

MIGRATION: KEY FUNDAMENTAL RIGHTS CONCERNS

01.01.2021 → 30.06.2021

QUARTERLY BULLETIN

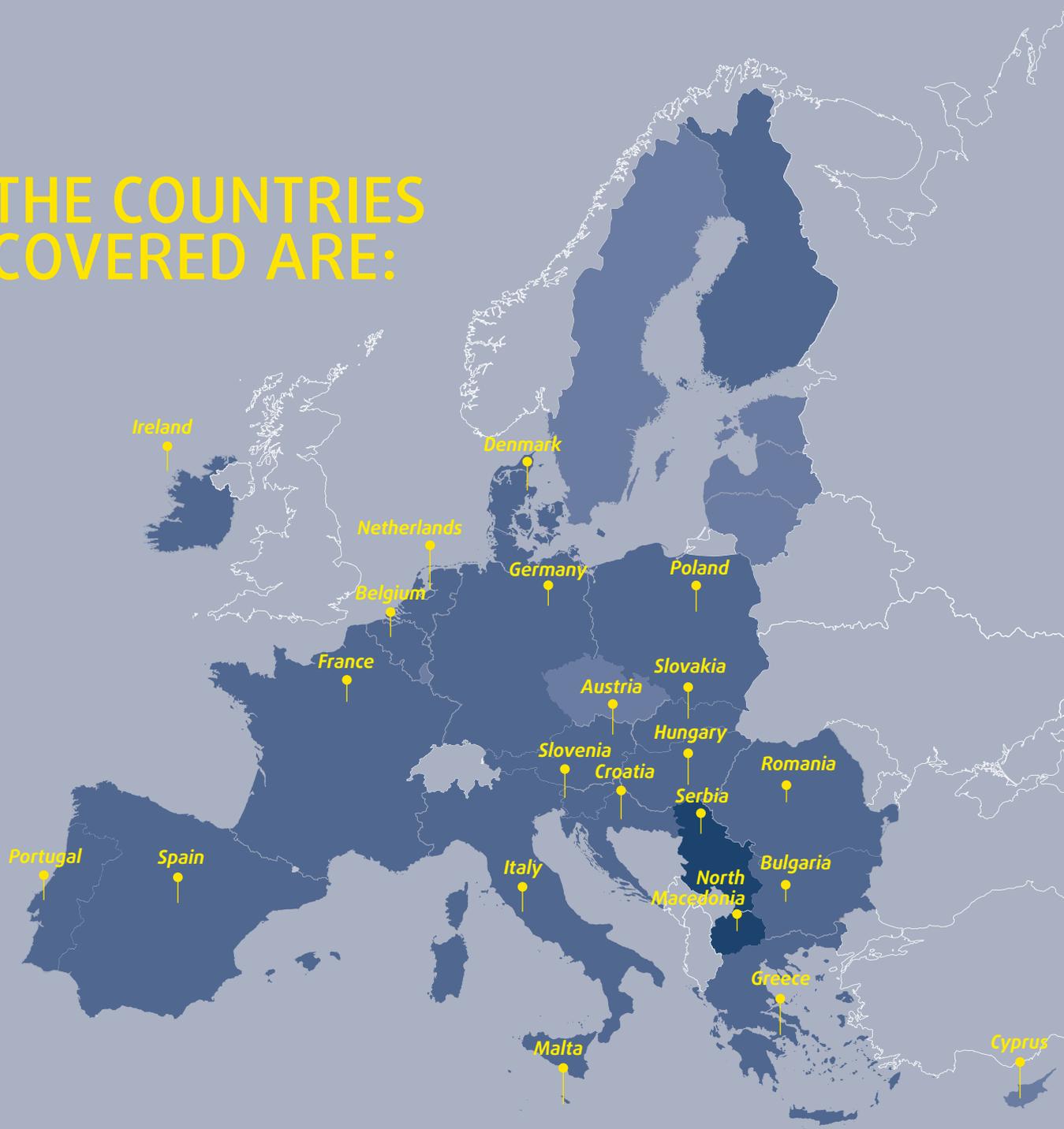
- 3 Key fundamental rights concerns
- 5 Situation at the borders
- 12 Asylum procedure
- 16 Reception
- 22 Child protection
- 25 Immigration detention
- 30 Return
- 33 Hate speech and violent crime
- 35 ANNEX – Stakeholders contacted for information (June 2021)



DISCLAIMER: This report is a summary of country reports prepared by Franet, the contracted research network of the European Union Agency for Fundamental Rights (FRA). 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 European Union 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 January and 30 June 2021.

THE COUNTRIES COVERED ARE:



Note on sources

The evidence presented in this report is based on information available in the public domain (with hyperlinks to the references embedded in the relevant text) or on information provided orally or by email by institutions and other organisations, as indicated in the annex.

Key fundamental rights concerns

Push-backs involving violence across different borders were reported by various sources, including non-governmental organisations (NGOs) and the media, in **Croatia, Cyprus, France, Greece, Hungary, Malta, Romania, Serbia** and **Slovenia**. For more information, see the section on **Risk of refoulement**.

Asylum-seeking children, unaccompanied or with families, were placed in detention in **Bulgaria, Croatia, Cyprus, France, Greece** and **Poland**. For more information, see the section on **Detention of children**.

Greece designated Turkey as a safe third country for asylum applicants from Afghanistan, Bangladesh, Pakistan, Somalia and Syria. For more information, see the section on **Changes in law, policy and/or practice**. Despite the decrease in arrivals, the reception conditions in many facilities remain poor, and the situation of vulnerable persons has been exacerbated following the discontinuation of alternative accommodation schemes. The access of recognised refugees to basic services is not guaranteed. For more information, see the section on **Reception conditions**.

In **Italy**, problems were reported concerning the placement of migrants on vessels (known as quarantine vessels) for the mandatory period of quarantine after they had been rescued at sea, instead of disembarking them at ports. For more information, see the section on **Risk of refoulement and police violence at borders**.

In **Malta**, delays in search and rescue operations at sea, alleged incidents of push-backs at sea, widespread use of immigration detention and alleged episodes of violence in pre-removal detention centres persisted. For more information, see the sections on **Risk of refoulement and police violence at borders** and **Detention conditions**.

In **Cyprus**, reception facilities remain overcrowded, and de facto deprivation of liberty is one of the issues of concern highlighted by the **Council of Europe (CoE) Commissioner for Human Rights**. For more information, see the section on **Reception conditions**.

Hungary further extended the 'state of crisis due to mass migration' until 7 September 2021. It has now been in place for almost 6 years.

Migrant smuggling remained a persisting concern in **Hungary**; detected cases increased during the reporting period. For more information, see the section on **Situation at the borders, Figures and trends**.

An alleged chain push-back of a group of Moroccan asylum seekers from **Austria** to Bosnia in September 2020 was **brought to court** in Austria. For more information, see the section on **Risk of refoulement and police violence at borders**.

In **Poland**, the authorities do not always release from detention asylum applicants and persons pending removal or asylum seekers who have suffered violence in their country of origin, the Ombudsperson for Children reported. For more information, see the section on **Detention of children**. Access to the territory and to the asylum procedure remains an issue. For more information, see the section on **Risk of refoulement and police violence at borders**.

Slovenia adopted **amendments** to the **Foreigners Act** allowing the police to escort people entering the country irregularly back to the border and pass them

"the practice of pushbacks is widespread, and in many contexts it has become a routine element of border governance, with a serious negative impact on the human rights of migrants"

UN Special Rapporteur on the human rights of migrants, 'Report on means to address the human rights impact of pushbacks of migrants on land and at sea'

back to the country from which they entered. The intention to apply for asylum will be dismissed, unless (a) there is a possible violation of the *non-refoulement* principle, (b) the person's health condition prevents return or (c) the person is an unaccompanied child. For more information, see the section on **Changes in law, policy and/or practice**.

In **Portugal**, the Supreme Administrative Court (*Supremo Tribunal Administrativo*) ruled, in several cases concerning respect for the principle of *non-refoulement*, that the burden of proof for the existence of a risk in the destination country of a Dublin transfer lies with the asylum applicant. For more information, see the section on **Return**.

In **Spain**, the **Ministry of the Interior** defended the legality of returns from Ceuta to Morocco following the arrival of more than 8 000 people in Ceuta between 17 and 19 May. For more information, see the section on **Risk of refoulement and police violence at borders**.

In **France**, dangerous sea crossings over the Channel to the United Kingdom continued; and the living conditions for people staying in informal camps in the north of France further deteriorated. For more information, see the sections on the **Situation at the borders** and **Reception conditions**.

In **Belgium**, more than 400 undocumented migrants occupied two universities and a church in Brussels and went on hunger strike for many weeks until late July to put pressure on the government to regularise undocumented migrants.

In **Denmark**, the parliament adopted an **amendment** of the Aliens Act and Return Act with the aim of outsourcing the asylum procedure. For more information, see the section on **Asylum procedure**.

In **Ireland**, there are no dedicated facilities for immigration detention; individuals are detained in ordinary prisons or in police stations. For more information, see the section on **Immigration detention**.

In **North Macedonia**, the practice of detaining migrants, including children, for the purpose of securing their testimony as witnesses in criminal proceedings continues. For more information, see the section on **Immigration detention**.

Situation at the borders

Figures and trends

According to **preliminary data** from the European Border and Coast Guard Agency (Frontex), over 61 000 people crossed the EU's external borders in an irregular manner in the first 6 months of 2021, 59 % more than the total in the entire year of 2020.

In **Greece**, according to **the Ministry of Migration and Asylum**, the arrivals in the first 5 months of 2021 dropped by 68 % compared with the same period in 2020.

In **Hungary**, the **police** prevented some 22 360 people from crossing the southern border, which is a significant increase compared with the previous period, July to December 2020. Besides the physical barrier, border surveillance measures include a heavy police presence (at least one police officer every 100 metres along the fence, occasional air support, watchtowers), the use of smart technology along the border fence (e.g. heat and motion sensors, cameras) and loudspeakers informing people of the criminalisation of irregular entry into Hungary, the NGO Hungarian Association for Migrants reported.

According to the police, during the reporting period, authorities in Hungary placed 397 human smugglers (as distinct from human traffickers) into custody – a rise compared with the previous period (296 people in the last 6 months of 2020). January had the highest monthly figure in 5 years, when the authorities apprehended almost 100 human smugglers. In most cases, people were smuggled in the **boots of cars**, the **cargo spaces of lorries** and **small boats** crossing the river Tisza.

In **Austria**, according to the Federal Minister of the Interior's **Situation Report on Smuggling and Human Trafficking 2020**, 311 smugglers (*Schlepper*) were arrested in 2020, which is a 30 % increase compared with 2019 (242 smugglers arrested). The **Federal Minister of the Interior** reported that between January 2020 and February 2021 a total of 6 234 smuggled persons were apprehended in Austria.

In the north of **France**, an increasing number of migrants in an irregular situation continued to attempt to cross the Channel in makeshift boats, according to the **Maritime Prefecture of the Channel and the North Sea** and the NGO Service Centre for Migrants in Calais. More than 5 000 people reached the British coast during the first half of the year, and the number of crossings has been on the rise since May because of summer weather and good visibility in the Channel, the **Ministry of the Interior** and **the press reported**.

In **Italy**, two reports by the **Association for Legal Studies on Immigration** (*Associazione per gli studi giuridici sull'immigrazione, ASGI*) and by the **National Guarantor for the rights of persons detained or deprived of liberty** underlined a number of critical issues linked to the practice whereby migrants rescued at sea are placed on 'quarantine vessels' to carry out the mandatory period of health surveillance, instead of disembarking them at ports. These include poor reception conditions, inadequate information on the asylum procedure and on access to rights, and lack of protocols for vulnerable groups.

In **Spain's** Ceuta enclave, according to the United Nations High Commissioner for Refugees (**UNHCR**), more than 8 000 people, including 1 500 children, arrived between 17 and 19 May. The NGO SOS Racismo claimed that police stops at borders systematically target people based on race or ethnicity.

EU'S EXTERNAL
BORDERS



January – June 2021

61,000 ↑
MIGRANTS

FRA activity

Restating European standards on legal remedies, complaints mechanisms and effective investigations at borders

A new joint FRA and CoE note outlines the human rights standards that apply at European borders. The note focuses on effective remedies for human rights violations at the European borders. It also provides detailed information on complaints mechanisms and the duty to carry out effective investigations into alleged violations at borders.

The joint note is available on [FRA's website](#).

Deaths and disappearances

According to the International Organization for Migration (IOM), 904 people died or went missing while attempting to enter Europe through the eastern, central and western Mediterranean routes between January and June 2021, more than during the previous 6 months (816 between July and December 2020). At least 250 people died or disappeared on the western Africa/Atlantic route on their way to the Canary Islands.

Migrants and asylum seekers use dangerous routes and methods to reach **Croatia**, the NGO Welcome! Initiative reported. In March 2021, **one man died** and two men were hospitalised after they had been hurt in the explosion of a landmine left from the Croatian War of Independence in the forest area of Saborsko. A few days later, **four migrants died**, while 19 others, including children, were injured and hospitalised, when a truck overturned on a highway near Okučani. In February, police officers saved five migrants (three women and two children) from drowning in the area of Kopački Rit, near the border with Serbia, the Ministry of the Interior informed FRA.

In **Portugal**, the **media** reported that, between December 2019 and March 2021, 100 Moroccans, including two children, on seven small boats disembarked on the Algarve's eastern shore (Monte Gordo and Barra da Armona). Although **66 of these migrants** have applied for international protection, 57 of these applications were considered unfounded and more than 30 of the 100 have gone missing.

In **Spain**, according to the Spanish NGO Walking Borders, 481 people disappeared in 2 weeks along the Atlantic Route on the way to the Canary Islands.

Changes in law, policy and/or practice

In **Cyprus**, the penalties for facilitating the irregular entry, transit and stay of non-EU nationals were **increased**. In particular, penalties for assisting a non-EU national to enter the country increased, from a maximum of 8 years' imprisonment and/or a fine of up to € 20 000, to a maximum of 15 years' imprisonment and/or a fine of up to € 100 000. Penalties for assisting a non-EU national to remain in the country increased, from a maximum of 8 years' imprisonment and/or a fine of up to € 20 000, to a maximum of 15 years' imprisonment and/or a fine of up to € 150 000.

Frontex **suspended its operational activities** in **Hungary** at the end of January, since the country had not complied with an earlier **judgment** of the Court of Justice of the EU, which declared Hungary's practice of escorting back all apprehended irregular migrants to the outer side of the border fence with Serbia unlawful.

Bulgaria adopted **a new migration strategy for 2021–2025** giving priority and support to voluntary returns, and calling for improved cooperation between the competent authorities to prevent abuses of the asylum system. The strategy also provides for the development of integration policies for unaccompanied children, measures against human trafficking and digitalisation of the asylum procedure.

Slovenia adopted **amendments** to the **Foreigners Act** allowing the National Assembly to declare a 'complex crisis in the field of migration' for 6 months. This gives the police the power to escort people entering Slovenia irregularly back to the border and pass them back to the country they arrived from. If a person entering irregularly expresses the intention to apply for asylum, the police are entitled to establish if (a) returning that person would violate the prohibition of *refoulement*, (b) the person's health condition prevents return or (c) the person is an unaccompanied child. If the police determine that no such conditions are met, the intention to apply for asylum will be dismissed. An appeal against such

a decision will not have suspensive effect. **Fifteen civil society organisations expressed serious concerns** about the new rules, which allow the **International Protection Act** not to be applied to those who wish to apply for asylum, since the new provisions, in their opinion, constitute a suspension of the 1951 Geneva Refugee Convention.

Because of the COVID-19 pandemic, **Belgium** introduced a quasi-total **ban on travel** from 24 non-EU countries where new variants of the coronavirus are widespread. The **Secretary of State for Asylum and Migration** added, however, that, in extremely urgent cases, entry into Belgium from these countries should still be allowed for “compelling humanitarian reasons”.

Belgium and **France** started joint operations patrolling roads, dunes and the sea to identify and dismantle criminal organisations operating boats that transport irregular migrants from their shores to the United Kingdom, the Belgian **Secretary of State for Asylum and Migration announced**.

The **Status Agreement** on border management cooperation between the European Union and **Serbia** entered into force. The agreement allows Frontex to carry out joint operations in Serbia, especially in the event of sudden border management challenges. The European Commissioner for Home Affairs and Migration, Ylva Johansson, visited Serbia to launch the **first Frontex joint operation** at the Serbian border with Bulgaria.

In **Slovakia**, according to the **Ministry of the Interior**, the relevant authorities agreed on several organisational changes at the border with Ukraine to tackle corruption, irregular migration and smuggling of goods. These include the deployment of 18 Frontex officers at the border-crossing points Vyšné Nemecké and Ublá.

Risk of *refoulement* and police violence at borders

The European Union Commissioner for Home Affairs and Migration **visited Greece** to discuss the construction of new reception centres. According to the media, she also mentioned that the authorities can do more when it comes to investigating push-back allegations. The CoE Commissioner for Human Rights also urged the authorities to put an end to such operations and ensure that independent and effective investigations are carried out. Push-backs seem to have acquired systematic characteristics and constitute an official state policy, according to **49 civil society organisations**. Five of them **asked** the European Commission to assess Greece’s compliance with procedural requirements attached to the *non-refoulement* principle and obligations to provide access to asylum.

Concerning the land borders, a **report** published by the Greek Ombudsperson regarding incidents in the Evros region in **Greece** concludes that the testimonies share a consistent pattern of accounts and that the alleged push-backs appear to follow a standard practice and involvement of state agencies. The practices include interception by the police after having crossed the border, confiscation of mobile phones and identification documents, handover to unidentified persons in uniforms and being held in an unidentified building without any formal procedures being initiated, followed by transport across the Evros river back to Turkey. A new **report** by Amnesty International provides additional evidence of torture, ill treatment and push-backs by the Greek authorities.

According to **media reports**, the Public Prosecutor of the Supreme Court ordered an investigation into complaints of push-backs and unlawful expulsions lodged as of March 2020. The 147 alleged incidents concern more than 7 000 individuals. New **cases** concerning alleged push-backs have also been lodged with the European Court of Human Rights. One concerns two **unaccompanied children**

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 prohibit returning any 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 and in Articles 18 and 19 of the EU Charter of Fundamental Rights.

The non-legal term ‘push-back’ is used, for example by **UNHCR**, when a person seeking international protection is apprehended and returned to a neighbouring country without being granted access to the territory and to a fair and efficient asylum procedure.

REPORTED ALLEGATIONS OF REFOULEMENT



Note: Unlawful refusals of entry at airports are not included.
Source: FRA, 2020.

who had been allegedly taken from the Vathy camp on Samos and left on a raft in the middle of the Aegean Sea.

In **Cyprus**, the reports of push-backs continue, according to UNHCR. The **CoE Commissioner for Human Rights** urged the Cypriot authorities to ensure that independent and effective investigations are carried out into allegations of push-backs to Lebanon and of ill treatment of arriving migrants by security forces. In his response, the Cypriot Interior Minister **stated**, inter alia, that the authorities denied entry only to Lebanese migrants who did not seek international protection or to migrants whose final destination was not Cyprus. Access to the territory and to asylum was also one of the issues that the visit of **UNHCR's Assistant High Commissioner for Protection** focused on. NGOs issued a **statement** underlining that summary returns to Lebanon lead to chain *refoulements* to Syria. This risk is illustrated by one of the **reported** incidents, concerning a boat with 58 dehydrated Syrians including a pregnant woman. After spending 2 days at sea, they were all **returned** to Lebanon and subsequently located in detention centres, as NGOs reported.

Cases of persons stranded in the United Nations-controlled buffer zone have also been reported to UNHCR. In one incident, a Turkish national of Kurdish origin with a heart condition was left in the buffer zone for 5 days, without food, clothes or medical care. Only when his heart condition worsened was he given access to the Cypriot territory and transferred by an ambulance to Pournara camp.

Six nautical miles off **Malta's** search and rescue zone, some 270 migrants **were rescued** by the merchant vessel *Vos Triton* in international waters and handed over to the Libyan coastguard. IOM and UNHCR **condemned** the operation and reiterated that no one should be returned to Libya after being rescued at sea. They stressed that, under the international law of the sea, rescued individuals should be disembarked at a place of safety.

In **Croatia**, the NGO Centre for Peace Studies reported two alleged push-back incidents. In the first one, the police allegedly **pushed back, sexually harassed** and intimidated a woman at the border, who was part of a group of adults and children seeking international protection. All of them were summarily removed to Bosnia and Herzegovina. The **second case** concerns several lesbian, gay, bisexual, trans, queer and intersex (LGBTQI) individuals who were allegedly denied access to asylum after having requested international protection at a police station in Petrinja. The Ministry of the Interior denied the incident, despite photos taken of the persons entering the police station and the testimony of a private individual. The Ombudsperson opened an investigation into their case.

Also in **Croatia**, an international team of investigative journalists **filmed** six push-back incidents, involving some 65 people, including around 20 children. Besides footage of push-back actions, interviews with pushed back families have also been recorded, including pregnant women, children, elderly persons and persons with disabilities. The victims claim that they were denied access to asylum and medical assistance, while some of them experienced physical violence as well.

In **Hungary**, the **police apprehended** 21 155 migrants in an irregular situation during the reporting period (most of them were Afghan, Iraqi and Syrian nationals), slightly more than in the previous period, July to December 2020 (19 102 people). Contrary to a **ruling of the Court of Justice of the EU** handed down in December 2020, the police continued to escort the apprehended migrants back to the outer side of the border fence. Authorities do not fingerprint or register these individuals before escorting them back to the border, nor do they record them as new arrivals or asylum applicants in the statistics. If they wished to ask for asylum, the police continued to direct them to the designated Hungarian diplomatic missions located in Belgrade (Serbia) and Kiev (Ukraine) – this regime was **extended** until 31 December 2021. Under the new

rules – which are subject to an **ongoing infringement procedure** initiated by the European Commission – only 20 persons submitted asylum claims in the reporting period, according to the data from the National Directorate-General for Aliens Policing provided to FRA.

In **Austria**, an NGO **reported** a complaint lodged before an administrative court concerning an alleged push-back of a group of Moroccan asylum seekers. The group claims that in September 2020, despite their repeated pleas for asylum at a police station, they were ignored, laughed at and denied food. Hours later they were handed over to the Slovenian police, who transported them back to Croatia, from where they were forced back to Bosnia. As a direct result of the alleged push-backs, Austrian activists recently created the **'Push-Back Alarm Austria'** hotline to support people on the move. On 1 July 2021, the Regional Administrative Court of Styria **found (unofficial English translation)** that the *refoulement* and undressing of a complainant were unlawful. The court further comes to the conclusion that push-backs are to some extent standard practice in Austria.

In **Poland**, the **Commissioner for Human Rights** has received numerous complaints since 2015 from persons who are not allowed to enter the territory through the border crossings in Terespol (border with Belarus) or Medyka (border with Ukraine) in order to apply for international protection. Access to the asylum procedure is a persisting concern, according to **nine civil society organisations**. A new **case** on access to asylum has been published by the European Court of Human Rights, and three others (***A.I. and Others v Poland***, ***T.Z. and M.M. and Others v Poland*** and ***A.B. and Others v Poland***) were communicated by the Court to the Polish authorities.

In 2020, 11 770 persons who had entered **Bulgaria** were allegedly pushed back to Turkey while 3 403 persons were prevented from crossing the border, the **Bulgarian Helsinki Committee** reported.

Romania has become a major transit route for migrants searching for protection in the EU, according to Romanian **media**, which described the city of Timișoara as a new hotspot for migrants, where several cases of abuse by local and border police were reported. Some migrants report having been beaten, their phones broken and, in some cases, money not returned after searches. The authorities deny the incidents.

The **Romanian Border Police** reported that 28 737 persons were prevented from entering from Serbia during the first 6 months of 2021. UNHCR's representative in Romania mentioned that collecting data and evidence remains a challenge, since there is no systematic border monitoring or documentation of alleged cases.

In **Slovenia**, the **Supreme Court upheld** an earlier ruling of the Administrative Court (December 2020) establishing, in a retrial, that the authorities violated the prohibition of collective expulsion, the prohibition of *refoulement* and the right to asylum when the police wrongly removed, to Croatia, a Cameroonian national seeking international protection shortly after he was apprehended in connection with his irregular border crossing.

The Border Violence Monitoring Network – a network of NGOs that collects **individual testimonies** on the alleged unlawful push-backs and police violence at external borders – **reported cases of alleged chain push-backs** from **Slovenia**. According to the network, several people, including individuals who wished to apply for asylum, were summarily returned to Croatia, where they often faced violence and further *refoulement*, mostly to Bosnia and Herzegovina, but also to Serbia.

Push-backs continued at the Alpine border between **France** and **Italy**, in some cases affecting more than 100 people a day, **Human Rights Watch** reported. Similar summary returns also became frequent at the French border with **Spain**, according to the NGO **National Association of Border Assistance for Foreigners** and **media reports**.

In **Spain**, the **Ministry of the Interior** defended the legality of returns from Ceuta following the arrival of more than 8 000 people in Ceuta between 17 and 19 May. UNHCR could not confirm the lawfulness of all returns. The NGO **Spanish Commission for Refugee Aid** considers that Spanish authorities did not carry out the returns in compliance with the relevant international and EU law standards, as no individual identification, detection of vulnerable profiles or identification of those seeking international protection took place. According to the Juvenile Chamber of the State Public Prosecutor's Office, this has led to opening investigations on 'hot returns' of unaccompanied children in Ceuta.

In **North Macedonia**, according to a **report** by the Macedonian Young Lawyers Association, the practice of push-backs at the border with Greece continues. During the first 3 months of 2021, approximately 4 000 migrants were pushed back to Greece without any formal legal procedure or individual assessment of their protection needs. The Ombudsperson and the NGO Legis confirmed such practices.

In **Serbia**, the Humanitarian Centre for Integration and Tolerance collected information on 680 push-backs of 11 309 foreign nationals from neighbouring countries (**Bosnia and Herzegovina, Croatia, Hungary, Romania**) to Serbia between January and June 2021. The majority concern alleged push-backs from Hungary (6 100 persons); 4 400 were from Romania, 560 from Croatia and around 200 from Bosnia and Herzegovina. During the same period, **UNHCR Serbia** received reports of 67 push-backs from Serbia to North Macedonia.



Source: EASO.

Asylum procedure

Changes in law, policy and/or practice

Greece designated Turkey as a safe third country for asylum applicants from Afghanistan, Bangladesh, Pakistan, Somalia and Syria. The **National Commission of Human Rights** and **41 civil society organisations** raised concerns about the risk of fundamental rights violations. They also highlighted that, as Turkey has not accepted readmissions from Greece since March 2020, this decision will increase the number of those facing legal uncertainty, social exclusion, destitution, homelessness and even prolonged detention.

In **Cyprus**, the **media** reported that, according to a new bill submitted to the parliament, the period during which a foreign national has resided in the country with international protection status will not be taken into account when calculating the 7 years of legal residence for granting nationality. According to the Cyprus Refugee Council, this provision excludes refugees from acquiring Cypriot nationality.

In **Croatia**, a new **Foreigners Act**, the **Decree on the method of calculation and amount of means of subsistence for third-country nationals in Croatia** and the **Ordinance amending the Ordinance on the entry and residence in Croatia of citizens of the European Economic Area and members of their families** came into force, further harmonising domestic legislation with the EU asylum and return *acquis*.

The Constitutional Court in **Croatia ruled in a case** concerning the family of Madina H. – a little Afghan girl who was killed by a passing train at the border between Croatia and Serbia in 2017 – that the authorities had violated the human rights of Madina’s family and exposed them to the risk of torture and ill treatment by pushing them back to Serbia. The Constitutional Court also found that the authorities did not establish with sufficient certainty that Serbia was a safe third country to which the family could be returned.

Also in **Croatia**, family reunification procedures remain lengthy, lasting for several years, partly because of the overlapping responsibilities of various ministries, the NGO Croatian Law Centre reported.

In **Austria**, the newly established Federal Agency for Reception and Support Services (*Bundesagentur für Betreuungs- und Unterstützungsleistungen*), under the Ministry of the Interior, took over and nationalised the legal advice and legal representation, repatriation counselling and assistance, human rights monitoring, and interpretation and translation services. The **Federal Minister for Justice** reviewed the first 6 months of operations and concluded that quality standards have been maintained and, in some cases, even improved. However, the NGO **Asylum Coordination Austria** argues that a conflict of interest remains, as the Ministry of the Interior is also in charge of asylum decisions.

The National Assembly in **Slovenia** adopted amendments to the **International Protection Act**, which limit the rights of asylum applicants and beneficiaries of international protection. Under the new rules, legal counsellors will be required to disclose personal information about asylum applicants to the Ministry of the Interior. A **group of NGOs stressed** that such a requirement runs against the principle of lawyer–client confidentiality, protected by the Constitution. The same requirement and consequences will be in place for guardians of unaccompanied children. Furthermore, the amendments restricted the freedom of movement for asylum applicants, limiting it to the municipality where they are accommodated without the possibility of appeal and without any specified time limitation. The grounds for detention were also expanded beyond grounds permitted under the reception conditions directive (**Directive 2013/33/EU**), without offering alternatives to detention. For those who have been granted international

protection, financial assistance for accommodation will be available for two instead of 3 years.

In **Spain**, the **Supreme Court** ruled that, once an asylum application is admitted for processing, the applicant has the right to free movement throughout the territory of Spain. As a result, it is “not in accordance with the law” if the validity of documents that accredit their status as an applicant for international protection is limited to Ceuta or Melilla, according to the Court. The **Spanish Ombudsperson** made a recommendation to a similar effect for asylum seekers on the Canary Islands.

In **Belgium**, the **Constitutional Court** annulled multiple provisions of the ‘Mammoth laws’, which had introduced several changes to the Belgian migration law in 2017. As a result of the ruling, authorities are no longer allowed to keep asylum applicants’ documents for the whole duration of the asylum procedure, and accelerated procedures can no longer be applied to unaccompanied children.

Also in **Belgium**, the **Council for Alien Law Litigation** decided that, based on recent cases, the protection provided by the United Nations Relief and Works Agency for Palestine Refugees in the Near East in Gaza is no longer effective. As a result, the **Office of the Commissioner General for Refugees and Stateless Persons** is re-evaluating its policy to determine if Palestinians from the region seeking asylum in Belgium qualify for protection under the 1951 Geneva Convention relating to the Status of Refugees.

In **Germany**, the German Institute for Human Rights and the human rights group Pro Asyl state that **the new law for the expansion of the ‘Ausländerzentralregister’ of the Federal Office of Administration** bears the risk that more authorities will obtain access to sensitive data about foreigners, which may result in a violation of data security.

In the **Netherlands**, a new **bill** suggests the abolition of the possibility for asylum applicants to claim civil judicial penalty payments in the event of serious delays in the asylum procedure. The Advisory Division of the Council of State **urged** the government to reconsider the bill, as it concerns only foreign nationals and can lead to indirect discrimination on the ground of nationality.

Following additional legal **amendments**, asylum applicants will be subjected to a more extensive registration interview upon arrival, while the first asylum interview will be abolished. The Advisory Division of the Council of State criticised the amendment, **pointing out** that, upon arrival, traumatised asylum seekers might be unprepared and make incorrect or incomplete statements. The planned changes in the procedure have already been implemented for unaccompanied children above the age of 12, something that the NGO **Defence for Children** considered a flagrant violation of the UN Convention on the Rights of the Child.

Also in the **Netherlands**, the Administrative Jurisdiction Division of the Council of State **ruled** that the assessment of Mongolia as a safe country of origin for LGBTQI persons was inadequate.

In **Denmark**, the parliament adopted an **amendment** to the Danish Aliens Act and to the Danish Return Act in June 2021. It seeks to create a legal basis for the transfer of asylum seekers to non-EU countries for asylum processing and reception. According to **the Danish government**, a detailed future externalisation scheme will be developed after an agreement with a third country has been reached. So far, no official agreement has been concluded between Denmark and a non-EU country. According to the **Danish Institute for Human Rights, Amnesty International Denmark, UNHCR** and the **Danish Refugee Council**, the proposal represents a fundamental shift in Danish asylum and refugee policy, with many aspects of the proposal still unclear.

Bright spots

In **Germany**, according to UNHCR and **media reports**, border and travel bans during the pandemic did not affect the reception of asylum applicants at any time, in line with the **European Commission’s communication** excluding persons in need of international protection from COVID-19-related travel restrictions.

Bright spots

In **Ireland**, the Minister for Justice **announced** a further temporary extension of immigration and international protection permissions, on account of the COVID-19 pandemic. This applies to permissions that expire between 21 April 2021 and 20 September 2021, and includes permissions that have already been extended by the previous six temporary extensions.

Bright spots

In **Italy**, a **decision** of the Ordinary Court of Rome established that immigrants who have been automatically readmitted from the Italian border to Slovenia (and then to Bosnia and Herzegovina) – on the ground of the 1996 readmission agreement between Italy and Slovenia, which was never ratified by the Italian parliament – are entitled to immediately cross the Italian border to lodge an asylum application. The court also established that the abovementioned agreement is to be considered a violation of international, EU and national law.

Access to asylum procedures

In **Malta**, the provision of legal aid to asylum applicants largely relies on the assistance provided by lawyers working for civil society organisations, according to the NGO Kopin.

In **Croatia**, according to information from the Jesuit Refugee Service, many of their clients coming from Bosnia and Herzegovina who were apprehended by the police unsuccessfully sought asylum on Croatian territory, some of them several times. Many of them, including children under the age of 15, were in a very poor psychophysical condition and testified they had walked for days, often without enough water and food.

In **Bulgaria**, in 2020, persons appearing at the reception centres were not given the opportunity to register their asylum applications but were instead referred to detention facilities, as reported by the **Bulgarian Helsinki Committee**. Only after their placement in detention could they file their applications. According to the State Agency for Refugees, this was mostly due to lack of quarantine premises.

Romania uses accelerated procedures for countries that are unsafe (such as Afghanistan), in the event of an increased number of applications. UNHCR stated that that can challenge procedural safeguards, such as by the improper use of country of origin information, poor-quality translations of interviews, or short reasonings for negative decisions.

In **Slovenia**, according to the Legal-Informational Centre for NGOs, fewer than half of the asylum applicants receive legal assistance during the first-instance asylum procedure. The same NGO estimates that regular asylum procedures became lengthier during the COVID-19 pandemic, taking at least 6 months and up to 2 years in certain cases.

In **Spain**, the NGO Spanish Catholic Migration Commission Association pointed out that the online appointment system has increased delays in accessing the asylum application procedure.

The **President of the French overseas department French Guiana, a member of parliament and a senator** asked the President of **France** to suspend the right to asylum in French Guiana, in view of the difficulties resulting from the growing number of Haitian nationals irregularly entering this territory who seek international protection. A **group of NGOs**, including Médecins du Monde and the League for Human Rights, voiced criticism of the initiative, as, according to them, it disregards the right to asylum and is based on xenophobic arguments.

In **Belgium**, the **Secretary of State for Asylum and Migration** announced the recruitment of 700 new staff with a view to reducing the duration of asylum procedures to 6 months on average.

In **Germany**, UNHCR, a spokesperson of the **Higher Administrative Court of Lower Saxony** and **Pro Asyl** report that a very high number of asylum appeals pending in the court system will take several years to be processed, as they exceed the capacities of the administrative courts. In addition, there were 65 062 first and subsequent asylum applications pending during the reporting period, according to the **Federal Office for Migration and Refugees** (see pp. 13–14 thereof). The same source counts 120 490 appeal procedures pending in the same period.

Pro Asyl criticises the short and structurally unfair fast-track asylum procedures at German airports, which mean that the Federal Office for Migration and Refugees has to decide on applications within 2 days. Unless the application is rejected as ‘manifestly unfounded’, the applicant can enter Germany and undergo a regular procedure. The hearings usually take place immediately

Bright spots

In **Belgium**, the **Office of the Commissioner General for Refugees and Stateless Persons** launched a new website, **Asylum in Belgium**, which aims to provide complete and easy-to-understand information about the asylum procedure in the country. The website is available in nine languages and includes audio and video explanations.

after arrival, although the applicant may still be in a state of physical and psychological crisis. Finally, the applicants have no or hardly any chance to receive independent legal advice.

In the **Netherlands**, the authorities **took steps** to evacuate from Afghanistan 273 interpreters who had worked for the Dutch military. The House of Representatives has agreed that they can automatically get visas and apply for asylum once they are in the Netherlands.

In **Ireland**, NGOs have expressed concern because of significant delays in immigration processing, including asylum, at the Department of Justice during the pandemic. The Immigrant Council of Ireland **noted in 2020** that “the recent Covid-19 related disruptions have only magnified pre-existing cracks in the administration”. These concerns have been recently echoed by the Irish Refugee Council in a **report** that explores the issue of delays within the Irish protection system. UNHCR points to the lack of regulation of interpretation services and the wide variation in quality within interpretation services. The government has committed to improving the quality of interpretation services provided to international protection applicants (see the **White Paper** on the new accommodation model for asylum seekers and the transitional process).

Reception

Changes in law, policy and/or practice

In **Malta**, the Ministry for Home Affairs, National Security and Law Enforcement restricted access to the labour market for asylum applicants and those whose asylum claim has been rejected. People coming from 'safe' non-EU countries are entitled to work only under exceptional circumstances. The **Malta Refugee Council** – a network of Maltese non-governmental organisations – expressed criticism of the new law, which “will deprive hundreds of people, including families, of the income necessary to secure a minimum level of human dignity and self-reliance”.

In **Portugal**, **Decree-Law No 26/2021** and **Ordinance No 120/2021** create a National Pool for Urgent Accommodation (*Bolsa Nacional de Alojamento Urgente*) to ensure a temporary response to emergency situations. The Social Security Institute, the Commission for Citizenship and Gender Equality and the High Commission for Migration manage this pool, which offers municipal and public sector housing.

In **Spain**, a new **instruction** was adopted by the Secretary of State for Migration, establishing that only those granted international protection can access the second and last phase of reception. Depending on the reception phase, asylum seekers and beneficiaries of international protection receive different forms of reception conditions (i.e. assistance, accommodation, financial support, etc.), with the aim of improving the integration process. The second phase of the reception is focused on ensuring the self-sufficiency of the beneficiary of international protection. The government of Catalonia accused the state administration of shrinking and limiting the right to asylum, leaving applicants homeless, overburdening municipal social services and further collapsing the reception system.

The government in **France** **extended the winter truce** (*trêve hivernale*) until 31 May 2021 because of the COVID-19 pandemic. Under the rules of the *trêve hivernale*, tenants who cannot pay their rent or persons living in unofficial accommodation or tents cannot be evicted in winter. The *trêve hivernale* usually runs from October to April, but for the past 2 years it has been extended. While evictions have resumed since 1 June 2021, the government **announced** that the 200 000 emergency accommodation places opened during the health crisis will be maintained until March 2022, affecting many migrants and asylum seekers.

Also in **France**, the **Council of State ruled** that the authorities had seriously breached the right to asylum by failing to provide a Burundian mother – deprived of any resources and living with her 11-year-old son in Mayotte – with adapted material reception conditions as long as her asylum application was pending. The Council of State reiterated the obligation of the State to provide adequate material reception conditions and assistance throughout the asylum procedure. At the time of the ruling, there were only 105 accommodation places in Mayotte, for about 3 000 asylum applicants, the NGO **La Cimade** reported.

In **Ireland**, **national standards for accommodation offered to people in the protection process** became binding. The publication of the Irish Government's **White Paper** on the plan to end the principle of direct provision of reception services, such as accommodation free of charge and a small allowance, by 2024 marks a policy shift in relation to reception conditions in Ireland and has been broadly welcomed by NGOs and advocates.

The European Union and **Serbia** signed a **Treaty on European Union Support in Migration Management – Second phase of improving reception capacities, protection services and access to education**. The agreement is part of the broader EU support to Serbia in managing migration.

FRA activity

Initial-reception facilities at external borders: Fundamental rights issues to consider

A joint note entitled *Initial-reception facilities at external borders: Fundamental rights issues to consider* outlines how to help ensure a dignified stay for non-EU nationals who are apprehended or intercepted at external borders. It identifies 12 points for protection-sensitive and fundamental rights-compliant planning and design of initial reception facilities at such borders. These are based on FRA's work at external borders, including data collection and research activities. The overall purpose of the note is to help prevent the design and setting up of reception facilities that do not offer dignified standards to migrants and refugees.

The note is available on [FRA's website](#).

Bright spots

In **Ireland**, retail banks accept the Temporary Residence Certificate as an alternative identity document, meaning that applicants for international protection should be able to open bank accounts. This has been **welcomed by the Irish Human Rights and Equality Commission**.

International protection applicants may be granted permission to access the labour market after 6 months. The **period has been reduced** from 9 months.

Reception capacity

Sufficient reception capacity was available in **Bulgaria, Croatia, Denmark, Germany, Hungary, North Macedonia, Poland, Portugal, Romania** and **Slovakia**.

In the reporting period or part thereof, some reception facilities in **Belgium, Cyprus, France, Greece, Ireland, Italy, Malta**, the **Netherlands, Serbia** and **Spain** were (almost) full or overcrowded.

In **Belgium**, the Federal Agency for the Reception of Asylum Seekers (Fedasil) opened a **new reception centre in Liège**, which is a temporary facility with 500 places. At the same time, Fedasil closed the temporary reception facility in **Theux** and the reception facility in **Kalmthout** (Antwerp).

In **Ireland**, UNHCR drew particular attention to capacity issues in the reception system and the increased reliance on emergency accommodation. Out of 70 accommodation centres, 24 are emergency accommodation centres.

Reception conditions

In **Greece**, the restrictions of movement imposed on residents at reception and identification centres to prevent the spread of COVID-19 remain in force despite the lifting of the measures for the local population, as noted by Médecins sans Frontières (MSF). The **CoE Commissioner for Human Rights** stressed that action to improve the substandard living conditions in the reception and identification centres must not be delayed, and expressed concerns about the risk of large-scale and long-term deprivation of liberty in the future multipurpose reception and identification centres. As reported by MSF, on Samos and Lesbos, the situation deteriorated for beneficiaries of international protection, who were deprived of access to basic services in the camps, such as food and healthcare, 30 days after the issuance of their asylum decisions.

The conditions also remain poor in the quarantine site Megala Therma on Lesbos, which according to MSF fails to meet basic infection control and prevention standards. MSF's teams witnessed unaccompanied children confined with adults and single women placed in the same areas as men. Pregnant women and other vulnerable persons were confined within padlocked cohorts for an average time of 24 days even if they tested negative for COVID-19, as reported by MSF.

In the mainland, with the termination of the Filoxenia programme providing temporary accommodation to asylum applicants, thousands of persons had to either re-enter camps or sleep rough, as noted by the European Council on Refugees and Exiles (**ECRE**).

In **Malta**, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (**CPT**) revealed that open centres and other reception facilities lack sufficient space. As a result, many asylum applicants who would normally qualify to reside in an open centre were placed in detention. According to the **Asylum Information Database**, sleeping quarters are provided in the forms of rooms (Marsa Initial Reception Centre), mobile metal containers and tents (Hal-Far Open Centre and Hal Far Tent Village). While some improvements in general conditions have been made, the living conditions remain inadequate, including poor hygiene standards, severe overcrowding, a lack of physical security, poor material structures, and the presence of rats and cockroaches.

In **Cyprus**, the restrictions on freedom of movement in Pournara camp that were applied as a preventive measure against COVID-19 have been lifted. However, the **CoE Commissioner for Human Rights** noted that the asylum seekers' and migrants' exit from the reception centres is conditional on requirements that may in practice deprive persons of their liberty for prolonged periods. According

to the Cyprus Refugee Council, asylum applicants can leave Pournara only after the completion of the registration procedure, which can take between 45 and 60 days for adults and from 60 days to 4 months for unaccompanied children. Difficulties also continue to arise after the completion of registration, as persons need to provide a valid residence address to be able to leave the centre, while applicants from 'safe third countries' are required to remain there until the completion of their asylum interview. Furthermore, applicants who leave the camp do not receive any assistance to find accommodation, as the Cyprus Refugee Council noted.

Also in **Cyprus**, the CoE Commissioner **noted** the issues civil society organisations face with their registration, and urged the authorities to consider alternative measures to their deregistration and dissolution. These measures have reportedly also affected the NGO KISA, which is active in the area of asylum and migration.

In **Slovenia**, according to the Legal-Informational Centre for NGOs, the reception area in the Ljubljana Asylum Home (Vič Headquarter) – designated for those who have expressed their intention to apply for asylum – lacks sufficient capacity, conditions are inadequate and the persons concerned are not allowed to leave the facility.

In **Slovakia**, the Slovak Humanitarian Council reported that the pandemic has somewhat affected reception conditions owing to mandatory isolation and COVID-19 testing of each new asylum applicant arriving in a reception facility. Reception facilities did not have enough suitable premises for isolation.

In **Portugal**, the Portuguese Refugee Council reported that the main challenge concerning reception of new arrivals continued to be the measures implemented to prevent, contain and mitigate COVID-19. The admission of new asylum applicants at the reception centres of the Portuguese Refugee Council implies a period of isolation, in temporary lodgings, until the applicant is tested for COVID-19 and the result is negative. In January 2021, the Portuguese Refugee Council opened an office to give psychological support to those accommodated in one of its facilities.

In **Spain**, the Ombudsperson's **report on the migration situation in the Canary Islands** highlighted insufficient coordination between different bodies, inadequate reception facilities, shortage of trained personnel for the identification and referral of vulnerable persons, and structural issues in the management as some of the main deficiencies of the current reception system. **Several civil society organisations** denounced the lack of adequate reception facilities and the absence of swift and effective identification protocols for the referral of vulnerable persons on the Canary Islands. **Amnesty International** reported inadequate reception conditions in some large centres on the Canary Islands, such as El Matorral and Las Raíces, with large tents housing the residents, poor food quality, and a lack of psychological and legal support. **The Government Plan on Recovery, Transformation and Resilience** envisages investing € 190 million in improving the capacity and efficiency of the reception system for asylum seekers.

In **France**, following visits to the informal camps in Calais, Grand-Synthe and Île-de-France, the **National Advisory Commission on Human Rights, the Public Defender of Rights and the National Advisory Committee on Ethics for Life and Health Sciences** noted substandard living conditions. Issues of concern include daily evictions from informal living areas, and the lack of access to safe drinking water, food, showers, sanitation, emergency first aid and hospital services.

In **Belgium**, the solidarity group *Migrations Libres* published an article **criticising the conditions** at the Jalhay reception centre after the administration of the centre had been taken over by a private company. According to the group, the

new private operator significantly reduced the personnel, which negatively affected the communication, safety and provision of services, including medical care, in the centre. **Fedasil** opened an investigation into the matter, as a result of which the agency requested improvements. These include increasing the personnel, enhancing communication, increasing pocket money for residents and organising more leisure activities, especially for children.

In the **Netherlands**, 200 asylum applicants staying at the Apeldoorn reception centre complained about the lack of ventilation, and insufficient cleaning and heating in the centre, according to **media sources**. Following **consultations** between the Central Agency for the Reception of Asylum Seekers and the centre's residents, several arrangements were made including changes in the layout of the rooms and temporary assistance with cleaning.

In **Ireland**, there is ongoing and sustained criticism of conditions in the reception system by NGOs and other bodies, such as UNHCR Ireland, the Irish Refugee Council and the Ombudsperson for Children. Among other issues, the practice is that persons who have received a recommendation of inadmissibility from the International Protection Office may experience reduced access to reception services, although an applicant can appeal against a declaration of admissibility and should thus be entitled to reception. Another related challenge for the reception system is the significant number of residents (1 039 as at the end of March 2021) with a form of status who are unable to move out of accommodation centres because of the lack of private and social housing in Ireland and high rental prices.

In **North Macedonia**, the Vinograd transit centre continues to be used as a quarantine accommodation centre for all new arrivals. According to the Ombudsperson, precise guidelines for the regulation of the competent authorities responsible for quarantine accommodation are missing. Moreover, the status of the transit reception centres (Tabanovce and Vinograd) is still not legally defined. According to the Ombudsperson, this affects the level of coordination among the authorities present in the camps and increases the risk of ill treatment and violation of rights.

Vaccination of asylum applicants

According to the NGO Médecins du Monde, COVID-19 vaccination programmes for asylum applicants living in the Porin reception centre in **Croatia** have not been organised yet. Asylum applicants are unable to access vaccination points open to the general public, since they do not have Croatian health insurance or Croatian identity cards. According to the Ministry of the Interior, all asylum applicants who wished have been vaccinated against COVID-19.

In **Portugal**, according to the **Directorate-General for Health**, asylum applicants and beneficiaries of international protection residing in reception centres were given priority in the COVID-19 vaccination plan.

At the end of May, the authorities in **Belgium** started the COVID-19 vaccination of asylum applicants in all reception centres, the federal asylum authority (Fedasil) **announced**.

In **Denmark**, according to the Danish station **Radio4** on 2 June, none of the almost 1 900 asylum seekers living in Danish asylum centres have been vaccinated against COVID-19, which stands in contrast to the message conveyed by the **Danish government** in a report as a part of the parliamentary procedure on the new 2021 Epidemics Act (see p. 22 thereof, in Danish). In the report, the government referred to the assessment by the Danish Health Authority (*Sundhedsstyrelsen*) that vaccination is the most important countermeasure against COVID-19 and also that asylum seekers should be offered vaccination

in the same order as persons covered by the vaccine offer in accordance with applicable Danish law.

According to the **media**, in March 2021 **Serbia** was the first country in Europe to start the vaccination of migrants in reception facilities and asylum centres.

Treatment of persons with vulnerabilities

In **Greece**, MSF **responded** to alarming levels of mental health problems among asylum applicants on the Greek islands, including self-harming and suicidal acts among children. According to MSF, the indefinite detainment, sense of limbo and systematic violence further traumatised people seeking protection. The Estia scheme on Samos, which in the past had offered safe apartments to vulnerable applicants, including victims of sexual and gender-based violence, was **discontinued**. For lack of alternative accommodation, even sexually abused persons stayed in tents in a separate section of Vathy camp, where the alleged perpetrators also stayed. On Lesbos, following the **closure of the Kara Tepe site**, a model facility offering **dignified accommodation** in prefabricated containers, vulnerable persons were transferred to Mavrovouni tent camp. Owing to the reduced numbers of alternatives to camps on both islands, there are significant difficulties in finding dignified accommodation even for persons with serious health issues, as reported by MSF.

In **Malta**, concerns over the mental health of migrants and asylum applicants held in open facilities and detention centres increased, according to the Malta Refugee Council (a network of Maltese NGOs). **Media sources** also reported a worrying number of attempted suicides and cases of self-harm in detention facilities.

In **Cyprus**, only severe illness and late-stage pregnancy are considered vulnerabilities, and there is no follow-up of vulnerable persons after they leave the Pournara camp, as UNHCR reported. At the same time, the processing of applications for monthly allowances, even for emergency money to allow asylum seekers to sustain themselves outside reception facilities, might take several weeks or months. During this time, applicants are left without money or food.

In **Croatia**, the NGO Rehabilitation Centre for Stress and Trauma Zagreb reported on the lack of systematic and appropriate measures for detecting and identifying vulnerabilities, particularly invisible ones such as mental health issues, among asylum applicants, victims of torture or other forms of violence, including female genital mutilation, and victims of trafficking in human beings. According to the same NGO, civil society organisations providing this type of support did not have access to the Porin reception centre. The accommodation provided to individuals with disabilities who had been granted international protection was also inadequate for their integration and rehabilitation, as the NGO Centre for Cultural Dialogue reported.

In **Hungary**, the Cordelia Foundation for Torture Victims published a manual titled '**The role of interpreters and intercultural mediators in the work with refugees during COVID-19**'. The manual aims to enhance the efficiency of online hearings and therapies offered to victims of torture during the COVID-19 pandemic. It is based on desk research, quantitative research and semi-structured interviews, and targets mental health practitioners.

In **Austria**, a **parliamentary inquiry** on the treatment of LGBTIQ refugees referred to a case in which a transgender woman from Ukraine was harassed. According to her, she had to undress in front of male officials and was addressed as a man despite her gender registration. The appeal procedure is pending. Caritas Vienna reported that LGBTIQ refugees and asylum seekers do not have access to proper

Bright spots

Authorities in **Slovenia contracted the Institute for African Studies** to implement a project on better informing asylum applicants about trafficking in human beings, sexual violence and gender-based violence and how to avoid such risks. The project also aims to identify victims of trafficking and ensure their access to appropriate assistance.

In **Croatia**, authorities implemented a new protocol to prevent sexual and gender-based violence in the Porin asylum reception centre, the NGO Médecins du Monde Croatia reported.

specialised care facilities in Lower Austria. LGBTQI asylum applicants frequently suffer from mental health problems, often because of abuse, and require therapy and connections to the community. The Vienna-based **Queer Base** (a specialised NGO supporting LGBTQI persons), together with the province of Vienna, is ready to offer support and basic care; however, the province of Lower Austria does not transfer the responsibility for basic care of these persons to Vienna.

In **Slovenia**, UNHCR identified gaps in the provision of psychosocial support for asylum applicants in accommodation centres. UNHCR sought to temporarily fill this gap by providing access to psychosocial counselling for asylum applicants through its partner organisation.

In **Romania**, a new internal identification procedure for vulnerable cases started in January 2021. The NGO JRS Romania stated that the mechanism made it possible to identify an increased number of vulnerable persons; however, the responsibility for assistance lies with other authorities, which do not always cope well with the situation.

In **Portugal**, the Refugee Council gives special attention to the identification of special needs of asylum applicants, because there are no specific mechanisms, standard operating procedures or units in place to systematically identify asylum applicants in need of special reception conditions (the exceptions being age assessment procedures to identify unaccompanied children and the identification of unaccompanied children who may have been trafficked). This has been a collaborative effort between the Portuguese Refugee Council, the Immigration and Borders Service and UNHCR.

In **France**, the Ministry of the Interior published an **action plan** to enhance support to vulnerable persons among asylum seekers and refugees. The actions aim to better identify and protect persons with vulnerabilities related to physical and mental health and disability, as well as victims of trafficking in human beings, victims of sexual and gender-based violence, and unaccompanied children. It is planned, among other targets, to expand their specialised housing by creating 200 new housing places for LGBTQI asylum applicants and refugees by 2022.

In **Belgium**, the **Correctional Tribunal of Antwerp** delivered its judgment in a case concerning the issuance of humanitarian visas with a view to facilitating trafficking in human beings.

In **Germany**, the **Federal Working Group of Psycho-Social Support Centres for Refugees and Victims of Torture** reported in 2020 that a nationwide conceptual framework to identify vulnerable groups and their needs is missing. Only three German states follow systematic methods for the identification of vulnerabilities. This finding is seconded by a **study** by the Martin Luther University of Halle-Wittenberg (see p. 83 thereof).

In **Ireland**, UNHCR points to the absence of a formal identification procedure for applicants with specific procedural needs and/or vulnerabilities. To address this gap, the International Protection, Integration and Equality Division in the relevant government department launched a pilot vulnerability assessment process, aimed at identifying asylum seekers with vulnerabilities and special needs, including children, which started at the end of December 2020.

In **North Macedonia**, according to the Macedonian Young Lawyers Association and the NGO Open Gate, the current practice of accommodating foreign victims of trafficking in human beings in the reception centre for foreigners is inappropriate because it is a closed type of centre, intended for the accommodation of foreigners who are in the process of return.

Bright spots

In the **Netherlands**, the State Secretary for Justice and Security announced **measures** to improve the safety of LGBTQI asylum applicants and of applicants who converted to Christianity. The measures include increasing the visibility of the target groups and the reception centre employees' awareness, creating minimum standards for their safety in the reception centres and registration of discriminatory incidents.

Bright spots

In **Greece**, the Ministry of Migration and Asylum and UNHCR, in collaboration with IOM and the NGOs Arsis, METAdrasi and the Network for Children's Rights, launched a **mechanism** to rapidly identify unaccompanied children who are homeless or living in insecure conditions and transfer them to safe accommodation. The mechanism includes a 24/7 telephone hotline for identifying and tracing children in need, available in six languages.

Bright spots

In **Belgium**, a new project called **U-CARE** started under the coordination of IOM Belgium. Lasting for 20 months, the project aims to contribute to the development and improvement of alternative non-institutionalised care systems for unaccompanied migrant children in Belgium, **Germany** and **Greece**.

Child protection

Changes in law, policy and/or practice

The Juvenile Court of Mytilene, Lesbos, sentenced two young persons who had arrived in **Greece** as unaccompanied children to **5 years in prison** for the fire in the Moria camp in September 2020. Three of the remaining four defendants had been younger than 18 at the time of the fire, but were denied a trial before a juvenile court, according to **ECRE**. Their trial took place at Chios Court, where they were sentenced to 10 years' imprisonment. Journalists, legal observers and UNHCR were not allowed to attend the trial. **Defence lawyers** claimed that the trials did not meet legal standards.

In **Italy**, the Ministry of the Interior sent a circular letter to all Italian prefectures, promoting the use of **operational guidelines** when receiving unaccompanied children, including information about procedures for registration, the role of guardians, protecting the child's best interests, the asylum application assessment and the early identification of victims of trafficking.

In **Malta**, amendments to the **Child Protection (Alternative Care) Act** changed the procedure for issuing protection orders to unaccompanied children, by clarifying the jurisdiction of the Juvenile Court. The new rules are meant to facilitate unaccompanied children's access to asylum procedures, according to UNHCR.

Croatia's efforts to relocate 11 asylum-seeking unaccompanied children (all girls) from **Greece** failed, as all of them ran away while transiting at the Amsterdam International Airport and applied for international protection in the **Netherlands**, the Croatian Ministry of the Interior informed FRA.

In **Austria**, the Federal Ministry of Justice established an independent Commission on the Best Interests of the Child (**Kindeswohl-Kommission**). This commission's mandate is to document and analyse the legal situation and the practical implementation of relevant international, European and domestic provisions concerning the protection of the best interests of the child in the area of asylum and aliens law.

In **Portugal**, the **government** stated that, of the 500 unaccompanied children from Greece to be relocated to Portugal, 78 had already arrived by March 2021. Portugal has received the fourth largest number of unaccompanied children, after Germany, France and Finland.

In **Spain**, **Organic Law 8/2021 of 4 June on the comprehensive protection of children and adolescents against violence** entered into force. It will play a key role in strengthening the protection system for children, including asylum applicants.

Safeguards at registration and in asylum and return procedures

In **Croatia**, the Office of the Ombudsperson for Children continued to receive information on cases of authorities separating migrant and asylum-seeking children from their families for months. Another issue concerns children of rejected asylum applicants, who are ordered to leave the Porin reception centre within 30 days, even if the school year for the children is still ongoing.

Also in **Croatia**, unaccompanied children faced obstacles to accessing primary and secondary education, the Ministry of Labour, Pension System, Family and Social Policy reported. The problems include a lack of documentation proving these children's previous education, acquired knowledge and skills; lengthy school enrolment processes (especially in secondary schools); too few interpreters; issues with age assessment; and local community resistance

to unaccompanied children's integration. According to the NGO Rehabilitation Centre for Stress and Trauma Zagreb, deficiencies in the guardianship system for unaccompanied children persisted.

In **Poland**, according to the Ombudsperson for Children, ensuring legal representation for unaccompanied children remains a challenge, as the legal provisions are not adapted to the needs of such children.

In **Slovenia**, providing accommodation and care systematically to unaccompanied children who wish to apply for asylum was a persistent issue, the Government Office for the Support and Integration of Migrants reported. According to the NGO Slovene Philanthropy, the proposed solutions (e.g. setting up a pre-screening centre examining children's individual circumstances; assigning housing units to those capable of independent living) have not been successful owing to disputes between several authorities over powers.

In **Portugal**, the Refugee Council raised concerns about age assessment procedures. The initial age assessment is conducted by the Immigration and Borders Office and does not involve child protection staff. Second-stage assessments are conducted by the National Institute of Legal Medicine and Forensic Science using wrist and dental X-rays. Sometimes the evaluation of sexual development is also part of the age assessment procedure.

In **Spain**, the Office of the Public Prosecutor for Minors, UNHCR and the Spanish Catholic Migration Commission Association consider that the decentralisation of the system for the protection of unaccompanied children, which leaves the competence in the hands of the 17 autonomous communities and the two autonomous cities of Ceuta and Melilla, poses difficulties in pursuing a harmonised approach across the country. According to the General Commissariat for Aliens and Borders, there are 4 625 unaccompanied children in Spain who will turn 18 in 2021.

Reception conditions

In **Greece**, the Ombudsperson **noted** a violation of the right to education and discrimination against children staying in reception and identification centres and facilities under the Ministry of Migration and Asylum. In most cases, this was a result of delays in procedures, inaction of the administration, understaffing, transport problems, extended lockdown of facilities due to the pandemic and lack of places in schools.

In **Italy**, in a **formal letter** addressed to public authorities, several civil society organisations denounced some critical aspects in the management of unaccompanied children arriving at the border between Italy and Slovenia, including the accommodation of at least three individuals declaring their minor age in a reception centre for adults and the lack of proper age assessment procedures in a number of cases.

In **Cyprus**, **UNHCR's Assistant High Commissioner for Protection** expressed concerns about the situation of unaccompanied children in Pournara camp and the lack of separation from unrelated adults. In Pournara, which operates at 200 % capacity, only 16 out of the 133 unaccompanied children stay in a 'safe zone'. There will soon be a 24/7 presence of welfare officers, but no activities are provided inside the zone. According to UNHCR, unaccompanied children are held for longer in the camp because of delays in age assessment procedures. Such procedures are performed for most children even in cases where there is documentation proving their minority. Children in Pournara have still no access to formal education in spite of the recommendations by the **Commissioner for Children's Rights**.

According to the **media**, the Faneromeni School in Nicosia, which had hosted mainly migrant and refugee children, was closed. UNHCR filed a complaint to the Commissioner for Children's Rights, as the students from Faneromeni were not accepted by the **nearby school**.

In **Romania**, according to the NGO LOGS, some unaccompanied children live outside reception centres in abandoned houses in Timișoara, with several cases of child prostitution documented.

In **Spain**, the **Ombudsperson** carried out visits to Ceuta and Melilla and focused on the situation of unaccompanied children. His concerns after the visit related to the presence of unaccompanied children in the overcrowded temporary immigrant accommodation centres, difficulties in accessing education and protection of children who transition to adulthood. The Ombudsperson made several **recommendations** to the Ministry of Social Rights and Agenda 2030 to improve their protection, which include developing a multiannual strategic action plan for the integration of unaccompanied children; incorporating in the next Asylum, Migration and Integration Fund programme actions needed for their identification, reception and integration; and ensuring that the Central Registry of Unaccompanied Foreign Children functions properly.

In **France**, the Public Defender of Rights highlighted persistent shortcomings in the care system for unaccompanied children. The situation in the department of Bouches-du-Rhône was of particular concern, according to **the findings** of the Public Defender of Rights published in March.

In the **Netherlands**, the Health and Youth Care Inspectorate and the Inspectorate of Justice and Security published a **report** about the quality of reception and supervision of unaccompanied children. They noted improvements in the instructions, assessments and exchange of information between reception employees, but highlighted staffing issues. A **study** carried out by the working group on children in reception centres on three reception centres and one family location (closed facility for persons in return procedures) showed that children do not feel safe, experience constant stress and have no accessible confidential counsellors. Additional issues included unexpected transfers between reception facilities and the lack of privacy.

In **Denmark**, according to the Danish Red Cross, there are several separated families partly living in Danish asylum centres because one of the parents has been denied a residence permit or it has been withdrawn.

In **Ireland**, the **Ombudsman for Children's Office** reported that the direct provision system does not have the best interests of the child or protection and promotion of the human rights of child refugees at its core. While improvements have been made to the system since 2015, many children seeking international protection with their families are still living in hotel-style accommodation, including in emergency accommodation settings.

Immigration detention

Figures and trends

In **Cyprus**, a closed reception centre with capacity for 800 persons and a pre-removal centre for 1 000 persons will be set up in Limnes. The reception centre will be used to hold asylum seekers during fast-track asylum procedures. The existing Menoyia detention centre is operating at maximum capacity and, contrary to some of the CPT's recommendations, holding cells in police stations are used for immigration purposes. According to UNHCR, asylum seekers from 'safe third countries' are not released from Pournara before the completion of their asylum interview. After their release, those whose appeals are deemed to be manifestly unfounded are sometimes, depending on the detention capacity, remanded in custody pending their return. Appeals in the accelerated procedure do not have an automatic suspensive effect.

In **Hungary**, 231 people were placed in pre-removal detention during the reporting period, a considerable increase compared with the previous period (only 33 new pre-removal detainees between July and December 2020), according to the National Directorate-General for Aliens Policing and the National Headquarters of the Police. As of the end of June, two asylum applicants were being detained at the Nyírbátor asylum detention facility, according to information provided to FRA by the National Directorate-General for Aliens Policing.

In **Austria**, the **Federal Minister of the Interior** reported on 11 March 2021 that, in 2020, a total of 3 971 persons had been held in detention pending deportation. Thirteen of them were below the age of 18. Of these 13 children, 11 were unaccompanied. In 2020, the average duration of detention of children pending deportation was 9.4 days (10.4 days for unaccompanied children).

In the **Netherlands**, according to the **Dutch Advisory Committee on Migration Affairs**, between 2015 and 2019, the annual number of placements in detention almost doubled (from 1 999 in 2015 to 3 729 in 2019). The detainees also included persons waiting for transfers under the Dublin regulation.

Changes in law, policy and/or practice

In **Italy**, a **decision** by the Ordinary Court of Milan established that non-EU nationals detained in a return detention centre (*centro di permanenza per il rimpatrio*, CPR) must be allowed to use their mobile phones.

In **Bulgaria**, the **Supreme Administrative Court** noted that children detained as a result of the detention of their accompanying adult have their own right to appeal against the detention decision. The court also clarified that the information provided by the police on the relationship between children and accompanying adults is not binding and the authorities ordering the detention can further assess the relationship.

In **Portugal**, the Portuguese Refugee Council reports that asylum applicants do not have a dedicated area at the temporary installation centre at Lisbon airport. The Ombudsperson's Office expresses concern about the lack of places once the pandemic is over because the temporary installation centre at Lisbon airport continues to be the only facility in the vicinity of the capital where most of the people whose entry is refused have to stay. A new temporary installation centre in Sintra, close to Lisbon, has been announced, but its opening has been continuously delayed.

In **Belgium**, a new Department of Alternatives to Detention has been created within the Immigration Office, according to that office. The new department will focus on organising coaching programmes to promote voluntary departure of

returnees, both single individuals and families. Some 80 return coaches will be employed in the different regions of the country so that return coaching can take place near where the persons concerned are staying.

In the **Netherlands**, the Administrative Jurisdiction Division of the Council of State **ruled** in three separate cases that the detention of undocumented migrants from Morocco is unlawful because there is no prospect of them being returned. Moroccans were often detained for up to 6 months, sometimes several times within a couple of years. According to the **Immigration Detention Hotline** of the LOS Foundation, approximately 80 persons were released after the ruling. Despite the decrease in the occupancy of the Rotterdam detention centre, the use of multiperson cells continues.

Detention conditions

In **Italy**, a **report** based on the monitoring activities conducted in 2019–2020 by the National Guarantor for the rights of persons detained or deprived of liberty (*Garante nazionale per i diritti delle persone detenute o private della libertà personale*) in the Italian CPRs highlighted the following critical issues: several incidents and revolts occurred in Italian CPRs, showing the high level of distress among the detainees and the lack of adequate security measures; there is no comprehensive legislation governing the CPR system and detention conditions in these facilities; reception conditions are poor, and leisure and socialisation activities almost non-existent; the detainees cannot use their mobile phones; the management of CPRs lacks adequate accountability mechanisms and transparency. In a **reply** to the concerns expressed by the guarantor, the Ministry of the Interior stressed that it is difficult to offer leisure and socialisation activities given the short duration of the detention period (no more than 90 days) and the lack of interest on the part of the detainees, and that the deprivation of personal mobile phones is for internal security reasons.

Also in **Italy**, the Ministry of the Interior **rejected** several formal requests sent **by ASGI**, asking to be allowed – as immigration lawyers – to visit the transit zones of Italian airports. Non-EU citizens undergo identification there and, if their entry documents do not fulfil the requirements imposed by the legislation, they are subject to immediate return. In the association’s opinion, airports’ transit zones must meet the same requirements and provide the same fundamental rights safeguards that apply to pre-removal detention facilities. According to a **2019 report** by the National Guarantor for the rights of persons detained or deprived of liberty, non-EU citizens who are refused entry at Italian airports have to wait in airport transit zones, in some cases even for days, for the first available return flight; during this detention period they do not benefit from fundamental rights safeguards connected to deprivation of liberty. Such safeguards include those regarding detention conditions (no access to natural light and fresh air), isolation from the outside world, limited access to legal assistance and a lack of judicial authorisation for detention.

In **Malta**, the **CPT, in its report published in March, expressed** serious concerns about several cases of ill treatment of pre-removal detainees by the Detention Service staff and private security staff at Hermes Block (Lyster Barracks). According to **media sources**, the detention staff resorted to beatings and used pepper spray and unauthorised firearms during riots. The CPT report found continued and widespread use of immigration detention, often without sufficient legal grounds and lasting for a long time, and frequently lacking due process safeguards. The report highlights the “cumulative effect of a lack of basic rights, poor conditions and frustration at long detention periods” (p. 7). Most detainees are unaware of their legal status and the grounds of their detention. These hurdles are further amplified by the confiscation of mobile phones upon arrival and the lack of information on how to contact NGOs, consular staff, lawyers or UNHCR.

In **Poland**, the Ombudsperson **published a report** on his inspections carried out in six detention centres for foreigners in 2016–2018. The findings show that the detainees included persons who prior to the detention had been subjected to torture, inhuman and degrading treatment, rape and other types of violence.

In **Bulgaria**, an 83-year-old Armenian woman died in the Busmantsi pre-removal centre. According to the **Bulgarian Helsinki Committee**, the woman was bedridden even during her transfer to the pre-removal centre, which raises questions about the legality of the detention.

Also in **Bulgaria**, the persistent lack of qualified interpreters has turned into an obstacle for the medical staff of the detention facilities, as the **Ombudsperson** noted.

In **Slovakia**, according to the Slovak Humanitarian Council, the suspension of the administrative expulsion decisions during the COVID-19 pandemic led to increased numbers of detainees, with a peak in January and February 2021, when the detention centres reached their maximum capacity. As a result, the Migration Office and the Office of Border and Foreign Police signed a memorandum of understanding, allowing the temporary placement of detainees in accommodation facilities for asylum seekers. According to the Migration Office, this resulted in the placement of fewer than 100 foreigners in such facilities.

In **Portugal**, according to the Ombudsperson's Office, the holding facilities at Funchal airport do not have suitable detention conditions. The Santo António Housing Unit detention centre's bedrooms are small cells with no wireless internet connection.

In **Spain**, according to a **press release**, several civil society organisations condemned alleged cases of torture, degrading and humiliating treatment, and hate crimes in the Aluche detention centre, Madrid. These violations include alleged physical and verbal assaults by national police officers. The civil society organisations criticised the difficulties in access to effective judicial protection, and the failure to issue injury reports. The inadequate investigation of these practices, together with the minimal procedural safeguards for complaints of physical abuse, preserves the impunity of the perpetrators. The civil society organisations suggested greater involvement of legal aid actors to safeguard the guarantees of effective judicial protection and respect for the human rights of the detainees.

In **France**, the Controllor General of Places of Deprivation of Liberty voiced concerns, in a **report**, that migrants in an irregular situation were increasingly placed in pre-removal detention, even though there was virtually no prospect of removal given the still reduced air traffic as a result of the COVID-19 pandemic.

In **Belgium**, the NGOs **Collective for Resistance to Centres for Foreigners** and **Getting the Voice Out** alleged that four detainees at the Vottem pre-removal detention centre who had tested positive for COVID-19 were placed in solitary confinement to be isolated from other detainees. Both NGOs criticised the use of solitary confinement as an isolation measure and the harsh conditions of the regime. The Immigration Office refuted these allegations, stating that these individuals were placed in proper medical isolation cells, and hence it was not solitary confinement, **media sources** reported.

Also in **Belgium**, vaccination of pre-removal detainees against COVID-19 started in mid-June, according to the Immigration Office. The same source informed FRA that, owing to the ongoing global health crisis, restrictions to visits were still in place. NGO visits are limited to one visit a week by a maximum of two visitors, with visits not allowed in the common areas but in a separate room with a plexiglass screen between the detainee and the NGO representative (one

detainee at a time), whereas visits by friends and family are limited to two adults (with minor children) per detainee, with multiple visits a week.

In **Germany**, the **government's answer to a parliamentary inquiry** provides an overview of figures on detention pending removal in the federal states between 2018 and March 2021. As of February 2021, 1 023 out of 2 074 persons detained pending removal were assumed to be (at least partially) illegally detained. On average, the unlawful detentions lasted around 27 days.

In the **Netherlands**, the Dutch section of the International Commission of Jurists in its **contribution report** to the UN Committee against Torture raised questions regarding the use of solitary confinement in immigration detention, the use of restraints during transport from the detention facilities and the proportionality of anti-COVID-19 measures.

In **Denmark**, according to the Danish Red Cross, the presence checks for rejected asylum seekers in return centres are very strict. They must report in the morning and in the evening, which limits the possibility of visiting families, including children.

Also in **Denmark**, the **Parliamentary Ombudsperson** initiated and conducted an examination of the Immigration Service's reassessment of the duty to reside, duty to report and duty to inform for tolerated stay status holders. The Ombudsperson noted that, according to the Ministry of Justice's instructions, there is a need for continuous assessment of whether decisions from the authorities on reporting duties are proportional and should still be enforced.

In **Ireland**, there are no dedicated facilities for immigration detention; individuals are detained in ordinary prisons or in police stations. In its 2020 **report**, the CPT reiterated its previous finding that prison is a wholly unsuitable environment for placing immigration detainees. There are no formal alternatives to detention.

In **North Macedonia**, the practice of detaining migrants, including children, for the purpose of securing their testimony as witnesses in criminal proceedings against smugglers continues. No alternatives to detention exist for those not seeking international protection. According to the Ombudsperson, migrants are not informed of the reasons for their detention and in practice there is no possibility of judicial review of the lawfulness of detention.

Detention of children

In **Greece**, while the placement of unaccompanied children in 'protective custody' has been abolished, some unaccompanied children were detained in police stations and in the Amygdaleza detention centre pending their placement in specialised facilities, according to the Deputy Ombudsperson for Children. Procedural issues and postponed medical tests delayed the transfer of children to these facilities.

In **Cyprus**, the CoE Commissioner for Human Rights **urged** the authorities to release children from immigration detention.

In its **report** on its visit to **Malta** in September 2020 (published in March 2021), the CPT found that, owing to the lack of rooms in some reception facilities that are practically closed ones because of COVID-19, children often share space with related and unrelated adults. In the Marsa initial reception centre, children are kept in poor conditions with unrelated male adults. The same CPT report also found that healthcare in the reception facilities is unsatisfactory, while, according to the **Asylum Information Database**, there is no systematic medical screening for every new arrival at the reception centres. UNHCR also informed FRA that there are no dedicated areas for vulnerable persons in the reception facilities.

Educational activities for children are not available in detention centres, while leisure activities are limited to football and access to TV, according to UNHCR.

In **Croatia**, the Office of the Ombudsperson for Children reported on regularly placing children into pre-removal detention centres, and on placing unaccompanied children in community service centres – intended for children with behavioural issues – in Zagreb and Split.

In **Austria**, **the media** reported on an unpublished decision by the Regional Administrative Court of Lower Austria on 19 May 2021. In 2018, unaccompanied child refugees were detained in a shelter surrounded by a barbed wire fence, in Drasenhofen (Lower Austria), and were only allowed to go out once a day for 1 hour, accompanied by private security guards. The accommodation was closed in a few days and the children were relocated. The court found that the accommodation of unaccompanied child refugees in Drasenhofen was illegal because there was no legal basis for detaining the children. The Prosecutor's Office for Economic Affairs brought charges against the provincial councillor and a provincial official responsible for the accommodation and transfer of young refugees to Drasenhofen.

In **Poland**, the authorities do not always release from detention asylum applicants and persons pending removal who had suffered violence in their country of origin, the Ombudsperson for Children reported. The victims also included families with children held in Kętrzyn, Biała Podlaska and Przemyśl detention centres. Furthermore, he pointed out that in Kętrzyn detention centre there is no paediatric care on a permanent basis and that education is provided only for 12 hours per week.

In **Bulgaria**, unaccompanied children were incorrectly registered as accompanied by adults to whom they were not related, and they were subsequently detained in Lyubimets, the **Ombudsperson** notes in her 2020 annual report. Owing to lack of coordination and resources, children were detained illegally for several days until their transfer to reception facilities.

In **Portugal**, according to the Ombudsperson's Office, at Porto airport there are no clear procedures for handling unaccompanied children in detention.

In **France**, according to the NGO **Human Rights Watch**, families with children and unaccompanied children who are apprehended at the French-Italian border in the evening are often detained in police premises, in cells the size of a container, before being passed back to **Italy** the following day. In an on-site survey, detainees reported that they often get hungry and cold in their cells. In addition, the crowding in these cells does not allow for the required social distancing under the COVID-19-related public health guidelines. In a ruling delivered in April, the Council of State **recognised** that detention conditions in these premises were likely to affect human dignity, but it concluded that the risk did not reach the required threshold to order their immediate closure.

In **North Macedonia**, according to the Macedonian Young Lawyers Association and the Ombudsperson, children are placed in immigration detention in the Gazi Baba transit centre for foreigners or in the Vinojug transit centre. The main reason for their detention is to secure their presence as witnesses against smugglers in criminal procedures. In the Vinojug transit centre, children are placed in a container without access to fresh air, except during the breaks for going to the toilet, when a police officer accompanies them. Children who apply for asylum are transferred to the reception centre for asylum seekers and are accommodated separately from unrelated adults.

Return

Figures and trends

In January, **Greece** submitted a **request** to the European Commission and Frontex for the return to Turkey of 1 450 non-EU nationals whose asylum application was found inadmissible. Readmissions to Turkey stopped in March 2020.

Authorities in **Hungary** carried out 423 removals to non-EU countries, as well as 1 223 intra-EU readmissions under bilateral readmission agreements, during the reporting period, according to data that the National Headquarters of the Police provided to FRA. These people are typically those who attempted to enter Hungary with forged documents and are expelled as a result of a criminal procedure, or extradited human smugglers. Pending removal, returnees were kept in pre-removal detention centres at Budapest International Airport and in Nyírbátor, according to the Ministry of the Interior.

In **France**, the number of removals from the French overseas department of Mayotte to the Comoros remained particularly high, according to the information that the Public Defender of Rights and La Cimade provided to FRA. For instance, in January, the authorities removed 600 people in 1 week, the **media reported**. In May, a small fishing boat (*kwassa-kwassa*) carrying 24 people sank off the shores of Mayotte; two adults and at least one child died, the **press** reported.

Overall, in 2021 to date, the number of deportation orders both issued and carried out in **Ireland** has been low in comparison with previous years. This reflects a policy decision to suspend deportations while maximum (Level 5) public health restrictions were in place. A **report in the Irish Times** in April 2021, based on figures released by the Department of Justice, indicated that a total of 140 deportation orders were effected in 2020. This was significantly fewer than the 298 orders carried out in 2019.

"my Department has taken and will continue to take a pragmatic approach and most importantly a compassionate approach to immigration arrangements in the context of Covid-19."

Ireland, **Minister for Justice**

Changes in law, policy and/or practice

In **Greece**, a new **bill** submitted to the parliament aims, among other things, to tighten the rules for returns and removals. The **National Commission for Human Rights** and **four legal aid organisations** raised concerns regarding some of the bill's provisions. These include amendments to the return/deportation procedures; a more rigid framework for voluntary returns; the abolition of the possibility for the asylum authorities to grant an attestation of non-removal for humanitarian reasons to rejected asylum applicants; and the introduction of a fee for subsequent asylum applications. The National Commission for Human Rights assessed positively the extension of resident permits to the cohabitants of beneficiaries of international protection in case of civil partnerships and the access to health, social insurance and labour for unaccompanied children whose return is pending.

In **Bulgaria**, the rules governing the return procedure were **amended** to include an explicit ban on returning non-EU nationals to countries where they face a risk of persecution, torture or inhuman or degrading treatment or other serious harm. In such cases, the person can be removed to another country indicated in the return decision.

In the case of **Hassine v Romania**, the European Court of Human Rights found a violation of Article 1 of Protocol 7 (procedural safeguards relating to expulsion of aliens) of the European Convention on Human Rights. The case concerned a Tunisian national who was expelled from Romania on national security grounds. The applicant was not provided with any information about how he had allegedly endangered national security, and could not access the documents in the case. This constituted a substantial limitation to the procedural rights of

the applicant, without those limitations having been examined and duly justified by an independent authority at national level.

In **Portugal**, the Supreme Administrative Court ruled, in several cases (judgments of **14 January**, **11 March** and **27 May**) concerning respect for the principle of *non-refoulement*, that the burden of proof for the existence of a risk in the destination country of a Dublin transfer lies with the asylum applicant and that the flaws in the asylum system of the EU Member State responsible must be extremely severe. The **Supreme Administrative Court** reaffirmed that the situation in Italy does not amount to a generalised risk of torture, inhuman or degrading treatment, so the principle of *non-refoulement* is not violated when the Member State responsible is Italy.

In the **Netherlands**, the District Court of The Hague **ordered** the release of an Afghan national subject to return procedures. Because the new working method of the Royal Netherlands Marechaussee is unclear and there is no immediate prospect of stabilisation of the situation in Afghanistan, the court concluded that returns to Afghanistan are not feasible for the foreseeable future.

In **Denmark**, a **new Return Act** entered into force. The act allows for the use of 'motivation-inducing measures', including deprivation of liberty, in cases when rejected foreigners do not cooperate in their return. **The Ministry of Immigration and Integration** introduced several new incentives, including the collection of data from mobile phones and granting cash assistance of DKK 20 000 (approximately € 2 660) to rejected asylum seekers if they choose not to complain to the Refugees Appeals Board. All foreigners without the legal right to stay in the country must sign a contract with the immigration authorities stating their will to cooperate in their return. The contract is a precondition for accessing full rights until their departure. In cases of non-cooperation, measures such as an entry ban for a minimum of 1 year, reduction of financial benefits and exclusion from education can apply. According to Amnesty International Denmark, there is a risk that people will feel forced to enter such an agreement to gain full rights.

Fundamental rights concerns related to return

In **Malta**, rejected applicants for international protection are systematically held in detention centres **pending their removal**.

In **Austria**, the **Federal Office for Immigration and Asylum** reported on a series of charter operations coordinated by Frontex. Returns from Austria to Afghanistan were conducted (on **23 February 2021**, **30 March 2021**, **18 May 2021** and **15 June 2021**). Various organisations, such as **Asylum Coordination Austria** and **Diakonie Austria**, repeatedly protested against returns to Afghanistan because of the precarious security situation there. The **Federal Minister for Justice** demanded an evaluation of Austria's practice of returns to Afghanistan, which the Federal Chancellor and the Federal Minister of the Interior refused, the **media** reported. The Austrian Ombudsperson Board received nine complaints related to potential returns.

In **Slovenia**, the **Ombudsperson turned to the Constitutional Court** concerning the interpretation of a bilateral readmission agreement signed with Croatia (2005) in the light of EU law. The Ombudsperson invited the Constitutional Court to initiate a preliminary ruling procedure before the Court of Justice of the EU as concerns the interpretation of the return directive's (**Directive 2008/115/EC**) rules on intra-EU readmissions, and the procedural safeguards stemming from EU law when applying such bilateral instruments. In practice, non-EU nationals taken back under these bilateral readmission agreements are not issued with a return decision, are not entitled to free legal aid and do not have the right to appeal, 15 civil society organisations stated in their **joint comments** urging the authorities to address this matter when amending the Foreigners Act.

In **Spain**, the **Ombudsperson** reiterated his disapproval of automatic returns of non-EU nationals during his visit to Ceuta and Melilla. He recommended, once again, that, whenever there is a rejection at the border, an administrative decision needs to be issued, with the assistance of a lawyer and an interpreter and with an indication of available remedies.

The **German Institute for Human Rights**, **UNHCR** and **Caritas** criticised **Germany** for lifting its ban on returns to Syria in December 2020. The ban had been in place since 2012. **Amnesty International** states that there are still arbitrary violence, systematic persecution, torture and violation of human rights in all parts of the country, and that they especially threaten repatriated people. Furthermore, it criticises returns to Afghanistan, as it is the least safe country in the world, according to the **Global Peace Index** 2020. The Jesuit Refugee Service, the German Institute for Human Rights and the **Freisinger Bishops Conference** also stated that returns to Afghanistan during the pandemic are irresponsible from a humanitarian point of view.

The German Institute for Human Rights in a **study on return operations despite medical conditions** found that the requirements and hurdles to obtain the necessary medical certificates are too high for many people affected. In addition, the Berlin Refugee Council reports that children are traumatised because they have witnessed the police coming to their homes, often at night, and using violence against their parents or other family members as part of forced return operations.

In the **Netherlands**, **media** reported that 16 rejected asylum applicants were returned to Sudan despite strong indications that they could be detained and tortured. Five of the returnees subsequently told the journalists that they were detained, mistreated or tortured after their arrival in Sudan.

In **Denmark**, **the Immigration Service** began reviewing whether temporary residence permits of Syrian nationals from Damascus and Rif Damascus can be revoked or their extension can be denied, because of the general security situation in Syria. The temporary residence permits are granted on the basis of general conditions in a country or area, and the Danish Aliens Act enables revocation of refugee protection. By 1 June 2021, the Immigration Service had revoked the residence permits of 48 persons. The Refugee Appeals Board upheld the revocations in the final instance. **Amnesty International** criticised the move, as its research shows that Syria is not a safe country for returns.

In **Ireland** in late 2020, the case of the proposed deportation of two healthcare workers, who were international protection applicants and had worked in nursing homes throughout the pandemic, was **reported on by international media**. The orders were **subsequently revoked**.

Hate speech and violent crime

Changes in law, policy and/or practice

In **Portugal**, the Court of First Instance of Lisbon **ordered** a far-right presidential candidate to issue a public apology to a family that lives in Bairro da Jamaica – a neighbourhood of Lisbon where the majority of inhabitants come from African countries – and whose members he had called *bandidos* (thugs).

In **France**, according to the **press**, during the local elections in June, authorities opened criminal investigations against a candidate affiliated with a far-right political party who was accused of having made racist and offensive comments about migrants, comparing them to cockroaches and assassins.

In **Ireland**, the **General Scheme** of the Criminal Justice (Hate Crime) Bill 2021 was published. The proposed bill will create new, aggravated forms of certain existing criminal offences, when those offences are motivated by prejudice against a protected characteristic. The proposed protected characteristics are race, colour, nationality, religion, ethnic or national origin, sexual orientation, gender and disability.

Reported incidents of hate speech and violent crime against migrants

In **Greece**, the Racist Violence Recording Network presented its **annual report** for 2020. Throughout the year, the network recorded 107 incidents of racist violence. In 74 cases, migrants, refugees and asylum seekers were targeted because of ethnicity, religion and/or colour, and human rights defenders were targeted on account of their association with refugees and migrants.

In **Cyprus**, the Attorney General's decision to put an end to the criminal prosecution of police officers involved in the investigation of the brutal murders of seven migrant women and girls in 2019 led to **protests**.

In **Croatia**, the Centre for Cultural Dialogue reported the case of a Zagreb gynaecologist who refused to treat an Iraqi woman on the pretext that she could infect other patients with unknown diseases.

Also in **Croatia**, the NGO Centre for Peace Studies reported that it had participated in monitoring the implementation of the **EU Code of Conduct on countering illegal online hate speech** in March–April 2021; most of the reported online content was related to incitement to anti-migrant hatred and violence.

In **Austria**, the Federal Agency for State Protection and Counterterrorism reported that between January and March 2021 two antisemitic, one Islamophobic and five other xenophobic/racist crimes were reported to the authorities.

The European Commission sent a letter of **formal notice** to **Poland** because its national laws do not accurately incorporate EU rules on combating racism and xenophobia by means of criminal law. The Polish legal framework fails to correctly incorporate hate speech inciting racist and xenophobic violence, restricts the scope of the criminalisation of incitement to hatred and omits the criminalisation of specific forms of hate speech. In addition, the Polish Ombudsperson **drew the Prime Minister's attention** to the lack of a government strategy to counteract hate crimes and **raised the need** for legal amendments.

In **Slovakia**, the NGOs Human Rights League and Islamic Foundation started to map hate crimes against Muslims and foreign citizens in Slovakia. Persons who experience hate crimes can report their experience through an online tool. According to the preliminary findings, 68 % of the 60 persons involved

Bright spots

In **Italy**, the National Office against Racial Discrimination (*Ufficio Nazionale Antidiscriminazioni Razziali*) organised the yearly **week against racism**, which this year had a focus on double discrimination on the grounds of race and disability. The initiative included an online webinar for legal practitioners and social assistants and the dissemination of a **booklet** addressed to non-EU citizens with disabilities, providing information on rights and services they are entitled to.

in the research by 18 May 2021 reported experiencing discrimination, bullying, intimidation and assaults. Some 46.5 % of participants experienced hate crimes repeatedly, mainly in public spaces and on the internet, but also at work or school. Only four participants turned to the police. The Human Rights League started to take steps to provide legal counselling to Muslims and foreigners experiencing hatred in Slovakia.

In **Portugal**, the Commission for Equality and Against Racial Discrimination (*Comissão para a Igualdade e Contra a Discriminação Racial*) reports that, between 1 January and 31 March, a total of 133 situations of alleged discrimination on the grounds of race were reported to the Commission, of which 38 might relate to discrimination against migrants. The reasons for discrimination included a person's nationality, their migrant status or multiple grounds.

In **Spain**, the recently published reports by the **General Directorate for Equal Treatment and Ethnic-Racial Diversity** and the **UNESCO Chair in Human Rights and Public Authorities** of the University of the Basque Country show a significant increase in discriminatory practices and hate crimes in Spain. Nevertheless, almost 82 % of people who experienced a discriminatory situation based on racial or ethnic grounds did not file a complaint, claim or report. The **Minister for Equality** expressed concern at the acts of racism and xenophobia towards migrants who arrived in the Canary Islands and elsewhere along the Spanish coast.

In **France**, two locals in Briançon (close to the French-Italian border) violently assaulted, with a bottle and a knife, a man from Ghana, **the media reported**. The two perpetrators, aged 16 and 20, have been placed in pre-trial detention.

The **UN Committee on the Elimination of Racial Discrimination** published its concluding observations on **Belgium**. The committee expressed concerns over the growing number of reports of racist hate speech, including antisemitic and Islamophobic speech, and the increasingly aggressive language on the internet and in social media, including against migrants, refugees and asylum applicants.

In the **Netherlands**, reports of discriminatory texts on the internet targeting refugees increased in 2020. As shown in a **report** by the national police and Art.1 – Knowledge Centre Discrimination Netherlands, the Dutch reporting point for discrimination on the internet handled 281 reports in 2020 compared with 92 in 2019.

In **Ireland**, according to the **annual report** of the Irish Network Against Racism, which records incidents through an online reporting mechanism, there were 700 reports in 2020. Criminal offences excluding incitement to hatred accounted for 159 reports. Discrimination accounted for 99 reports, and other recordable racist incidents accounted for 143 reports. There were 334 reports concerning hate speech, almost double the number in 2019.

COUNTRY	STAKEHOLDERS INTERVIEWED OR CONSULTED VIA EMAIL
AUSTRIA	<ul style="list-style-type: none"> → Federal Ministry of the Interior, Department V/9/a Basic Care and Federal Care (<i>Bundesministerium für Inneres, Abteilung V/9/a Grundversorgung und Bundesbetreuung</i>) → Federal Ministry of the Interior, Department V/8 Asylum and Aliens (<i>Bundesministerium für Inneres, Abteilung V/8 Asyl und Fremdenwesen</i>) → Federal Ministry of the Interior, Criminal Intelligence Service, Competence Centre for Missing People (<i>Bundesministerium für Inneres, Bundeskriminalamt, Kompetenzzentrum für Abgängige Personen</i>) → Federal Agency for State Protection and Counterterrorism (<i>Bundesamt für Verfassungsschutz und Terrorismusbekämpfung</i>) → Austrian Ombudsperson Board (<i>Volksanwaltschaft</i>) → Caritas Vienna (<i>Caritas Wien</i>) → Asylum Coordination Austria (<i>Asylkoordination Österreich</i>) → Austrian Red Cross (<i>Österreichisches Rotes Kreuz</i>)
BELGIUM	<ul style="list-style-type: none"> → Immigration Office (<i>Dienst Vreemdelingenzaken / Office des Étrangers</i>) → 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, Fedasil</i>) → Guardianship Services (<i>Service des tutelles</i>) → Office of the Commissioner General for Refugees and Stateless Persons (<i>Commissariat général aux réfugiés et aux apatrides / Commissariaat-generaal voor de Vluchtelingen en de Staatlozen</i>), unaccompanied minors unit → Myria – Federal Migration Centre (<i>Federaal Migratiecentrum / Centre fédéral Migration</i>) → Nansen (NGO) → Jesuit Refugee Service Belgium → Plate-forme mineurs en exil (NGO) → UNICEF
BULGARIA	<ul style="list-style-type: none"> → State Agency for Refugees (<i>Държавна агенция за бежанците</i>) → Ministry of the Interior, Directorate General Border Police (<i>Министерство на вътрешните работи, Главна дирекция „Гранична полиция“</i>) → Ombudsperson 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 (<i>Държавна агенция за закрила на детето</i>) → Ministry of the Interior, Directorate General National Police (<i>Министерство на вътрешните работи, Главна дирекция „Национална полиция“</i>) → UNHCR Bulgaria, based on weekly updates, other reports and information presented during the regular meetings of the Working Group on Integration of Beneficiaries of International Protection in Bulgaria (<i>Работна група по интеграция на лица с предоставена международна закрила в България</i>) coordinated by UNHCR → Safety zone for unaccompanied children with the Registration and Reception Centre – Ovcha Kupel (<i>Сигурна зона за настаняване на непридружени деца към Регистрационно-приемателен център – Овча Купел</i>) → Center for Legal Aid Voice in Bulgaria (<i>Център за правна помощ – Глас в България</i>)

COUNTRY	STAKEHOLDERS INTERVIEWED OR CONSULTED VIA EMAIL
CROATIA	<ul style="list-style-type: none"> → Centre for Peace Studies (<i>Centar za mirovne studije</i>) → Centre for Cultural Dialogue (<i>Centar za kulturu dijaloga</i>) → Croatian Law Centre (<i>Hrvatski pravni centar</i>) → Croatian Red Cross (<i>Hrvatski crveni križ</i>) → Jesuit Refugee Service (<i>Isusovačka služba za izbjeglice</i>) → Ministry of Labour, Pension System, Family and Social Policy (<i>Ministarstvo rada, mirovinskog sustava, obitelji i socijalne politike</i>) → Ministry of the Interior (<i>Ministarstvo unutarnjih poslova</i>) → Médecins du Monde Croatia (<i>Liječnici svijeta Hrvatska</i>) → Ombudsperson for Children (<i>Pravobraniteljica za djecu</i>) → Rehabilitation Centre for Stress and Trauma (<i>Rehabilitacijski centar za stres i traumu</i>) → UNHCR Representation in Croatia (<i>Ured Visokog povjerenika Ujedinjenih naroda za izbjeglice Hrvatska</i>) → Welcome! Initiative (<i>Inicijativa Dobrodošli</i>)
CYPRUS	<ul style="list-style-type: none"> → Asylum Service (<i>Υπηρεσία Ασύλου</i>), Ministry of the Interior (<i>Υπουργείο Εσωτερικών</i>) → Social Welfare Office (<i>Υπηρεσίες Κοινωνικής Ευημερίας</i>), Ministry of Labour, Welfare and Social Insurance → UNHCR Representation in Cyprus (<i>Αντιπροσωπεία της Ύπατης Αρμοστείας του ΟΗΕ για τους πρόσφυγες στην Κύπρο</i>) → Cyprus Refugee Council (<i>Κυπριακό Συμβούλιο για τους Πρόσφυγες</i>), NGO acting as implementing partner of UNHCR, offering legal, social and other assistance to asylum applicants and refugees → Legal expert of the University of Cyprus (<i>Πανεπιστήμιο Κύπρου</i>) advising the Ministry of Justice and Public Order (<i>Υπουργείο Δικαιοσύνης και Δημόσιας Τάξης</i>) on human rights → KISA (<i>Κίνηση για Ισότητα, Στήριξη και Αντιρατσισμό, ΚΙΣΑ</i>), national NGO offering support to migrants and refugees → Caritas Cyprus
DENMARK	<ul style="list-style-type: none"> → Danish Immigration Service (<i>Udlændingestyrelsen</i>) → Ministry of Justice (<i>Justitsministeriet</i>) and Danish National Police (<i>Rigspolitiet</i>) → SOS Racism (<i>SOS Racisme</i>) → Danish Red Cross (<i>Dansk Røde Kors</i>) → UNHCR Regional Representation for Northern Europe → Danish Refugee Council (<i>Dansk Flygtningehjælp</i>) → Amnesty International Denmark → Danish Parliamentary Ombudsperson (<i>Folketingets Ombudsmand</i>) → Danish Return Agency (<i>Hjemrejsestyrelsen</i>)
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</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</i>) → National Consultative Commission on Human Rights (<i>Commission nationale consultative des droits de l'homme</i>) → National Association of Border Assistance for Foreigners (<i>Association nationale d'assistance aux frontières pour les étrangers</i>) → La Cimade (NGO) (Inter-Movement Committee for Evacuees – <i>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>)

COUNTRY	STAKEHOLDERS INTERVIEWED OR CONSULTED VIA EMAIL
GERMANY	<ul style="list-style-type: none"> → Jesuit Berlin Refugee Council (<i>Flüchtlingsrat Berlin e.V.</i>) → UNHCR Berlin → Association against Detention (<i>Verein gegen Abschiebehaft</i>) → Arrival Centre of the Regional Authorities for Refugees in Berlin (<i>Erstanlaufstelle für Asylsuchende in Reinickendorf</i>) → Jesuit Refugee Service (<i>Jesuitenflüchtlingsdienst</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</i>) → Berlin Senate Department for Education, Youth and Family (<i>Berliner Senatsverwaltung für Bildung, Jugend und Familie</i>) → German Institute for Human Rights (<i>Deutsches Institut für Menschenrechte</i>)
GREECE	<ul style="list-style-type: none"> → Reception and Identification Service (<i>Υπηρεσία Υποδοχής και Ταυτοποίησης</i>) → Greek Ombudsperson – Deputy Ombudsperson of the Child (<i>Συνήγορος του Πολίτη-Βοηθός Συνήγορος για τα Δικαιώματα του Παιδιού</i>) → Greek Council for Refugees (<i>Ελληνικό Συμβούλιο για τους Πρόσφυγες</i>) → Médecins sans Frontières (<i>Γιατροί Χωρίς Σύνορα</i>) → Racist Violence Recording Network (<i>Δίκτυο Καταγραφής Περιστατικών Ρατσιστικής Βίας</i>) → Hellenic Police (<i>Ελληνική Αστυνομία</i>) → Human Rights 360 (<i>Ανθρώπινα Δικαιώματα 360</i>) → Terre des Hommes (<i>Γη των Ανθρώπων</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>) → István Károlyi Children’s Home in Fót (<i>Károlyi István Gyermekotthon</i>) → UNHCR Hungary → Migrant Solidarity Group of Hungary (<i>Migráns Szolidaritás</i>) → Hungarian Association for Migrants (<i>Menedék Migránsokat Segítő Egyesület</i>) → Cordelia Foundation (<i>Cordelia Alapítvány</i>)
IRELAND	<ul style="list-style-type: none"> → International Protection Office (Department of Justice) → Tusla (Child and Family Agency) → Manager of a reception facility for unaccompanied children → Immigrant Council of Ireland (NGO) → International Protection, Integration and Equality Division at the Department of Children, Equality, Disability, Integration and Youth → UNHCR Ireland → Department of Justice (Immigration Service Delivery) → Irish Refugee Council (NGO) → Irish Network Against Racism (civil society organisation)

COUNTRY	STAKEHOLDERS INTERVIEWED OR CONSULTED VIA EMAIL
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</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</i>) → UNHCR → Observatory for the Security against Discriminations of the Italian Police (<i>Osservatorio per la Sicurezza Contro gli Atti Discriminatori</i>)
MALTA	<ul style="list-style-type: none"> → Ministry for Home Affairs and National Security → Ministry for Justice, Equality, and Governance → UNHCR → IOM → Kopin (NGO) → African Media Association (NGO)
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 ‘alien chain’) → Stichting LOS → UNICEF the Netherlands → Nidos
NORTH MACEDONIA	<ul style="list-style-type: none"> → Ministry of the Interior (<i>Министерство за внатрешни работи</i>) → Ministry of Labour and Social Policy (<i>Министерство за труд и социјална политика</i>) → Ombudsperson (<i>Народен Правобранител</i>) → IOM North Macedonia → Macedonian Young Lawyers Association (<i>Македонско здружение на млади правници</i>) → Association for Action Against Violence and Trafficking in Human Beings – Open Gate (<i>Здружението за акција против насилство и трговија со луѓе-Отворена порта</i>) → Legis (NGO) (<i>HBO Легус</i>) → Helsinki Committee of Human Rights of the Republic of Macedonia (NGO) (<i>HBO Хелсиншки комитет за човекови права на Република Македонија</i>)

COUNTRY	STAKEHOLDERS INTERVIEWED OR CONSULTED VIA EMAIL
POLAND	<ul style="list-style-type: none"> → Ombudsperson (<i>Rzecznik Praw Obywatelskich</i>) → Ombudsperson for Children (<i>Rzecznik Praw Dziecka</i>) → UNHCR, Office in Poland → Border Guard, Border Guard Headquarters (<i>Straż Graniczna</i>) → Police, Police Headquarters (<i>Policja</i>) → Head of the Office for Foreigners (<i>Szef Urzędu do spraw Cudzoziemców</i>) → Caritas, Diocese in Elk → Helsinki Foundation for Human Rights (<i>Helsińska Fundacja Praw Człowieka</i>)
PORTUGAL	<ul style="list-style-type: none"> → Immigration and Borders Service (<i>Serviço de Estrangeiros e Fronteiras</i>) → Portuguese Refugee Council (<i>Conselho Português para os Refugiados</i>) → High Commission for Migration (<i>Alto Comissariado para as Migrações</i>) → Ombudsperson's Office (<i>Provedoria da Justiça</i>) → Social Security Institute – Ministry of Labour and Social Security (<i>Instituto da Segurança Social – Ministério do Trabalho, Solidariedade e Segurança Social</i>) → IOM Mission in Portugal (<i>Organização Internacional para as Migrações em Portugal</i>) → Refugee Children Reception Centre (<i>Casa de Acolhimento para Crianças Refugiadas</i>) → Commission for Equality and Against Racial Discrimination (<i>Comissão para a Igualdade e contra a Discriminação Racial</i>)
ROMANIA	<ul style="list-style-type: none"> → General Inspectorate of Border Police (<i>Inspectoratul General de Poliție de Frontieră</i>) → General Inspectorate for Immigrations (<i>Inspectoratul General pentru Imigrări</i>) → General Directorate for Social Assistance and Child Protection of Timis County (<i>Direcția Generală de Asistență Socială și Protecția Copilului, Timiș</i>) → UNHCR → Jesuit Refugee Service Romania → Group LOGS Initiatives (NGO) (<i>Grupul de initiative Sociale LOGS</i>) → National Council for Combating Discrimination (<i>Consiliul Național pentru Combaterea Discriminării</i>)
SERBIA	<ul style="list-style-type: none"> → ADRA Serbia → Atina (NGO) → Asylum Office (<i>Kancelarija za azil</i>) → Commissariat for Refugees and Migration (<i>Komesarijat za izbeglice i migracije</i>) → Humanitarian Centre for Integration and Tolerance (<i>Humanitarni centar za integraciju i toleranciju</i>) → Group for Children and Youth – Indigo (<i>Indigo-grupa za decu i mlade</i>) → Shelter for Foreigners (<i>Prihvatilište za strance</i>) → UNHCR Serbia
SLOVAKIA	<ul style="list-style-type: none"> → Migration Office of the Ministry of the Interior of the Slovak Republic (<i>Migračný úrad Ministerstva vnútra Slovenskej republiky</i>) → National Criminal Agency (<i>Národná kriminálna agentúra</i>) → National SIRENE Office (<i>Národná ústredňa SIRENE</i>) → UNHCR → Office of the Border and Foreign Police (<i>Úrad hraničnej a cudzineckej polície</i>) → Central Office of Labour, Social Affairs and Family (<i>Ústredie práce, sociálnych vecí a rodiny SR</i>) → Public Defender of Rights (Ombudsperson) (<i>Verejná ochrankyňa práv</i>) → Slovak Humanitarian Council (<i>Slovenská humanitná rada</i>) → Human Rights League (<i>Liga za ľudské práva</i>) → Islamic Foundation in Slovakia (<i>Islamská nadácia na Slovensku</i>) → IOM Slovakia → European Migration Network in Slovakia (<i>Európska migračná sieť na Slovensku</i>)

COUNTRY	STAKEHOLDERS INTERVIEWED OR CONSULTED VIA EMAIL
SLOVENIA	<ul style="list-style-type: none"> → Legal-Informational Centre for NGOs (<i>Pravno-informacijski center nevladnih organizacij</i>) → Slovene Philanthropy (<i>Slovenska filantropija</i>) → UNHCR Representation for Central Europe → Human Rights Ombudsperson (<i>Varuh človekovih pravic</i>) → Ministry of the Interior, Migration Directorate (<i>Ministrstvo za notranje zadeve, Direktorat za migracije</i>) → Ministry of Labour, Family, Social Affairs and Equal Opportunities (<i>Ministrstvo za delo, družino, socialne zadeve in enake možnosti</i>) → Office of the Government of the Republic of Slovenia for the Support and Integration of Migrants (<i>Urad Vlade Republike Slovenije za oskrbo in integracijo migrantov</i>) → Slovenian Police (<i>Policija</i>) → Caritas Slovenia (<i>Slovenska karitas</i>)
SPAIN	<ul style="list-style-type: none"> → UNHCR (<i>Alto Comisionado de las Naciones Unidas para los Refugiados, ACNUR España</i>) → Prosecutor for the Coordinating Chamber for Minors, Ministry of Justice (<i>Fiscal de Sala Coordinador de Menores, Ministerio de Justicia</i>) → Spanish Commission for Refugee Aid (<i>Comisión Española de Ayuda al Refugiado</i>) → Spanish Catholic Migration Commission Association (<i>Asociación Comisión Católica Española de Migraciones</i>) → SOS Racismo → Federation of African Associations in the Canary Islands (<i>Federación de Asociaciones Africanas en Canarias</i>) → Jesuit Migrant Service (<i>Servicio Jesuita a Migrantes</i>) → Spanish Ombudsperson (<i>Defensor del Pueblo</i>) → UNICEF (<i>UNICEF España</i>)



PROMOTING AND PROTECTING YOUR FUNDAMENTAL RIGHTS ACROSS THE EU —

For FRA's work on migration, please see:

<https://fra.europa.eu/en/themes/asylum-migration-and-borders>

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

 facebook.com/fundamentalrights

 twitter.com/EURightsAgency

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

© FRA, 2021

© Luxembourg: Publications Office
of the European Union, 2021

ISSN 2599-8900
TK-AP-21-002-EN-N



Publications Office
of the European Union