



Monthly data collection on the current migration situation in the EU

February 2016 monthly report

1 – 29 February 2016

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Note the full monthly February 2016 report is available on the FRA website at:
<http://fra.europa.eu/en/theme/asylum-migration-borders/overviews/february-2016>

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Highlights: 1–29 February 2016

New arrivals

As weather conditions are improving, the number of new arrivals in Greece is increasing. Some 56,000 people arrived in February, 30 % of whom were children.

Restrictions imposed at borders along the Balkan route lead to an escalation of the humanitarian situation at the northern Greek border, creating serious fundamental rights concerns.

A woman and a teenage girl died of hypothermia after crossing a river in south-eastern Bulgaria, near the Turkish border; and 11 children and two men were also hospitalised due to hypothermia.

Fewer people are reaching Croatia but more people are arriving in Hungary. An increasing proportion of those arriving in Croatia are children.

Many people who are refused entry at the Slovenian-Croatian and Austrian-Slovenian borders report difficulties in accessing asylum procedures.

Criminal proceedings

In Italy, people who are steering the boats are identified as migrant smugglers even though many may have been forced to do so.

Taxi drivers transporting people from Denmark to Sweden face criminal charges and are told to check passengers' passports in case of doubt.

Initial registration and processing

In Greece, registration backlogs persist in Lesbos and Chios due to the high number of new arrivals.

Non-governmental organisations (NGOs) in Italy report that police officers use force to convince people to cooperate during registration and fingerprinting.

Police from Austria, Croatia, Serbia, Slovenia and the Former Yugoslav Republic of Macedonia (FYROM) agree on a common method of profiling and registration, allowing only persons arriving from war-torn countries to continue their journey. Croatia only allows entry to Syrians and Iraqis.

In Slovenia, asylum applications increase significantly, with one third of the applicants being children. The country has therefore established additional reception facilities. NGOs and UNHCR, however, have limited or no access to people returned from Austria.

The Italian Senate reports that people who are told to leave the country are not adequately informed about their right to appeal and apply for asylum. In Hungary, asylum seekers only get limited information on the right to appeal a negative asylum decision received at the border.

In Italy and Slovenia, the use of inadequate forms for registration and the posing of misleading questions to new arrivals put refugees at a high risk of being refused entry if they fail to highlight their motivation to escape from war and/or indicate a wish to work or study.

Syrians are reportedly refused entry into Croatia based on an assessment of their affiliation to rebel groups.

Weaknesses in identifying vulnerable people at first reception facilities persist in most of the EU Member States covered in the monthly reporting. In Sweden, vulnerabilities are rarely detected early on in the asylum process.

In Croatia, sick people are eager to continue their journey and do not want to seek medical help despite open wounds on their legs, frostbite, flu and acute pneumonia.

As regards asylum applications, Germany still faces a significant backlog with some 370,000 applications pending a decision and a similar number pending registration. Newly recruited decision makers are not yet sufficiently qualified or experienced, which affects the quality of initial interviews and asylum decisions.

In Sweden, estimates indicate that new arrivals will have to wait almost two years before receiving an asylum decision. In Tyrol, Austria, asylum seekers are waiting more than six months for their asylum procedure to start.

For the first time this year, people are seeking asylum in the Hungarian transit zones at the border with Serbia. Some 51 persons have been admitted to the Tompa transit zone, including pregnant women and children. Their claims, however, were rejected on the safe country of origin principle.

Reception conditions

Mainland reception capacity in Greece for registered asylum seekers is 593 beds in total, which is far less than is needed. A great number of requests for accommodation is pending and cannot be addressed due to a capacity lack.

More than 8,000 people are stranded in overcrowded temporary shelters in Idomeni (Greece) as the Former Yugoslav Republic of Macedonia (FYROM) closes its borders to Afghan nationals and accepts only between 100 and 200 people a day.

In Italy, inadequate conditions result in the closure of seven reception centres in Campania and healthcare inspections in Sardinia.

Persons returned from Slovenia to Croatia, including a child, are being held in closed sectors at Slavonski Brod camp without a clear legal reason for more than a week. They can only see a doctor if the police brings them to the medical station. Medical consultations are done in front of the police officer, who can follow the discussion.

Facilities for people returned from Austria to Slovenia are in poor condition and are inappropriate for children who are accommodated there.

People in migrant detention in Hungary have been waiting to be expelled for months, leading to frequent tensions in the facilities.

Reception conditions have slightly improved in Austria and Germany due to fewer new arrivals. The conditions in German mass reception facilities, however, remain very poor; in some cases, asylum seekers have to share one toilet with hundreds of others or have to walk more than one kilometre to reach sanitary containers.

Child protection

Families arriving in Austria are sometimes separated at registration and rely on assistance from NGOs to reunite.

Missing unaccompanied children remain a major concern in many EU Member States: in Hungary, children disappear at an estimated rate of 90-95 %; in Slovenia, about 80 % of children went missing; and in Sweden about seven to 10 children are reported missing each week. However, Greece recorded a decrease in the absconding rate of children.

In Italy, more than 135 unaccompanied children stay at facilities in Lampedusa despite poor conditions. In Greece, mainland reception capacity for unaccompanied children does not meet the actual need, leaving many of them in detention facilities or in police custody. Furthermore, the procedure to appoint a guardian slows down their transfer to child protection facilities.

In Bulgaria, authorities do not wait for the appointment of a guardian and start the asylum procedure without a guardian's presence.

Basic care facilities for unaccompanied children in Austria are generally adequate and sufficiently available. However, many children have to stay for long periods in initial reception centres (e.g. Traiskirchen), where conditions are inappropriate for them.

In Sweden, there are reports of children staying in the same facilities as adults.

Unaccompanied children travelling with other relatives are not taken into care in Germany but accommodated in reception centres without verification of their relationship. This exposes them to increased risks and may prevent the identification of human trafficking.

Children in Germany sometimes wait for months before being able to attend school.

Lack of trained and competent staff in Sweden does not allow for a proper assessment of children's needs, nor the identification of psychological and mental health problems.

Legal, social and policy responses

Greece adopts a new law to extend primary and secondary healthcare to all migrants in vulnerable situations, such as pregnant women, children and people suffering from chronic diseases. Greece is also in the process of revising the guardianship system for unaccompanied children and has issued a Ministerial Decision on the age assessment of children seeking asylum.

Austria sets daily quota for new arrivals and announces a possible further lowering of the daily limit of asylum applications, while the set limit has not yet been reached.

The public perception in Austria of the overall situation is increasingly negative. About 20 demonstrations organised by right-wing groups took place with some counter-demonstrations.

Social responses in Slovenia as well as in Italy remain positive overall, including volunteer work, several pro-refugee rallies and support initiatives.

As of 3 March 2016, 660 persons were scheduled to be relocated from Italy and Greece to 16 other EU Member States, including one unaccompanied child.

Sweden discusses a new law that would limit family reunification for people with temporary residence permits, as well as introduce stricter economic requirements for family reunification and limit residence permits.

Hate speech

The number of hate crime incidents continue to be high in Austria and Germany.

Around one thousand local residents protested against the setting up of a new migrant hotspot centre on the island of Kos and clashed with the police.

Thematic focus: Children

FRA data on current migration flows – as of February 2016 – show a continued rise in the number of children arriving on their own or with their families in EU Member States.

The Charter of Fundamental Rights of the European Union and the United Nations Convention on the Rights of the Child (CRC) require that the best interests of the child must be a primary consideration in all actions affecting children. With respect to children, safeguards in EU secondary law further help to ensure timely identification, legal representation, adequate and safe reception conditions, family unity, and prevention of arbitrary detention. While protecting the child's best interests, these safeguards also ensure effective referral and protection procedures in EU Member States.

Based on data collected by FRA in January and February 2016, recurrent challenges occur mainly in six areas:

- identification of children at risk;
- guardianship;
- reception facilities;
- child disappearances;
- family unity;
- detention.

Throughout this monthly update, any information about children is highlighted in light blue.

Identification of children at risk

The identification of children as vulnerable persons should take place immediately at initial registration (Articles 22 and 23 of the Reception Conditions Directive), Article 24 of the Asylum Procedures Directive, and Article 11 of the Anti-Trafficking Directive). Officials coming into contact with children need to be adequately trained (Article 18 of the Anti-Trafficking Directive, Article 24 of the Reception Conditions Directive) to identify, inform and respond to the needs of children in a child-friendly manner and ensure the accessibility of protection procedures in practice.

Recurrent difficulties concern the lack of clear guidance, limited qualified staff, and time pressure due to the speed of transfer from initial facilities at entry points and onward travel. Not all organisations working with children on the ground have internal training and are aware on how to keep children safe. A lack of interpreters has also been reported, for example, in Croatia, Germany, Slovenia and Sweden. This is an obstacle to informing children of their legal situation, including the possibility to raise child-specific reasons for asylum. Identification is particularly difficult when children claim to be adults or travel in the company of adults who are not primary care givers or legal guardians. In some Member States, authorities do not systematically take measures to verify family links.

For example, an increasing number of organisations is authorised to identify children at risk in Austria without having sufficiently trained staff. Cooperation with

NGOs for initial identification seems to have worked well in Slovenia, where NGOs identify people as vulnerable and arrange priority treatment with the police for registration and transit. Border guards in Sweden are alerted to signs of possible exploitation and inform social services when they notice a subordinate behaviour by a child vis-à-vis an adult.

In other cases, children try to be registered as adults, either because they want to avoid being held in closed facilities (Greece) or because they receive misleading information on possible returns. Interpreters in Sicily, for example, allegedly advised children during their transfer to the reception centre in Palanobiolo to declare themselves as adults because children were going to be expelled (although Italian law does not allow this). EU level guidance, for example, on identifying special needs, age assessment, family tracing (EASO) and identifying children at risk (Frontex VEGA handbook) is still insufficiently used in practice.

The majority of children do not understand their legal situation and sign papers without understanding them. This may be due to a lack of interpreters or an inability to communicate properly with children. Staff assigned with registration tasks often do not have the necessary training and skills to interview children. Moreover, it is not always clear who is responsible for informing children of the procedures applied to them.

Age assessment procedures have generally not been applied at first reception facilities (particularly in transit countries), nor have they been adequately explained to children. Guardians are often not appointed prior to the procedure or, if they have been appointed, they are not actively involved in the procedure. In Greece, for example, prosecutors are acting as temporary guardians by virtue of law; in most of the cases, however, they do not come into direct contact with the children. Contrary to the situation in the transit countries, age assessment in Sweden is systematically applied by the Migration Board.

In cases of uncertainty about children's age, they may have been treated as adults in almost all Member States where FRA collected information. In Slovenia, for example, a child may be treated as an adult if she or he or her/his representative refuses a medical age assessment examination. In Hungary, underage asylum seekers were only identified as children following NGO intervention in December 2015 and subsequently transferred to specialised facilities.

Guardianship

A guardian must be appointed promptly for all unaccompanied children (Article 20 of the CRC, Article 24 of the Reception Conditions Directive, Article 25 of the Asylum Procedures Directive, Article 14 of the Anti-Trafficking Directive) to ensure that their best interests are considered prior to any decisions on procedures, including placement. Guardians are also key in ensuring that children's views are taken into consideration and that they have access to adequate reception, healthcare and education services. Guardians are also essential in safeguarding children's procedural rights.

Frequent challenges relate to the limited availability of qualified and independent guardians.

In many Member States, guardians are not systematically assigned to all unaccompanied children or there are extreme delays in their appointment. For example, a guardian is only appointed to unaccompanied children in Germany upon their redistribution to the federal states, which can take up to eight months. In Sweden, despite efforts for a swift appointment, delays extend to two or three months. In Austria, at the provincial level in Styria, the youth welfare office assumes guardianship swiftly only when an individual case is assessed as urgent.

In Hungary and Greece, children older than 14 years can submit, under certain conditions, an asylum application on their own without special support from guardians or others. This can further delay the appointment of a guardian, since their case will no longer be considered a priority. In other Member States such as Bulgaria, asylum procedures for older children are (in practice) often initiated prior to the appointment of a guardian.

In some Member States, delays in appointment procedures have an impact on access to protection and adequate reception because children can only apply for asylum and be transferred to specialised facilities following the appointment of a guardian. Corresponding delays in school enrolment, disbursement of social benefits and delays in healthcare appointments that are not considered urgent were also reported.

Due to the often limited availability of guardians, some may have to take care of an extremely high number of children; in some cases in Germany, for example, one guardian had to care for up to 150 children. Following their appointment, guardians will only meet unaccompanied children when they are transferred to the reception facilities.

Another reported challenge is the limited availability of translation services to facilitate communication between a guardian and a child. All of this makes it difficult to ensure in practice that the child's best interests are assessed and considered on an individual basis when decisions are taken for children.

The appointment of guardians is relatively swift at the provincial level in Tyrol, Austria, where a specialised department in the Child and Youth Authority is responsible for this task. To respond to increasing needs, the city of Vienna assigns certain guardianship tasks to the Worker's Samaritan Federation following the placement of the child. In Italy, a local NGO has started to train volunteer guardians to increase the availability of qualified guardians. In response to the situation in transit zones, Croatia has set up a special protocol in the Opatovac camp, regulating the referral of unaccompanied and separated children identified there. If the authorities fail to trace a child's family or find his or her carers within 24 hours, children aged under 14 years are appointed a guardian and placed in a children's home while children aged over 14 might be placed in a reception center.

Reception facilities

Children have to be accommodated in specialised facilities to guarantee the protection and care necessary for their well being, including an adequate standard of living (Articles 20 and 22 of the CRC, Articles 12, 18, 22 and 23 of the Reception Conditions Directive) and their access to education (Article 14 of the Reception

Conditions Directive) and healthcare (Articles 17 and 19 of the Reception Conditions Directive).

Conditions at first reception facilities were reported as inadequate for unaccompanied children and families in almost all Member States covered by FRA's monthly reporting, although this differs depending on the specific facility and region in the Member State. This is of particular concern considering that referral from such first reception to specialised facilities can take up to several weeks. During this time, children are at high risk and have no access to special protection.

Most large-scale first reception centres started to set up child-friendly spaces in camps and some spaces ensuring privacy for families, particularly for nursing mothers. Such spaces were nevertheless insufficiently available. Mainly NGOs and volunteers offered education and leisure activities. In February, UNHCR and UNICEF launched special support centres for children and families along the most frequently used routes in Europe (Blue Dot hubs), providing safe spaces and vital services and protection in a single location.

As children frequently live together with unrelated adults in first reception facilities, measures ensuring their safety are extremely important; for example complaint mechanisms to report mistreatment or abuse in reception facilities, as well as installing preventive measures against possible abuse – such as the location of sanitary facilities. Such measures have, however, been insufficient overall. Several incidents of child abuse and sexual assaults were reported from first reception facilities in Germany, where protection measures are not required in such facilities. Other facilities rely on in-house psychologists and NGO support for preventing abuse or violence involving children.

Unaccompanied children arriving on the Greek islands often initially stay in detention facilities. After they are appointed guardians, which is often delayed, they are transferred to specialised facilities for children on the mainland. This leads to situations, such as in Chios, where unaccompanied children have been held in the rest houses for police officers at the police headquarters while new transit facilities were being established. Similarly, at the hotspots in Lampedusa, children do not receive adequate care or protection, as the centre is not adequate for stays beyond a few days. In some German cities, unaccompanied children have been accommodated in hostels or shelters such as gyms.

Unaccompanied children travelling without their parents but with other relatives are not always considered to be unaccompanied. These children are referred to general reception facilities together with their relatives without prior verification of the family link. This exposes children to increased risks as they may be accompanied by unrelated adults or traffickers pretending to be a family member.

In Austria, the Association of Foster Parents (*Pflegeelternverein*) provides training for future foster parents for unaccompanied children to ensure that more children are placed in foster care.

In many cases, children only access education after significant delays. Considering that many children have not attended school for a long time, the further delay is an unnecessary extension of their exclusion from education. In Bulgaria, none of the unaccompanied children placed in Voenna rampa camp go to school. Children

often only attend language courses and activities offered by volunteers within reception facilities.

Constraints on access to adequate healthcare are also reported as a key challenge in both transit and destination Member States. In Sweden, for example, children's needs are not assessed on time so that they may be accommodated in unsuitable places lacking the necessary care. In most Member States, there is no evidence of sufficient psychological support, counselling and rehabilitation services to address trauma or other mental health and psychological needs.

Child disappearances

To ensure their best interests, reception facilities need to have specific safeguards in place for children's safety (Articles 18, 22 and 23 of the Reception Conditions Directive). They should also effectively prevent and respond to disappearances of children. However, accommodation centres, particularly those used in the first reception phase, usually have no effective measures in place.

FRA data further show high rates of unaccompanied children going missing from first reception facilities. This concerns transit, as well as typical destination countries such as Sweden, where one in four children allegedly disappear from their accommodation. Disappearances are also particularly high in Italy and Austria. In Slovenia, an estimated 80 % of children disappear from the open Asylum Home. In contrast, the number of unaccompanied children who disappeared from reception facilities in Greece has decreased in February.

When unaccompanied children go missing, guardians, if appointed, are often informed swiftly. Although in most Member States a report will be submitted to the police, there is no evidence that a tracing procedure is initiated in all cases or that any follow-up action take place. In Bulgaria, for example, it has been reported that no tracing will take place in such cases; however, the missing child's data will be entered into SIS II.

Despite the increased number of missing unaccompanied children, no comprehensive and only a few concrete measures are in place to prevent disappearances or facilitate tracing, e.g. through fingerprinting or taking photographs.

In Croatia, for instance, photos are taken of all children, but fingerprints cannot be collected for tracing purposes from children under the age of 14 years. Social workers and NGOs in Slovenia inform children of the potential dangers of human trafficking and other risks to prevent disappearances. In Austria, a special cooperation initiative with the local police is in place to support reporting and tracing procedures, as the number of disappearances from the centre in Traiskirchen is increasing. Some Member States, for example Greece, resort to detaining children pending their transfer to specialised facilities in order to prevent disappearances.

In Sweden, the authorities will conduct a national study on disappearances of unaccompanied children to inform the development of a comprehensive policy and preventive measures.

Family unity

Member States should take necessary measures to maintain family unity and prevent the separation of families (Articles 12, 23.5, 24 of the Reception Conditions Directive). Although the reported number of incidents have decreased, according to data collected by FRA, the risk of family separation remains and has increased at initial registration, during onward transfer and in preparation of return. In Hungary, for example, families are separated when detained, and male members are detained in different premises than women and children.

Changes in transportation (e.g. from busses to trains) and cooperation with NGOs proved positive for maintaining family unity in Slovenia. In Austria, there is still a risk of separation when family members are sent to different locations for registration although persons can wait for family members in specific areas set up at registration. In Croatia, family tracing is initiated immediately when a child is found to be unaccompanied.

In most Member States, NGOs initiate or support family tracing. In Croatia, Red Cross workers, with the support of UNHCR, initiate a family tracing procedure. In Slovenia, Restoring Family Links (RFL) activities at the registration centre in Dobova help to prevent occurrences of family separation. In cases of unaccompanied children in Sweden, the Migration Agency will initiate family tracing to support family reunification of the child with his/her parents or other family members.

Detention

Detention of children should only be used as a last resort. Detention of children that is solely based on immigration-related reasons is generally not in accordance with the child's best interests principle, which must guide all action relating to children (Article 24 of the EU Charter of Fundamental Rights). When children are detained in exceptional cases, specific safeguards must apply (CRC, Reception Conditions Directive, Return Directive).

Primary concerns that arise in the current migration context relate to the following:

- insufficient individual assessment of the necessity to resort to deprivation of liberty;
- none or limited assessment of the child's best interests prior to detention (partly due to the late/lack of appointment of a guardian);
- the type of facility (in cases of prison-like facilities that do not provide for child-specific safeguards).

Table: Reported detention of children for immigration-related reasons, by EU Member State

	AT	BG	HR	DE	EL	HU	IT	SI	SE
At first reception	No	No	No	No	Yes	Yes	Yes	Yes	No
Pending return	No	Yes	Yes	No	Yes	Yes	N/A	Yes	Yes

Source: FRA monthly reports for December 2015, January 2016 and February 2016 (data collected by FRA)

Although unaccompanied children will not be detained in most Member States, detention of children together with their family members often occurs.

In Greece, unaccompanied children are temporarily detained at police stations until they can be referred to a reception facility. Similarly, in Slovenia, unaccompanied children are sometimes first held at the Centre for Foreigners, and in Bulgaria they are detained with their family members. In Hungary, families with children, as well as other vulnerable persons, are held at the detention facility Kiskunhalas without sufficient attention to their special needs (such as psycho-social counselling, educational and child-friendly spaces).