

Monthly data collection on the migration situation in the EU

November 2016 Highlights

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For the November 2016 focus section on hate crime, see:

<u>fra.europa.eu/en/publication/2016/November-monthly-migration-focus-hate-crime</u>

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As of November 2016, FRA's monthly reports highlight key developments in 14 Member States: Austria, Bulgaria, Denmark, Finland, France, Germany, Greece, Hungary, Italy, the Netherlands, Poland, Slovakia, Spain and Sweden. They will be published alongside a focus section on a particular topic. Starting in January 2017, extended Member State information will be published in addition to the highlights every third month. No focus section will be published with these reports.

New arrivals

External land and sea borders

Arrivals to Italy continue to increase, with some 27,050 persons arriving by sea in October, mainly from Nigeria, Eritrea, Gambia, Côte d'Ivoire, Guinea, Sudan, Mali, Senegal, Bangladesh and other countries; many dead are recovered, including children.

Arrivals to Greece and Bulgaria remain relatively stable. Nearly 3,000 people arrive in Greece. More than 2,000 persons are apprehended at the borders and within the territory of Bulgaria.

Hungary returns some 1,670 persons apprehended within 8 km of the border to Serbia, where they have to wait to apply for asylum in one of the transit zones. Civil society organisations continue reporting severe violence by the police and local vigilante groups.

Some 200 persons arrive in Slovakia, mainly from the Ukraine and some from Iraq.

In Poland, some 200 persons succeed in applying for asylum at the border. Applicants from Russia and Tajikistan have generally been increasing and applicants from the Ukraine and Georgia have been significantly decreasing since January 2016.

Internal borders and airports

Arrivals in Austria further decrease to some 2,860 persons, coming mainly from Afghanistan, Nigeria, Syria, Iraq and Pakistan.

Some 3,160 asylum seekers arrive in the Netherlands in September, mainly from Syria, Eritrea and Morocco, including some 480 children.

Sweden receives some 2,400 asylum seekers, mainly from Syria, Iraq and Afghanistan, including more than 920 children. This is consistent with monthly figures since February – ranging between 2,000 and 3,000 – when stricter border controls were introduced.

Initial registration and asylum processing

At the border

Identification and registration at hotspots in Italy takes place in groups of 50 at a time. While this facilitates the provision of information (e.g. on asylum) and identification of vulnerability upon disembarkation, people are kept on board of vessels for hours – 36 hours in one incident in Palermo – in precarious

conditions. This delays assistance to vulnerable groups and the resumption of search and rescue operations.

Amnesty International released <u>a report</u> based on interviews with new arrivals in Italy, recording cases of detention and excessive use of force to obtain fingerprints.

Several persons arriving at hotspots in Italy successfully appeal against orders to leave the country within seven days.

Access to asylum is difficult at the Polish border (Terespol and Medyka), where border guards reportedly refuse entry to persons wishing to apply for asylum. At Terespol, some 1,500 to 2,000 persons – mostly families with children – want to apply for asylum, but only two to three families per day manage to get their applications registered; applicants from Tajikistan and Chechnya frequently submit their applications 20 or more times before these are officially registered.

Around 150 people daily wait for admission to one of the transit zones at the Hungarian-Serbian border, while Hungary continues to limit admissions to 15 persons per day and transit zone. Admission reportedly relies on the guidance of self-appointed "agents" on the Serbian side who decide who comes next in line. Many people turn back to find shelter in one of the Serbian facilities, as conditions in the border zone are very poor and do not provide suitable protection from worsening weather conditions.

Asylum

Asylum applications in Bulgaria increase to some 2,440, mainly from persons from Afghanistan, Iraq and Syria, including some 880 children.

Some 7,400 people apply for asylum in France, mainly from Afghanistan – including an increasing share of unaccompanied children – and Albania and Sudan.

In the department Seine Saint Denis, France, persons cannot make appointments to register an asylum application as the reception platform they have to contact by phone (Coallia) is practically never available.

Asylum applications decrease in Germany for the first time in months. Germany registers some 15,620 asylum seekers in September, mainly from Syria, Iraq, Afghanistan, Eritrea and Nigeria – fewer than in August (some 18,140) and significantly fewer than in September 2015 (some 164,000).

In Germany, the asylum authority decides on some 69,900 cases, which is the highest number of decisions ever taken within a month. Efforts to accelerate asylum procedures in Germany are criticised for compromising the quality of interviews and decision-making, as cases are processed within short timeframes by newly employed and insufficiently trained staff.

The share of persons receiving subsidiary protection rather than refugee or temporary protection status continues to increase (for example, for Syrians), affecting their rights to family reunification. Appeals against such decisions in Germany have been decided positively in a clear majority of cases so far: of a total of 1,900 appeals, only 120 have been unsuccessful. The share of persons whose removal is suspended also continuously increases in Germany.

Some 340 people apply for asylum in Finland, significantly fewer than in previous months. Legal assistance becomes less accessible for asylum seekers in Finland following changes to the legal aid system in September, which also reduced the time to appeal negative asylum decisions from 30 to 21 days.

Return

Greece returns to Turkey ten Syrians who expressed their wish to seek asylum in Greece, which had not been properly recorded; UNHCR issues a <u>press</u> <u>statement</u> expressing strong concern and the Greek police issues a statement denying the allegations. A further group of 59 persons – mainly Afghan and Iraqi nationals – are returned to Turkey by ferry.

Bulgaria returns seven Turkish citizen to Turkey, where they are arrested. The returnees were supporters of the Gülen movement, according to the media. Due to the immediate nature of their return, this was neither monitored nor notified to the Ombudsman.

Austria returns asylum seekers to Croatia under Dublin, in a few cases including families who have lived, and integrated, in Austria for more than one year.

Germany signs a <u>cooperation agreement</u> with Afghanistan to facilitate returns. A first pre-removal holding facility is opened at the airport in Hamburg, where, pursuant to a 2015 change in the Residence Act, returnees may be held in custody for up to four days to ensure removal.

Migrants having crossed from Italy to France in the area of Ventimiglia are refused entry and returned to Italy without assessment of possible risks upon return.

Immediate return of persons climbing over the fences in Ceuta and Melilla, Spain, are carried out very quickly and do not allow for identifying vulnerabilities and protection needs.

Reception conditions

Hotspots and immigration detention

Some 100 persons staying at a reception centre in Milan, Italy, including asylum seekers, are transferred by bus to the hotspot in Taranto; the President of the Italian Senate's Extraordinary Commission for Human Rights enquires about the reasons for the transfer and their treatment at the hotspot. Another camp near the central station in Milan is dissolved and some 100 inhabitants moved to hotspots in Sicily, with a view to then transferring them to other regions.

The <u>ECtHR condemns</u> Italy for arbitrarily detaining an asylum seeker in the preremoval facility Ponte Galeria, Rome, pending the assessment of his claim.

The Reception and Identification Centres on the Greek islands remain severely overcrowded. The buildings of the Greek Asylum Service and EASO in Moria, Lesvos, were set on fire as a group of people protested their long stay and delays in asylum procedures. Tensions also rise due to overcrowding, lack of information on applicants' asylum claims, and inadequate living conditions. In Samos, the authorities resort to hosting some 300 people in tents within the

area of the centre. Recently, increasing arrivals to Samos (200 to 350 persons per week) have further exacerbated already poor living conditions at the centre and increased protection risks and security hazards.

As returns to Serbia are practically impossible, Hungary increasingly releases persons held for removal to open centres, where the very poor conditions further encourage people to leave for Western Europe.

According to NGOs in Spain, persons in immigration detention often face obstacles in getting legal assistance and information about their situation and may have very limited healthcare available to them. Despite large numbers of vulnerable persons, there are no specific safety measures for them.

Safety and material conditions

Local citizens and politicians oppose the opening of a reception centre in a former police facility in Milan, Italy, outside of which asylum seekers have been camping.

Following the evacuation of the informal camp in front of Tiburtina railway station in Rome, Italy, some 80 persons continue to sleep in front of the station and a nearby church.

Mainland facilities in Greece urgently need upgrading in view of winter conditions. In northern and central Greece, protests and unrest continue at various sites, including in the Softex camp in Thessaloniki.

Reception as well as pre-removal facilities in Bulgaria remain overcrowded (103 % and 148 % occupancy rates) despite increased detention capacity. This results in unrest at the reception centre in Harmanli, for example, with some 1,000 persons protesting against the poor living conditions and demanding a transfer to Serbia.

Conditions in the open tent camp in Körmend, Hungary are reportedly particularly bad, including leaking tents and no heating.

French police evacuate the informal camp in Calais, transferring residents to reception centres across France. Reception capacity in France is generally insufficient, with many asylum seekers living on the streets.

Safety of asylum seekers is a concern in the Netherlands, where many incidents of violence are reported from reception centres (9,166 incidents caused by or inflicted against asylum seekers between January and June 2016).

Tensions increase at reception centres in Finland due to delays in processing asylum applications and increased rejections. Those with rejected applications who cannot be removed are feared to end up in labour and other types of exploitation.

Healthcare and basic services

The regional reception hub in Bologna, Italy is often overcrowded beyond 200 %, which, among other things, makes it difficult to ensure the provision of healthcare to persons living in the centre.

Reception centres established for asylum seekers in Italy to deal with sudden increases of arrivals (*centri di accoglienza straordinaria*) are criticised in <u>a report</u> by a civil society initiative for overcrowding, lack of healthcare, inadequate basic

services and increased risks of labour exploitation due to insufficient integration measures.

Asylum seekers in France face difficulties getting their status documented as many only get short-term renewable receipts, which affects their ability to rent accommodation, get a job and access basic services.

Many rejected asylum seekers end up living on the streets in Sweden because they lose all housing, medical and other support two weeks after being notified of a negative decision, and are unable or do not consider it safe to return to their home countries within this short timeframe.

Asylum seekers in Spain often cannot access basic medical and social services as staff fail to recognise the "red card" issued to them as a valid identity document.

Persons with subsidiary protection status in Slovakia face difficulties accessing healthcare as medical facilities refuse to accept them – supposedly due to overbooking, but in fact due to complicated reimbursement procedures.

In the Netherlands, asylum seekers are often unaware of their rights or how to gain access to healthcare. Health professionals fear not getting paid for their services.

Vulnerable persons

MSF <u>reports</u> that vulnerable people are not properly identified and do not receive appropriate protection and care in Greece.

A new departure centre opened in Kaershovedgaard, Denmark. It accommodates persons who have been granted exceptional leave to remain on non-refoulement grounds and are thus not in return procedures, alongside criminals whose expulsion has been ordered. Although vulnerable people are included in the first group, the staff of the centre is not trained to respond to their special needs; the Danish Red Cross is present at the centre, but has not (yet) been tasked with attending to the needs of this group.

Safeguards for vulnerable persons established by the Reception Conditions Directive are not fully implemented in Germany, as guidance on identifying vulnerability has differed or been pending development at the federal state level.

Child protection

Identification

More than 20,000 unaccompanied children arrived in Italy between January and October 2016.

More than 40 % of asylum seekers waiting to enter Hungary near transit zones are children, mainly from Afghanistan, Syria and Iraq. It often takes weeks before vulnerable people, including unaccompanied children, enter a transit zone as admission is principally based on the date of arrival.

In the Austrian region of Styria, the majority of asylum seekers are women or children. More than 35 % of all asylum applicants in Germany since January 2016 have been children.

In Spain, the identification of unaccompanied children remains a key concern, as separated children accompanied by adults who are not their parents are not identified by the police or other authorities.

Placement and accommodation

Some 2,500 unaccompanied children are currently residing in Greece, according to estimates. Capacity to accommodate unaccompanied children is still insufficient. More than 1,600 children continue to wait for adequate accommodation.

An eleven-year-old French girl, whose mother did not fulfil entry conditions, is detained for four days with her mother at an airport in France.

A centre for unaccompanied children is closed in Denmark following incidents of violence between residents, violence and threats towards its staff, and reported incidents of sexual assaults by staff. According to the Danish Refugee Council, this is not a general problem, but shows that many centres had to be established quickly due to many arrivals, without sufficiently qualified staff in all cases.

The Finnish government proposes a "home curfew" as an alternative to detention for unaccompanied children pending their removal.

As reception centres, including for unaccompanied children, are closed down in Finland, children have to be transferred, which may not necessarily be in line with their best interests or duly consider their views.

In Poland, asylum seekers – including families with children and victims of torture – are frequently detained upon registration of their asylum applications at the border.

Detention of families with children reportedly continues in Slovakia. Alternatives to detention are rarely used.

Children in Austria may unintentionally be accommodated together with adults as persons who claim to be children are accommodated in the same facilities pending assessments of their age.

After the evacuation of the camp in Calais, France, family reunifications of the around 1,200 unaccompanied children remain largely unresolved.

In Sweden, family reunification has become more difficult for refugees and is restricted to exceptional cases for persons with subsidiary protection status, following temporary legislation introduced in July. Many of the persons affected do not know if and how family reunification is possible in their case.

Similarly, in Finland, many families remain separated following recently introduced restrictions on family reunification.

As a result of the extension of asylum procedures to <u>15 months</u>, within which decisions generally have to be issued in the Netherlands, an increase in irregular migrants is expected as they may settle in and decide to stay in case of negative decisions. The extension is also expected to worsen the situation of children who turn 18 during the procedure and lose the right to family reunification. Decisions on family reunification were <u>reportedly</u> also postponed to this autumn in some cases to reduce the number of arrivals in the Netherlands.

Legal, social and policy responses

Legal changes

The <u>Council of State</u> in Italy nullifies the transfer of an asylum seeker from Italy to Hungary under Dublin, as this would have exposed the applicant to serious risks of persecution and inhumane treatment, in breach of Article 4 of the EU Charter of Fundamental Rights.

In Italy, a <u>draft law</u> concerning the protection of unaccompanied children is pending final approval by the Senate. According to the proposed law, identification and registration must be completed within ten days, the maximum detention period at first reception is reduced from 60 to 30 days, and the Ministry of Labour and Social Policies will manage a national information system concerning unaccompanied children.

Italy approves a <u>law</u> against irregular employment and labour exploitation. It introduces additional criminal offences concerning employers and intermediaries, and allows the judiciary to seize companies and their assets.

Greece starts a public consultation on a <u>draft law</u> transposing the recast Reception Conditions Directive.

A <u>draft law</u> in Germany aims to facilitate removals by introducing new reasons for pre-removal detention and no longer allowing persons who have lived in Germany for more than one year to be informed of their scheduled removal.

In Austria, the Emergency Directive establishing a maximum number of asylum seekers to be accepted is being finalised and ready for adoption – despite criticism by civil society organisations that there is no emergency situation in Austria.

Denmark prepares a <u>draft bill</u> further restricting the rights of persons granted exceptional leave to remain – in line with non-*refoulement* considerations – which civil society organisations criticise as disproportionate.

Policy responses

The Italian Senate approves an <u>agreement with Austria</u> facilitating police cooperation, which also includes activities to combat irregular migration, through information exchanges and joint patrols, and implementing transfers of people.

Italy develops a project for the labour market integration of asylum seekers.

Italy launches a <u>new plan</u> for the reception system that actively involves municipal authorities in decisions concerning the distribution of asylum seekers.

Hungary continues to recruit volunteers for its "Border Hunting" Programme.

Germany <u>announces</u> that it will reactivate relocation from Italy and plans to accept 226 asylum seekers in November.

Political debates in Austria revolve around permitting asylum seekers to undertake remunerated activities. The Interior Ministry decides on a <u>catalogue</u> of 32 possible community activities; the amount of pay is still being debated.

Finland adopts a <u>new action plan</u> to combat human trafficking, also taking into consideration the recently increasing numbers of Nigerian victims.

Responses by civil society, local and political actors

Solidarity events in support of asylum seekers continue in Rome and Milan, while protests against the reception of asylum seekers take place in small towns in Calabria, near Florence and Emilia-Romagna, Italy. The mayor of a small town near Cuneo, Piedmont opposes the transfer of fewer than 100 asylum seekers to a local hotel, whose owner made it available for reception; he proposes paying the hotel owner instead of receiving asylum seekers in the town.

The Prefect of Udine, Italy proposes a curfew for asylum seekers hosted in local reception centres, which is criticised by local NGOs.

The chairperson of Bulgaria's Socialist Party announces that they will contest before the Supreme Court a decree on refugee integration adopted in August. Several demonstrations against the settlement of migrants take place in the biggest cities (Sofia, Varna, Burgas and Yambol). The decree regulates the settlement of refugees in different municipalities and the allocation of integration budgets to these municipalities.

In Bulgaria, the right-wing coalition backing one of the presidential candidates proposes several anti-migrant measures, including holding all persons arriving irregularly in closed facilities and allowing the use of force as a security measure at reception facilities, including water cannons, gas grenades and firearms.

Several mayors in France oppose the reception of migrants evacuated from Calais.

Muslim women wearing hijabs in Slovakia reportedly face difficulties finding employment in the service sector as employers fear negative customer reactions.

Hate speech and violent crime

A citizen from Ghana is attacked in Padua, Italy because he is mistaken for an asylum seeker from a nearby reception centre.

A building to be used as a reception facility is set on fire in Monastir, Sardinia, Italy.

Following a parliamentary question, a high school teacher in Italy is suspended for repeatedly posting racist and violent comments against migrants on her Facebook page, and subjected to disciplinary measures and public prosecution.

Anti-migrant attitudes intensify in Bulgaria and are manifested mostly online.

Hate speech incidents reportedly increase in Denmark – where hate speech incidents have generally increased towards ethnic minorities with increasing arrivals – as well as in Styria, Austria, where this also affects residents of foreign origin.

Verbal and physical attacks on migrant women on streets and in public places are reported in Finland.

In Slovakia, verbal attacks particularly affect women visibly identified as Muslim.

Stakeholders interviewed in October 2016 (highlights and focus section)

Country	Stakeholders interviewed
Austria	• Federal Ministry of the Interior (Bundesministerium für Inneres), Department II/2, Operational Affairs (Abteilung II/2 Einsatzangelegenheiten); Department III/9 (Abteilung III/9 Grundversorgung und Bundesbetreuung); Department III/5 (Abteilung III/5 Asyl und Fremdenwesen);
	Caritas Styria (Caritas Steiermark);
	Caritas Austria (Caritas Österreich);
	Red Cross Austria (Österreichisches Rotes Kreuz);
	Antidiscrimination Office Styria (Antidiskriminierungsstelle Steiermark).
Bulgaria	• State Agency for Refugees (SAR) (Държавна агенция за бежанците, ДАБ);
	 Ministry of the Interior, Directorate General Border Police (MoI – DGBP) (Министерство на вътрешните работи, Главна дирекция "Гранична полиция", МВР – ГДГП);
	 Bulgarian Red Cross (BRC) (Български червен кръст, БЧК);
	Refugee Support Group (RSG);
	 Ministry of the Interior, Directorate General Criminal Police (MoI – DGCP) (Министерство на вътрешните работи, Главна дирекция "Криминална полиция", МВР – ГДКП);
	• Bulgarian Lawyers for Human Rights (BLHR) (Български адвокати за правата на човека, БАПЧ).
0	Federal Ministry of the Interior (Bundesministerium des Inneren);
Germany	 Ministry of the Interior North Rhine-Westphalia (Ministerium für Inneres und Kommunales des Landes Nordrhein-Westfalen);
	 Federal Association of Support Services for persons affected by right- wing, racist and antisemitic violence (Bundesverband der Beratungsstellen für Betroffene rechter, rassistischer und antisemitischer Gewalt, VBRG);
	Amadeu Antonio Foundation (Amadeu Antonio Stiftung);
	RAA Saxony – Counselling Services for Victims of Hate Crimes (RAA Sachsen);
	Victim Counselling Rheinland - Consultation and support for those affected by extreme right and racist violence (Opferberatung Rheinland - Beratung und Unterstützung für Betroffene rechtsextremer und rassistischer Gewalt).
	Danish Refugee Council;
Denmark	Danish Red Cross;
	Report Hate (AnmeldHad).
Greece	 Ministry for Migration Policy (Υπουργείο Μεταναστευτικής Πολιτικής); Asylum Service Greece (Υπηρεσία Ασύλου); UNHCR Greece (Ύπατη Αρμοστεία του ΟΗΕ για τους Πρόσφυγες,
	γραφείο Ελλάδας); • Racist Violence Recording Network (Δίκτυο Καταγραφής Περιστατικών Ρατσιστικής Βίας);
	 Médecins Sans Frontières-Doctors Without Borders (Γιατροί χωρίς Σύνορα);

Country	Stakeholders interviewed
	 Médecins du Monde-Doctors of the World (Γιατροί του Κόσμου);
	 International Organization for Migration-IOM (Διεθνής Οργανισμός Μετανάστευσης);
	NGO PRAKSIS (ΜΚΟ ΠΡΑΚΣΙΣ);
	 National Centre for Social Solidarity (Εθνικό Κέντρο Κοινωνικής Αλληλεγγύης);
	Hellenic Police Headquarters;
	Ministry of Justice, Transparency and Human Rights.
	Finish Border Guard;
Finland	Finnish National Police Board;
	Finnish Immigration Service;
	Refugee Advice Centre;
	Central Union for Child Welfare;
	Monika-Multicultural Women's Association Finland;
	Finnish League for Human Rights;
	Policy University College of Finland.
	Human Rights National Commission (CNCDH);
France	 French Office for the Protection of Refugees and Stateless Persons (OFPRA);
	Amnesty International France;
	ANAFE;
	Association of French Muslim Students (EMF);
	Secours Catholique Seine Saint Denis.
	Ministry of Internal Affairs;
Hungary	Office of Immigration and Nationality;
	National Police Headquarters;
	County Court of Szeged;
	General Attorney's Office;
	MigSzol – Migrant Solidarity Group of Hungary;
	MigSzol Szeged;
	UNHCR Hungary;
	Association for Migrants (Menedék Migránsokat Segítő Egyesület);
	Catholic Charity (Katolikus Karitász);
	Office of Immigration and Nationality (Bevándorlási és Állampolgársági Hivatal);
	National Police Headquarters (Országos Rendőr-főkapitányság);
	Cordelia Foundation.
	Ministry of the Interior;
Italy	Association for Legal Studies on Immigration (Associazione per gli studi giuridici sull'immigrazione, ASGI);
	Italian Refugees Council (Consiglio Italiano per i Rifugiati, CIR);
	Doctors Without Borders Italy (Medici Senza Frontiere Italia);
	Save the Children Italia Onlus;
	• UNHCR;
	Italian Red Cross (IRC);
	Jesuit Refugee Service 'Centro Astalli';

Country	Stakeholders interviewed
	 Community of Sant'Egidio (Comunità di Sant'Egidio); 'Melting Pot Europa' project; Association 'Senza confine'; NGO 'Borderline Sicilia'; National Association Against Sexual Orientation Discrimination (Associazione Nazionale Contro le Discriminazioni da Orientamento Sessuale - ANDDOS); The Observatory on Security against Discrimination (Osservatorio per la sicurezza contro gli atti discriminatori, OSCAD).
Netherlands	 Aliens police (Vreemdelingenpolitie); Foundation for Migration Law Netherlands (Stichting Migratierecht); National Support Point for Undocumented Migrants (Stichting LOS); National Association against Discrimination (Landelijke Vereniging tegen Discriminatie, LVtD); National Police (Nationale Politie); Dutch Reporting Point for Discrimination on the Internet (Meldpunt Internetdiscriminatie Nederland, MiND).
Poland	 Office for Foreigners; Polish Border Guards; Police Main Headquarters; Police Station in Warsaw; Association for Legal Intervention; Halina Nieć Legal Aid Centre; Open Republic; Centre of Monitoring the Racists and Xenophobic Incidents.
Sweden	 Swedish Migration Agency (Migrationsverket); Swedish Police (Polisen); Red Cross Sweden (Röda Korset Sverige); Amnesty International; Swedish National Council for Crime Prevention (Brottsförebyggande rådet, Brå); Swedish Police (Polisen); Victim Support Sweden (Brottsofferjouren, BOJ); Expo Foundation (Stiftelsen Expo); Amnesty International.
Slovakia	 Ministry of Interior of the Slovak Republic; Migration Office of the Slovak Republic; Bureau of Border and Alien Police of the Presidium of Police Force; Globsec Policy Institute; Slovak Catholic Charity; League for Human Rights.
Spain	 Asylum and Refuge Office of Ministry of Interior (Oficina de Asilo y Refugio del Ministerio del Interior); UNHCR; Accem (NGO); Save the children (NGO);

Country	Stakeholders interviewed
	 State Department for Immigration and Emigration of Ministry of Employment and Social Security (Secretaría General de Inmigración y Emigración del Ministerio de Empleo y Seguridad Social); SOS Racismo (NGO).