



Monthly data collection on the current migration situation in the EU

July 2016 monthly report

1–30 June 2016

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Highlights: 1-30 June 2016

New arrivals

As in May, some 20,000 people arrive in Italy; many dead are recovered from the sea. Around 80 asylum seekers arrive through a church-financed humanitarian corridor.

Arrivals in Hungary do not decrease despite fences and restrictive admission to the transit zones.

Criminal proceedings

A non-governmental organisation (NGO) that supported migrants and asylum seekers when they arrived in Italy at the end of 2014 is charged with facilitating irregular stay.

According to the law in Hungary, volunteers helping refugees can be considered as facilitators of irregular stay and sentenced to several years of imprisonment.

In Sweden, the police considers the drivers of cars transporting individual asylum seekers across the border as facilitators of irregular entry, and registers between four and five such cases every week.

Criminal proceedings for irregular border crossing drop in Hungary, while all those tried (some 100 people) receive expulsion orders.

Initial registration and processing

Greece starts a large-scale operation to pre-register asylum seekers on the mainland having entered Greece prior to 20 March 2016. People seeking asylum in the country, requesting family reunification or applying for relocation are issued a card that legalises their stay and provides access to basic services.

Along the Hungarian-Serbian border, hundreds of people, including many vulnerable persons, continue to wait up to weeks in inhumane conditions to enter the transit zones – without shelter, sanitary facilities, healthcare or protection from the heat, while only 15 to 30 people are admitted each day.

In Hungary, there are reports of an increase in push-back incidents and abuse by the police and military against people trying to enter Hungary irregularly.

Some 70 Afghan asylum seekers, including 27 children, are sent back from Bulgaria to Greece as they attempt to cross the green border.

Asylum procedures in Germany may be insufficiently quality controlled. Very few asylum decisions are controlled randomly. Inaccuracies occur in the transcriptions of asylum hearings.

In Hungary, many asylum cases are closed as the applicants have left the country. Information and legal aid are insufficiently available to asylum seekers or not provided at all.

Asylum applications in Italy have doubled in the first half of 2016, compared with 2015.

Reception conditions

Reception facilities on the Greek islands are overcrowded and lack sanitation facilities. In Samos, some people have to stay in tents, and clashes regularly break out among inhabitants.

Reception conditions in Italy generally remain very poor while reception staff have been implicated in financial mismanagement.

Several facilities in Germany provide insufficient privacy; some have implemented concepts for violence prevention, protecting women and children in particular. The demand for protected accommodation remains strong as a result of the high number of vulnerable persons.

Asylum seekers held in detention in Hungary, including many women and children, are faced with very poor and deteriorating conditions, including dirty mattresses, limited food, no access to legal advice and excessive charges for phone calls.

Interpreters for healthcare services are insufficiently available in Austria.

Medical staff deciding on access to doctors or hospitals are not always present at reception centres in North Rhine-Westphalia. On the other hand, reception facilities are reported as having improved their healthcare by providing access to a clinic or the presence of health mediators.

There are reports of cost-intensive medical treatment for asylum seekers being increasingly rejected in Germany, as well as seriously ill people being expelled from the country without access to essential treatment.

Child protection

Children make up 40 % of the people waiting to enter the transit zone in Hungary in inhumane conditions. In many cases, they are treated as adults upon entry in the transit zone and prior to a medical age assessment.

Children are hosted together with adults in some facilities in Italy (Calabria and Sicily) and have no access to basic services. In Brindisi, Italy, unaccompanied children are accommodated in tents outside the centre without any support due to overcrowding.

Unaccompanied children arriving in Bulgaria are increasingly young, including four to nine year old children. Problems with appointing guardians and providing specialised accommodation persist.

The municipality of Mantamados, Greece, restricts unaccompanied children from eating in local restaurants and swimming in the sea.

Some 100,000 children, including approximately 9,000 unaccompanied children, applied for asylum in Germany during the first half of 2016.

The capacity for accommodating unaccompanied children in Greece (621 beds) is insufficient.

Incidents of violence by staff and abusive forms of reprimands are reported from child accommodation facilities in Sweden (intimidation) and Lesbos, Greece (violence, degrading treatment).

Material conditions in child accommodation facilities are inadequate in Sweden. The mental health of unaccompanied children is an increasing concern.

Children born in initial reception facilities and refugee shelters in Berlin, Munich and Stuttgart, Germany, do not, in some cases, receive birth certificates and can thus not be formally assigned to their parents. They are also unable to access healthcare, including vaccination programmes. At facilities in Bamberg and Manching, Germany, children receive insufficient food, healthcare and education.

Legal, social and policy responses

A new law in Hungary allows for returning irregular migrants – if apprehended within eight kilometres from the border – to the Serbian side, where they have to wait again for admission to the transit zone.

New legislation in Sweden temporarily restricts the possibility for family reunification and obtaining a residence permit.

In Austria, the region of Upper Austria reduces the benefits granted to refugees to less than the minimum benefits for Austrian nationals, which is below the poverty threshold. Proposals to restrict or withdraw basic care for asylum seekers are also being discussed in the region of Styria (Austria).

A new law in Germany allows pre-emptive undercover infiltration of migrant smuggling networks in order to improve information exchange to combat international terrorism.

The Court of Cassation in Italy confirms the right to health as a sufficient reason to suspend removal.

Oral court hearings on alleged push-backs at the Austrian-Slovenian border establish problematic aspects regarding procedures (extremely short interviews, incorrect translation by lay interpreters).

Greece changes the composition of the three-member Appeals Committees by replacing two lawyers proposed by the National Committee for Human Rights with two judges from the Administrative Court, and abolishes the appellant's right to request an oral procedure before the Committees. The Appeals Committees examine appeals on inadmissibility decisions and return to Turkey.

Police trade unions in Italy support the proposal of 'floating hotspots', which continues to be criticised for a lack of fundamental rights safeguards.

Italy plans to open three new hotspots, in Messina (Sicily), Mineo (Sicily) and Crotona (Calabria). In Messina, the mayor publicly objected to the opening of the hotspot.

Hungary announces it will open a new transit zone in Ásotthalom, with the capacity of receiving up to 15 people a day.

Sweden decides to extend internal border controls until 11 November 2016.

Charges against Bulgarian police are dropped in the case of the Afghan asylum seeker who was shot after crossing the Bulgarian-Turkish border. According to the prosecution, the officer had performed his functions and the death was due to unforeseen circumstances.

Austria accelerates procedures for recognising qualifications obtained abroad.

Public discourse and opinion towards migration is reported to be deteriorating in Austria.

Several large-scale demonstrations against racism take place in cities in Germany ahead of World Refugee Day.

Civil society associations protest against the mayor of Carcare (Liguria), Italy, who refuses to accept people from African countries at local reception centres unless they provide a formal healthcare certificate attesting their good health condition.

Hate speech

Hate crime incidents affecting asylum seekers and refugees in Austria and Germany continue. A newly built refugee home in Upper Austria is burnt down.

Activists and citizens in Bulgaria protest against the Prosecutor's refusal to open pre-trial proceedings against the Prime Minister after he expressed his thanks to vigilante groups that illegally detain asylum seekers at the border, known as 'refugee hunters'. The Prosecutor found that the statement could not have a negative effect on a large part of the population, did not intend to incite hostility, hatred or unfair treatment, and only expressed a personal opinion.

Thematic focus: Impact of the asylum crisis on local communities

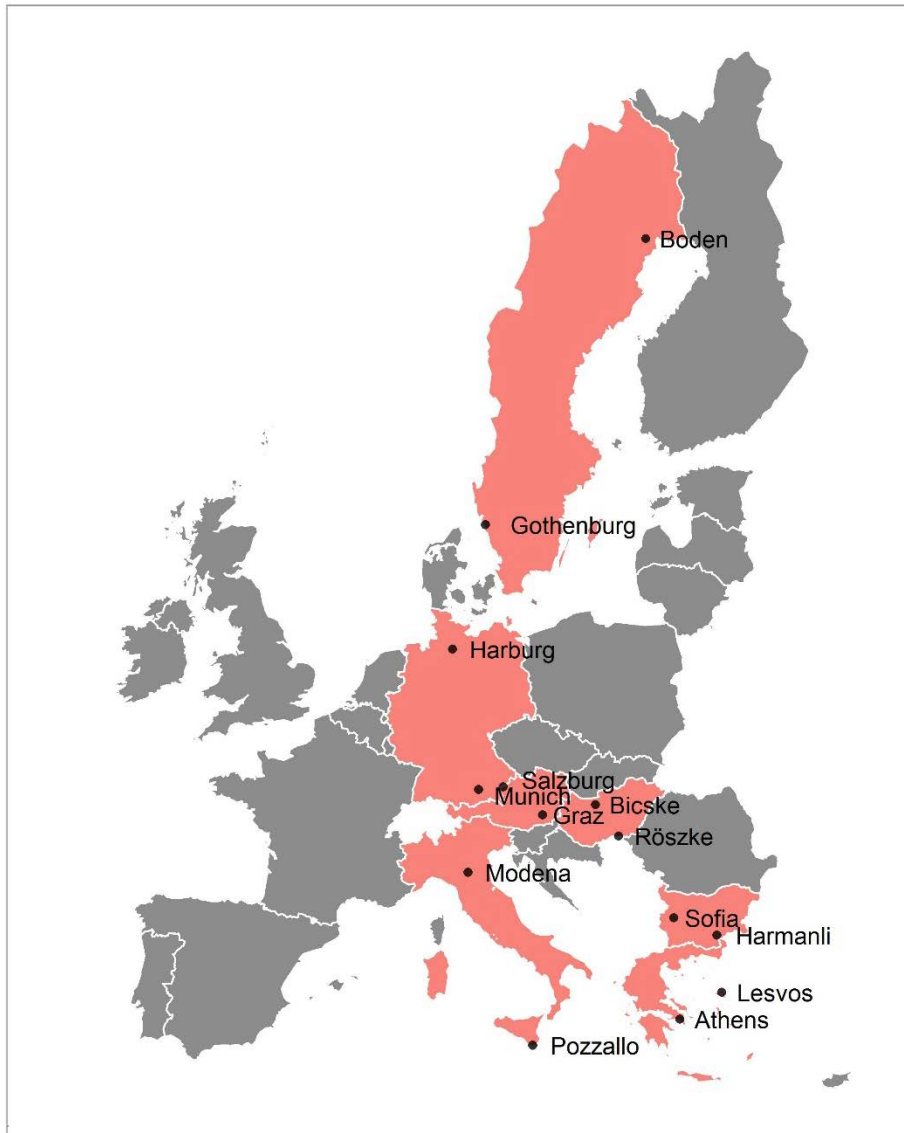
Local communities are most directly affected by the major inflows of asylum seekers. The initial reception and the long term integration of asylum seekers and refugees needs to be organised in close cooperation with local communities to ensure that the needs of different groups – with respect to both asylum seekers and members of the local community – are taken into account. These include the need for proper accommodation, education, information provision and organisation, alongside the need for adequate finances and recognition of the impact of the crisis on local economies and social responses, which can be both positive and negative. With the notable exception of the importance of organising appropriate housing for asylum seekers and refugees, the way local governments and the local population are affected by the asylum crisis differs across European countries. Herein, there is no general guidance on how local governments or communities can or should react to the challenges faced by large scale immigration. This thematic focus section examines these different responses across the Member States, and highlights promising as well as worrying developments concerning the impact of the asylum crisis on local communities.

This thematic focus section examines the impact of the asylum crisis on local communities in seven European Union (EU) Member States, including Austria, Bulgaria, Greece, Germany, Hungary, Italy and Sweden. For each of the Member States two localities were selected and examples provided with respect to issues related to the impact of the crisis on the local communities. The localities and cities covered in the report were selected due to the extent to which the localities were affected by new arrivals of asylum seekers. They present a variety of different examples in terms of geographic position, population size, asylum inflows and the challenges faced when coping with asylum inflows.

This thematic focus section gathered information in five areas:

- 1. Information provision and organisation**
- 2. Accommodation**
- 3. Education**
- 4. Impact on local budget/finances**
- 5. Social responses to the asylum crisis**

Figure 1: EU Member States and localities selected



Note: "Harburg" refers to the district of Harburg.

Source: FRA, 2016¹

Despite the increased awareness and efforts being made to involve local levels of governance in assisting and integrating migrants², there is no general guidance or strategy for municipalities to tackle the challenges related to the recent

¹ The map was prepared based on shapefiles made available through Eurostat, © EuroGeographics for the administrative boundaries (available at: <http://ec.europa.eu/eurostat/web/gisco/geodata/reference-data/administrative-units-statistical-units>).

² See for example the Council of Europe's Intercultural Cities Programme: <http://www.coe.int/en/web/interculturalcities/home> (accessed on 6 July 2016), the coalition of cities against racism launched by the United Nations Educational, Scientific and Cultural Organization (UNESCO): <http://www.eccar.info/welcome-eccar> (accessed on 6 July 2016) and the Eurocities network's statement on asylum in cities, available at: http://nws.eurocities.eu/MediaShell/media/EUROCITIES%20stmt_asylum_May%202015.pdf (accessed on 7 July 2016).

asylum inflows. This might also stem from the variety of situations that local communities in Europe find themselves in when dealing with the reception and integration of asylum seekers and refugees.

A recent example of a response in this regard concerns Greece:

The Central Union of Greek Municipalities (KEDKE) has recently published proposals for the involvement and role of municipalities when dealing with the reception and integration of asylum seekers and refugees – also with reference to compliance with the EU Charter of Fundamental Rights. The proposals state that the refugee and migration flows are systemic issues that require long-term EU responses based on a common strategy addressing

- border protection;
- first reception; and
- integration.

Municipalities play an important role to ensure that social investment and measures taken cover sufficiently the needs of both refugees and local populations to retain community cohesion and a welcoming social environment. It is therefore essential to develop empowering actions – including peer learning and review, as well as exchange of best practices across governance levels in close cooperation with civil society. In their proposal, the Central Union of Greek Municipalities highlights that:

- municipalities must participate in the structures and procedures for the management and integration of refugee populations as an essential precondition for building trust between central and regional/local government and administrations;
- refugee distribution in the country must be based on objective commonly agreed criteria taking into account (a) the current administrative capacity in terms of know-how, as well as human and financial resources; (b) the available infrastructure;
- cooperation with NGOs is essential, but municipal services can also provide significant support to housing, education and vocational training and employment opportunities;
- municipalities do not have the financial resources to address the needs of the current refugee/migration populations; the residents of municipalities cannot be expected, especially in the context of the current economic crisis, to undertake the cost of reception and integration through local taxation; therefore, the participation of municipalities in the decision taking procedures for the allocation of EU and national funds is essential; in parallel, municipal authorities should participate in the planning and in the implementation of relevant actions.³

These challenges and potential ways forward reflect the situation in Greece as one of the main entry countries for asylum seekers. This report provides an

³ ΚΕΔΚΕ (2016): ΜΕΛΕΤΗ ΓΙΑ ΤΗ ΣΤΡΑΤΗΓΙΚΗ ΤΗΣ ΚΕΔΚΕ ΓΙΑ ΤΟ ΜΕΤΑΝΑΣΤΕΥΤΙΚΟ ΠΡΟΒΛΗΜΑ ΚΑΙ ΕΠΙΧΕΙΡΗΣΙΑΚΟΣ ΣΧΕΔΙΑΣΜΟΣ ΓΙΑ ΤΗ ΧΡΗΜΑΤΟΔΟΤΗΣΗ ΔΡΑΣΕΩΝ, available at http://www.ita.org.gr/el/images/meletes_ita/parousiasi_meletis-ITA_2-1.pdf, (accessed on 6 July 2016).

overview from different localities across Europe, which differ significantly from location to location – in terms of the number of asylum seekers and the level of local response and resources.

Moreover, the EUROCITIES network has made a statement highlighting the importance of involvement at the local level, including cities, when dealing with asylum seekers and integration of refugees in order to respect the fundamental rights and realise the benefits immigration can bring in full. The network highlights measures to facilitate the integration at local level, including measures to ensure fundamental rights in the area of housing, subsistence and healthcare, the importance of sharing responsibilities and solidarity across Europe, and the necessity to fund services provided at the local level.⁴

The locations covered in this thematic report are indicated on the map (Figure 1). The findings cannot be considered as representative of the situation in the Member States covered; they rather give an indication of the nature of some of the challenges faced.

Main findings

While the situation of different local communities with respect to the reception and integration of asylum seekers and refugees differs considerably and no general statement about the impact of the asylum crisis at the local level can be made, some challenges related to the inflow of asylum seekers are shared by most local areas.

- **Information provision** about actions taken by government is of central importance to reduce negative reactions in the local population. Despite not always being responsible for the measures taken (e.g. setting up reception centres) or information provision, local government can – in cooperation with civil society – organise the provision of information to the local population in a transparent way. For example, public information events, the availability of hotlines, frequently updated websites and distribution of information material can counteract negative responses in the local population to the influx of new arrivals.
- One of the main challenges faced by all local communities affected by asylum inflows includes the need for providing appropriate **accommodation** for asylum seekers and refugees. The unprecedented number of arrivals of asylum applicants in many local communities throughout Europe required immediate action and a high level of organisation between different levels. In the southern parts of Europe, the localities are struggling with organising the reception of asylum seekers and are confronted with problems in providing basic infrastructure, such as electricity and water. In the main destination countries, such as Sweden, Germany and Austria, the organisation differs to the extent to which it is possible to organise privately or publicly arranged housing for refugees and

⁴ EUROCITIES (2015): EUROCITIES statement on asylum in cities. May 2015, available at http://nws.eurocities.eu/MediaShell/media/EUROCITIES%20stmt_asylum_May%202015.pdf (accessed on 7 July 2016).

asylum seekers, and its possible negative impact of segregation. The aim is to avoid having areas with almost exclusively asylum seekers and refugees, for example to avoid school classes where all or most of the pupils are not fluent in the teaching language.

- In the destination countries, the quick organisation of **education** is important and creates some difficulties due to limited capacities. Efforts are made to try to keep the waiting periods to be enrolled in schools for children as short as possible (e.g. around two weeks in Salzburg (Austria), around four to five months in Boden, (Sweden). The availability of language training and integration classes is challenging for many localities with the resources available, for example in the district of Harburg (Germany) refugees have to wait between three and nine months to be admitted to an integration class. Municipalities in Sweden try to avoid segregation in schools to the extent possible.
- Local budgets are affected by inflows of asylum seekers and refugees, even though the main costs are often covered by or shared with higher levels of governance. There are positive and negative cases of **local businesses** being affected by asylum inflows or the transit of asylum seekers through an area. Tourism has suffered a great deal in the Greek islands, but not in northern municipalities of European countries covered in the report. Several localities realise that there is a potential of newcomers for the local economy, where even immediate positive effects are reported.
- The **local population** reacts differently to the asylum crisis. Very positive reactions, particularly shown through a very high level of volunteering, go hand in hand with negative reactions including protests and attacks against refugees. The municipalities are concerned with negative reactions, which seems to hamper their willingness to cooperate with civil society in some instances. Protests by the local population also sometimes succeed in preventing the construction of housing for asylum seekers. The rise of negative attitudes needs to be counteracted in order to avoid potential human rights breaches. Even though the very high levels of volunteer engagement have gone down in the past months, it is important to highlight that there is an ongoing high level of engagement and initiatives that support the reception and integration of asylum seekers and refugees.

1. Information provision

In general, cooperation between municipalities and other stakeholders, including civil society and national/regional governments, works well. In some instances civil society is struggling with the cooperation with local governments due to the governments' fears regarding the reactions of the local population to certain actions taken.

According to the reports from the local communities covered in this overview, there is the need for increased efforts in the area of information provision to the local population already living in the areas impacted by the new arrivals; for example, awareness raising campaigns. Many of the municipalities do not actively inform the local population about the numbers, structure and situation of refugees coming into the areas, with almost no information campaigns reported

and only limited numbers of information via press releases, initiatives of NGOs or information provision via websites. Some notable exceptions are reported from Germany and Sweden.

In Germany, efforts were increased to inform the general public about planned accommodation centres. This includes holding public information events in order to counteract increased protests against refugee accommodation, reflecting also a more transparent approach of the local administration. Every time a new facility for refugee accommodation was set up, the district of Harburg (Germany) invited the local population to public information events, where people were informed about all details and people could raise questions.⁵ In Munich (Germany), about 35 public information events for neighbours and new homes for asylum seekers took place since 2015.⁶ Information about accommodation of refugees and information events can be found at the website of the city, where there are also contact details (address, phone and email) for any questions related to the topic of refugees.⁷

The City of Gothenburg (Sweden) also invites the local population to information meetings whenever a decision to establish new accommodation is made. This is in addition to keeping their website⁸ up to date and having representatives of the city being present at other events and seminars organised by the civil society and the City of Gothenburg.⁹

Booklet for local population 'Dare to face your prejudices' in Sweden

The Swedish municipality of Boden published a booklet titled 'Dare to face your prejudices' (*Våga möta dina fördomar*) that it continuously distributes to its population. In the publication, the city describes the situation for asylum-seekers, the importance of integration and the need of immigration to Boden in order for the city to maintain economic growth. According to the integration coordinator, the booklet has been very well received by the citizens of Boden.¹⁰

"Dare to face your prejudices" (*Våga möta dina fördomar*) available at:

www.formsmedjan.se/upload/files/integrationa6_20sid.pdf

Through on-going conversations with the local branch of the Swedish Federation of Business owners (*Företagarna*), the municipality of Boden (Sweden) encourages local businesses to set up internships for refugees and asylum seekers.¹¹ The NGO Save the Children North points out that even more could be done in order to inform citizens of Boden (Sweden) about the positive effect of immigration for the region and setting up internships.¹²

⁵ District administration Harburg, Coordination Migration and Participation.

⁶ District administration Munich.

⁷ <https://www.muenchen.de/rathaus/Stadtverwaltung/Sozialreferat/Fluechtlinge/Unterkuenfte.html> (accessed on 6 July 2016).

⁸ www.goteborg.se (accessed on 6 July 2016).

⁹ City of Gothenburg.

¹⁰ Integration coordinator, Boden.

¹¹ Integration coordinator, Boden.

¹² Save the Children North.

One challenge faced by municipalities is that more detailed information about the numbers and background of refugees coming is not available in advance and therefore only general information about the migration and refugee situation in the country can be provided at information events.

2. Accommodation

The types, capacities and organisation of accommodation varies greatly across countries and within countries across different local communities. Local communities are affected depending on the extent to which the organisation of accommodation lies with the municipalities/cities and the numbers of applications in relation to the capacities of the locality and the composition of asylum seekers (e.g. share of children, vulnerable persons). The following examples show that while accommodation is the challenge in most countries, the issues are somewhat different.

In Greece, as reported from Lesbos and Athens, the sheer number of asylum seekers creates difficulties in providing appropriate housing, where even challenges with the provision of electricity and water arise.¹³

The town of Rösztke (Hungary) is not affected by accommodation needs because asylum seekers are not allowed to leave the 'transit zone', and if the decision on the asylum application takes longer than 28 days people are brought to open centres somewhere else in Hungary.¹⁴ In Bicske (Hungary), there is an open refugee camp with a capacity of 350 people, whereas no one is accommodated in private houses, hotels or flats in the city.¹⁵

In Germany, Austria and Sweden there are additional options for more de-centralised organisation of accommodation and higher numbers of asylum seekers and refugees living in private accommodation.

In Austria, a relaxation of the housing situation is observed, where after an initial struggle to provide the quantity of accommodation needed, the authorities can now focus better on the improved quality of accommodation as reported for the cities of Graz and Salzburg.¹⁶ In the Bundesland of Styria, where Graz is the capital, there are three types of housing available, including private housing, organised accommodation (run by difference organisations) and special accommodation (e.g. for sick people or unaccompanied children). The majority of people are staying in organised accommodation at around 85 percent. Private housing is usually not available for recent arrivals as it takes some time to organise. There is the general strategy to aim for small housing units that are well distributed in the region.¹⁷

¹³ Municipality of Lesbos and municipality of Athens.

¹⁴ Office of the City Mayor of Rösztke.

¹⁵ Office for the City Mayor of Bicske.

¹⁶ Caritas Styria and Plattform Menschenrechte Salzburg.

¹⁷ Caritas Styria.

In Germany, it is the Federal States (*Bundesländer*) which are responsible for the accommodation and care of asylum seekers. The States usually operate the initial reception centres for asylum seekers (*Erstaufnahmeeinrichtungen*) and the local communities are responsible for the accommodation of asylum seekers and refugees at a later stage. Local communities receive newly arrived asylum seekers and those who are distributed from other States or communities. In the district of Harburg (Germany), there is hardly any accommodation on the private rental market that is suitable and affordable with the available funds per person. Thus the district of Harburg rented and renovated for example former nursing homes, hotels and other large suitable buildings and, predominantly, constructed several container camps for about 58 persons, with some for up to 180 persons (usually residential units with three double rooms, some triple rooms, one bathroom and one kitchen). At the same time the community has to provide refugee counselling services close to the accommodation.¹⁸

Munich (Germany) has established more than 11,000 places for asylum seekers from 2015 until April 2016, and 10,000 more are being planned. Altogether there are 45 accommodation sites at the moment (not including homes for unaccompanied children and homeless persons and also not including the initial reception centres of some 3,000 places which are run by the State of Bavaria).¹⁹ According to the district administration in Munich (Germany), more houses must be built for permanent accommodation. A task force was set up with several institutions such as the Social Department, the government of Upper-Bavaria, the Construction Department, the Department of Education and Sport and other committees to coordinate planning and build houses by state and private investors.²⁰ To cope with the challenge, the city set up modular and minimal projects and reduced certain standards in terms of accessibility, and waived regularities for housing construction, e.g. a reduced key for parking lots per house.²¹

Similarly, in Sweden there are also differences in the country in terms of the proportion of private and public accommodation. On 1 June 2016 the municipality of Boden (Sweden) had 1670 asylum applicants placed in asylum accommodation centres (1500) or private housing arrangements (66). In addition 104 unaccompanied children are placed in special housing, so-called residential care accommodation centres for young people (*HVB-hem*) or family homes (*familjehem*).²² The city of Gothenburg had 5,883 asylum applicants placed in asylum accommodation centres (164) and private housing arrangements (4,145). In addition, 1,574 unaccompanied children are placed in special housing called residential care accommodation centres for young people (*HVB-hem*) or family homes (*familjehem*).²³ The high proportion of asylum

¹⁸ District administration Harburg, Coordination Migration and Participation.

¹⁹ <https://www.muenchen.de/rathaus/Stadtverwaltung/Sozialreferat/Fluechtlinge/Unterkuenfte.html>, (accessed on 6 July 2016).

²⁰ District administration Munich.

²¹ District administration Munich.

²² Swedish Migration Agency.

²³ Swedish Migration Agency.

applicants living in private housing arrangements (as compared to Boden (Sweden) can partly be explained by the fact that family and friends of the asylum applicants already lived in the city and take them into their homes.

The need to appropriately accommodate unaccompanied children creates a challenge in several municipalities. For example, according to the NGO 'Borderline Sicilia' the regulation for hosting unaccompanied children in special reception centres for no more than 60 days can currently not be fulfilled in Pozzallo (Italy).

There is also the challenge to appropriately accommodate children and provide for their special needs. For example the NGO 'Save the Children North' (*Rädda barnen*) points out that the current housing situation for children in asylum accommodation centres is a major challenge in the municipality of Boden (SE). Problems include the lack of opportunities to play for children and the location of the accommodation centre in the vicinity of military facilities, which could be problematic for traumatised children and adults.²⁴ Providing access to schools for children as soon as possible after arrival presents a challenge as well, as discussed in the next section.

3. Education

The numbers of asylum seekers or refugees in schools differ across the localities included in this report, with often no data available. Comparably low numbers of asylum seekers and refugees enrolled in local schools are reported from areas that are often not deemed to be final destinations for the refugees, where the families plan to move to another Member State.

In Athens (Greece) there is currently a pilot project ongoing where six schools remain open over summer for refugees, and there is the establishment of a programme for afternoon classes in the new school year.²⁵ At the hotspot in Pozzallo (Italy) no children are enrolled in schools²⁶ and there are only very few children in Modena (Italy), who go to school regularly.

The number of children in schools are also low in the selected areas in Hungary (around 30-40 children in the school in Bicske (Hungary), which are put in a separate class)²⁷ and in Bulgaria, with 50 to 60 children in Sofia and none in Harmanli. In the latter case, it is mentioned that asylum seekers usually plan to leave the city and therefore do not want their children to go to school.²⁸

The main receiving countries of Austria, Germany and Sweden are particularly concerned with schooling of refugee children. In response, in Germany, there are

²⁴ Save the Children North.

²⁵ Municipality of Athens.

²⁶ NGO 'Borderline Sicilia'.

²⁷ Office for the City Mayor of Bicske.

²⁸ Municipality of Harmanli.

several hundred places for students to learn German in different programmes within regular schools.²⁹ In both areas covered in Germany (district of Harburg and city of Munich), the availability of special classes and programmes for support of immigrant students for learning German has been extended.³⁰

In Germany the provision of language and integration classes – for adults –³¹ is difficult in more rural areas, but the district of Harburg (Germany) and Munich (Germany) are also struggling to provide places for such courses on time. In Munich (Germany) there are currently about 1,000 places for “BAMF German classes” and some 400 places for professional qualification and vocational language classes.

For primary education in Austria, the cities are responsible. There is a school introduction phase (*Schuleingangsphase*) offered in cooperation with the Federal Ministry for Europe, Integration and Foreign Affairs, where pupils receive a special course, including language training, where they are accompanied by social workers and teaching staff for a period of eight weeks.³² The organisation Caritas supports parents in finding a place in a school, which is usually successfully done within two weeks, and pupils are usually put into the classes right away during the school year. It is reported that while the reception of new pupils was a challenge in the beginning for schools, there is now more experience and routine.³³

In Sweden asylum seeking children should be enrolled in schools within one month, but in reality the waiting period can be up to 4 or 5 months in the municipality of Boden (Sweden), where there are currently about 300 new pupils in primary and secondary schools. Challenges include to find the space needed for additional pupils and to recruit new teachers with required diplomas (*legitimerande lärare*). The goal is to place asylum seeking children in different schools in order to improve integration.³⁴ This is difficult in Gothenburg (Sweden), where segregation is increased due to the fact that asylum seekers arrange their own accommodation often with relatives and friends, who live in rather segregated parts of the city with most pupils not having Swedish as their first language. Moreover, many asylum seekers aged 14 to 17 have poor educational backgrounds, which requires extra staff to be recruited for support.³⁵ There was the agreement among city districts that asylum seeking children from

²⁹ District administration Munich.

³⁰ District administration Harburg, Coordination Migration and Participation, District administration Munich.

³¹ *Erstorientierungskurse für Geflüchtete* and *Integrationskurse* organised by the Federal Office for Migration and Refugees (BAMF).

³² Mayor's office Graz.

³³ Caritas Styria.

³⁴ Integration coordinator, Boden.

³⁵ Processmanager, New Arrivals, central administration, city of Gothenburg.

one of the most segregated districts are brought by busses to schools in another city district with significantly less asylum seekers at school.³⁶

4. Impact on local budget and finances

The impact of the asylum crisis has very negatively affected the financial situation in Lesvos due to the collapse of tourism (with an 80 percent reduction in bookings in June 2016 compared to June 2015) and the need to finance the provision of electricity, water and works to the reception facilities.³⁷ Transit areas, such as Harmanli (Bulgaria), Rösztke (Hungary), and Bicske (Hungary) do not report exceeding costs for local budgets. However, the city of Graz faced some considerable costs related to transit facilities and costs for interpretation services.³⁸

With the significant increase in the number of asylum seekers, the German state governments and communal associations like German Association of Cities (*Deutscher Städtetag*) or German Association of Towns and Municipalities (*Deutscher Städte- und Gemeindebund*) called for relief for local budgets and a reimbursement of the expenses for the reception of asylum seekers by the federal government. From 2010 to 2013, the expenses under the Asylum Seekers Benefits Act (*Asylbewerberleistungsgesetz*) of around EUR 1.5 billion have almost doubled.³⁹ The delays in the processing of applications for asylum by the Federal Office for Migration and Refugees (*Bundesamt für Migration und Flüchtlinge* BAMF) lead to long residence times and other costs in respect to housing and care. Although the municipalities get reimbursements for the reception of asylum seekers by the State, usually the full costs are not reimbursed.⁴⁰

There is no clear negative or positive impact on local business reported in the areas covered in Bulgaria, Hungary or Austria. The Chamber of Commerce, regional office Styria (Austria), mentions that the situation is no big issue for local businesses at this stage and during the major inflows positive and negative examples can be found. At the moment there is no fact based evidence to give a qualified opinion on the economic impact in general or for the business sector. Border controls were a problem for Styrian businesses for a short time period last year when controls were stricter at the Austrian-Slovenian border. Trucks

³⁶ Business developer public sector education, city district Angered, city of Gothenburg.

³⁷ Municipality of Lesvos and Chamber of Commerce Lesvos.

³⁸ Mayor's office Graz. Annette Zepp-Glinoga (2015), Kommunale Flüchtlingspolitik aus der Sicht des Bundes, <https://www.bpb.de/politik/extremismus/rechtsextremismus/207698/meinung-kommunale-fluechtlingspolitik-aus-der-sicht-des-bundes>, accessed on 4 July 2016.

⁴⁰ Annette Zepp-Glinoga (2015), Kommunale Flüchtlingspolitik aus der Sicht des Bundes, <https://www.bpb.de/politik/extremismus/rechtsextremismus/207698/meinung-kommunale-fluechtlingspolitik-aus-der-sicht-des-bundes>.

had longer waiting times than had not been calculated for.⁴¹ At the Salzburg-German border, cargo companies had to calculate an additional two or more hours in both directions. Just-in-time delivery could not always be fulfilled, which caused financial loss for cargo companies. Particularly the last point is still an issue, even though border controls at the Bavarian side decreased. From a logistics point of view, stronger border controls (to Germany, to Italy and to Slovenia) can cause important difficulties particularly with sealed containers.⁴²

Asylum seekers and refugees are also seen as a potential and actual labour force, but unclear residence status and language issues create some difficulties for businesses to employ asylum seekers.

A very positive example regarding the impact of refugee inflows on the local economy is the municipality of Boden (Sweden). According to the Norrbotten Chamber of Commerce (where Boden (Sweden) is located), immigration is essential for the economic growth of the region. Due to new job openings and no negative effect on tourism, the municipality of Boden (Sweden) experienced immediate positive effects on the local economy. The chamber stresses the importance of internships for asylum seekers to learn the language and culture, and sees the potential of opening new markets/businesses due to immigrants coming from the Middle East.⁴³

The West Chamber of Commerce (operating in Gothenburg (Sweden)) believes that immigration will have a positive effect on the Swedish economy in the long-term because most immigrants are competent workers. However, bureaucratic procedures for issuing residence permits and recognition of qualifications attained abroad cause a delay in finding employment for refugees.⁴⁴

5. Social responses to the asylum crisis

In Bulgaria, there was a lot of support for asylum seekers among Bulgarian communities, but also a few demonstrations against reception centres. Reactions in both directions are reduced due to lower inflows of asylum seekers. The local population living close to the hotspots in Lesvos (Greece) and Pozzallo (Italy) are reportedly indifferent towards asylum seekers, but general complaints about the situation are increasing in Lesvos.⁴⁵

Based on information from the UNHCR for the hotspots in Greece, it may be the case that local authorities rejected the provision of classrooms during the holidays for educational purposes and asked UNHCR to close certain camps due to the fear that this might impact on the already existing resistance in the

⁴¹ Chamber of Commerce, regional office Styria.

⁴² Chamber of Commerce, regional office Salzburg.

⁴³ Norrbotten Chamber of Commerce.

⁴⁴ West Sweden Chamber of Commerce and Business Region in Gothenburg.

⁴⁵ Municipality of Lesvos and NGO 'Borderline Sicilia'.

population and rising negative attitudes.⁴⁶ Also in the hotspots, the work of Médecins Sans Frontières (MSF) is getting more difficult due to increased negative feelings from some local communities and lack of co-operation with some local authorities.⁴⁷

A changing atmosphere was observed in Röszke (Hungary), where after initial support from the local community in 2015, the community became less tolerant with increasing pressure and less people willing to help.⁴⁸ In Bicske (Hungary), the majority of people seem to have negative attitudes towards refugees and ask frequently to close the refugee camp, while no initiatives to foster social inclusion or communication between migrants and local communities or campaigns on the positive impact are reported.⁴⁹

Hostility

Most localities report positive attitudes; however, there are certain levels of hostility reported as well, which also leads to cases of hate crime. Many demonstrations against places of accommodation of asylum seekers and refugees are reported, together with cases of arson attacks in Germany and Austria.

While there were no demonstrations against (or for) refugees in the district of Harburg (Germany) in the past six months, there were at least two demonstrations in Munich (Germany) and even arson attacks against refugee accommodation. According to the website 'Mut gegen rechte Gewalt' (*courage against right-wing violence*)⁵⁰ the number of arson attacks against homes for refugees in Germany amounts to 90, with five in Bavaria, in 2016.

In the Swedish municipality of Boden, there is an overall positive response and no demonstration or major incidents against refugees; however, the ongoing need to inform the population is acknowledged. Negative attitudes might have increased and need to be counteracted through awareness raising.⁵¹ Positive and negative responses are reported in Gothenburg, which mainly focused on the construction of new accommodation for refugees, while it was not possible to say if there was an increase or decrease in hate crimes or harassment in the past months.⁵²

There is also the danger of increased hostility *between* certain immigrant and minority groups. For example in the hotspots, it is often not understood why certain nationalities are treated differently in the asylum procedures, which is a basis for hostility and riots.

⁴⁶ UNHCR field team.

⁴⁷ MSF field visit.

⁴⁸ Office for the City Mayor of Röszke.

⁴⁹ Office for the City Mayor of Röszke and office for the City Mayor of Bicske.

⁵⁰ <http://www.mut-gegen-rechte-gewalt.de/service/chronik-vorfaelle>, accessed on 6 July 2016.

⁵¹ Integration coordinator, Boden.

⁵² Integration Coordinator, Boden.

Actions of support

The reports also highlight the positive reactions to the inflows of asylum seekers among the local population, which is mainly indicated by high levels of volunteers. Although the high numbers of volunteers during the major inflows were not maintained in the long term, the level of volunteer support has stabilised in most areas at a high level with continuing regular support. For example in the district of Harburg (Germany) there are around 1,600 volunteers providing support.⁵³

At the local level several initiatives have been set up in order to support the reception and integration of asylum seekers and refugees. These initiatives come from the municipalities, civil society or independent groups of volunteers. Since the initiatives and actions of support are often organised at the district level it is difficult to provide an overview.

Initiatives often provide support in language learning, support in homework for pupils or even general information about the country such as the initiative Welcome2Sweden by the Red Cross Gothenburg.⁵⁴

⁵³ District administration Harburg, Coordination Migration and Participation, contact details for initiatives in the area can be found here: <https://www.landkreis-harburg.de/buergerservice/dienstleistungen/hilfe-fuer-fluechtlinge-oertliche-initiativen-901001628-0.html?myMedium=1>, accessed on 7 July 2016.

⁵⁴ <http://kommun.redcross.se/goteborg/vart-arbete/welcome2sweden/>, accessed on 7 July 2016.

1. Austria

1.1. Stakeholders contacted

The interviews were conducted by phone and email with the following stakeholders:

- Caritas Styria (*Caritas Steiermark*);
- Red Cross Austria (*Österreichisches Rotes Kreuz*);
- Anti-Discrimination Bureau Styria (*Antidiskriminierungsstelle Steiermark*);
- Federal Agency for State Protection and Counter Terrorism (*Bundesamt für Verfassungsschutz und Terrorismusbekämpfung, BVT*);
- Federal Ministry of the Interior, Department III/9 (*Bundesministerium für Inneres, Abteilung III/9 Grundversorgung und Bundesbetreuung*);
- Federal Ministry of the Interior/Department II/2, Operational Affairs (*Bundesministerium für Inneres/Abteilung II/2 Einsatzangelegenheiten*);
- City Counsellor and Secretary to the Mayor of the City of Graz (Mayor's office, Graz);
- Chamber of Commerce, regional office Styria (*Wirtschaftskammer Österreich, Regionalstelle Steiermark*);
- Chamber of Commerce, regional office Salzburg (*Wirtschaftskammer Österreich, Regionalstelle Salzburg, Lehrlingsstelle*);
- Platform Human Rights Salzburg (*Plattform Menschenrechte Salzburg*).

1.2. Overview of the situation

According to UNHCR, some 650 people arrived in Austria between 30 May and 26 June. Figures for the period 26 to 30 June were not available.⁵⁵

According to the Federal Ministry of the Interior/Department II/2, Operational Affairs, some 3,300 persons arrived in Austria between 1 and 22 June (no numbers were available for the period after 22 June). The main countries of origin were Afghanistan and Syria, followed by Iraq, Russian Federation and Pakistan. The percentage of children was comparably high among Afghan arrivals (no percentages available). Between 1 and 22 June, 2,155 asylum applications were filed at police stations (the number therefore excludes family reunification and applications at embassies).⁵⁶ Main entry points are the borders with Hungary and Slovenia.⁵⁷

⁵⁵ UNHCR, Weekly Updates, available at: <http://data.unhcr.org/mediterranean/documents.php?page=1&view=grid&Search=%23weekly+report%23>.

⁵⁶ Federal Ministry of the Interior/Department II/2, Operational Affairs.

⁵⁷ *Ibid.*

1.3. Criminal proceedings against migrants and people helping them

1.3.1 Criminal proceedings initiated against migrants and asylum seekers

Nothing new to report.

1.3.2 Criminal proceedings against people/organisations/associations facilitating irregular entry or stay

Authorities intercepted 14 smugglers in June.⁵⁸

1.4. Fundamental rights issues in relation to registration and channelling into different procedures

1.4.1 Registration and identification

The situation is completely calm at the border crossing Spielfeld (Austrian-Slovenian border in Styria), meaning that no refugees are crossing the border there.⁵⁹

Registration is done at the borders (transit is no longer in place). A new database software is going to be used for documentation in response to the large number of people and to amendments in asylum law. Before the amendment, the law did not foresee to register persons who are formally refused entry at the border and who do not have any identification documents. This was changed, and now the law foresees to register all persons by documenting the same personal information (photo, fingerprints, documents available).⁶⁰

1.4.2 Asylum procedure

Nothing new to report.

1.4.3 Return procedure

Nothing new to report.

⁵⁸ Federal Ministry of the Interior/Department II/2, Operational Affairs.

⁵⁹ Caritas Styria.

⁶⁰ Federal Ministry of the Interior/Department II/2, Operational Affairs.

1.5. Challenges and developments concerning reception conditions of new arrivals, including detention

1.5.1 Reception conditions and capacity

There was no opening or closing of reception facilities in June. The occupancy rate of facilities run by the federal state is 30-50%. The regions also have free spaces. There are enough places for unaccompanied children. Since the number of new arrivals has decreased, it is now possible to repair damages and make small improvements to the facilities. For instance, at the reception centre Traiskirchen, a children's playground was built thanks to donations. Reception facilities are in general well equipped.⁶¹

The general strategy is to have small accommodation units that are well distributed throughout the region. The situation of accommodations has improved, since the number of new arrivals has significantly decreased. This allows for the quality to be improved. Accommodations with poor conditions were closed. Small changes in residents, for example, one family moving out and another moving in, are easier to handle.⁶²

1.5.2 Vulnerable persons

Nothing new to report.

1.5.3 Child protection

Unaccompanied children, particularly Afghan youths, are a challenging group. There have been several incidents over the past years. NGOs complain that resources are not sufficient enough to adequately care for unaccompanied children. As soon as the children turn 18, they no longer receive special support. If they have no occupation and or prospects by that time, these young people might easily adopt delinquent behaviour.⁶³

1.5.4 Healthcare

The Red Cross cares for 3,500 people in basic-care (*Grundversorgung*). There is a contractual obligation to provide the same healthcare as to nationals.⁶⁴

⁶¹ *Ibid.*

⁶² Caritas Styria.

⁶³ Caritas Styria.

⁶⁴ Red Cross Austria.

Healthcare at reception centres is ensured, and there is a sufficient number of doctors. Also, lung radiography is provided at the centres.⁶⁵

Lack of interpreters in healthcare is a continuous problem. Interpretation services are only available in city hospitals. Only few general practitioners make use of the pilot projects with telephone interpretation.⁶⁶

The offer of psychiatric care is insufficient.⁶⁷

1.5.5 Immigration detention

Nothing new to report.

1.6. Responses in law, policy and/or practice

The Austrian Parliament passed a decision on 15 June to accelerate the procedure for the recognition of education and professional qualifications obtained outside Austria. This aims at facilitating access to the labour market for refugees. Refugees or asylum seekers could also apply for recognition of their academic and professional qualifications, even if they cannot provide the proving documents.⁶⁸

On 16 June, the Upper Austrian regional parliament passed an amendment to the Upper Austrian Law on the Minimum Benefit (*Oö. Mindestsicherungsgesetz-Novelle 2016*). Refugees with time-limited residence status and persons granted international protection (except unaccompanied children) are no longer entitled to the same amount of minimum benefit as Austrian nationals. The benefit is reduced to the amount outlined in the law's Annex (referred to by §§4(3), 13(3b,3c)). An adult person not living in a publicly organised accommodation receives €365 (€215 monthly allowance (*Verpflegung*) plus €150 for rent) as well as a 'provisional' bonus (*vorläufiger Steigerungsbetrag*) of €155 if the person signs an integration agreement (§13(3c), §1B(2) Annex). The monthly allowance for a child is €100. If more than one person lives in one household, the total subsidy for rent is €300. Single parents receive additional allowances.⁶⁹ UNHCR has criticised this amendment. A single person will now receive €365 plus an amount of €155 depending on special requirements as well as additional allowances for children, compared to the amount of €914 to which Austrian

⁶⁵ Federal Ministry of the Interior, Department III/9.

⁶⁶ Caritas Styria.

⁶⁷ Ibid.

⁶⁸ UNHCR, Weekly Report – Europe, 22 June 2016, available at: <http://data.unhcr.org/mediterranean/download.php?id=1578>.

⁶⁹ Austria, Upper Austria, Regional Law on the Amendment of the Upper Austrian Minimum Benefit Law, available at: www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=LrOO&Gesetzesnummer=20000652.

nationals are entitled to. UNHCR has pointed out that the poverty threshold in Austria is €1000.⁷⁰

In Styria, the consultation process for the amendment of the Styrian Law on Basic Care (*Steiermärkische Grundversorgungsgesetz StGVG*) has been completed. UNHCR welcomes that gender-, age- and family-specific aspects in asylum seekers' accommodation are better addressed, but strongly criticises the proposed changes to restrict or withdraw basic care for asylum seekers based on a number of reasons.⁷¹

There are currently discussions on a new agreement between the federal state and the region regarding the regulations on Minimum Benefit. In this context, the introduction of a 'residence-obligation' (*Residenzpflicht*) is being discussed. It is the obligation for persons granted international protection to take residence in an allocated municipality. UNHCR expressed a critical opinion, recalling Art. 26 of the Geneva Convention on Refugees, Art. 33 of the EU-Qualification Directive and the principle of non-discrimination.⁷²

There has been a legislative amendment to the drug legislation. It is now easier to take action against street dealers. According to the Federal Ministry of Interior, the amendment helped to calm down the population⁷³ after media reports on asylum seekers openly dealing drugs in Viennese metro stations, including brawls between dealers and consumers, sparked protests.⁷⁴

On 27 June, oral court hearings on allegedly unlawful returns of asylum seekers at the Austrian-Slovenian border have begun at the Styrian Administrative Court. Asylum seekers complained that they were pushed-back without justification or adequate proceedings (extremely short interviews, incorrect translation by lay interpreters).

1.7. Social response to the situation

The burning of a newly built Red Cross refugee home in Upper Austria at the beginning of June came as a major shock. The Red Cross immediately announced

⁷⁰ UNHCR, Press Release, Minimum benefits in Upper Austria not to be reduced, 15 June 2016, available at: <http://www.unhcr.at/presse/pressemitteilungen/artikel/567e0da6a89236c905e791dbe5eaede1/mindestsicherung-in-oesterreich-nicht-zusammenkuerzen.html>.

⁷¹ UNHCR, Analysis of the Styrian draft law on basic care, 23 May 2016, available at: www.unhcr.at/fileadmin/rechtsinfos/fluechtlingsrecht/4_oesterreich/4_2_asyl_positionen/4_2_4_positionen_ab_2011/FR_AUS_Positionen_2016-Stmk_GVG.pdf.

⁷² UNHCR, Observations by UNHCR concerning the planned introduction of a residence obligation for persons granted international protection, June 2016, available at: www.unhcr.at/fileadmin/rechtsinfos/fluechtlingsrecht/4_oesterreich/4_2_asyl_positionen/4_2_4_positionen_ab_2011/UNHCR_Residenzpflicht_Jun16.pdf.

⁷³ Federal Ministry of the Interior, Department III/9.

⁷⁴ Austria, ORF Vienna, 'U6 – Drugs – what else?', 28 April 2016, available at: <http://wien.orf.at/news/stories/2771145/>; 'Brawl with some 25 participants at U6 station', 16 May 2016, available at: <http://wien.orf.at/news/stories/2774555/>; 'Punchfest at U6 station', 19 May 2016, available at: <http://wien.orf.at/news/stories/2775219/>.

its re-construction on the basis of appointments with local authorities and intense consultation with the population.⁷⁵

The public attitudes toward immigration are constantly deteriorating, even though the number of arrivals is comparatively low and all services are provided in a professional manner by the authorities and the NGOs in charge.⁷⁶

The atmosphere is less tense. The Ministry of the Interior is receiving calls from people who are asking questions about the criminal situation, incidents against sexual integrity (reactions to media reports) and integration. The number of calls is significantly lower than last autumn and has not increased compared to May. Complaints by neighbours living close to reception facilities have decreased, which is related to the decrease in the number of asylum seekers.⁷⁷

The following events were reported in June:⁷⁸

8 June, Vienna: Demonstration 'Vienna opposes, no space for Nazis' (*'Wien stellt sich quer, kein Platz für Nazis'*).

10 June, Vienna: Street party in the evening before the big IBÖ demonstration by 'Vienna opposes, no space for Nazis' (*'Wien stellt sich quer, kein Platz für Nazis'*) and 'Antifascist protest for a world-open Vienna'.

11 June, Vienna: Big demonstration by Identitäre Bewegung Österreich (IBÖ) with the motto 'Defence Europe', 'Borders for a safe Europe'. There were between 500 and 1,000 participants. Linzwände organised counterdemonstrations with the slogan 'Vienna opposes, no space for Nazis' (*'Wien stellt sich quer, kein Platz für Nazis'*). The Austrian Students Union (*Österreichische HochschülerInnenschaft*) and Autonomous Antifa Vienna also organised counterdemonstrations with 500 participants.

Counterdemonstration activists damaged cars, metro stations etc. and injured IBÖ participants and police officers.

In total, there was one reported offence against the Law banning National Socialist activities (*Verbotsgesetz*) by an IBÖ member, nine arrests (from both sides of the demonstrations), 53 complaints to the police, five injured police officers, and 16 property damages.

25 June, border crossing Brenner (Tyrol), Austrian side: Demonstration for solidarity 'Brenner without borders' (*'Brenner grenzenlos'*) with around 150 participants. There were no incidents.

⁷⁵ Red Cross Austria.

⁷⁶ *Ibid.*

⁷⁷ Federal Ministry of the Interior, Department III/9.

⁷⁸ Federal Agency for State Protection and Counter Terrorism.

1.8. Hate crime incidents

In the region of Styria, two hate crimes with physical attacks, four insults, one racist smearing and eight hate speech postings were reported to the Antidiscrimination Office Styria in June.⁷⁹

The Federal Agency for State Protection and Counter Terrorism reports the following hate crime incidents in June:⁸⁰

1 June, Altenfelden (Upper Austria): Arson attack against a planned accommodation for asylum seekers. The building goes up in flames and is destroyed.

5 June, Altenfelden: Demonstration of solidarity across political parties.

2 June, Linz (Upper Austria): Unknown perpetrators spray several swastikas on trees behind an accommodation for asylum seekers.

2 June, Enns (Upper Austria): An unknown perpetrator threatens five Somali asylum seekers at a parking lot with a gun.

9 June, Klagenfurt (Carinthia): 10 male members of the Identitäre Bewegung Österreich (IBÖ) disrupt a lecture on 'Flight, asylum and migration' at the University of Klagenfurt. They hold a banner saying 'Migration is a lie' and distribute flyers. One person hits the lecturer (the university director) in the stomach.

⁷⁹ Antidiscrimination Office Styria.

⁸⁰ Federal Agency for State Protection and Counter Terrorism.

2. Bulgaria

2.1. Stakeholders contacted

The interviews were conducted by phone and email with the following stakeholders:

- Ministry of the Interior, Directorate General Border Police (MoI – DGBP) (*Министерство на вътрешните работи, Главна дирекция „Гранична полиция“, МВР – ГДГП*);
- Ministry of the Interior, Directorate General Criminal Police (MoI – DGCP) (*Министерство на вътрешните работи, Главна дирекция „Криминална полиция“, МВР – ГДКП*);
- State Agency for Refugees (SAR) (*Държавна агенция за бежанците, ДАБ*);
- State Agency for Child Protection (SACP) (*Държавна агенция за закрила на детето, ДАЗД*);
- Commission for Protection against Discrimination (CPD) (*Комисия за защита от дискриминация, КЗД*);
- Caritas Bulgaria;
- Bulgarian Red Cross (BRC) (*Български червен кръст, БЧК*);
- Refugee Support Group (RSG);
- Bulgarian Lawyers for Human Rights (BLHR) (*Български адвокати за правата на човека, БАПЧ*).

2.2. Overview of the situation

In June 2016, a total of 1,674 people were apprehended at the border and within the territory of the country. Around 450 new arrivals were apprehended at the border, while almost 380 people were apprehended within the territory of the country and almost 850 people were apprehended at the border while trying to leave the country (414 people registered in the automated fingerprint identification system and 435 were without registration). The majority of new arrivals apprehended at the border were from Afghanistan, Iraq, Syria and Pakistan. The majority of those apprehended while trying to leave the country were also from Afghanistan (more than 65 %), Iraq, Pakistan and Syria. New arrivals were apprehended both at the green border (more than 380 people) and at border check points (almost 60 people). The majority of new arrivals crossed the border from Turkey (almost 370 people), but there were also some coming from Greece (almost 80 people). People who were trying to leave the country

were apprehended primarily at the green border (849 people) rather than at the border check points (nine people).⁸¹

According to NGOs, about 20-30 people a day are entering Bulgaria from Turkey and are apprehended by the border police, while about 20-30 people a day leave to Serbia. At the same time, people transiting through Bulgaria with the help of smugglers can be up to thousands a month.⁸²

During the reporting period, some 1,420 persons applied for asylum, including some 1,120 men (of them: some 160 aged between 0 and 13 years, some 220 aged between 14 and 17 years, some 650 aged between 18 and 34 years, 100 aged between 35 and 64 years, and three aged 65 years or older) and some 300 women (of them: some 110 aged between 0 and 13 years, some 20 aged between 14 and 17 years, 120 aged between 18 and 34 years, some 50 aged between 35 and 64 years and four aged 65 years or older). The most common nationalities of the asylum applicants were Afghan, Syrian, Iraqi and Pakistani.⁸³

Refugee status was granted to 21 applicants, 30 persons obtained humanitarian status and 115 asylum applications were rejected.⁸⁴

2.3. Criminal proceedings against migrants and people helping them

2.3.1 Criminal proceedings initiated against migrants and asylum seekers

During the reporting period, the police arrested 29 people for smuggling of migrants.⁸⁵

Upon a motion by the prosecutor's office, the court ordered detention in custody of 16 foreign citizens, who had attempted to cross the country's border illegally. The foreigners were detained when trying to exit Bulgaria and enter Serbia. Among them were Afghan, Iranian, Iraqi and Lebanese citizens.⁸⁶

⁸¹ Ministry of the Interior, Directorate General Border Police. The statistics cover the period from 8.00 CET on 2 June 2016 to 8.00 CET on 30 June 2016.

⁸² Refugee Support Group.

⁸³ State Agency for Refugees.

⁸⁴ Ministry of the Interior, Directorate General Border Police. The statistics cover the period from 8.00 CET on 2 June 2016 to 8.00 CET on 30 June 2016.

⁸⁵ Ministry of the Interior, Directorate General Border Police. The statistics cover the period from 8.00 CET on 2 June 2016 to 8.00 CET on 30 June 2016.

⁸⁶ Bulgaria, Prosecutor's Office of the Republic of Bulgaria (2016), 'The court approved the motion of the Regional Prosecutor's Office in Slivnitsa for detention in custody of foreign citizens, having crossed the country's border', Press release, 3 June 2016, available at: www.prb.bg/bg/news/aktualno/iskaniyata-na-rajonna-prokuratura-slivnica-za-post/.

2.3.2 Criminal proceedings against people/organisations/associations facilitating irregular entry or stay

The police opened 11 pre-trial proceedings against 14 offenders for smuggling of persons and 13 pre-trial proceedings against 20 offenders for facilitation of entry or stay for profit. Facilitation of entry or stay is a criminal offence only when it is done for profit.

2.4. Fundamental rights issues in relation to registration and channelling into different procedures

2.4.1 Registration and identification

Nothing new to report.

2.4.2 Asylum procedure

Nothing new to report.

2.4.3 Return procedure

During the reporting period, a total of 115 people were returned from Bulgaria to their country of origin or to a safe third country (most often to Turkey or Lebanon). None of them was sent to another EU Member State under the Dublin Regulation. Under the EU-Turkey readmission agreement, Bulgaria sent 314 requests for the readmission of 437 people and 11 people were sent back to Turkey.⁸⁷

There were also cases of people not allowed to cross the border. Thus, a group of 70 Afghan asylum seekers, supposedly coming from a refugee camp in Greece, was sent back to Greece during an attempt to cross the green border near the town of Gotse Delchev. In the group, there were 27 children and 43 adults from 18 to 40 years of age.⁸⁸

⁸⁷ Ministry of the Interior, Directorate General Border Police. The statistics cover the period from 8.00 CET on 2 June 2016 to 8.00 CET on 30 June 2016.

⁸⁸ Mediapool (2016), '70 refugees attempted to enter Bulgaria', Mediapool, 6 June 2016, available at: www.mediapool.bg/70-bezhantsi-se-opitaha-da-vlyazat-v-bulgaria-news250063.html.

2.5.Challenges and developments concerning reception conditions of new arrivals, including detention

2.5.1 Reception conditions and capacity

As of 30 June 2016, there were 1,099 asylum seekers accommodated at the reception centres of the State Agency of Refugees (SAR) (*Държавна агенция за бежанците, ДАБ*). The majority were from Syria (381 people), Afghanistan (368 people), Iraq (198 people) and Pakistan (72 people). The total capacity of all reception centres remained 5,130. During the reporting period, the occupancy rate ranged between 18 % and 21 %. There were also 507 asylum seekers accommodated at external addresses at their own expense.⁸⁹ During the reporting period, 1,245 people left the reception centres on their own will.⁹⁰

According to NGOs, asylum seekers staying at the registration and reception centres are mostly men from Afghanistan, but they only stay for a short period of time and then leave before the completion of the asylum procedure.⁹¹

The registration and reception centres continue to be occupied at less than 20 % of their capacity. Repairs due to damage caused to the facilities continue at the centre in Voenna rampa.⁹² Problems with hygiene and damage to property persists, as those staying are mostly men travelling on their own.⁹³

2.5.2 Vulnerable persons

Nothing new to report.

2.5.3 Child protection

Unaccompanied children continue to be accommodated at separate floors of the registration and reception centres, but this has little effect because the centres are of an open type. Problems with appointing guardians also persist.⁹⁴ The age of unaccompanied children is generally decreasing and there have been cases involving nine and four year old children.⁹⁵

⁸⁹ Ministry of the Interior, Directorate General Border Police. The statistics cover the period from 8.00 CET on 2 June 2016 to 8.00 CET. on 30 June 2016.

⁹⁰ *Ibid.*

⁹¹ Bulgarian Red Cross.

⁹² Refugee Support Group.

⁹³ Bulgarian Red Cross.

⁹⁴ Refugee Support Group.

⁹⁵ Bulgarian Red Cross.

2.5.4 Healthcare

Shortage of medicines continues to be a problem and the Bulgarian Red Cross (BRC) (*Български червен кръст, БЧК*) is using money left from previous projects to buy medicines and formula for babies.⁹⁶ The previously reported planned donation of medicines by Orient Bulgaria has not yet taken place.⁹⁷

2.5.5 Immigration detention

As of 30 June 2016, there were 668 people accommodated at the pre-removal detention centres. These centres are called special homes for temporary accommodation of foreigners of the Ministry of the Interior (MoI) (*Министерство на вътрешните работи, МВР*). The majority were from Afghanistan (350 persons), Iraq (85 persons), Syria (73 persons), Pakistan (51 persons) and Iran (19 persons). The total capacity of the special homes was restored to 940. During the reporting period, a total of 1,151 new arrivals were accommodated in these special homes and 921 persons were transferred to the facilities of the State Agency for Refugees (SAR) (*Държавна агенция за бежанците, ДАБ*). The occupancy rate ranged between 62 % and 72 %.⁹⁸

2.6. Responses in law, policy and/or practice

The Prosecutor General publicly suggested to set up a working group to analyze the workload and resources of prosecutor's offices and courts in border areas. The measures suggested included increasing the number of magistrates and police, as well as covering the travel expenses of judges and prosecutors sent from other cities.⁹⁹

The chair of the State Agency for Refugees (SAR) (*Държавна агенция за бежанците, ДАБ*) held a working meeting with one of the deputy ministers of labour and social policy to discuss the coordination mechanisms between institutions, local authorities and NGOs regarding the integration of foreigners, who have received international protection. Legal regulations concerning asylum and refugees, labour migration and labour mobility and promotion of employment among foreigners were also discussed. The role of local authorities as beneficiaries of EU projects for social adaptation and education of foreigners

⁹⁶ Bulgarian Red Cross.

⁹⁷ Refugee Support Group.

⁹⁸ Ministry of the Interior, Directorate General Border Police. The statistics cover the period from 8.00 CET on 2 June 2016 to 8.00 CET on 30 June 2016.

⁹⁹ Bulgaria, Prosecutor's Office of the Republic of Bulgaria (2016), 'Prosecutor General Sotir Tsatsarov proposed to the plenary of the Supreme Judicial Council urgent measures for personnel and financial support of prosecutor's offices and courts in border areas', Press release, 21 June 2016, available at: www.prb.bg/bg/news/aktualno/glavniyat-prokuror-sotir-cacarov-predlozhi-na-plen/.

were also considered.¹⁰⁰ The chair of the State Agency for Refugees (SAR) (*Държавна агенция за бежанците, ДАБ*) also met with NGOs to discuss the issue of integration.¹⁰¹

A conference on integration was held under the patronage of the Bulgarian Vice-President with participants from the UNHCR, local authorities and NGOs.¹⁰²

The National Commission for Combatting Trafficking in Human Beings (NCCTHB) (*Национална комисия за борба с трафика на хора, НКБТХ*) organised an international discussion forum on strengthening multidisciplinary cooperation in identifying and supporting victims of human trafficking among migrants and people seeking international protection. During the forum, the latest research on trafficking in human beings was discussed within the context of migration flows and the procedures and good practices on identifying and referring THB victims among risk groups.¹⁰³

Grant procedures have been continuing under the AMIF, administered by the Ministry of the Interior (MoI) (*Министерство на вътрешните работи, МВР*).¹⁰⁴ NGOs report dissatisfaction with the grants only affecting people who have obtained protection status and not newly arrived foreigners.¹⁰⁵

2.7. Social response to the situation

The Bulgarian Red Cross (BRC) (*Български червен кръст, БЧК*) continues to provide courses in Bulgarian language for migrants at external addresses – 30 people in three different courses. Caritas also continues with Bulgarian language courses at the registration and reception centres.¹⁰⁶

¹⁰⁰ Bulgaria, State Agency for Refugees (2016), 'SAR chair Petya Parvanova had a working meeting with deputy minister Denitsa Sacheva on the issues of integration of persons, having received protection', Press release, 28 June 2016, available at: <http://saref.government.bg/?cat=13&newsid=978>.

¹⁰¹ Bulgaria, State Agency for Refugees (2016), 'NGOs will co-operate with SAR on the integration of refugees', Press release, 21 June 2016, available at: <http://saref.government.bg/?cat=13&newsid=974>.

¹⁰² Bulgaria, State Agency for Refugees (2016), 'A conference on integrating refugees in Bulgaria looks for opportunities for better co-operation among institutions', Press release, 21 June 2016, available at: <http://saref.government.bg/?cat=13&newsid=975>.

¹⁰³ Bulgaria, National Commission for Combatting Trafficking in Human Beings, 'International Discussion Forum on strengthening multidisciplinary cooperation in identifying and supporting THB victims among migrants and people seeking protection', Press release, 27 June 2016, available at: <http://antitraffic.government.bg/%D0%BC%D0%B5%D0%B6%D0%B4%D1%83%D0%BD%D0%B0%D1%80%D0%BE%D0%B4%D0%B5%D0%BD-%D0%B4%D0%B8%D1%81%D0%BA%D1%83%D1%81%D0%B8%D0%BE%D0%BD%D0%B5%D0%BD-%D1%84%D0%BE%D1%80%D1%83%D0%BC-%D0%BD%D0%B0-%D1%82%D0%B5/>.

¹⁰⁴ For more information, see www.dmp.mvr.bg/SO2_NO2_A2.htm.

¹⁰⁵ Refugee Support Group.

¹⁰⁶ Bulgarian Red Cross.

2.8. Hate crime incidents

Human rights activists and citizens appealed against the refusal of the Sofia City Prosecutor's Office (*Софийска градска прокуратура*) to instigate pre-trial proceedings against the Bulgarian Prime Minister. The motion against the Prime Minister concerned his statements where he thanked vigilante groups that illegally detained asylum seekers at the border. These groups later became known as 'refugee hunters'. The Prosecutor's Office found that the PM's words were not capable of causing negative feelings among a large group of recipients and he did not seek to impose hostility, hatred or unfair treatment, but only expressed his personal opinion.¹⁰⁷

The District Prosecutor's Office in Burgas (*Окръжна прокуратура - Бургас*) dismissed the case of the shooting of an Afghan citizen by the border police in the area of Sredetz. It found that no crime had been committed (please see weekly report 12-18 October 2015). Prosecutors found that the border policeman, who shot the Afghan citizen, had performed his functions as prescribed by the law, and the Afghan citizen died due to unforeseen circumstances. The act was therefore not considered a crime.¹⁰⁸

The Sofia City Prosecutor's Office (*Софийска градска прокуратура*) brought to court two people for attempted murder of a foreigner motivated by racist and xenophobic views. The incident took place in January 2015. The two suspects waited next to the registration and reception centre in Ovcha Kupel to scare the refugees. The victim was carrying shopping bags back to the centre, when the two men attacked him with knives. The court is due to schedule a hearing.¹⁰⁹

¹⁰⁷ Bulgaria, Bulgarian Helsinki Committee (2016), 'Human Rights Activists and Citizens Appealed the Refusal of Sofia City Prosecutor's Office to Initiate Proceedings against the Bulgarian Prime Minister for Praising Vigilante Refugee Hunters', Press release, 27 June 2016, available at: <http://bghelsinki.org/en/news/press/single/20160627-press-borisov-sgp-en/>.

¹⁰⁸ Bulgaria, Prosecutor's Office of the Republic of Bulgaria (2016), 'The District Prosecutor's Office in Burgas dismissed the criminal proceedings, related to the incident of 14 October 2015 in the area of Sredetz, during which an Afghani citizen was shot', Press release, 28 June 2016, available at: www.prb.bg/bg/news/aktualno/okrzhna-prokuratura-burgas-prekrati-nakazatelnoto/.

¹⁰⁹ Bulgaria, Prosecutor's Office of the Republic of Bulgaria (2016), 'The Sofia City Prosecutor's Office brings to court two persons for attempted murder of a foreigner for racist reasons', Press release, 27 June 2016, available at: www.prb.bg/bg/news/aktualno/sqp-izpravva-pred-sda-dvama-za-opit-za-ubijstvo-na/.

3. Germany

3.1. Stakeholders contacted

The interviews were conducted by phone and email with the following stakeholders:

- Federal Ministry of the Interior (*Bundesministerium des Inneren*);
- Federal Office for Migration and Refugees (*Bundesamt für Migration und Flüchtlinge*);
- Federal Police (*Bundespolizei*);
- Jesuit Refugee Service (*Jesuiten Flüchtlingsdienst, JRS*);
- Pro Asyl;
- Deutscher Caritasverband e.V.;
- Medinetz (*Netzwerk medizinische Flüchtlingshilfe*).

3.2. Overview of the situation

The number of registrations in May 2016 increased slightly compared to April 2016, whereas the number of applications for asylum decreased compared to April 2016.¹¹⁰ In May 2016, some 54,000 applications for asylum were submitted and around 16,300 newly arrived persons in need of international protection were registered in the EASY-System, an IT application for the initial allocation of asylum seekers to the 16 Federal States according to a certain quota.¹¹¹

In May 2016, most of the people registered came from Syria (some 16,280), Afghanistan (some 2,290), Iraq (some 1,360), Russia (some 1,260) and Iran (some 640).¹¹²

Between January and May 2016, almost 73 % of the persons applying for asylum for the first time who registered during this period were younger than 30 years. Around 33 % were children. Two thirds of the persons that applied for asylum for the first time (*'Erstanträge'*) were men.¹¹³

At the end of May 2016, the number of all pending applications for asylum increased to nearly 459,700 compared to around 431,900 at the end of April 2016.¹¹⁴

¹¹⁰ Federal Ministry of the Interior, press releases 7 June 2016
www.bmi.bund.de/SharedDocs/Pressemitteilungen/DE/2016/06/asylantraege-mai-2016.html.

¹¹¹ *Ibid.*

¹¹² *Ibid.*

¹¹³ Federal Ministry of the Interior (2016), Current figures on asylum. Tables, diagrams, explanations, Issue May 2016, www.bamf.de/SharedDocs/Anlagen/DE/Downloads/Infothek/Statistik/Asyl/aktuelle-zahlen-zu-asyl-mai-2016.pdf?__blob=publicationFile.

¹¹⁴ Federal Ministry of the Interior, press releases 7 June 2016
www.bmi.bund.de/SharedDocs/Pressemitteilungen/DE/2016/06/asylantraege-mai-2016.html.

3.3. Criminal proceedings against migrants and people helping them

3.3.1 Criminal proceedings initiated against migrants and asylum seekers

The Federal Police (*Bundespolizei*) initiated 6,196 criminal proceedings against migrants and asylum seekers for irregular crossing of the border in May 2016 (compared with 7,521 in April 2016). More than half of them were picked up by the Federal Police at the German-Austrian-border. Additionally, Länder police forces initiated further criminal proceedings, which are not included in this number.¹¹⁵

3.3.2 Criminal proceedings against people/organisations/associations facilitating irregular entry or stay

In May 2016, the Federal Police registered 157 cases of 'smuggling foreigners' (*'Einschleusen von Ausländern'*) concerning 78 suspected smugglers and 628 persons suspected of being smuggled (in April 2016, there were 132 cases concerning 102 suspected smugglers and 502 persons suspected of being smuggled).¹¹⁶ The cases were registered both at the borders and inside the country. Additionally, Länder police forces registered further suspects of smuggling, which are not included.

According to some police reports in June 2016, persons that are suspected of being smuggled are usually brought either to custody, refugee reception centres or to foreigners' authorities. Suspected smugglers are usually arrested.¹¹⁷

3.4. Fundamental rights issues in relation to registration and channelling into different procedures

3.4.1 Registration and identification

In May 2016, the Federal Office for Migration and Refugees decided on 36,465 applications. Some 15,400 persons (42 %) obtained the legal status of a refugee (according to the Geneva Convention Relating to the Status of Refugees of 1951). Among them were 133 persons (0.4 %) that were granted asylum under Article 16a of the constitution (*Grundgesetz*) and some 15,300 persons (42 %) that received the protection of refugees (according to Asylum Law § 3

¹¹⁵ Police intake statistics of the Federal Police, May 2016.

¹¹⁶ *Ibid.*

¹¹⁷ Available at: www.presseportal.de/blaulicht/pm/70138/3363503, 27 June 2016, www.presseportal.de/blaulicht/pm/70238/3365625, 29 June 2016 and www.presseportal.de/blaulicht/pm/70238/3365741, 29 June 2016.

(*Asylgesetz*) in conjunction with § 60 Absatz 1 of the residence law (*Aufenthaltsgesetz*).

In May 2016, almost 5,600 persons (around 15 %) received subsidiary protection compared to some 4,120 persons (around 9 %) in April 2016 (according to § 4 of the Asylum Procedure Act in respect of Directive 2011/95/EU (including 4,805 Syrian nationals)).¹¹⁸

In addition, the Federal Office for Migration and Refugees stated in May 2016 suspensions of deportation for 263 persons (0.7 %) according to § 60 paragraph 5 or paragraph 7, sentence 1 of the Residence Act (*Aufenthaltsgesetz*).

The Federal Office for Migration and Refugees rejected the applications of some 8,800 persons (around 24 %) in May. The applications of some 6,400 persons (18 %) were rejected due to other reasons, such as Dublin procedures, or because applicants withdrew their applications.

In May 2016, the Federal Office for Migration and Refugees registered 1,203 follow-up-applications (*Folgeanträge*). This is a slight decrease compared to April 2016. More than half of the follow-up applications (*Folgeanträge*) are from asylum seekers from six southeast European countries such as Serbia (197), Albania (152), Kosovo (113), Macedonia (110), Bosnia and Herzegovina (61) and Montenegro (19).¹¹⁹

Welfare organisations report difficulties with getting access to some 'integrated arrival centres' (*Ankunftszentren*) and that they therefore tend to offer mobile counselling in waiting areas.¹²⁰

3.4.2 Asylum procedure

According to the Federal Ministry of the Interior, there were 459,667 pending asylum procedures in May 2016, and 96 % of them are initial applications.¹²¹ The authorities estimate that about 300,000 people staying at reception centres in Germany have not applied for asylum yet.¹²²

Until now, there is a problem with the long duration of asylum procedures. The Federal Ministry of the Interior had announced the aim to complete all pending asylum procedures that were initiated in 2015 as well as asylum procedures of all

¹¹⁸ Available at: www.bmi.bund.de/SharedDocs/Pressemitteilungen/DE/2016/05/asylantraege-april-2016.html.

¹¹⁹ Federal Ministry of the Interior (2016), Current figures on asylum. Tables, diagrams, explanations, Issue May 2016 www.bamf.de/SharedDocs/Anlagen/DE/Downloads/Infothek/Statistik/Asyl/aktuelle-zahlen-zu-asyl-mai-2016.pdf?__blob=publicationFile.

¹²⁰ Caritas.

¹²¹ Federal Ministry of the Interior, press releases 7 June 2016, available at: www.bmi.bund.de/SharedDocs/Pressemitteilungen/DE/2016/06/asylantraege-mai-2016.html.

¹²² Welt (2016), So viele Migranten sind es wirklich, 9 June 2016, available at: www.welt.de/print/welt_kompakt/print_politik/article156079772/So-viele-Migranten-sind-es-wirklich.html

persons who arrived in Germany in 2015 before the end of 2016.¹²³ However, the number of pending asylum procedures increased in May 2016 to 459,667 compared to April 2016 (431,993).¹²⁴

Legal remedy for failures to act (*'Untätigkeitsklagen'*), used by asylum applicants to challenge the excessive duration of an administrative proceeding, increased by more than 40 % at Administrative Courts within the first quarter of 2016. At the end of March 2016, there were 3,271 legal actions pending related to failures to act.¹²⁵

Some politicians, especially in the 16 federal states, criticized the long duration between application and decision in the media. They considered it unacceptable, that asylum seekers have to wait several months for their asylum procedure to start, as the processing of applications by the Federal Office for Migration and Refugees was the priority task for the federal government. Furthermore, the Federal Office for Migration and Refugees had employed more staff within the past months.¹²⁶

The unit for internal quality control of the Federal Office for Migration and Refugees criticises in an internal document the quality control of asylum procedures. In 2015, only 0.01 % of all 282,700 decisions were reviewed by random checks. So far, the unit has far fewer human resources than similar units in the UK and Sweden, although the number of asylum applications in Germany is much higher.¹²⁷

The Federal Office for Migration and Refugees has employed several case managers in recent months. Welfare organisations report that the cooperation with the new BAMF staff is generally good. But in some cases, shortcomings in the transcription of the asylum hearing are detected.¹²⁸

¹²³ Spiegel Online (2016), BAMF-Leiter Weise: Stau bei Asylanträgen soll bis Ende 2016 bewältigt sein, 8 June 2016, available at: www.spiegel.de/politik/deutschland/fluechtlinge-stau-bei-asylantraegen-soll-laut-bamf-chef-weise-bis-ende-2016-bewaeltigt-sein-a-1096387.html.

¹²⁴ Federal Ministry of the Interior, press releases 7 June 2016, available at: www.bmi.bund.de/SharedDocs/Pressemitteilungen/DE/2016/06/asylantraege-mai-2016.html.

¹²⁵ Thüringer Allgemeine (2016), Klagen von Asylbewerbern nehmen zu, 11 June 2016, available at: www.thueringer-allgemeine.de/startseite/detail/-/specific/Klagen-von-Asylbewerbern-nehmen-zu-1461135478.

¹²⁶ Deutschlandfunk (2016), Interview with Minister of the Interior of North Rhine-Westphalia, Ralf Jäger (SPD), BAMF-Bearbeitungstempo ‚Die Beteiligung des Bundes ist eigentlich nur beschämend‘, 11 June 2016.

¹²⁷ Available at: www.spiegel.de/politik/deutschland/fluechtlinge-bamf-experten-entsetzt-ueber-mangelhafte-qualitaetskontrolle-a-1099573.html.

¹²⁸ Caritas.

3.4.3 Return procedure

So far in 2016, for the first time, more asylum seekers were deported from EU Member States back to Germany than vice versa due to Dublin procedures.¹²⁹

3.5.Challenges and developments concerning reception conditions of new arrivals, including detention

3.5.1 Reception conditions and capacity

At some reception centres, privacy restrictions are reported. Rooms of the residents cannot be locked in some units and can be accessed by employees of the security staff, the operator or other residents. Often, windows cannot be darkened, for example, with curtains.¹³⁰

3.5.2 Vulnerable persons

A full implementation of the safeguards for vulnerable persons contained in the Asylum Procedures Directive and Reception Conditions Directive in German law is still pending and currently does not exist. No relevant bill draft law has been submitted yet.

The Minister for Family Affairs, Senior Citizens, Women and Youth has repeatedly called for the implementation of concepts on protection against violence that concerns women and children at initial reception centres (*Erstaufnahmeeinrichtungen*) and accommodation facilities and presented a pilot project on strengthening protection of women and children at reception centres in cooperation with UNICEF and welfare organisations. In the context of the project, a protection concept was developed and coordinators for violence prevention and protection were installed at reception centres.¹³¹

There is still a lack of fixed procedures to identify and inform vulnerable persons about their rights. Especially the identification of human trafficking victims must be improved. Meanwhile, more separate accommodations for (pregnant) women are set up. Also, mother-and-child-houses with midwives, where only women are allowed to enter, are set up in some places. Overall, the need for protected accommodation is still strong, especially among persons who are discriminated against in refugee accommodations such as LGBT persons, persons with albinism, women and children travelling alone, ill and traumatised persons. A

¹²⁹ Available at: www.welt.de/politik/deutschland/article156565383/Viele-Fluechtlinge-bleiben-in-Deutschland-haengen.html.

¹³⁰ Caritas.

¹³¹ Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, 'Provide better support and protection for women and children', Press release, 21 June 2016, available at: www.bmfsfj.de/BMFSFJ/Presse/pressemitteilungen.did=226040.html.

positive example that was mentioned was the possibility for Muslim residents to prepare food at night during Ramadan.¹³²

3.5.3 Child protection

The Monitoring Body on the Convention on the Rights of the Child in the German Institute for Human Rights (*Monitoring-Stelle UN-Kinderrechtskonvention des Deutschen Instituts für Menschenrechte*) received several notes from Berlin, Munich and Stuttgart that new born children of asylum seekers at initial reception centres (*Erstaufnahmeeinrichtungen*) and refugee shelters do not receive birth certificates. The UN Committee for the Rights of the Child has reprimanded Germany several times regarding these procedures. Exact figures are not available.

In Germany, a birth certificate is the central document proving the existence of a person.

This situation causes further serious problems, for receiving healthcare, such as preventive examinations or vaccinations, as well as for applications for government aid. Furthermore, problems arise when the parents have to change accommodation because the children cannot officially be assigned to the parents.

Between January and May 2016, 90,000 accompanied and some 9,000 unaccompanied children applied for asylum. Most of them came from Syria (48,000), Afghanistan (17,000) and Iraq (16,000). At the end of February 2016, youth offices (*Jugendämter*) cared for more than 60,000 unaccompanied children. The primary consideration of the child's best interests according to Art. 3 of the UN Convention on the Rights of the Child is not reflected in the daily lives of many refugee children. The disregard of the rights of refugee children and young persons to special protection, participation, healthcare and education affects everyday life in German refugee accommodations.¹³³

Shortcomings in the provision of children's rights are reported for Bavarian 'arrival and leaving centres' (*Ankunfts- und Ausreisezentrum*) Bamberg and Manching, which opened in September 2015. According to a study by the Hildegard Lagrenne Foundation for Sinti and Roma, catering as well as healthcare are insufficient. Instead of going to school, the children were given just twelve hours of classes a week and there is a lack of privacy as rooms and apartments are not lockable.¹³⁴

¹³² Caritas.

¹³³ UNICEF (June 2016), Status report on the situation of refugee children in Germany, available at: www.unicef.de/blob/115186/de54a5d3a8b6ea03337b489816eeaa08/zur-situation-der-fluechtlingskinder-in-deutschland-data.pdf.

¹³⁴ Available at: www.sueddeutsche.de/bayern/bamberg-kinderrechte-werden-missachtet-1.3053314, www.bayerische-staatszeitung.de/staatszeitung/politik/detailansicht-politik/artikel/studie-kinderrechte-im-abschiebezentrum-bamberg-vielfach-verletzt.html; Magdalini Alexandropoulou, Christoph Leucht, Sabina Salimovska (2016), Pilot study on the implementation of children's rights in first reception facilities for asylum seekers without prospects to remain in Germany.

3.5.4 Healthcare

According to NGOs, Social Services and authorities increasingly refuse paying for (vital) important treatments and medicines. The asylum applications of seriously ill persons are increasingly rejected and the persons are expelled without access to sufficient medical treatment. At some initial reception centres around Bielefeld (North Rhine-Westphalia), skilled medical staff is on duty only for a few hours per day. This leads to dangerous or hazardous situations as security staff decides about access to doctors or hospitals.¹³⁵

There are also findings that healthcare has been improved, for instance, through access to a policlinic with various consultants. It was also reported that a skilled health-mediator offers an information hour about child health and accident prevention at a reception centre.¹³⁶

3.5.5 Immigration detention

The number of detainees in immigration detention facilities still varies greatly depending on the region: In mid-June (calendar week 24), no people were detained in Eisenhüttenstadt (Land Brandenburg), whereas in Mühldorf/Inn (Bavaria), around 25 to 30 people were held in detention.¹³⁷

3.6. Responses in law, policy and/or practice

On 24 June 2016, the German Bundestag adopted the Act for Improved Information Exchange to Combat International Terrorism (*Gesetz zum besseren Informationsaustausch bei der Bekämpfung des internationalen Terrorismus*). Thus, the Federal Police Act (*Bundespolizeigesetz*) was, among others, amended to authorise the operation of undercover officers of the Federal Police for the pre-emptive infiltration of networks of migrant smugglers. The new instrument complements the array of undercover surveillance techniques (observation, bugging, CCTV, use of informers) that are already regulated by Section 28 of the Federal Police Act. As a general rule, the pre-emptive use of undercover police officers has to be ordered by a judge, and the targets of surveillance have to be informed about the operation after its completion.¹³⁸

¹³⁵ Medinetz Bielefeld.

¹³⁶ Caritas.

¹³⁷ Jesuit Refugee Service (*Jesuiten Flüchtlingsdienst*, JRS).

¹³⁸ Heute im Bundestag (2016), Bundestag verabschiedet Antiterrorpaket, 24 June 2016, available at: www.bundestag.de/dokumente/textarchiv/2016/kw25-de-terrorismus/428780; Deutscher Bundestag (2016), Entwurf eines Gesetzes zum besseren Informationsaustausch bei der Bekämpfung des internationalen Terrorismus: Gesetzentwurf der Fraktionen der CDU/CSU und SPD, Printed Document 18/8702, 7 June 2016, available at: <http://dip21.bundestag.de/dip21/btd/18/087/1808702.pdf>. The final version of the act is not yet published in the Federal Gazette.

3.7. Social response to the situation

In several German cities (Bochum, Berlin, Munich, Leipzig, Hamburg), 40,000 demonstrators took part in the nationwide action day 'Hand in hand against racism - for human rights and diversity' on 18 and 19 June 2016, the weekend before the World Refugee Day on 20 June. The organisers took a stand against hate speech, racist attacks against refugees and refugee shelters. It was organised by a broad alliance of associations and organisations (Amnesty International, Pro Asyl, Diakonie Deutschland, Lesben- und Schwulenverband, Union Progressiver Juden, Zentralrat der Muslime in Deutschland, Deutscher Gewerkschaftsbund, and Paritätischer Wohlfahrtsverband).¹³⁹

The Centre for Political Beauty (*'Zentrum für Politische Schönheit'*) focuses its art performances 'Eating up refugees' (*'Flüchtlinge fressen'*) and 'The German Civil-Societies' Stand-by planes' (*'Flugbereitschaft der deutschen Zivilgesellschaft'*) on the carrier sanctions according to EU Directive 2001/51/EC. Due to the carrier sanctions, airlines and ferryboats are obliged to check passports and visas and return persons without documents or visas for EU Member States. Costs are covered by the carrier. This has resulted in the hazardous crossings of the Mediterranean Sea, according to the centre. The deletion of a single paragraph in the German law, §18 paragraph 4 sentence 2 of the Asylum Act (*Asylgesetz*), could change this situation, according to the artists.¹⁴⁰

Various organisations like trade unions and political foundations have published multilingual brochures and videos for asylum seekers during the past months. They want to inform refugees about their rights and about basic norms in Germany.¹⁴¹ In June 2016, brochures and videos were published that address social workers, volunteers and supporters of asylum seekers regarding, for example, the special needs of lesbian, gay, bisexual, transsexual, transgender and intersex asylum seekers or racism and dominance in cooperation with asylum seekers and EU-nationals.¹⁴²

3.8. Hate crime incidents

According to an interview with Holger Münch, president of the Federal Criminal Police Office (*Bundeskriminalamt*), 568 assaults against refugee accommodation centres were recorded until late June 2016. In the interview, Münch also warns that right-wing terrorism could emerge from the racist, anti-refugee movement.¹⁴³

¹³⁹ Available at: <http://hand-in-hand-gegen-rassismus.de>.

¹⁴⁰ Available at: www.flugbereitschaft.de, www.gorki.de/spielplan/fluechtlinge-fressen-not-und-spiele.

¹⁴¹ For example: www.dgb.de/extra/fluechtlinge/gewerkschaftsinfos-zum-thema-fluechtlinge, www.boell.de/de/2016/01/19/zusammenleben-deutschland.

¹⁴² Arbeiter-Samariter-Bund, Lesben- und Schwulenverband in Deutschland, Paritätischer Gesamtverband (June 2016), Handreichung für die Betreuung und Unterstützung von LSBTTI*-Flüchtlingen, www.der-paritaetische.de/download/lsbtti; Integration durch Qualifizierung (IQ) Netzwerk Baden-Württemberg (June 2016), Unterstützungsarbeit – auf Augenhöhe mit Geflüchteten?! www.rassismuskritik-bw.de/erklaervideo/.

¹⁴³ n24.de (2016), BKA-Chef warnt vor Bildung rechter Terrorzellen, 25 June 2016, www.n24.de/n24/Nachrichten/Politik/d/8731334/bka-chef-warnt-vor-bildung-rechter-terrorzellen.html.

During June 2016, Pro Asyl and the Amadeo Antonio Foundation recorded in total four arson attacks against reception and accommodation centres:

- One in Hessen;
- One in Mecklenburg-Western Pomerania;
- Two in North Rhine-Westphalia.

In total, 17 'other attacks' against reception and accommodation centres (for example damage of property) were recorded:

- One in Baden Württemberg;
- One in Bavaria;
- One in Berlin;
- Two in Mecklenburg-Western Pomerania;
- One in Lower Saxony;
- Three in North Rhine-Westphalia;
- Five in Saxony;
- One in Schleswig-Holstein;
- Two in Thuringia.

In total, three hostile demonstrations against refugees were held:

- One in Mecklenburg-Western Pomerania;
- One in Saxony;
- One in Saxony-Anhalt.

In total, nine violent attacks were directed against asylum seekers (10 injured people):

- One in Baden-Württemberg;
- One in Brandenburg;
- One in Lower Saxony;
- One in North Rhine-Westphalia;
- One in Saxony;
- Two in Saxony-Anhalt;
- Two in Thuringia.¹⁴⁴

Media, human rights initiatives, the report on the protection of the Constitution ('Verfassungsschutzbericht') and the Bundeskriminalamt (BKA) provide different figures for the attacks on accommodation facilities for asylum seekers. The

¹⁴⁴ Amadeo Antonio Foundation and Pro Asyl, Chronik flüchtlingsfeindlicher Vorfälle 2016, available at: [www.mut-gegen-rechte-gewalt.de/service/chronik-vorfaelle?&&field_date_value\[value\]](http://www.mut-gegen-rechte-gewalt.de/service/chronik-vorfaelle?&&field_date_value[value]).

Amadeo Antonio Foundation and Pro Asyl report 709 attacks in the first six months of 2016 compared to 287 in the same period last year. The BKA reports a total of 589 incidents in the first six months of 2016.¹⁴⁵

According to a new report by Amnesty International, Germany neglects its human rights obligations by failing to sufficiently protect asylum seekers and other people of colour against discrimination and racist attacks.¹⁴⁶

¹⁴⁵ Available at: www.rnd-news.de/Exklusive-News/Meldungen/Juni-2016/Zahl-der-Angriffe-auf-Asylbewerberheime-sinkt, [www.mut-gegen-rechte-gewalt.de/service/chronik-vorfaelle?&&field_date_value\[value\]](http://www.mut-gegen-rechte-gewalt.de/service/chronik-vorfaelle?&&field_date_value[value]).

¹⁴⁶ Amnesty-Report (June 2016), Life in uncertainty: How Germany lets the victims of racist violence down, available at: www.amnesty.de/2016/6/9/deutschland-laesst-die-opfer-rassistischer-gewalt-im-stich?destination=startseite.

4. Greece

4.1. Stakeholders contacted

The interviews were conducted by phone and email with the following stakeholders:

- Ministry for Migration Policy (*Υπουργείο Μεταναστευτικής Πολιτικής*);
- Ministry of Health (*Υπουργείο Υγείας*);
- Hellenic Police Headquarters (*Αρχηγείο Ελληνικής Αστυνομίας*);
- The Hellenic Coast Guard (*Λιμενικό Σώμα-Ελληνική Ακτοφυλακή*);
- Asylum Service Greece (*Υπηρεσία Ασύλου*);
- United Nations High Commissioner for Refugees (UNHCR) Greece (*Ύπατη Αρμοστεία του ΟΗΕ για τους Πρόσφυγες, γραφείο Ελλάδας*);
- Racist Violence Recording Network (*Δίκτυο Καταγραφής Περιστατικών Ρατσιστικής Βίας*);
- Medecins Du Monde Greece - MDM Greece (*Γιατροί του Κόσμου, γραφείο Ελλάδας*);
- International Organization for Migration - IOM (*Διεθνής Οργανισμός Μετανάστευσης*);
- NGO PRAKSIS (*ΜΚΟ ΠΡΑΞΙΣ*);
- National Centre for Social Solidarity (*Εθνικό Κέντρο Κοινωνικής Αλληλεγγύης*).

4.2. Overview of the situation

No data received.

4.3. Criminal proceedings against migrants and people helping them

4.3.1 Criminal proceedings initiated against migrants and asylum seekers

No criminal proceedings were initiated against migrants and asylum seekers for irregular border crossings.¹⁴⁷

4.3.2 Criminal proceedings against people/organisations/associations facilitating irregular entry or stay

No data received.

¹⁴⁷ Hellenic Police Headquarters.

4.4. Fundamental rights issues in relation to registration and channelling into different procedures

4.4.1 Registration and identification

Nothing new to report.

4.4.2 Asylum procedure

The number of asylum applications in June 2016 amounted to some 4,260. Some 2,540 applicants were men and some 1,720 were women.¹⁴⁸ The main region of registration was Attica, followed by Thessaloniki, while the majority of applicants were 18-34 years of age.¹⁴⁹ They originated mostly from Syria (some 2,880), Iraq (some 460) and Afghanistan (some 460). The main countries of origin were Syria with a 97.4 % recognition rate at first instance, followed by Iraq with 61.5 % and Afghanistan with 49.5 %.¹⁵⁰

On 8 June 2016, the pre-registration exercise was launched.¹⁵¹ This operation aims to preregister applications for international protection from the approximately 49,000 people currently residing in accommodation sites on the mainland, offering in addition the possibility to request family reunification or relocation to another EU Member State for those qualifying. Asylum seekers subsequently receive a card that legalises their stay and provides access to basic services.

The European Commission supports this operation financially. UNHCR and the European Asylum Support Office (EASO) provide support with regard to implementation. The process is open to people who entered Greece between 1 January 2015 and 20 March 2016. Two pre-registration hubs were established in Thessaloniki and in Elliniko in Athens.¹⁵²

As of 19 June 2016, a total of 7,247 people pre-registered and 8,728 people received a wrist-band to prepare for pre-registration in the following days. Since 8 June, over 233 unaccompanied children and 91 separated children were identified during the exercise and rapid best interest assessments were conducted.¹⁵³

¹⁴⁸ Asylum Service.

¹⁴⁹ The Asylum Service did not provide information on whether the applicants were new arrivals.

¹⁵⁰ Asylum Service. The Asylum Service provided the recognition rate statistics, based on data from decisions (at first instance) until 31 May 2016.

¹⁵¹ Available at: www.easo.europa.eu/news-events/joint-press-release-pre-registration-asylum-seekers-greek-mainland-starting-today.

¹⁵² Asylum Service.

¹⁵³ UNHCR, Europe's Refugee Emergency – Weekly Update, 22 June 2016.

The majority of people that applied for the relocation scheme came from Syria, Iraq and Eritrea; around 40 % were between 18-34 years of age.

During the period 12 October 2015 to 30 June 2016, over 1,900 people were relocated. Some 1,100 were men and some 800 were women. Cultural orientation and pre-departure medical examinations have taken place for all beneficiaries.¹⁵⁴

4.4.3 Return procedure

IOM Greece has started carrying out the project 'The implementation of assisted voluntary returns including reintegration measures'. European Funds (Asylum, Migration and Integration Fund) finance 75 % of it and national funds finance the remaining 25 %. The project has a duration of 3 years, from 1 June 2016 until 31 May 2016. It aims to assist 16,200 third-country nationals with returning voluntarily to their country of origin. Out of those who will return, 4,050 beneficiaries will be supported with reintegration activities.¹⁵⁵

In June 2016, there were 1,084 registrations for joining the programme of IOM's Assisted Voluntary Return and Reintegration. Some 480 people have been returned; approximately 260 men, 100 women and 120 children. The majority of people returned were from Afghanistan (some 240) and Iraq (some 90).¹⁵⁶

No information was provided by the Hellenic Police regarding forced returns.

4.5.Challenges and developments concerning reception conditions of new arrivals, including detention

4.5.1 Reception conditions and capacity

Conditions at the Reception and Identification Centres (RICS) on the Greek islands continue to be dire, particularly for people with specific needs. In Lesbos, families with specific needs who were transferred to the open facility Kara Tepe have begun to spontaneously return to Moria. They are asking to be transferred to facilities with better living conditions and where cash assistance is distributed by some NGOs. In Samos, 128 refugees and migrants arrived during the reporting period. However, no additional accommodation space is available. There are currently 1,063 people present at the RIC in Samos, which has a capacity of 636. As a result, new arrivals are staying in tents. This has led to a growing demand for communal water and sanitation facilities and increased protection risks for the population.¹⁵⁷

¹⁵⁴ IOM.

¹⁵⁵ IOM Greece.

¹⁵⁶ *Ibid.*

¹⁵⁷ UNHCR, Weekly reports.

4.5.2 Vulnerable persons

The first accommodation centre for Sexual Gender Based Violence has been established in Athens. The centre will also accommodate unaccompanied girls.¹⁵⁸

Mantamados Municipality forbids unaccompanied children who are accommodated in MSF's camp in Mantamados, run by NGO PRAKSIS and Save the Children, to eat in local restaurants and bathe in the sea.¹⁵⁹

4.5.3 Child protection

Around 2,260 unaccompanied children were registered for accommodation from 1 January to 27 June 2016. The total capacity for accommodating unaccompanied children in Greece, amounting to only 621 beds in existing shelters and transit centres, is fully exhausted. There are 850 unaccompanied children registered on the waiting list for shelter, out of which 309 are housed in closed facilities (227 in First Reception Centre facilities and 82 in police custody), until suitable shelter is found. An estimated 362 beds are in the pipeline, being planned/prepared by various partners, although timelines and final plans are not yet secured. An estimated additional 300 beds are needed to meet the minimum anticipated requirements. While temporary shelters can take up to four to six weeks to establish, there is an urgent need to find emergency alternative shelters and care for unaccompanied children, possibly in designated spaces for unaccompanied children within existing sites/refugee camps. There are currently 155 safe spaces at reception centres (open sites/refugee camps) that have been designated for unaccompanied children as a short term alternative to detention. It is expected that the registered case load of unaccompanied children will grow in the next period and EKKA (National Centre for Social Solidarity) anticipates a need for a minimum of 520 additional spaces in shelters and transit facilities designed to protect and care for unaccompanied children.¹⁶⁰

The Scientific Committee for the assistance of the education of refugee children under the Ministry of Education in Greece published its recommendations for the year 2016/2017.¹⁶¹ The recommendations include educational programmes at accommodation centres across the mainland as well as psychosocial support to refugee children during their education.¹⁶²

Child friendly spaces were installed in Athens and Thessaloniki during the pre-registration exercise.¹⁶³

¹⁵⁸ NGO PRAKSIS.

¹⁵⁹ *Ibid.*

¹⁶⁰ National Centre for Social Solidarity.

¹⁶¹ Available at: www.efsyn.gr/arthro/paideia-gia-prosfyges.

¹⁶² Available at: https://issuu.com/left76/docs/epistimoniki-epitropi_prosfygon_ypp.

¹⁶³ UNHCR Greece.

A learning centre for refugee and migrant children opened in Chios. It was organised by volunteer groups. Arabic-speaking teachers, local teachers and refugees are part of the school staff, which welcomed 36 children.¹⁶⁴

4.5.4 Healthcare

Following the vaccination of children in Idomeni, the Ministry of Health launched a general vaccination campaign. Vaccinations have been performed at Eleonas accommodation centre and more are planned at over 20 refugee/migrant reception centers, both on the islands and on mainland Greece. In the near future, the campaign will be extended to all hospitality areas in the country.¹⁶⁵

Medical teams have witnessed an increase in dental problems among the refugee population and there is a great need for dentists in the camps.¹⁶⁶

A significant number of people, who are accommodated in camps in the Attica region, are visiting Open Day Centres for the provision of primary healthcare to request transfer to other accommodations.¹⁶⁷

The majority of incidents recorded during July concerned pregnant women, chronic illnesses such as diabetes, kidney failure and vision problems.¹⁶⁸

4.5.5 Immigration detention

The current capacity of pre-removal centres in Greece is 5,099. On 30 June 2016, the total number of detainees was 1,519, 544 of whom were asylum seekers. The total capacity of all pre-removal centres, screening centres and the First Reception Centre (Orestiada) is 5,856. On 30 June 2016, the total number of detainees was 2,783, which means a 48 % occupancy rate.¹⁶⁹ No alternatives to detention have been implemented.¹⁷⁰

On 28 June 2016, Médecins du Monde (MdM) – Doctors of the World Greece issued a press release regarding a reported incident of police violence towards twelve unaccompanied children of Pakistani nationality at the Moria Reception Centre in Lesvos. According to the statement, “testimonies of the unaccompanied children and the related reports of the doctor and the psychologist of our Organization indicate that during a quarrel between unaccompanied children, a stone hit one of the shift policemen. The officer entered ragging inside the wing and punched one of the children while launching at the same time general

¹⁶⁴ UNHCR, Weekly reports.

¹⁶⁵ Ministry of Health, www.moh.gov.gr/articles/ministry/grafeio-typoy/press-releases/4010-kampania-katholikhs-emboliastikhsh-kalypshts-prosfygwn-kai-metanastwn.

¹⁶⁶ MDM Greece.

¹⁶⁷ NGO PRAKSIS.

¹⁶⁸ NGO PRAKSIS; MDM Greece.

¹⁶⁹ Ministry for Migration Policy.

¹⁷⁰ NGO PRAKSIS.

threats against children detained at the site. They reacted, which resulted in twelve of them to be transferred in handcuffs to the detention centre of the police department in Mytilene. The children report that they were kept there from 3:00 am at night until 14:00 pm. During that period they were forced to sit most of the time at kneeling posture with their knees not touching the ground, while, if they changed position, due to fatigue or lack of sleep, the officers would hit them, with bottles of water. During the clinical examination by MdM's doctor, it was obvious that the children were in a state of shock and suffering from physical/psychological depression. Some of them had abrasions on the wrists due to handcuffing and others in various parts of their body. Some reported headaches due to head strikes while one of them had a nosebleed."¹⁷¹ The organisation sent a letter notifying this incident to the Alternate Minister of Immigration Policy and competent authorities, calling for an immediate investigation into the incident.

At the hotspot in Samos, some clashes broke out between Algerian and Pakistani nationals. Six people were hospitalised and between 30 and 40 Algerian and Pakistani nationals were arrested. A similar clash had occurred in Lesbos on the previous day, when severe fighting between Afghan and Pakistani nationals erupted on 1 June. A rub hall was burnt to the ground and several people were taken to the hospital for treatment of minor injuries.¹⁷²

4.6. Responses in law, policy and/or practice

On 16 June 2016, the Ministry for Migration Policy introduced an amendment to change the composition of the Appeals Authority Committees established by Law 4375/2016. The amendment was voted for by the Greek Parliament under the Law 4399/2016.¹⁷³ In the explanatory report on the law, the Ministry underlined that the changes proposed would enhance the impartiality and independence of the Appeals Committees. Under the new legislation, the so-called 'Independent Appeals Committees' will be composed of three members: two judges from the Administrative Courts (First Instance and Appeal Administrative Courts) and one person proposed by UNHCR. The original composition of the Appeals Committees included two lawyers proposed by the National Committee for Human Rights and one person proposed by UNHCR.¹⁷⁴ The appeals procedure must still be made in writing, with a few exceptions. Furthermore, these exceptions are limited by the changes introduced since the appellant does not generally have the right any more to apply for an oral procedure. The Asylum Service can also express an opinion on the appeal.¹⁷⁵

Because the Appeals Authority Committees have not been operational since September 2015, and the Appeals Committees envisaged by Law 4375/2016

¹⁷¹ Available at: <http://mdmgreece.gr/en/press-release-reported-incident-police-violence-towards-unaccompanied-minors-moria-reception-center-lesvos/>.

¹⁷² UNHCR, Weekly report - Europe's refugee emergency.

¹⁷³ Greek Republic, Law 4399/2016 (ΦΕΚ 117/Α'/22-06-2016), available at: <http://goo.gl/1yT1n5>.

¹⁷⁴ Ministry for Migration Policy.

¹⁷⁵ NGO PRAKSIS.

have not yet been composed, the appeals against negative decisions on admissibility issued by the Asylum Service are examined by the Appeals Committees of Presidential Decree 114/2010 (dealing with asylum applications filed before June 2013 – the so-called old procedure). Several days after the legislative amendment, the members of the Appeals Committees of Presidential Decree 114/2010 issued a public statement declaring that the reasoning for this amendment was that the decisions concerning inadmissibility were 'not in line with the objective of mass returns of asylum applicants to Turkey, as expressed in the non-legally binding Turkey - EU Statement'.¹⁷⁶

The National Committee for Human Rights also published a press release stating that the composition of the proposed committees may raise issues of constitutionality, among other things, regarding the participation of two administrative judges in every three-member Appeals Committee. In addition, it states that the way the amendment was introduced, without any prior information or consultation, raises concerns.¹⁷⁷

4.7. Social response to the situation

On 16 June 2016, the housing squats for refugees operating in Attica (Notara 26, Scholio, 2o Philoxenio Prosfigon, Kaniggos, City Plaza, Asirmatos, Votanikos Kipos Petroupolis) demonstrated together with activists and people accommodated at the centre of Athens under the slogan 'We live together - We fight together'. The demonstrators demanded freedom of movement, open borders, political asylum, no deportations and concentration camps, and co-existence in the urban fabric.¹⁷⁸

On 19 June 2016, the refugee accommodation 'Space City Plaza', a housing squat located in a closed hotel, which has been operating since 22 April 2016, hosted a celebration at Victoria square in the centre of Athens under the slogan 'We live together - we celebrate together'.¹⁷⁹

4.8. Hate crime incidents

The Racist Violence Recording Network (RVRN) has not recorded any incidents of racially motivated violence or hate crime, or any other related incident in the past month.¹⁸⁰

¹⁷⁶ Available at: <http://analyzegreece.gr/topics/immigrants-rights-and-racism/item/446-the-greek-government-manipulates-the-asylum-appeals-committees>.

¹⁷⁷ Available at: www.nchr.gr/images/pdf/apofaseis/prosfuges_metanastes/Dimosia%20dilwsi%20EEDA.pdf.

¹⁷⁸ Available at: www.facebook.com/events/1725198634423042/.

¹⁷⁹ Available at: <http://solidarity2refugees.gr/we-live-together-we-celebrate-together-city-plaza-on-victoria-square-196/>.

¹⁸⁰ Racist Violence Recording Network.

On 6 June 2016, refugees and migrants accommodated in the Souda camp in Chios set fire on rubbish bins to demonstrate against their restriction of movement orders. The fire was lit under the supervision of the Fire Service. On the same day, after the incident had taken place, several inhabitants of Chios attacked the people staying in Souda, and hit a nurse who was on duty.¹⁸¹ The nurse filed a lawsuit. The perpetrators are allegedly Golden Dawn supporters.¹⁸²

181 Available at: <http://goo.gl/KCpOpd>.

182 Available at: www.lathra.gr/the-news.

5. Hungary

5.1. Stakeholders contacted

The interviews were conducted by phone and email with the following stakeholders:

- Ministry of Internal Affairs (*Belügyminisztérium*);
- National Police Headquarters (*Országos Rendőr-főkapitányság*);
- Office of Immigration and Nationality (*Bevándorlási és Állampolgársági Hivatal*);
- General Attorney's Office (*Legfőbb Ügyészség*);
- County Court of Szeged (*Szegedi Törvényszék*);
- United Nations High Commissioner for Refugees (UNHCR) Hungary;
- Hungarian Association for Migrants (*Menedék Migránsokat Segítő Egyesület*);
- MigSzol – Migrant Solidarity Group of Hungary;
- Cordelia Foundation (*Cordelia Alapítvány*).

5.2. Overview of the situation

In June 2016, only some 4,200 people crossed the border into Hungary as a result of the fence at the southern borders.¹⁸³ This is a slight increase compared to May (some 3,920). As usual, most of the new arrivals crossed the border with Serbia.¹⁸⁴ Out of the new arrivals, 84 % were men and 16 % were women. There were 472 persons below 18 years of age, six of them were unaccompanied children.¹⁸⁵ The police do not keep statistics about the number of persons with disabilities.¹⁸⁶ Most of the new arrivals came from Afghanistan, Syria, Pakistan and Iraq. Among the new arrivals, the ratio of those coming from African countries (mostly from Morocco and Algeria) was around 5 %.¹⁸⁷

In June, 4,165 people applied for asylum, which is a slight decrease compared to May (some 4,750).¹⁸⁸ Asylum seekers came mainly from Afghanistan (1,851), Syria (685), Pakistan (635), Iraq (435), and Iran (96).¹⁸⁹ Some of these applications were not from new arrivals. Some people who were sentenced to an

¹⁸³ National Police Headquarters.

¹⁸⁴ *Ibid.*

¹⁸⁵ *Ibid.*

¹⁸⁶ *Ibid.*

¹⁸⁷ *Ibid.*

¹⁸⁸ Office of Immigration and Nationality.

¹⁸⁹ *Ibid.*

entry-ban order after committing the crime of unauthorised border fence crossing also applied for asylum. Asylum seekers cannot be expelled from the country during the asylum procedure. The police claim that they always inform the apprehended asylum seekers about their right to apply for asylum; however, civil society organisations experience that the authorities fail to give proper information to people about their rights in many cases.¹⁹⁰ The majority of the asylum seekers (altogether 3,110 people) applied for asylum in a police procedure (either after the criminal procedure had been initiated against them for committing the crime of unauthorised border fence crossing, or after they had been apprehended at the border as irregular migrants travelling without valid travel documents).¹⁹¹ Between 1 June and 20 June, the Office of Immigration and Nationality made 14 positive decisions (accepting the asylum claims) and 147 negative decisions (rejecting the claims). In 1,092 cases, the Office terminated the process because the applicants had left the country.¹⁹² NGOs believe that the high number of cases that have been terminated proves that the authorities do not want to grant people effective international protection. Instead, they 'encourage' them to leave Hungary and move on towards Western Europe.¹⁹³

5.3. Criminal proceedings against migrants and people helping them

5.3.1 Criminal proceedings initiated against migrants and asylum seekers

The police apprehended around 10 % of the new arrivals for unauthorised border fence crossing, as they had climbed over, or ducked under the fences installed at the Serbian-Hungarian border. The police initiated criminal proceedings against 401 of them in June.¹⁹⁴ On a daily basis, the police publish the number of irregular migrants they prevented from entering into Hungary by crossing border fences. This number was around 200-300 on an average day in June.¹⁹⁵ It proves that the number of people seeking entry into Hungary did not decrease, and only the increased protection of the border fences (for example, air support, more

¹⁹⁰ UNHCR Hungary

¹⁹¹ National Police Headquarters.

¹⁹² Office of Immigration and Nationality.

¹⁹³ UNHCR Hungary.

¹⁹⁴ The provision of unauthorised border crossing as an offence is set out in Article 352/A of Act C of 2012 on the Criminal Code, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=152383.297990#foot_121_place. The provision was introduced in the Criminal Code by Act CXL of 2015 on the amendment of certain laws as a result of the migrant situation, available at: http://njt.hu/cgi_bin/njt_doc.cgi?docid=177552.298006. Act CXL of 2015 entered into force on 15 September 2015.

¹⁹⁵ Government Ordinance no. 41/2016 (III. 9.) on ordering emergency situation for the entire territory of Hungary caused by the mass migration situation, and on the rules related to the ordering, maintaining and ending of the emergency situation, available at: http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=A1600041.KOR.

soldiers and policemen present, continuous repairs of the damaged parts of the fences etc.) at the Serbian borderline led to a decrease in the number of people who could actually cross the border in June.

The District Court of Szeged (*Szegedi Járásbíróság*) held 98 criminal trials in relation to irregular border crossings during the reporting period. Ninety-seven people involved in these trials were sentenced to expulsion. In one case, the Court sent the case back to the prosecutor for further investigation. Defendants originated mainly from Afghanistan, Pakistan, Syria and Iran. A few of them were nationals of Cuba, Nigeria, Libya, Morocco and Algeria. Ninety-six defendants received a one-year entry ban, and one of them received a suspended imprisonment sentence and a four-year entry ban. Almost all defendants were first time offenders, which is why the Court imposed a one-year entry ban in almost all cases. None of the defendants appealed against the decisions, and only one of them requested the translation of the Court's verdict in writing.¹⁹⁶

During the reporting period, the police initiated criminal procedures against 42 people (most of them were new arrivals), who were suspected of having committed the crime of forging public documents when they tried to enter Hungary.¹⁹⁷

5.3.2 Criminal proceedings against people/organisations/associations facilitating irregular entry or stay

In June, the police initiated new criminal procedures against 23 people who were accused of committing the crime of human smuggling.¹⁹⁸ The perpetrators were mainly nationals of Hungary, Serbia, and Romania. In one case, a Pakistani national residing in Spain tried to smuggle a Syrian family (seven children and three adults) from Hungary to Austria in exchange for €150 per person. The Court sentenced the person to imprisonment and imposed a three-year entry ban.¹⁹⁹ A negative outcome of the regulation is that activities of volunteers helping refugees (for example, inviting refugees to stay in their homes, driving them with their car, lending them their mobile phones) can be interpreted as participation in human smuggling under Hungarian criminal law. Profit is not a necessary criterion to be prosecuted. Such crimes are punishable by several years of imprisonment; however, so far they have not been applied to volunteers helping refugees.

¹⁹⁶ County Court of Szeged.

¹⁹⁷ National Police Headquarters.

¹⁹⁸ *Ibid.*

¹⁹⁹ General Attorney's Office.

5.4. Fundamental rights issues in relation to registration and channelling into different procedures

5.4.1 Registration and identification

Authorities registered and fingerprinted all new arrivals, and found that most people were cooperative during these procedures. In case of disobedience or resistance, the authorities claim that they could successfully resolve the conflict by explaining the purpose of registration and fingerprinting to the people concerned.²⁰⁰

A large number of refugees (between 300-600 people on an average day) were waiting to get access to the transit zones along the Serbian borders since, in principle, the transit zones accept a maximum of 30 people per day. In practice, the transit zones only admit around 15 people per day.²⁰¹ The authorities claim that they grant priority access to vulnerable groups (children, disabled persons, pregnant women and those in need of medical assistance). However, NGOs observed that many women and children await admission to transit zones for days without appropriate shelter and decent sanitary conditions.²⁰² Limited admission forces many people to queue outside the transit zones for weeks in an unserviced border area.²⁰³

Civil society organisations reported a growing number of push-back incidents, physical abuse and harassment committed by the Hungarian police and military personnel against people who tried to cross irregularly into Hungary.²⁰⁴ On 1 June 2016, a Syrian man drowned in the Tisza River after attempting to cross into Hungary from Serbia. He was with a larger group of people who claimed that they were pushed back into the river.²⁰⁵ The police rejected the accusations, stating that they did not abuse but were helping the group out of the water when the man accidentally drowned.²⁰⁶ Civil society organisations contacted the police about the abuse cases; however, there was almost no cooperation from their side to discuss these issues.²⁰⁷

The Hungarian Government appointed five NGOs that should provide assistance to the people waiting at the border zone (pre-transit zones) for admission to Hungary: the Hungarian Charity Service of the Order of Malta (*Magyar Máltai Szeretetszolgálat Egyesület*), the Hungarian Red Cross (*Magyar Vöröskereszt*),

²⁰⁰ National Police Headquarters.

²⁰¹ UNHCR Hungary.

²⁰² *Ibid.*

²⁰³ MigSzol.

²⁰⁴ UNHCR Hungary; MigSzol.

²⁰⁵ UNHCR Hungary.

²⁰⁶ National Police Headquarter.

²⁰⁷ UNHCR Hungary; MigSzol.

the Hungarian Reformed Church (*Magyarországi Református Egyház*), the Hungarian Interchurch Aid (*Magyar Ökumenikus Segélyszervezet*) and the Catholic Caritas (*Katolikus Karitás*). The Government allocated HUF 250 million (about €806,000) from the state budget for humanitarian work.²⁰⁸ Many other civil organisations, such as the Hungarian Helsinki Committee and volunteers from Facebook groups helping refugees (for example Let's Help the Refugees Together Group) that were not supported by these state funds were also active in the border zone.

5.4.2 Asylum procedure

Asylum seekers entering through Serbia are almost always automatically rejected on the grounds of inadmissibility, since Serbia is considered a safe third country under Hungarian law.²⁰⁹ Civil society organisations believe that it is practically impossible to get protection status for single male adults in the transit zones, and even claims from women and families are often considered as inadmissible.²¹⁰ The authorities do not provide legal aid to the people in the transit zones, and the only civil society organisation offering independent legal assistance, the Hungarian Helsinki Committee, has only limited access and capacity.²¹¹ Some of the rejected applicants appeal against the Office's decision. However, because the Court's review process may take up to several months, they are transferred to open reception facilities from the transit zones. In many cases, the applicants do not wait for the Court's decision on the review process and they proceed to their end destination in Western Europe.²¹²

In June, the Administrative and Labour Court of Szeged (*Szegedi Közigazgatási és Munkaügyi Bíróság*) received 138 review appeals against the rejection of asylum applications by the Office of Immigration and Nationality. In 59 of these cases, the Court rejected the appeals and upheld the Office's decisions. In 60 cases, the Court repealed the Office's decisions and sent the cases back to the Office of Immigration and Nationality for a more precise examination of facts and to refrain from applying the safe third country rule automatically. In nine cases, the Court had to terminate the process as the claimants had left the country. Some appeals have not been decided yet.²¹³

²⁰⁸ Governmental Decision no. 1252/2016 on providing financial support to the activities of charity organisations in relation to the mass migration crisis, available at: http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=A16H1252.KOR×thif=ffffff4&txtreferer=0000001.TXT.

²⁰⁹ UNHCR Hungary.

²¹⁰ MigSzol.

²¹¹ *Ibid.*

²¹² UNHCR Hungary.

²¹³ County Court of Szeged.

5.4.3 Return procedure

In June, the vast majority of new arrivals came from Serbia.²¹⁴ As Serbia still readmits almost exclusively its own nationals, the readmission procedures remain very long and uncertain for most people in detention.²¹⁵ During the reporting period, 117 people were expelled. Statistics about the target countries are recorded when the Hungarian Police execute the entry ban ordered by the Court and expel the people concerned. In June, the police returned 84 people to: Romania (35), Ukraine (33), Serbia (15) and Kosovo (one).²¹⁶ There is no information about the nationality of these people.

5.5. Challenges and developments concerning reception conditions of new arrivals, including detention

5.5.1 Reception conditions and capacity

The transit zones along the Croatian border (Letenye and Beremend) did not host any refugees or asylum seekers during the reporting period, while the transit zones along the Serbian border (Röszke and Tompa) were busy.²¹⁷ Admission to the transit zones is extremely slow as only around 15 people can enter daily. There were days in June when around 600 people waited in front of the fences in the border zone.²¹⁸ Those who are left outside the transit zones are forced to spend the nights in their makeshift tents and without access to facilities (toilets, showers, sanitary facilities, proper tents, beds).²¹⁹ The authorities started to install air conditioners in the containers inside the transit zones in the last days of June.²²⁰

UNHCR, UNICEF and the Red Cross frequently distribute food and non-food items to people present at the border in Horgos and Kelebia (Serbian borders).²²¹ Sanitary conditions in the border zone are dire as people do not even have access to toilets.²²²

At the open reception centres, reception conditions are adequate, and asylum seekers have access to food and potable water. Their sanitary needs are also

²¹⁴ National Police Headquarters.

²¹⁵ UNHCR Hungary.

²¹⁶ National Police Headquarters.

²¹⁷ *Ibid.*

²¹⁸ UNHCR Hungary.

²¹⁹ *Ibid.*

²²⁰ MigSzol.

²²¹ UNHCR Hungary.

²²² MigSzol.

satisfied, even if – in some cases – this is done in the form of monetary support so that asylum seekers can purchase what they need.²²³

The Office of Immigration and Nationality ordered asylum detention of 207 people during the reporting period.²²⁴ The Office may order asylum detention to ensure that the applicant does not leave Hungary during the asylum procedure.²²⁵ On the last day of June, 55 women and 119 children were in asylum detention.²²⁶ Civil society organisations reported very bad reception conditions at the detention centres. At the Kiskunhalas detention centre, a person reported the lack of clean basic objects like mattresses, very limited food portions, and almost no access to legal information about their cases. The detained people often complain that the Office of Immigration and Nationality does not provide information about the reasons for their confinement or about the general steps in the legal and administrative procedure. The lack of proper internet connection also prevents detained people from contacting their families and friends. They can only call their families for prohibitively high costs (€1 per minute).²²⁷

Civil society organisations often receive complaints that people are transferred from one detention centre to another without prior notification. Some of them had to readjust to four different facilities in the past few months.²²⁸ Detained people often suffer from stress due to the isolation they experience.²²⁹ On 5 June 2016, an Afghan man and an Iraqi man had a disagreement over a television programme in the Nyírbátor detention centre. They started a fight in front of 35 other detained people. The guards had to use pepper spray and handcuffs to end the incident.²³⁰ Civil society organisations claim that there is little transparency about the situation at the detention centres; therefore, it is really difficult to investigate the conditions inside.²³¹

The Office of Immigration and Nationality and the police ordered alien police detention of 52 and 33 people, respectively. Alien police detention is ordered in cases where a person is about to be deported. This happens when the Office of Immigration and Nationality, or the Court, expels somebody.²³² The maximum duration of alien police detention cannot exceed 12 months; however, in the majority of cases, the authorities order alien police detention for a much shorter period of time (typically one to two months). Once this period elapses, people

²²³ Office of Immigration and Nationality.

²²⁴ *Ibid.*

²²⁵ Article 31/A of Act LXXX of 2007 on the right to asylum, available at: http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=A0700080.TV.

²²⁶ Office of Immigration and Nationality.

²²⁷ MigSzol.

²²⁸ *Ibid.*

²²⁹ Cordelia Foundation.

²³⁰ National Police Headquarters.

²³¹ MigSzol.

²³² Article 54 of Act II of 2007 on the admission and stay of third country nationals, available at: http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=A0700002.TV (2 February 2016).

typically continue their journey to Western Europe after they disappear from the refugee camps.²³³

5.5.2 Vulnerable persons

In the transit zones along the Serbian borderline, civil society organisations are concerned that, while the authorities claim to grant priority access to vulnerable persons (typically to pregnant women and children), it may still take days or weeks until these persons are admitted. Until then, they have to suffer from the same inhuman conditions and lack of proper facilities in the border zones as the other people there.²³⁴

5.5.3 Child protection

During the last week of June, civil society organisations reported that 40 % of the more than 300 people who had to wait at the border zone for admission to Hungary via the transit zones were children. They also had to suffer from the same inhuman conditions as others during the heatwave.²³⁵ Once children are admitted to the transit zones, the authorities transport them almost immediately after registration to open reception centres in cases of children with families. Unaccompanied children are transported to children's homes.²³⁶ However, civil society organisations reported several cases in June concerning children who were treated as adults by the authorities prior to a medical age assessment. In these cases, the authorities insist on a medical examination, and the person concerned has to bear the costs of this examination.²³⁷

5.5.4 Healthcare

The doctors who are present at the transit zones cannot provide medical assistance to those waiting outside the transit zones and are in need of medical help. Moreover, civil society organisations reported that Hungarian ambulances could not be called to the border area, and people had to wait for a Serbian ambulance to arrive.²³⁸ At the detention centres, access to medical assistance is also very poor and limited.²³⁹

²³³ UNHCR Hungary.

²³⁴ NHCR Hungary; MigSzol.

²³⁵ UNHCR Hungary.

²³⁶ Office of Immigration and Nationality.

²³⁷ UNHCR Hungary.

²³⁸ MigSzol.

²³⁹ UNHCR Hungary.

5.5.5 Immigration detention

During the reporting period, the police held around 80 people in alien police detention in permanent and temporary detention facilities while waiting for the execution of the Court's expulsion order.²⁴⁰

More than 700 people were in asylum detention during the reporting period. Most of them were men; however, there were also 55 women and 119 children.²⁴¹ The Office typically orders asylum detention of the claimants to prevent them from leaving the country before the asylum request is adjudged. Civil society organisations find that the detention facilities run by the Office of Immigration and Nationality, where people in asylum detention are accommodated, have deteriorated in terms of facilities (proper beds, clean items and sanitary facilities) due to the continuous and increased use of them over the past months.²⁴²

5.6. Responses in law, policy and/or practice

On 10 June 2016, the Government announced that they would soon open a new transit zone in Ásotthalom that can receive a maximum of 15 people per day.²⁴³ Civil society organisations believe that Ásotthalom's mayor (supported by the Hungarian radical right extremist political party 'Jobbik') is the one who last year made an infamous warning²⁴⁴ against migrants who considered crossing through Hungary, and specifically through Ásotthalom.²⁴⁵ The Government also communicated that they plan to close all refugee camps and detention centres in the near future, except for two tent camps in Körmend and Szentgotthárd, while a camp in Szentgátthárd has not even been opened yet.²⁴⁶

The Hungarian Parliament has adopted a new law²⁴⁷ that will amend the Asylum Act²⁴⁸ from 5 July 2016. The new law will allow the police to send back illegal migrants apprehended within eight kilometres of the southern border with the Serbian side of the border fences. The reasoning behind the new law is to allow the authorities to escort third-country nationals back to the transit zone, across the gates of the fence, to make them submit their asylum claims in an orderly

²⁴⁰ National Police Headquarters.

²⁴¹ Office of Immigration and Nationality.

²⁴² MigSzol.

²⁴³ The aim of the southern border barrier has not changed, available at: www.kormany.hu/en/government-spokesperson/news/the-aim-of-the-southern-border-barrier-has-not-changed.

²⁴⁴ Ásotthalom is the worst, available at: www.youtube.com/watch?v=yDtaks9BSK4.

²⁴⁵ MigSzol.

²⁴⁶ They marked the place for the transit zone in Ásotthalom, available at: <http://magyaridok.hu/belfold/kijeloltek-az-asotthalmi-tranzitzona-helyet-742168/>.

²⁴⁷ Article 2 of Act XCIV of 2016 on amending laws necessary to conduct asylum procedures at the border in a wide scope, available at: http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=A1600094.TV&txtreferer=00000003.TXT.

²⁴⁸ Article 71/A of LXXX of 2007 on asylum, available at: http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=A0700080.TV.

manner. Civil society organisations strongly criticise the new law because it would force migrants to wait outside the transit zones in inhuman conditions, and could possibly encourage many of them to turn to human smugglers.²⁴⁹ NGOs fear that the primary goal of the new legislation is to keep the number of migrants in Hungary as low as possible.²⁵⁰

5.7. Social response to the situation

The Hungarian Association for Migrants has a project called 'Classroom' (*Osztályterem*). The association organised colourful and interactive events for children at the open refugee camp of Bicske and in the Károlyi István Children's Village in Fót (*Károlyi István Gyermekváros Fót*) to help them prepare for school and accelerate their integration.²⁵¹

On 4 June 2016, an evangelical priest tried to install four mobile toilets at the border zone close to the transit zones of Röszke and Tompa (Serbian borders). The Hungarian and Serbian authorities blocked him from performing the action, ordering the priest to take the toilets back. The Serbian authorities claimed that these actions require preliminary permission.²⁵²

5.8. Hate crime incidents

There were no attacks or incidents reported against refugee camps and transit zones during the reporting period.²⁵³

²⁴⁹ UNHCR Hungary.

²⁵⁰ Hungarian police can send illegal migrants back across the border – UNHCR has voiced its concern over Hungary's latest move in the increasing migrant crisis, available at: <http://abouthungary.hu/news-in-brief/hungarian-police-can-send-illegal-immigrants-back-across-border/>.

²⁵¹ Hungarian Association for Migrants.

²⁵² Iványi brought toilets to the refugees, and he did not even have a chance to install them, available at: <http://m.nol.hu/belfold/veceket-vitt-a-menekulteknek-ivanyi-de-eselye-sem-volt-felallitani-azokat-1618281>.

²⁵³ National Police Headquarters.

6. Italy

6.1. Stakeholders contacted

The interviews were conducted by phone and email with the following stakeholders:

- Ministry of the Interior;
- Police Observatory on Security against Discriminations (*Osservatorio per la sicurezza contro gli atti discriminatori*, OSCAD);
- Italian Coast Guard (*Guardia Costiera*);
- Association for Legal Studies on Immigration (*Associazione per gli studi giuridici sull'immigrazione*, ASGI);
- Italian Refugees Council (*Consiglio Italiano per i Rifugiati*, CIR);
- NGO 'Doctors Without Borders Italy' (*Medici Senza Frontiere Italia*, MSF Italia);
- Save the Children Italia Onlus;²⁵⁴
- United Nations High Commissioner for Refugees (UNHCR);²⁵⁵
- Italian Red Cross (IRC);²⁵⁶
- Jesuit Refugee Service 'Centro Astalli';
- Community of Sant'Egidio (Comunità di Sant'Egidio);
- 'Melting Pot Europa' project;
- Association 'Senza confine';
- NGO 'Borderline Sicilia'.

6.2. Overview of the situation

As in May, some 20,000 people arrived during more than 100 disembarkation operations in June.²⁵⁷

On 4 June 2016, 96 people (including 19 women and 23 children) were disembarked in Lampedusa, after being transferred on board of two Italian Coast Guard vessels from the SOS Mediterranee ship 'Aquarius'.²⁵⁸

On 8 June 2016, 223 people were disembarked in Pozzallo after being rescued by the Italian Coast Guard in collaboration with the Maltese authority. On the same

²⁵⁴ This stakeholder has been contacted by email but has not yet provided any information.

²⁵⁵ *Ibid.*

²⁵⁶ *Ibid.*

²⁵⁷ Information provided by the Ministry of the Interior.

²⁵⁸ **Information available on the Twitter account of MSF (MSF Sea), as well as on the Mediterranean Hope Facebook page.

day, 155 people were disembarked in Lampedusa after being rescued by Migrant Offshore Aid Station (MOAS)²⁵⁹ and then transferred to Italian coast guard ships.²⁶⁰

Between 8 and 9 June 2016, NGO 'Doctors Without Borders' (*Médecins Sans Frontières*, MSF) rescued nearly 1,300 people.²⁶¹

On 10 June 2016, 130 people were disembarked in Lampedusa after being rescued by the Italian Coast Guard.²⁶²

On 11 June 2016, over 1,300 people were rescued in 11 operations coordinated by the Italian Coast Guard:²⁶³ some 260 people were rescued by the Italian Coast guard ship 'Dattilo', some 320 people were rescued by the EUNAVFORMED ship 'Enterprise', some 640 people were rescued by MOAS' ships 'Topaz Responder' and 'Phoenix', and finally a private tug boat saved 130 people. The Italian Coast Guard ship 'Fiorillo' then took the people rescued by the ship 'Dattilo' on board and disembarked them a day later in Pozzallo. Among them were 17 women and about 70 children. The Italian Navy ship 'Libra' took on board the people rescued by the ship 'Enterprise' and 'Phoenix' and disembarked them in Crotona. The ship 'Topaz Responder' took on board the people rescued by the tug boat.²⁶⁴

On 12 June 2016, the Italian Coast Guard ship 'Dattilo' rescued over 400 people.²⁶⁵ On 12 June 2016, the MSF ship 'Bourbon Argos' disembarked almost 600 people in Palermo who were rescued on 8 and 9 June.²⁶⁶ In Messina, the EUNAVFORMED ship 'Fgs Frankfurt' disembarked more than 500 people who were rescued during the previous days.²⁶⁷

On 14 June 2016, MSF ship 'Dignity I' disembarked some 260 people in Sicily.²⁶⁸

On 14 June 2016, over 480 people were rescued during four operations.²⁶⁹

²⁵⁹ Moas started the operation in the Mediterranean on 6 June 2016.

²⁶⁰ Information available on: www.0766news.it/guardia-costiera-nave-fiorillo-salva-223-migranti-bordo-un-peschereccio/ as well as www.nuovosud.it/40775-cronaca-ragusa/pozzallo-arrivati-con-nave-fiorillo-223-migranti. For information on Lampedusa, see Mediterranean Hope Facebook page.

²⁶¹ Information available on the Twitter account of MSF (MSF_Sea).

²⁶² Available at: www.0766news.it/guardia-costiera-salvati-130-migranti-nella-giornata-ieri/.

²⁶³ Information available on the Twitter account of the Italian Coast Guard (@guardiacostiera) as well as at: www.guardiacostiera.gov.it/stampa/Pages/Comunicato-Stampa-11-giugno-2016.aspx and www.ilcrotonese.it/sbarcati-695-migranti-da-nave-libra/.

²⁶⁴ Information available on the Facebook page of MOAS (www.facebook.com/migrantoffshoreaidstation) as well as at: http://ragusa.gds.it/2016/06/12/migranti-in-arrivo-a-pozzallo-in-258-con-nave-fiorillo_525038/.

²⁶⁵ Information available on the Twitter account of the Italian Coast Guard (@guardiacostiera).

²⁶⁶ Information available on the Twitter account of MSF (MSF_Sea).

²⁶⁷ Information available on the Twitter account of MSF (MSF_Sea), as well as http://ragusa.gds.it/2016/06/12/migranti-in-arrivo-a-pozzallo-in-258-con-nave-fiorillo_525038/.

²⁶⁸ Information available on the Twitter account of MSF (MSF_Sea).

²⁶⁹ Information available on the Twitter account of the Italian Coast Guard (@guardiacostiera).

On 15 June 2016, MSF ship 'Bourbon Argos' rescued 140 people (38 women, including 15 pregnant ones) and disembarked them in Pozzallo two days later. About 24 women were checked into hospitals due to the risk of abortion. Several of them said they were sexually assaulted in Libya.²⁷⁰

On 23 June 2016, vessels of the Italian Navy and Coast Guard, Eunavformed, MSF, MOAS and a mercantile ship rescued about 5,000 people in 43 rescue operations coordinated by the Italian Coast Guard.²⁷¹ Between 24 and 25 June 2016, the people rescued were disembarked in different ports in the south of Italy. The MSF ship 'Bourbon Argos' took some 1,140 people to Augusta; the Eunavformed ship 'Enterprise' took some 460 people to Pozzallo; the Italian Navy ship 'Vega' took nearly 750 people to Reggio Calabria (Calabria); the Italian Coast Guard ship 'Diciotti' took 830 people to Palermo; and the SOS Mediteranee Ship "Aquarius" disembarked almost 670 people in Messina.²⁷²

On 24 June 2016, the vessels of the Italian Navy, European Agency for the Management of Operational Cooperation at the External Borders (Frontex), Eunavformed, MSF and MOAS rescued about 2,100 people in nine operations coordinated by the Italian Coast Guard. All of the rescued people were then transferred to the Frontex Norwegian ship 'Siem Pilot' (some 740 people) and to the German Eunavformed ship 'Frankfurt' (about 1300).²⁷³ The ship 'Siem Pilot' disembarked the people in Cagliari (Sardinia) and the ship 'Frankfurt' disembarked them in Brindisi (Apulia).²⁷⁴

On 26 June 2016, vessels of the Italian Navy and Coast Guard, Frontex, Eunavformed, MSF and Sea Watch rescued about 3,320 people in 26 operations coordinated by the Italian Coast Guard. All people were then transferred on board of two units of the Navy, one Eunavformed unit of the Spanish Navy, one Frontex unit of the Spanish navy and MSF ships 'Bourbon Argos' and 'Dignity I'.²⁷⁵

270 Information available on the Twitter account of MSF (MSF_Sea), as well as at www.theguardian.com/world/2016/jun/17/they-were-psychopaths-how-chaos-in-libya-fuels-the-migration-crisis and www.hercole.it/111/58707/porto-empedocle-sbarcati-111-migranti-e-2-cadaveri-video.

271 Information available on the Twitter account of the Italian Coast Guard (@guardiacostiera) as well as at: www.0766news.it/guardia-costiera-salvati-5-000-migranti-nella-giornata-oggi/.

272 Information available on the Twitter account of MSF (MSF_Sea), as well as at www.ansa.it/calabria/notizie/2016/06/25/a-reggio-c.-745-migranti9-donne-incinte_b5ac5778-e6da-427f-a8a0-8739d7513887.html and http://palermo.repubblica.it/cronaca/2016/06/25/foto/mille_migranti_sbarcano_a_palermo-142775217/1/#1 and http://corrieredelmezzogiorno.corriere.it/palermo/cronaca/16_giugno_25/palermo-sbarco-migranti-porto-arrivano-830-persone-78ddb0b8-3ab4-11e6-8b00-6129f85be742.shtml.

273 Information available on the Twitter account of the Italian Coast Guard (@guardiacostiera) as well as at: www.0766news.it/guardia-costiera-continuano-le-operazioni-soccorso/.

274 Information available on the Twitter account of the Norwegian police (@kripos)

275 Information available at www.guardiacostiera.gov.it/stampa/Pages/Comunicatostampa26giugno2016.aspx.

The Eunavformed unit disembarked some 900 people in Taranto, the ship 'Bettica' disembarked some 760 people (including one corpse and a new born baby) in Vibo Valentia.²⁷⁶

On 26 June 2016, vessels of the Italian Coast Guard and Navy and the Irish Eunavformed ship 'Le Roisin' rescued some 1,260 people in nine operations. All of them were transferred on board of two Coast Guard ships ('Fiorillo' and 'Peluso') and the ship 'Le Roisin'.²⁷⁷

On 28 June 2016, vessels of the Italian Coast Guard and Navy, Frontex, Sea Watch and SOS Mediteranee 'Aquarius' rescued about 750 people. At the end of the operations, nearly 580 people were on board of the SOS Mediteranee ship 'Aquarius' and some 160 were on board of the Dutch Frontex vessel 'Van Amstel'.²⁷⁸

On 29 June 2016, about 1,290 people were rescued in six operations. The rescue operations were quite difficult due to the bad weather conditions. Several units of the Coast Guard and three commercial vessels cooperated to save 430 people from a drifting fishing boat. Some 800 people were then rescued by the Italian Navy, the NGO MOAS and by the Coast Guard ship 'Diciotti'. The last Search and Rescue (SaR) event involved 51 people on a sailing boat close to Otranto (Sardinia).²⁷⁹

On 30 June 2016, the Italian Coast Guard ship 'Diciotti' rescued two dinghies with respectively 107 and 116 people. In the first dinghy, 10 female corpses were found.²⁸⁰

The overall number of arrivals in June is 22,339 people during more than 170 disembarkation operations.²⁸¹

²⁷⁶ Information available on the Twitter account of the Italian Navy (@ItalianNavy), of the Eunavformed.

²⁷⁷ Available at: www.0766news.it/guardia-costiera-10/.

²⁷⁸ Information available on the MSF Twitter account (MSF_Sea) and at www.0766news.it/guardia-costiera-753-migranti-tratti-salvo-nella-giornata-oggi/.

²⁷⁹ Information available at: www.0766news.it/guardia-costiera-nuove-operazioni-soccorso-nel-canale-sicilia/.

²⁸⁰ Information available at: www.0766news.it/guardia-costiera-223-migranti-tratti-salvo-nella-giornata-oggi/.

²⁸¹ Information provided by the Ministry of the Interior.

6.3. Criminal proceedings against migrants and people helping them

6.3.1 Criminal proceedings initiated against migrants and asylum seekers

The number of migrants and asylum seekers undergoing criminal proceedings for irregular crossing of borders is not available nor publicly accessible. In the considered period, many newly arrived migrants of different nationalities, including asylum seekers, have been arrested for smuggling and some of them for human trafficking.²⁸²

6.3.2 Criminal proceedings against people/organisations/associations facilitating irregular entry or stay

The NGO 'Incoming guests' (*Ospiti in arrivo*), based in Udine, has been accused of facilitating irregular entry of migrants and its volunteers are undergoing a criminal proceeding. The contested conducts refer to the activities of support and solidarity to irregular migrants arriving to Udine, carried out by the NGO at the end of 2014 when the municipality of Udine had not yet developed a reception system. In that period, the NGO volunteers began offering support services – such as healthcare assistance, food provision etc. – to irregular migrants who were living in occupied buildings, since there were no available reception facilities for them to find shelter. For this reason, the volunteers have been charged with facilitating irregular stay of migrants and squatting.²⁸³ To protest against this episode, a web petition has been launched called 'Arrest us all!'. It expresses support for and solidarity with all the volunteers, NGOs and associations who are involved in the criminal proceedings because they have tried to help and support migrants living in Italy in poor reception conditions.²⁸⁴ However, it is worth mentioning that to be punishable by law, the Italian legislation requires an element of profit for the facilitation of irregular stay.

282 Information available at: http://palermo.repubblica.it/cronaca/2016/06/09/news/i_siriani_tornano_sulla_rotta_del_mediterraneo_arrestati_5_scafisti_egiziani-141637418/?ref=search; <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIG3281.TIF&subcod=20160615&numPag=1&>; <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIQ1157.TIF&subcod=20160620&numPag=1&>; <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIM4183.TIF&subcod=20160623&numPag=1&>; http://livesicilia.it/2016/06/21/schiave-del-sesso-quattro-arresti_761082/.

283 This information is available at: www.redattoresociale.it/Notiziario/Articolo/510445/Migranti-I-accoglienza-dal-basso-sotto-accusa-il-caso-di-Udine.

284 The text of the petition is available at: www.change.org/p/governo-italiano-solidariet%C3%A0-ad-ospiti-in-arrivo-arrestateci-tutti?recruiter=302835117&utm_source=share_petition&utm_medium=facebook&utm_campaign=autopublish&utm_term=des-lg-share_petition-no_msg&fb_ref=Default.

Activists who demonstrated in Ventimiglia, at the French border, in solidarity with the irregular migrants and asylum seekers who had to be transferred to reception centres and identification and detention centres (CIE) in other parts of Italy have also experienced negative consequences. According to a press release by the Italian delegation of Amnesty International, the police detained these activists on 30 May and were given, with the formal consent of the judge in charge of their case, a three-year ban from the Ventimiglia municipal territory.²⁸⁵

6.4. Fundamental rights issues in relation to registration and channelling into different procedures

6.4.1 Registration and identification

Regarding the situation in the hotspot facilities, the NGO 'Borderline Sicilia' reported on 3 June 2016 that two new hotspots are going to be opened in Sicily: in Messina and Mineo (Catania). Messina, which was not foreseen as a hotspot locality in the initial roadmap of the Italian Government, has been introduced after the municipality of Augusta had to stop the opening of its hotspot because of administrative irregularities. These two facilities should be able to increase the overall hotspots' capacity from 1,600 up to 2,800 people awaiting identification.²⁸⁶ The identification of the localities for the new hotspots has been carried out by the Ministry of the Interior; the mayor of Messina has publicly declared to be against the creation of a new hotspot and complained that the Ministry of the Interior came to this decision without informing local authorities.²⁸⁷

After the Italian Episcopal Conference (CEI) expressed its concern over the 'floating hotspots' proposed by the Italian Ministry of the Interior due to their potential effect on peoples' fundamental rights,²⁸⁸ ASGI declared a similar position. During an interview released on 1 June, ASGI expressed its concerns about the Ministry's proposal since it would risk exacerbating the fundamental rights violations that are already occurring in Italian hotspots. According to ASGI, police officers deliberately classify newly arrived migrants as either asylum seekers or economic migrants according to their nationality. In addition, people

²⁸⁵ Information available at: www.amnesty.it/ventimiglia-deplorevoli-le-iniziativa-assunte-dalle-autorita-nei-confronti-di-migranti-e-volontari.

²⁸⁶ Information available at: <http://siciliamigranti.blogspot.it/2016/06/confermato-lhotspot-messina-garantira.html>.

²⁸⁷ Information available at: <http://cartadiroma.waypress.eu/RassegnaStampa/LeggiArticolo.aspx?codice=SIK5107.TIF&subcod=20160603&numPag=2&> and <http://cartadiroma.waypress.eu/RassegnaStampa/LeggiArticolo.aspx?codice=SID4329.TIF&subcod=20160602&numPag=1&>.

²⁸⁸ Information available at: www.lapresse.it/cei-contro-viminale-no-a-hotspot-galleggianti-salviamo-migranti.html.

are detained pending identification and registration for a longer period of time than the 48 hours envisaged by the Ministry's roadmap.²⁸⁹

On 8 June 2016, two spokespeople of police officers' trade unions were heard by the Senate of Italian Republic's Extraordinary Commission for the protection and promotion of human rights. They were asked to report on the hotspot situation. According to their declaration, three new hotspots are going to be opened by the Ministry of the Interior in Messina, Mineo and Crotona (Calabria). However, to achieve this result, increasing the police staff working in the hotspots is absolutely necessary since the lack of manpower compromises identification procedures. The identification rate has been significantly improved, covering 95 % of the newly arrived people. Police officers' trade unions also confirmed their opposition to the use of force to obtain identification, stressing that dialogue and intermediation of cultural mediators are the tools being used. Moreover, the capacity of CIEs should be widened to guarantee that irregular migrants are promptly repatriated to their countries of origin. Lastly, they expressed their support for the implementation of the floating hotspots and the signature of new bilateral agreements with third-countries of origin to improve repatriations.²⁹⁰ On 28 June, during the parliamentary question time, a question was posed to the Italian Government concerning the legitimacy of the hotspots given the Italian and international legislation.²⁹¹

6.4.2 Asylum procedure

Since the beginning of 2016, some 43,490 persons have applied for international protection in Italy, almost the double compared to 2015 (26,778 applications were received by the end of June 2015). The most common countries of origin among asylum seekers have been Pakistan, Nigeria, Gambia, Senegal and Ivory Coast. The number of Ukrainian applicants is rising; it has been around 1,360 since the beginning of 2016. The average time applicants have to wait before the Territorial Commissions for International Protection review their applications is 75 days.

The number of rejections of applications for international protection reached 60 % in the same period (25,527 applications rejected out of 42,489 reviewed since the beginning of 2016). The Courts withdraw two out of three rejections of applications for international protection when the applicants forward a complaint.²⁹² For instance, in Florence, eight out of 10 applicants have had their

²⁸⁹ ASGI interview is available at: www.radiocittafujiko.it/news/hot-spot-galleggianti-oltre-al-no-della-cei-sono-illegittimi.

²⁹⁰ The hearing's text is available at: www.senato.it/japp/bgt/showdoc/frame.jsp?tipodoc=SommComm&leg=17&id=978446.

²⁹¹ The parliamentary questioning's text is available at: <http://aic.camera.it/aic/scheda.html?core=aic&numero=3/02349&ramo=CAMERA&leg=17&testo=rifugiati>.

²⁹² This data has been provided to the Parliamentary Inquiry Commission on the reception system by the President of the Italian Commission for the right to asylum on 8 June. Transcript of the hearing is available at:

application rejected.²⁹³ The rise in the number of applications rejected by the Territorial Commissions sparked protests against the policy of the Territorial Commission in Padua, where a public demonstration was organised. Protesters accused the authorities of rejecting applications without thoroughly considering the personal history of the applicants.²⁹⁴

On 18 June 2016, nine Syrian asylum seekers (six adults and three children) arrived from Greece to Italy thanks to the Pope's intercession. The Community of Sant'Egidio, started the humanitarian corridor initiative described in the previous monthly reports, hosted them.²⁹⁵

6.4.3 Return procedure

On 24 June 2016, Italian Police and Austrian Carinthia police signed a formal agreement protocol aimed at easing and accelerating the return procedures of irregular migrants caught by police officers of the two countries if evidence is found of their transit in Italy or Austria. This return procedure cannot be applied to asylum seekers whose international protection application has been registered in another EU Member State. In this case, the Dublin procedure will apply.²⁹⁶

6.5. Challenges and developments concerning reception conditions of new arrivals, including detention

6.5.1 Reception conditions and capacity

The reception system has been improved in some parts of the country. On 22 June 2016, the Prefect of Reggio Calabria proposed to establish, in cooperation with seasonal migrant workers and local associations, a legally authorised camp for hosting workers who come temporarily to the area to work in the local agricultural sector.²⁹⁷

www.camera.it/leg17/1058?idLegislatura=17&tipologia=audiz2&sottotipologia=audizione&anno=2016&me se=06&giorno=08&idCommissione=69&numero=0049&file=indice_stenografico. Comments available at: www.redattoresociale.it/Notiziario/Articolo/510770/Nazionalita-dinieghi-accoglienza-5-numeri-sui-rifugiati-in-Italia and <http://viedifuga.org/ricipienti-asilo-2016-italia-germania/>.

²⁹³ Information available at: www.redattoresociale.it/Notiziario/Articolo/509580/Asilo-politico-diniego-a-8-profughi-su-10-a-Firenze.

²⁹⁴ Information available at: www.meltingpot.org/Padova-20-giugno-Presidio-presso-la-sede-della-Commissione.html#.V3UdubILQdV.

²⁹⁵ Information available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIA6040.TIF&subcod=20160618&numPag=1&>.

²⁹⁶ Information available at: www.ansamed.info/ansamed/it/notizie/rubriche/politica/2016/06/24/migrantiaccordo-con-carinzia-riammissione-veloce-irregolari_71615c98-8c62-4b7b-8af5-0552272d8485.html.

²⁹⁷ Information available at: www.interno.gov.it/it/notizie/nuovo-progetto-tendopoli-san-ferdinando.

A new reception centre will open in Rome at an IRC facility cooperating with the local Prefecture. The centre will host asylum seekers who have already been registered and identified at disembarking ports in southern Italy and then transferred to Rome according to the national reception system organised by the Ministry of the Interior. The centre will provide shelter and healthcare assistance.²⁹⁸

Nevertheless, the general reception conditions still raise serious concerns. Most NGOs and associations continuously release reports describing poor reception conditions, overcrowding and a lack of financial resources and services. This was the case of two 'Extraordinary Reception Centres' (*Centri di Accoglienza Straordinaria* – CAS) in the Cosenza area, where local associations reported that women are living without being protected from human trafficking, children are hosted with adults and asylum seekers are not offered basic services, leisure activities and, in some cases, are forced to perform tasks that the staff working at the centre impose on them.²⁹⁹ The situation in CARA of Castelnuovo di Porto (Rome), which has gradually been transformed into a regional hub, is also critical. Here, asylum seekers who are eligible for relocation wait to be transferred to other EU Member States. Currently, there are 570 people (some of them vulnerable persons) waiting to be relocated. NGOs report that people are being poorly informed and are often told where they are going to be transferred only the evening before their journey to their country of destination.³⁰⁰ Finally, police authorities dismantled the 'Baobab' reception centre in Rome since it was an informal encampment. It was, however, also a point of reference for many asylum seekers and irregular migrants living temporarily or permanently in Rome, and many associations and volunteers used to provide support and services there. The NGO MEDU, for instance, used to provide first healthcare assistance at the centre, which is why it had issued a press release on 1 June denouncing the evacuation of the centre that left many migrants with no assistance and support in Rome.³⁰¹

During the reporting period, some political and financial scandals concerned the management of the reception system. Managers and professionals working at the centres have been accused of using for their own gain public funds intended as material assistance to asylum seekers who are staying at the centres while they wait decisions on their applications. This happened in Gorizia (Friuli-Venezia Giulia) on 12 June 2016, where 21 NGO staff members in charge of the centre were prosecuted for having reported an expense volume much higher than

²⁹⁸ Information available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=MI12082.TIF&subcod=20160628&numPag=1&>.

²⁹⁹ Information available at: www.meltingpot.org/II-naufraggio-dei-diritti.html#.V3agCqJkZzl.

³⁰⁰ Information available at: www.meltingpot.org/Dobbiamo-andare-via-da-qui-Visita-al-Cara-di-Castelnuovo.html#.V3aiH6JKYyN.

³⁰¹ MEDU's press release is available at: www.meltingpot.org/Crisi-migranti-a-Roma-i-piu-vulnerabili-lasciati-sulla.html#.V3aTo6JKZzl.

actually used to finance the centre's activities in order to get reimbursement.³⁰² A similar episode was registered in Mineo, where six managers of the local CARA (reception centre for asylum seekers) were arrested and charged with fraud. They are accused of counterfeiting the number of people hosted at the centre to receive more funds.³⁰³

On 20 June 2016, several Italian associations relaunched a public campaign called '*LasciateCIEntrare*' (Let us in), was asking the Ministry of the Interior and local Prefectures to allow journalists and activists to enter the hotspots, CIEs, CARAs and all reception centres to document and attest reception conditions. Access to hotspots has been formally denied.³⁰⁴ On 13 June 2016, during the parliamentary question time, a question was posed to the Government supporting this initiative and asking the Ministry of the Interior whether it was willing to endorse this monitoring activity.³⁰⁵

6.5.2 Vulnerable persons

The Pontifical Academy for Social Sciences has proposed an action plan to protect women who are victims of trafficking. The plan has been signed by several Italian magistrates. It envisages some necessary measures to adequately protect the victims and fight trafficking of human beings such as: an increase in financial resources and cooperation tools for police officers and judges to counteract the phenomenon; the recognition by all states of trafficking of human beings as a crime against humankind; the requisition of traffickers' property to finance support and assistance activities and guarantee an adequate compensation to the victims; the improvement of adequate legal, health and psychological support for the victims; the issuance of regular residence permits for victims wanting to live in Italy; improvement of measures aimed at providing victims

302 Information available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIM1006.TIF&subcod=20160613&numPag=1&>.

303 Information available at: <http://siciliamigranti.blogspot.it/2016/06/cara-di-mineo-di-nuovo-al-centro-di.html>;
<http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIM4182.TIF&subcod=20160623&numPag=1&>;
<http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIA4157.TIF&subcod=20160623&numPag=2&>;
<http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIG4019.TIF&subcod=20160623&numPag=1&>;
<http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIA4005.TIF&subcod=20160623&numPag=1&>.

304 Information available at: www.cartadiroma.org/news/lasciatecientrare-un-20-giugno-dedicato-alla-verifica-del-sistema-daccoglienza/ and www.meltingpot.org/Giornata-Mondiale-del-Rifugiato-La-Campagna.html#.V3acRKJkZzl.

305 The parliamentary questioning's text is available at: <http://aic.camera.it/aic/scheda.html?core=aic&numero=4/13471&ramo=CAMERA&leg=17&testo=immigrazione>.

with free legal assistance in trials and guaranteeing their integration into the labour market.³⁰⁶

The Territorial Commission for International Protection of Salerno has recognised the refugee status of a Nigerian women who had been involved in human trafficking.³⁰⁷

On 21 June 2016, the Prefect of Lecco organised an official meeting with the local Public Prosecutor and the local authorities in charge of the social services with the aim of strengthening the cooperation between the Prefecture, the Public Prosecutor's Office, police officers, associations and local authorities on fighting human trafficking and providing support to victims of trafficking as well as guaranteeing them a residence permit according to Art. 18 of the Italian Immigration Act (Legislative Decree No. 286 of 25 July 1998).³⁰⁸

6.5.3 Child protection

On 4 June 2016, UNICEF released a report on the situation of unaccompanied children travelling across the Mediterranean Sea to reach southern EU Member States, especially Italy and Greece. The number of these children arriving to Europe is continuously increasing. The children are vulnerable to several forms of abuse and violence and have to be granted specific assistance and professional support to deal with the trauma and experiences they have had to face during their journey.³⁰⁹ UNICEF has signed an agreement with the Ministry of Interior regarding assistance after their arrival. However, the content of the agreement is not publicly available and when UNICEF was asked about the content, they answered that the agreement is not public.³¹⁰

On 9 June 2016, the Immigration Department of the Ministry of the Interior declared that the situation of unaccompanied children in Sicily had become unbearable due to the constant increase in the number of children arriving there. According to the source, children are hosted together with adults in local hotspots. For this reason, the Ministry's intention is to promptly distribute identified unaccompanied children to all reception centres that are specifically

³⁰⁶ Information available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=MI11067.TIF&subcod=20160606&numPag=2&>.

³⁰⁷ The decision is available at: www.meltingpot.org/IMG/pdf/comm_salerno_tratta_asilo_status_2016.pdf.

³⁰⁸ Information available at: www.interno.gov.it/it/notizie/tutela-stranieri-vittime-violenza-e-tratta-focus-lecco. Immigration Act is available at: www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legislativo:1998-07-25;286.

³⁰⁹ The UNICEF report is available at: www.unicef.it/Allegati/Child_Alert_2016_ITA.pdf. UNICEF comment on the report is available at: www.unicef.it/doc/6876/pericolo-ad-ogni-passo-del-viaggio-nuovo-rapporto-sui-bambini-rifugiati-e-migranti.htm.

³¹⁰ Available at: www.interno.gov.it/it/notizie/nuovo-slancio-alla-protezione-dei-minori-migranti-e-rifugiati.

designated for children throughout the Italian territory.³¹¹ Moreover, on 21 June 2016, the Ministry of the Interior announced that the reception capacity of unaccompanied children in the municipality of Trapani – where an important hotspot is located – will be considerably increased.³¹²

As for reception conditions in general, NGOs and associations have reported on several critical issues concerning reception conditions for unaccompanied children. For instance, two cooperative societies in charge of two reception centres for unaccompanied children in the Palermo area were operating without the mandate of the Ministry of the Interior. The NGO 'Borderline Sicilia' denounced that children were hosted without being granted basic services and that the staff working at the centre was not trained and prepared to deal with children in need of international protection.³¹³ It has been continuously reported that unaccompanied children in the hotspot in Pozzallo are hosted together with adults and in poor reception conditions due to the limited capacity of reception facilities specifically designated for children.³¹⁴ ASGI denounced a similar situation concerning unaccompanied children staying at a reception centre in Brindisi. The children lived in tents located outside the centre without any kind of support and psychological assistance. To publicly report this situation, ASGI sent a letter to the local Prefect asking for immediate assistance to these children.³¹⁵

6.5.4 Healthcare

On 6 June 2016, three cases of varicella were registered in the informal encampment of Ventimiglia. The people were immediately transferred to local hospitals while the local healthcare authorities promptly began to vaccinate all other migrants and asylum seekers living in the encampment.³¹⁶

At the beginning of June 2016, the association MEDU published a report for 2015. The report deals with the health conditions of migrants and their possibility to access local healthcare services in the Brindisi area. In this town, the association has been providing continuous healthcare assistance to migrants and asylum seekers on a voluntary basis for the last three years. According to the report, only 1 % of the overall number of people admitted to the local hospitals

³¹¹ Information available at: http://palermo.repubblica.it/cronaca/2016/06/09/news/quote_per_redistribuire_in_tutta_italia_i_migranti_minori_non_accompagnati-141661156/?ref=search.

³¹² Information available at: www.interno.gov.it/it/notizie/piu-posti-i-minori-non-accompagnati-arrivano-trapani.

³¹³ Information available at: <http://siciliamigranti.blogspot.it/2016/06/palermo-il-gioco-sul-futuro-dei-minori.html>.

³¹⁴ Information available at: <http://siciliamigranti.blogspot.it/2016/06/minori-nellhotspot-di-pozzallo-sulla.html> and <http://siciliamigranti.blogspot.it/2016/06/la-commissione-parlamentare-dinchiesta.html>. The same situation has been denounced by Human Rights Watch at: www.hrw.org/it/news/2016/06/23/291296.

³¹⁵ The letter's text is available at: www.asgi.it/wpcontent/uploads/2016/06/Lettera_a_Prefettura_Brindisi.pdf.

³¹⁶ Information available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SB51131.TIF&subcod=20160606&numPag=1&>.

in 2015 were migrants. Most of them went to the hospital because of cardiovascular pathologies and not infective diseases, as it is often deemed. Considering that the average age of migrants is generally fairly low, MEDU states that an improvement in the living and working conditions could prevent most of the pathologies affecting migrants in the area.³¹⁷

On 27 June, the associations ARCI and CARITAS released a public statement condemning the circular letter issued by the mayor of Carcare (Liguria), which prevented people from African countries to come and live at local reception centres if they could not provide a formal healthcare certificate that attests their good health conditions. According to the above mentioned associations, this disposition was discriminatory since it was based on the prejudice that migrants coming from certain countries of origin are more likely to spread infective diseases. The associations instead asked the mayor to improve support and healthcare services for the migrants living in the area.³¹⁸

On the same day, the Court of Cassation issued a significant decision, declaring that the fundamental right to health is to be considered a sufficient reason to prevent irregular migrants' expatriation. Based on this decision, the Court of Cassation cancelled a local Prefect's expulsion order of a Peruvian citizen, who had just undergone a serious surgery procedure for uterus cancer.³¹⁹

6.5.5 Immigration detention

On 27 June 2016, the Piedmont Authority for Detainees' rights, in cooperation with ASGI and MEDU, organised a press conference denouncing the poor detention conditions at the CIE in Turin, which at the time was hosting 43 irregular migrants even though the centre's maximum capacity is 200. The reason for this is that the CIE in Turin was repeatedly damaged by detainees' protests against insufficient living conditions and lack of services. The Piedmont Authority, together with the above mentioned associations, denounced the lack of assistance, healthcare services, psychological assistance and cultural and leisure activities.³²⁰

³¹⁷ MEDU's report is available at: www.mediciperidirittiumani.org/pdf/Dossier_ricoveri_2015.pdf. Comment to the report available at: www.mediciperidirittiumani.org/dossier-brindisi-la-salute-delle-persone-immigrate-alla-luce-dei-ricoveri-ospedaliari/.

³¹⁸ The statement's text is available at: www.ninin.liguria.it/2016/06/27/leggi-notizia/argomenti/news/articolo/carcare-tutela-sanitaria-o-razzismo-dichiarato.html.

³¹⁹ Court of Cassation decision No. 13252 of 27 June 2016, available at: www.west-info.eu/it/no-allespulsione-della-clandestina-operata-di-tumore/corte-di-cassazione-ordinanza-n-13252-2016-2/.

³²⁰ Information available at: http://torino.repubblica.it/cronaca/2016/06/27/news/cie_l_accusa_del_garante_dei_detenuti_corso_brune_lleschi_e_invivibile_ignorati_i_diritti_umani_-142930550/; www.lospiffero.com/ls_article.php?id=28067; <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIM2013.TIF&subcod=20160628&numPag=1&>; <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIM2027.TIF&subcod=20160628&numPag=1&>

6.6. Responses in law, policy and/or practice

On 18 June 2016, 81 asylum seekers arrived in Rome from Beirut thanks to the humanitarian corridor created by several religious associations, including the Community of Sant'Egidio. The total number of asylum seekers who arrived in Italy via the humanitarian corridor since last February is now 281.³²¹

On 20 June 2016, the Ministry of the Interior and the main Italian employers' organisation, Confindustria, signed an agreement to facilitate the release of the 'blue card residence permits to highly qualified third-country nationals according to Art. 27 of the above mentioned Italian Immigration Act.³²² Another agreement was signed by the same subjects on 22 June to promote the integration of asylum seekers living in Italy on the labour market through internships in companies belonging to Confindustria.³²³

As for judicial developments, a decision by the Ordinary Court of Genoa on 7 June officially admitted that reports by NGOs and international organisations can be used to assess the situation in the country of origin of an international protection applicant.³²⁴ Moreover, the decision of the Territorial Commission for International Protection of Palermo of 21 March 2016 was published. This decision was particularly relevant because it awarded international protection to a child coming from Senegal, who was forced into slavery and begging at his Islamic school in Senegal.³²⁵

6.7. Social response to the situation

Several initiatives were organised on the international refugee day, celebrated worldwide on 20 June 2016. CIR decided to organise a musical event in Rome to support inclusion and integration policies for refugees;³²⁶ UNHCR organised a #Withrefugees Day in Florence with live music performances and testimonies of

<http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIM2047.TIF&subcod=20160628&numPag=1&>.

321 Information available at: www.redattoresociale.it/Notiziario/Articolo/510536/Corridoi-umanitari-delle-associazioni-una-realta-nuovi-migranti-in-arrivo and

<http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIF4126.TIF&subcod=20160616&numPag=1&>.

322 Information available at: www.interno.gov.it/it/notizie/immigrazione-carta-blu-ue-riducono-i-tempi-rilascio. The agreement's text is available at: www.asgi.it/wpcontent/uploads/2016/06/protocollo_carta_blu_ue_tra_ministero_interno_e_confindustria.pdf.

323 Information available at: www.interno.gov.it/it/notizie/alfano-e-boccia-sigliano-accordo-inserimento-lavoro-i-rifugiati. The agreement's text is available at: www.interno.gov.it/sites/default/files/allegati/accordo_definitivo_min_interno_confindustria.pdf.

324 Decision available at: www.meltingpot.org/IMG/pdf/20160607155436477.pdf.

325 Decision available at: www.dropbox.com/s/hl4fvt64bzb8f/minore%20daaras.pdf?dl=0.

326 Information available at: www.cir-onlus.org/it/comunicazione/news-cir/51-ultime-news-2016/2086-giornata-mondiale-del-rifugiato-2016-roma-si-mobilita-per-l-accoglienza-e-l-integrazione.

refugees living in Italy³²⁷; finally, several associations – including Oxfam, Amnesty International and ARCI – demonstrated in Rome against the statement signed in March between EU and Turkey³²⁸.

On 15 June 2016, in Pordenone (Friuli-Venezia Giulia), the Solidarity Network, which brings together several associations and activists supporting migrants, sent a public letter to some local newspapers to publicly ask institutions to develop a proper and adequate reception system for asylum seekers and refugees living in the area.³²⁹ On 17 June 2016, a demonstration took place in Bolzano, near to the border with Austria, against the poor reception conditions and facilities offered by local institutions to the 250 asylum seekers living in the area.³³⁰

6.8. Hate crime incidents

On 7 June 2016, the European Commission against Racism and Intolerance (ECRI) published their monitoring report on the Italian situation. The report showed a general improvement concerning racism and intolerance in Italy: hate crime incidents had more often resulted in judicial controversies; a national action plan was launched to counter discrimination and intolerance; the OSCAD was reported as an innovative good practice. However, reasons for concern still remain, especially with regards to UNAR's lack of independence, the main body responsible for monitoring hate crimes incidents in Italy, which is subordinate to the Italian Government. Moreover, racist violence is only an aggravating factor, not a crime, according to Italian legislation.³³¹

On 8 June 2016, a bus driver in Rome asked a Malian citizen to leave the bus because he was carrying a shopping cart; when he refused, the bus driver violently insulted him and threatened to burn him down if he refused to get off the bus again. The passenger and some witnesses reported the incident to the police by and the bus driver is currently under investigation.³³² On 11 June 2016, in Bojano (Molise), three adolescents from Pakistan were violently attacked by

³²⁷ Information available at: www.redattoresociale.it/Notiziario/Articolo/510650/Visite-nei-centri-d-accoglienza-e-concerti-per-la-Giornata-del-rifugiato.

³²⁸ Information available at: www.redattoresociale.it/Notiziario/Articolo/510827/La-Fortezza-Europa-blocca-i-profughi-a-ogni-costo-flash-mob-delle-associazioni.

³²⁹ Information available at: www.meltingpot.org/Una-risposta-e-un-impegno-Lettera-aperta-della-Rete.html#.V3av56JkYyQ.

³³⁰ Information available at: <http://www.meltingpot.org/Bolzano-il-diritto-all-accoglienza-dignitosa-e-ancora.html#.V3gWNY6biGD>.

³³¹ The report is available at: www.asgi.it/wp-content/uploads/2016/06/2016_ECRI_ITA-CbC-V-2016-019-ITA-1.pdf.

³³² Information available at: <http://cartadiroma.waypress.eu/RassegnaStampa/LeggiArticolo.aspx?codice=SIG3134.TIF&subcod=20160608&numPag=1&>.

local peers in front of their reception centre. The incident was reported on the Internet and to the police.³³³

OSCAD was contacted because it is the authority in the country that is responsible for recording racist and related incidents. However, no useful information could be obtained, since OSCAD registers all kinds of incidents concerning discrimination based on racist grounds. This means, for example, that an incident where the victim is an Italian citizen with black skin would be included in their data. They could not provide specific information concerning racist incidents against migrants and people in need of international protection.³³⁴

³³³ Information available at: www.moliseweb.it/info.php?id=6026&tit=Bojano-giovani-locali-picchiano-3-pachistani-davanti-al-centro-di-accoglienza.

³³⁴ Information provided by OSCAD in an interview released on 30 June.

7. Sweden

7.1. Stakeholders contacted

- Swedish Migration Agency (*Migrationsverket*);
- Swedish Police (*Polisen*);
- National Board of Health and Welfare (*Socialstyrelsen*);
- Health and Social Care Inspectorate (IVO);
- Red Cross Sweden (*Röda Korset Sverige*);
- Save the Children Sweden (*Rädda Barnen Sverige*);
- Swedish Association of Local Authorities and Regions (*Sveriges kommuner och landsting, SKL*);
- The Swedish Crime Victim Compensation and Support Authority (*Brottsoffermyndigheten*).

7.2. Overview of the situation

During the period 1 June – 30 June 2016, Sweden received some 2,140 asylum seekers, a very slight increase compared with May (2,121) and April (2,059).³³⁵ The number of new asylum seekers appears to have stabilised between 2,000 and 3,000 people per month since February.³³⁶ This is mainly the result of the obligatory ID checks on all carriers entering Sweden and the introduction of even stricter border controls in other European states.

The main countries of origin of asylum applicants in June were Syria (some 240), Afghanistan (some 140) and Iraq (some 110).³³⁷ Some 1,300 asylum seekers were men and some 800 were women. Approximately 750 were children (the number includes both unaccompanied children and children arriving with their families). There were 160 unaccompanied children who sought asylum, a slight decrease from May (165) and increase from April (144). The unaccompanied children that arrived during the first five months of 2016 were predominately boys (83 %).³³⁸

On 2 June 2016, the Swedish government made the decision to extend internal border controls until 11 November 2016. The decision to extend came after such a decision was taken in the Council of the European Union.³³⁹

³³⁵ Swedish Migration Agency.

³³⁶ *Ibid.*

³³⁷ *Ibid.*

³³⁸ *Ibid.*

³³⁹ Sweden, Government Offices, Press release, "Border controls prolonged until November" available at www.regeringen.se/pressmeddelanden/2016/06/granskontroller-for-langs-till-november/.

7.3. Criminal proceedings against migrants and people helping them

7.3.1 Criminal proceedings initiated against migrants and asylum seekers

No criminal proceedings have been initiated against migrants and asylum seekers for offences related to irregular crossing of the border.

7.3.2 Criminal proceedings against people/organisations/associations facilitating irregular entry or stay

Between four and five reports of facilitation of irregular entry in private cars have been registered by the police every week during June (between two and three crossing the bridge between Denmark and Sweden and two arriving from Germany by ferry. In all cases where individual asylum seekers cross the border in somebody's car, the police considers the drivers to be smugglers of human beings rather than persons who provide help for humanitarian reasons.³⁴⁰ As a consequence, they are treated as offenders against the state in accordance with the Aliens Act (*Utlänningslag 2005: 716*) in preliminary investigations. The police has noticed an increase in cases where asylum seekers enter the country by hanging under big trucks that arrive with the Helsingör ferry.³⁴¹

7.4. Fundamental rights issues in relation to registration and channelling into different procedures

7.4.1 Registration and identification

Since the number of new arrivals is low, there are no backlogs when it comes to registration and identification as such.³⁴²

³⁴⁰ Swedish Police. The reasoning behind this position is the following – since all cases deal with the facilitation of irregular entry from Denmark to Sweden, and Denmark must be considered to be a state where the rule of law applies, there are no humanitarian reasons for facilitating the entry to Sweden.

³⁴¹ Swedish Police, Region South.

³⁴² Swedish Migration Agency.

7.4.2 Asylum procedure

People arriving in Sweden usually ask for asylum or protection at the border, in which case the police brings them to the Migration Agency's reception centre in the vicinity. No rejections of asylum claims are made at the borders.³⁴³

The Migration Agency does not work chronologically with the cases from last year, but has divided them into four specialised tracks according to their complexity.³⁴⁴ Asylum decisions increased in June (9,226 compared to 7,744 in May). In 62 % of the cases protection was granted. The rest are either Dublin cases or people whose asylum applications were discontinued. Approximate processing time was 319 days.³⁴⁵ Some 113,000 asylum seekers are still waiting for an appointment to present their cases to the Migration Agency. There are no reports of applications being rejected based on the safe third country principle.

7.4.3 Return procedure

The police is in charge of deporting persons who were denied asylum.³⁴⁶ As of 1 June 2016, adult aliens not living with children, whose asylum applications have been rejected and who have either not left the country on their own accord within a certain time period, or whose deportation decision have entered into force, will not have the right to assistance of any kind, including housing.³⁴⁷ On 28 July, 2,423 persons will lose their right to a daily allowance and their right to live in an asylum accommodation paid by the Migration Board as a consequence of the amendment to the Reception of Asylum Seekers Act (*Lag [1994:137] om mottagande av asylsökande m.fl.*) that came into force on 1 June.³⁴⁸

7.5. Challenges and developments concerning reception conditions of new arrivals, including detention

7.5.1 Reception conditions and capacity

On 1 July 2016, nearly 157,800 people were registered in the Migration Agency's reception system. Around 72 of them were waiting for a decision. Thirteen

³⁴³ Swedish Migration Agency; Swedish Police; Amnesty International; Save the Children Sweden; and Red Cross Sweden.

³⁴⁴ Swedish Migration Agency. Quick decisions can be made in relation to 'unfounded asylum cases'; these include persons that are EU citizens, but also persons that already have residence permit in the EU. Asylum seekers with valid ID documents can also be dealt with more quickly.

³⁴⁵ Swedish Migration Agency.

³⁴⁶ Swedish Migration Agency; Swedish Police.

³⁴⁷ Sweden, Act on the reception of asylum seekers and others, sections 11 and 11 a, 1 June 2016, available at: www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Lag-1994137-om-mottagande-a_sfs-1994-137/.

³⁴⁸ Swedish Migration Agency.

percent of all people registered in the Migration Agency reception system had obtained residence permits and 5 % had been denied residence permits. Some 50 % lived in the asylum accommodation centres for adults and families, 29 % stayed with relatives or friends and 20 % stayed in specially designated areas, such as those for unaccompanied children.³⁴⁹

7.5.2 Vulnerable persons

Single adults and families have so far been placed wherever accommodation centres have been established. Unaccompanied children are placed in specially designated accommodation centres and the responsibility for their welfare is the duty of the assigned municipalities (*anvisningskommuner*).³⁵⁰ Since fewer unaccompanied children seek asylum, several accommodation centres for unaccompanied children are empty. There is an on-going relocation of unaccompanied children from one accommodation centre to another. The Health and Social Care Inspectorate (*IVO*) has questioned whether the best interests of the child are taken into consideration when municipalities are moving children from a place they have been living in for over six months.³⁵¹

The Swedish Migration Agency, (*Migrationsverket*) decided to open three new asylum accommodation centres in Stockholm, Gothenburg and Malmö for vulnerable people, mainly as a response to the media reports in May on the lack of protection for women at the Migration Agency's accommodation centres. The main purpose of the new accommodation centres is to meet the special needs of vulnerable people, such as minorities and victims of torture.³⁵²

Radio Sweden (*Sveriges Radio, Ekot*) presented the results of a survey conducted in June, which showed that several criminal networks are running accommodation facilities via 'front men' (*bulvaner*).³⁵³ The asylum accommodation centres are the basis for economic crimes as well as other crimes, such as prostitution or illegal labour involving vulnerable people living at the centres.³⁵⁴ The police reports that criminals are operating at asylum accommodation centres in four out of the seven police regions in Sweden. Several police officers are concerned that a number of unscrupulous people got involved in the 'asylum business' after it became possible to earn large amounts of money during a short period of time. This was made possible by quick procurement processes that were needed to shelter the large number of asylum applicants arriving during autumn 2015. During these processes, the background checks of each of the competing tenders were not scrutinized enough.

³⁴⁹ Swedish Migration Agency.

³⁵⁰ *Ibid.*

³⁵¹ Health and Social Care Inspectorate.

³⁵² Swedish Migration Agency.

³⁵³ Sweden, Sveriges Radio, P1, Ekot (the daily news broadcasts of Swedish public radio, channel 1.), 'Police: Criminals operating in asylum accommodations in four out of seven regions', 20 June 2016, available at: <http://sverigesradio.se/sida/artikel.aspx?programid=83&artikel=6455403>.

³⁵⁴ *Ibid.*

7.5.3 Child protection

The Health and Social Care Inspectorate (*IVO*) is a government agency responsible for monitoring healthcare and social services. The inspections made by the Inspectorate are either pre-announced or unannounced. The Inspectorate inspects several accommodation centres (*HVB-hem*) every week. There are no statistics of the problems (*missförhållanden*) found at the accommodation centres, although the Inspectorate does report on more severe cases. One of the cases reported in June is an inspection conducted at the accommodation centre for children (*HVB-hem*) in the municipality of Bengtfors. During the inspection, the Inspectorate spoke with about 50 % of the boys living at the accommodation centre. The boys gave independent but consistent evidence of the treatment they received by the staff. If they wanted to speak up or protest over something, they would hear: '*Then you can go back to Afghanistan, where they will slice your throat.*' In addition to the personal treatment, the Inspectorate also remarked that the premises of the accommodation centre were inadequate and dirty and the food was bad.³⁵⁵ Bengtfors was given until 1 July to correct these problems.

The Parliamentary Ombudsmen (*JO*) consider the measures carried out by the Social Services (*Socialtjänsten*) to be insufficient when it comes to the rights of married asylum-seeking children. This statement is based on review of the Social Services' responsibilities for married asylum-seeking children and reports on the actions of the City of Malmö concerning this group. The Ombudsmen states that the issue should be addressed by other relevant authorities and handled by the Ministry of Health and Social Affairs (*Socialdepartementet*).³⁵⁶

7.5.4 Healthcare

The Swedish Health and Social Care Inspectorate (*IVO*) remains concerned about the mental health of unaccompanied children.

The Swedish government has asked the Swedish Association of Local Authorities and Regions (*Sveriges Kommuner och Landsting*, *SKL*) to disseminate information on how municipalities can address health issues of new arrivals.³⁵⁷

³⁵⁵ Sweden, Svenska Dagbladet (Swedish daily newspaper), 'Inspections made by IVO makes several remarks', 8 June 2016, available at: www.dn.se/nyheter/sverige/ivo-kritik-efter-att-hvb-hem-uppges-krankt-flyktingbarn/.

³⁵⁶ Sweden, Parliamentary Ombudsmen, 'The Social services' responsibility for unaccompanied married children', 15 June 2016, available at: www.jo.se/Om-JO/Press1/Presskatalog/Socialtjanstens-ansvar-for-gifta-ensamkommande-barn/.

³⁵⁷ Sweden, Government Offices, Press release, 'Means for SKL to disseminate efforts for positive health improvement for new arrivals', available at: www.regeringen.se/pressmeddelanden/2016/06/medel-till-skl-for-spridning-av-insatser-om-positiv-halsoutveckling-for-nyanlanda/.

7.5.5 Immigration detention

There are no separate detention facilities for families and/or unaccompanied children only. All facilities have sections that can be separated from the main areas. These sections can be used for children, women, families and aliens, who for other reasons are particularly vulnerable.³⁵⁸ An unaccompanied child is only detained if there are exceptional grounds for doing so.³⁵⁹ There are no reports of any transgressions of these regulations.³⁶⁰

7.6. Responses in law, policy and/or practice

On 2 June 2016, the Swedish government made the decision to extend internal border controls until 11 November 2016.³⁶¹

The Swedish Parliament accepted the temporary law changing Swedish asylum rules to the minimum level under EU and international law on 21 June 2016. The Act on temporary restrictions of the possibility to obtain a residence permit in Sweden (*Lagen om tillfälliga begränsningar av möjligheten att få uppehållstillstånd i Sverige*) enters into force on 20 July and will be applicable for three years. The Act contains provisions on temporary residence permits for Convention refugees, with the exception of quota refugees resettled to Sweden. Furthermore, it limits the opportunities for family reunification for all people who have been granted temporary residence permits. It also introduces tougher maintenance requirements for family members. Residence permits (permanent and temporary) will not be granted to persons in need of subsidiary protection in the category "remaining subsidiary protection".³⁶² Previously, there have been two types of subsidiary protection: the so-called alternative subsidiary protection and remaining subsidiary protection (*alternativt skyddsbehövande och övrigt skyddsbehövande*). Under the temporary law, remaining subsidiary protection will no longer be a category of subsidiary protection. The government stated that the reason for this decision is that applicants belonging to this category can also be included in the category alternative subsidiary protection. Furthermore, the government states that remaining subsidiary protection lacks legal support in the EU legal framework. Several institutions, such as Save the Children Sweden, The Swedish Federation for Lesbians, Gay, Bisexuals, Transgender, and Queer rights, and University of Uppsala, have strongly criticised the decision.³⁶³ During 2015,

³⁵⁸ Swedish Migration Agency.

³⁵⁹ *Ibid.*

³⁶⁰ Save the Children; Amnesty International; Red Cross.

³⁶¹ Sweden, Government Offices, Press release, 'Border controls prolonged until November' available at: www.regeringen.se/pressmeddelanden/2016/06/granskontroller-forlangs-till-november/.

³⁶² Sweden, Government bill 2015/16:174 'Temporary restrictions of the possibility to obtain a residence permit in Sweden', available at: <http://www.regeringen.se/contentassets/075968fdd8c94788977dba14bae16444/forslag-om-att-tillfalligt-begransa-mojligheten-att-fa-uppehallstillstand-i-sverige-prop.-201516174>.

³⁶³ *Ibid.*

299 persons belonging to this category were granted residence permits.³⁶⁴ Sweden will continue to receive quota refugees as part of the multi-party Migration Agreement. This group will have the right to permanent residence permits and family reunification after the law enters into force.³⁶⁵

The amendment to the Reception of Asylum Seekers Act (*Lag [1994:137] om mottagande av asylsökande m.fl.*) came into force on 1 June. It focuses mainly on the limitation to housing and economic support for those who have received a decision on refusal of entry or expulsion.³⁶⁶ The amendment entails the loss of right to a daily allowance and to live in an asylum accommodation paid by the Migration Board (*Migrationsverket*).³⁶⁷ The Parliamentary Ombudsmen (*JO*) consider that it is necessary to clarify what power the police has and what enforcement actions it can take when executing decisions on refusal of entry or expulsion. The Ombudsmen consider that the rules are unclear and can have devastating consequences for the individual if they are subject to humiliating and degrading treatment in connection with the refusal of entry/expulsion.³⁶⁸

7.7. Social response to the situation

Several civil society organisations criticised the Act on temporary restrictions of the possibility to obtain a residence permit in Sweden (*Lag om tillfälliga begränsningar av möjligheten att få uppehållstillstånd i Sverige*), including the Swedish Red Cross (*Röda korset Sverige*) and Save the Children Sweden (*Rädda Barnen Sverige*). Save the children initiated a campaign called 'be fearless – let them know now' (*var #orädd – säg ifrån nu*), with the purpose of drawing attention to the negative effects it will have on children. More than 53,300 people have already signed the protest list.³⁶⁹

The Swedish Red Cross initiated the largest campaign in Sweden in modern time, with the purpose of influencing the new Act under the hashtag 'Tear the government bill/Tear the act' (*Riv förslaget/Riv lagen*). The campaign had a large

³⁶⁴ *Ibid.*

³⁶⁵ Sweden, Social security insurance Committee report 2015/16:SfU16 'Temporary restrictions of the possibility to obtain a residence permit in Sweden', title: resettlement, p. 4, available at: www.riksdagen.se/sv/dokument-lagar/arende/betankande/tillfalliga-begransningar-av-mojligheten-att-fa_H301SfU16/html#_Toc453754576.

³⁶⁶ Sweden, Ministry of Justice, the Reception of Asylum Seekers Act, 1 June 2016, section 11 and 11a, available at: www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-1994137-om-mottagande-av-asylsokande-mfl_sfs-1994-137.

³⁶⁷ Sweden, Swedish Migration Agency, 'Amendment to the right to assistance under the Reception of Asylum Seekers Act', available in English at: www.migrationsverket.se/English/About-the-Migration-Agency/New-laws-in-2016/Amendment-to-the-right-to-assistance-under-the-Reception-of-Asylum-Seekers-Act.html.

³⁶⁸ Sweden, Parliamentary Ombudsmen, Press release, 'Deficiency in the legislation regarding the police power to use enforcement actions as part of the execution of decision on refusal of entry and expulsion', 22 June 2016, available at: www.jo.se/Om-JO/Press1/Presskatalog/Brister-i-lagstiftningen-nar-det-galler-polisens-ratt-att-anvanda-tvangsatgarder-vid-avvisnings--och-utvisningsbeslut/.

³⁶⁹ Sweden, Save the Children, protest list, available at: http://agera.raddabarnen.se/page/s/oradd_splittra-inte-barnfamiljer.

dissemination in social media and attracted the attention of politicians. The purpose of the campaign is to raise awareness on what the Act entails and the consequences it might have in the long run. The Swedish Red Cross stresses four main risks with the new Act: 1) families will remain divided, 2) more people will flee over the Mediterranean Sea, 3) integration will be made more difficult and 4) employment will in practice be the only way for an individual to receive a permanent residence permit – not the need for protection. The Swedish Red Cross conducted an extensive survey among Swedish citizens, which showed that 42 % of the respondents did not know whether the Act was a step in the right direction or not.³⁷⁰

UNHCR initiated a global protest under the hashtag “withrefugees” and asked people from all over the world to take action for refugees. The protest list will be handed over to the UN General Assembly on 19 September, with the purpose of appealing to the governments to make sure all refugee children receive education, all refugee families have a safe home, and all refugees have the right to work and develop.³⁷¹

7.8. Hate crime incidents

There were a number of incidents in June that may be labelled as hate crime. On 6 June, someone had drawn a swastika on the football pitch before a football tournament (between unaccompanied asylum-seeking children and Swedish youths) at Enskede sports field in a southern suburb of Stockholm. A member of the board of an Enskede association that is responsible for integration said that they have received xenophobic messages regarding unaccompanied children playing football on the pitch on several occasions. The tournament was completed as planned.³⁷²

On 13 June, a group of about 50 people dressed in black attacked a group of individuals coming out of the mosque in Södermalm in Stockholm after a celebration of the breaking of the fast. The men threw sticks, stones and bottles and shouted abusive/racist slurs. No one was suspected or arrested for the incident. The incident was classified as robbery, damage and assault.³⁷³

³⁷⁰ Sweden, Swedish Red Cross, Press release, ‘Four risks with the new act’, 10 June, available at: www.redcross.se/press-och-opinion2/stories-riv-lagen/fyra-risker-med-nya-lagen/; Red Cross and Novus, ‘The public opinion on voluntary work and integration’, 13 June 2016, available at: www.redcross.se/press-och-opinion2/rappporter/undersokning-allmanheten-om-nya-tillfalliga-lagen/.

³⁷¹ Sweden, Swedish UNHCR, ‘The world takes a stand for refugees’, 16 June 2016, available at: <https://sverigeforunhcr.se/blogg/artister-och-skadespelare-i-upprop-for-manniskor-pa-flykt>.

³⁷² Sweden, Swedish Television, (SVT), ‘Swastika at the Enskede fotboll pitch’, 5 June 2016, available at: www.svt.se/nyheter/lokalt/stockholm/hakkors-pa-enskede-idrottsplan and <https://mitti.se/nytt-hakkors-ritat-vid-enskede-ip-natt-mot-sondag/>.

³⁷³ Sweden, Aftonbladet (Swedish daily newspaper), ‘Attack at the Mosque’, 14 June 2016, available at: www.aftonbladet.se/nyheter/krim/article23002310.ab.

On 24 June, a fire started in a Muslim school in the city of Växjö. The school was completely ruined by the fire. A report on arson was made but there are no suspects.³⁷⁴

³⁷⁴ Sweden, Göteborg Posten, GP (Swedish daily newspaper), 'The Islamic school in Växjö is on fire', 25 June 2016, available at: www.gp.se/nyheter/sverige/islamiska-skolan-i-v%C3%A4xj%C3%B6-st%C3%A5r-i-brand-1.3292936.