im Asylwesen", *Republik*, 1.5.2020. The cantons are responsible for the asylum camps in which refugees are still treated according to the old asylum act as well as for the camps to which asylum seekers which are transferred in line with the "extended procedure" of the new act.

² E.g. Jan Jirát / Carlos Hanimann: «Die Asylprofiteure», *WOZ*, 8.12.2011; Jan Jirát / Carlos Hanimann: "Geschäftsgeheimnis Asylzentrum", *WOZ*, 7.11.2013; Daniel Ryer / Jan Jirát: "Profiteure des Elends", *WOZ*, 23.2.2017; Solidarité sans frontières / VPOG- NGO / Demokratische Jurist_innen Schweiz: "Das SEM betreibt aktiv Lohndumping!", press release 19.03.2019.

³ KRISO - forum for critical social work: "Offener Brief an die ORS. Fachliche und kritische Soziale Arbeit statt Privatisierung bei der Arbeit mit Geflüchteten!", Basel 7.4.2020.

⁴ Carlos Hanimann: "Die Republik erkämpft sich Einsicht in Millionenverträge im Asylwesen", *Republik*, 1.5.2020. In general, the media's interest is not welcomed: Slivana Schreier on an action concerning the (federal) deportation center Altas in Allschwil: "Anni Lanz hat Geschenke an Asylsuchende verteilt. Während Journalisten per Telefon verscheucht wurden", *bz*, 20.12.2019.

The question of who's to monitor the ORS' doings is unclear as well. The federal asylum camp is a federal institution. Who's in charge of what and what kind of supervisory authorities are involved remains completely intransparent. One example for this is how the SEM, the cantonal officer for health, and the ORS have been putting the blame on each other concerning the implementation of corona measures.⁵ One interpellation concerning this at the federal asylum camp Basel has been submitted to the Grosser Rat on April 22./23, 2020. The Cantonal Council's response declares that the canton has certain supervisory functions, however, it remains imprecise about the canton's execution.⁶

Through the renewal of the asylum act, in March the gratuitous legal service moved to the same building the SEM is located in. In the federal asylum camp Basel the Aid Organization of the Swiss Protestant Churches (HEKS) is in charge of the offered legal service.⁷ The flat rates which the SEM has determined for legal representation lie between 420 and 455 CHF per asylum seeker. The legal representation's functions are, among others, to accompany the asylum seekers to their hearings, the familiarization with their dossiers, the writing of reports and submissions, to obtain medical and psychiatric reports, as well as preparatory and in-depth talks. This means that, according to the current attorney fees of at least 200 CHF per hour, the legal representation has to finish all the listed tasks in two hours.⁸ It is unlikely that the legal representation is able to carry out all those tasks with the necessary care in two hours of work. Additionally, the legal representation is explicitly ordered by the SEM to file a complaint against the asylum decision only in promising cases. Thus, if a case is in advance deemed "not promising," the legal representation withdraws. It has been pointed out already before the revision of the asylum act that it is problematic that the HEKS is directly employed by the SEM. In the case of a complaint, the legal representation takes action against its own employer.⁹ It is thus highly questionable whether this service deserves to be called "legal representation" at all.

And finally, the mandate of the security service: concerning the federal asylum camp Basel and a lot of other federal asylum facilities this was handed over to the private firm *Securitas AG*.

⁵ "Mehrere Corona-Fälle im Basler Bundesasylzentrum", *Regionaljournal Basel*, 20.3.2020; "Virus im Heim: Corona-Kampf im Asylwesen", *SRF Rundschau*, 1.4.2020; Silvana Schreier: "Trotz Coronakrise: Bund bringt Asylsuchende in Zivilschutzanlage unter", *bz*, 8.4.2020.

⁶ Cantonal Council Decree on 5.05.2020 on the interpellation Nr. 32 concerning "Asylum centres in the corona crisis", Nr. 20.5125.02.

⁷ Additionally, the return assistance, the International Organisation of Migration, is located in the same building.

⁸ Press release of VPOD-NGO, of Demokratische Jurist_innen Schweiz, and Solidarité sans frontières: "Das SEM betreibt aktiv Lohndumping", 19.3.2019.

⁹ Freiplatzaktion Basel: "Kritik an der Neustrukturierung", in: *Flora* 12, issue 3, Dez. 2018, S. 4 - 7.