

Monthly data collection on the migration situation in the EU

October 2016 monthly report

1–30 September 2016

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Note the focus on 'Key migration issues: one year on from initial reporting' of this October 2016 monthly report is available on the FRA website at:

fra.europa.eu/en/publication/2016/key-migration-issues-one-year-initial-reporting

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Highlights: 1-30 September 2016

New arrivals

Arrivals in Italy remain at a high level, with 16,800 people arriving by sea in September.

Arrivals in Bulgaria decrease by 30 % compared with August. Four migrants, including two children, drown in the Danube when trying to enter Bulgaria.

Hungary returns some 1,060 persons apprehended within 8 km of the border to the Serbian side of the fence where they have to wait until they can submit their asylum claims in one of the transit zones.

The Hungarian government initiates a 'Border Hunting Programme' to recruit volunteers willing to assist the authorities with guarding the borders.

Sweden announces to increase the number of refugees to be resettled in Sweden.

Arrivals in Austria further decrease, with most persons entering from Italy while some arrive through Hungary and Slovenia.

Criminal proceedings

Many new arrivals in Italy are arrested for smuggling and some of them for human trafficking.

Germany initiates criminal proceedings for irregular border crossing in thousands of cases each month (5,800 in August) and for smuggling in human beings in about 150 cases.

Criminal proceedings for irregular border (fence) crossing further decrease in Hungary since persons apprehended within 8 km of the border are immediately returned to Serbia.

Bulgaria also launches several criminal proceedings for irregular border crossing, including for attempts to leave the country irregularly.

Initial registration and processing

Apprehension efforts intensify in Bulgaria, affecting Sofia and the border areas, and in Sweden, where work places are searched more frequently.

The police in Italy report registration and identification in 92 % of all arrivals in 2016. Video recording is used for storing information about the persons identified if they refuse to give their fingerprints. Particularly persons from Eritrea, Somalia and Syria sometimes refuse identification for fear of having to stay in Italy, although this is not as frequent as in the past.

Violent pushbacks from Hungary into Serbia reportedly continue to take place affecting also vulnerable persons such as pregnant women, unaccompanied children, families and persons with medical conditions. People attempting to

cross the border irregularly into Hungary report excessive use of force and violence, with an increasingly active participation of local vigilante groups.

In Italy, a parliamentary question on the legal basis for the return of a group of Sudanese in August 2016 is still pending a response. Lawyers say that this group of Sudanese received identical expulsion orders without consideration of individual circumstances. They were reportedly brought to the local police headquarters in Ventimiglia and only informed the following day by Sudanese officials that they were going to be returned.

Italian and Swiss police cooperate in returning irregular migrants to Italy, but people do not receive any information on their rights and the possibility to apply for asylum.

Asylum applications in Italy in 2016 exceed 2015 figures by 50 %. The police in Rome decides to suspend the registration of asylum applications until 21 October 2016 due to an excessive backlog.

The Greek Asylum Service schedules first appointments for pre-registered asylum seekers prioritising unaccompanied children and vulnerable persons.

In Germany, one in three Syrians receive subsidiary protection instead of refugee status, which limits their rights to family reunification.

Asylum applications decrease in Austria and, significantly, in Bulgaria. Austria prioritises applications from Afghans, deciding in many cases negatively at first instance; processing of asylum applications is expected to accelerate due to an increase in staff.

Reception conditions

Reception facilities in Greece continue to be overcrowded with an occupancy rate of almost 200 % on the islands. Demonstrations and protests against reception conditions and long asylum procedures take place on the Greek mainland and islands. The centre of Moria in Lesbos caught fire following tensions.

Hotspot facilities in Italy are increasingly overcrowded, often hosting unaccompanied children and other vulnerable persons together with unrelated adults. Particularly in Lampedusa, people are kept for longer than 24 to 48 hours that are considered necessary for identification and registration.

Inadequate conditions are reported from several reception centres in Italy. The Ministry of the Interior announces it will assess reception conditions in all centres. An Italian magazine denounces the situation of an overcrowded centre in Foggia, where basic health and living conditions are inadequate. A reception centre in Milan reports cases of scabies, a contagious skin infestation. The supply of basic material as well as sanitary and health conditions continue to be critical at the informal settlement of asylum applicants near the Tiburtina railway station in Rome.

Fewer people are waiting for admission in the transit zones in Hungary due to the restrictive admission policy and the low prospects to receive asylum. Conditions at the border remain very poor. Families and vulnerable groups, including unaccompanied children, may have to wait for months before they are admitted. Single men practically never receive protection status in the transit

zones. Asylum seekers in the open refugee camp in Bicske receive little information about their situation.

Reception centres in Bulgaria are overcrowded for the first time since the beginning of 2016. Asylum seekers increasingly leave the centres on their own initiative. In Busmantsi, asylum seekers with a criminal record or considered likely to cause riots are accommodated in a newly established closed unit at the facility.

In Austria, some asylum seekers, particularly from Afghanistan and Iraq, prefer to voluntarily return home when faced with the alternative of a Dublin transfer to Bulgaria.

Overcrowding in pre-removal facilities increases to up to 190 % in Bulgaria. Reportedly, many returnees are not heard prior to issuing a detention order; birth dates are registered incorrectly leading to detention of unaccompanied children; and there are obstacles in exercising the right to an effective remedy.

Detention conditions in Hungary are very poor. People are increasingly released into open refugee camps with comparatively better conditions.

According to data released, forced returns from Sweden more than doubled in the first half of 2016 compared with the same period in 2015.

Additional financial resources become available in Italy to ensure that no regions are excluded from funding under the National Action Plan against Human Trafficking.

Obligatory integration courses in Germany have long waiting times.

Germany granted permission to work to 30,000 asylum seekers and 5,000 refugees in the first half of 2016, according to official data.

Child protection

Poor reception conditions, prolonged detention, lack of primary and specialised healthcare, and slow identification and protection procedures all continue to affect unaccompanied children in Greece. At present, 2,500 unaccompanied children are registered in Greece whereas only 891 places are available in specialised shelter facilities. Some 140 children are held in closed facilities pending a transfer to specialised facilities.

Tensions between Syrian and Pakistani unaccompanied children increase in the Moria camp on Levos in Greece.

A 16-year-old was raped by four other unaccompanied children in the safe zone for unaccompanied children in Moria.

In Italy, the reception system cannot accommodate the increasing number of unaccompanied children arriving, many of them – an average of 28 daily – disappear.

UNICEF Bulgaria recommends clarifying who appoints the representatives of asylum-seeking children to ensure early identification and representation.

Human trafficking in Sweden rapidly increased during the first half of 2016, primarily for suspected sexual exploitation, but also forced labour and begging

according to data released. About a third of the reported cases concerns children.

Unaccompanied children in Sweden continue to be moved back to the originally assigned municipality. The Health and Social Care Inspectorate doubts if such relocation is in the children's best interests considering that they lived in another municipality for six months and longer. The Inspectorate as well as municipal staff also remain concerned about the mental health of unaccompanied children.

Age assessment at the border in Germany is not always conducted with the involvement of the local youth welfare office. This may increase risks that unaccompanied children cannot access protection or are refused entry.

Unaccompanied children in Germany often wait several months before their placement and specific benefits are decided. Some 12,000 unaccompanied children are still provisionally cared for by youth welfare offices.

The majority of unaccompanied children in Austria are from Afghanistan.

Legal, social and policy responses

A Joint Ministerial Decision in Greece defines the procedure for asylum seekers applying for legal assistance.

The Austrian government discusses a draft Emergency Situation Decree. It would allow the police to take decisions on asylum and restrict applicants' access to legal advice and appeals before return, if public order or internal security are at risk.

A new regional law on basic care enters into force in Styria, Austria. While the law strengthens the consideration of specific protection needs at reception, it is criticised for extending the reasons to restrict or withdraw basic care, for example, when failing to prove the submission of an asylum application within four weeks after arrival in Austria.

Bulgaria amends a regulation on the reception of asylum seekers to allow for setting up separate units for unaccompanied children in reception centres.

Draft amendments to the Family Code in Bulgaria propose new rules on guardianship whereby a relative or unrelated adult legally residing in Bulgaria can become a guardian if they are considered to act in the child's best interests and consent in writing.

The German government passes an amendment to the Asylum Seekers Benefits Act that reduces the minimum subsistence level for asylum seekers below the level of other social benefits recipients.

Germany plans to extend temporary border controls beyond November 2016 as initially planned.

In Italy, an operational board including the Ministry of the Interior starts working on reforming the regional distribution of migrants and asylum seekers.

Public funds for local reception and assistance projects in Italy become more accessible as they are no longer bound to a call for tender and proposals can be submitted any time of the year.

The Civil Court of Rome holds a first hearing on the collective pushbacks to Libya during 2009 and 2010, already condemned by the European Court of Human Rights (ECtHR), in view of possible compensation.

The Bulgarian Ministry of Education starts consultation on new rules for the enrolment of asylum-seeking children in school.

The association of municipalities in Bulgaria announces to pilot new integration measures in two or three municipalities: municipalities prepare individual integration plans for a certain number of refugees with whom integration agreements can be concluded, based on an individual integration profile prepared by the State Agency for Refugees.

In preparation for presidential elections in Bulgaria, the limitation of the number of refugees is discussed. A candidate of the socialist party appeals for creating closed migration centres outside towns and villages.

In Sweden, preparations start for an evaluation of the management of the refugee crisis.

The Swedish Ministry of Justice suggests to carry out age assessment earlier in the asylum procedure, allowing the Migration Agency to decide provisionally on an unaccompanied child's age if there is reason to doubt that the applicant is a child, unless the applicant accepts to undergo medical tests.

In case of future migration pressure, the Ministry of Justice also suggests to increase the judicial capacity by temporarily allowing courts that are not specialised in migration to review migration cases.

The Swedish Interior and Justice Ministers propose several measures to facilitate return, including: expanding the grounds for work place inspections; allowing for fingerprints during internal controls; reviewing the minimum age of 14 years for fingerprinting; obliging the Migration Agency to inform the police if a person pending return contacts them; allowing for detention in non-specialised detention facilities for up to three days to avoid long transports to specialised facilities; and expanding police competence to detention decisions concerning children.

In Austria, several demonstrations and incidents protesting against asylum seekers take place, as well as some demonstrations in favour of asylum policies in line with human rights.

A large demonstration against deportations to Afghanistan takes place in Hamburg, Germany.

The Hungarian government continued its campaign against EU mandatory relocation quota in preparation for the national referendum held on this question on 2 October 2016.

Hate speech and violent crime

Tensions between asylum seekers and radical groups in Bulgaria build up at the reception centre in Ovcha kupel. A shooting incident injuring a Syrian refugee took place near a shopping mall in Sofia.

Police detain and allegedly ill-treat five Syrian refugee children carrying toy guns in Athens, Greece.

Arson is suspected in Gothenburg, Sweden, where a camping area with trailers to be allocated to refugees caught fire. A local right-wing politician in Hudiksvall is forced to resign following online comments encouraging the bombing of Swedish mosques and shooting of asylum seekers.

Several hate crime incidents occur in Austria, primarily insults, threats and property damage, as well as in Germany, including injuries in many cases.

According to the Amadeu Antonio Foundation and Pro Asyl, in Germany every day violent attacks are committed against refugees and on average every three days a refugee accommodation is affected by arson attacks. Many cases are not reported because the victims are afraid of the police or of the consequences for their residence status.

1. Austria

1.1. Stakeholders contacted

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

- Federal Ministry of the Interior/Department II/2, Operational Affairs (*Bundesministerium für Inneres/AbteilungII/2 Einsatzangelegenheiten*);
- Federal Ministry of the Interior, Department III/9 (*Bundesministerium für Inneres, Abteilung III/9 Grundversorgung und Bundesbetreuung*);
- Federal Agency for State Protection and Counter Terrorism (*Bundesamt für Verfassungsschutz und Terrorismusbekämpfung, BVT*);
- Caritas Styria (*Caritas Steiermark*);
- Red Cross Austria (*Österreichisches Rotes Kreuz*);
- Anti-Discrimination Bureau Styria (*Antidiskriminierungsstelle Steiermark*).

1.2. Overview of the situation

Some 3,110 new arrivals entered Austria in September, according to the Federal Ministry of the Interior/Department II/2, Operational Affairs.¹ UNHCR reports a total of 2,232 arrivals for the period 1-21 September.² The new arrivals' main countries of origin are Afghanistan, Syria, Pakistan, Nigeria, Iraq, Iran and Morocco.³ The main entry point is the border to Italy, but new arrivals also come via Hungary and Slovenia.⁴

From 1 to 25 September, some 2,150 persons applied for asylum in Austria.⁵ The number of applications for asylum ranged from 566 to 692 per week in September.⁶ Most applicants come from Syria and Afghanistan, followed by Iraq.⁷

¹ Federal Ministry of the Interior/Department II/2, Operational Affairs (*Bundesministerium für Inneres/AbteilungII/2 Einsatzangelegenheiten*).

² UNHCR, [Daily Estimated Arrivals per Country - Flows through Western Balkans Route and Italy](#), 22 September 2016.

³ Federal Ministry of the Interior/Department II/2, Operational Affairs (*Bundesministerium für Inneres/AbteilungII/2 Einsatzangelegenheiten*).

⁴ *Ibid.*

⁵ *Ibid.*

⁶ Federal Ministry of the Interior, Department III/9 (*Bundesministerium für Inneres, Abteilung III/9 Grundversorgung und Bundesbetreuung*).

⁷ *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 initiated criminal investigations against seven smugglers in September.⁸

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

1.4.1 Registration and identification

Nothing new to report.

1.4.2 Asylum procedure

According to Caritas Styria, the Federal Office for Immigration and Asylum (*Bundesamt für Fremdenwesen und Asyl, BFA*) currently focuses on processing asylum applications of Afghan nationals and many of them are thus called for their interviews. A large portion of the asylum seekers present in Austria are Afghan nationals (proportionally larger than in Germany). In these cases, many decisions were negative at the first instance. The BFA is reported to continue focusing on processing applications in fast-track procedures.⁹

Syrian asylum seekers currently wait about one year for their first interview. However, the BFA has increased its staff to accelerate procedures. Therefore, Caritas Styria expects procedures to be accelerated by the end of the year.¹⁰

The Red Cross Austria has not come across any new challenges during the reporting period.¹¹

1.4.3 Return procedure

Dublin return procedures concern mainly Croatia and Bulgaria. Return to Hungary is blocked by Hungarian authorities. There have been cases in which asylum seekers have preferred a voluntary return to their home country to being transferred to Bulgaria based on the Dublin Regulation. This concerns particularly Afghan nationals and Iraqi nationals.¹²

⁸ Federal Ministry of the Interior/Department II/2, Operational Affairs (*Bundesministerium für Inneres/Abteilung II/2 Einsatzangelegenheiten*).

⁹ Caritas Styria (*Caritas Steiermark*).

¹⁰ *Ibid.*

¹¹ Red Cross Austria (*Österreichisches Rotes Kreuz*).

¹² Caritas Styria (*Caritas Steiermark*).

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

1.5.1 Reception conditions and capacity

There are sufficient places available in basic care (*Grundversorgung*).¹³ The number of persons in basic care decreases. In Styria, there was a decrease of 900 persons within three months. There are free capacities in the federal provinces. There has been some redistribution in order to achieve a fair share of burden.¹⁴

Neither the Federal Ministry of the Interior, Department III/9, nor the Red Cross Austria have come across any new challenge during the reporting period.¹⁵

1.5.2 Vulnerable persons

Neither the Federal Ministry of the Interior, Department III/9, nor the Red Cross Austria have come across any new challenge during the reporting period.¹⁶

1.5.3 Child protection

The vast majority (about 80%) of unaccompanied children are Afghan nationals.¹⁷

Neither the Federal Ministry of the Interior, Department III/9, nor the Red Cross Austria have come across any new challenge during the reporting period.¹⁸

1.5.4 Healthcare

Neither the Federal Ministry of the Interior, Department III/9, nor the Red Cross Austria have come across any new challenge during the reporting period.¹⁹

1.5.5 Immigration detention

The number of persons in immigration detention in the region of Styria ranged from 27 to 50 persons.²⁰

1.6. Responses in law, policy and/or practice

A federal Emergency Situation Decree (*Notstandsverordnung*) is currently under legal scrutiny.²¹ The draft and the explanations to the draft were strongly

¹³ Red Cross Austria (*Österreichisches Rotes Kreuz*).

¹⁴ Caritas Styria (*Caritas Steiermark*).

¹⁵ Federal Ministry of the Interior, Department III/9 (*Bundesministerium für Inneres, Abteilung III/9 Grundversorgung und Bundesbetreuung*); Red Cross Austria (*Österreichisches Rotes Kreuz*).

¹⁶ *Ibid.*

¹⁷ Caritas Styria (*Caritas Steiermark*).

¹⁸ Federal Ministry of the Interior, Department III/9 (*Bundesministerium für Inneres, Abteilung III/9 Grundversorgung und Bundesbetreuung*); Red Cross Austria (*Österreichisches Rotes Kreuz*).

¹⁹ *Ibid.*

²⁰ Caritas Styria (*Caritas Steiermark*).

²¹ Caritas Styria (*Caritas Steiermark*), Red Cross Austria (*Österreichisches Rotes Kreuz*). The [draft Emergency Situation Decree](#) declares that the maintenance of public order and the safeguarding of internal security are endangered in the sense of § 36 (1) Asylum Act 2005 (*Asylgesetz 2005*).

criticised by the UNHCR, among others.²² In case the decree enters into force, access to the territory and to the asylum procedure would be substantially limited. Decisions would be taken by the police rather than by specialised asylum authorities. People seeking asylum would have no access to legal advisors and would only be able to appeal the rejection at the border once in the neighbouring country. UNHCR explained in detail that the current refugee situation in Austria does not constitute a danger to public order and national security.²³

At the political level, the attention increasingly turned from focusing on providing basic care to further increasing the quality of basic care.²⁴

On 24 September, Heads of State and Governments of Albania, Bulgaria, Germany, Greece, Croatia, the FYROM, Serbia, Slovenia, Hungary and the Interior Minister of Romania were invited by the Austrian Chancellery at a Summit on 'Migration along the Balkan route'.²⁵

The assignment of the 'coordinator for asylum' (*Asylkoordinator*) ended automatically at the end of September and was not extended.²⁶

In Styria, the new regional law on basic care (*Steiermärkisches Grundversorgungsgesetz StGVG*) entered into force.²⁷ Yet, it is too early to discern positive or negative effects.²⁸ The new law on basic care aims to implement Directives 2001/55/EC (temporary protection), 2004/81 (anti-trafficking), 2011/95/EU (qualification) and particularly 2013/33/EU (reception conditions). UNHCR welcomes some of the amendments. First, greater consideration is now given to gender-, age- and family-specific aspects and to the needs of persons in need of specific protection (*besonders schutzbedürftige Fremde*) when allocating accommodation. Second, legal protection in case of denial, restriction or withdrawal of basic care has been strengthened. UNHCR, however, strongly criticises the proposed changes to restrict or withdraw basic care for asylum seekers on a number of reasons, e.g. if a person cannot prove that he/she applied for international protection within four weeks after having entered the Austrian territory (§7 (1) Z2 StGVG), or if a persons does not cooperate in the asylum procedure after having been informed about the consequences of non-cooperation (§7 (1) Z8 StGVG). UNHCR states that these provisions partly contradict Directive 2013/33/EU and international human rights standards. Regarding benefits as outlined in the Directive 2013/33/EU, the new StGVG provides for 'strictly necessary medical and psychological care for aliens

²² UNHCR, [UNHCR-Analyse zum Entwurf einer Verordnung der Bundesregierung zur Feststellung der Gefährdung der Aufrechterhaltung der öffentlichen Ordnung und des Schutzes der inneren Sicherheit](#).

²³ *Ibid.*

²⁴ Federal Ministry of the Interior, Department III/9 (*Bundesministerium für Inneres, Abteilung III/9 Grundversorgung und Bundesbetreuung*).

²⁵ UNHCR, Europe's Refugee Emergency Weekly Report, 29 September 2016, available at: <http://data.unhcr.org/mediterranean/regional.php>.

²⁶ Federal Ministry of the Interior, Department III/9 (*Bundesministerium für Inneres, Abteilung III/9 Grundversorgung und Bundesbetreuung*). The coordinator had been appointed for a period of one year by the government, in order to coordinate asylum matters between the provinces, municipalities and organisations.

²⁷ Austria, Region of Styria, [Styrian Law on Basic Care for Aliens in need of help and protection](#) (*Gesetz über die Grundversorgung hilfs- und schutzbedürftiger Fremder (Steiermärkisches Grundversorgungsgesetz – StGVG)*), LGBl. Nr. 111/2016.

²⁸ *Ibid.*

in need of specific protection based on individual case assessment' (§4 Z14 StGVG). In UNHCR's opinion, the law should furthermore provide for a legal right to such care. UNHCR states that the law does not fully implement the range of benefits outlined in the Directive; it also does not provide a procedure for the identification of persons in need of specific protection.²⁹

A meeting of the provinces' officials working on refugee matters (*Landes-FlüchtlingsreferentInnen*) took place on 28 September 2016. The provinces agreed to enlarge the possibilities for asylum seekers to do remunerated helping tasks for public utility. In addition to municipalities, NGOs and aid organisations can now take on asylum seekers for such tasks. This is not a labour market measure but an integration measure.³⁰

According to Caritas Styria, there are plans to establish specialised facilities for unaccompanied children who show violent/criminal behaviour.³¹

1.7.Social response to the situation

The Ministry of the Interior received negative messages indicating that many people are not informed about the services/benefits asylum seekers receive in Austria.³² Yet, the overall situation is calm.³³

The following events and incidents were reported for September:³⁴

- 3 September, Zeltweg (Styria): At the "Air Power" event (a demonstration of the Austrian Armed Forces) where both candidates for the presidency showed up, the IBÖ put up banners with slogans of their new campaign. The banners were removed by security authorities.
- 7 September, Vienna: Activists of Antifa (*autonome Antifa, radikale Linke Wien*) blocked the Ring Road in Vienna to protest against the Emergency Situation Decree (*Notstandsverordnung*). The Antifa called for resistance against this decree and announced further activities.
- 8 September, Hatzendorf (Styria): The slogan "Refugees not welcome" was sprayed in a public street.
- 8 September, Maria Lankowitz (Styria): Four unidentified persons put up the IBÖ slogans "Remigration" and "Integration = Lie". Eight statues of saints were covered with black fabric and decorated with beards and weapons.
- 9 September, Wels (Upper Austria): A statue was covered in a black blanket, added the slogans "Burka instead of Dirndl" [the traditional Austrian costume] and "Integration = Lie". Postings on the IBÖ website referred to the event. Similar events occurred in several other locations that night.

²⁹ UNHCR, [UNHCR-Analyse des Entwurfs für ein Steiermärkisches Grundversorgungsgesetz](#), 23 May 2016.

³⁰ Caritas Styria (*Caritas Steiermark*).

³¹ *Ibid.*

³² Federal Ministry of the Interior, Department III/9 (*Bundesministerium für Inneres, Abteilung III/9 Grundversorgung und Bundesbetreuung*).

³³ *Ibid.*

³⁴ Federal Agency for State Protection and Counter Terrorism (*Bundesamt für Verfassungsschutz und Terrorismusbekämpfung, BVT*).

- 9 September, Vienna: Unidentified persons put a banner with the slogan "Integration = Lie" on a statue on a bridge and covered the statue's face with a face veil.
- 10 September, Linz (Upper Austria): Protesters against the Second Conference of Helpers on Refugee Issues used the slogans "Second Conference of Hypocrites". The authorities assume that the protest was organized by IBÖ.
- 14 September, Klagenfurt (Carinthia): Unidentified persons covered a statue at a crossroad with a burka adding the IBÖ slogans "?Klagenfurt? Integration = Lie! Remigration".
- 16 September (Lower Austria): A swastika and the slogan "no refugees" were drawn on a bus station in a municipality.
- 21 September, St. Donat (Carinthia): Banner and slogans by IBÖ "Multi-culti kills" were put up over the expressway S37. Similar acts have been repeatedly reported at the S37.
- 24 September, Vienna: Protest by the platform for human asylum politics (*Plattform für eine menschliche Asylpolitik*) at the European Asylum Summit with the slogan "Protest to the asylum summit. We want to! We can do! We will do!". No disrupting activities.

1.8. Hate crime incidents

The following incidents were reported for September:³⁵

- 27 August, Ottensheim (Upper Austria): Unidentified persons sprayed the words "nigger assholes" on a memorial sculpture for refugees drowned in the Mediterranean Sea.
- 1 September, Buchenau (Vorarlberg): On the day asylum seekers moved into a new accommodation facility run by Caritas, unidentified persons put slips of paper on the wall saying "Go away".
- 6 September, Mistelbach (Lower Austria): Unidentified persons threw a stone at a window of an accommodation for asylum seekers. The window broke, nobody was injured.
- 10 September, Stockerau (Lower Austria): Unidentified persons threw a stone and broke the window of an asylum accommodation. Nobody injured.
- 15 September, Raaba (Styria): Two Austrian nationals insulted an asylum seeker, robbed him and followed him until the asylum accommodation, where they started shouting Nazi-slogans. When the police arrived, the two persons insulted the police officers. One was arrested after having attacked a police officer.
- Night from 15-16 September, Langenlois (Lower Austria): Three private cars from persons supporting asylum seekers were damaged.

³⁵ Federal Agency for State Protection and Counter Terrorism (*Bundesamt für Verfassungsschutz und Terrorismusbekämpfung, BVT*).

In the province of Styria, two Islamophobic and four Nazi graffiti, six xenophobic insults and one bodily attack were reported to the Anti-Discrimination Bureau Styria (*Antidiskriminierungsstelle Steiermark*) in the month of September.³⁶

³⁶ Anti-Discrimination Bureau Styria (*Antidiskriminierungsstelle Steiermark*).

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*);
- 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 September 2016, a total of 2,312 people were apprehended at the border and within the territory of the country, which is about 30 % less compared to the previous reporting period. Among those, 380 persons were apprehended at the border while trying to enter the country was 380; 1,271, within the territory of the country; and 1,976, at the border while trying to leave the country (1,315 of them registered in the automated fingerprint identification system and 661 without registration). The majority of new arrivals apprehended at the border were from Syria (almost 40 %), Iraq and Afghanistan. The majority of those apprehended while trying to leave the country were also from Afghanistan (more than 50 %), Iraq, Pakistan and Syria. New arrivals were apprehended both at the green border (288 people) and at border check points (92 people). The majority of new arrivals crossed the border from Turkey (360 persons). Persons trying to leave the country were apprehended primarily at the green border (1,955 persons, including 13 persons at the border with Turkey) rather than at border check points (21 persons).³⁷

During the reporting period, some 1,810 persons applied for asylum, including some 1,540 men, including some 360 children (including 63 aged between 0 and 13 years), some 1,070 men aged between 18 and 34 years, some 110 aged between 35 and 64 years, and three aged 65 years or older), and some 270

³⁷ Ministry of the Interior, Directorate General Border Police. The statistics cover the period from 8 a.m. on 1 September 2016 to 8 a.m. on 29 September 2016.

women, including some 45 children (including 14 aged between 0 and 13 years), some 155 women aged between 18 and 34 years and some 70 aged between 35 and 64 years. The most relevant nationalities of the asylum applicants were Afghan (more than 50 %), Iraqi, Pakistani and Syrian.³⁸

Refugee status was granted to 82 applicants, 60 persons obtained humanitarian status and 216 asylum applications were rejected.³⁹

Migrants attempting to enter Bulgaria drowned in the river Danube on 8 September 2016. Two smugglers' boats were transporting migrants through the Danube, one boat overturned and migrants fell into the water, while the smugglers went away. Four migrants were found alive by the border police. According to the survivors, there were six more people in the boat.⁴⁰ So far, the police found four bodies – two of men and two of children.⁴¹

Border police encountered 56 illegally crossing migrants – men, women and children – in a freight train at Kapitan Andreevo check-point at the border with Turkey. Adult migrants were detained and children were placed in special facilities.⁴²

The police reported increased activity in identifying and detaining irregular migrants and smugglers both in Sofia and at the borders.⁴³

Incidents involving foreigners continued. A shooting took place near a shopping mall in Sofia and a Syrian citizen was injured.⁴⁴ Two Bulgarian men were detained in relation to the incident.⁴⁵ According to the police, the reason for the conflict was unsettled debts between the parties. Some media reported that the

³⁸ State Agency for Refugees.

³⁹ Ministry of the Interior, Directorate General Border Police. The statistics cover the period from 8 a.m. on 1 September 2016 to 8 a.m. on 29 September 2016.

⁴⁰ Nova TV (2016), ['Migrants drowned in the river Danube'](#) ('Мигранти се удавиха в река Дунав'), 12 September 2016.

⁴¹ Mediapool Online (2016), ['The body of a 4-year-old girl found in the river Danube'](#) ('Тялото на 4-годишно момиченце бе открито в река Дунав'), 14 September 2016.

⁴² Mediapool Online (2016), ['56 illegal immigrants found on a freight train at Kapitan Andreevo detained'](#) ('Задържаха 56 незаконни имигранти в товарен влак на "Капитан Андреево)'), 30 September 2016.

⁴³ Ministry of the Interior, Directorate General Criminal Police. For example, see Bulgaria, Ministry of the Interior (Министерство на вътрешните работи) (2016), ['116 foreigners detained in Sofia during a raid'](#) ('116 чужди граждани са задържани в столицата при спецакция'), Press release, 8 September 2016; Bulgaria, Ministry of the Interior (Министерство на вътрешните работи) (2016), ['Border police from Burgas detained three Afghani smugglers'](#) ('Гранични полицаи от РДГП-Бургас задържаха трима афганистански каналджии'), Press release, 1 September 2016; Bulgaria, Ministry of the Interior (Министерство на вътрешните работи) (2016), ['Two men transporting foreigners were detained during a raid'](#) ('Двама мъже, превозвали чужденци, са задържани при спецакция'), Press release, 17 September 2016; Bulgaria, Ministry of the Interior (Министерство на вътрешните работи) (2016), ['Border police from Elhovo prevented six attempts for illegal crossing of Turkish-Bulgarian border'](#) ('Граничните полицаи от РДГП – Елхово са предотвратили шест опита за незаконно преминаване на турско-българската граница'), Press release, 19 September 2016.

⁴⁴ Bulgaria On Air (2016), ['Shooting in the centre of Sofia, Syrian citizen shot'](#) ('Стрелба в центъра на София, ранен е сирийски гражданин'), 19 September 2016.

⁴⁵ Ministry of the Interior, Directorate General Criminal Police. For more information, see Bulgaria, Ministry of the Interior (Министерство на вътрешните работи) (2016), ['Sofia police detained two men after a signal for shooting in Sofia'](#) ('Столични полицаи задържаха двама мъже след сигнал за стрелба в София'), Press release, 19 September 2016.

victim was involved in smuggling of refugees, but this information was not confirmed by official sources.⁴⁶

A confrontation was also reported. It involved, on the one hand, two underage Bulgarians and, on the other hand, a 21-year old Syrian with humanitarian status and a 19-year old Iraqi seeking international protection. None of the parties was seriously injured. According to the police, the two foreigners were attacked by the Bulgarians, but there is no information about the reason for the incident.⁴⁷

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 48 persons for smuggling of migrants.⁴⁸

The Prosecutor's Office of the Republic of Bulgaria (PORB) (*Прокуратура на Република България, ПРБ*) reported several criminal proceedings against migrants and asylum seekers for irregular crossing of the border.

A total of 14 foreigners (Iraqis and Syrians), who attempted to cross the Bulgarian-Romanian border in Ruse on 9 and 10 September 2016, received suspended prison sentences of six months and fines between BGN 150 and 200 (approximately between €75 and €100).⁴⁹

The Regional Prosecutor's Office in Slivnitsa (*Районна прокуратура – Сливница*) indicted three Iraqi women, who tried to cross the border without permission. They received suspended prison sentences of four months and fines of BGN 150 (approximately €75). Three more Iraqis remain under arrest for attempting to leave the country without permission.⁵⁰ The same prosecutor's office reported cases against three Afghans, one Pakistani and one Iraqi citizen.⁵¹

⁴⁶ 24 Hours Daily (*24 часа*) (2016), [‘The MoI for the shooting of the Syrian behind the Mall: Trafficking in refugees’](#) (*‘Версията на МВР за стрелбата по сириеца за мола: Трафик на бежанци’*), 21 September 2016.

⁴⁷ Ministry of the Interior, Directorate General Criminal Police. For more information, see Bulgaria, Ministry of the Interior (*Министерство на вътрешните работи*) (2016), [‘Sofia police clarifies the circumstances around an incident in the area of the National Palace of Culture’](#) (*‘Столични полиция изясняват обстоятелствата около инцидент в района на НДК’*), Press release, 19 September 2016.

⁴⁸ Ministry of the Interior, Directorate General Border Police. The statistics cover the period from 8 a.m. on 1 September 2016 to 8 a.m. on 29 September 2016.

⁴⁹ Bulgaria, Prosecutor's Office of the Republic of Bulgaria (*Прокуратура на Република България*) (2016), [‘14 Iraqis and Syrians, having attempted to cross the country's border, were sentenced after an agreement with the Regional Prosecutor's Office in Ruse’](#) (*‘14 иракчани и сирийци, направили опит да преминат през границата на страната са осъдени след споразумения с Районна прокуратура – Русе’*), Press release, 16 September 2016.

⁵⁰ Bulgaria, Prosecutor's Office of the Republic of Bulgaria (*Прокуратура на Република България*) (2016), [‘Cases against foreigners for illegal crossing of the country's border’](#) (*‘Дела срещу чужди граждани за незаконно преминаване на границата на страната’*), Press release, 10 September 2016.

⁵¹ Bulgaria, Prosecutor's Office of the Republic of Bulgaria (*Прокуратура на Република България*) (2016), [‘Cases of the Regional Prosecutor's Office in Slivnitsa against foreigners having attempted to illegally cross the Bulgaria's border’](#) (*‘Дела на Районна прокуратура – Сливница, водени срещу чужди’*

The Regional Prosecutor's Office in Svilengrad (*Районна прокуратура-Свиленград*) reported three cases against foreigners for illegal border crossing and use of forged identity documents. Proceedings took place against one Pakistani with forged Malaysian passport, one Syrian with forged German visa sticker, and one Tunisian with forged Belgian residence permit. For the period 12-26 September 2016, the prosecutors in Svilengrad opened 32 proceedings against 47 persons for illegal border crossing and use of forged documents.⁵²

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

Nothing new to report.

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, 96 migrants were returned from Bulgaria to their country of origin or to a safe third country and 14 persons were sent to other EU Member States under the Dublin Regulation.⁵³

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

2.5.1 Reception conditions and capacity

As of 29 September 2016, there were 5,509 asylum seekers accommodated in the reception centres of the State Agency of Refugees (SAR) (*Държавна агенция за бежанците, ДАБ*). The majority were from Afghanistan (2,761 persons), Syria (1,094 persons), Iraq (1,025 persons) and Pakistan (415 persons). The total capacity of all reception centres was increased from 5,130 to 5,190. However, during the reporting period the occupancy rate continued to increase and for the first time since the beginning of the year it reached an

граждани, опитали незаконно да преминат границата на България), Press release, 1 September 2016.

⁵² Bulgaria, Prosecutor's Office of the Republic of Bulgaria (*Прокуратура на Република България*) (2016), ['The Regional Prosecutor's Office in Svilengrad investigates three foreigners for an attempt to enter the country through the Kapitan Andreevo border point with forged documents'](#) (*'Районна прокуратура-Свиленград извършва разследване спрямо трима чужденци за опит да влязат в страната през ГКПП-Капитан Андреево с фалшиви документи'*), Press release, 26 September 2016.

⁵³ Ministry of the Interior, Directorate General Border Police. The statistics cover the period from 8 a.m. on 1 September 2016 to 8 a.m. on 29 September 2016.

overcrowding level of 106 %. There were also 298 asylum seekers accommodated at external addresses at their own expense.⁵⁴

During the reporting period, 1,066 persons left the reception centres on their own will.⁵⁵

Authorities announced their intentions to open new reception centres and started looking for appropriate buildings, such as former military establishments or schools. The creation of closed units for asylum seekers causing riots or with previous criminal behaviour is also in progress. Such a unit was opened in the immigration centre in Busmantsi and seven persons were placed there.⁵⁶

Caravans are also ready in Harmanli to accommodate asylum seekers in case of extreme migration flows.⁵⁷

2.5.2 Vulnerable persons

Nothing new to report.

2.5.3 Child protection

The State Agency of Refugees (SAR) (*Държавна агенция за бежанците, ДАБ*) and the Ministry of Labour and Social Policy (MLSP) (*Министерство на труда и социалната политика, МТСП*) are planning to open two day-care centres for unaccompanied children up to 14 years. The centres, which will be located in Sofia and Harmanli, will provide activities for the children during the day. At night, children will go back to the reception centres.⁵⁸

A report, published by UNICEF Bulgaria, examined the legal and administrative barriers to the operation of the future co-ordination mechanism for working with unaccompanied refugee children. The report reviews the developed draft co-ordination mechanism, assesses its compliance with international standards and offers concrete recommendations for its improvement. Among the main emphases of the analysis are the early and conscientious identification of the children, the appointment of a legal representative and the placement in conditions suitable for the children's age and special needs. The report advocates a mechanism providing for the early identification of children as individual persons and stopping their 'attachment' to adults who do not actually accompany them. The reports further comments upon children's access to the procedure for receiving international protection and upon the obligation of institutions to appoint legal representatives for children already upon registration. The analysis points out that the obligations of the legal representative are not expressly pointed out in Bulgarian law and argues for a detailed mechanism for the mayor to appoint legal representatives to children seeking international protection, monitored by social workers. Family tracing and reunification are elaborated upon and different placement options are discussed.

⁵⁴ *Ibid.*

⁵⁵ Ministry of the Interior, Directorate General Border Police. The statistics cover the period from 8 a.m. on 1 September 2016 to 8 a.m. on 29 September 2016.

⁵⁶ State Agency for Refugees. For more information, see Mediapool Online (2016), '[MoI: refugee centres are full, state to make new ones](#)' (*МВР: Бежанските центрове вече са пълни, държавата ще прави нови*), 9 September 2016.

⁵⁷ State Agency for Refugees.

⁵⁸ *Ibid.*

The report also exposes some of the weaknesses of the draft co-ordination mechanism, which are seen as potential obstacles for its effective operation. Among those are the lack of special guarantees for the initial screening and identification of unaccompanied children at the earliest possible stage, the application of the rules on legal representation only to asylum seeking children and thus excluding children who do not seek international protection, and the lack of special measures related to the provision of Bulgarian language courses.⁵⁹

NGOs suggested to allow social workers to serve as guardians of unaccompanied children since they are already assigned the children's cases under child protection legislation.⁶⁰

2.5.4 Healthcare

Nothing new to report.

2.5.5 Immigration detention

During the reporting period, overcrowding of pre-removal detention centres (called special homes for temporary accommodation of foreigners) continued to increase and the occupancy rate ranged between 166 % and 188 %. As of 29 September 2016, there were 1,561 migrants accommodated in the centres, which are managed by the Ministry of the Interior (MoI) (*Министерство на вътрешните работи, МВР*). The majority were from Afghanistan (758 persons), Syria (259 persons), Iraq (245 persons), Pakistan (100 persons) and Iran (32 persons). The total capacity of the special homes remained 940. During the reporting period, a total of 2,251 new arrivals were accommodated in these special homes and 2,287 persons were transferred to the facilities of the State Agency for Refugees (SAR) (*Държавна агенция за бежанците, ДАБ*).⁶¹

The government adopted amendments to the regulation governing the operation of the State Agency for Refugees (SAR) (*Държавна агенция за бежанците, ДАБ*) allowing the agency to set up closed units in reception centres.⁶²

A report on the right of hearing of detained immigrants was published during the reporting period. It is based on 30 in-depth interviews with migrants detained in immigration detention facilities. The main problems identified by the report are: not holding hearings before the issuing of detention orders, incorrectly recording the identification data of migrants; circumventing the legal prohibition against detaining unaccompanied children by registering false birth dates, according to

⁵⁹ Ilareva, V. (2016), [Analysis of legal and administrative barriers to the operation of a Coordination mechanism ensuring interaction among institutions and organisations involved in guaranteeing the rights of unaccompanied minor aliens staying in the Republic of Bulgaria, including those who seek or have been granted international protection](#), Sofia, UNICEF Bulgaria.

⁶⁰ State Agency for Refugees.

⁶¹ Ministry of the Interior, Directorate General Border Police. The statistics cover the period from 8 a.m. on 1 September 2016 to 8 a.m. on 29 September 2016.

⁶² Bulgaria, Council of Ministers (*Министерски съвет*), [Regulation No 230](#) of 2 September 2016 amending and supplementing the Organisational Rules of the State Agency for Refugees with the Council of Ministers, adopted by Regulation No 59 of the Council of Ministers of 2008 (*Постановление № 230 от 2 септември 2016 г. за изменение и допълнение на Устройствения правилник на Държавната агенция за бежанците при Министерския съвет, приет с Постановление № 59 на Министерския съвет от 2008 г.*), 9 September 2016.

which these children have reached 18 years of age; failing to identify vulnerabilities; and violating the right of appeal, among others.⁶³

2.6. Responses in law, policy and/or practice

The parliament adopted a law forbidding the wearing of clothing concealing the face in public places. The law has not been officially promulgated yet.⁶⁴

The government adopted amendments to the regulation governing the operation of the State Agency for Refugees (SAR) (*Държавна агенция за бежанците, ДАБ*) allowing the agency to set up separate units in reception centres for the accommodation of unaccompanied children seeking international protection.⁶⁵

Draft amendments to the Family Code (*Семеен кодекс*) propose new rules on guardianship over minor and underage foreign children in Bulgaria.⁶⁶ According to the draft, a relative or another adult residing legally in the country can become guardian of a minor foreigner, if both have consented in writing and if it is determined that the guardian will act in the minor's best interests. For unaccompanied children and juveniles placed in a residential social service or an institution, the draft envisages that the head of the respective institution is appointed as guardian.⁶⁷

The Ministry of Education and Science (MES) (*Министерство на образованието и науката, МОН*) drafted and circulated for consultation a new ordinance governing the rules and procedure for the enrolment to school of children seeking or having obtained international protection. According to the proposed rules, the parents or the guardian of the child must file an application to the head of the regional education department. The head of the regional education department is obliged to refer the child to a school or kindergarten taking into account the child's place of residence and the preferences of the parents or guardian. Enrolment can take place throughout the entire school year but not later than 30 days before its end. When a child is referred to a concrete school or kindergarten, a commission appointed by the director of the respective establishment will assess the child's level of education and will decide in which

⁶³ Ilareva, V. (*Иларева, В.*) (2016), *Right of hearing of detained immigrants – handbook, analytical report on Bulgaria, individual cases* (*Правото на изслушване на задържаните имигранти – наръчник, аналитичен доклад за България, изследване на индивидуални случаи*), Sofia, Black Flamingo Publishing.

⁶⁴ For more information, see the [draft versions of the law](#) on the website of the parliament.

⁶⁵ Bulgaria, Council of Ministers (*Министерски съвет*) [Regulation No 230](#) of 2 September 2016 amending and supplementing the Organisational Rules of the State Agency for Refugees with the Council of Ministers, adopted by Regulation No 59 of the Council of Ministers of 2008 (*Постановление № 230 от 2 септември 2016 г. за изменение и допълнение на Устройствения правилник на Държавната агенция за бежанците при Министерския съвет, приет с Постановление № 59 на Министерския съвет от 2008 г.*), 9 September 2016.

⁶⁶ Bulgaria, Ministry of Justice (*Министерство на правосъдието*) (2016), [Draft Amendments to the Family Code](#) (*Проект на Закон за изменение и допълнение на Семейния кодекс*), 29 August 2016.

⁶⁷ Bulgaria, Ministry of Justice (*Министерство на правосъдието*) (2016), [Justification Report to the Draft Amendments to the Family Code](#) (*Мотиви към проект на Закон за изменение и допълнение на Семейния кодекс*), 29 August 2016.

group or class to enrol him/her. Based on the commission's conclusions, the director will issue an order to enrol the child.⁶⁸

The Ministry of the Interior (MoI) (*Министерство на вътрешните работи, МВР*) sent to the European Commission five project proposals amounting to 160 million Euro under the emergency support mechanism of AMIF and ISF. The aim of these projects is to renew the technical equipment for border control, to enhance the possibilities of integrated monitoring and to modernise communication and information systems of Bulgarian external borders, and to strengthen the national capacity of Bulgaria in the area of asylum and migration.⁶⁹

A co-ordination centre for preventing illegal migration was established within the Ministry of the Interior (MoI) (*Министерство на вътрешните работи, МВР*). It is attached to the border police, but employs seconded officers from all departments involved in countering illegal migration. The centre will work in close cooperation with the State Agency for Refugees (SAR) (*Държавна агенция за бежанците, ДАБ*). It will analyse information from all police units and co-ordinate the response in urgent cases.⁷⁰

The closed section of the reception centre in Harmanli is being prepared. It will encompass almost half of the centre and migrants placed there will not be able to leave the centre. The closed section is planned to be set up within a month and will be guarded by the police.⁷¹ According to the law, asylum seekers can be placed in closed facilities only when their identity or nationality cannot be established, when there is a risk that they will abscond, or when it is necessary for the protection of national security or public order.⁷² Since no closed section is operational yet, it is unclear which rules for placing persons in closed facilities will be applied in practice.

The executive director of the National Association of Municipalities in the Republic of Bulgaria (NAMRB) (*Национално сдружение на общините в Република България, НСОПБ*) announced that two or three municipalities will pilot the newly regulated integration measures (see August monthly report), but did not name the exact locations, to avoid tension.⁷³

⁶⁸ Bulgaria, Ministry of Education and Science (*Министерство на образованието и науката*), [Draft Ordinance on the Rules and Procedure for the Enrolment and Education of Persons Seeking or Having Obtained International Protection](#) (*Проект на Наредба за условията и реда за приемане и обучение на лицата, търсещи или получили международна закрила*), 30 September 2016.

⁶⁹ Bulgaria, Ministry of the Interior (*Министерство на вътрешните работи*) (2016), ['Bulgaria sends to EC official request for urgent financial assistance to tackle migration pressure'](#) (*'България изпрати на ЕК официално искане за предоставяне на спешна финансова помощ за овладяване на миграционния натиск'*), Press release, 16 September 2016.

⁷⁰ Bulgaria, Ministry of the Interior (*Министерство на вътрешните работи*) (2016), ['Co-ordination centre for countering illegal migration started work'](#) (*'Координационен център за противодействие на незаконната миграция започна работа'*), Press release, 15 September 2016.

⁷¹ Bulgaria, Ministry of the Interior (*Министерство на вътрешните работи*) (2016), ['Representatives of the MoI, SAR and local authorities conducted a meeting in the SAR centre in Harmanli'](#) (*'Представители на МВР, ДАБ и местната власт проведоха среща в Регистрационно-приемателния център в Харманли'*), Press release, 9 September 2016.

⁷² Bulgaria, [Asylum and Refugees Act](#) (*Закон за убежището и бежанците*), 31 May 2002, Art. 45b.

⁷³ Bulgaria, Dnes Online (2016), ['Pilot: three municipalities will integrate refugees'](#) (*'Пилотно: Три общини ще интегрират бежанци у нас'*), 20 September 2016. For more information about the integration measures, see the monthly report for August.

The Ministry of Finance (MF) (*Министерство на финансите*, МФ) published an analysis on the effects of the migration flow on the labour market and the state budget. Among the main conclusions of the analysis are that Bulgaria is just a transit country and thus many persons, having received international protection and access to the labour market, are not working despite their prevalently active age. Integration is further hindered by foreigners' low education level, poor command of Bulgarian and poor economic activity in their countries of origin, especially among women. As for the budget, expenses are rising due to assistance to asylum seekers and the protection of the border. However, the foreigners actually receiving social payments are few. On the other hand, the small number of foreigners working do not contribute enough to budget income.⁷⁴

In response to the draft amendments to the Foreigners Act (*Закон за чужденците*), introducing statelessness in Bulgarian law, a leading Bulgarian immigration lawyer and activist criticised the statelessness determination procedure. In the analysis, the author notes that, although this is a welcome development in Bulgarian law, qualification criteria are so high that protection provisions are rendered practically inapplicable.⁷⁵

The migration theme also entered presidential election discourse. A candidate supported by the Bulgarian Socialist Party (BSP) (*Българска социалистическа партия*, БСП) advocated the creation of closed migration centres outside towns and villages and the limitation of the number of refugees.⁷⁶

2.7. Social response to the situation

The Council of Refugee Women in Bulgaria (CRWB) (*Съвет на жените бежанки в България*, СЖББ) organised a donation campaign to help foreign children starting studies at Bulgarian schools. The campaign is collecting school-related stationery, sports clothes, computers and mobile phones.⁷⁷

Caritas Bulgaria recruited volunteers to take part in its refugee mentoring programme. The programme will consist of one weekly meeting between each mentor and refugee, where foreigners having been granted international protection would be able to ask practical questions, practice their Bulgarian and spend time with a local person. The organisation was especially looking for men, since most of the foreigners needing a mentor were males.⁷⁸

⁷⁴ Nikolova, A. (Николова, А.), Chernicherska, N. (Черничерска, Н.) (2016), [Refugees in Bulgaria: labour market and budget expenses](#) (Бежанците в България: пазар на труда и бюджетни разходи), Sofia, Ministry of Finance (*Министерство на финансите*).

⁷⁵ Ilareva, V. (Иларева, В.) (2016), [Bulgaria is introducing a statelessness determination procedure. Or is it?](#), European Network on Statelessness.

⁷⁶ Investor Online (2016), ['Gen. Radev: Migration centres should be taken out of towns and villages'](#) ('Ген. Радев: Миграционните центрове трябва да се изнесат извън населените места'), 25 September 2016.

⁷⁷ Bulgaria, Council of Refugee Women in Bulgaria (*Съвет на жените бежанки в България*) (2016), ['Welcome to school in Bulgaria – a donation campaign to support equal access to education for refugee children'](#) ('Добре дошли в Българското Училище – дарителска кампания, в подкрепа на равния достъп до образование на децата бежанци'), 2 September 2016.

⁷⁸ Timeheroes.org (2016), ['Be a mentor to foreigners having received protection'](#) ('Бъди ментор на получили закрила бежанци в София').

On 26 September 2016, a new group of foreigners started Bulgarian language studies at a Red Cross Sofia centre under AMIF-financed project of the Red Cross and IOM Bulgaria.⁷⁹

2.8. Hate crime incidents

Tensions built around the reception centre in Ovcha kupel. After some media published information about foreigners attempting to crash a car near the centre, members of radical groups threatened attacks against the migrants.⁸⁰ The involvement of foreigners was refuted by police,⁸¹ nevertheless a protest was scheduled near the centre by nationalist groups.⁸² To maintain security in relation to the protest, the mayor of Sofia announced that the presence of the police in the area will be strengthened around the clock and additional street lighting and video surveillance will be arranged.⁸³ The Minister of the Interior accused radical groups of causing tensions related to migrants, especially in light of the upcoming elections. It was also announced that police checkpoints will be set to prevent provocations during the rally.⁸⁴

⁷⁹ For more information, see the [Facebook page of IOM Bulgaria](#).

⁸⁰ Dnevnik Online (2016), '[Tension among Ovcha kupel residents and refugee centre inhabitants](#)' (*'Напрежение между жителите на "Овча купел" и настанените в бежанския център'*), 15 September 2016.

⁸¹ Bulgaria, Ministry of the Interior (*Министерство на вътрешните работи*) (2016), '[Sofia police clarifies facts and circumstances about a signal for damage on a car in Ovcha kupel](#)' (*'Столични полицаи работят по изясняване на факти и обстоятелства около сигнал за нанесени щети по лек автомобил в ж.к. „Овча купел“'*), Press release, 14 September 2016.

⁸² Dnevnik Online (2016), '[Tension among Ovcha kupel residents and refugee centre inhabitants](#)' (*'Напрежение между жителите на "Овча купел" и настанените в бежанския център'*), 15 September 2016.

⁸³ For more information, see the [statement of the Mayor of Sofia](#) on her Facebook page.

⁸⁴ Dnevnik Online (2016), '[According to Bachvarova radical groups incite the tension in Ovcha kupel, MoI to build checkpoints](#)' (*'Според Бъчварова радикални групи подклаждат напрежението в "Овча купел", МВР готви заграждения'*), 16 September 2016.

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 Police (*Bundespolizei*);
- Plan International Deutschland;
- Federal Association for Unaccompanied Minor Refugees (*Bundesfachverband Unbegleitete Minderjährige Flüchtlinge*);⁸⁵
- Lesbian and Gay Association Germany (*Lesben- und Schwulenverband Deutschland*).

3.2. Overview of the situation

18,143 persons in need of international protection were registered in the EASY-System in August 2016. The EASY-System is an IT application for the initial allocation of asylum seekers to the 16 Federal States according to certain quota. The number given above represents a significant decrease compared to the numbers in August 2015, when 104,460 asylum seekers were registered. The Federal Ministry of the Interior (*Bundesministerium des Inneren*) points out that missing or multiple registrations within the EASY-System may be possible.

However, compared to the numbers in July 2016 (16,160), the numbers of persons in need of international protection who were registered in the EASY-System increased in August 2016 by some 2,000 persons.

The main nationalities of persons registered in August 2016 are Syrian (some 2,300), Afghan (some 2,100), Iraqi (some 1,230), Eritrean (some 1,290) and Nigerian (some 900).⁸⁶

91.331 (July: 74,454) applications for asylum were submitted in August 2016.⁸⁷

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 5,836 (July: 6,088) criminal proceedings against migrants and asylum seekers for irregular crossing of the border (*Unerlaubte Einreise*) in August 2016 (6,646 in June 2016). About half of

⁸⁵ The Federal Association for Unaccompanied Minor Refugees is meanwhile also engaged with the sector of accompanied children.

⁸⁶ Federal Ministry of the Interior, [press releases](#) 9 September 2016.

⁸⁷ *Ibid.*

them (2,657) were identified by the Federal Police at the German-Austrian border. Additionally, police forces of the 16 Federal States initiated further criminal proceedings which are not included in this number.⁸⁸

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

In August 2016, the Federal Police registered 154 cases of "smuggling foreigners" (*Einschleusen von Ausländern*), compared to 161 cases in July 2016. Additionally, police forces of the 16 Federal States further registered suspects of smuggling which are not included in this number.⁸⁹

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

3.4.1 Registration and identification

In August 2016, the Federal Office for Migration and Refugees (*Bundesamt für Migration und Flüchtlinge*, BAMF) decided on around 57,000 applications (July: some 53,000). 14,460 persons (23.5 %) (July: 31.3 %) were granted refugee status according to the Geneva Convention Relating to the Status of Refugees of 1951. Among them, 167 persons (0.3 %) were granted asylum under Article 16a of the constitution (*Grundgesetz*), and 14,293 persons (25.0 %) (July: 31.0 %) received refugee protection according to Asylum Act § 3 (*Asylgesetz*) in conjunction with § 60 Absatz 1 of the Residence Act (*Aufenthaltsgesetz*).⁹⁰

In August 2016, some 21,700 persons (38.0 %) received subsidiary protection, compared to 15,943 persons in July 2016 (30.1 %), according to § 4 of the Asylum Act in accordance with the Directive 2011/95/EU.⁹¹ Thus the share of persons receiving subsidiary protection is still increasing and indicates a new policy of the BAMF.

In addition, the BAMF reported suspensions of deportation orders for 1,290 persons (2.3 %) (July: 1,027 persons, 1.9 %) according to § 60 para. 5 or 7, sentence 1 of the Residence Act (*§ 60 Absatz 5 oder Absatz 7 Satz 1 des Aufenthaltsgesetzes*). This means that the expulsion was not carried out and this might be due, for example, to the existence of a substantial specific threat to life, e.g. a life-threatening disease. Art 60 para. 5 of the Residence Act also refers to cases that fall under Art 2 and 3 ECHR.⁹²

The BAMF rejected the applications of 12,886 persons (22.6 %). The applications of 6,761 persons (11.8 %) were rejected due to other reasons, such as Dublin procedures or because applicants withdrew their applications.⁹³

⁸⁸ Police intake statistics of the Federal Police (*Polizeiliche Eingangsstatistik der Bundespolizei PES*), 20 September 2016.

⁸⁹ *Ibid.*

⁹⁰ Federal Ministry of the Interior, [press releases](#) 9 September 2016.

⁹¹ *Ibid.*

⁹² *Ibid.*

⁹³ *Ibid.*

3.4.2 Asylum procedure

In August 2016, the Federal Office for Migration and Refugees (*Bundesamt für Migration und Flüchtlinge*, BAMF) registered 89,703 (July: 72,984) initial applications (*Erstanträge*), predominantly submitted by Afghan, Syrian and Iraqi citizens, and 1,628 (July: 1,470) repeat applications (*Folgeanträge*). Most of the repeat applications are submitted by asylum seekers from Serbia, Albania and Macedonia.⁹⁴

Asylum procedures continue taking a long time. At the end of August 2016, some 567,500 asylum procedures were pending compared to some 526,280 in July 2016. Most of them (551,720) are initial applications.⁹⁵

Legal remedy for failures to act (*Untätigkeitsklagen*), used by asylum applicants to challenge the excessive duration of an administrative proceeding, increased in the past months. According to an answer of the BMI, 7,014 legal actions introduced by asylum applicants and related to failures were pending in Administrative Courts on 30 June 2016⁹⁶ (compared to 3,271 at the end of March 2016⁹⁷). With the legal remedy "*Untätigkeitsklage*", an applicant can challenge the excessive duration of an administrative proceeding and this is aimed at obliging the administration to speed up the proceeding. The action will be rejected when the court sees an adequate reason for the duration. So far, no information is available on successful cases.

About one third of the Syrians granted subsidiary protection instead of the full refugee status appealed against the decision. Until the end of May 2016, some 2,400 Syrian citizens submitted legal remedy against their subsidiary protection.⁹⁸ As the facilitated family unification is legally suspended for refugees with subsidiary protection until March 2018, lawyers and many counselling centres of humanitarian and social organisations recommend legal remedies against the status of subsidiary protection.⁹⁹

3.4.3 Return procedure

The Federal government responded to a parliamentary minor interpellation about border controls and unaccompanied children being denied entry to the territory.¹⁰⁰ This response showed that the Federal government's lack of knowledge as to the number of age assessments of unaccompanied children carried out by the Federal Police at German borders or the way in which they are conducted. There seems to be no guarantee that the age assessment of unaccompanied children by the Federal Police is conducted in a transparent manner nor involves the local youth welfare office (*Jugendamt*).

In its response, the Federal Ministry of the Interior (*Bundesinnenministerium*) however indicates in the response that youth welfare offices must be involved

⁹⁴ *Ibid.*

⁹⁵ *Ibid.*

⁹⁶ [Federal government's response to a parliamentary minor interpellation](#), 6 September 2016.

⁹⁷ Thüringer Allgemeine (2016), '[Klagen von Asylbewerbern nehmen zu](#)', 11 June 2016.

⁹⁸ [Federal government's response to a parliamentary written question](#), 19 August 2016, p. 12. See also Migazin (2016), '[Ein syrischer Vater kämpft um seine Familie](#)', 29 August 2016.

⁹⁹ See <http://www.asyl.net/startseite/nachrichten/artikel/56014.html>.

¹⁰⁰ [Federal government's response to a parliamentary minor interpellation](#), 6 September 2016, p. 56f.

(according to SGB VIII¹⁰¹) when unaccompanied children are identified at the borders. The aim is to safeguard those children's welfare. Although this is legally correct, the Federal Association for Unaccompanied Minor Refugees (*Bundesfachverband Unbegleitete Minderjährige Flüchtlinge*)¹⁰² and the Green-Party in the Federal Parliament¹⁰³ point that it is not practiced in a standardised nor mandatory way at the borders. Several unaccompanied children are thus denied entry to Germany. Moreover, youth welfare offices are not systematically involved in unaccompanied children's identification at the borders. This is even more so when those children do not apply for international protection, an application they legally can submit only with a legal guardian.¹⁰⁴

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

3.5.1 Reception conditions and capacity

In the first half of 2016, some 5,000 refugees with suspension of deportation orders (*Duldung*) were granted the permission to work as well as some 30,000 asylum seekers, including some 3,000 with suspension of deportation orders. 14,000 asylum applicants were granted the permission to work without the priority test (*Vorrangprüfung*), i.e. without checking if a German or an EU-citizen could be employed instead.¹⁰⁵ The permission to work is regulated in the Employment Regulation (*Beschäftigungsverordnung – BeschV*).¹⁰⁶

According to media reports, an increasing number of persons having the obligation or the right to attend an integration class (*Integrationskurs*) are waiting for a place. From January to August 2016, about 171,000 immigrants (45 % from Syria) started an integration class. Over the same period, the Federal Office for Migration and Refugees (*Bundesamt für Migration und Flüchtlinge*, BAMF) has issued more than twice as many approvals (366,000) for integration classes.¹⁰⁷ However, migrants cannot always start the integration class immediately after the BAMF-approval, mainly due to long waiting times at the language schools.

3.5.2 Vulnerable persons

There are no new reports as there are to date no systematic procedures to identify vulnerable persons and applicants with special reception needs in

¹⁰¹ § 42a SGB VIII [Vorläufige Inobhutnahme von ausländischen Kindern und Jugendlichen nach unbegleiteter Einreise](#).

¹⁰² Federal Association for Unaccompanied Minor Refugees (*Bundesfachverband Unbegleitete Minderjährige Flüchtlinge*), 2 August 2016.

¹⁰³ MP-office Luise Amtsberg (Green-Party), 22 September 2016, the Federal Police. According to Amtsberg, no systematic training on this sensitive subject is provided in the Federal Police and the age estimates thus remain in a "grey area".

¹⁰⁴ MP-office Luise Amtsberg (Green-Party), 22 September 2016.

¹⁰⁵ [Federal government's response to a parliamentary minor interpellation](#), 6 September 2016, p. 56f.

¹⁰⁶ [Verordnung über die Beschäftigung von Ausländerinnen und Ausländern](#) (*Beschäftigungsverordnung – BeschV*) § 32 Beschäftigung von Personen mit Duldung.

¹⁰⁷ Süddeutsche Zeitung (2016), ['Nicht einmal jeder Zweite bekommt einen Platz im Integrationskurs'](#), 22 September 2016.

reception centres. Although a few model and pilot projects exist, there is no nationwide harmonised approach.

In the past months some separated and safe accommodation for lesbian, queer, gay, trans- and intersexual applicants were established by private initiatives or by registered human rights organizations in Nurnberg, Chemnitz, Dresden and Berlin.¹⁰⁸ However, in Hannover, Lower-Saxony, it was the city council that established a separated accommodation with nine places for gay asylum seekers in July 2016.¹⁰⁹

3.5.3 Child protection

According to the Federal Association for Unaccompanied Minor Refugees (*Bundesfachverband Unbegleitete Minderjährige Flüchtlinge*), there is no nationwide mandatory implementation of child protection mechanisms. The NGO estimates that two thirds of the refugee accommodation do not have any mechanism in place to comply with national and international child protection laws. The Federal Association for Unaccompanied Minor Refugees points out that (sexual) violence against children in refugee accommodation is alarming, but rarely reported.¹¹⁰

The Federal Ministry for Family (*Bundesministeriums für Familie, Senioren, Frauen und Jugend, BMFSFJ*), UNICEF and several NGOs¹¹¹ have developed minimum standards for children, adolescents and women in refugee camps, but these are only recommendations and not mandatory standards. However, the BMFSFJ intends to advocate for a new federal law obliging the 16 Federal States (Bundesländer) and the operators of refugee accommodation facilities to comply with minimum standards.¹¹² This law has not been drafted yet.

Other initiatives are organised. In Hamburg, for example, Plan International Germany (*Plan International Deutschland*), a child's rights organisation, offers training for full-time reception centres' staff. This is funded by the Department of Work, Social Affairs, Family and Integration (*Behörde für Arbeit, Soziales, Familie und Integration*). This voluntary training aims to assist in implementing the child protection mechanisms mentioned above in the reception centres.¹¹³

Unaccompanied refugee children often wait several months until it is decided on specific assistance according to the Child and Youth Service (*Kinder- und Jugendhilfe*) and their allocation to one of the 16 federal states and their place of residence. On 23 August 2016, more than 12,000 unaccompanied children were still in provisional/preliminary care (*vorläufige Inobhutnahme*) under the protection of the youth welfare offices (*Jugendämter*), according to the Federal

¹⁰⁸ Lesbian and Gay Association Germany (*Lesben- und Schwulenverband Deutschland*), 26 September 2016.

¹⁰⁹ Lesbian and Gay Association Lower-Saxony/Bremen (*Lesben- und Schwulenverband Niedersachsen-Bremen*), [press releases](#) 21 July 2016.

¹¹⁰ Federal Association for Unaccompanied Minor Refugees Refugees (*Bundesfachverband Unbegleitete Minderjährige Flüchtlinge*), 19 September 2016.

¹¹¹ BMFSFJ/UNICEF, [Minimum standards for the protection of children, adolescents and women in refugee camps](#).

¹¹² Federal Ministry for Family (*Bundesministeriums für Familie, Senioren, Frauen und Jugend, BMFSFJ*), ['Mehr Schutz durch Mindeststandards in Flüchtlingsunterkünften'](#), 27 July 2016.

¹¹³ Plan International Germany (*Plan International Deutschland*), 15 September 2016.

Association for Unaccompanied Minor Refugees (*Bundesfachverband Unbegleitete Minderjährige Flüchtlinge*). This number represents almost half of all unaccompanied refugee children (42 %) under the protection of the youth welfare offices (*jugendhilferechtliche Zuständigkeit*) since 1 November 2015.¹¹⁴

3.5.4 Healthcare

Nothing new to report.

3.5.5 Immigration detention

Nothing new to report.

3.6. Responses in law, policy and/or practice

After the German government passed the Asylum Seekers Benefits Act (*Asylbewerberleistungsgesetz, AsylbLG*)¹¹⁵ in September 2016, several human rights and social organisations pointed out that the planned amendments do not comply with the German constitution (*Grundgesetz*). Indeed, the draft law provides for a reduced minimum subsistence level for asylum seekers compared to other persons receiving social benefits in accordance with the Codes of Social Law (*Sozialgesetzbuch, SGB*). The draft law gives no reasonable nor detailed justifications as to why the subsistence needs of asylum seekers should be different from the needs of other recipients of social benefits. The Jesuit Refugee Service, JRS (*Jesuiten-Flüchtlingsdienst*), criticises that asylum seekers would only receive two third of the amount provided in the Codes of Social Law XII.¹¹⁶ The JRS, the human rights organisation Pro Asyl and social organisations protest against this bill, urging the Federal Parliament (*Bundestag*) and the Federal Council of the Federal States (*Bundesrat*) not to pass it. Furthermore, they continue advocating the abolition of the Asylum Seekers Benefits Act.¹¹⁷

The Federal Minister of the Interior, Thomas de Maizière, wants to extend the temporary controls at the German border. To date, the European Commission did not publish any further recommendation on the extension of temporary border controls in accordance with Article 29 of the Schengen Borders Code. The temporary border controls by the Federal Police (*Bundespolizei*) were introduced in September 2015 and were prolonged several times. The latest extension expires in November 2016. Nevertheless, the general aim is a border-control free Schengen area and the prerequisite for this is a more effective management of the external EU borders, says de Maizière. He also points out that the Federal Police, the authority responsible for border controls, does not have enough personnel to ensure complete border controls. However, 7,000 additional jobs at the Federal Police are planned to be opened.¹¹⁸

¹¹⁴ Federal Association for Unaccompanied Minor Refugees (*Bundesfachverband Unbegleitete Minderjährige Flüchtlinge*), [press releases](#) 6 September 2016.

¹¹⁵ Gesetzentwurf der Bundesregierung, [Entwurf eines Dritten Gesetzes zur Änderung des Asylbewerberleistungsgesetzes](#).

¹¹⁶ Statement/Opinion on the draft by the Jesuit Refugee Service (*Jesuiten-Flüchtlingsdienst*), 13 September 2016.

¹¹⁷ Pro Asyl, [press releases](#) 22 September 2016.

¹¹⁸ Reuters (2016), ['De Maiziere will Grenzkontrollen über Mitte November hinaus'](#), 21 September 2016.

The Federal Police employs undercover agents in order to prevent “smuggling” persons by ships from Turkey to the EU. It is unclear how the Federal Police’s undercover agents cooperate with EU bodies.¹¹⁹

3.7. Social response to the situation

In Hamburg, some 1,600 persons demonstrated against deportations to Afghanistan on 24 September 2016.¹²⁰ The organisers – the Refugee Council Hamburg, the organization "Afghan People and Activists" and other groups of the Afghan community¹²¹ – said the increasing number of rejected asylum applications of Afghan citizens was the reason for the protest. Furthermore, they mentioned that the Federal Ministry of the Interior announced to conclude an agreement with Afghanistan for the expulsion of rejected asylum seekers by the end of the year.

The human rights organization Pro Asyl launched a postcard campaign against deportations to Afghanistan in September 2016. It also demands to grant the right to family reunification to Afghan citizens and to give them access to integration and language classes.¹²²

3.8. Hate crime incidents

During September 2016 (last updated 27 September 2016), Pro Asyl and the Amadeo Antonio Foundation recorded:¹²³

In total 21 violent attacks directed against asylum seekers (at least 26 injured persons)

- 1 in Bavaria
- 5 in Brandenburg (7 injured persons)
- 3 in Mecklenburg-Western Pomerania (4 injured persons)¹²⁴
- 1 in North Rhine-Westphalia (1 injured person)
- 9 in Saxony (with 8 injured persons according to the Pro Asyl and the Amadeo Antonio Foundation chronicle plus an estimated 15 injured asylum seekers due to the violent clashes in Bautzen on 12th to 15th September according to media reports)¹²⁵

¹¹⁹ [Parliamentary minor interpellation](#), 16 September 2016 (response is pending).

¹²⁰ NDR.de (2016), '[1.600 Menschen gegen Abschiebungen](#)', 24 September 2016.

¹²¹ The Voice (2016), '[Hamburg/Apolda: In solidarity with Afghans' self-organized protest against Deportation!](#)', 27 September 2016.

¹²² ProAsyl (2016), '[Protestpostkarte: Keine Abschiebungen nach Afghanistan!](#)', September 2016.

¹²³ Mut gegen Rechte Gewalt (2016), '[Chronik flüchtlingsfeindlicher Vorfälle](#)'.

Please note: The chronicle lists only attacks specifically against refugees. There are further attacks against migrants (or Germans who are supposed to be migrants in the eyes of the attackers) and German Muslims, Jews, Sinti and other minorities. Further data, see [Netz-gegen-Nazis.de](#).

¹²⁴ There was another attack in Mecklenburg-Western Pomerania in September, which was not mentioned in the chronicle but in a media report: Frankfurter Allgemeine (2016), '[Unbekannte greifen jungen Syrer in Schwerin an](#)', 20 September 2016.

¹²⁵ See https://www.welt.de/politik/deutschland/article158176178/Heut-Abend-is-wieder-Asylis-klatschen.html?wtrid=socialmedia.socialflow....socialflow_facebook_and

- 2 in Saxony-Anhalt (6 injured persons)

In total 9 arson attacks against reception and accommodation centres with 9 injured persons

- 2 in Baden-Württemberg (9 injured persons)
- 1 in Bremen
- 1 in Hamburg
- 1 in Hessen
- 3 in North Rhine-Westphalia
- 1 in Thuringia

In total 15 "other attacks" against reception and accommodation centres (e.g. damage of property)

- 2 in Baden-Württemberg
- 1 in Bavaria
- 1 in Berlin
- 2 in Brandenburg
- 4 North Rhine-Westphalia
- 3 in Saxony (1 injured person)
- 2 in Thuringia

In total 5 hostile demonstrations against refugees¹²⁶

- 3 in Saxony ¹²⁷
- 1 in Saxony-Anhalt
- 1 in Thuringia

According to the Amadeu Antonio Foundation and Pro Asyl every day violent attacks on refugees are committed and every three days on average, a refugee accommodation is affected by arson attacks. However, figures are estimated to be significantly higher. Many cases are never made public – partly because the victims are afraid of the police or they do not want to attract any attention out of concern for their residence status or their current asylum procedures. Likewise, attacks on the police, the press or refugee supporters are only covered to a limited extent.¹²⁸

<http://www.euronews.com/2016/09/15/80-germans-clash-with-a-group-of-young-asylum-seekers-in-bautzen>

¹²⁶ According to the Amadeu Antonio Foundation and Pro Asyl there are many demonstrations and rallies against refugees. However, their chronicle is limited to demonstrations in which justiciable incidents (not having announced the rally to/at the authorities, hate speech/incitement of the people (*Volksverhetzung*), Hitler salutes, attacks on pro-refugee-demonstrators, the press, the police, etc.) have taken place.

¹²⁷ RAA Sachsen (2016), '[Erklärung des RAA Sachsen e.V. zu den Ereignissen in Bautzen](#)', 16 September 2016.

¹²⁸ Blätter für deutsche und international Politik, [yearly publications](#).

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 Education, Research and Religion (*Υπουργείο Παιδείας, Έρευνας και Θρησκευμάτων*);
- Hellenic Police Headquarters (*Αρχηγείο Ελληνικής Αστυνομίας*);
- Asylum Service Greece (*Υπηρεσία Ασύλου*);
- United Nations High Commissioner for Refugees (UNHCR) Greece (*Υπατη Αρχή του ΟΗΕ για τους Πρόσφυγες, γραφείο Ελλάδας*);
- Medecins Sans Frontiere–Doctors Without Borders (*Γιατροί χωρίς Σύνορα*);
- NGO PRAKSIS (*ΜΚΟ ΠΡΑΚΣΙΣ*);
- National Centre for Social Solidarity (*Εθνικό Κέντρο Κοινωνικής Αλληλεγγύης*).

4.2. Overview of the situation

No information has been provided to this day by the competent authorities.

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.¹²⁹

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

No information has been provided to this day by the competent authorities.

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

4.4.1 Registration and identification

Following the pre-registration exercise which was concluded on 25 July, the Greek Asylum Service has scheduled in September the first appointments for the full lodging of asylum claims by pre-registered asylum seekers throughout the

¹²⁹ Hellenic Police Headquarters.

mainland. Priority is given to vulnerable groups, especially unaccompanied children.¹³⁰

The total number of asylum applications for September 2016 was some 5,130. Some 3,370 applicants were men, some 1,760 were woman. The main region of registration was Attica (1,343), followed by Thessaloniki (1,307), and the majority of applicants were 18-34 years of age. Most come from Syria (2,577), Pakistan (562) and Afghanistan (380). Recognition rates have been about 98 % for Syrians, 3.4 % for Pakistanis, and 68% for Iraqis.

4.4.2 Asylum procedure

UNHCR supported the Asylum Service and informed asylum seekers about their appointments. They use various channels such as initiating an SMS-system, calling applicants directly in cooperation with the EASO call-team, posting announcements at various reception sites of the appointment schedules, and disseminating information through UNHCR field teams and partners on site. In addition to the appointment lists posted on sites, UNHCR has created and shared a Frequently Asked Questions document on the registration process for asylum seekers in relevant languages. UNHCR has also provided transportation for all applicants from the sites or apartment-based accommodation to their asylum interviews at the Regional Asylum Offices in Athens, Thessaloniki and Alexandroupoli. The same transport service has already been provided to relocation candidates since July 2016, as part of UNHCR's support to the EU programme.¹³¹

4.4.3 Return procedure

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

Reception and Identification Centres (RICs) continue to face serious challenges in terms of capacity and shelter allocation for new arrivals. The maximum capacity on the five islands remains 7,450 while the total presence on the islands was 13,948 as of 26 September 2016.¹³²

On 1 September, demonstrations and protests were carried out by volunteers, asylum seekers and refugees on several sites throughout the mainland and on the islands. On Chios, protesters demanded that asylum procedures be expedited and requested permission to leave the island. There were no reports of injuries and the situation was de-escalated by the police that agreed to meet the demonstrators to discuss their concerns. Similarly, on Softex and Cherso sites in Northern Greece, and in the centre of Thessaloniki, demonstrators were

¹³⁰ Asylum Service.

¹³¹ UNHCR Greece.

¹³² *Ibid.*

requesting the acceleration of asylum procedures and improvements in living conditions on all sites.¹³³

On 18 September 2016, the Reception and Identification Centre of Moria caught fire after fights and tensions among the detainees. No resident was hurt.¹³⁴

4.5.2 Vulnerable persons

Referral of victims of violence and vulnerable people, generally from the islands to the mainland, continues to be extremely difficult due to the lack of accommodation.¹³⁵

4.5.3 Child protection

On 4 September 2016, tensions rose between Syrian and Pakistani unaccompanied children in the Moria camp of Lesbos. Although accommodation places for unaccompanied children were increased, 140 children in Moria are still placed in detention pending their transfer.¹³⁶

MSF, Prakis and Save the Children conducted a joint advocacy note on the situation of the unaccompanied children (UAC) in Greece. The main issues covered, include poor reception conditions and prolonged detention at the points of entry and on the mainland, the lack of access for UAC to primary and specialised health care, including psychological support, and the need for speeding up identification, registration and international protection procedures.¹³⁷

In late September, a 16 year old unaccompanied child from Pakistan was raped by 4 unaccompanied children in the safe zone for unaccompanied children in Moria. The reaction in the press and on social media was wide and poses the question of the care children receive in prolonged protective custody.¹³⁸

As of 19 September 2016, 2,477 UAC (unaccompanied children) are currently in Greece, according to referrals to the National Centre of Social Solidarity. The total number of places available in UAC shelters is 891. The total number of UAC on the waiting list for shelter as of 19 September 2016 is 1,586, including 371 in closed UAC reception facilities and 6 in protective custody.¹³⁹

4.5.4 Healthcare

In a letter to the former Secretary General for Reception, the Ministry of Migration Policy, the Reception and Identification Service, the Asylum Service and other recipients, Médecins du Monde – Doctors of the World Greece expressed its deep concern about the age assessment procedures for unaccompanied children under Greek law and practice, based on their experience in Moria in Lesbos. Under the current legal framework, an age assessment is conducted only if there are doubts as to the age of a third-country

¹³³ UNHCR Weekly reports.

¹³⁴ Doctors of the World Greece (2016), [‘Η Ευρώπη απέτυχε στη Λέσβο’](#), 20 September 2016.

¹³⁵ MSF-Doctors without Borders.

¹³⁶ Doctors of the World Greece (2016), [‘Ανάγκη να δοθεί άμεσα λύση στο ζήτημα των ασυνόδευτων ανηλίκων που κρατούνται στο Κέντρο Υποδοχής στη Μόρια Λέσβου’](#), 5 September 2016.

¹³⁷ MSF-Doctors without Borders, [‘Ενημερωτικό σημείωμα για την κατάσταση των ασυνόδευτων παιδιών στην Ελλάδα’](#), 23 September 2016.

¹³⁸ TaNea Greece (2016), [‘Σοκ από τον βιασμό του ανηλίκου στη Μόρια’](#), 29 September 2016.

¹³⁹ National Centre of Social Solidarity.

national that may be a child. The age is assessed by the medical/psychosocial support team providing services inside the reception centre or by dental examinations and X-rays of various bones at the local hospital, if the age cannot be assessed inside the camp. In MDM's view, the current conditions in the reception and identification centres do not allow for the conduct of specialised medical examinations as the one needed for age assessment. MDM further adds that these living conditions arose after March, when the EU-Turkey agreement came into force, leading to prolonged detention in unsuitable infrastructure. These conditions (lack of privacy, space and dignified conditions, time pressure, insufficient equipment) exacerbate the stress factors that the overall refugee and immigrant population faces, making it almost impossible for the individual to provide the necessary information for age assessment and to observe social interactions to assess maturity.¹⁴⁰

MSF-Doctors without Borders opened an urban day-care centre in Athens focusing on sexual and reproductive health, mental health care, SGBV consultations and outreaching health promotion and education. In addition, MSF opened a clinic in the centre of Mytilene (Lesvos) to assist the vulnerable population mainly hosted in Kara Tepe and Moria.¹⁴¹

4.5.5 Immigration detention

The current capacity of pre-removal centres in Greece is 5,099. On September 2016, the total number of detainees was 3,561 people, including 57 children. The majority of the detainees were Algerians, Pakistanis and Bangladeshis.¹⁴²

4.6. Responses in law, policy and/or practice

The Joint Ministerial Decision No. 12.205/09-09-2016 on the legal assistance to asylum seekers was published in the Official Gazette on 9 September 2016.¹⁴³ The Decision defines the processes and all relevant details regarding the provision, in second instance, of legal aid to asylum seekers according to Law No. 4375/2016. Legal assistance to asylum seekers is funded by the Asylum Service. People of concern submit their application to the relevant Regional Asylum Office at least 10 days before the examination of their appeal in the normal procedure, 5 days before in the fast track procedure and on the day of the submission of the appeal in the procedures applied at the border (Article 60 (4) Law 4375/2016).

4.7. Social response to the situation

On 30 September 2016, the coordination group of the housing squats for refugees and migrants demonstrated together and in solidarity with refugees in

¹⁴⁰ [MDM Greece](http://mdmgreece.gr/diapistosi-tis-anilikotitas-anilikon-allodapon-skepsis-ke-provlimatismi/), available at: <http://mdmgreece.gr/diapistosi-tis-anilikotitas-anilikon-allodapon-skepsis-ke-provlimatismi/>.

¹⁴¹ MSF-Doctors without Borders

¹⁴² Hellenic Police Headquarters-Illegal Immigration Department.

¹⁴³ [Joint Ministerial Decision No. 12205/09-09-2016](#).

the centre of Athens against the ill-treatment 5 Syrian refugee children allegedly suffered from police officers in the police station of Omonoia.¹⁴⁴

4.8. Hate crime incidents

In early September 2016, the parents' association of a school in the town of Oraïokastro in northern Greece threatened to occupy the school in protest if refugees from a nearby accommodation site were allowed to join classes. The parents' announcements and a video of the mayor suggesting that residents "intervene" caused a public outcry and a storm of angry reactions on social media. In addition, another parents' association in the small town of Filippiada in western Greece sent a letter to local officials and to the Ministry of Education, saying that, due to health, religious and cultural reasons, the children of irregular migrants are not welcome to attend the schools of their community.¹⁴⁵ The Secretary General of Human Rights, Mr Papaioannou, issued a public statement stressing amongst others, "*the increased social and possibly criminal liability of public officials in case of incitement, provocation, agitation or incitement to acts or activities which may lead to discrimination, hatred or violence against a person or group of persons identified based on race, colour, religion, descent, national or ethnic origin, sexual orientation, gender identity or disability, in a way that compromises public order or poses a threat to life, liberty or physical integrity of those persons, accordance with Article 1 of Law. 927/1979, as amended*".¹⁴⁶ Besides, the Minister of Education also publicly objected to these behaviours. The Public Prosecutor started to investigate whether the parents' groups or the local mayor could be charged with racist offenses.

On 13 September 2016, inhabitants in Chios demonstrated against refugees residing in the island. The protesters sang the national anthem and shouted slogans. On their way towards the refugee camp they turned against journalists, forcing the police to intervene and to use tear gas.¹⁴⁷

On 19 September 2016, one day after the fire at the Reception and Identification Centre of Moria Lesvos, inhabitants held a demonstration calling for the evacuation of third-country nationals from Moria. National and local media reported that people belonging to the extreme right wing shouted xenophobic slogans and verbally abused three women.¹⁴⁸

On 29 September 2016, 5 Syrian refugee children were allegedly ill-treated in the police station of Omonoia in the centre of Athens after they were arrested by police officers on their way to a theatre play for carrying toy guns.¹⁴⁹

¹⁴⁴ [Refugee Accommodation and Solidarity Space City Plaza](#) Facebook page.

¹⁴⁵ Tvxs (2016), 'Γονείς δεν θέλουν προσφυγόπουλα στο σχολείο τους και στη Φιλιπιάδα'.

¹⁴⁶ Ministry of Justice, Transparency and Human Rights [webpage](#).

¹⁴⁷ Tovima (2016), 'Επεισόδια σε διαμαρτυρία κατοίκων κατά προσφύγων στη Χίο', 15 September 2016.

¹⁴⁸ CNN Greece (2016), 'Μεγάλη φωτιά στη Μόρια – Εκκενώθηκε το κέντρο κράτησης μεταναστών (vid)'.

¹⁴⁹ Amnesty International (2016), 'Greece: Syrian refugee children detained for carrying toy guns allegedly ill-treated by police', 30 September 2016.

5. Hungary

5.1. Stakeholders contacted

The interviews were conducted either by phone or by 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*);
- Attorney General'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.

5.2. Overview of the situation

In September 2016, 358 people crossed the border irregularly into Hungary;¹⁵⁰ this is a significant increase compared to August (114). The Police enforced a new law in September, which entered into force on 5 July 2016, allowing the Police to send illegal migrants apprehended within eight kilometres of the southern border back to the Serbian side of the border fences. The aim is to have them waiting in Serbia until they can submit their claims for asylum in one of the transit zones ('deeper border control' or '8 km law').¹⁵¹ In September, the Police enforced the new policy of deeper border control against 1,061 people apprehended on Hungarian territory within the eight-kilometre radius of the southern border.¹⁵² 75 % of the new arrivals were men and 25 % were women. There were 56 people below 18 years of age, 14 of whom were classified as unaccompanied children.¹⁵³ The police do not keep statistics about the number of persons with disabilities.¹⁵⁴ Most of the new arrivals came from Afghanistan and Pakistan.¹⁵⁵

The police has also been publishing on their website the number of people prevented from entering the country since 5 July 2016. In September, the police prevented 1,311 people from crossing the border into Hungary.¹⁵⁶ According to

¹⁵⁰ National Police Headquarters.

¹⁵¹ Article 2 of [Act XCIV of 2016 on amending laws necessary to conduct asylum procedures at the border in a wide scope](#) (2016. évi XCIV. törvény a határon lefolytatott menekültügyi eljárás széles körben való alkalmazhatóságának megvalósításához szükséges törvények módosításáról).

¹⁵² National Police Headquarters.

¹⁵³ *Ibid.*

¹⁵⁴ *Ibid.*

¹⁵⁵ *Ibid.*

¹⁵⁶ *Ibid.*

civil society organisations, there have been multiple cases of brutality, violence and aggression by the Hungarian police during interviews conducted on the Serbian side of Hungary's southern borders. Migrants have claimed to have been beaten up and pushed back into Serbia by the Hungarian police and/or by local vigilante groups.¹⁵⁷

In September, 1,040 people applied for asylum. They were mainly from Afghanistan (414), Syria (257), Iraq (161), Pakistan (55) and Iran (38).¹⁵⁸ The majority had entered Hungary through one of the transit zones along the Hungarian-Serbian border.¹⁵⁹ In September, the Office of Immigration and Nationality took 35 positive decisions (accepting the asylum claims) and 359 negative decisions (rejecting the claims). The Office terminated the process in 908 cases, given that the applicants had left the country.¹⁶⁰

5.3. Criminal proceedings against migrants and people helping them

5.3.1 Criminal proceedings initiated against migrants and asylum seekers

The police apprehended 102 persons for allegedly committing the crime of unauthorised border fence crossing, as they had either climbed over or ducked under the fences installed along the Serbian-Hungarian border.¹⁶¹

The number of criminal proceedings, however, significantly decreased in September (5 trials) due to the establishment of the 8 km border control policy. This decrease is even significant when compared to August. When the police apprehend people within eight kilometres of the Serbian and Croatian borderline, they escorted them back behind the fences and they rarely initiated criminal proceedings for unauthorised border fence crossing. The District Court of Szeged (*Szegedi Járásbíróság*) held only one criminal trial in relation to unauthorised border fence crossings. The Albanian defendant was found guilty and was sentenced to a one-year entry ban.¹⁶²

Throughout the period examined the Police initiated criminal proceedings against 54 people who were suspected of having committed the crime of forging public documents when they tried to enter Hungary.¹⁶³

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

In September, the Police apprehended and initiated new criminal proceedings against 10 people accused of committing the crime of human smuggling.¹⁶⁴

¹⁵⁷ UNHCR Hungary. MigSzol.

¹⁵⁸ Office of Immigration and Nationality.

¹⁵⁹ National Police Headquarters.

¹⁶⁰ Office of Immigration and Nationality.

¹⁶¹ National Police Headquarters.

¹⁶² County Court of Szeged.

¹⁶³ National Police Headquarters.

¹⁶⁴ *Ibid.*

Perpetrators were nationals of Hungary, Romania, Ukraine, and Serbia. In one case, a Romanian national and his associate, whose identity is still unknown, tried to assist five Egyptian nationals to illegally cross the border into Hungary. This took place near the town of Nagylak (along the Romanian-Hungarian borderline) on 25 September 2016. When the Police apprehended one of the smugglers and the five Egyptians, the other smuggler ran back to Romania. This incident proved that smugglers have become active at the Romanian-Hungarian borderline after the Serbian-Hungarian border became heavily guarded.¹⁶⁵ The Hungarian Criminal Code orders condemn smuggling activities as punishable even when the perpetrator facilitating the irregular entry or stay is not acting for profit.¹⁶⁶ The activities of volunteers helping refugees (e.g. inviting them to stay in their homes, transporting them with their cars, lending them their mobile phones) can also be interpreted as participating in human smuggling under Hungarian criminal law. Such crimes are punishable by several years of imprisonment; however, this has not been applied to volunteers helping refugees yet.¹⁶⁷

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

5.4.1 Registration and identification

Authorities registered and fingerprinted each new arrivals and found that the majority of people were cooperative during these procedures. The authorities experienced minor forms of disobedience or resistance in only a few cases. They claim that they were able to successfully resolve the conflict in all these cases by explaining the purpose of registration and fingerprinting to the persons concerned.¹⁶⁸

The number of persons waiting to enter Hungary through the two transit zones located at the Hungarian-Serbian border (Röszke, Tompa) fell below 200 people per day in September. This is a clear drop in comparison to the numbers reported by civil society organisations during the peak summer months (July and August), when the number of people camping in the open air at the border zone could reach 1,200 on certain days. Civil society organisations believe refugees realised that Hungary would not give up its policy heavily restricting the number of people admitted to the transit zone (15 people/day/transit zone), and that there were limited chances to be granted asylum.¹⁶⁹ Furthermore, the living conditions on the camping sites at the border remain inhuman and degrading. However, the facilities installed by NGOs in the previous months (hand washing stations, phone charging station and sanitary facilities) are now less crowded due to the decreasing number of asylum seekers present on these sites.¹⁷⁰

¹⁶⁵ *Ibid.*

¹⁶⁶ Article 353 of [Act C of 2012 on the Criminal Code](#) (2012. évi C. törvény a Büntető Törvénykönyvről).

¹⁶⁷ National Police Headquarters.

¹⁶⁸ *Ibid.*

¹⁶⁹ UNHCR Hungary.

¹⁷⁰ MigSzol.

The daily admission rate into Hungary through the two transit zones along the Hungarian-Serbian border (Röszke, Tompa) remained limited to 15 people per day per transit zone.¹⁷¹ The authorities admitted on average around 200 asylum seekers per week in September.¹⁷² While the authorities claim to grant priority access to those belonging to vulnerable groups (children, disabled persons, pregnant women), civil society organisations reported that the waiting period for families and unaccompanied or separated children still ranged between 60-70 days in Röszke and 40-60 days in Tompa. Single men had to wait 50-75 days at both sites. UNHCR provided asylum seekers with information and counselling about their rights and obligations in relation to the border, the Dublin procedures and the implications of the safe third country notion.¹⁷³

NGOs are still worried about the application of the deeper border control policy (the '8km law'). They have indeed received reports of violent and abusive incidents against people who attempted to illegally cross the border because they could not tolerate the lengthy admission periods into the transit zones. According to new testimonies, local vigilante groups, clearly distinct from the police or the army, are the one carrying these violent acts and push-back.¹⁷⁴

5.4.2 Asylum procedure

Asylum seekers entering from Serbia are still almost always automatically rejected on inadmissibility grounds, given that Serbia is considered to be a safe third country under Hungarian law.¹⁷⁵ Civil society organisations underline that it remains practically impossible to get protected status for single male adults in the transit zones, and that even claims from women and families are often considered to be inadmissible.¹⁷⁶ Some of the rejected applicants appeal against the Office's decision. Migrants, including single men, are often transferred from the transit zones to open reception facilities since the Court's review process may take up to several months. The applicants frequently do not wait for the Court's decision in the review process and they proceed to their end destination in Western Europe. In these cases, the Office or the Court terminate the process.¹⁷⁷

5.4.3 Return procedure

In September, the vast majority of the new arrivals arrived through the border with Serbia, and only a few of them came through the Romanian border.¹⁷⁸ The readmission procedures remain very long and uncertain for most of the people in detention, given that Serbia still only readmits its own nationals.¹⁷⁹ In September, the Office of Immigration and Nationality returned 31 people, but

¹⁷¹ Office of Immigration and Nationality.

¹⁷² UNHCR Hungary.

¹⁷³ *Ibid.*

¹⁷⁴ MigSzol. UNHCR Hungary.

¹⁷⁵ UNHCR Hungary.

¹⁷⁶ MigSzol.

¹⁷⁷ UNHCR Hungary.

¹⁷⁸ National Police Headquarters.

¹⁷⁹ UNHCR Hungary.

there is no information on the target countries.¹⁸⁰ The police also returned 117 people to the following countries: Romania (79), Ukraine (20), Serbia (12), Slovenia (3), Kosovo (2) and Georgia (1).¹⁸¹ There is no information about these people's nationalities.

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 in the reporting period, while the transit zones along the Serbian borders (Röszke and Tompa) remained active.¹⁸² Admission to the transit zones is still extremely slow since only 15 people can enter each transit zone per day. The majority of people waiting for admission into the transit zones has then turned back to find shelter in one of the Serbian governmental facilities, and less than 200 people per day on average actually waited in the border zone in September.¹⁸³

The conditions for those waiting to enter the transit zones got better in September as they were fewer than in August. Civil society organisations provided food and non-food items (blankets, sanitary products, etc.) to those waiting outside the transit zones.¹⁸⁴

UNHCR provides information and counselling both to asylum seekers waiting outside the transit zones and to those admitted to the transit zones on their rights and obligations in relation to the border procedures. The Hungarian Helsinki Committee (*Magyar Helsinki Bizottság*), a UNHCR's partner, offers legal aid and representation throughout the Hungarian asylum procedures.¹⁸⁵

Civil society organisations reported that an increasing number of people in the open refugee camp in Bicske heard rumours about the possible closure of the camp by the end of this year. The news created a feeling of fear and insecurity as no information was given about where refugees would then be transferred.¹⁸⁶ In Hungary, people in the open refugee camps receive very little information about their rights. During interviews conducted with people whose asylum claims had been rejected, NGOs found that people had no knowledge of the possibility of having a free lawyer provided by the Hungarian Helsinki Committee (*Magyar Helsinki Bizottság*). Instead, it was more common that the lawyer was assigned by the state. NGOs also reported that most people were not aware of the fact

¹⁸⁰ Office of Immigration and Nationality.

¹⁸¹ National Police Headquarters.

¹⁸² *Ibid.*

¹⁸³ UNHCR Hungary.

¹⁸⁴ MigSzol.

¹⁸⁵ MigSzol, UNHCR Hungary.

¹⁸⁶ MigSzol.

the refugee travel document did not allow them to move to other European countries and work there legally.¹⁸⁷

5.5.2 Vulnerable persons

Among the asylum seekers awaiting entry into Hungary at the two border sites near the transit zones, two-thirds were women and children, mainly from Afghanistan, Iraq and Syria.¹⁸⁸

Civil society organisations are still concerned that it may take a couple months before vulnerable persons are admitted into Hungary. Although authorities claim to grant priority access to those belonging to vulnerable groups (children, disabled persons, pregnant women), civil society organisations found that they continue to admit asylum seekers into the transit zones based on the date of their arrival.¹⁸⁹ Human Rights Watch interviewed several families in the border zone and found that the situation, particularly for vulnerable people, had worsened since the application of the '8 km law'. Push-back incidents were often experienced, including by vulnerable people (e.g. pregnant women, unaccompanied children, and people with medical conditions). During the reporting period, Human Rights Watch documented 12 cases of violence during apprehension, including four incidents against unaccompanied children and a family with young children. Asylum seekers claimed to have been beaten with batons, pepper-sprayed, pummelled with fists and kicked, either by people wearing police uniforms or by people probably belonging to local vigilance groups.¹⁹⁰

5.5.3 Child protection

In the second half of September, civil society organisations reported that even unaccompanied children did not enjoy priority access to the transit zones; they had to wait for 60-70 days to get admission.¹⁹¹ Once children have been admitted to the transit zones, the authorities transport them almost immediately after registration. They go either to open reception centres, if they arrived with their family, or to children's homes, if they are unaccompanied children.¹⁹² The Károlyi István Children's Village in Fót (*Károlyi István Gyermekváros Fót*) receives new arrivals on a daily basis. However, fluctuations remain very high as most children leave the institution within two or three days. The average occupancy of the children's home was then around 40 children on most days in September.¹⁹³ The Hungarian Association for Migrants offers leisure and educational activities to the inhabitants of the children's home in Fót. These activities aim to help the integration of refugee children.¹⁹⁴

¹⁸⁷ *Ibid.*

¹⁸⁸ UNHCR Hungary.

¹⁸⁹ UNHCR Hungary. MigSzol.

¹⁹⁰ Human Rights Watch (2016), [Hungary: Failing to Protect Vulnerable Refugees](#).

¹⁹¹ UNHCR Hungary.

¹⁹² Office of Immigration and Nationality.

¹⁹³ *Ibid.*

¹⁹⁴ Hungarian Association for Migrants.

5.5.4 Healthcare

The medical doctors of the Hungarian Army are present in the transit zones for two hours every day. NGOs also send doctors to the transit zones to assist children in need of medical care. NGOs' doctors occasionally visit the border zone as people camping there in the open air may need assistance.¹⁹⁵ Access to medical assistance remains very basic and limited in the detention centres of the Office of Immigration and Nationality.¹⁹⁶

5.5.5 Immigration detention

Alien-police detention was ordered by the Office of Immigration and Nationality and by the police against 44 and 27 people, respectively, in September.¹⁹⁷ Alien-police detention is ordered when a person is about to be deported and so, when the Office of Immigration and Nationality or the Court expels somebody.¹⁹⁸

In September, the Office of Immigration and Nationality ordered asylum-detention against 93 people. There were around 210 people in asylum-detention during the reporting period.¹⁹⁹ The Office typically orders this to prevent asylum-seekers from leaving the country before the asylum request has been adjudged.

Civil society organisations find that the detention facilities run by the Office of Immigration and Nationality, in which people in asylum-detention are accommodated, are still in very bad condition (proper beds, clean items and sanitary facilities). This is due to their continuous and increased use over the past year. Moreover, detained people are almost unable to do any sports, leisure or educational activities in the closed facilities. One man reported to NGOs that the only thing he could do in detention was to read the Bible.²⁰⁰ An increasing number of people are being released from the detention centres and transferred to open refugee camps, as the authorities cannot expel them due to the restrictive readmission policy of Serbia. Civil society organisations reported that these newly released people were truly satisfied with the conditions in the open refugee camps, especially in comparison with the living conditions in the detention centres.²⁰¹

5.6. Responses in law, policy and/or practice

Civil society organisations reported several cases of refugees being captured by self-appointed local vigilante groups (*polgárőrség*) while trying to illegally cross the border from Serbia.²⁰² These groups beat them and turned them back to Serbia.²⁰³ The Hungarian Government initiated a 'Border Hunting' programme

¹⁹⁵ Office of Immigration and Nationality. National Police Headquarters.

¹⁹⁶ UNHCR Hungary.

¹⁹⁷ National Police Headquarters.

¹⁹⁸ Article 54 of [Act II of 2007 on the admission and stay of third country nationals](#) (2007. évi II. törvény a harmadik országbeli állampolgárok beutazásáról és tartózkodásáról).

¹⁹⁹ Office of Immigration and Nationality.

²⁰⁰ MigSzol.

²⁰¹ *Ibid.*

²⁰² MigSzol.

²⁰³ *Ibid.*

(*Határvasz Program*) to recruit border-policing staff, under the command of the Police, willing to assist the authorities in guarding the borders.²⁰⁴ Applicants should ideally be aged between 18 and 55 and must undergo a six-month training before being able to join the policemen and soldiers guarding the borders. Applicants to the programme must first pass psychological tests and a health check organised by the authorities. The Government expects around 3,000 applications for the programme starting in November 2016 with the trainings.²⁰⁵

The Government has also extended the national emergency situation it implemented on 3 March 2016. The emergency situation remains in effect until 8 March 2017 due to the potential threat the migration crisis may pose.²⁰⁶

5.7. Social response to the situation

MigSzol organised a demonstration in solidarity with one of the leaders of the riot that took place on 16 September 2015 at the border crossing near Horgos. That person is accused of terrorism and other crimes.²⁰⁷ MigSzol urged people to gather at Deák square in Budapest and to march to the Curia (the Supreme Court of Hungary) to protest against the ongoing criminal procedure against Ahmed H. MigSzol believes the Government is randomly trying to frame Ahmed's actions of protest as terrorism so he could serve as an example and generate fear.²⁰⁸

5.8. Hate crime incidents

There were no attacks nor incidents reported against the refugee camps and the transit zones in September.²⁰⁹ A strange incident, however, was reported when a staff member (an interpreter) of the Office of Immigration and Nationality hit and tried to strangle an asylum seeker in the closed detention centre in Kiskunhalas on 22 September 2016. His motivation is still unknown.²¹⁰

²⁰⁴ See the official call for recruitment at

http://www.police.hu/sites/default/files/1_palyazati_felhivas_teljes_anyaga.pdf.

²⁰⁵ Heol (2016), '[Vigilance at the borders: The Border Hunter Program has been started](#)' (*Éberség a határon: elindult a Határvasz*), 8 September 2016; <http://www.hirado.hu/2016/08/24/szeptember-1-jen-kezdik-a-toborzast-a-hatarvasz-szazadokba/>, 24 August 2016.

²⁰⁶ [Governmental Decree no. 272/2016. on amending Governmental Decree 41/2016 on ordering a national emergency situation due to the mass migration crisis and on the rules related to the ordering, maintaining and cancelling of the emergency situation](#) (272/2016. (IX. 5.) Korm. rendelet a tömeges bevándorlás okozta válsághelyzet Magyarország egész területére történő elrendeléséről, valamint a válsághelyzet elrendelésével, fennállásával és megszüntetésével összefüggő szabályokról szóló 41/2016. (III. 9.) Korm. rendelet módosításáról).

²⁰⁷ The person had arrived to the Serbian-Hungarian border (the city of Horgos) in September 2015 as an asylum seeker. He could not submit his claim for asylum back then as the border was closed on 16 September 2015. This resulted in a fight between asylum seekers and the police. He grabbed a megaphone and ask the authorities to open the border. He also allegedly threw stones at the officers.

²⁰⁸ MigSzol.

²⁰⁹ National Police Headquarters.

²¹⁰ Index (2016), '[A government personnel strangled a refugee in the Kiskunhalas camp](#)' (*Kormánytisztviselő fojtogatott menekültet a kiskunhalasi táborban*), 22 September 2016.

The Hungarian Government continued its aggressive campaign against migrants and against the EU's mandatory relocation quota scheme in preparation for the national referendum. This referendum will ask people whether they agree with the mandatory relocation quota scheme (2 October 2016). Hungarians received a new leaflet on why the referendum is crucial to defend the country. Twenty-two civil society organisations stood up against inciting hatred against refugees and urged people not to attend the referendum or to produce invalid votes.²¹¹ Hundreds of Hungarian academics issued a declaration on the Hungarian referendum and proclaimed that the quota referendum initiated by the Government does not make sense, is unconstitutional and inhumane.²¹² The Two-tailed Dog Party's (a Hungarian mock party) response for it was spreading witty "anti anti-migrant" posters as a reaction to the Government's campaign against refugees.

²¹¹ [LET'S INVALIDATE THE HUNGARIAN REFUGEE QUOTA REFERENDUM!](#).

²¹² [Hungarian Academics' declaration about the Hungarian referendum on the European asylum quota.](#)

6. Italy

6.1. Stakeholders contacted

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

- Ministry of the Interior;
- 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;²¹³
- United Nations High Commissioner for Refugees (UNHCR);²¹⁴
- Italian Red Cross (IRC);²¹⁵
- 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

According to the data on arrivals published by the Ministry of the Interior, a total of 16,760 people arrived in Italy by sea in September 2016.²¹⁶ Partly due to particular weather conditions and deliberate departure planning, the month of September was characterised by high peaks of arrivals in a limited number of days and by several days without arrivals.

Date	1/9	2/9	3/9	4/9	5/9	6/9	7/9	8/9	9/9	10/9	11/9	12/9	13/9	14/9	15/9
Arrivals	2,460	1,568	1,247	871	342	981	1,685	293	0	0	0	2,626	709	1,175	121
Date	16/9	17/9	18/9	19/9	20/9	21/9	22/9	23/9	24/9	25/9	26/9	27/9	28/9	29/9	30/9
Arrivals	975	314	0	0	0	0	0	536	0	497	350	0	10	0	0

²¹³ This stakeholder has been contacted by email but has not yet provided any information.

²¹⁴ This stakeholder has been contacted by email but has not yet provided any information.

²¹⁵ This stakeholder has been contacted by email but has not yet provided any information.

²¹⁶ Ministry of the Interior, [Cruscotto statistico giornaliero](#).

Since the beginning of the year, the port with the highest number of people disembarked is Augusta – Sicily (18,388), followed by Pozzallo – Sicily (14,159), Reggio Calabria – Calabria (11,647), Messina – Sicily (11,454), Palermo – Sicily (11,335), Catania – Sicily (11,121) Lampedusa – Sicily (9,725), Trapani – Sicily (8,946), Taranto – Apulia (5,721), Crotona – Calabria (5,647), Cagliari – Sardinia (5,297), Brindisi – Apulia (3,685), Salerno – Campania (3,419), Vibo Valentia – Calabria (3,232), Corigliano Calabro – Calabria (2,566), Porto Empedocle – Sicily (2,177) and Porto Torres – Sardinia (387). The only officially established hotspots are located in Pozzallo, Trapani, Lampedusa, and Taranto.²¹⁷ The main countries of origin declared upon disembarkation are Nigeria (26 %), Eritrea (15 %), Gambia (9 %), Côte d'Ivoire (8 %), Guinea (8 %), Sudan (8 %), Mali (7 %), Senegal (7 %), Somalia (6 %) and Bangladesh (6 %).

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 publicly accessible. During the reporting period, many newly arrived people of different nationalities, including asylum seekers, were arrested for smuggling, and some of them for human trafficking. For instance, on 6 September 2016, 21 people (16 Syrians, 2 Tunisians, 1 Algerian, 1 Egyptian and 1 Lebanese) were arrested for smuggling irregular migrants across different EU Member States. These people, who were living in Como (Lombardy), used to transport migrants by car in exchange for relevant amounts of money. An Italian and European arrest warrant was issued against them.²¹⁸

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

Nothing new to report.

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

6.4.1 Registration and identification

On 15 September 2016, the Director of the Forensic Department – the branch of the Italian Police in charge of identification and fingerprinting – was heard by the Parliamentary Inquiry Commission on the Reception, Identification and Expulsion

²¹⁷ These data are updated as of 31 August 2016.

²¹⁸ Ministry of the Interior (2016), '[Traffico di migranti: individuato un gruppo criminale per il trasporto degli stranieri](#)', 6 September 2016; Il Giornale (2016), '[Maxi-traffico di clandestini: blitz all'alba con 16 arresti](#)', 7 September 2016.

System, as well as on Migrants' Detention Conditions and Earmarked Public Resources (*Commissione parlamentare di inchiesta sul sistema di accoglienza, di identificazione ed espulsione, nonché sulle condizioni di trattenimento dei migranti e sulle risorse pubbliche impegnate*).²¹⁹ The Director of the Forensic Department reported that identification and registration procedures had covered 92 % of the newly arrived migrants. As of 14 September 2016, 117,423 migrants had been identified by police officers, out of a total of 128,073 arrived in Italy since the beginning of 2016. In the same period in 2015, only 40,115 out of 122,113 people arrived had been identified. Moreover, the Director of the Forensic Department confirmed that some of the newly-arrived migrants – especially those coming from Syria, Eritrea, and Somalia – still refuse to undergo identification procedures. Indeed, they want to continue their journey towards other EU Member States and are afraid that they would be forced to remain in Italy if they apply for international protection upon arrival. This reluctance to provide fingerprints has been mitigated thanks to the information campaigns developed by NGOs and international organisations operating at the ports of arrival. However, it still jeopardises the identification procedure because fingerprints provided against the will of the persons concerned are of poor quality. For this reason, police officers are currently video-recording identification procedures to store information on people refusing identification.

The situation in the Italian hotspots is increasingly difficult as onward transfers to other first and second like reception facilities are not always guaranteed due to capacity issues (hubs, CAS, SPRAR system). This contributes to the overcrowding of hotspot facilities. The living conditions in reception centres – where children and other vulnerable subjects are often not clearly separated from adults – are still critical, despite some improvements following a change in managing entity. This has been denounced by the NGO 'Borderline Sicilia', which deals with the situation of the Pozzallo hotspot,²²⁰ and by ASGI, which deals with the situation of the Lampedusa hotspot.²²¹ According to a Sicilian local newspaper, on 1 September 2016, the hotspot of Lampedusa was hosting up to 1,737 migrants, although its maximal capacity is 450 people.²²² ASGI has reported that, following the arrivals at the end of August, people are being held in the Lampedusa hotspot much longer than the envisaged 24–48 hours necessary to complete identification and registration procedures, and are forbidden to leave.²²³

On 8 September 2016, the NGO 'Save the Children Italia Onlus' launched a new save-and-rescue operation in the Mediterranean Sea, using the Italian vessel 'Vos Hestia', which has a capacity of 300 people. The NGO is supposed to provide trained professionals tasked with assisting people rescued at sea, including a cultural mediator, child protection professionals, and healthcare and

²¹⁹ The video recording of the audition is available [here](#).

²²⁰ Siciliamigranti (2016), '[Chi muore, chi arriva e chi rimane. A Pozzallo hotspot stracolmo](#)', 2 September 2016.

²²¹ Information provided by ASGI, interviewed on 10 September.

²²² Giornale di Sicilia (2016), '[Lampedusa, il centro di accoglienza è al collasso](#)', 1 September 2016.

²²³ Information provided by ASGI, interview held on 10 September.

psychological assistance staff. This project might contribute to the identification of vulnerable subjects even before they reach the Italian coasts.²²⁴

6.4.2 Asylum procedure

On 1 September 2016, CIR published European Commission data concerning the relocation rate in Italy. Since the introduction of the relocation procedure, only 1,020 asylum seekers benefitted from it out of the 39,600 the Italian authorities had planned to relocate by the end of September 2016. The EU Member States that received most of international protection applicants relocated from Italy are France (231 people), the Netherlands (178 people), and Portugal (171 people).²²⁵

On 14 September 2016, the President of the National Commission for the Right to Asylum (*Commissione Nazionale per il Diritto di Asilo*) was heard by the Parliamentary Committee for Monitoring the Implementation of the Schengen Agreement, Supervising Europol Activity, and Monitoring and Supervising Immigration Issues (*Comitato parlamentare di controllo sull'attuazione dell'accordo di Schengen, di vigilanza sull'attività di Europol, di controllo e vigilanza in materia di immigrazione*). According to the data he provided, there have been more than 75,000 international protection applications submitted to Italian authorities in 2016, which exceeds by 50 % the figures of 2015. 64,638 of applicants are men and 11,043 are women. To date, the main countries of origin of applicants are Nigeria (14,291 applications) and Pakistan (10,209 applications), followed by Gambia, Eritrea, Côte d'Ivoire, Senegal and Mali. In the period between January and September 2016, the average time necessary for Italian authorities to assess an international protection application was 106 days.²²⁶

On 22 September 2016, ASGI, together with several associations supporting migrants and asylum seekers, criticised the decision of the Rome Police Headquarters to suspend until 21 October 2016 the registration of international protection applications because of the excessive backlog. Police officers in charge of the procedure are currently not accepting asylum applications nor providing additional information.²²⁷

6.4.3 Return procedure

On 31 August 2016, ASGI and the Swiss association FIRDAUS reported severe violations of fundamental rights at the border between Italy and Switzerland. According to these associations, the Swiss and Italian police authorities are currently returning irregular migrants and potential asylum seekers to Italy without providing information on their rights nor on the possibility to apply for international protection. Between July and August 2016, 7,000 migrants of

²²⁴ Save the Children Italia (2016), ['Migranti: Save the Children, al via le operazioni di ricerca e salvataggio in mare della nave Vos Hestia'](#), 8 September 2016; l'Unità (2016), ['Operazioni di salvataggio, ora ci sarà anche una nave di Save the Children'](#), 9 September 2016.

²²⁵ Consiglio italiano per i rifugiati (2016), ['Migranti, Commissione Europea: 1020 ricollocati da Italia'](#), 1 September 2016.

²²⁶ Stranieri in Italia (2016), ['Boom di domande d'asilo in Italia, piu di 75 mila nel 2016'](#), 14 September 2016.

²²⁷ ASGI (2016), ['Asilo: la Questura di Roma non accetta le domande sino al 21 ottobre 2016'](#), 23 September 2016; Consiglio italiano per i rifugiati (2016), ['La Questura di Roma viola l'accesso alla procedura d'asilo'](#), 26 September 2016.

different nationalities were allegedly returned from Switzerland to Italy, including 600 unaccompanied children.

The previous report described the return operation of 48 Sudanese, carried out on the basis of the memorandum of understanding signed on 3 August 2016 by Italian and Sudanese police authorities. According to ASGI, the formal expulsion orders adopted by the Prefect were identical for the 48 migrants and were only notified to them on the very day of the expulsion. It emerges that, in the conduct of the expulsion operations, the individual case of each of the subjects concerned was not taken into account.²²⁸ According to the NGO 'Italians for Darfur', at least 3 of the 48 returned Sudanese citizens were from Darfur and faced upon return a risk of persecution.²²⁹ An Italian journalist was able to contact by phone one of the returned migrants, who reported that police officers picked them up from the Caritas encampment of Ventimiglia (Liguria), where they were living, and conducted them to the local Police Headquarters without providing any reasons. Once there, their fingerprints were again taken and their mobile phones confiscated. They were later conducted to the Police Headquarters of Imperia (Liguria), where three Sudanese officials explained to them that they were going to be returned to Sudan the following day. They were transferred to the Turin airport (Piedmont), where they boarded to Khartoum, handcuffed for the whole duration of the flight.²³⁰ A parliamentary question has been submitted on this issue to the Italian government by the President of the Senate Special Commission for the Protection and Promotion of Human Rights (*Commissione per i diritti umani del Senato*). The question focuses on the legal basis for the deportation of the 48 Sudanese citizens.²³¹

On 21 September 2016, 10 irregular migrants – mainly from Tunisia – detained in the identification and expulsion centre (*centro di identificazione ed espulsione*, CIE) located in Caltanissetta (Sicily), were transferred to the Palermo airport and returned to their countries of origin. They were not meeting the administrative requirements to legally reside in Italy.²³²

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

6.5.1 Reception conditions and capacity

Reception conditions in the former 'Baobab' reception centre in Rome – near the Tiburtina railway station – continue to be critical. Doctors for Human Rights (*Medici per i diritti umani*, MEDU) voluntarily provides healthcare assistance to the more than 300 people living in the street near the facilities of the centre. Together with CIR and other associations, they constantly denounce the Municipality of Rome's lack of political commitment. The Municipality seems to

²²⁸ Information provided by ASGI lawyers in an [interview](#).

²²⁹ Melting Pot Europa (2016), ['Migranti, "notte in cella e legati in aereo". Parlano gli espulsi dall'Italia al Sudan. E il Viminale tace'](#), 31 August 2016.

²³⁰ *Ibid.*

²³¹ Redattore sociale (2016), ['Migranti, accuse all'Italia: "Accordi segreti con dittatori e rimpatri illegittimi"'](#), 27 September 2016.

²³² Giornale di Sicilia (2016), ['Migranti, in dieci rimpatriati dal Cie di Caltanissetta'](#), 21 September 2016.

be unwilling to improve the living conditions and refuses to set up a reception centre targeted at migrants temporarily living in Rome.²³³ Most of these migrants are waiting for Italian authorities to assess their international protection applications.²³⁴

On 11 September 2016, a special report was published in the weekly newsmagazine *l'Espresso*,²³⁵ describing the critical reception conditions experienced in the centre for asylum seekers (*centro per l'accoglienza dei richiedenti asilo*, CARA) located in Foggia (Apulia). The centre is described as continuously overcrowded and not offering adequate basic health and living conditions. Furthermore, according to the authors of the special report, many of the asylum seekers living in the centre are employed in irregular working activities in the local agricultural sector, with the connivance of the facility managers. The local Public Prosecutor started a formal inquiry against the cooperative societies that manage the centre.²³⁶ This special report had some consequences. On the one hand, the Recreational and Cultural Italian Association (*Associazione Ricreativa e Culturale Italiana*, ARCI) has formally called upon the Italian government to close all the CARA facilities existing in Italy and to replace them with smaller centres managed in cooperation with local authorities.²³⁷ The ARCI is itself running several reception and integration projects for asylum seekers and migrants in Italy.

On the other hand, on 26 September 2016, the Ministry of the Interior announced the establishment of an operational task force. The aim is to assess reception conditions in all the centres existing in Italy, including the CARA facility located in Foggia.²³⁸ By the end of 2016, all existing CARAs should be transformed into (regional) hubs, from where migrants and asylum seekers would be further distributed to secondary reception facilities (SPRAR system).

On 15 September 2016, the Ministry of Defence confirmed the protocol signed with the Municipality of Milan (Lombardy). This protocol provides for the transformation of some facilities, which formerly belong to the Army, into reception centres. These centres would welcome the 300 asylum seekers planned to be transferred to Lombardy from other parts of Italy at the beginning

²³³ Consiglio italiano per i rifugiati (2016), '[Migranti e accoglienza, CIR: all'ex Centro Baobab di Via Cupa \(Roma\), la situazione è sempre più critica](#)', 8 September 2016; Corriere della Sera Roma (2016), '[Né fondi né soluzioni: il Baobab resta dov'è I volontari: "Dal Comune neanche le tende"](#)', 14 September 2016; Redattore sociale (2016), '[Baobab. Medu: "Situazione indegna, Raggi non può ignorare i migranti"](#)', 19 September 2016; Redattore sociale (2016), '[Migranti, nessuna soluzione per il Baobab. I volontari: "Vergognoso"](#)', 13 September 2016.

²³⁴ *Ibid.*

²³⁵ Available at: <http://cartadiroma.waypress.eu/RassegnaStampa/LeggiArticolo.aspx?codice=LL31181.TIF&subcod=20160912&numPag=9&>.

²³⁶ Information available at: <http://cartadiroma.waypress.eu/RassegnaStampa/LeggiArticolo.aspx?codice=CB94154.TIF&subcod=20160915&numPag=1&>.

²³⁷ Information available at: <http://stranieriinitalia.it/attualita/attualita/attualita-sp-754/richiedenti-asilo-arci-chiudere-tutti-i-cara-parcheggi-di-esseri-umani.html>.

²³⁸ Information available at: www.interno.gov.it/it/notizie/check-straordinario-tutte-strutture-accoglienza.

of November 2016.²³⁹ Following this decision, some citizens of Milan signed a petition to call upon the Municipality to stop the implementation of the protocol as they refuse to have a large reception centre located in their neighbourhood.²⁴⁰

On 19 September 2016, a new reception facility was opened in Como by the local Prefect, in cooperation with IRC, to host all the migrants currently living in an informal site close to the railway station. In the centre – which has a capacity of 300 people – migrants will be provided with basic assistance and information concerning Italian legislation and the possibility to apply for international protection.²⁴¹ Makeshift camps in the city park in front of Como's train station have now disappeared and the situation in the city has much improved.

On 20 September 2016, the President of ANCI sent a letter to an Italian newspaper, *La Repubblica*, proposing key measures to reform and improve the Italian reception system. Among these measures are the following examples. Regional first reception centres should be created and used as an intermediate step between migrants' arrival on the Italian coasts and their distribution among the different Municipalities. There should be a wider pattern of reception centres covering all the Italian Municipalities to avoid overcrowding in the largest ones. It should be possible for Municipalities to employ asylum seekers living in local reception centres in voluntary activities useful to the local community. Additional financial resources should be made available to the Municipalities involved in the reception system, and they should have increased flexibility in the spending review. There should be a legislative reform of the reception system targeting unaccompanied children and asylum procedures should be simplified. Finally, the time necessary for Italian authorities to assess each international protection application should be reduced.²⁴²

6.5.2 Vulnerable persons

On 31 August 2016, a delegate from the Italian government announced that additional financial resources had been made available to fund the implementation of the National Action Plan against Human Trafficking. This will allow to avoid excluding some regions from receiving funding earmarked for the implementation of the plan.²⁴³

239 Information available at: <http://cartadiroma.waypress.eu/RassegnaStampa/LeggiArticolo.aspx?codice=SIM4097.TIF&subcod=20160915&numPag=1&>.

240 Information available at: <http://cartadiroma.waypress.eu/RassegnaStampa/LeggiArticolo.aspx?codice=LV13273.TIF&subcod=20160907&numPag=2&>.

241 Information available at: <http://cartadiroma.waypress.eu/RassegnaStampa/LeggiArticolo.aspx?codice=SID1175.TIF&subcod=20160919&numPag=1&>.

242 Information available at: <http://stranieriinitalia.it/attualita/attualita/attualita-sp-754/accoglienza-diffusa-e-asilo-piu-veloce-il-piano-in-7-punti-dei-comuni.html>.

243 Information available at: www.asgi.it/tratta-sfruttamento-lavorativo/tratta-esseri-umani-risorse-asgi-a-governo-stabilizzi-sistema/.

6.5.3 Child protection

On 8 September 2016, Oxfam published a new report on the situation of unaccompanied children in Italy.²⁴⁴ The inadequate reception system cannot cope with the increasing number of children arriving in Italy without their parents. Many of them – an average of 28 per day – disappear from the first reception facilities in which they are hosted (leaving no trace behind them) to continue their journey towards other EU Member States.

On 20 September 2016, Save the Children Italia launched an awareness-raising campaign named 'The Space Migrant'. One aim is to inform about the critical living conditions of unaccompanied children arriving in Italy. The other is to call upon Italian and EU authorities to seriously commit themselves to offering unaccompanied children adequate assistance and to strengthening the policies aimed at relocation, family tracing, and family reunification. According to this NGO, from 1 January 2016 to 18 September 2016, 20,235 children (18,225 unaccompanied and 2,100 accompanied) reached Italy by sea. They mainly came from Eritrea, Egypt, Gambia, Nigeria, Guinea and Somalia.²⁴⁵ Similar data were reported on 22 September 2016 by the Institute for Multi-ethnicity Studies (*Istituto per lo Studio della Multiethnicità*, ISMU). In the first eight months of this year, 16,800 unaccompanied children arrived in Italy by sea (compared to 12,360 registered in the same period of 2015), making up for 15 % of the total of arrivals on the Italian coasts. Unaccompanied children represent 91 % of migrant children arriving in Italy. As of 31 July 2016, 5,315 unaccompanied children were untraceable after leaving the reception centres they were living in.

6.5.4 Healthcare

On 12 September 2016, police authorities operating within one of the reception centres located in Milan reported cases of scabies among the migrants hosted there. They allegedly became infected during their journey to Italy, mainly while being detained in Libya.²⁴⁶

Local authorities are developing healthcare protocols to assist migrants and asylum seekers living in reception centres. This would prevent infectious diseases from spreading to the other migrants and the professionals operating in the centres. These protocols have been activated, for instance, in Bologna (Emilia-Romagna) for hepatitis B²⁴⁷ and in Turin for tuberculosis.²⁴⁸

²⁴⁴ Available at: www.oxfamitalia.org/wp-content/uploads/2016/09/MSNA-Sicilia_mediabrief_8-set-2016_FINAL_DEF.pdf; a synthetic description of the content of the report is available at: www.repubblica.it/solidarieta/immigrazione/2016/09/08/news/la_denuncia_di_oxfam_raddoppiati_gli_arriivi_dei_migranti_bambini_senza_genitori_-147378198/.

²⁴⁵ Further information is available at: www.meltingpot.org/Minori-migranti-Save-the-Children-lancia-oggi-la-campagna.html#.V-tnO8ICAqJ.

²⁴⁶ Information available at: <http://cartadiroma.waypress.eu/RassegnaStampa/LeggiArticolo.aspx?codice=SIM1380.TIF&subcod=20160912&numPag=1&>.

²⁴⁷ Information available at: <http://cartadiroma.waypress.eu/RassegnaStampa/LeggiArticolo.aspx?codice=SIO4002.TIF&subcod=20160915&numPag=1&>.

²⁴⁸ Information available at: <http://cartadiroma.waypress.eu/RassegnaStampa/LeggiArticolo.aspx?codice=SIM2065.TIF&subcod=20160927&numPag=1&>.

6.5.5 Immigration detention

Nothing new to report.

6.6. Responses in law, policy and/or practice

On 27 August 2016, a Decree of the Ministry of the Interior of 10 August 2016 became effective, entitled "Access by local authorities to financial resources provided by the National Fund for Asylum Policies and Services, with a view to organising reception services targeted at international protection applicants and beneficiaries, as well as at people holding a humanitarian permit, as well as approval of the guidelines on the functioning of the System for the Protection of Asylum-seekers and Refugees (SPRAR)".²⁴⁹ This decree aims to ease the procedures to access the public funds targeted at the local reception system for international protection applicants and refugees. According to this new system, private companies, social cooperatives and associations willing to start a reception and assistance project will be able to present their project proposal at any time of the year, without having to wait for an official call for tenders to be published. If it complies with the basic criteria and requirements envisaged by law, the project proposal will be financed as soon as the funds become available. Moreover, applying for an extension of funding is now easier for the already existing projects. The decree also sets out the basic assistance services that shall be provided in SPRAR reception centres.²⁵⁰

On 6 September 2016, an operational board was created includes authorities from the Ministry of the Interior and the President of ANCI. This board should reform the distribution system of migrants and asylum seekers among the different Italian Regions, Provinces, and Municipalities. The aim is to fairly distribute these people throughout the whole Italian territory without overburdening the largest cities or those regions being concerned by a high number of arrivals. There are two main aspects in this new system. On the one hand, municipalities will be able to voluntarily take part in the SPRAR system to actively participate in the distribution of migrants and asylum seekers (without it being imposed by central authorities). On the other, as already mentioned, it will be possible to continuously submit SPRAR reception and assistance project proposals independently from official calls for tenders.²⁵¹

On 15 September 2016, the first hearing of the proceeding concerning the collective push-backs of migrants trying to cross the Mediterranean Sea to reach

²⁴⁹ *Decreto del Ministero dell'Interno 10 agosto 2016, [Modalità di accesso da parte degli enti locali ai finanziamenti del Fondo nazionale per le politiche ed i servizi dell'asilo per la predisposizione dei servizi di accoglienza per i richiedenti e i beneficiari di protezione internazionale e per i titolari del permesso umanitario, nonché approvazione delle linee guida per il funzionamento del Sistema di protezione per richiedenti asilo e rifugiati \(SPRAR\)](#).*

²⁵⁰ Further information is available at: www.interno.gov.it/it/notizie/pubblicato-decreto-riforma-dellaccesso-allo-sprar, www.meltinpot.org/Il-decreto-ed-il-vademecum-sul-nuovo-funzionamento-dello.html#.V-t0jMICAqI, and www.asgi.it/asilo-e-protezione-internazionale/accolienza-asilo-sprar-regole-decreto/.

²⁵¹ Further information is available at: www.interno.gov.it/it/notizie/nuovo-modello-governance-fenomeno-migratorio, <http://stranieriinitalia.it/attualita/attualita/attualita-sp-754/accolienza-migranti-alfano-disegnato-nuovo-modello-governance.html>, and www.cir-onlus.org/it/comunicazione/news-cir/51-ultime-news-2016/2140-richiedenti-asilo-viminale-vara-piano-distribuzione-5-condizioni-da-anci.

the Italian coasts was held before the Civil Court of Rome. In 2009–2010, the Italian government – leveraging on the cooperation treaty in force with the Libyan authorities – pushed back to the Libyan coasts migrants pinpointed at sea, handing them over to local authorities. Italy has already been condemned by the European Court of Human Rights (ECtHR) for this practice. The proceeding was brought before the Civil Court of Rome by the NGOs ‘Amnesty International – Italian mission’ and ASGI to provide some of the victims with financial compensation and a humanitarian residence permit.²⁵²

On 19 September 2016, the Mayor of Milan wrote a public letter to the Executive Editor of the newspaper *La Repubblica*, outlining his proposal to improve the Italian reception system and to reform the Italian migration management policy.²⁵³ According to the Mayor, the reform of the reception system is a priority for the Italian government if they want to avoid overburdening large cities. Moreover, he proposes the creation of a single department in charge of migratory issues to support the activities of the Ministry of the Interior. Finally, the Mayor stresses the necessity to develop a structured and widespread integration system for migrants and asylum-seekers living in Italy. These proposals have been favourably received by CIR.²⁵⁴ The proposal on the creation of a single coordination department in charge of migratory issues might be implemented shortly by the Italian government, although this information has not been confirmed. The current President of ANCI might be appointed as head of this department.²⁵⁵

6.7. Social response to the situation

On 11 September 2016, a demonstration was organised in Chiasso (Switzerland) to protest against the cooperation patterns in place between the Swiss and Italian authorities. This cooperation is aimed at returning to Italy irregular migrants apprehended in Switzerland. The 500 demonstrators expressed their support for open borders between the two countries and their opposition to restrictions on the freedom of movement across borders.²⁵⁶

On 13 September 2016, the NGO ‘MEDU’ presented an interactive map, called ‘Esodi’, aimed at raising awareness on the episodes of violence, traumas, and difficulties migrants have to face during their journey to Italy.²⁵⁷ The map is based on the information collected by the NGO during 1,000 interviews

²⁵² Information available at: www.asgi.it/asilo-e-protezione-internazionale/respingimenti-italia-libia-causa-amnesty-international/ and www.amnesty.it/al-via-la-prima-causa-per-i-respingimenti-dell-italia-verso-la-libia-del-2009-2010.

²⁵³ Available at: http://milano.repubblica.it/cronaca/2016/09/19/news/titolo_non_esportato_da_hermes_-_id_articolo_4575097-148053885/?ref=HRER3-1.

²⁵⁴ Information available at: www.repubblica.it/solidarieta/immigrazione/2016/09/19/news/hein_cir_il_governo_ascolti_sala_e_coinvolga_i_comuni_-148071051/?ref=HRER3-1.

²⁵⁵ Information available at: <http://cartadiroma.waypress.eu/RassegnaStampa/LeggiArticolo.aspx?codice=CB91727.TIF&subcod=20160926&numPag=1&>.

²⁵⁶ Information available at: http://milano.corriere.it/notizie/cronaca/16_settembre_11/chiasso-500-no-borders-corteo-solidarieta-migranti-3ea02be8-783e-11e6-83b8-0f3d7d1c35c5.shtml.

²⁵⁷ Available at: <http://medu.datatellers.info/medu.html?ln=it>.

conducted with 870 men and 130 women (including 133 children) assisted by the NGO. They were given the opportunity to talk about their personal experience of migrating from their countries of origin to Europe.²⁵⁸

On 27 September 2016, the members of the National Asylum Board (*Tavolo nazionale asilo*) organised a press conference to express their opposition to the bilateral police treaty between Italy and Sudan, which, from their perspective, violates fundamental rights and international and EU legislation.²⁵⁹ The National Asylum Board is a network gathering several organisations and NGOs active in the migration field, including ASGI, Caritas, MEDU, Save the Children Italia, CIR, and Oxfam among others.

6.8. Hate crime incidents

As mentioned in section 6.5.1 of this report, some citizens of Milan will present a petition against the establishment of the new reception centre in the town. One of them has uploaded on her Facebook wall a racist comic strip comparing her solution to tackle the migration emergency to the Holocaust. This has been condemned by both local associations and some local political authorities.²⁶⁰

²⁵⁸ Further information is available at: www.redattoresociale.it/Notiziario/Articolo/515222/Non-chiamateli-migranti-economici-Medu-racconta-l-esodo-verso-l-Europa.

²⁵⁹ Information available at: www.asgi.it/asilo-e-protezione-internazionale/tavolo-asilo-denuncia-gli-accordi-segreti-italia-stati-africani-materia-immigrazione/, <http://agensir.it/quotidiano/2016/9/27/rifugiati-tavolo-asilo-governo-italiano-chiarisca-su-accordi-segreti-con-paesi-non-sicuri/>, and www.repubblica.it/solidarieta/immigrazione/2016/09/27/news/sudan_accordi_segreti_dell_italia_con_il_dittatore_al-bashir-148642616/.

²⁶⁰ Information available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=LL33180.TIF&subcod=20160914&numPag=2&>.

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 (*Inspektionen för vård och omsorg, IVO*);
- Red Cross Sweden (*Röda Korset Sverige*);
- Save the Children (*Rädda Barnen Sverige*);
- Amnesty International;
- Swedish Association of Local Authorities and Regions (*Sveriges kommuner och landsting, SKL*);
- Head of Residential Care Home (HVB hem) for unaccompanied children, Göteborg.

7.2. Overview of the situation

During the period of 1 – 30 September 2016, some 2,390 asylum seekers arrived in Sweden, a slight decrease compared to August (2,437) but an increase compared to July (2,195) and June (2,140).²⁶¹ The number of new arrivals appears to have stabilised between 2,000 and 3,000 persons per month since February.²⁶² 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.

In September, the main countries of origin of asylum applicants were Syria, Iraq and Afghanistan.²⁶³ 1,428 asylum seekers were men and 961 women. 934 were children. Among them, 184 were unaccompanied children, which is a slight increase compared to August (151) and July (181). The unaccompanied children arrived between January and September 2016 are predominately boys (81 %).²⁶⁴

On 2 June 2016, the Swedish government decided to prolong internal border controls until 11 November 2016. The decision to extend controls came after such a decision was taken in the Council for European Union.²⁶⁵

²⁶¹ Swedish Migration Agency.

²⁶² *Ibid.*

²⁶³ *Ibid.*

²⁶⁴ *Ibid.*

²⁶⁵ Sweden, Government Offices (Regeringskansliet) (2016), '[Border controls prolonged until November](#)' (*Gränskontroller förlängs till November*), Press release.

The government announced, in a joint statement with the opposition on 22 September, that Sweden will increase the number of quota refugees (*kvotflyktingar*) from 1900 to 5000 by 2018.²⁶⁶

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

The police reportedly still registers some facilitation of irregular entry via private cars each week during August. Two to three per week cross the bridge between Denmark and Sweden, and two arrive from Germany by ferry. However, the Swedish Police is increasingly aware of this route and is arresting the drivers of the cars in question. In all cases where individual asylum seekers cross the borders in somebody's car, the police considers the drivers to be smugglers of human beings rather than persons providing assistance for humanitarian reasons.²⁶⁷ As a consequence, the preliminary investigations treat them as offenders against the state in accordance to the Aliens Act (*Utlänningslag 2005:716*). The police has also noticed that cars drive to the middle of the Öresunds bridge and drop off their passengers, who continue by foot while the cars return to Denmark.²⁶⁸

The police has noticed a decrease of cases involving asylum seekers who enter the country hanging under big trucks that arrive with the *Helsingör* ferry.²⁶⁹ This is mainly due to increased control by the ferry companies.²⁷⁰

The police has increased its focus on searching for persons staying in Sweden without permission (undocumented persons). According to the Police Act (*Polislag [1984:387]*), the police is allowed to search work places only when there reasonable grounds to suspect a workplace of hiring undocumented migrants.²⁷¹ Searches are always carried out on the basis of denunciations by the public.²⁷²

²⁶⁶ Swedish daily press (*Svenska Dagbladet*) (2016), '[Sweden should accept more quota refugees](#)' (*Sverige ska ta emot fler kvotflyktingar*) 21 September 2016.

²⁶⁷ Swedish Police. The reasoning behind this position is the following: since all cases deals 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.

²⁶⁸ Swedish Police, Region South.

²⁶⁹ *Ibid.*

²⁷⁰ *Ibid.*

²⁷¹ Sweden, [Police Act](#) (*Polislag [1984:387]*), 7 June 1984.

²⁷² Swedish Police, Region South.

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 in registration and identification as such.²⁷³

7.4.2 Asylum procedure

People arriving to Sweden usually ask for asylum or protection at the border, in which case the police takes them to the Migration Agency's reception centre in the vicinity. No asylum claims are rejected at the borders.²⁷⁴

The Migration Agency does not work chronologically with the cases from last year; instead, it has divided them into four specialised tracks according to their complexity.²⁷⁵ Asylum decisions increased to 9,695 in September – compared to 7,563 in August and 9,640 in July. Protection was granted in 61 % of the cases. The rest are either Dublin cases or people whose asylum applications were discontinued.²⁷⁶ Approximate processing time was 324 days.²⁷⁷ The majority is still waiting for their case to be decided. 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 deportations of persons denied asylum.²⁷⁸ According to semi-annual statistic from the border control police in Region South, 320 detention decisions were taken between January and June 2016, compared to 212 decision during the same period in 2015.²⁷⁹ 1,258 were executed deportations (*verkställighet*) during the first six months of 2016, compared to 582 during the same period in 2015.²⁸⁰

As of 1 June 2016, adult aliens without children whose asylum applications have been rejected do not have the right to assistance of any kind, including housing, if they do not cooperate with the return/deportation process.²⁸¹

²⁷³ Swedish Migration Agency.

²⁷⁴ Swedish Migration Agency, Swedish Police, Amnesty International, Save the Children Sweden and Red Cross Sweden.

²⁷⁵ Swedish Migration Agency. Quick decisions can be made in relation to 'unfounded asylum cases'; these include persons who are EU citizens, but also persons who already have residence permit in the EU. Asylum seekers with valid ID documents can also be dealt with more quickly.

²⁷⁶ Swedish Migration Agency.

²⁷⁷ *Ibid.* This figure is from the August report as it was not possible to find an update.

²⁷⁸ Swedish Migration Agency, Swedish Police.

²⁷⁹ Swedish Police, Semi-annual statistic from the border control police region south (*Gränspolisens halvårsstatistik för region syd*).

²⁸⁰ *Ibid.*

²⁸¹ Sweden, [Act on the reception of asylum seekers and others](#) (*Lag (1994:137) om mottagande av asylsökande m.fl.*), sections 11 and 11 a, 1 June 2016.

The Swedish Migration Agency has established 100 new temporary detention places, adding to the existing 257 places located in five cities of Sweden (Åstorp, Göteborg, Flen, Märsta and Gävle).²⁸²

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

7.5.1 Reception conditions and capacity

As of 1 October 2016, 143,062 persons were registered in the Migration Agency's reception system. The large majority of them were waiting for a decision. 51 % lived in asylum accommodation centres for adults and families, 29 % stayed with relatives, friends or in their own accommodation, and 20 % stayed in the special accommodation centres designated for unaccompanied children.²⁸³

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 the above-mentioned specially designated accommodation centres. The assigned municipalities (*anvisningskommuner*) are responsible for their welfare.²⁸⁴

7.5.3 Child protection

Since fewer unaccompanied children apply for asylum, several accommodation centres for unaccompanied children are vacated in the municipalities. The relocation of unaccompanied children from one accommodation centre to another continues. This often concerns children who were transferred to municipalities other than those to which they had originally been assigned, and who are now being transferred back to the original municipality in an effort to save resource. The Health and Social Care Inspectorate (*Inspektionen för vård och omsorg, IVO*) questions whether the best interests of the child are taken into consideration when municipalities move children from a place in which they have been living for over six months.²⁸⁵

According to the Swedish Migration Agency, the number of reported human trafficking cases has significantly increased during the first six months of 2016.²⁸⁶ The Swedish Migration Agency suspects half of 163 cases reported to concern human trafficking for sexual purposes. More than 20 cases are allegedly related to forced labour of various kinds, and 10 cases, to forced begging. The majority of those cases involve women, except for 53 cases involving children. The statistics show an upward trend: 49 cases were reported in 2012, 121 cases in 2013, 111 cases in 2014 and 195 cases in 2015.²⁸⁷

²⁸² Swedish Migration Agency.

²⁸³ *Ibid.*

²⁸⁴ *Ibid.*

²⁸⁵ Health and Social Care Inspectorate.

²⁸⁶ Swedish Migration Agency.

²⁸⁷ *Ibid.*

7.5.4 Healthcare

The Swedish Health and Social Care Inspectorate (*Inspektionen för vård och omsorg, IVO*) remains concerned about the mental health of unaccompanied children. This concern is also voiced on the municipality level and among the staff of Residential care homes (*HVB –hem*). They confirm that access to healthcare and dental care is granted on an *ad hoc* basis and much dependent on individual officers.²⁸⁸

The Swedish government has tasked the Swedish Association of Local Authorities and Regions (*Sveriges Kommuner och Landsting, SKL*) with disseminating information on how municipalities can address health issues of new arrivals.²⁸⁹

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 other aliens who for other reasons are particularly vulnerable.²⁹⁰ An unaccompanied child is only detained if there are exceptional grounds for doing so.²⁹¹ There are no reports of any transgressions of these regulations.²⁹²

7.6. Responses in law, policy and/or practice

The government decided in June to initiate an inquiry on the management of the refugee crisis. The inquiry started in September. The overall purpose is to draw lessons from what occurred to strengthen the ability of stakeholders to handle any future similar situation. However, the aim is not to submit proposals for action. The deadline for submitting the report is 28 February 2017.²⁹³

On 23 September 2016, the Ministry of Justice suggested in a memorandum to carry out age assessment earlier in the asylum process.²⁹⁴ The memorandum contains the following points:

- The Migration Agency should, as soon as possible after receiving an asylum application, conduct an age assessment and adopt a provisional decision on the unaccompanied child's age, if there are grounds to doubt that the applicant is under 18 years.

²⁸⁸ Head of Residential care Home (HVB-hem).

²⁸⁹ Sweden, Government Offices (*Regeringskansliet*) (2016), '[Means for SKL to disseminate efforts for positive health improvement for newly arrivals](#)' (*Medel till SKL för spridning av insatser om positiv hälsoutveckling för nyanlända*), Press release.

²⁹⁰ Swedish Migration Agency.

²⁹¹ *Ibid.*

²⁹² Save the Children, Amnesty International, Red Cross.

²⁹³ Sweden, Ministry of Justice, committee directive (*Kommitedirektiv*), [Evaluation on the management of the refugee crises in Sweden year 2015](#) (*Utvärdering av hanteringen av flyktingsituationen i Sverige år 2015*) Dir 2016:47, 9 June 2016.

²⁹⁴ Sweden, Ministry of Justice, Memorandum (Promemoria), [Age assessment earlier in the asylum process](#) (*Åldersbestämning tidigare i asylprocessen*) Ds 2016:37, 23 September 2016.

- The applicant should be offered to undergo a medical age assessment before the Migration Agency takes a temporary decision deeming him or her to be 18 years old.
- The provisional decision on age may be appealed to court.
- The Swedish Migration Agency should inform the applicant that denying consent to medical age assessment without valid reason could result in being deemed to have reached 18 years.
- The proposed changes will amend the Aliens Act (*Lag [2005:716] Utlänningslagen*),²⁹⁵ chapter 13 and 14, where new sections covering assessment of age will be introduced.²⁹⁶ Amendments will also be made to the Ordinance of Aliens (*Förordning [2006:97] Utlänningsförordningen*), chapter 8 and section 10.²⁹⁷

The memorandum will now be circulated for consultation (*remissrunda*) and the changes are scheduled to come into effect on 1 May 2017.²⁹⁸

The number of migration cases is expected to increase over the next few years. In September, the ministry of Justice (*Justitiedepartementet*) suggested, in a referral to council on legislation (*lagrådsremiss*), a temporary three-year solution to handle this increase.²⁹⁹ According to this, Administrative Courts (*förvaltningsrätt*) acting as Migration Courts should be able to refer migration and other cases to other administrative courts. Furthermore, the Administrative Court of Appeal (*Kammarrätten*), acting as that the Migration Court of Appeal, should be able to refer cases not related to migration to other Administrative Courts of Appeal. The aim is to shorten the processing time. Referrals should only be carried out when it causes no considerable inconvenience to the parties. It is suggested that these temporary measures apply from 1 January 2017 until the end of December 2019.³⁰⁰

On 27 September, the Minister of Justice, Morgan Johansson, and the Minister of Interior, Anders Ygeman, presented suggestions to better organise the return of undocumented persons. The following areas were covered in the suggestions:³⁰¹

Regarding workplace inspections

The police may at present only inspect workplaces when there are reasonable grounds to suspect a crime. The proposal provides for other opportunities to conduct workplace inspections based on risk assessments, in accordance with

²⁹⁵ Sweden, Ministry of Justice (*Justitiedepartementet*), [Aliens Act](#) (*Lag [2005:716] utlänningslagen*), 29 September 2005.

²⁹⁶ Sweden, Ministry of Justice (*Justitiedepartementet*), Memorandum (Promemoria), [Age assessment earlier in the asylum process](#) (*Åldersbestämning tidigare i asylprocessen*) Ds 2016:37, 23 September 2016.

²⁹⁷ Sweden, Ministry of Justice (*Justitiedepartementet*), [Aliens Ordinance](#) (*Förordning[2006:97] Utlänningsförordningen*), 23 February 2006.

²⁹⁸ Sweden, Ministry of Justice (*Justitiedepartementet*), Memorandum (Promemoria), [Age assessment earlier in the asylum process](#) (*Åldersbestämning tidigare i asylprocessen*) Ds 2016:37, 23 September 2016.

²⁹⁹ Sweden, Ministry of Justice (*Justitiedepartementet*), Referral to council on legislation (*lagrådsremiss*), [Increased possibilities for migration court to refer cases](#) (*Utökade möjligheter för migrationsdomstolar att överlämna mål*), 22 September 2016.

³⁰⁰ *Ibid.*

³⁰¹ Sweden, Ministry of Justice (*Justitiedepartementet*), [Presentation on measures for a better working return proceeding](#) (*Presentation om åtgärder för bättre fungerande återvändande*), 27 September 2016.

the EU Employers Sanctions Directive. Random checks should target employers.³⁰²

Regarding fingerprints on internal control of aliens

The Police's possibilities to take fingerprints during internal controls has so far been very limited. The proposal suggests that the police will also be allowed to take fingerprints during internal control of aliens. The current age limit, 14 years, for allowing fingerprints to be taken should also be reviewed.³⁰³

Regarding greater opportunities to take the passports and ID documents

The police can now seize passports and ID documents when a person is seeking asylum or is ordered to leave the country. The proposal will expand the Police's ability to seize passports and identification documents when they control someone who lacks permission to remain in the country. This will facilitate the Police's identification of undocumented persons.³⁰⁴

Regarding the obligation to inform

Individuals whose deportation cases are handed over to the police for enforcement sometimes still contact the Swedish Migration Agency. To facilitate the work of the police, the proposal introduces an obligation for the Migration Agency to inform the Police when they are contacted by such people.³⁰⁵

Regarding the possibility of returning cases

Enforcement should as far as possible be voluntary. The police will be given the opportunity to return cases to the Migration Agency when a voluntary return can be implemented.³⁰⁶

Regarding the police's responsibility for any renewed enforcement of a deportation order

At present, the Migration Agency is responsible for a case, even when the Police has carried out a deportation order.

The police will now also be the executive authority for cases of re-enforcement of deportation orders.³⁰⁷

Regarding clearer responsibilities

It is unclear which authority is responsible for certain parts of the migration process. Clarification will be given on the authority responsible for decision-making, especially in the cases of detention and supervision, to increase efficiency.³⁰⁸

Regarding alternative detention places

³⁰² *Ibid.*

³⁰³ *Ibid.*

³⁰⁴ *Ibid.*

³⁰⁵ *Ibid.*

³⁰⁶ *Ibid.*

³⁰⁷ *Ibid.*

³⁰⁸ *Ibid.*

Due to the fact that there are currently only a few pre-removal detention facilities in the country, transport to the place of detention can sometimes be long. According to the new proposition, the Migration Agency will now be able to detain a person in other detention facilities, for a maximum of three days, when there are no other options.

Children are not covered by the proposal.³⁰⁹

Regarding equal handling of detention of children

The proposal suggests that Police's deportation orders will now be a basis to decide to detain children, while the decision still lies at the moment with the Migration Agency.

This does not mean that the general requirements for detaining children will change.³¹⁰

7.7. Social response to the situation

Several civil society organisations continue to criticise the Act on temporary restrictions of the possibility to obtain a residence permits in Sweden (*Lag om tillfälliga begränsningar av möjligheten att få uppehållstillstånd i Sverige*) – among them the Swedish Red Cross and Save the Children. Both the Swedish Red Cross and Save the Children are following the situation closely and aim to continuously report on the Acts' effects. No reports have been made during September. The Red Cross has voiced concern concerning several cases where unaccompanied children accommodated in the south of Sweden were stuck in Denmark just because they stepped on the wrong train or fell asleep on the train. These unaccompanied children were forced to reapply for asylum upon arrival to Sweden under the new Act on temporary restrictions of the possibility to obtain a residence permits in Sweden (*Lagen om tillfälliga begränsningar av möjligheten att få uppehållstillstånd i Sverige*)³¹¹ and can now only be granted temporary residence permit.³¹²

7.8. Hate crime incidents

The municipality in Göteborg had decided to allocate 80 family trailers to 80 refugees, but the large camping area where the trailers were was destroyed by fire. The police suspects arson. At the time of the fire, the camping area was empty because the trailers were not habitable yet.³¹³ The police had already decided to initiate a preliminary investigation in relation to the same camping area due to hateful comments – some encouraging arson – in a Facebook group.

³⁰⁹ *Ibid.*

³¹¹ Sweden, Ministry of Justice, [Act on temporary restrictions of the possibility to obtain a residence permits in Sweden](#) (Lag [2016:752] *Lagen om tillfälliga begränsningar av möjligheten att få uppehållstillstånd i Sverige*), 20 July 2016.

³¹² Red Cross Sweden.

³¹³ Göteborg daily (GöteborgsPosten) (2016), '[Suspected arson at the Lilleby campign areas](#)' (*Misstänkt mordbrand på Lilleby camping*), 29 September 2016.

However, the investigation was only opened after the local newspaper brought attention to the matter.³¹⁴

In Hudiksvall, a newly appointed local politician for the right-wing populist party, the Sweden Democrats (*Sverigedemokraterna*), made online comments encouraging bombing Swedish mosques and shooting asylum seekers. The local politician was forced to resign after his comments were brought to the attention of the local media and made public.³¹⁵

³¹⁴ Göteborg daily (GöteborgsPosten) (2016), '[The reason why the comments were not reported to the Police](#)' (*Därför polisanmäldes inte kommentarerna*), 29 September 2016.

³¹⁵ SVT (2016), '[Politician from Swedish democrat party wants to bomb mosques and kill paedophiles](#)' (*SD-politiker i Hudiksvall vill bomba moskeer och döda pedofiler*), 27 September 2016.