

MIGRATION: KEY FUNDAMENTAL RIGHTS CONCERNS

1.10.2019 → 31.12.2019

QUARTERLY BULLETIN

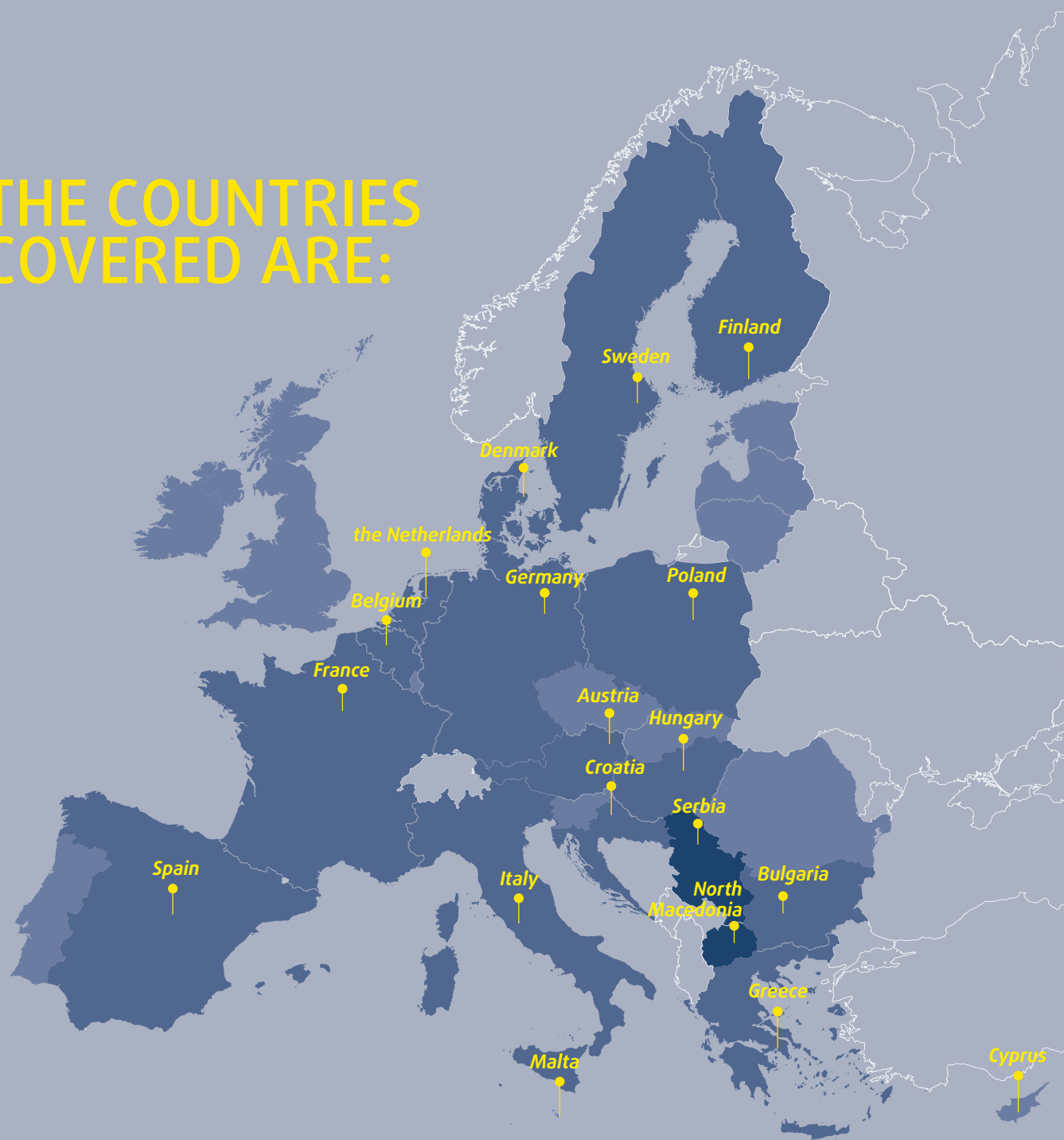
- 3 Key fundamental rights concerns
- 6 Legal developments
- 8 Policy developments
- 9 Situation at the border
- 14 Asylum procedure
- 17 Reception
- 20 Child protection
- 23 Immigration detention
- 25 Return
- 28 Hate speech and violent crime
- 30 Stakeholders interviewed in December 2019



DISCLAIMER: This report is a summary of country reports prepared by the European Union Agency for Fundamental Rights (FRA)'s contracted research network, FRANET. It contains descriptive data based on interviews and desk research and does not include analyses or conclusions. This report is made publicly available for information and transparency purposes only and does not constitute legal advice or legal opinion. The report does not necessarily reflect the views or official position of FRA.

The EU Agency for Fundamental Rights has been regularly collecting data on asylum and migration since September 2015. This report focuses on the fundamental rights situation of people arriving in Member States and EU candidate countries particularly affected by migration. It addresses fundamental rights concerns between 1 October and 31 December 2019.

THE COUNTRIES COVERED ARE:



Note on sources

The evidence presented in this report is based on interviews with institutions and other organisations as indicated in the Annex. In addition, where sources of information are available in the public domain, hyperlinks are embedded to these sources of information throughout the text.

Key fundamental rights concerns

Key emerging fundamental rights concerns

In **Greece**, a **baby died from dehydration** in Moria, illustrating the seriousness of the situation in the overcrowded hotspots.

A government **announcement** about setting up closed reception centres on the Aegean islands sparked several reactions (see the **Council of Europe Commissioner for Human Rights** query and the **response** by the Minister of Citizen's Protection). According to **media**, the mayors of the five Greek islands affected by the new measure issued a joint statement stating that they will not accept closed centres.

In **Italy**, a **new Decree** identified 13 safe countries of origin: Albania, Algeria, Bosnia-Herzegovina, Republic of Cabo Verde, Ghana, Kosovo, North Macedonia, Morocco, Montenegro, Senegal, Serbia, Tunisia and Ukraine. To succeed, asylum applicants from these countries will have to demonstrate that, despite the general level of safety in their country of origin, they would be at risk if returned there. The **Italian Refugee Council** and **The Association for Juridical Studies on Migration** criticised amongst others that vulnerable applicants are not excluded from such a procedure. They also noted the risk for LGBTI applicants, as some of the countries included on the list criminalise same-sex sexual intercourse and do not respect the rights of sexual minorities.

In **Italy**, in **a formal letter** to the authorities, several organisations noted serious gaps in reception conditions resulting from the prolonged stay of third-country nationals awaiting relocation at the hotspot in Messina (Sicily). A **report** by the association Melting Pot denounced the poor living conditions in the hotspot of Lampedusa, where survivors of a shipwreck endured deplorable hygienic conditions. Unaccompanied children were accommodated together with adults. **The European Court of Human Rights asked the Italian Government** to provide clarifications about the living conditions in the centre and the facility's adequacy for hosting children.

In **Cyprus**, according to the Asylum Service, **asylum applications** have been on the rise over the past four years, almost doubling every year: from 2,936 applications in 2016, to 4,582 in 2017, and 7,761 in 2018. The statistics for 2019 have not yet been published, but the Asylum Service reported that it received 13,200 asylum applications, the highest number ever recorded. This led to delays in access to reception conditions and in the processing of asylum applications, as only five persons can be screened per day. Newly arrived asylum applicants have to stay for weeks in a camp originally intended for short-term stays only (up to 72 hours). Asylum applicants sleep in tents. Sometimes adults and unrelated children stay together in common areas, the Refugee Council reported.

In **Hungary**, the number of irregular border-crossing attempts through the Tisza river, which forms the 4 km border between Hungary and Serbia, has increased. The **army deployed personnel and equipment to the Tisza river** to support police patrolling vessels in the border area.

In numbers

Immigration detention is on the rise in **Malta**, with some 1,400 asylum seekers held, **according to UNHCR**. Some people **are detained for up to 100 days**.

In numbers

In **Cyprus**, **asylum applications** have almost doubled every year over the past four years: from 2,936 applications in 2016; to 4,582 in 2017; 7,761 in 2018; and 13,200 in 2019.

In **Croatia**, the NGO Centre for Peace Studies warned about an escalation of police violence at the borders and in the country after police shot two migrants, causing serious injuries and possibly permanent disability in two incidents. According to the **Ministry of Interior**, in the first incident, the police officer tripped while shooting in the air, accidentally wounding the migrant. The news portal Guardian **published the testimony** of another migrant. It significantly differs from the Ministry's official statement, claiming that the police surrounded a group of migrants, pushed them to the ground and started beating them. When some migrants tried to escape, the police started shooting, wounding one of them. In the second incident, according to the news portal **Jutarnji**, the policer claimed that the shooting was provoked by the wounded migrant.

In **Austria**, the **Constitutional Court** deemed unconstitutional two provisions of the 2019 **Basic Act on Social Support** (*Sozialhilfe-Grundsatzgesetz*). One provision makes social assistance partly dependent on the beneficiary's ability to be placed in the Austrian labour market. Such ability is assumed only when the person speaks German at B1 level or English at C1 level. The court also deemed unconstitutional the law's reduction of social assistance allowances for families with several children (based on a regressive approach: 25 % of the allowance for the first child, 15 % for the second child and 5 % for any further child).

In **Spain**, the number of arrivals to the Canary Islands increased consistently during the past year, causing the reception system to collapse. As reported by the **Ministry of Interior**, 2,698 people arrived in 2019, more than double the number in 2018, when 1,307 people arrived.

In **North Macedonia**, the **media** reported that a 15-year-old boy from Afghanistan died a few weeks after suffering an electric shock on the railroad while trying to transit through the country by freight train.

Key persisting fundamental rights concerns

In **Greece**, in November 2019, seventeen NGOs addressed a **letter** to the UN High Commissioner for Refugees. It denounces gaps in access to the asylum procedure; inadequate protection of unaccompanied children – for example, by continuing the practice of keeping unaccompanied children in police stations; and sub-standard reception conditions on the Eastern Aegean islands. Several NGOs, including MSF and Amnesty International, held a **press conference** highlighting gaps in access to healthcare.

In November 2019, **Italy** extended the 2017 Memorandum of Understanding (MoU) with Libya on the control of migration flows in the Mediterranean Sea, despite the opposition of several NGOs, who **requested** the Italian government to end it. According to **media**, the Italian government informed the Libyan government that it intends to introduce some amendments to the MoU to improve living conditions in Libyan detention centres and to gradually replace them with facilities managed by the United Nations.

In **Malta**, material conditions in open reception centres and in the Safi Barracks detention facility remained substandard, leading to several riots during the reporting period. Serious concerns include overcrowding, very poor hygienic conditions and the lack of mental health care, the Office of the Commissioner for Children, several NGOs and **various media sources** reported. Another persisting concern was the exclusion of subsidiary protection status holders from family reunification and the excessive length of such procedures.

In **Cyprus**, according to UNHCR, the nature and extent of state assistance to asylum seekers and refugees is not adequate to ensure a dignified standard of living. The **rental allowance of the welfare services** for asylum applicants is not sufficient for suitable accommodation, leading many applicants to destitution and homelessness.

Human smuggling remained a concern in **Hungary**. According to the Police, between October and December 2019, the authorities placed into custody 42 alleged human smugglers – an increase compared to the previous period. In most cases, people were smuggled in the **cargo space of trucks or minivans**, as well as **cargo wagons of trains** crossing the border from Serbia and Romania. The police stated that, during the reporting period, criminal proceedings were initiated against 106 people who were suspected of document forgery when trying to enter Hungary from Serbia and Romania.

In **Croatia**, according to the Centre for Peace Studies, during its staff's monthly visits to Bosnia and Herzegovina (October, December 2019), refugees continued to report police violence and abuse, and said they were denied access to the Croatian asylum system. The Centre for Peace Studies emphasised that a rising number of unaccompanied children have allegedly been beaten by the Croatian police.

In **Poland**, many asylum seekers and other migrants continued to end up in immigration detention because of poorly functioning identification and referral mechanisms, the NGO Association for Legal Intervention reported. This occurred even though Polish **immigration** and **asylum law** forbids detaining victims of violence.

The **Ombudsman confirmed** in **Poland** that authorities, applying administrative procedural law, continued to classify as "secret" several files concerning asylum. This allows authorities to deny applicants and legal representatives access to these documents in legal proceedings. This practice affected primarily Chechen asylum seekers whose applications were rejected and who were then subject to return to Russia. The Supreme Administrative Court, in a **case quashing the Voivodship Administrative Court's judgment** for procedural flaws, confirmed that the meaningful exercise of the right to defence is guaranteed by the court itself, since it has full access to the classified files.

A key persisting concern in **Sweden** is related to the **law on temporary restrictions for granting residence permit to refugees and limiting family reunification**, which remains in force until July 2021, as the Swedish Refugee Law Centre reported. Another persisting issue was the growing number of rejected asylum seekers who go into hiding, according to the Swedish Association of Local Authorities and Regions.

In **Serbia**, the implementation of the "safe third country" concept, as well as the interpretation of the best interests of the child principle, remained inconsistent in practice, the NGO Belgrade Centre for Human Rights reported. Other persistent concerns included the lack of information on asylum seekers' rights and duties.

Legal developments

Case law of the Court of Justice of the European Union (CJEU)

In a preliminary ruling requested by a court in **Belgium (C-233/18 – Haqbin)**, the CJEU ruled on the sanctions applicable to asylum applicants for serious breaches of the rules at an accommodation centre. The case concerns an Afghan unaccompanied child in Belgium. After having been involved in a fight in the reception centre, the applicant was excluded from material support for 15 days. Referring to Article 1 of the EU Charter of Fundamental Rights, the CJEU noted Member States' duty to ensure, continuously and without interruption, a dignified standard of living to international protection applicants. The court found that excluding applicants from housing, food or clothing is incompatible with the principle of proportionality, and emphasised the need to pay particular attention to unaccompanied children's vulnerability.

In a preliminary ruling requested by a court in **Germany (C-540/17 and C-541/17 – Hamed and Omar)**, the CJEU interpreted the Asylum Procedures Directive (2013/32/EU) concerning the inadmissibility of applications when another Member State has already granted international protection status. In this case, German authorities declared inadmissible the application of two Syrian nationals because they had already obtained refugee status in Bulgaria. The court found that, given the absolute nature of Article 4 of the EU Charter of Fundamental Rights, when living conditions in the country in which the asylum status has been granted would expose the applicant to a risk of inhuman and degrading treatment, Member States must refrain from rejecting the subsequent application.

A preliminary ruling requested by a court in **Hungary (C519/18 – TB)** concerns the refusal to grant a residence permit to a refugee's sister, who suffers from mental illness, because she failed to prove that she is unable to provide for her own needs due to the disease and thus dependent on her sibling. The court noted that Member States do enjoy a certain margin of appreciation in introducing additional conditions to those set out in the Family Reunification Directive (2003/86/EC). However, to comply with Article 7 of the EU Charter of Fundamental Rights, they must guarantee a case-by-case assessment of whether or not the material support is actually provided by the refugee. Family reunification must not be refused automatically on the basis that the mental illness at issue is considered as not establishing a relationship of dependence.

In a preliminary ruling requested by the Council of State in the **Netherlands (C-380/18 – E.P.)**, the CJEU interpreted the meaning of "threat to public policy" under the Schengen Borders Code (Regulation (EU) 2016/399) as not explicitly requiring the personal conduct of an individual to represent a threat. Member States should thus be accorded wide discretion in determining what constitutes a threat to public policy – similar to the EU Visa Code (Regulation (EC) 810/2009).

Case law of the European Court of Human Rights (ECtHR)

In **O.D. v. Bulgaria**, the ECtHR ruled on the expulsion of a Syrian former serviceman on the grounds of national security. Considering the Syrian humanitarian situation and the applicant's individual risk of facing degrading and inhuman treatment following his alleged desertion from the Syrian army, the court concluded that the applicant's expulsion would have breached Articles 2 and 3 of the European Convention of Human Rights (ECHR). The court also found a violation of the right to an effective remedy (Article 13) given the domestic court's failure to assess the overall situation in Syria, the absence of a review of the lawfulness of the expulsion in the asylum process, and the unavailability of other legal remedies.

N.A. v. Finland concerns a violation of Article 2 (right to life) and Article 3 (prohibition of torture and inhuman and degrading treatment) of the ECHR owing to a decision to return the applicant's father to his country of origin, Iraq, where he was subsequently killed. The ECtHR held that national authorities failed to fulfil their obligation to properly assess the risk of ill-treatment, to accurately assess the overall situation in Iraq, and to take sufficiently into account past attempts to kill that person. Following the ECtHR judgment, the **Finnish Immigration Service** announced a review of about 500 asylum decisions to identify similar cases; and **the Finnish Minister of Interior** announced a new project starting in April 2020 aimed at assessing the impact of the changes made to the asylum policy between 2015 and 2019.

In **M.D. v. France**, France allegedly left an unaccompanied child from Guinea in a precarious material situation. The applicant claimed that once he lost his accommodation, national authorities did not support him in finding another adequate solution, so that he ended up sleeping on the street. The ECtHR found that the authorities immediately appointed a guardian – once the domestic court recognised the applicant as a child – to provide all the necessary assistance. Thus, national authorities did everything that could reasonably be expected to fulfil their obligation to assist and protect unaccompanied children and no violation of Article 3 of the ECHR occurred.

In **Ilias and Ahmed v. Hungary**, the Grand Chamber of the ECtHR ruled on the detention in the Röszke transit zone of two Bangladeshi asylum seekers and the lawfulness of their expulsion to Serbia. Since national authorities failed to properly assess the real risk of being denied sufficient guarantees in Serbia, in particular access to asylum procedures and the risk of being deported to Greece, the court found their removal violated Article 3 of the ECHR. The court noted that the applicants entered the transit zone on their own will, that the restriction on their freedom of movement was necessary to examine the asylum application, that the applicants could leave the transit zone towards Serbia and there was no direct threat to their life. It thus concluded that the situation did not amount to a deprivation of liberty within the meaning of Article 5 of ECHR.

Infringement procedures

The European Commission issued a “**reasoned opinion**” as a next step in the **infringement procedure** against **Hungary** for non-provision of food in the transit zones. The Commission believes that “compelling returnees to stay in the Hungarian transit zones amounts to de facto detention”, hence not providing food in these circumstances does not respect obligations under the Return Directive (2008/115/EC) and Article 4 of the EU Charter of Fundamental Rights. Failure to comply with the relevant provisions of EU law would result in the case being referred to the CJEU.

National legal developments

In **Greece**, a new law on asylum, the **International Protection Act**, introduces a number of changes. Greek police and army personnel may, in exceptional cases, conduct asylum interviews, a task so far limited to specialised asylum agencies. The law extends the maximum duration of detention of asylum seekers from three to 18 months. It also allows the examination of unaccompanied children's asylum claims under accelerated procedures. Moreover, the new law removes the automatic suspensive effect of appeals for claims dismissed as manifestly unfounded, inadmissible or rejected in the accelerated procedure under certain categories. Asylum applicants will have to wait six months before they are allowed to work, whereas previously they could start working immediately.

Bright spots

In **Bulgaria**, the government adopted **amendments to the implementing Regulation of the Foreigners in the Republic of Bulgaria Act**. The changes aim to improve the situation of unaccompanied children who have not applied for international protection. In an **official opinion** on the draft, UNHCR Bulgaria positively evaluated the proposed changes, describing them as ‘further clarifying the procedure for issuing extended residence permits to unaccompanied children, which will help enhance their protection’.

UNHCR and the **Greek Ombudsman** questioned the compatibility of the new law with EU and international law, and criticised its negative impact on administrative burden.

In **Finland**, the **Constitutional Law Committee of the Parliament** issued an opinion on the **proposal on the Personal Data Act in the Field of Immigration**. The instrument would allow the Finnish Immigration Service to issue decisions with the support of algorithm-based data processing, but does not exclude the possibility of human intervention. Automated decision-making could be used, for example, for residence permits, but not for asylum applications. The Committee recommends changes to the draft legislation, including the identification of specific conditions under which automation may be used and the publication of algorithms used.

In **France**, the Prime Minister adopted a set of measures affecting the social rights of asylum seekers; **13 NGOs** criticised these. One **decree** introduced a three-month waiting period for asylum applicants before accessing universal health care (by default, they will only have access to emergency health care). Another **decree** reduced the duration of universal health care coverage from 12 months to six months for rejected asylum applicants.

In **Germany**, the Law on Toleration for Apprenticeship and Employment (***Gesetz über Duldung bei Ausbildung und Beschäftigung***) came into force. The law entitles third-country nationals and their spouses with a ‘toleration’ status (*Duldung*) to extend this status as long as they are in vocational training or in employment. Toleration status is a temporary protection permit granted to rejected asylum applicants whose deportation has been temporarily suspended. The work permit is only granted if they entered Germany before 1 August 2018, their identity is clarified, they have been tolerated for at least 12 months, they have been employed for at least 18 months, and they speak sufficient German.

Policy developments

In **Italy**, several associations, including the **Association for Legal Studies on Immigration**, launched a public campaign to reform the Italian legislation on immigration and asylum. They advocate for the reintroduction of the humanitarian protection status, the possibility for asylum applicants to register in local civil registries, and for allowing asylum applicants to be accommodated in second-level reception facilities (now open only to protection status holders). Moreover, it calls for the end of disembarkation in Libya of people rescued at sea.

In **France**, the Interministerial Committee on Immigration and Integration published a strategic document entitled “**20 measures to improve our immigration, asylum and integration policies**”, to govern the country’s migration policy in the coming years.

In **Belgium**, a **bill** was submitted to the parliament aiming to increase the financial requirements for family reunification and curtailing certain socio-economic rights enjoyed by recognised refugees.

The Public Employment Service in **Sweden** presented a **proposal on the organisation of the so-called ‘intensive year’**, which is part of the induction programme for newly arrived beneficiaries of international protection. The proposed measures are designed to adapt to protection status holders’ individual needs, as well as local and regional needs and conditions.

Situation at the border

Figures and trends

According to **IOM**, 110,669 migrants and refugees irregularly entered Europe by sea (Italy, Malta, Greece, Cyprus and Spain) in 2019. This represents a slight decline (of about 5 %) compared with 2018, when 116,273 individuals arrived. In particular, as reported by **IOM**, 62,445 individuals arrived in **Greece**, 25,731 in **Spain**, 11,471 in **Italy**, 7,647 in **Cyprus** and 3,405 in **Malta**. The number of arrivals decreased in **Spain** (from 58,525 in 2018 to 25,731 in 2019) and in **Italy** (from 23,370 in 2018 to 11,471 in 2019). Meanwhile, the number of arrivals in Greece almost doubled during 2019 (from 32,742 in 2018 to 62,445 in 2019).

As reported by **IOM**, in 2019, the number of fatalities in the Mediterranean Sea decreased: 1,866 deaths were recorded in 2019, compared with 2,299 in 2018.

According to **IOM**, in **Greece** the number of arrivals by sea during the reporting period slightly decreased compared to previous months: 23,865 arrivals in October–December 2019, compared with 24,173 arrivals in July–September 2019).

In **Spain**, according to **IOM**, the number of arrivals by sea reached 3,667 in October 2019. This is the highest peak since January 2019, when 4,104 people arrived.

Risk of *refoulement*

According to **German media**, as of 1 November 2019, **Greece** had pushed back 58,283 migrants to Turkey in the Evros region in 2019. Greece denies the allegations.

In **Croatia**, the Ombudsperson's Office, the Red Cross and the Centre for Peace Studies report about daily testimonies of violent pushbacks. According to **media reports**, the police in Zagreb apprehended two Nigerian students who came to Croatia for a table tennis competition and informally brought them to Bosnia and Herzegovina.

In **Hungary**, the number of people apprehended close to the **Ukrainian** and **Romanian** borders also grew. According to the National Headquarters of the Police, these persons were escorted back to the Hungarian-Serbian border. Authorities do not register and fingerprint these people prior to escorting them to the border, nor do they record them as new arrivals or asylum applicants in the official statistics. The police in Hungary also prevented more than 1,813 people from crossing the border into Hungary via the border fence (a significant increase compared to the previous period), according to the **National Headquarters of the Police**.

In **Poland**, refusing entry for asylum seekers at the land-border crossing point of Terespol (at the border with Belarus) remained a major concern, several NGOs reported. To protest against this persisting issue, a **coalition of NGOs installed a large banner** at the border crossing point stating, "We are sorry – Border of human rights". The Border Guard continued to refute these allegations and stated that asylum seekers have full access to the asylum procedure at the Polish border crossing points.

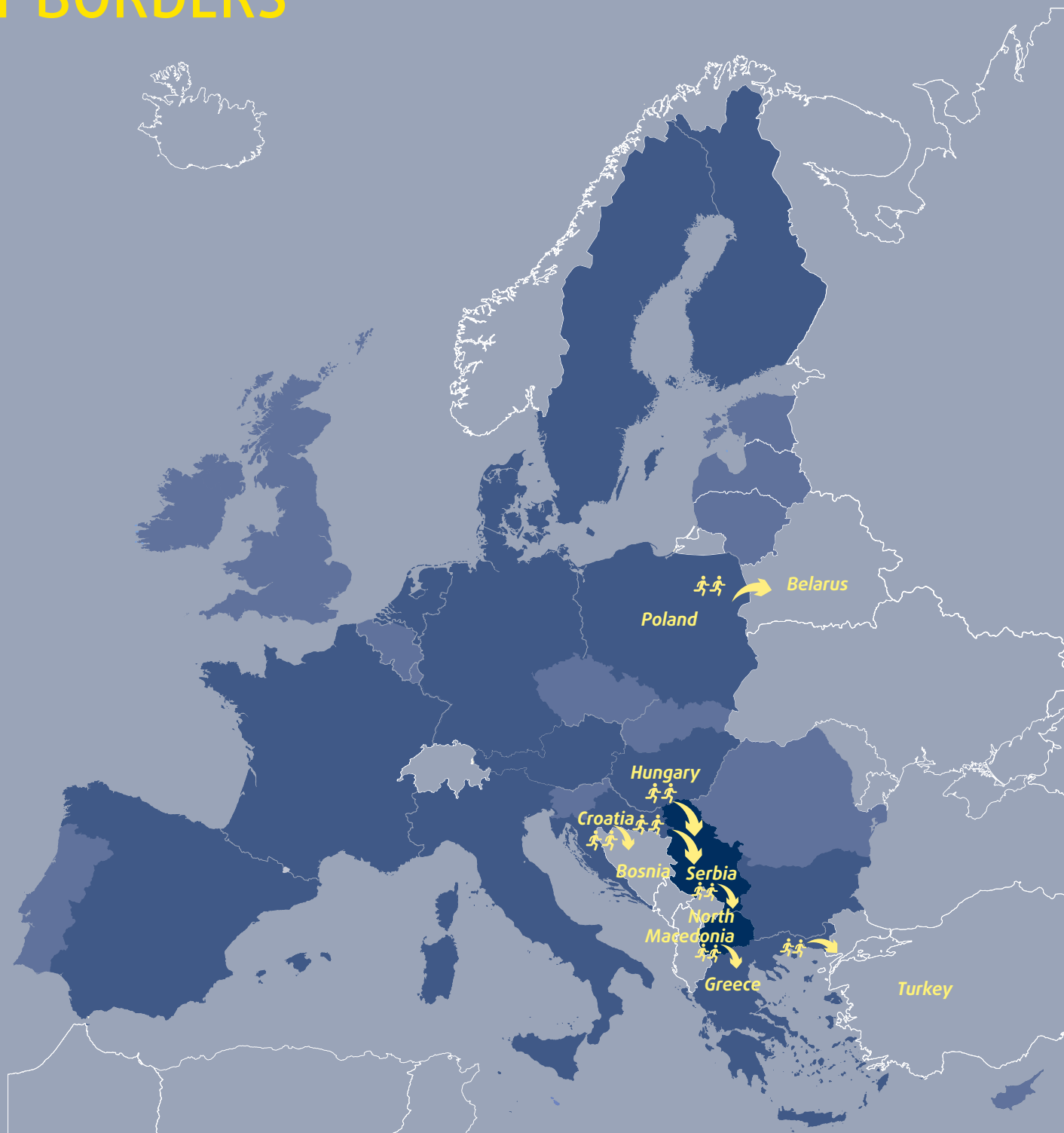
In **North Macedonia**, according to the Ombudsperson, NGOs Legis and EUROTHINK and a **report** of the Macedonian Young Lawyers Association, the practice of collective expulsions at the border with Greece continues. Some of the migrants, who are found by the police near the Greek border, are being brought to the Reception-Transit Center Vinojug and then returned to Greece



In numbers

In **Serbia**, the risk of *refoulement* at the borders remained high. In the reporting period, UNHCR documented 163 alleged pushbacks from Serbia to North Macedonia. The NGO Belgrade Centre for Human Rights reported that, in 2019, at least 23 people were denied entry at the Belgrade international airport while seeking asylum.

REPORTED INCIDENTS OF UNLAWFUL REFUSAL OF ENTRY AT BORDERS



Note: Unlawful refusals of entry at airports are not included.

Source: FRA, 2019

without respecting any formal procedure for readmission. According to **the Macedonian Young Lawyers Association**, as of October, 17,474 migrants were returned to Greece without respecting the legal procedures in 2019. The NGOs Macedonian Young Lawyers Association and NGO Legis argue that the individual circumstances of each migrant were not taken into consideration and they were not given the opportunity to apply for asylum.

Search and rescue (SAR)

In **Italy**, **media** reported that the Libyan Government adopted a Decree governing SAR operations in the Mediterranean Sea. According to the Decree, translated and released by the Italian NGO "Arci", vessels operating in the Mediterranean Sea must request authorisation by the Libyan authorities to conduct search and rescue, inform the authorities about their activities and not interfere with SAR operations conducted by the Libyan Coastguard.

In **Italy**, according to **data published by the Ministry of the Interior**, 392 asylum applicants were relocated to other EU Member States in the period September–December 2019. A further 100 applicants will be relocated to Germany in the first half of January 2020.

According to IOM **Malta**, a key concern is the insufficient capacity of the Immigration Police and the Armed Forces to identify vulnerable persons, such as victims of human trafficking, among newly arrived migrants and refugees.

In **Germany**, in an answer to a parliamentary question, the **Federal Government** stated that, from June 2018 until 15 October 2019, 227 rescued persons were transferred from Malta and Italy to Germany.

In **Spain**, the **Ceuta Court dismissed the Tarajal case** for the third time. It concerns 16 Civil Guard officers accused of involuntary manslaughter and failure to render assistance for the death of 14 migrants who were swimming to Ceuta in February 2014.

The **NGO Association for Human Rights of Andalusia** criticised a Ceuta court's decision to sentence to one year and six months of imprisonment nine people accused of leading the climb of 602 sub-Saharan migrants over the Ceuta fence in July 2018. The court imposed the sentences for public disorder and due to the minor injuries suffered by 18 Civil Guard officers.

The **Ministry of the Interior in France stated** that the cooperation between the French and British authorities intensified to tackle the increasing number of irregular crossings of the Channel by migrants using small boats. According to the **Ministry of the Interior** and the **Prefecture of Pas-de-Calais**, two Iraqi migrants were found dead on the beach by the town of Le Touquet in October.

Challenges at land and air borders

The police in **Hungary** apprehended 6,621 migrants in an irregular situation during the reporting period. They were hiding in **trucks**, cars and **trains**, as well as in **fields close to the border with Serbia**. **Underground tunnels** were also discovered along the border fence at the Hungarian-Serbian border.

In **France**, eight country-wide NGOs and 36 local associations working along the Franco-British, Franco-Italian and Franco-Spanish borders **called for setting up a parliamentary committee of inquiry** to ensure that migrants' and refugees' fundamental rights are respected at internal borders. **According to these NGOs**, fundamental rights concerns include the destruction of shelters, restricted access

Legal corner

The principle of *non-refoulement* is the core element of refugee protection and is enshrined in international and EU law. Article 33 (1) of the 1951 Refugee Convention and the authentic interpretation of Article 3 of the European Convention on Human Rights (ECHR) prohibit returning an individual to a risk of persecution, torture, inhuman or other degrading treatment or punishment. EU primary law reflects the prohibition of refoulement in Article 78 (1) of the Treaty on the Functioning of the EU (TFEU) and in Articles 18 and 19 of the EU Charter of Fundamental Rights.

Bright spots

The **Berlin Senate Department for Integration, Labour and Social Affairs** reported on the reception of 37 rescued persons and the initiation of their asylum procedures. The city of Berlin is part of an alliance, called 'safe havens', with about 60 other municipalities in Germany.

Bright spots

In **Spain**, **media** reported that the removal of the barbed wire on the border fences of Ceuta has started.

to asylum, lack of healthcare and social assistance, inadequate protection for unaccompanied children, systematic push-backs, and harassment by the police of those who provide humanitarian assistance to people on the move.

Courts in **Serbia** convicted almost 1,900 people in the first nine months of 2019 for irregular border crossing and unlawful entry, according to the statistical data provided to the NGO Belgrade Centre for Human Rights. This raises concerns in light of the obligation not to penalise asylum seekers for unlawful entry under the 1951 Refugee Convention.

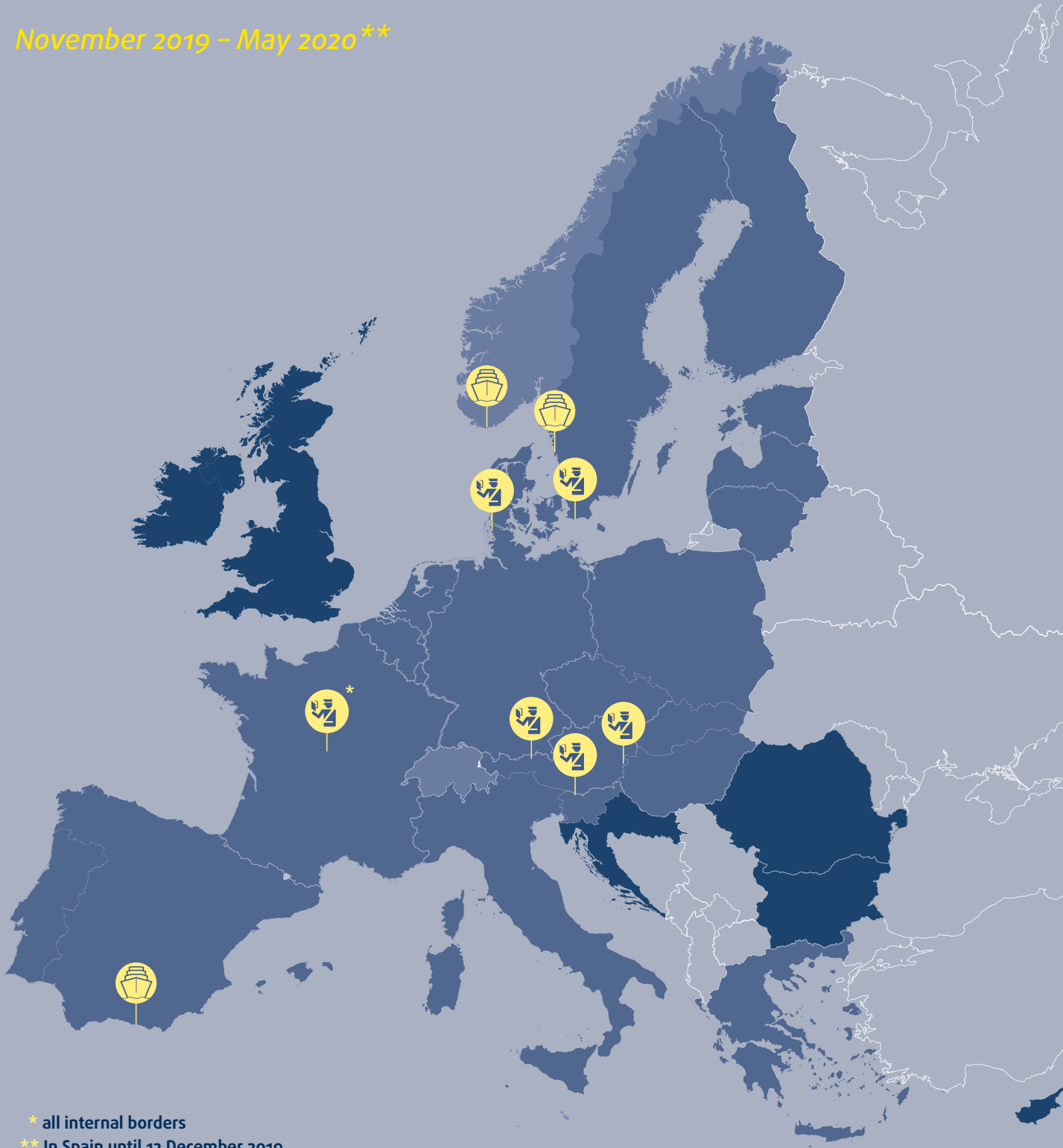
In **North Macedonia**, the Parliament extended the “state of crisis” on the northern and southern border to 30 June 2020. This provides the legal basis for a coordinated approach in migration management, mobilisation of additional resources, and the involvement of the army in securing the state border.

Border controls

Austria, **Denmark**, **Germany** and **Sweden** **prolonged** internal border controls in the Schengen area until 12 May 2020, and **France** did so until 30 April 2020. Meanwhile, **Spain** introduced controls for two weeks around the UN Conference on Climate Change, ending on 12 December 2019.

THE SCHENGEN AREA

November 2019 – May 2020**



* all internal borders

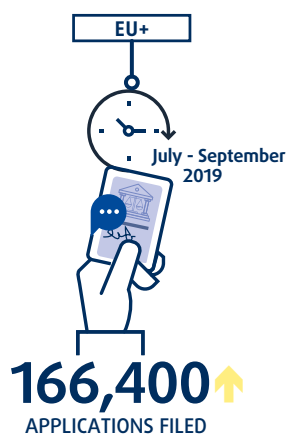
** In Spain until 12 December 2019

- Schengen EU Member States
- Non-Schengen EU Member States
- Schengen Non-EU Member States



Controls at land-border crossing points

Controls at ports



Asylum procedure

Figures and trends

According to the **Eurostat Asylum quarterly report**, in July-September 2019, the number of first-time asylum applications in Europe amounted to 166,400 (12 % more compared with the same period in 2018). **Germany** ranked first with 37,255 first-time applications (22 %), followed by **France** with 30,460 (18 %), **Spain** with 25,810 (16 %), and **Greece** with 17,640 (11 %). Compared with the population of each Member State, the highest rate of applicants was in Cyprus (3,305 first-time applicants per million population), followed by Malta (2,691) and Greece (1,645). Most applications were filed by Syrians, Afghans and Venezuelans, with 20,950, 14,395 and 9,640 applications filed, respectively. In the third quarter of 2019, 143,105 asylum decisions were issued, 41 % of which were positive.

According to UNHCR, the total number of asylum applications in **Spain** during 2019 was **118,264**, representing an increase of 112 % in comparison with 2018, when **55,668** applications were lodged.

In the **Netherlands**, the number of applicants from Moldova significantly increased. According to the **Immigration and Naturalisation Service**, the total number of asylum seekers from Moldova in 2019 (excluding December) was 1,219, compared with 852 for all of **2018** and 340 for all of **2017**.

During the reporting period, 3,883 persons, including 253 unaccompanied children, expressed their intention to seek asylum and submit an asylum application in **Serbia**, according to UNHCR data. However, only 62 persons actually submitted asylum applications. During the same period, only three applications were positively decided: two Afghani nationals received refugee status, while one Iraqi got subsidiary protection, according to the Asylum Office.

Access to asylum procedures

In **Greece**, a new **report** by the NGOs Greek Council for Refugees and OXFAM stressed the severe, chronic lack of lawyers and lack of access to critical information in the overcrowded ‘hotspots’ in the Greek islands, where only two out of 100 appeal cases are supported by a lawyer.

In **Malta**, lack of access to information in languages that asylum applicants can understand remained a challenge, according to IOM Malta and the African Media Association Malta. Access to provide legal aid in reception and detention centres was also restricted, the NGO KOPIN reported.

In **Cyprus**, according to UNHCR and the Cyprus Refugee Council, the information provided by authorities to asylum applicants is vague and does not offer practical guidance on how to access reception facilities and other rights. Often, **information** is available only in Greek and English. UNHCR reported long delays in the processing of asylum applications, some of which are pending since 2012. There is no system of certification of interpreters used in the asylum procedure. Access to legal aid is cumbersome, as the applications must meet a ‘means and merits test’, according to **KISA** and the Cyprus Refugee Council. A typical example is a recent **court decision** that rejected an application for legal aid because the applicant was unable to convince the court of the merits of his case.

FRA activity

Right to information: guide for authorities taking fingerprints for EURODAC

FRA published a leaflet to help officers and authorities inform asylum applicants and migrants in an understandable and accessible way about the processing of their fingerprints in Eurodac.

See FRA (2020), **Right to information – Guide for authorities when taking fingerprints for EURODAC**.

According to data provided in interviews by the National Directorate-General for Aliens Policing, roughly only one asylum applicant per working day was admitted to each transit zone in **Hungary**. This has been the case **since the end of January 2018**. In the country, people in need of international protection can only lodge asylum applications in the two transit zones situated along the border with Serbia. Asylum procedures remained very lengthy, since the entry into force of the so-called “**Stop Soros**” legislation in July 2018. According to the asylum authority, this is because officials examine each individual claim thoroughly.

The **Prime Minister in France stated** that reducing the length of asylum procedures remained a priority. He added that the measures implemented so far **did not produce the desired results**: the average processing time was still twelve months, instead of the targeted six months. To speed up the process, the French asylum authority’s (OFPRA) **budget for 2020 envisaged recruiting** 200 additional staff, including 150 protection officers. Also in **France**, the NGO *La Cimade* reported major difficulties in accessing asylum procedures in the Île-de-France region, where **45 % of all asylum applications are concentrated**.

In the **Netherlands**, long waiting periods to access the asylum procedure continue. The Dutch Council for Refugees **reported** about some 8,000 asylum seekers waiting for the start of their asylum procedure, some of them up to one and a half years.

In **Sweden**, the Swedish Refugee Law Centre pointed out that the processing time of appeals against negative asylum decisions before the migration courts remained very lengthy. For instance, the average time an appeal is heard before the Gothenburg Migration Court was some 23 months, which is also linked to the significantly reduced budget of the migration courts, the same NGO added. Another problem was the lack of interpreters and that the quality of interpretation varies, the Swedish Refugee Law Centre and Save the Children reported.

The **UN Committee against torture (CAT)** published a list of issues prior to submission of the eighth periodic report of **Finland**. The list includes the need to provide adequate legal aid to asylum applicants, to respect the principle of non-refoulement, and to develop national mental health policies for refugees.

Family reunification

In **Cyprus**, since 2014, only refugees are entitled to **family reunification**. Beneficiaries of subsidiary protection are not, save in exceptional humanitarian cases. At the same time, according to UNHCR and NGOs, since 2014, most accepted applicants are granted subsidiary protection. Initially, this practice mainly concerned Syrians; recently Somali women fleeing gender-related persecution – for example, female genital mutilation – also received subsidiary protection. According to UNHCR, this type of persecution ought to give rise to refugee status, which encompasses the right to family reunification.

National case law

In **Italy**, the **Ordinary Court of Rome** delivered a judgment in a case concerning 14 Eritrean citizens who were forcibly returned to Libya in July 2009, after being rescued at sea by the Italian Navy, in the wake of an agreement that had been signed between Italy and Libya. According to the court, the return operations were in breach of the right to asylum. The court reaffirmed the fundamental right to access the Italian territory to apply for asylum. The 14 Eritrean citizens have been given financial compensation for the damages suffered because of the return.

In **Croatia**, the Croatian Constitutional Court **ruled** that the Ministry of Interior, the Administrative Court and the High Administrative Court violated Article 3 of the European Convention on Human Rights (prohibition of torture and inhuman or degrading treatment) when rejecting the asylum claim of an Iraqi woman. The woman had suffered serious violence and abuse by several male family members in her country of origin.

In **France**, the **Paris Administrative Court** delivered a judgment in a case concerning various obstacles for asylum seekers to access the telephone service to get an appointment and register their applications. The court found that the restrictions constituted a manifestly serious and unlawful interference with the right to asylum. It therefore requested the Prefect of Police to register the asylum claims of the applicants (23 people) without delay, and ordered the authorities to increase the number of appointments for asylum seekers in Paris. The court also ordered the French Office of Immigration and Integration to resume negotiations with the relevant public institutions to ensure the free-of-charge use of this telephone service.

In the **Netherlands**, the District Court of The Hague **ruled** that a rejected asylum seeker from Morocco, who was detained for more than seven and half months, must be released. According to established case law, if detention exceeds six months, the interest of the foreign national in lifting the detention is in principle more important than the interests of the defendant in continuing it, unless there are contra-indications.

Reception

Reception capacity

Sufficient reception capacity was available in **Austria, Bulgaria, Croatia, Germany, Finland** and **Hungary**.

Reception facilities in **Belgium, Cyprus, France, Malta**, the **Netherlands, Serbia**, and **Spain** remained overcrowded. In **Greece**, they remained severely overcrowded.

The asylum authority in **Belgium** (Fedasil) faced a shortage of reception places. For instance, in mid-November, at least 60 asylum seekers were not granted access to the asylum procedure due to a lack of reception capacity, the NGO Flemish Refugee Action **reported**. To increase capacity, Fedasil opened temporary reception centres in **Spa and Senonchamps** (with a capacity of 116 and 108 places, respectively) in October, and in **Gent** (250 places) and **Zoutleeuw** (130 places) in December.

In **Cyprus**, the capacity of the only reception facility in the village of Kofinou is around 400 persons. This can only host small numbers of applicants. According to **UNHCR**, Cyprus received 74,383 applications between 2002 and June 2019; out of these, 15,946 are pending. Asylum applicants are given only little support, which is not sufficient to find dignified housing.

The reception system in **France** was able to provide accommodation for 107,000 people as of the end of December 2019, according to the government's **"20 measures to improve our immigration, asylum and integration policies"**. According to the NGO *La Cimade*, out of some 170,000 asylum seekers, only 70,000 were housed in the national reception system, mainly because most people wanted to stay in Paris or close to the Channel. As a result, informal camps in the North of France and in Paris persisted, despite regular dismantling operations.

In the northern part of Paris, an informal camp with some 1,600 people had been dismantled; but dozens of people reappeared in the streets a few days later, according to the NGO *La Cimade*. According to the **Prefecture of the Île-de-France region**, authorities partially evacuated a camp located in the 19th arrondissement of Paris, where some **2,000 people were living**. **Municipal authorities stated in the press** that more than 500 asylum seekers, including families, were thus channelled into the national reception system.

In **Greece**, according to information published in January by **the General Secretariat for Information and Communication**, by the end of December 2019, the numbers of people accommodated in all five Reception and Identification Centres exceeded significantly the centres' official capacity. The total number of persons accommodated in the five hotspots with official capacity of 6,178 was 38,423. The overall number of people staying on all five Aegean islands – both in the hotspots and in other accommodation – was 41,899.

In **Italy**, according to data of the Italian Ministry of the Interior reported in a **report** of the Italian Council of Refugees, as of 30 September 2019, Italian reception centres hosted 99,599 third-country nationals – compared to 105,142 at the beginning of August 2019.

In **Malta**, increased arrivals led to overcrowding, riots and arbitrary detention. In October, a riot occurred at the largest open reception centre in Hal Far, which hosts 1,200 people. This led to temporary suspension of food distribution and the arrest of 107 people, including unaccompanied children, **various media sources** reported.

FRA activity

Eye on integrating young people

FRA published a report on the challenges of young people aged between 16 and 24 who fled armed conflict or persecution and arrived in the EU in 2015 and 2016. The report identifies two critical moments that require more attention: the transition from asylum applicant to a person granted international protection, and the transition from childhood to adulthood upon turning 18. During such transitions, people experience gaps in rights and services, which risk undermining their pathway to social inclusion.

See FRA (2019), **Integration of young refugees in the EU: good practices and challenges**, Publications Office of the EU.

In the **Netherlands**, the Central Agency for the Reception of Asylum Seekers announced in [a news release](#) the need for 5,000 additional reception places in 2020.

Although the overall occupancy rates are not particularly high in **Serbia**, UNHCR reported significant overcrowding in three reception centres for asylum seekers, namely Bujanovac, Kikinda, and Principovac.

In **Spain**, due to the increasing number of arrivals in the Canary Islands, the reception system on the islands collapsed, given that only 200 reception places were available. According to the [media](#), hotel rooms have been booked to accommodate pregnant women and children. The **Minister of Interior** announced the reopening of the Alien Internment Centre of Fuerteventura, which was closed in June 2018.

Reception conditions

In **Greece**, the Diotima Centre for Research on Women Issues published [research](#) on the accessibility of services that address gender-based violence (GBV) for refugees and migrants. According to the report, in 2016, the response to GBV by both the state and NGOs significantly improved compared to 2015.

In **Italy**, according to a [report](#) by the NGOs Openpolis and Actionaid, the **2018 legislative reform** on reception conditions of asylum applicants and protection status holders resulted in a 30 % reduction of funding for the reception system.

The UN Committee against Torture in its 2019 [report](#) on **Cyprus** expressed concern over recurring incidents of gender-based violence, including in the reception and detention centres, and the state's inability to respond to the incidents appropriately. The **Commissioner for the Rights of the Child** expressed concern over automatic suspension of reception services to asylum seekers who turn down job offers. The Refugee Council expressed concerns about the capacity of the **national health system** to deal with asylum seekers, especially trafficking victims.

In **Poland**, according to the government, more than 50 % of all asylum applicants (some 1,746 persons) continued to receive funds for private accommodation (180 EUR). Such private housing arrangements may be authorised by the Office for Foreigners **for safety or family reasons or to prepare asylum seekers for independent living once they get international protection**.

In **Spain**, the Spanish Refugee Aid Commission expressed concerns about the many homeless asylum seekers, including families, due to shortcomings of the reception system. According to UNHCR, the Autonomous Community of Madrid is implementing an emergency plan aimed at providing the city with around 300 additional places.

In **France**, the **Council of State** confirmed the legality of an **interministerial instruction** of July 2019 obliging emergency accommodation centres for migrants to inform the Office for Immigration and Integration about those living there. However, the court set out certain mandatory requirements, in particular that the information collected may only be used for specific purposes exhaustively listed in the instruction and the persons concerned have the right to freely refuse to answer the questions, of which they must be duly informed.

In **Sweden**, the immigration authority adopted a **new interpretative note** on the **Reception of Asylum Seekers Act**: beneficiaries of international protection who are not assigned to a municipality will no longer be entitled to accommodation and daily allowance from the Swedish Migration Agency.

In **Serbia**, the Commissariat for Refugees and Migrations approves individual integration plans for each beneficiary of international protection in the country, with financial assistance (EUR 232 per month, for one year after officially receiving protection status).

Vulnerable persons

In **Spain**, media report that in **Barcelona** a building was designated specifically for the reception of families and children. To cope with the high number of new arrivals, other cities enacted strategies to accommodate vulnerable people.

Legal corner

In **Sweden**, new legislation entered into force in January 2020 **limiting asylum applicants' possibility to arrange their own accommodation**. Under the new rules, asylum applicants who choose to arrange their own accommodation in so-called 'socio-economically challenged areas' will no longer be granted a daily allowance from the Swedish Migration Agency.

Bright spots

Malta set up a Therapeutic Services Unit within **the Agency for the Welfare Asylum Seekers**. It aims to provide better services and support for vulnerable persons, particularly those with trauma and other mental health issues.

Child protection

Figures and trends

In **Greece**, data from the National Centre for Social Solidarity (**EKKA**) shows insufficient capacity of the system to accommodate unaccompanied children. As of 31 December 2019, 5,301 unaccompanied children were estimated to be in Greece, including 486 separated children. This again marks an increase compared to the end of November. Only 1,286 were in appropriate and long-term accommodation (shelters and semi-independent living apartments); 748 were in temporary accommodation ('safe zones' and emergency hotels); 1,809 stayed in Reception and Identification Centres; 195 in 'protective custody', mainly at police stations; 77 at emergency accommodation facilities; and 141 in open temporary accommodation facilities. 1,045 have been reported as living in informal or insecure housing conditions, such as living temporarily in apartments with others, living squats, being homeless and moving frequently between different types of accommodation. The total number of available long-term accommodation places for unaccompanied children in all of Greece is 1,488; for temporary accommodation, that number is 841.

In **Cyprus**, the Social Welfare Services reported that approximately 415 unaccompanied migrant children were in the country in December 2019.

In **Spain**, according to the **Asylum and Refugee Office**, from January to November 2019, almost 20 % of the asylum seekers were children.

In **Belgium**, according to the **Immigration Office**, 510 unaccompanied children applied for international protection in the reporting period. They mainly originated from Afghanistan, Guinea and Syria.

The **UN Convention on the Rights of the Child was officially incorporated into the legal system** of **Sweden** as of January 2020. According to the Swedish Migration Agency, this extra layer of legal protection will contribute to mainstreaming the application of the 'best interests of the child' principle in individual cases.

In **Serbia**, the number of asylum-seeking children slightly decreased, and included 253 unaccompanied children, UNHCR reported. Asylum procedures involving children remained very lengthy, the NGO Belgrade Centre for Human Rights pointed out.

Reception conditions

A **comparative report** on the situation of unaccompanied children in **Greece, Italy** and **Spain** shed light on the shortcomings of the protective systems, which lead to the children's social exclusion as well as to sexual and labour exploitation.

In **Greece**, a **report by ECPAT**, the international network against the sexual abuse of children, highlights how political and socioeconomic factors in Greece have increased children's vulnerability to sexual abuse. Overburdened state services and insufficient accommodation for children put children at risk. In November 2019, among some 5,162 unaccompanied children, 1,246 were living in precarious conditions, being homeless or on the move. Unaccompanied children, especially boys, offer sex services to obtain food, shelter or money to continue their journey. The report also highlights some improvements in Greece's system of care. For example, the Foster Care Law passed in 2018 will enable the development of family-based forms of care for children who cannot live with their families, including unaccompanied children.

Bright spots

In **Italy**, the Ministry of Interior and the NGO 'Save the Children' signed an **agreement**. According to the agreement, the NGO will be entitled to assist migrant children arriving in Italy. It will provide legal information on the asylum procedure, cultural mediation, as well as psychological and social support – both to unaccompanied and accompanied migrant children. A specific phone helpline will also be set up.

In **Cyprus**, the **Commissioner for the rights of the Child** expressed concern over the poor reception conditions for children. The Social Welfare Services reported that five shelters for children operate across the country, all of which are overcrowded and operating above capacity. UNCHR reported that children sleep in halls or take turns sleeping on sofas. There are few activities at the centres and accessing suitable schools is difficult.

As soon as unaccompanied children turn 18, they are forced to leave the shelter and become homeless, with some falling victim to traffickers. The Commissioner for the rights of the Child published a **report** expressing concern over the lack of transition measures to support unaccompanied migrant children who turn 18 to access suitable accommodation, education, training, employment, information and social, psychological and mental health support.

In **Hungary**, unaccompanied children over 14 remain in the Röszke transit zone until their asylum claims are decided upon. Although the authorities **announced at the end of June 2019** that they would close down the children's home near Budapest (in Fót), which hosts unaccompanied children up to 14 years of age, it was still unclear where these children will be placed. The **government emphasised** that care is continuously provided to all children, including asylum-seeking children under 14 years of age, in Fót and the annual budget is secured for the operation of the children's home – although authorities have been continuously examining how to provide care elsewhere.

In **Croatia**, according to the Rehabilitation Centre for Stress and Trauma, the number of newly arriving unaccompanied children is rising. The children continue to be placed in centres for children with behavioural problems. These are not well equipped and lack resources (experience, interpreters) to provide appropriate support and services to unaccompanied children during the asylum procedure.

Safeguards and specific support measures

In **Italy**, the Authority for the Protection of Childhood and Adolescence (*Autorità Garante per l'Infanzia e l'Adolescenza*, AGA) published the **provisional findings of the first monitoring report** on the implementation of Law No. 47/2017, which introduced voluntary guardianship for unaccompanied migrant children. According to the report, which looked into the situation of 11 Italian regions, as of 31 December 2018, 3,029 voluntary guardians were included in the judicial courts' lists: only 505 of them belong to lists that already existed before the law's entry into force; 75.4 % of voluntary guardians are women.

In **Malta**, the Office of the Commissioner for Children reported that children, including unaccompanied children, placed in the Initial Reception Centre lacked adequate facilities for play and leisure. Insufficient privacy was also an issue in some other open centres.

In **Sweden**, the Swedish Association of Local Authorities and Regions reported significant challenges for young asylum seekers who fall under "**the upper secondary education law**" to meet the legal requirements to remain in Sweden while finishing their studies.

In **Finland**, the Central Union of Child Welfare released a **report** on the services available to unaccompanied children and young people during their integration phase. It shows that staff are often not aware of the rights of children to access social services, in particular concerning mental health.

Age assessment

In **Malta**, according to the Office of the Commissioner for Children and IOM Malta, due to the increased number of unaccompanied children among new arrivals, the waiting time for age assessment of such children became very long. IOM also called for a stronger legal framework and mechanisms in place to better respond to the needs of unaccompanied children.

In **France**, the **National Consultative Commission on Human Rights** and the **Public Defender of Rights** issued reports that voice serious concerns about the age-assessment methods used for unaccompanied children, which predominantly rely on bone testing and physical examination.

Immigration detention

Detention capacity

In **Greece**, the Hellenic Police reported that the number of persons in immigration detention during December 2019 was 5,855, out of which 4,260 were asylum seekers. The majority of the detainees originated from Pakistan, Bangladesh and Afghanistan.

Some 100 people were placed in pre-removal detention during the reporting period in **Hungary**, an increase compared to the previous period, according to the data of the National Directorate-General for Aliens Policing and the National Headquarters of the Police. In the same period, according to the same sources, asylum detention (in facilities other than the transit zones) was applied to two Dublin transferees only. At the end of 2019, nine asylum applicants were detained at the Nyírbátor asylum detention facility, according to the National Directorate-General for Aliens Policing. Given that the transit zones at the southern border with Serbia remain the only locations to lodge an asylum application for undocumented protection seekers, and that all migrants in an irregular situation who have been apprehended on Hungarian soil are escorted back to the other side of the border fence, the designated pre-removal and asylum detention centres remained almost empty.

In **Poland**, the capacity (currently 50 places) of the immigration detention centre in Lesznowola – both for returnees and asylum seekers – will be expanded, as authorities approved the construction plan.

The government in **France** **announced the construction of three new pre-removal detention centres**, starting in 2020, with a view to improving the effectiveness of removals. These will be located in Lyon and Bordeaux (with 140 places each) and in Olivet (with 90 places).

In **Sweden**, according to the Swedish Migration Agency, 1,132 migrants in an irregular situation, all adults, were placed in pre-removal detention during the reporting period. Also in Sweden, the Migration Court of Appeal confirmed in a ruling that the maximum detention period for rejected asylum seekers awaiting removal cannot exceed 12 months, as prescribed by the **Aliens Act** implementing the Return Directive (2008/115/EC).

Conditions of detention

In **Italy**, media sources reported of three revolts of migrants detained in Italian Detention centres for return (*Centri di Permanenza per il Rimpatrio*, CPR). These took place in Turin (one in **November**, one in **January**) and in **Trapani**. In the CPR in Turin, detainees set eight housing units on fire and proclaimed a hunger strike to protest against living conditions in the centre, the quality of food, and the insufficient medical assistance.

The UN Committee against Torture (CAT), in its 2019 **report** on **Cyprus**, expressed concern about third-country detainees not being assigned legal aid before initial police interrogations, and legal aid applicants having to argue before a court about their claims' prospects of success before being granted legal aid. The civil society **Report on Immigration Detention in Cyprus (2019)** identifies fundamental rights concerns pertaining to immigration detention, including the absence of a ceiling for the detention period for asylum seekers.

In **Malta**, the Court of Magistrates deemed unlawful the detention of six asylum applicants for over ten weeks because they were suspected carriers of contagious diseases, **media reported**.

In **Poland**, UNHCR published a **mapping report on statelessness** in the country, which called for ending the arbitrary detention of stateless people.

In **France**, the **Controller General of Places of Deprivation of Liberty** highlighted in his report on violence in places of detention that new arrivals in pre-removal detention centres were not provided mental health care.

In **Serbia**, major renovation works of the foreigners shelter located in an ordinary prison at Padisnka Skela continued during the reporting period, according to representatives of the detention centre. This includes refurbishment of rooms, kitchens, mess halls as well as the office space of the administration, to modernise reception capacities at the shelter.

Alternatives to detention

In **Cyprus**, UNCHR and the Cyprus Refugee Council reported that, even though as of 2016 the **law** provides for alternatives to detention, in practice there are few such alternative measures in place.

Detention of children

In **Greece**, detention of unaccompanied children in police stations to implement the authorities' policy of 'protective custody' remains a concern. The NGO Refugee Support Aegean **reported** an interim measure issued by the European Court of Human Rights (ECtHR), ordering Greece to release two unaccompanied children from detention and to transfer them to suitable accommodation. The NGO ARSIS **reported** about a case of three unaccompanied children who had attempted suicide in protest against their long detention under 'protective custody'.

In **Italy**, according to the **media**, 10 Tunisian adults and four children, who had been rescued at sea by the Italian Coast Guard, were transferred to the Detention centres for return (*Centri di Permanenza per il Rimpatri*) of Trapani, pending their return to Tunisia. Italian legislation does not allow children to be detained.

In **Malta**, unaccompanied children continued to be accommodated with adults in immigration detention centres pending their age assessment, the Office of the Commissioner for Children, IOM Malta and several NGOs reported.

In **Croatia**, according to a **report** of the Border Violence Monitoring Network, three unaccompanied children – who were detected when trying to enter Croatia hidden in a van – were beaten at the Bajakovo border-crossing point.

Detention of migrants with their children remained an issue in **Poland**, since authorities do not take into account the best interests of the child while deciding on detention and do not apply detention as a measure of last resort, the NGO Helsinki Foundation for Human Rights reported.

In the **Netherlands**, **UNICEF** reported that, although border detention for children is abolished, in practice accompanied children were still placed in border detention in 2017 (20 children) and in 2018 (10 children 2018). In 2018, the average period in migration detention for unaccompanied children was 21 days, exceeding the official limit (14 days) by 7 days.

In **North Macedonia**, the Ombuds institution and a **report on immigration detention** criticised the detention of unaccompanied children at the detention centre "Gazi Baba". According to the report, children were accommodated together with adults, did not have access to fresh air, and said they were not given the opportunity to make phone calls. The police did not inform them on the reasons for their detention.

Return

Figures and trends

In **Greece**, 2001 people were **returned** to Turkey between April 2016 and 31 December 2019 in the framework of the EU-Turkey Statement. The majority (37 %) are Pakistanis, followed by Syrians, Algerians and Afghani. 45 % of them were returned following a negative decision (at first or second instance) on their asylum claim.

Authorities in **Hungary** carried out 571 removals in the reporting period in application of readmission agreements, according to the data of the National Headquarters of the Police. This represents an increase compared to the previous period (some 380 removals).

In **Austria**, the **Austrian Bar Association** reported that procedures for withdrawing people's asylum or subsidiary protection status were on the rise. The **Federal Minister of the Interior** reported that, in 2018, 5,991 such procedures were initiated. As of August 2019, the number of such procedures was already 5,547 in 2019. The **Austrian Bar Association** reported that some lawyers had the impression that such procedures were sometimes initiated arbitrarily, and that sometimes returns were carried out despite a pending judicial appeal or occasionally even before an appeal could be filed.

In **Germany**, according to the **Federal Office for Migration and Refugees**, the number of initiated revocation review procedures (*Widerrufsprüfverfahren*) significantly increased – from 77,106 in 2017, to 192,664 in 2018, and 190,663 from January to November 2019. Between January and November 2019, 156,301 decisions on revocation review procedures were made, with a revocation rate of 2.9 % (4,537 decisions out of a total of 156,301). As of 30 November 2019, 215,085 revocation review procedures were pending.

Fundamental rights concerns related to return

In **Italy**, the Authority for the Protection of People who are Detained or Deprived of their Personal Freedom (*Garante nazionale per i diritti delle persone detenute o private della libertà personale*) hosted, with the support of the Council of Europe, the first **meeting of the Nafplion Group**, an informal platform of the independent European bodies monitoring Frontex return operations. Besides the Italian authorities, the monitoring bodies of Slovenia, Greece, Cyprus, Spain, the Netherlands, Austria, Portugal and Albania attended the meeting.

In **Cyprus**, the Refugee Council reported a monitoring gap in the field of returns. According to the 2019 **Report on Immigration Detention in Cyprus**, Cypriot judicial practice does not comply with the **El Dridi** principle, as the law criminalises the mere fact of being in an irregular situation. Courts classify the 'failure to comply with an order of removal' as a penal offence.

In **Malta**, according to the NGO KOPIN and **media reports**, detained returnees often lacked access to legal aid from NGO lawyers. The Assisted Voluntary Return and Reintegration Programme was only available for rejected asylum seekers not being held in detention, as the "voluntary" element of the departure could not be otherwise assured, IOM reported.

In **Austria**, the **Alien Police Act 2005** was amended so that rejected asylum applicants in apprenticeships can no longer be returned until they have completed their apprenticeship. The regulation applies for a maximum of four years and is not applicable if the apprentice commits a criminal offense. According to a **media report**, around 800 asylum seekers are affected by this

amendment. **Asylum Coordination Austria** and Caritas Styria criticised the amendment, in particular that applicants can still be returned after they finish their apprenticeship.

In **Spain**, the **Spanish Refugee Aid Commission** reported about the removal of two young Vietnamese girls who had asked for asylum. Even though the Spanish Ombudsman suggested not deporting them given sufficient grounds to believe they were victims of human trafficking, the appeal against the return decision was denied. The Spanish Refugee Aid Commission voiced concern on the decision, pointing out, in particular, the failure to follow the **Protocol for protection of victims of human trafficking**.

The number of removals from **France** to Afghanistan, Sudan and Iraq increased, according to the **NGOs Amnesty International and La Cimade**. The National Assembly ratified a **partnership agreement between the European Union and Afghanistan** that enables France to work towards increasing the number of removals to Afghanistan. The **same NGOs reported** that, in light of these developments, prefectures are currently speeding up the removals to Kabul of Afghani nationals in an irregular situation.

In the **Netherlands**, according to the **Inspectorate for Justice and Security**, an asylum applicant, whose claim was rejected, was arrested and imprisoned upon his return to Bahrain from the Netherlands in 2018. The report is not being made public to protect the person's privacy, but the Dutch Refugee Council had access to the report and **summarised its conclusions**. The report claims that the Immigration and Naturalisation Service failed to investigate the risk facing the asylum seeker.

Return of children

In **Germany**, the Federal Association for Unaccompanied Minors expressed concern about the practice of returning unaccompanied children to their parents or youth welfare facilities in the Balkan region due to the absence of systematic follow-up care.

In the **Netherlands**, **UNICEF** reported about the approach, policies and practices of returning unaccompanied and accompanied children. Besides a number of good practices, the study identifies as problematic that guardians and lawyers are not always present during the return meetings with the Repatriation and Departure Service, and the high case load of guardians. The best interests assessments and best interests determinations of the Immigration and Naturalisation Service are not thorough or multi-disciplinary or well-documented, and do not involve the child, the guardian, or the lawyer. The staff of the specialised team for unaccompanied children at the Repatriation and Departure Service do not receive specific training for communicating and working with children.

In **Sweden**, Save the Children **published a report on returning to Afghanistan**, which focuses on the experience of children (both unaccompanied and with families) and young persons in the return processes. Red Cross Sweden reiterated in an interview that nobody should be returned to Afghanistan in view of the humanitarian and security situation in the country.

National case law

In the **Netherlands**, the **Administrative Jurisdiction Division of the Council of State** held that returns to Greece under the Dublin Regulation, if no legal aid can be guaranteed upon return, can amount to foreseeable ill-treatment constituting a violation of Article 3 of the ECHR or Article 4 of the EU Charter of Fundamental Rights.

In **Poland**, the **Voivodship Administrative Court in Warsaw revoked the decision of the Minister of the Interior and Administration**, which expelled to Russia a former Chechen refugee whose protection status had been withdrawn. The court held that authorities are obliged to examine the necessity to grant tolerated stay to an expelled foreigner even if the person poses a threat to national security.

Hate speech and violent crime

In **Greece**, according to **media reports**, a video was published showing the Mayor of eastern Samos pushing refugees at the island's main square shouting: "they are to leave the island". An **open letter** of 18 NGOs condemned the incident and expressed concern about the impact and visibility of xenophobic behavior in the public space.

In **Greece**, the Racist Violence Recording Network (RVRN) published a **press release** expressing its concern about the increasing number of xenophobic and racist incidents against asylum seekers being transferred from the islands to reception centers. The **media** reported a racist attack at the Municipality of Neapoli-Sykees in Northern Greece against an 11-year-old student from Iran who was about to enter school. Two persons whose faces were covered used a sharp instrument to cut the boy on his hand and threatened him.

In **Italy**, several incidents of hate crime and hate speech were reported in the past four months. For instance, the **media reported** that two local members of the right-wing party "*Fratelli d'Italia*" posted a video on their Facebook profiles. In the video, two politicians show the addresses and names of people of allegedly foreign origins living in social-housing apartments in Bologna, trying to demonstrate that most social-housing dwellings were allocated to third-country citizens. Another case reported by the **media** concerned a Nigerian street vendor who was violently attacked by two men in Florence. Lastly, as reported by the **media**, some patients in a hospital verbally insulted, with both violent and racist language, a crying Nigerian woman who had just been informed about the death of her 5-month-old daughter.

In **Italy**, according to the results of a survey published by international **media**, more than half of the surveyed Italians said that racist acts were either sometimes (45 %) or always (10 %) "justifiable". The survey company conducts the same survey once a year; for the first time in a decade, the majority of those questioned did not condemn racism outright.

In **Cyprus**, aside from the police statistics on racial crime, which suggest serious underreporting, there is no proper monitoring of hate crimes nor an authority to record hate speech.

In **Malta**, following the riots in immigration detention and reception centres in October and November, hate speech against migrants on social media increased, NGOs and **media sources** reported. Meanwhile, the government established a **new unit on hate crime and hate speech**, to inform the general public about these crimes and to assist – both legally and therapeutically – those who have become victims of hate-induced incidents, the **Home Affairs Minister stated in media**.

In **Spain**, several violent incidents occurred in the Hortaleza Child Protection Centre in Madrid. According to **media** reports, a group of Dominicans tried to violently enter the centre after one of them was assaulted by a Maghrebi national hosted in the centre. A few days later, according to the **media**, a group of young Spaniards armed with sticks attacked several young North Africans, injuring two of them. Following these events, the **Spanish Ombudsman** raised concerns about the repeated racist and xenophobic attacks on unaccompanied children. As reported by **media**, following the election campaign of the right-wing political party Vox, several civil society organisations presented a complaint to the Public Prosecutor and the Ombudsman, alleging that the videos disseminated by Vox constitute hate crimes.

Bright spots

In **Italy**, the Senate **approved** the establishment of a Special Committee to Combat Intolerance, Racism, Antisemitism, and Incitement to Hatred and Violence. Its mandate is to monitor, observe, and investigate episodes of intolerance, racism, antisemitism, and incitement to hatred and violence that target social groups because of their ethnic origin, religion, nationality, sexual orientation, gender identity, and other physical or psychological features.

In **Spain**, the Parliament of Navarra adopted a **declaration** on combating hate crimes, focusing in particular on the criminalisation of unaccompanied children.

In **Germany**, the **Federal Government** adopted a catalogue of measures against right-wing extremism and hate crime. It includes an obligation for internet providers to report online hate crime to the German Federal Criminal Office, tightening of the gun law, and the strengthening of prevention programmes against right-wing extremism, anti-Semitism, racism and group-related hate. According to the Federal Government, the 'Criminal Investigation Reporting Service for Politically Motivated Crime' (*Kriminalpolizeilicher Meldedienst Politisch motivierte Kriminalität*) registered, between July and September 2019, 187 '**Islamophobic**', 205 '**anti-Semitic**', and 286 politically motivated criminal offences committed against **asylum applicants/refugees**, and 31 attacks against reception centres.

In **Finland**, the Police University College published its **annual report on hate crimes**. The findings show a 22 % decrease in 2018 in the number of alleged hate crimes in comparison with the previous year. Assault is the most common type of crime and almost 70 % of alleged hate crimes are linked to ethnic or national background.

According to the **results of a survey** conducted in **Serbia** by the Centre for Free Elections and Democracy in June 2019, the general population's overall tolerance towards refugees and migrants is diminishing, particularly in municipalities that host asylum reception centres.

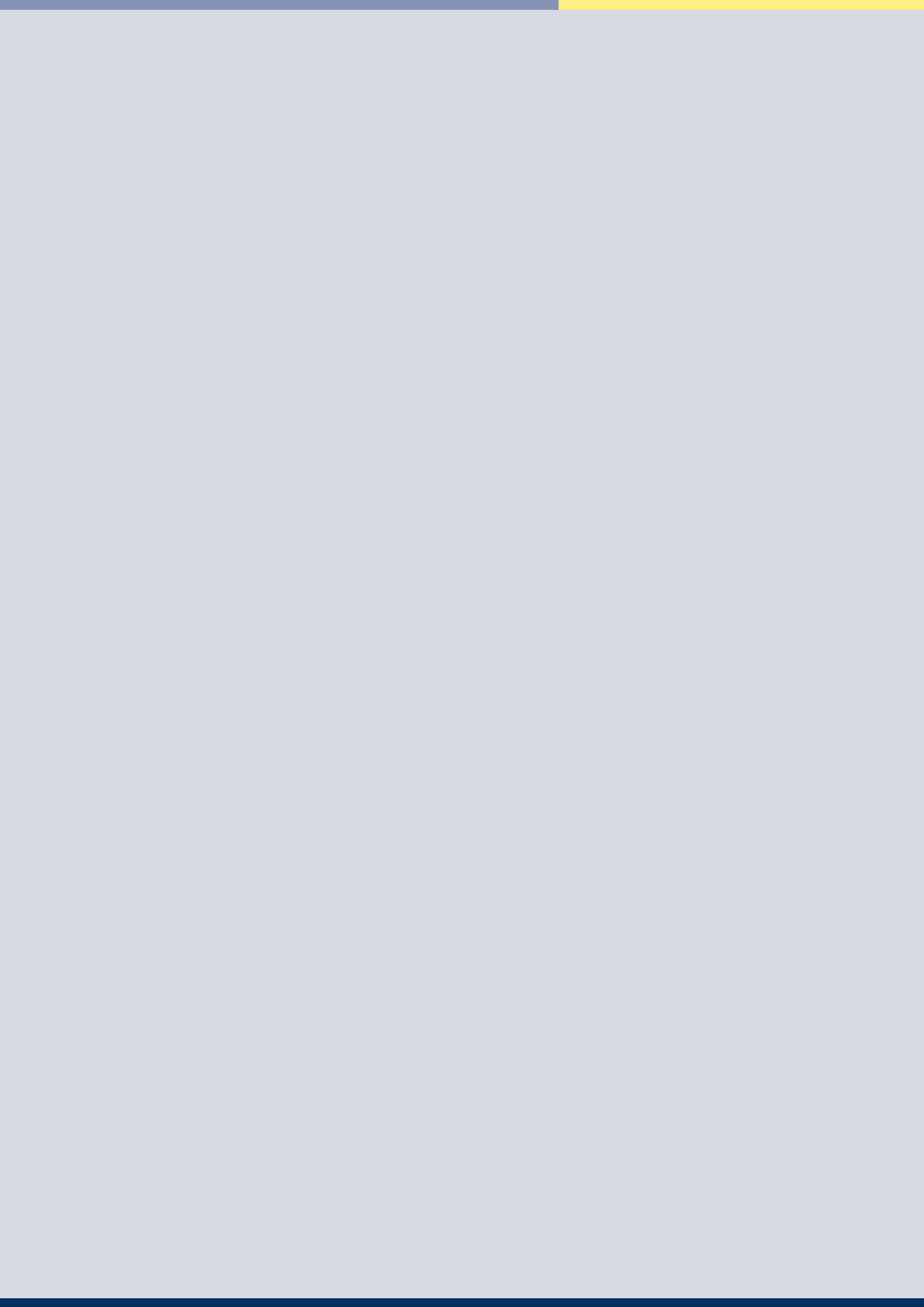
COUNTRY	STAKEHOLDERS INTERVIEWED
AUSTRIA	<ul style="list-style-type: none"> → Federal Ministry of the Interior, Department V/9/a (<i>Bundesministerium für Inneres, Abteilung V/9/a Grundversorgung und Bundesbetreuung</i>); → Federal Ministry of the Interior, Department V/8 (<i>Bundesministerium für Inneres, Abteilung V/8 Asyl</i>); → Federal Ministry of the Interior, Criminal Intelligence Service, Competence Centre for Missing Children (<i>Bundesministerium für Inneres, Bundeskriminalamt, Kompetenzzentrum für Abgängige Personen</i>); → Federal Agency for State Protection and Counter Terrorism (<i>Bundesamt für Verfassungsschutz und Terrorismusbekämpfung, BVT</i>); → Austrian Ombudsman Board (<i>Volksanwaltschaft</i>); → Antidiscrimination Office Styria (<i>Antidiskriminierungsstelle Steiermark</i>); → Caritas Vienna (<i>Caritas Wien</i>); → Caritas Styria (<i>Caritas Steiermark</i>); → Austrian Red Cross (<i>Österreichisches Rotes Kreuz</i>).
BELGIUM	<ul style="list-style-type: none"> → Immigration Office (<i>Dienst Vreemdelingenzaken/Office des Etrangers</i>); → MYRIA – Federal Migration Centre (<i>Federaal Migratiecentrum/Centre Fédéral Migration</i>); → FEDASIL – Federal Agency for the Reception of Asylum Seekers (<i>Federaal agentschap voor de opvang van asielzoekers/ Agence fédérale pour l'accueil des demandeurs d'asile</i>); → Ministry of Justice (unaccompanied refugee children unit); → UNICEF Belgium; → <i>Vluchtelingenwerk Vlaanderen</i> NGO.
BULGARIA	<ul style="list-style-type: none"> → State Agency for Refugees (SAR) (<i>Държавна агенция за бежанците, ДАБ</i>); → Ministry of the Interior, Directorate General Border Police (Mol – DGBP) (<i>Министерство на вътрешните работи, Главна дирекция „Гранична полиция“, МВР – ГДГП</i>); → Ombudsman of the Republic of Bulgaria, National Preventive Mechanism and Fundamental Human rights and Freedoms Directorate (<i>Омбудсман на Република България, Дирекция „Национален превантивен механизъм и основни права и свободи на човека“</i>); → State Agency for Child Protection (SACP) (<i>Държавна агенция за закрила на детето, ДАЗД</i>); → Ministry of the Interior, Directorate General National Police (Mol – DGNP) (<i>Министерство на вътрешните работи, Главна дирекция „Национална полиция“, МВР – ГДНП</i>); → UNHCR Bulgaria (based on weekly updates and other reports); → Bulgarian Red Cross, Refugee Migrant Service (BRC – RMS) (<i>Български червен кръст, Бежанско-мигрантска служба, БЧК – БМС</i>); → Center for Legal Aid Voice in Bulgaria (<i>Център за правна помощ – Глас в България</i>).
CROATIA	<ul style="list-style-type: none"> → Centre for Peace Studies (<i>Centar za mirovne studije</i>); → Croatian Law Centre (<i>Hrvatski pravni centar</i>); → Croatian Red Cross (<i>Hrvatski Crveni Križ</i>); → Ministry of Demography, Family, Youth and Social Policy (<i>Ministarstvo demografije, obitelji, mladih i socijalne politike</i>); → Ombudsperson's Office (<i>Ured pučke pravobraniteljice</i>); → Rehabilitation Centre for Stress and Trauma (<i>Rehabilitacijski centar za stres i trauma</i>); → Society for Psychological Assistance (<i>Društvo za psihološku pomoć</i>).

COUNTRY	STAKEHOLDERS INTERVIEWED
CYPRUS	<ul style="list-style-type: none"> → Asylum Service (Υπηρεσία Ασύλου), Ministry of the Interior (Υπουργείο Εσωτερικών); → Ministry of Justice and Public Order (Υπουργείο Δικαιοσύνης και Δημόσιας Τάξης); → Social Welfare Services (Υπηρεσίες Κοινωνικής Ευημερίας), Ministry of Labour, Welfare and Social Insurance (Υπουργείο Εργασίας, Ευημερίας και Κοινωνικών Ασφαλίσεων); → UNHCR Representation in Cyprus (Αντιπροσωπεία της Ύπατης Αρμοστείας του ΟΗΕ για τους πρόσφυγες στην Κύπρο); → Cyprus Refugee Council (Κυπριακό Συμβούλιο για τους Προσφυγες) (NGO acting as implementing partner of UNHCR, offering legal, social and other assistance to asylum applicants and refugees); → IOM Office in Cyprus (Διεθνής Οργανισμός Μετανάστευσης- Γραφείο Κύπρου); → Kofinou We Care, platform of volunteers servicing the only reception centre for asylum seekers and refugees in Cyprus; → Legal expert of the University of Cyprus (Πανεπιστήμιο Κύπρου) advising the Ministry of Justice and Public Order (Υπουργείο Δικαιοσύνης και Δημόσιας Τάξης) on human rights; → Cyprus Confederation of disability organisations KYSOA (Κυπριακή Συνομοσπονδία Οργανώσεων Αναπήρων ΚΥΣΟΑ); → KISA (Κίνηση για Ισότητα, Στήριξη και Αντιρατσισμό- ΚΙΣΑ) national NGO offering support to migrants and refugees; → Centre for Social Innovation (Κέντρο Κοινωνικής Καινοτομίας), a company implementing projects in the field of migration; → Migration Office (Γραφείο Μεταναστών) of the Pancyprian Federation of Labour PEO (Παγκύπρια Εργατική Ομοσπονδία).
DENMARK	<ul style="list-style-type: none"> → Danish Ministry of Justice (Justitsministeriet), including the Danish National Police (Rigspolitiet); → Danish Immigration Service (Udlændingestyrelsen); → Danish Refugee Council (Dansk Flygtningehjælp); → Danish Red Cross (Dansk Røde Kors); → National Prevention Centre, Danish National Police which is below the Ministry of Justice (Nationalt Forebyggelsescenter (NFC), Rigspolitiet under Justitsministeriet); → UNHCR Regional Representation for Northern Europe; → Amnesty International Denmark; → The Danish Parliamentary Ombudsman (Folketingets Ombudsmand); → SOS Racisme NGO.
FINLAND	<ul style="list-style-type: none"> → Amnesty International Finnish Section; → Central Union for Child Welfare (Lastensuojelun keskusliitto/Centralförbundet för Barnskydd); → Finnish Immigration Service (Maahanmuuttovirasto/Immigrationsverket); → Finnish Refugee Advice Centre (Pakolaisneuvonta/Flyktingrådgivningen); → Parliamentary Ombudsman (eduskunnan oikeusasiamies/riksdagens justitieombudsman); → IOM Finland; → Finnish Border Guard (Rajavartiolaitos/Gränsbevakningen); → Ombudsman for Children (Lapsiasiavaltuutettu/Barnombudsmannen).

COUNTRY	STAKEHOLDERS INTERVIEWED
FRANCE	<ul style="list-style-type: none"> → Ministry of the Interior (<i>Ministère de l'Intérieur</i>); → Maritime Prefecture of the Channel and the North Sea (<i>Préfecture Maritime de la Manche et de la Mer du Nord</i>); → Public Defender of Rights (<i>Le Défenseur des droits – DDD</i>), General Authority and Department for the Protection of the Rights of the Child; → Controller General of places of deprivation of liberty (<i>Contrôleur général des lieux de privation de liberté – CGLPL</i>); → National Association of Border Assistance for Foreigners (<i>Association nationale d'assistance aux frontières pour les étrangers – ANAFÉ</i>); → La Cimade NGO (<i>Inter-Movement Committee for Evacuees – Comité inter mouvements auprès des évacués</i>); → Doctors of the World (<i>Médecins du Monde</i>); → Service centre for migrants in Calais (<i>Plateforme de service aux migrants à Calais</i>).
GERMANY	<ul style="list-style-type: none"> → Jesuit Refugee Service (<i>Jesuitenflüchtlingsdienst – JRS</i>); → Federal Association for Unaccompanied Minors (<i>Bundesverband unbegleitete minderjährige Flüchtlinge – BumF</i>); → United Nations High Commissioner for Refugees Berlin (UNHCR); → Migration Commission of the Catholic German Bishops Conference - DBK's Migration Commission (<i>Migrationskommission der Deutschen Bischofskonferenz</i>); → Federal Working Group of Psycho-Social Support Centres for Refugees and Victims of Torture (<i>Bundesweite Arbeitsgemeinschaft der psychosozialen Zentren für Flüchtlinge und Folteropfer – BAfF</i>); → German Caritas Association (<i>Deutscher Caritasverband</i>); → German Red Cross (<i>Deutsches Rotes Kreuz</i>); → Federal Workers' Welfare Association (<i>Bundesverband der Arbeiterwohlfahrt AWO</i>); → Berlin Senate Department for Education, Youth and Family (<i>Berliner Senatsverwaltung für Bildung, Jugend und Familie</i>); → Berlin Refugee Council (<i>Flüchtlingsrat Berlin e.V.</i>).
GREECE	<ul style="list-style-type: none"> → Greek Asylum Service (<i>Υπηρεσία Ασύλου</i>); → Hellenic Police Headquarters (<i>Αρχηγείο Ελληνικής Αστυνομίας</i>); → Greek Ombudsperson (<i>Συνήγορος του Πολίτη</i>); → Racist Violence Recording Network (<i>Δίκτυο Καταγραφής Ρατσιστικής Βίας</i>); → International Organization for Migration (<i>Διεθνής Οργανισμός Μετανάστευσης</i>); → Greek Council for Refugees (<i>Ελληνικό Συμβούλιο για τους Πρόσφυγες</i>); → Greek Forum for Refugees (<i>Ελληνικό Φόρουμ Προσφύγων</i>); → Human Rights 360 (<i>Ανθρώπινα Δικαιώματα 360</i>); → International Organization for Migration (<i>Διεθνής Οργανισμός Μετανάστευσης</i>); → National Centre for Social Solidarity (<i>Εθνικό Κέντρο Κοινωνικής Αλληλεγγύης</i>); → Doctors of the World-Greece (<i>Γιατροί του Κόσμου-Ελλάδα</i>); → Hellenic League for Human Rights (<i>Ελληνική Ένωση για τα Δικαιώματα του Ανθρώπου</i>). → National Centre for Social Solidarity (<i>Εθνικό Κέντρο Κοινωνικής Αλληλεγγύης</i>).
HUNGARY	<ul style="list-style-type: none"> → Ministry of the Interior (<i>Belügyminisztérium</i>); → Ministry of Human Capacities (<i>Emberi Erőforrások Minisztériuma</i>); → National Headquarters of the Police (<i>Országos Rendőr-főkapitányság</i>); → National Directorate-General for Aliens Policing (<i>Országos Idegenrendészeti Főigazgatóság</i>); → UNHCR Hungary; → Migrant Solidarity Group of Hungary (<i>Migráns Szolidaritás – MigSzo</i>); → Hungarian Association for Migrants (<i>Menedék Migránsokat Segítő Egyesület</i>); → Cordelia Foundation (<i>Cordelia Alapítvány</i>).

COUNTRY	STAKEHOLDERS INTERVIEWED
ITALY	<ul style="list-style-type: none"> → Ministry of Labour and Social Policies; → Ministry of the Interior; → Public Security Department of the Ministry of the Interior – Directorate General for Immigration and Border Police (<i>Ministero dell’Interno Dipartimento della Pubblica Sicurezza - Direzione Centrale dell’Immigrazione e della Polizia delle Frontiere</i>); → National Commission for the Right of Asylum (<i>Commissione Nazionale per il Diritto d’Asilo</i>) of the Ministry of the Interior); → Authority for the Protection of People who are Detained or Deprived of their Personal Freedom (<i>Garante nazionale per i diritti delle persone detenute o private della libertà personale</i>); → Authority for the Protection of Childhood and Adolescence (<i>Autorità Garante per l’Infanzia e l’Adolescenza</i>); → National Office against Racial Discrimination (<i>Ufficio Nazionale Antidiscriminazioni Razziali, UNAR</i>); → Association for Legal Studies on Immigration (<i>Associazione per gli studi giuridici sull’immigrazione, ASGI</i>); → Italian Refugees Council (<i>Consiglio Italiano per i Rifugiati, CIR</i>); → NGO ‘Doctors for Human Rights’ (<i>Medici per i diritti umani, MEDU</i>); → United Nations High Commissioner for Refugees (UNHCR); → ‘Melting Pot Europa’ project; → ARCI (<i>Italian Recreational and Cultural Association – Associazione Ricreativa e Culturale Italiana</i>); → Chronicles of Ordinary Racism (<i>Cronache di ordinario razzismo</i>).
MALTA	<ul style="list-style-type: none"> → Ministry for Home Affairs and Security – Hate Speech Unit; → Agency for the Welfare of Asylum Seekers – Policy Unit; → Office of the Refugee Commissioner; → Office of the Commissioner for Children; → International Organisation for Migration, Malta Office; → NGO ‘SOS Malta’; → NGO ‘KOPIN’; → NGO ‘African Media Association’.
NETHERLANDS	<ul style="list-style-type: none"> → Dutch Council for Refugees (<i>Vluchtelingenwerk Nederland</i>); → Amnesty International – Netherlands; → Netherlands Institute for Human Rights (<i>College voor de Rechten van de Mens</i>); → Defence for Children the Netherlands; → Ministry for Justice and Security: central information point, providing information on behalf of: Immigration and Naturalisation Service, Aliens Police, Central Agency for the Reception of Asylum Seekers (all members of the so-called ‘Alien Chain’); → Stichting LOS (knowledge centre for people and organisations that support migrants in an irregular situation); → UNICEF the Netherlands ; → NIDOS (independent family guardian organisation, fulfilling the guardianship task for Unaccompanied Minor Asylum Seekers).

COUNTRY	STAKEHOLDERS INTERVIEWED
NORTH MACEDONIA	<ul style="list-style-type: none"> → Ministry of the Interior (<i>Министерство за внатрешни работи</i>); → Ombudsperson (<i>Народен Правобранител</i>); → Macedonian Young Lawyers Association MYLA (<i>Македонско здружение на млади правници МЗМП</i>); → Red Cross – Skopje (<i>Црвен Крст Скопје</i>); → NGO Legis (<i>НВО Легис</i>); → IOM Skopje; → MARRI – RC (<i>Migration, Asylum, Refugee Regional Initiative – Regional Center</i>); → NGO Helsinki Committee of Human Rights of the Republic of Macedonia (<i>НВО Хелсиншки комитет за човекови права на Република Македонија</i>); → NGO EUROTHINK – Center for European Strategies (<i>ЕВРОТИНК – Центар за европски стратегии</i>).
POLAND	<ul style="list-style-type: none"> → Ombudsperson (<i>Rzecznik Praw Obywatelskich – RPO</i>); → Ombudsperson for Children (<i>Rzecznik Praw Dziecka – RPD</i>); → United Nations High Commissioner for Refugees (UNHCR), Office in Poland; → Border Guard, Border Guard Headquarters (<i>Straż Graniczna – SG</i>); → Police, Police Headquarters (<i>Policja</i>); → Head of the Office for Foreigners (<i>Szef Urzędu do spraw Cudzoziemców – UDSC</i>); → Association for Legal Intervention (<i>Stowarzyszenie Interwencji Prawnej – SIP</i>); → Helsinki Foundation for Human Rights (<i>Helsińska Fundacja Praw Człowieka – HFPC</i>).
SPAIN	<ul style="list-style-type: none"> → Asylum and Refugee Office of the Spanish Ministry of the Interior (<i>Oficina de Asilo y Refugio del Ministerio del Interior – OAR</i>); → Spanish Ombudsman (<i>Defensor del Pueblo</i>); → UNHCR (<i>Oficina de la Agencia de la ONU para los Refugiados en España – ACNUR</i>); → Spanish Committee of UNICEF (<i>Comité español de UNICEF</i>); → Spanish Observatory for Racism and Xenophobia (<i>Observatorio Español del Racismo y la Xenofobia, OBERAXE</i>); → Spanish Refugee Aid Commission (<i>Comisión Española de Ayuda al Refugiado – CEAR</i>); → Jesuit Migrant Service (<i>Servicio Jesuita Migrantes</i>); → Chair of Refugees and Forced Migrants of Comillas ICAI-ICADE, INDITEX (<i>Cátedra de Refugiados y Migrantes Forzosos de Comillas ICAI-ICADE, INDITEX</i>).
SERBIA	<ul style="list-style-type: none"> → Asylum Office; → Asylum Commission; → Commissariat for Refugees and Migrations; → Administrative Court; → Misdemeanour Courts; → Shelter for Foreigners; → UNHCR Serbia; → Crisis Response and Policy Centre.
SWEDEN	<ul style="list-style-type: none"> → Swedish Migration Agency, Statistics (<i>Migrationsverket</i>); → Swedish Migration Agency, Returning Department (<i>Migrationsverket</i>); → Swedish Association of Local Authorities and Regions (<i>Sveriges kommuner och landsting</i>); → Border Police Sweden (<i>Gränspolisens</i>); → Save the Children Sweden (<i>Rädda barnen</i>); → Red Cross Sweden (<i>Röda Korset</i>); → Swedish Refugee Law Centre (<i>Asylrättscentrum</i>); → Amnesty International Sweden.





PROMOTING AND PROTECTING YOUR FUNDAMENTAL RIGHTS ACROSS THE EU —

For all of FRA's periodic reports on migration-related fundamental rights concerns, which date back to January 2015, see:

<https://fra.europa.eu/en/theme/asylum-migration-borders/overviews>

FRA – EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS
fra.europa.eu

 facebook.com/fundamentalrights

 twitter.com/EURightsAgency

 linkedin.com/company/eu-fundamental-rights-agency

© FRA, 2020

© Luxembourg: Publications Office
of the European Union, 2020

ISSN 2599-8900
TK-AP-20-001-EN-N



Publications Office
of the European Union