

MIGRATION: KEY FUNDAMENTAL RIGHTS CONCERNS

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QUARTERLY BULLETIN

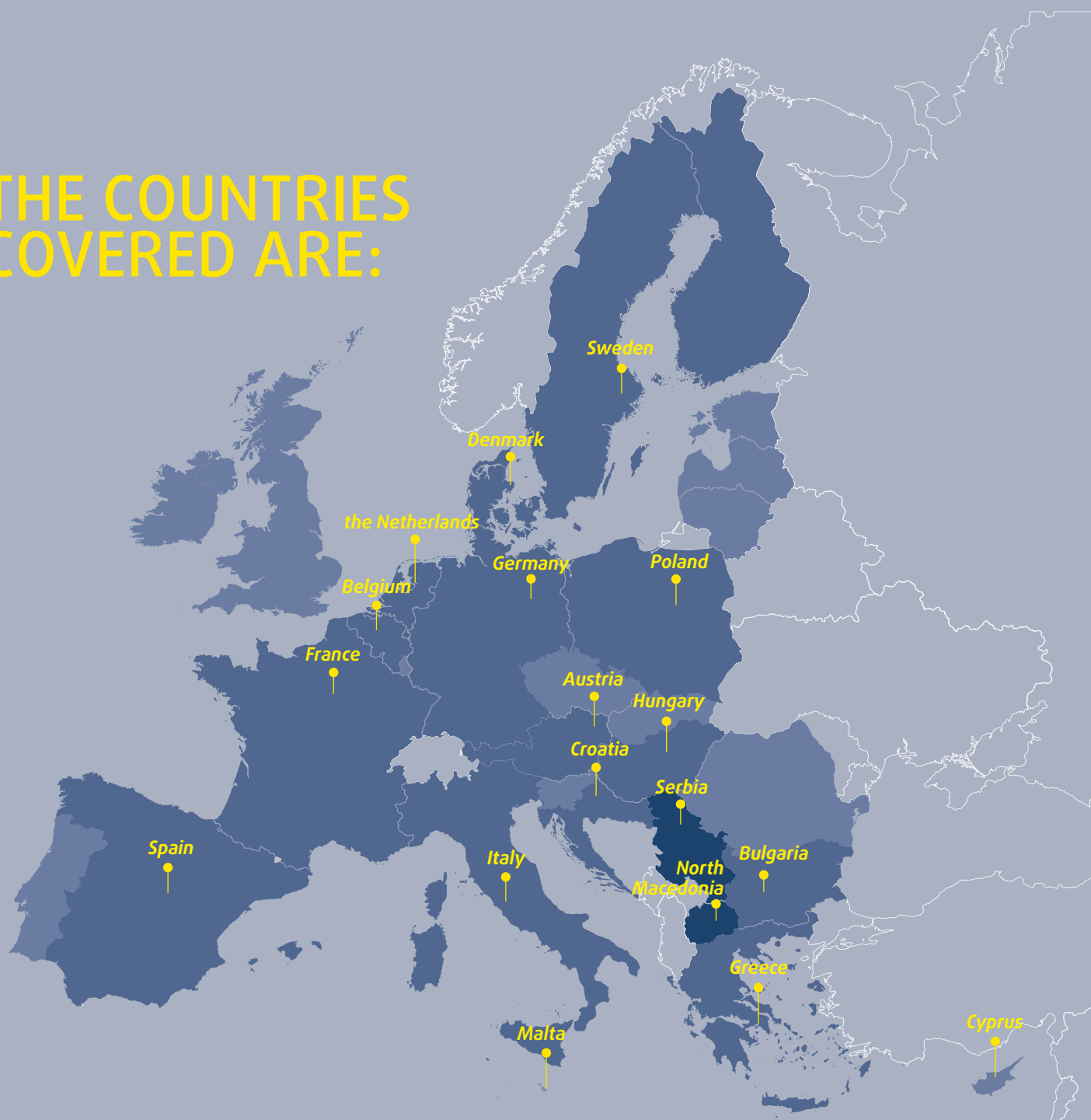
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The EU Agency for Fundamental Rights has been regularly collecting data on asylum and migration since September 2015. This report focuses on the fundamental rights situation of people arriving in Member States and EU candidate countries particularly affected by migration. It addresses fundamental rights concerns between 1 July and 30 September 2020.

THE COUNTRIES COVERED ARE:



Key fundamental rights concerns

Key emerging fundamental rights concerns

In **Greece**, on 8 and 9 September, fires **destroyed** the Moria camp on Lesbos and the surrounding informal settlements, leaving approximately 12,000 people without a shelter. The Ministry of Migration and Asylum alleges that asylum applicants set the fires due to the quarantine imposed on the camp after some asylum applicants tested positive for COVID-19. For **UNHCR**, the incidents demonstrate the long-standing need to improve living conditions, alleviate overcrowding, and improve security, infrastructure and access to services in all five reception centres on the Greek islands.

The **Council of Europe Commissioner for Human Rights** called on the Greek authorities to provide adequate support to all those affected. She highlighted the need to address unresolved issues relating to the treatment of asylum seekers and refugees and found the lack of European solidarity in terms of relocation to have contributed to the catastrophic situation.

Following the fire in Moria, the European Commission announced the establishment of a dedicated **task force** to improve the situation on Lesbos in a durable way. The task force will implement a joint pilot with the Greek authorities for new reception facilities and help manage migration in an effective way, by ensuring adequate living conditions, faster procedures and more balanced responsibility sharing and solidarity.

Meanwhile, when many protested to leave the island, the police used tear gas to break up the protests, according to **media reports**.

An **emergency site** was set up within days in Mavrovouni to temporarily house affected asylum applicants. By 8 October, some **7,800** were hosted in the new temporary site. Several hundred vulnerable people, including unaccompanied children, were transferred to safe accommodation on the island or to the mainland.

UNHCR highlighted the need for a comprehensive response that goes beyond short-term solutions, ensuring adequate reception conditions, access to fair and fast asylum procedures, integration opportunities for those granted asylum and swift returns for those not in need of international protection.

UNHCR also pointed out the gaps in drainage, water, sanitation, hygiene and health services at the emergency site. The site, essentially a tented camp, is located near the seashore. This means it is exposed to challenging weather conditions and safety hazards. Some of the tents **flooded** after heavy rains on 8 October and 13 October. At the same time, the Greek authorities announced the **closure** of Kara Tepe and PIKPA, two facilities offering dignified accommodation to vulnerable people. More than 160 NGOs and academics **urged** the Greek authorities to revoke this decision.

In **Malta**, detention conditions continue to deteriorate, as reported by the media and NGOs KOPIN and the African Media Association. A **video** recording from 24 August at the Safi migrant centre shows migrants held in cramped, unsanitary bunk beds, with limited clothing, sanitation, clean water and toilets. The detainees say they are not able to talk to their family or a doctor. They also say that they do not know why, or for how long, they are being held.

Note on sources

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

During a **riot** at the detention centre at Safi on 18 September, five migrants escaped and one was shot by a security guard, who was nearby in his car and used his personal weapon. The security guard was charged with attempted murder and **released** on bail on 19 September. Ten migrants who were **reported** to have escaped from the Safi detention centre in July were sentenced to six months in prison.

Meanwhile, **on 2 September**, a migrant **died** trying to leave the Hal Far centre.

In **Hungary**, detainees at the pre-removal detention centre in Nyírbátor held a hunger strike in early August for ten days, to protest against the lack of information, the **Hungarian Helsinki Committee reported**. Detainees stated that the authorities did not properly inform them why they were being held and that civil society organisations had no access to them.

In **Austria**, the Ministry of the Interior reported challenges in accommodating asylum applicants, since COVID-19 prevention measures require lower occupancy and separate accommodation. All newly arriving persons are tested twice and isolated until the test result is available. As of 25 September, 118 asylum applicants tested positive for COVID-19. A positive test result implies that many parts of the entire facility cannot be used for the duration of the quarantine. Austria thus opened new reception facilities in Villach (Carinthia) in May 2020, as well as in Vienna. The occupancy of federal reception facilities rose from 1,000 during the previous reporting period to around 1,600 to 1,700 persons on 25 September 2020.

In **Poland**, the government **announced** that it will provide accommodation, medical care and food to Belarusians seeking international protection. In 2020, the number of Belarusians seeking asylum in Poland increased, with 152 new applications by the end of September 2020 (compared to 37 in all of 2019). The Polish government introduced **humanitarian visas** for Belarusians, with many **Polish consulates issuing** such visas from mid-**August 2020** onwards. A **draft law**, if adopted, will soon allow holders of such visas to obtain a work permit and prolong their stay in Poland, without applying for international protection.

On **17 September 2020**, an amendment to the regulation on the temporary suspension or restriction of border traffic at certain border crossing points entered into force, allowing Belarusian citizens to enter Poland holding a tourists visa to cross the border. On September 2020, another amendment to the same regulation allowed all Belarusian citizens to enter the country, regardless of the basis on which they intend to cross the border. A government proposal for a regulation **on granting temporary protection** to Belarusians is under consideration. According to the **Office for Foreigners**, Belarusians constitute the second-largest group of foreigners in Poland, with 28,000 currently holding residence permits.

In **Spain**, the **National Ombudsperson** expressed concerns about the rights of migrant workers in the agricultural sector. The Ombudsperson called on public administrations, employers and agricultural organisations to adopt coordinated and urgent solutions to address the inhuman conditions under which these workers live. According to the **media**, the Ombudsperson requested the State Prosecutor's Office for information on the investigations initiated after the death of a Nicaraguan citizen while working in a farm in the province of Murcia. The request also highlighted the difficulties that the deceased person had encountered in formalising his asylum request. The **NGO Accem** condemned the dire conditions suffered by seasonal migrant workers employed in the agricultural sector. Whereas the situation has gained visibility in the context of the COVID-19 pandemic, the organisation reports that these issues are of a structural nature in Spain.

In **Sweden**, the inter-party committee of inquiry (*parlamentarisk kommitté*), set up to develop a sustainable migration policy, **proposed** 26 changes to the **Alien Act**. Among them, the committee recommends issuing temporary residence permits to beneficiaries of international protection as a general rule and permanent permits only to resettled refugees. Residence permits should remain limited to three years for refugees and 13 months for subsidiary protection status holders, extendable by two years subject to a new assessment. To get permanent residence permits, **beneficiaries would need to** show **civic education** skills, ability to provide for themselves and, already as of the age of 15, so-called ‘good repute’, i.e. a criminal record copy (*vandelskrav*).

Civil society organisations expressed concern over the proposed restrictions and their likely impact on individuals’ mental health and their ability to integrate. The proposals will increase legal uncertainty for beneficiaries, the Red Cross noted. The government will consult national authorities and other stakeholders before developing a draft bill, which will have to undergo legal scrutiny by the Council of Legislation (*Lagrådet*) before going to the parliament.

In **France**, the **prefect of Pas-de-Calais issued an order** to prevent “health risks and disturbances to public order”, banning civil society organisations not mandated by the government from distributing free drinks and food in Calais. A group of 13 NGOs, including *La Cimade*, *Médecins du Monde* and the League for Human Rights **took legal action** seeking the suspension of this measure, on account of violations of the right to human dignity, the principle of fraternity, and the possibility of assisting others. The **Lille Administrative Court** rejected the application and **the Council of State (Conseil d’Etat)** upheld the verdict on appeal. The **Public Defender of Rights** also submitted observations before the court, arguing that, by depriving migrants of access to goods and services (distribution of meals), the disputed measure discriminates on the basis of nationality, which is prohibited by law.

Key persisting fundamental rights concerns

In **Greece**, the situation in Moria (Lesvos) and Vathy (Samos) further deteriorated when these were put under quarantine after camp residents tested positive for COVID-19. A few days after Moria burned down, fires also broke out in Samos, one inside the **Reception and Identification Center**. **Médecins Sans Frontières (MSF)** highlighted the critical situation in Vathy camp, stating that some 4,500 persons remain stranded there, while more than 1,000 children live next to rubbish, rats and scorpions. MSF warned that the asylum applicants’ physical and mental health was rapidly deteriorating and called for their transfer to safe accommodation in the mainland or to other EU Member States.

In **Greece**, according to *Médecins Sans Frontières*, an increasing number of recognised refugees with severe health conditions face **eviction** or have already been evicted from their accommodation as asylum applicants. Refugees still sleep rough in **Victoria Square** in central Athens. Due to lack of prospects, in September, approximately 400 refugees who were transferred to the mainland returned to Lesvos, as **ECRE** noted.

In **Italy**, the disembarkation of migrants in the Sicilian ports remains a persisting concern. The Italian Prime Minister and the Ministry of the Interior **provided** three quarantine vessels in addition to the two – the ‘Raffaele Rubattino’ and the ‘Moby Zazà’ – already in use. This gradually reduced the number of people in the Lampedusa hotspot. A high-level **meeting** in Lampedusa concluded that the hotspot must be refurbished and that quarantine vessels to host migrants arriving on their own to Lampedusa should be present in the port to avoid overcrowding in the hotspot.

In **Malta**, alleged pushbacks to Libya and delays in disembarking rescued migrants and refugees remain a persisting concern. According to the NGO **Sea-Watch**, in the Maltese search-and-rescue area, a Libyan Coast Guard ship took back a group of approximately 110 persons on 15 August. Several other NGOs, such as **Amnesty International**, KOPIN and the African Media Association, also expressed concern over pushbacks and related cooperation with Libya. The Maltese government **announced** plans to charter a ship to quarantine migrants. A **press release** refers to the ship as to be used “when the armed forces of Malta have no choice but to rescue people who are sinking”.

In **Cyprus**, UNHCR and the Cyprus Refugee Council reported delays in or lack of registration of newly arriving persons, preventing access to accommodation and food. Access to healthcare remains fragmented, problematic and with significant delays for asylum applicants, third-country nationals who are victims of trafficking, and migrants in an irregular situation, as reported by the Cyprus Refugee Council to FRA.

Migrant smuggling remained a persisting concern in **Hungary**, with a continued increase of detected cases in the reporting period, especially as the COVID-19-related border restrictions have been gradually lifted. According to the police, the authorities took 130 human smugglers into custody in the reporting period (compared to 52 in May and June 2020). In most cases, people were smuggled in the **boots of cars**, the **cargo space of lorries**, as well as **cargo wagons of trains** crossing the border from Serbia and Romania. Several people were also **apprehended in the fields** close to the Serbian-Hungarian border. Two new underground tunnels close to the border towns of **Katymár** and **Mórahalom**, alongside a **semi-finished one** in the outskirts of the town of Bácsbokod, were also discovered along the border fence at the border with Serbia.

In **Bulgaria**, poor living conditions in the pre-removal facilities, the **ineffective implementation of the legislation on integration** of status holders, and the **lack of qualified interpreters** remain issues of concern, as reported by the State Agency for Refugees and UNHCR Bulgaria.

In **Spain**, the **National Ombudsperson** reported before the Senate on persisting issues concerning age-assessment in detention. In particular, the Ombudsperson noted inconsistencies in the medical tests conducted for age assessment procedures, as well as excessive delays in DNA tests conducted at the Internment Centres for Foreigners (CIEs) and the Temporary Stay Centres for Immigrants (CETIs), which may result in the separation of families and summary expulsions.

In **France**, persistent problems included: increasing dangerous sea crossings via the Channel to the United Kingdom; summary returns and the denial of access to the asylum procedure by the police at the alpine border between France and Italy; re-appearing informal camps in the North of France and in Paris, and further deteriorating living conditions for people staying there; as well as the **widespread use of immigration detention**, including for children, despite the absence of reasonable prospects of removal due to COVID-19-related restrictions on international flights, several NGOs, the Public Defender of Rights and the Maritime Prefecture of the Channel and the North Sea pointed out to FRA.

In **Belgium**, a group of NGOs took legal action against the government and the federal asylum authority (Fedasil), demanding that asylum applicants have access to the reception system from the moment they first request asylum. **Media sources** reported that courts have already condemned Fedasil over a thousand times in 2020 for failing to provide access to the asylum reception system.

In **Germany**, restrictions due to COVID-19 continue to have a major impact on refugees' integration prospects, according to information provided to FRA by the Berlin Senate Department for Education, Youth and Family, the Federal Association for Unaccompanied Minors, Berlin and the Federal Working Group of Psycho-Social Support Centres for Refugees and Victims of Torture. For example, contacts are restricted; refugees are met with greater caution due to presumed travel-related risks; and many authorities and offices (job centres, immigration offices, social welfare offices) are more difficult to reach, resulting in deadlines being missed and thus delaying family reunification or access to the labour market.

In **Sweden**, refugees granted residence permits under the upper secondary education law (*gymnasielagen*) can extend their residence if they find full-time jobs within six months. Since this remains particularly difficult in times of COVID-19, several interviewed organisations expressed concern to FRA about the insecurity for this vulnerable group.

In **the Netherlands**, asylum applicants continue to face long waiting times before the start of the asylum procedure. According to **media** and the **Dutch Refugee Council**, the task force set up by the authorities to address the backlog of asylum applications is not effective. The task force intends to deal with 14,000 overdue asylum applications by the end of 2020. The issues highlighted include lack of training of the employees and delays in the provision of information to asylum applicants. According to the **media**, the identification and registration of newly arrived asylum applicants stalled due to staff shortages at the application centre in Ter Apel.

In **North Macedonia**, collective expulsions at the border with Greece continue, according to authorities and NGOs interviewed by FRA in North Macedonia, including the Ombudsperson, the NGO Legis, the Jesuit Refugee Service (JRS) and the NGO EUROTHINK.

Reported pushbacks from **Serbia to North Macedonia** more than doubled from **July to August** – from 10 to 22 cases – according to UNHCR. NGOs continued to witness third-country nationals in need of international protection being removed from Hungary to Serbia even if they never resided in nor arrived from Serbia. They further report arbitrary conduct by EU police forces at the border, sometimes including violence. The NGO Humanitarian Center for Integration and Tolerance collected information on 563 pushback incidents from neighbouring countries – Bosnia and Herzegovina, Croatia, Hungary, and Romania – to Serbia between July and September. These incidents involved 7,809 third-country nationals – 2,487 in July; 2,230 in August; and 3,092 in September.

Bright spots

In **Sweden**, the Migration Agency resumed providing daily allowances to rejected asylum seekers who cannot be returned for COVID-19-related reasons, easing their precarious situation.

Legal developments

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

A preliminary ruling requested by the Supreme Court of **the Netherlands** (*JZ – C-806/18*) concerned the Return Directive (**Directive 2008/115/EC**). The CJEU ruled that it does not preclude imposing a prison sentence on migrants subject to a return decision and for whom an entry ban has been issued based on their criminal record or for representing a threat to public policy or national security, but who have not actually left the territory of the given Member State. The CJEU clarified, however, that the criminal conviction should be based on the offence of over-staying, in contravention to the return decision, and not the violation of the prohibition to re-enter, as entry bans start producing their effect only after the returnee has left the territory of the Member State. The CJEU also stressed that national criminal law should comply with the criteria of accessibility, precision and foreseeability in its application, to avoid the risk of arbitrariness, in accordance with the standards guaranteed by the ECHR, whose respect should be assessed by the referring national court.

In a preliminary ruling requested by a labour court in **Belgium** (*B. v. Centre public d'action sociale de Liège – C-233/19*), the CJEU interpreted Articles 5 and 13 of the Return Directive (**Directive 2008/115/EC**) in light of Article 19 (2) (prohibition of *refoulement*) and Article 47 (right to an effective remedy) of the Charter of Fundamental Rights. The CJEU concluded that a national court, hearing a dispute on social assistance involving an irregular migrant subject to return who is suffering from a serious illness, is obliged to automatically suspend the return decision, when there is reasonable ground to believe that the individual's health would irreversibly deteriorate as a consequence of the return. The CJEU underlined that the primacy of EU law requires national courts to comply with this obligation even when this is not envisaged in the national legislation, if no other remedies entailing the automatic suspension of the return decision are available to the individual.

Milkiyas Addis v. Bundesrepublik Deutschland (C-517/17) concerned a preliminary ruling requested by the Federal Administrative Court of **Germany**, related to an Eritrean national who was granted international protection in Italy but later travelled to Germany and submitted a new asylum application there. The German authorities rejected the application as inadmissible without conducting a personal interview, because he had arrived from Italy, considered a safe country. The CJEU clarified that the Asylum Procedures Directive (**2013/32/EU**) always requires granting applicants for international protection a personal interview before a decision on their case is adopted, including inadmissibility decisions. The CJEU further noted that asylum decisions taken without a prior personal interview should be annulled.

In a preliminary ruling requested by the Council of State of **Belgium** (*B. M. M., B. S., B. M., B. M. O. v. État belge – joined cases C-133/19, C-136/19 and C-137/19*), the CJEU ruled that the date used to assess the age of applicants for family reunification under the Family Reunification Directive (**2003/86/EC**) is the date of submission of the application and not the date on which the competent authority takes its decision on the request. Accordingly, the Family Reunification Directive, read in light of Article 47 (right to an effective remedy) of the Charter of Fundamental Rights, precludes the rejection of an application as inadmissible only because a child applicant has reached majority during the proceedings.

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

N.H. and others v. France concerns five asylum applicants who were forced to live on the streets for several months in precarious living conditions, without access to sanitary facilities and with no means of meeting their basic needs. The ECtHR noted that, although the applicants had a right to material and financial support under the Reception Conditions Directive (**Directive 2013/33/EU**), they had not been able to benefit from it due to a delay of more than three months in the registration of their asylum application. The ECtHR concluded that the French authorities were responsible for the inhuman and degrading living conditions in which three of the applicants found themselves, in violation of Article 3 of the ECHR.

In *M.K. and Others v. Poland*, several Russian nationals fleeing from Chechnya complained about the systematic refusal of Polish border guards to examine their application for international protection submitted at the border with Belarus. The ECtHR found that the refusal of entry into Poland pending the examination of their claims violated the procedural obligations under Article 3 of the ECHR and exposed the applicants to a real risk of torture or other forms of ill-treatment. The ECtHR also noted that the removal of the applicants without an individual assessment of their claims amounted to collective expulsion, in violation of Article 4 of Protocol No. 4 to the ECHR. Additionally, the ECtHR found a violation of Article 13 of the ECHR, taken in conjunction with Article 3 and Article 4 of Protocol No. 4, because the applicants did not have access to an effective remedy to challenge their refusal of entry. Finally, the ECtHR found that Poland violated Article 34 of the ECHR by returning the applicants to Belarus, in violation of the interim measures the court granted earlier in the proceedings.

In *B.G. and others v. France*, the ECtHR found that the living conditions in a tent camp in France did not violate Article 3 of the ECHR (prohibition of torture and other forms of ill-treatment) because the French authorities had taken measures to improve the material living conditions of the applicants and allowed them to meet their basic needs. In particular, food, medical care and schooling for the children were provided. Furthermore, the applicants were moved to a permanent facility relatively quickly (three and a half months). Accordingly, the ECtHR ruled that, although the camp was overcrowded and the sanitary conditions were inadequate, the material deprivation suffered by the applicants did not reach the threshold of severity necessary to violate Article 3 of the ECHR.

Decisions of United Nations (UN) human rights treaty bodies

In *Opinion No. 22/2020 concerning Saman Ahmed Hamad (Hungary) (A/HRC/WGAD/2020/22)*, the UN Working Group on Arbitrary Detention found that detaining an asylum applicant in a transit zone at land borders, solely because he had submitted an application for international protection, constituted an arbitrary deprivation of liberty, in violation of several provisions of the 1948 Universal Declaration of Human Rights and Article 9 (right to liberty) of the International Covenant on Civil and Political Rights (ICCPR).

In *R.M. and F.M. v. Denmark (CCPR/C/126/D/2685/2015)*, the UN Human Rights Committee adopted its views on the risk of ill-treatment in a case involving the removal of a husband, wife and their children, to Afghanistan. The Committee noted that the couple had an extramarital relationship before they fled and got married. Since this is a criminal offence punishable by death in Afghanistan, their removal would expose them to a risk of irreparable harm, in violation of Article 6 (right to life) and Article 7 (right to liberty) of the ICCPR.

National legal developments

In **Italy**, the **Italian Constitutional Court** declared unconstitutional Article 13 of the **Law-Decree No. 113/2018**, which excludes asylum applicants from the right to be enrolled in municipal civil registries, as this is a necessary requirement to access many services and to get identity documents. According to the court, the contested provision entails an unjustified difference in treatment between asylum seekers and Italian citizens, as well as between asylum seekers and other categories of third-country nationals legally residing on the Italian territory. On 14 August 2020, the Ministry of the Interior issued **Circular Letter No. 10/2020** – addressed to local Prefects – implementing the court’s decision.

Malta amended its Refugees Act in August, changing the name of the Office of the Refugee Commissioner into the International Protection Agency without changing its mandate.

In **Cyprus**, the Parliament adopted a set of new laws implementing the new **immigration policy** announced in June 2020. **One of the new acts** provides shorter deadlines for applications of judicial review, reducing the timeline for appeals before the Court of International Protection from 75 to 30 days, and in accelerated procedures to 15 days. **Another act** provides for the speedy examination of manifestly unfounded applications, issuing a negative asylum decision and a return decision in a single administrative act.

In **Croatia**, a **new bill** on foreign nationals was submitted to the Parliament. The **NGO Centre for Peace Studies** pointed out discrepancies with the Schengen Borders Code, raised issues on access to remedies against the decisions of the Ministry of Interior. It also noted that the bill can lead to arbitrary security checks, difficulties in receiving temporary stay permits on humanitarian grounds, potential further criminalisation of solidarity, and racial profiling.

In **Austria**, the **Federal Minister of the Interior** provided, on 13 July 2020, a list of all legal amendments concerning border checks during the COVID-19 pandemic. Up to 4 June 2020, a total of 17 laws and regulations were passed, restricting entry into the country, with few exceptions. The **Federal Ministry of Social Affairs, Health, Care and Consumer Protection** and the **Federal Ministry of European and International Affairs** summarised the travel restrictions currently in force since the latest amendment. Entry from outside the EU and the Schengen area is still generally prohibited.

In **Bulgaria**, a **draft bill** amending the Foreigners in the Republic of Bulgaria Act (*Закон за чужденците в Република България*) suggests shortening deadlines for the examination of appeals against pre-removal detention decisions. It also explicitly forbids the return of persons to countries where they would face risks to their life and freedom as well as risks of persecution, torture or inhuman or degrading treatment.

UNHCR welcomed some of the suggested amendments. It also recommended additional provisions (i) excluding the execution of return decisions in case of pending appeal procedures; (ii) obliging the authorities to hear the person before issuing a detention decision and to impose detention only as a last resort, respecting the principles of necessity and proportionality; (iii) allowing access to the labour market for persons not returned within a year after the issuance of the return decision, and (iv) automatic release from pre-removal detention in case an international protection application is submitted.

Legal corner

In Belgium, the Council for Alien Law Litigation held that a Dublin transferee not signing a declaration of voluntary return cannot be considered as a lack of cooperation. Thus, the Immigration Office cannot prolong the transfer procedure solely because an asylum applicant subject to a Dublin transfer did not return the document signed.

In Spain, two Supreme Court judgments (STS 2497/2020 and STS 2662/2020) delivered in July 2020 addressed asylum seekers' right to free movement. Both judgments precluded the Ministry of Interior from restricting their travel from Ceuta or Melilla to mainland Spain. After analysing pertinent domestic law and the EU Schengen acquis, the Supreme Court concluded that neither domestic nor EU law contain any provisions that justify limiting asylum seekers' right to move freely across Spanish territory. The judgments were welcomed by the NGO Jesuit Migrant Service, which had previously criticised the Ministry of Interior's interpretation of the law in this regard.

In Germany, according to the NGO Proasyl, a draft law on supplementary preparatory detention (*Gesetzesentwurf zur Regelung der Ergänzenden Vorbereitungshaft, Section 62c AufenthG*) would allow for detaining certain persons, including asylum applicants, pending their removal. These include asylum applicants who are subject to an entry ban and who present a significant danger to their own or others' lives, or to internal security; or who raise so-called 'special removal interests', such as being involved in criminal offences. The Federal Association for Unaccompanied Minors believes that the proposed change expands pre-removal detention without a legal basis. They also criticise that individual assessments are excluded for special removal interests and no exceptions or special safeguards are envisaged for vulnerable groups, such as victims of trafficking in human beings or children. Civil society organisations further criticised the extremely short timeframe for providing comments to the draft law, which was only four working days during the summer break.

In Sweden, according to a government bill amending the Aliens Act, third-country nationals will have to be fingerprinted and photographed at entry and exit for checks against the Schengen Information System (SIS). The bill also seeks to authorise the Swedish Migration Agency, the Swedish Police, the Swedish Customs and the Coast Guards to take individuals' photos and fingerprints for counter-checking against data in SIS. Another government bill proposes to allow the Swedish Migration Agency, the Swedish Police and Sweden's diplomatic missions abroad to process sensitive data under the Aliens Act, including to test and develop the existing system of managing third-country nationals' personal data.

In Sweden, the incorporation of the Convention on the Rights of the Child into national law, which entered into force on 1 January 2020, has not resulted in improvements for children in asylum procedures so far, according to Save the Children and Stockholm City Mission said to FRA.

Policy developments

On 23 September 2020, the European Commission published a **new Pact on Migration and Asylum**. It sets out the Commission's new approach to migration, with a stronger focus on border procedures, and seeks to ensure more coherence integrating the internal and external dimensions of migration and asylum policies. The new Pact, which is a package of hard and soft law instruments, is composed of a **Commission communication** serving as the policy frame, and a number of legislative proposals. The latter include:

- a proposed **regulation establishing new pre-entry screening rules**;
- an **amended proposal revising the draft Asylum Procedures Regulation**;
- an **amended proposal revising the recast Eurodac Regulation**;
- a proposed **new regulation establishing a common framework for asylum and migration management** (including a mechanism for solidarity and criteria for examining asylum applications);
- a proposal for a **new Crisis and Force Majeure Regulation** (also replacing the Temporary Protection Directive – 2001/55/EC);
- a proposed recommendation setting up a **new Migration Preparedness and Crisis Management Blueprint**;
- a proposed **new recommendation on resettlement and complementary legal pathways**;
- a proposed **new recommendation on search and rescue operations by private vessels**; and
- a **new Guidance on the Facilitators Directive** (providing clarifications on the non-criminalisation of humanitarian assistance).

In **Poland**, a union of more than 70 organisations working on behalf of migrants and refugees published an **open letter** addressed to Polish central and local authorities. It urged the government to accept a group of vulnerable people from the Moria refugee camp, in particular unaccompanied children. So far, the letter received positive responses from **Tomasz Grodzki, Marshal of the Senate**, and the presidents of the cities in the **Union of Polish Metropolises**.

In **Sweden**, the deputy National Police Commissioner **claimed** that around 40 criminal clans were set up by migrants who came to Sweden with direct intent to start criminal networks. The Swedish Prime Minister commented on national **TV** that, «If we have a migration of a magnitude that means that we cannot handle the integration [of these migrants], then the result will be that we get social tensions in society and this is not good».

Situation at the border

Figures and trends

According to information provided by IOM to FRA, between July and September 2020, 28,485 migrants and refugees irregularly entered Italy, Malta, Greece and Spain. The overall number of arrivals almost quadrupled compared to the previous reporting period. The highest number of arrivals was recorded in Italy (16,779 new arrivals), followed by Spain (10,362), and Greece (862). Malta was the only country to show a decreasing trend (482 new arrivals compared to 545 in the previous reporting period).

The network of associations “Adriatic Seaports Network” published a [leaflet](#) in English to address the information gap for migrants who reach **Italy** through the Adriatic. The leaflet provides information on fundamental rights of migrants in Italy and in the EU and contact details of associations and services located in the ports of arrival in Italy.

Hungary has further strengthened its border surveillance infrastructure along the southern borders with Serbia. The [deputy minister of defence](#) stated: the Army provided almost 500 military vehicles and many service dogs to conduct efficient patrols along the fenced southern borders. Military helicopters have also been deployed to help border surveillance from the air.

In **Austria**, under the auspices of the [Federal Ministry of the Interior](#), Ministers of the Interior of 18 countries, including from the Western Balkans, agreed on the “[Vienna Declaration on effectively combating irregular migration along the Eastern Mediterranean Route](#)”. It envisages setting up an operational platform in Vienna to coordinate activities related to border protection, returns, trafficking and asylum procedures.

In **Bulgaria**, according to the [Ministry of the Interior](#), the number of apprehended third-country nationals in July – September (1,595) was significantly higher compared to the previous three months (225 in April – June) and to the same period last year (920 in July – September 2019). Most were apprehended within the territory of the country, and the rest either while trying to enter (196 persons), mostly from Greece and Turkey, or while trying to leave (490 persons), mainly to Serbia. The majority was from Afghanistan.

The number of migrants arriving in **Spain** by sea or land between January and 15 October 2020 was 8.2 % lower than during the same period of the previous year (22,240, compared to 24,223 in 2019), according to the [Ministry of the Interior](#). During the same period, however, there was a remarkable increase of arrivals to the Canary Islands. According to the [Ministry of the Interior](#), arrivals to the Canary Islands increased by 688 % (from 1,028 to 8,102).

The NGO Jesuit Migrant Service reported a notable decrease in the number of people entering Spain as a result of the closure of external borders in the early phase of the COVID-19 pandemic. According to the [media](#), irregular arrivals dropped by 60 % between January and May 2020; 90 % of those who did arrive during that time did so by sea.

EUROPE BY SEA



In **North Macedonia**, according to data provided by the Ministry of Interior, the number of apprehended third-country nationals in the period 15 June – 15 September 2020 (11,743) increased by approximately 60 % compared to the first three months of 2020 (7,410) and the same period last year (7,362). Most of them (88 %) were apprehended at the border with Greece.

In **Serbia**, 10,324 third-country nationals seeking international protection arrived between **July** and September (3,197 in July; 4,146 in **August**; 2,981 in September), according to UNHCR. As COVID-19 containment measures eased in Serbia, migrants increasingly resorted to crossing the Serbian-Romanian border as opposed to borders with Croatia and Bosnia, according to the NGO Humanitarian Center for Integration and Tolerance.

Search and rescue (SAR)

According to the **IOM**, 301 people died or went missing while attempting to enter Europe through the Eastern, Central and Western Mediterranean routes (134 between April and June 2020). The Central Mediterranean route continues to be the deadliest (216 out of 301 deaths).

In **Greece**, three persons, including two children, drowned when a boat capsized off the island of Crete, as **media reported**.

In **Greece**, NGO staff were recently arrested and charged with facilitating irregular entry of migrants, espionage, violation of state secrets, and participation in a criminal organisation. According to the **Hellenic Police**, under the guise of humanitarian action, they provided confidential information to refugee flows from Turkey via closed groups and internet applications. According to **media reports**, the NGOs made use of the AlarmPhone application – an emergency telephone number used by refugees and migrants crossing the sea from Turkey to Greece to inform the NGOs about their exact location. The NGOs would then inform the Hellenic Coast Guard and in case of no immediate response, they would publish the issue on social networks as a form of pressure.

In **Italy**, the NGO “Open Arms” **denounced** being left without clear instructions on how to disembark 276 migrants rescued in two SAR operations, resulting in people jumping from the vessel and trying to swim to reach the Italian coast. The NGO vessel “Sea Watch 4” also **reported** being stuck off the Sicilian shores with 354 migrants on board. Furthermore, the NGO vessel “Alan Kurdi” – carrying 125 migrants rescued at sea – was **forced** to proceed to Marseille, as they were not allowed to disembark rescued migrants in Malta and Italy.

In **Italy**, the Administrative Court **suspended** the urgent **ordinance** issued by the President of the Sicily Region, which closed the regional ports to any vessel carrying migrants rescued at sea and ordered the immediate transfer of all people hosted in regional reception centres and hotspots to other Italian regions. The court found that the ordinance fell outside the regional legislative competences. The ordinance had received harsh criticism from NGOs, including ‘Doctors for Human Rights’ (**Medici per i diritti umani**, MEDU).

In **Malta**, delays in responding to search and rescue continued. In August 2020, the cargo ship 'Maersk Etienne' **was denied landing** in Malta for 38 days after rescuing 27 migrants in Tunisian waters, following a **request** by Maltese officials. The rescue ship ran short of food and water and the delay affected rescued people's mental and physical health. These included a pregnant woman and a child. The NGO ship 'Mediterranea' took the rescued persons, provided them with food and medical assistance, and finally brought them to Sicily.

In July, over 50 persons rescued in Malta's search-and-rescue zone were stranded on a **livestock transport ship** inadequate for human beings for four days before they were brought **ashore**. The NGO **AlarmPhone** and **IOM** further reported that, on 27 July, a boat with over 95 people, including a baby, were left in the Maltese search-and-rescue zone for over 33 hours before being rescued by the Armed Forces of Malta, while one person went missing after jumping overboard.

A **parliamentary petition** calling for closing **Malta's** ports to irregular migrants received over 47,000 signatures.

At least four persons, including a child, lost their lives while trying to reach **Cyprus** by boat, according to UNHCR. According to **media reports**, the boat had been adrift in international waters without food or water for a week.

In the North of **France**, an increasing number of migrants in an irregular situation continued to attempt to cross the Channel in makeshift boats, according to the **Maritime Prefecture of the Channel and the North Sea**. In late July, more than 200 people landed on British shores within one day, an all-time high number in a single day, the **British Home Office reported**.

Since the beginning of the year, French authorities have intercepted some 620 migrants and refugees attempting to cross the Channel, **media reported**. In response to the growing number of dangerous sea crossings, the **French Ministry of the Interior announced** the creation of a "French-British Intelligence Unit" to fight against human smugglers. The French and British authorities agreed "to make the Channel 'impracticable' for irregular crossings", the **British Secretary of State for Immigration stated to the press**.

In **France**, according to the **press**, ten migrants from the Comoros, including a 7-year-old child, died when attempting to reach the French Overseas Department of Mayotte on board a craft, which sank.

FRA activity

Guiding border guards

FRA recently published practical guidance for border guards on how to uphold fundamental rights while controlling EU external borders. The ten 'dos' and 'don'ts' focus on the following core areas:

1. Treating everyone with dignity;
2. Identifying and referring vulnerable people;
3. Respecting the legal basis, necessity and proportionality when using force;
4. Applying safeguards when holding people at borders; and
5. Respecting procedural safeguards and protecting personal data.

The guidance is available on [FRA's website](#), including as a 'pocket edition'.

Challenges at land borders

The Minister for Citizens' Protection announced that the construction of another **fence** on **Greece's** land border with Turkey will be completed in eight months. The existing fence will also be reinforced and border surveillance in the region will be strengthened through the recruitment of **800** additional border guards.

In **Italy**, the Ministry of the Interior **replied** to a parliamentary question on returns from Italy to Slovenia, acknowledging that returns are implemented without formal decisions (and thus cannot be formally challenged). It also stated that returns are carried out even when migrants express their intention to apply for asylum in Italy. The Ministry justified this approach by referring to "well-established procedures" in compliance with a bilateral agreement signed in 1996. It further noted that there is no risk of chain **refoulement** because Slovenia and Croatia are EU Member States, and they should be considered safe.

The **Association for Juridical Studies on Immigration** (*Associazione per gli studi giuridici sull'immigrazione*, ASGI) noted that the existence of a bilateral agreement does not allow Italian authorities to return people without a formal decision. Under EU law, migrants must always be allowed to lodge an asylum application, even when they have irregularly crossed the borders of an EU Member State. ASGI further stressed that considering Slovenia and Croatia as inherently safe countries paves the way for chain returns. The association asked the Government to stop the practice and encouraged the UNHCR to monitor the situation at the border. A **report** on the situation, entitled "The Balkan route. Migrants without rights in the heart of Europe", was released in June 2020 by 36 activists and NGOs.

In **Hungary**, the **police** prevented some 2,445 people from crossing its southern border (twice as many as in the previous period). In early August, a group of approximately 100 people collectively attempted to enter the country through several sections of the fence located at the southern border with Serbia, the **police stated**. When police officers warned them to stay away from the border fence, some people started to throw stones at the policemen and some 30 people climbed up on the fence. The police prevented all border crossing attempts.

In addition, the police reported to have apprehended 6,903 migrants in an irregular situation during the reporting period – a significant increase compared to the preceding period. The police escorted the migrants back to the outer side of the border fence. Authorities do not fingerprint or register these individuals before escorting them back to the border, nor do they record them as new arrivals or asylum applicants in the statistics.

In **Croatia**, according to the NGO Welcome! Initiative, dead bodies were found floating **in the Mrežnica River** and **the Korana River** near Karlovac, as well as **in the Drina River** near Orlovo polje (Bosnia and Herzegovina).

Legal corner

In **Croatia**, *Médecins du Monde-Belgium* noted cases of separation of families at the borders – with mothers and children being sent to reception centres, while fathers are returned to Bosnia.

In **Spain**, the **National Ombudsperson** referred to police abuse at the southern border. The Ombudsperson also referred to the difficulties faced by international protection seekers, in the case of Melilla, and the impossibility, in the case of Ceuta, to seek international protection regularly at the borders.

In **Sweden**, **media** reported an incident caught on video in September 2020, showing the police using violence to force a black man out of a train travelling from Denmark to Sweden. The man claimed the police only checked him due to his skin colour and reported the police officers for misconduct and assault. The police has reported the man for violent resistance.

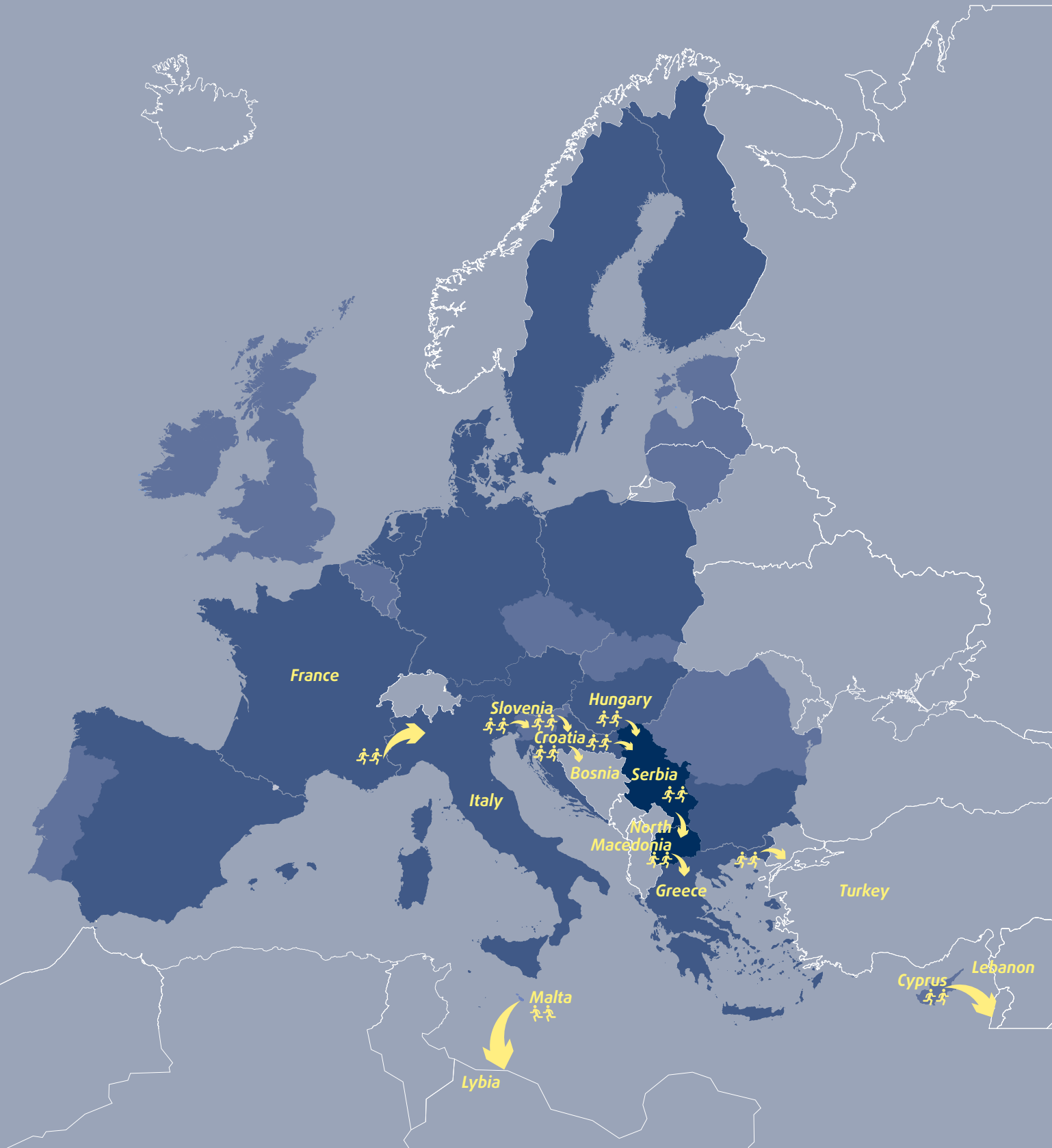
In **North Macedonia**, **media** reported that a car carrying 12 migrants crashed against a standing police vehicle, causing the death of two migrants. According to the Ministry's **bulletin**, 11 migrants were injured in another accident. In another incident, **media** reported that a migrant and a driver were shot in the leg by the police, after the driver refused to stop the car for a police inspection and tried to run over the police officers.

Serbia started to build a razor wire **fence** on its border with **North Macedonia** in August, as reported by the **Radio Slobodna Evropa** (Radio Free Europe). A **decision** of the Ministry of Finance, temporarily expropriating the land nearby, explained that the measure aims to contain the spread of COVID-19 as well as potential massive irregular crossings of the state border.

In **Austria**, on 13 July 2020, the **Federal Minister of the Interior** provided a list of all legal amendments on border checks issued during the COVID-19 pandemic. Up to 4 June, 17 laws and regulations had been passed, restricting entry into the country, with few exceptions.

The **Federal Ministry of Social Affairs, Health, Care and Consumer Protection** and the **Federal Ministry of European and International Affairs** summarised the travel restrictions currently in force. Entry from outside the EU and the Schengen area is still generally prohibited, with exceptions for Austrian citizens, EU/EEA citizens, Swiss and UK nationals, and holders of other passports under certain conditions.

REPORTED ALLEGATIONS OF REFOULEMENT



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

Legal corner

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

The non-legal term *pushback* is used when a person seeking international protection is apprehended and returned back to a neighbouring country without being granted access to the territory and to a fair and efficient asylum procedure.

Risk of *refoulement* and police violence at borders

Members of the European Parliament's Civil Liberties Committee asked Greece and the EU to investigate recurrent reports of violent pushbacks at the land and sea borders with Turkey.

UNHCR has received reports indicating that people might have been informally returned to Turkey immediately after reaching Greek soil or territorial waters. The testimonies also concern people left adrift at sea for a long time, often in unseaworthy and overcrowded dinghies. UNHCR called for further preventive measures, clear rules of process at the border and internal monitoring mechanisms, including through the reinforcement of the role of the Greek Ombudsperson. Given the nature, content, frequency, and consistency of these accounts, a proper investigation should be launched without further delay, according to UNHCR.

Testimonies of alleged pushbacks have been published by the NGOs Human Rights Watch and Legal Centre Lesbos. 29 NGOs requested the Greek Parliament to urgently establish an inquiry into all pushback allegations and examine whether they are part of a *de facto* government policy.

In Italy, the organisation "Refugees Rights Europe" published a report entitled "A Reluctant Welcome. Exploring issues of pushbacks, treatment in detention, and living conditions for displaced people in Italy". It reports on chain returns from Italy to Serbia, the bilateral agreement between Italy and Libya, the closed-ports policy, and critical issues pertaining to the Italian reception and detention systems, underlining the impact of these issues on fundamental rights of migrants and asylum applicants.

Pushbacks continued at the Alpine border between France and Italy despite the public health crisis caused by COVID-19, several NGOs, including Médecins du Monde, Amnesty International France and ANAFÉ reported to FRA.

In July, the Council of State (*Conseil d'Etat*) ruled that the Ministry of the Interior disregarded the right to asylum when the border police sent back a woman and her five-year-old child from Menton (Department Alpes-Maritimes) to Italy, even though the woman expressed her wish to apply for asylum. In a joint statement, six NGOs – including the above – welcomed the ruling, condemning the police practice they describe as systematic. These NGOs also urged the Ministry of the Interior to issue public instructions to the border police so that people wishing to seek international protection in France can do so at the French-Italian border, as well.

In Cyprus, UNHCR and the NGO KISA noted increased pushbacks at sea. Following the request for interim measures by the NGO KISA, the European Court of Human Rights requested information from the Cypriot government.

ECRE highlighted the sharp increase in the number of boats trying to reach Cyprus from Lebanon, with at least 21 boats between July and September, compared to 17 in the entire year in 2019.

The NGO **Human Rights Watch reported** that, in the first week of September, the Cypriot Coastguard summarily returned more than 200 persons without giving them the opportunity to lodge asylum claims. The individuals interviewed by the NGO stated that Coastguard vessels circled them at high speed, swamping their boats and in at least one case abandoning them at sea without fuel and food. Beatings were also reported in some cases. According to some testimonies, in one case, a Coastguard vessel rammed into a wooden boat full of people, injuring children and a woman. In another, an inflatable boat in distress was abandoned without fuel and was rescued by Lebanese vessels six days later. Human Rights Watch further reported that, in some cases, the Cypriot Coastguard used passenger vessels to return people to Lebanon.

Media reports cite Cypriot authorities as admitting having returned to Lebanon 230 Lebanese and Syrians in early September, but denying the use of violence. According to the representative of the police, the returns were carried out following **instructions** by the competent ministries and **consultations** with Lebanon.

The Cyprus Refugee Council reported another **instance** of unlawful return, where persons from the Pournara camp were told they would be taken for health screening but were instead led onto a boat that transported them back to Lebanon. They were not given access to the asylum procedure. The Ministry of the Interior **denied** this allegation.

The Slovenian Administrative Court issued a judgment **confirming** that the **Slovenian** and **Croatian** authorities committed pushbacks, as a result of which a man from Cameroon seeking international protection in Slovenia ended up in Bosnia and Herzegovina.

The **Council of Europe Committee for the Prevention of Torture** (CPT) visited a number of border police stations as well as the reception centre for foreigners (Ježevo) in **Croatia** to examine the conditions of detention and pre-removal procedures. The CPT also visited several temporary reception centres and informal migrant settlements in north-west Bosnia and Herzegovina, where it interviewed and medically examined many migrants who claimed they had been apprehended by Croatian law enforcement officials within the territory of Croatia and forcibly returned to Bosnia and Herzegovina.

The NGO Centre for Peace Studies filed **a criminal complaint** with the State Attorney's Office against unknown perpetrators regarding an incident of torture, humiliation and pushback of 16 refugees from Croatia to Bosnia-Herzegovina. Five refugees who suffered serious injuries have testified, one of whom had both arms and a leg broken.

The Office of the Croatian Ombudswoman has started investigations into complaints by refugees and migrants regarding ill-treatment by the police. According to **media reports**, the Danish Refugee Council has collected testimonies of refugees accusing the Croatian police of brutal assaults and severe sexual abuse. Croatia's Ministry of Interior is reportedly investigating the allegations, in order to either address concerns about the behaviour of Croatian police officers or to sanction and eliminate potential irregularities.

Asylum procedure

Figures and trends

The latest figures **released** by the European Asylum Support Office (EASO) show that, since the beginning of 2020, 295,075 applications for international protection have been lodged in the EU+, a 31 % decrease compared to the same period in 2019. This indicates that reduced mobility and pandemic emergency measures are still affecting the number of applications lodged with national asylum authorities.

Asylum applications in August were down slightly from July (almost 43,000 applications), and significantly below pre-COVID-19 levels. EASO notes that, despite the COVID-19-related challenges, national asylum authorities have been able to issue more first-instance decisions than there were applications lodged, reducing the backlog. In August 2020, Syrians (5,394; 13 % of total) and Afghans (3,800; 10 % of total) continued to lodge most of the applications for international protection, followed by Venezuelans (3,600; 9 % of total) and Colombians (3,300; 7 % of total). The recognition rate between January and August 2020 stands at 26 %.

In **Italy**, between 5 September 2019 and 31 July 2020, 622 asylum applicants were **relocated** (+167 % compared to the previous year). The **Ministry of the Interior** reported that, on 6 August, 58 asylum applicants were relocated to Germany; they had arrived in Italy on 16 and 30 October 2019 on the Ocean Viking vessel.

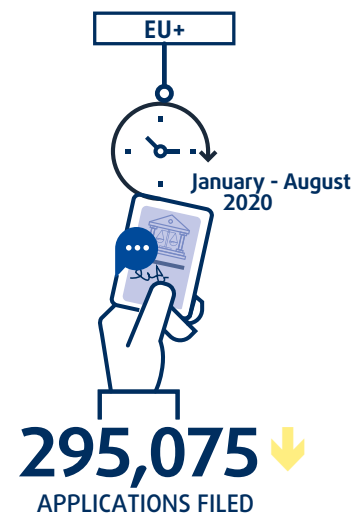
In **Hungary**, the **new procedure**, in force until the end of the year, requires individuals to express their intent to seek asylum abroad, at designated Hungarian embassies (in Belgrade [Serbia] and Kiev [Ukraine]). Only eight asylum applications were submitted in the reporting period, the National Directorate-General for Aliens Policing reported.

Austria initiated some 4,300 asylum withdrawal proceedings since the beginning of the year, in 30 % of all cases due to criminal offences. This is an increase by 6 % compared to the same period of the previous year (4,051).

In **Bulgaria**, according to data provided by the State Agency for Refugees, the number of asylum applications increased from 191 for the period April to June to 1,245 for the period July to September 2020. The majority of the applicants is from Afghanistan.

In **Spain**, the Ministry of the Interior published the **2019 Data on Asylum** in July 2020. The total number of applications for international protection was 118,446. Positive decisions were granted to 1,659 refugees and 569 beneficiaries of subsidiary protection, and 35,235 humanitarian permits were issued. The Ministry of the Interior further published its last update on the official provisional **data on asylum between January and August 2020**. Most of the applications were presented within the Spanish territory (64,349). Only a small number of these were lodged at border posts (1,527) or immigration detention facilities (682). Only 40 asylum applications were lodged at embassies (40).

In **Germany**, 55,756 filed their first asylum request between January and July 2020, according to the **Federal Office for Migration and Refugees**. This is 35.4 % less than the previous year. Of the 55,756 first-time asylum applicants, 14,891 (26.7 %) were children born in Germany under the age of one year. In the same period, the Federal Office for Migration issued 180,032 decisions within the revocation review procedure (*Widerrufsverfahren*). The protection status was revoked in only 3.2 % of the cases. In all other cases, it was confirmed.



In **Poland**, according to the **Border Guard**, between July and September 2020, 618 asylum applicants – first time and subsequent – were registered. (This is an increase compared to 386 applicants in the second quarter of 2020.) Of these, 103 were Belarusians.

In **Denmark**, the Ministry of Immigration and Integration **reported** that approximately 1,000 third-country nationals applied for asylum in the first eight months of 2020. This is the lowest number registered in the same period since 1998, when the figures began to be calculated.

Access to asylum procedures

In **Greece**, the Asylum Service will carry out **remote interviews** for applicants settled in the new emergency site on Lesbos. NGOs providing legal aid on Lesbos **expressed** their objection to the hasty implementation of this procedure, arguing that they were not adequately informed how it will work in practice, for instance concerning access to lawyers, possibility to submit important procedural documents, etc.

In **Malta**, access by NGOs such as Aditus and JRS to the Safi detention centre has been **strictly limited** since March, resulting in **lack of** basic information on the asylum procedure as well as on available legal support. The high backlog of asylum applications, confirmed by **the International Protection Agency**, leaves applicants in limbo without access to basic services, according to these NGOs.

In **Cyprus**, a processing centre for asylum applications was set up in the Pournara camp. The Cyprus Refugee Council raised concerns as there is no access to independent legal advice in the camp. UNHCR highlighted that the restriction of liberty in the camp as well as material deprivation are not conducive to establishing the necessary conditions for asylum determination interviews.

In **Austria**, the asylum authorities generally request communication via email as a covid-prevention measure. According to Caritas Vienna (*Caritas Wien*), communication by electronic means, such as email, is difficult for some applicants. Meanwhile, the courts have continued to schedule and hold hearings in asylum procedures. The Austrian Ombudsperson Board received 67 complaints regarding the duration of asylum proceedings in the second instance during the reporting period. At the end of September, some 18,000 cases were pending at second instance, according to the Ministry of Interior.

After receiving numerous complaints about the difficulties faced by persons in need of international protection to lodge their application for asylum, the **National Ombudsperson in Spain** recommended that the Ministry of the Interior urgently adopt measures to facilitate access to the appointment system.

In addition to covid-19-related difficulties in counselling asylum applicants, civil society organisations in **Germany** reported a shift from independent counselling to counselling by state actors due to a change in the **law**, stipulating initial counselling by the Federal Office for Migration and Refugees (BAMF). The German Red Cross stopped providing counselling services in the state of Saxony on 30 June 2020 due to lack of funding. Welfare organisations argue that the **BAMF cannot cover some of the tasks of counselling** – for example, counselling appeals against its own decisions. Since many applicants had negative experiences with government agencies, the organisations call for counselling not to be exclusively provided by state actors.

In **Germany**, asylum seekers who have converted to Christianity have to undergo verification practices that are **unsuitable** for **determining** genuine religious reasons, according to the Migration Commission of the German Bishops' Conference. They recommend more practical checks – for example, pastors or members of church congregations testifying and accompanying asylum applicants at hearings.

In **Denmark**, according to the **Danish Refugee Appeals Board**, the COVID-19 pandemic further extended waiting times for asylum applicants and family reunifications carried out pursuant to EU law.

Covid-19-related factors may negatively affect the outcome of individual applications in **Sweden**, according to the Swedish Refugee Law Centre, Save the Children, Amnesty Sweden and Stockholm City Mission, as applicants cannot meet their public counsel in person or nuances may be lost in online interpretation. While confirming that technical problems are a challenge, the Migration Agency maintains that online interviews allow for respect of legal safeguards as fully as physical meetings do.

In the **Netherlands**, in a **letter** to the Parliament, the government announced that the asylum procedure will be shortened by collecting more information during the 'registration interview', where there will be no legal assistance.

In **North Macedonia**, according to data provided by the Ministry of Interior, the only positive asylum decision issued in the reporting period concerned a man from Afghanistan who was granted subsidiary protection status. The NGO Jesuit Refugee Service reported that asylum applications are usually declined on the ground that the applicants did not prove their fear of persecution in their country of origin.

In **Serbia**, the Belgrade Centre for Human Rights told FRA that it considers the length of the asylum procedure and lack of standards for decision-making as key obstacles in the asylum procedure. The centre supported affected asylum applicants by appealing to the second-instance body in several cases where a first-instance decision of the Asylum Office had been pending for more than a year (average of 475 days).

Family reunification

In **Croatia**, due to the COVID-19 outbreak, the resettlement programme and family reunifications have been suspended, preventing legal and safe entry of refugees to the country, the Jesuit Refugee Service reported to FRA.

In **Austria**, according to the Austrian Red Cross (*Österreichisches Rotes Kreuz*), persons wishing to apply for family reunification have difficulties in travelling to diplomatic and consular representations in third countries due to COVID-19-related travel restrictions.

In **Germany**, civil society organisations report very long waiting times for appointments at consular offices of the German embassies. According to a **parliamentary question to the Federal Government** (*Kleine Anfrage an die Bundesregierung*), unaccompanied child refugees are only entitled to simplified family reunification with their parents but not with siblings, unless the parents are able to prove they will have sufficient living space and be self-sufficient if both they and the siblings are permitted to come to Germany. This creates significant hardships, according to the Federal Association for Unaccompanied Minors. In addition, the Federal Workers' Welfare Association and **Pro Asyl** report serious difficulties for Eritrean refugees to obtain the necessary documents to prove families ties.

In **the Netherlands**, according to the **Dutch Refugee Council**, many refugees who have received permission for family reunification from the Immigration and Naturalization Service (*Immigratie of Naturalisatiedienst*) cannot travel to the Netherlands because the Dutch embassies where they have to collect their visas (e.g. in Egypt, Jordan and Lebanon) are closed due to COVID-19. Usually there is no Dutch embassy in the country of origin and families have to go to a neighbouring country.

Reception

Reception capacity

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

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

In **Italy**, the **Ministry of the Interior** reported that 86,330 people were accommodated in reception facilities as of 31 July 2020 (17 % less compared to 2019). This includes 949 persons in hotspots; 61,972 in first-level reception centres for asylum applicants, and 23,409 in second-level reception centres for beneficiaries of international protection and unaccompanied children.

In **Italy**, the Ministry of the Interior issued a **Circular Letter** terminating the accommodation at Italian reception facilities of third-country nationals who were exceptionally allowed to remain in centres during the pandemic. Local authorities managing second-level reception centres can continue to accommodate vulnerable individuals. The NGO "Italian Refugee Council" (*Consiglio Italiano per i Rifugiati – CIR*) expressed **concern** over the measure, stressing the risks of leaving hundreds of people with no accommodation while the virus is still spreading at a high rate.

In **Malta**, NGOs report overcrowding, poor conditions and shortages of trained staff in reception facilities. **Homelessness** is increasing as asylum applicants have to leave open centres after one year and space for quarantining is needed. Despite available EU funding, the planned new open centre in Hal Far that would increase residential capacity by 400 persons remains **unbuilt** and offshore detention has been introduced.

In **Bulgaria**, according to the **Ministry of the Interior**, the occupancy rate of the accommodation centres is approximately 16 %. To prevent the spread of Covid-19, the reception centres in Banya and Pastrogor were re-opened, separating new and old arrivals, the Bulgarian Red Cross reported.

Denmark, due to the historically low numbers of asylum applicants, has decided to close two (out of seven) reception centres and one emergency centre. The people currently living at the centres about to be closed will be transferred to other centres.

Reception conditions

In its **Rule of Law report**, the European Commission noted a rise in attacks on NGOs working with refugees and migrants in **Greece** and the shrinking space for civil society to operate. The new **Ministerial Decision**, replacing the one issued in April, introduces stricter requirements for the registration and certification of NGOs and increases state discretion, according to the NGO **Refugee Support Aegean**.

In **Italy**, the National Institute for the Promotion of the Health of Migrants and Countering Poverty Diseases (*Instituto Nazionale per la promozione della salute delle popolazioni Migranti e per il contrasto delle malattie della Povertà* – INMP) issued a **report** on the impact of COVID-19 on people hosted in reception facilities. The report is based on monitoring activity carried out between 11 May and 12 June 2020 in over 5,000 reception facilities, accommodating 70 % of the people hosted in the Italian reception system.

According to the report, a total of 239 cases of Covid-19, distributed in 68 of the monitored facilities, were registered; 97.1% of these are located in northern Italian regions. More than 90 % of the cases concerned men and more than 80% involved people aged 20-34. Finally, the vast majority of cases (82.4 %) were registered in the Extraordinary Reception Centres (*Centro di Accoglienza Straordinaria* – CAS). Only 7.5 % were registered in second-level reception facilities.

In **Italy**, a number of civil society organisations – including the Association for Legal Studies on Immigration (*Associazione per gli studi giuridici sull'immigrazione*, ASGI), INTERSOS and ActionAid – **reported** that, in Udine, 30 people had to undergo the 14-day Covid-19 isolation period in a bus, with no hygienic services. The persons were constantly monitored by police officers, and were not given any information on their rights and the asylum procedure. The authorities explained that no places were available in the local reception to accommodate them. On 24 September, **the Prefect of Udine** decided to move them to an informal encampment located nearby.

In **Cyprus**, living conditions at the Pournara camp, where asylum applicants are initially accommodated after lodging their application, continue to be substandard. As reported by UNHCR and the Cyprus Refugee Council, new arrivals are often quarantined together with people who arrived on previous dates. This leads to extended quarantine periods, with an unaccompanied child spending 45 days in quarantine, according to the Cyprus Refugee Council. After the quarantine, asylum applicants are allowed to move out of the camp, which during the lockdown was converted into a closed facility, but in practice, they face serious obstacles. To leave the camp, applicants must find their own accommodation. For many applicants, the only way out is to find rooms online, often under exploitative conditions and rents.

According to UNHCR, by the end of September, the average length of stay in Pournara was 30-40 days. As reported by the Cyprus Refugee Council, applicants with no possibility to find their own accommodation have been held in the camp for up to five months.

In **Hungary**, there have been no reports of COVID-19-infected asylum applicants in either the closed asylum detention centre of Nyírbátor or the open facilities of Vámoszabadi and Balassagyarmat. Still, the **National Chief Public Health Officer stated** that the orderly epidemiological situation was seriously jeopardised in the summer by uncontrolled migration. According to the **Hungarian Helsinki Committee**, the very low number of asylum applicants accommodated in the open refugee camps resulted in no infections amongst them. Similarly, after an on-site visit carried out to Vámoszabadi, **Euronews observed** that asylum applicants had often spent months, if not years, in the closed transit zones before moving to open facilities after the closure of the transit zone and thus would not represent a threat to the Hungarian population.

In **Croatia**, the NGO Rehabilitation Centre for Stress and Trauma informed FRA that they noted difficulties in ensuring the standards laid down in the Receptions Conditions Directive, especially for vulnerable asylum applicants. For example, an applicant with amputated legs was placed in a facility for the elderly with mental problems, which was not adapted for people in wheelchairs. The NGO also highlighted the lack of effective mechanisms to identify torture victims as well as the lack of adult education. In **Spain**, **IOM and UNHCR** in August called for an urgent and coordinated response to the alarming reception conditions of refugees and migrants in Melilla. At that time, the Temporary Stay Centres for Immigrants (CETIs) hosted around 1,400 people (double its capacity), including approximately 150 children, as well as women and vulnerable people.

Due to the overcrowding of CETIs, reception takes place in an improvised manner in inadequate conditions, such as in the city's stadium for bullfights. The NGO Jesuit Migrant Service, together with other organisations working in Melilla, denounced the overcrowding and inhumane living conditions in those facilities, as well as the Interior Ministry's reluctance to relocate North Africans from the CETIs in Ceuta and Melilla to mainland Spain. According to the **media**, the Secretary of State for Migration committed to finding a solution for the people hosted in Melilla's bullfight stadium.

In **France**, following a visit to the informal camp in Calais in September, carried out upon **the request of 13 NGOs**, the **Public Defender of Rights** noted sub-standard living conditions. An estimated 1,200-1,500 people, including women with young children and unaccompanied children, were sleeping in the woods, including in bad weather conditions. They experienced harassment by police during evacuations. Sanitary facilities were far from living areas, with only one water point; and measures to contain the spread of COVID-19 were insufficient.

The Public Defender of Rights expressed particular concerns about the situation of women and children. The lack of specific facilities for women makes them particularly vulnerable to sexual exploitation and gender-based violence. Children, some only 12-14 years old, were at risk of falling prey to illegal networks.

In Paris, repeated police operations took place to dismantle informal camps, the **NGO France Terre d'asile reported**. According to the NGO, authorities started providing shelter to some 2,100 people, including families and unaccompanied children, in Aubervilliers (in the Northeast part of Paris), but the informal camp gradually reappeared.

In **Belgium**, the **Federal Asylum Authority (Fedasil)** issued **new instructions** to extend the reception system to Dublin transferees. However, material assistance can still be limited to medical care if an individual assessment shows that the person concerned had previously absconded or had already had their material assistance limited due to lack of cooperation.

Fedasil also **announced** new sanitary measures in reception facilities, after an increase of COVID-19 infections in the country over the summer. Under the new rules, asylum applicants in reception centres must limit their social contacts to five people (as all residents in Belgium) and wearing a mask is mandatory in all common spaces. Outside activities were suspended. In addition, a colour-coding system was put in place in all centres in view of adapting or suspending other activities. All these measures **were prolonged** until at least the end of September.

In **Germany**, large reception facilities, such as ANKER centres, provide insufficient privacy for victims of sexual violence, as the Migration Commission of the German Bishops' Conference told FRA. Civil society organisations reported to FRA pandemic-related difficulties in providing educational services to children and psychotherapy.

Asylum seekers in **Sweden** who decide to live in so-called socio-economically challenged areas **do not receive a daily allowance** (*dagersättning*), as a measure aimed at preventing segregation. As several municipalities **declared** the whole municipality as "socio-economically challenged", the government **decided** that, upon such a declaration by the municipality, the County Administrative Boards (*Länsstyrelserna*) in the different regions shall decide which areas therein may be considered to be "socio-economically challenged".

The Migration Agency has – together with the National Board of Health and Welfare (*Socialstyrelsen*), the Swedish Association of Local Authorities and Regions (*Sveriges kommuner och regioner, SKR*) and the County Administrative Boards (*Länsstyrelserna*) – **proposed** a future distribution of newly arrived persons among regions and municipalities.

In **Sweden**, the National Council for Crime Prevention (*Brottsförebyggande rådet – BRÅ*) has **examined** applicants' vulnerability to crime at reception centres. According to the Swedish Church, women are especially vulnerable and often subjected to sexual harassment and assault.

In **the Netherlands**, following a legal **amendment**, asylum applicants whose application is rejected because they have already received an asylum permit in another EU Member State must report daily to the Central Agency for the Reception of Asylum Seekers (COA). They also do not receive a living allowance – but do receive in-kind assistance, such as meals and basic items, at the reception facility.

Bright spots

The Berlin Social Court **held** that the **regulation** on psychotherapeutic care provision (*Ermächtigungsregelung zur vertragspsychotherapeutischen Versorgung*) had to be interpreted more broadly for asylum applicants.

Statutory insurance companies had maintained that, for a therapist who is not registered with them to be reimbursed for providing such care to asylum applicants, the asylum applicant had to have lived in Germany for 18 months and started treatment during this timeframe.

The court held that the therapists qualify for reimbursement as long as the asylum applicant in their care has lived in Germany for 18 months.

Child protection

Figures and trends

In **Greece**, as of 30 September 2020, according to the **National Centre for Social Solidarity** (EKKA), 4,222 unaccompanied children were estimated to be in the country, including 208 separated children (who are accompanied by an adult other than their parents or legal caregivers). Only 1,501 were in appropriate and long-term accommodation (shelters and semi-independent living apartments); 1,164 were in temporary accommodation ('safe zones', emergency accommodation for UAC and hotels); 120 stayed in Reception and Identification Centres; 226 were in 'protective custody', mainly at police stations; and 192 were in open temporary accommodation facilities. EKKA reports also that, 1019 live in informal or insecure housing conditions such as temporarily in apartments with others, in squats, being homeless and moving frequently between different types of accommodation.

In **Italy**, as of 31 August 2020, 5,540 unaccompanied children were registered, according to the **Ministry of Labour and Social Policies**: 5,308 (95.8 %) are boys and 232 (4.2 %) are girls. Two out of three are 17 years old and one out of four is 16 years old. Some 270 children were younger than 14 years of age. The three most common nationalities among unaccompanied migrant children are Albanian (22.9 %), Bangladeshi (17.4 %) and Egyptian (10.8 %). Some 20 % of these children are hosted in reception facilities in Sicily. In August 2020, 260 children were registered as missing. Between January 2020 and 5 October 2020, 3,152 unaccompanied children reached Italy by sea, according to the **Ministry of Interior**.

In **Croatia**, the Ministry of Labour, Pension System, Family and Social Policy, as well as the Office of the Ombudswoman for Children, told FRA that they noted an increase in unaccompanied children entering the country.

After closing down the transit zones at the southern border of **Hungary** at the end of May, five unaccompanied children in an irregular situation were apprehended and transferred to the children's home in Fót near Budapest, the National Headquarters of the Police stated. However, **under the law**, fully-fledged child protection guardians are only assigned to children below the age of 14; for the rest, only social workers are appointed, who serve as *ad hoc* guardians in the asylum and other migration-related procedures, UNHCR confirmed.

In **Austria**, some 170 unaccompanied children are in basic care as of September 2020. Some 85 of them were below the age of 16, according to the Austrian Red Cross. As of 1 September 2020, 228 missing children with non-EU-citizenship were registered in the SIS II, 61 of whom were between the ages of 0 to 14, the Federal Ministry of the Interior, Criminal Intelligence Service, Competence Centre for Missing Children told FRA.

In **France**, in a **report sent to the United Nations Committee on the Rights of the Child**, the Public Defender of Rights pointed out several shortcomings in the childcare system concerning migrant children with families and unaccompanied children. For instance, authorities continued to increasingly use former hotels to accommodate them. This short-term response is often coupled with substandard housing conditions (overcrowding, unsanitary conditions, etc.). All this is detrimental to the social inclusion of the families concerned. The lack of adequate support services and the long distance between hotels and such services and facilities is likely to lead to children dropping out of schools.

In **France**, 72 children who were considered as adults were evicted from an informal camp in the centre of Paris and referred to services for adults, **multiple NGOs and support groups reported**. The same civil society organisations challenged these young people's age assessment before a court, arguing that they were children and deprived of child-protection services pending appeal.

In **the Netherlands**, NIDOS, the organisation in charge of guardianship for unaccompanied children seeking asylum, published its **annual report** covering the year 2019. The report shows that, in 2019, only 1,435 new children were placed under guardianship, compared to 1,870 in 2018. Among the 3,072 unaccompanied children under guardianship in 2019, the three top countries of origin were Eritrea, Syria and Somalia.

Some 538 unaccompanied or separated children arrived in **Serbia**, as UNHCR told FRA (94 in July; 177 in August; 267 in September), compared to 79 in the previous quarter. The Asylum Office registered 394 children wishing to seek asylum in Serbia in the same period; these included 22 unaccompanied and separated children, predominantly from Afghanistan (18), according to Asylum Office reports received by the Belgrade Centre of Human Rights.

Relocation

As of 7 October, 1,157 vulnerable people, including 292 unaccompanied children, have been **relocated** from **Greece** to other EU Member States. After the fires in Moria, **Belgium, Bulgaria, Croatia, Finland, France, Germany, Italy, Luxembourg, Netherlands, Portugal** and **Slovenia** committed to relocate the 400 unaccompanied children who had been living in the camp.

In Italy, the **Ministry of the Interior** agreed to the transfer of 300 asylum applicants from Greece to Italy following the fire that destroyed the Moria camp on Lesbos. The relocation will be carried out through the humanitarian corridor set up by the Ministry of the Interior and the NGO "**Comunità di Sant'Egidio**." The project will last for 18 months and will prioritize the relocation of unaccompanied children.

Germany will likely **accept** between 100 and 150 unaccompanied children, according to the Berlin Senate Department for Education, Youth and Family; the state of Berlin committed to take in 70 unaccompanied children. UNHCR Berlin **recalled** the need for support to Greece, particularly for the admission of vulnerable persons. The Migration Commission of the German Bishops' Conference urged the federal government to increase their support, especially in view of the strong **willingness of local authorities to accept more refugees**.

In **the Netherlands**, the State Secretary for Justice and Security **decided** to take in 50 children and 50 vulnerable people from Moria. The 100 people will in 2021 be deducted from the UNHCR resettlement quota. Any family members who come to join the 100 refugees will also be deducted from the quota. The Dutch Refugee Council (*VluchtelingenWerk Nederland*) **criticised** the decision to relocate refugees from Moria at the expense of those under the UNHCR resettlement scheme.

Reception conditions

In **Cyprus**, in response to allegations of sexual abuse of unaccompanied children, a “safe zone” was created inside the camp, but with less capacity than initially intended. According to the Cyprus Refugee Council, children are not allowed to exit the safe zone, do not have access to guardians nor to education, leisure or legal advice. Mothers with children are accommodated in the zone; the fathers are not permitted to reside with their families and are housed in tents outside the “safe zone”.

In **Croatia**, according to the NGO Croatian Law Centre as well as the Welcome! Initiative, the reception conditions in the country are not adequate for unaccompanied children as they are often placed in Community Service Centres (“*Centar za pružanje usluga u zajednici*”) for children with behavioural issues. Another issue noted by the **NGO Croatian Law Center** is the very long process for the appointment of guardians.

In **Germany**, the Berlin Refugee Council, the Federal Workers’ Welfare Association, as well as the Federal Association for Unaccompanied Minors, reported to FRA that refugee shelters do not provide the necessary **conditions** for home-schooling. In many cases, there is no stable Wi-Fi, people do not have computers and printers, and many parents were not able to instruct their children in home-schooling while volunteer organisations could no longer access the accommodations during the lockdown. After the lockdown, rooms for homework help were not accessible in the facilities and school officials deprioritised re-opening so-called “welcome classes” for refugee pupils, according to the Berlin Refugee Council. This delayed their access to schools after the lockdown.

In **Sweden**, decisions to shut down accommodation centres due to decreasing arrivals failed to sufficiently consider the best interests of the child, according to Save the Children and the Swedish Church. Children need to move and often change schools, which makes it difficult for them to keep up with their education.

In **Denmark**, according to information provided to FRA by the Danish Refugee Council and the **Danish Red Cross** reported that, during summer, 48 families of rejected asylum seekers with children were moved from Departure Centre Sjælsmark to the new Asylum Centre Avnstrup to improve their living conditions, especially for the children.

In **Denmark**, according to information provided to FRA by the Danish Red Cross, in a number of separated families, one parent has a residence permit and lives in a municipality while the other parent does not have a residence permit and lives in a reception centre. This means children are denied the possibility to live with both of their parents. The Danish Red Cross is currently conducting research based on interviews with the families involved and with experts to clarify the nature of the problem.

In **North Macedonia**, the NGO Legis indicated that they reported to the authorities the case of a police officer hitting a child in a transit centre. According to the NGO, the case is under investigation.

In **Serbia**, facilities for accommodating unaccompanied children in the asylum centres need to be brought in line with minimum child-protection standards, according to UNHCR, in addition to expanding the capacity of institutions for social protection. Measures to limit the spread of COVID-19 continue to limit NGOs’ visits to youth centres of the institution for social protection. Children arriving in the City of Niš have to isolate for 14 days, during which they may only leave their rooms for 15 minutes a few times a day.

Safeguards and specific support measures

The NGO Save the Children, in its report '**Protection Beyond Reach: State of play of refugee and migrant children's rights in Europe**', looked at five key themes: protection at Europe's outer borders; immigration detention; access to asylum and residency; family reunification; and guardianship. Save the children noted an increase in violence at borders and of child detention, as well as stricter rules to get refugee status or reunite with family. The organisation called for a plan to end immigration detention; access to a guardian for unaccompanied children within 24 hours; family reunification within three months; better and more legal migration pathways; and immediate access to protection at borders.

In **Italy**, the Authority for the Protection of Childhood and Adolescence (*Autorità Garante per l'Infanzia e l'Adolescenza*, AGIA) released two reports on the implementation of the voluntary guardianship system introduced by **law n. 47 of 7 April 2017**. It addresses training activities carried out by the **regional branches of the authority** and the activities carried out by **juvenile courts**. As of 30 June 2019, 2,965 voluntary guardians were officially enrolled in the lists of juvenile courts. Three out of four are women, 63.1 % are over 45 years old, 78.2 % have regular employment, 10.8 % are retired, and 79.5 % have completed tertiary education. In the same reporting period, 70 training sessions were have been organised, 15 of which were directly promoted by the authority.

In **Malta**, the **Minor Protection (Alternative Care) Act** came into force on 1 July. According to the Office of the Commissioner for Children, the Director responsible for protecting children at risk must ask the court to provide for the tutorship and/or curatorship of the child immediately after registration and issuance of identification documents (Article 21(2)).

In **Malta**, parents, especially in open centres, had not received enough information about covid-19-related restrictions and online teaching material, according to the NGO KOPIN. Due to a lack of volunteers, recreational activities run by NGOs for children were stopped.

In **Cyprus**, third-country national children born after their parents have left their country of origin, or born to parents who married in Cyprus, no longer automatically receive the residence status of their parents. This practice, as Cyprus Refugee Council told FRA, affects families with a long presence in the country as well as international protection beneficiaries. It also leaves dependent children in legal limbo or leads them to apply for a special status that is not compatible with their factual conditions. As reported by the Cyprus Refugee Council, the Asylum Service sought the opinion of the Attorney General on the transposition of the EU's Family Reunification Directive and the interpretation of the term "family member" in the context of beneficiaries of international protection. A complaint by affected individuals was submitted before the Child Ombudsperson and similar cases are pending in court.

In **Belgium**, the Commissioner General for Refugees and Stateless Persons **re-started interviewing asylum-seeking unaccompanied children**. The interviews take place respecting multiple sanitary measures due to the COVID-19 pandemic – for example, by placing plexiglas panels between those present at the interview.

In **Germany**, the Federal Office for Migration and Refugees resumed hearing asylum applicants, which it had stopped doing due to the pandemic. Priority was given to applicants from specific countries of origin and not to applicants from vulnerable groups, such as victims of trafficking in human beings or of sexual violence, the Federal Association for Unaccompanied Minors told FRA. Their hearings are postponed to an unknown date, increasing the psychological pressure on these persons.

Legal corner

In his report '**Ending immigration detention of children and providing adequate care and reception for them**', the UN Special Rapporteur on the human rights of migrants examined the international legal framework protecting the human rights of migrant children.

The Special Rapporteur reviewed the impact of immigration detention on children and existing alternative care and reception solutions, identified good practices and concluded that the immigration detention of children is effectively avoidable. He recommended that Member States shift away from a focus on enforcement and coercion towards providing human rights-based alternative care and reception for all migrant children and their families.

Bright spots

In **Italy**, the Government signed an **agreement** with regions and local autonomous institutions. Entitled "Multi-disciplinary Protocol on Age Assessment of Unaccompanied Migrant Children", it seeks to harmonise procedures to assess the age of unaccompanied migrant children.

The procedure must be carried out by a multi-disciplinary team. It follows three steps with an increasing level of invasiveness, which should be kept to a minimum: a social interview with the child; a psychological evaluation; and a paediatric visit. It is not necessary to make use of all the steps if the age can be assessed after the first or the second one.

The procedure must be carried out in an adequate facility, preferably the reception facility where the child is accommodated or at the healthcare facilities at the disposal of local healthcare authorities.

Immigration detention

Figures and trends

In **Italy**, the Italian Coalition for Freedoms and Civil Rights (*Coalizione Italiana Libertà e Diritti civili* – CILD) issued a **report** on immigration detention during the COVID-19 emergency, covering February-June 2020. It notes that, as of 2 July, 451 people were held in Italian hotspots; 332 in Italian Detention and Return Centres (*Centri di Permanenza per il Rimpatrio* – CPRs); 207 on the Moby Zazà vessel; and a number of people were held in ad-hoc facilities established during the COVID-19 emergency in Sicily to allow people who just disembarked to undergo the 14-day isolation period. The report stressed that these facilities became de facto quarantine facilities, where the migrants' personal freedom was limited without specific judicial authorisation. The report also questions pre-removal detention more generally, due to the lack of tangible prospects for removal in light of the suspension of flights during the pandemic.

In **Hungary**, 90 people were placed in pre-removal detention during the reporting period, a slight decrease compared to the previous period (108 people), according to data of the National Directorate-General for Aliens Policing and the National Headquarters of the Police provided to FRA. In the same period, according to the same sources, six men were held in asylum detention, either to facilitate their Dublin transfers, or to decide on their asylum claim under the new rules (asylum procedure to be initiated from abroad). As of the end of September, six asylum applicants were being detained at the Nyírbátor asylum detention facility, according to information provided to FRA by the National Directorate-General for Aliens Policing.

In **Croatia**, 122 people, including children, were placed in immigration detention in the reporting period, in facilities at Tovarnik, Ježevo and Trilj, according to data the Ministry of Interior shared with FRA. This marks a significant increase compared to the previous reporting period (36 detainees). The average time of their detention varied between five and 45 days.

In **Bulgaria**, according to the **Ministry of the Interior**, the capacity of the two pre-removal facilities (Busmantsi and Lyubimets) was increased from 700 to 1,060 persons. A total of 1,487 new persons were sent to the pre-removal facilities between July and September, marking a significant increase compared to the previous three-month period (April-June 2020), when the number of newly placed persons was 193. At the end of September, the total number of detainees was 523, the majority being from Afghanistan (213 persons), Syria (181 persons), and Iraq (54 persons).

In **Spain**, the NGO Spanish Refugee Aid Commission (CEAR) showed concern over the reopening of the Internment Centres for Foreigners (CIEs), after their closure in March 2020 due to the impossibility of returning irregular migrants. According to the **media**, the government has shown its willingness to resume its return policy and thus reopen pre-removal detention facilities.

A total of 304 people were held in immigration detention in **Belgium** in July and August, according to data the Immigration Office provided to FRA. Due to the COVID-19 outbreak, the overall detention capacity was reduced from 635 places to 296.

In **Sweden**, the number of detainees continues to exceed available places, which have been further halved due to covid-19-related protection measures, the Migration Agency told FRA. Civil society organisations express concerns over the infection risk and persons in detention who cannot be returned due to covid-19-related obstacles, the Ombudsperson told FRA.

Detention conditions

In **Cyprus**, a number of court decisions (issued, for example, on **09.07.2020** and **28.07.2020**) concerned administrative detention of asylum applicants or rejected applicants for approximately 15-16 months on grounds of national security. The court found that the reasons for suspecting the individuals at issue of involvement in terrorism were vague and unsubstantiated, and did not justify the length of the detention. It thus ordered the release of the detainees.

In **Cyprus**, police stations are increasingly used to detain third-country nationals, including newly arriving asylum applicants, the Cyprus Refugee Council reported to FRA. The length of detention often exceeds two weeks, according to the same source.

In **Austria**, the commissions of the Austrian Ombudsperson Board acting as National Preventive Mechanism (NPM) told FRA that they resumed their visits to places where the freedom of individuals is restricted after the COVID-19-related lockdown. They submitted six protocols concerning visits to police detention centres, identifying challenges in relation to visiting modalities, employment, staffing level, solitary confinement and access to the yard.

In **Bulgaria**, UNHCR informed FRA that asylum applicants who can easily be returned to their countries of origin in case of a negative decision (e.g. persons with valid passports) are systematically detained during the examination of their application.

In **France**, the **Controller General of Places of Deprivation of Liberty published a report** on the fundamental rights of persons deprived of their liberty in times of the COVID-19 pandemic. The report voiced concerns about the situation in pre-removal detention facilities, including waiting areas at the border, in conditions that put the detainees' health at risk. It noted that, in view of drastically reduced air traffic, immigration detention has become "an unjustified measure in practice [and] highly questionable in law" due to the lack of a reasonable prospect of removal.

Similarly, the **NGO La Cimade expressed criticism** about keeping hundreds of returnees in pre-removal detention while there are virtually no flights to their country of origin due to the COVID-19 pandemic.

Civil society organisations **published the annual report for 2019 on pre-removal detention centres** across the country. It found that, last year, an unprecedented number of returnees were put into detention pending removal (54,000, of whom 29,906 were locked up in Mayotte). According to the report, the Controller General deplored the authorities' failure to follow up on his repeated request to temporarily close the pre-removal detention centres in view of the COVID-19 outbreak.

In **Belgium**, visits to pre-removal detention centres by friends and family members of the detainees restarted in July, followed by letting NGOs visit from mid-July as well, the Immigration Office stated to FRA.

In **Sweden**, detainees are unable to receive visitors due to COVID-19-related prevention measures, the Swedish Church told FRA. Priests who support individuals in detention centres are unable to visit the centres. They report to FRA that detainees are becoming increasingly mentally unstable compared to before the COVID-19 outbreak.

In **the Netherlands**, a **report** published by three NGOs shows that, between 2016 and 2019, isolation in the context of immigration detention almost doubled, whereas the occupancy rate increased by only 30 % during this time (from 330 in 2016 to 430 in 2019). In several cases, people were in isolation for six months. The NGOs call on the Dutch government to end isolation in immigration detention and, until then, to apply it only in exceptional cases, and always for as short a time as possible.

Bright spots

In **France**, a group of civil society organisations published **their annual report (2019)**, providing a detailed and comprehensive account of fundamental rights issues in pre-removal detention centres (*centre de rétention administrative* – CRA).

The collaborative approach of the report, which involved national authorities, makes it possible to regularly provide reliable and comparative information on the fundamental rights situation in immigration detention facilities across France.

In **the Netherlands**, a proposed **amendment** to a bill on immigrant detention currently under review by the Senate introduces several disciplinary measures, including the possibility for the head of the detention centre to impose a lockdown for a maximum of four weeks. During such a lockdown, migrant detainees will be held in their cells for 23 hours a day. The **Immigration Detention Hotline** (*Meldpunt Vreemdelingendetentie*) and the **National Ombudsperson** criticised the amendment as contrary to the original intention of the bill, which was to improve the conditions of third-country nationals held in immigration detention.

In **Serbia**, the Shelter of Foreigners told FRA, no doctor is available at the facility, and medical assistance is provided in the nearest health-care centre. Asylum seekers are rarely detained; in the reporting period, the Asylum Office said it issued one detention order to an asylum seeker.

Detention of children

In **Austria**, among the 2,013 persons detained pending removal in the first half of 2020, 10 children were detained, for an average of 8.8 days, according to the **Federal Ministry of the Interior**.

In **France**, the widespread use of immigration detention of children with families, and instances of keeping the child in pre-removal detention alone while the parents are not held (particularly in Mayotte), remained problematic issues, the **Public Defender of Rights** reported. In the latter case, the judicial authorities refuse to entrust the child to child-protection services or to their parents, which leads to prolonged detention, sometimes for 20 days, which is the maximum duration by law.

According to the **annual report on pre-removal detention centres** published by a group of NGOs, including *La Cimade*, 3,380 children were detained pending removal in 2019, with 3,101 underage individuals detained in the French overseas department of Mayotte.

In **France**, the National Consultative Commission on Human Rights criticised in **an opinion** the “**proposed law to strictly regulate the administrative detention of families with children**”. The draft does not categorically prohibit immigration detention of children; it merely limits such detention to 48 hours, with a possible extension of three days. Recalling that the ECtHR found France guilty of arbitrary detention on multiple occasions, the opinion calls on the National Assembly to amend the legislative proposal.

The **coalition agreement** of the newly formed government in **Belgium** aims to increasingly use alternatives to immigration detention, especially for children who should not be held in detention; and to limit the duration of detention pending removal to the shortest period of time. The document also seeks to increase the effectiveness of the country’s return policy and to implement measures to prevent circumstances in which removal is made impossible due to a manifest lack of cooperation.

In **Serbia**, the Belgrade Centre for Human Rights said to FRA that no cases of unaccompanied children being detained in the Shelter for Foreigners was reported to the centre. However, children were sometimes detained there together with their families.

Return

Figures and trends

According to the **IOM**, since the beginning of 2020, 9,830 individuals have been rescued or intercepted at sea and returned to Libya. Of these, 532 were minors.

Authorities in **Hungary** carried out 169 removals to third countries, as well as 524 intra-EU readmissions in application of readmission agreements, during the reporting period, according to data of the National Headquarters of the Police provided to FRA. Pending removal, returnees were kept in pre-removal detention centres at the Budapest International Airport and in Nyírbátor, according to the Ministry of the Interior.

Croatia implemented 275 forced returns to Kosovo, Albania and Morocco, and 117 voluntary returns to Bosnia-Herzegovina, Serbia and Albania, according to data of the Ministry of the Interior provided to FRA.

Austria returned 3,489 persons in the first half of 2020 (1,646 voluntary, including 109 children, and 1,843 forced returns and Dublin returns). Of the 1,555 persons who were returned forcibly, including 24 children, 1,000 were destined to EU and EFTA countries and 555 to third-countries, according to the **Federal Ministry of the Interior**. By the end of June 2020, 11 charter operations had been carried out to seven destinations. In August 2020, 720 returns took place (335 voluntary and 385 forced returns). Forced returns in August 2020 were mainly conducted to other EU Member States, Serbia and Nigeria.

In **Belgium**, 302 irregularly staying third-country nationals departed voluntarily in July and August (most of them to Brazil, Georgia and Ukraine), and authorities removed 278 migrants in an irregular situation during that period, the Immigration Office reported to FRA.

In **Sweden**, 1,450 persons were returned during the reporting period, including 1,124 voluntary and 326 forced returns, the Migration Agency told FRA. Among the voluntary returns, 236 were children, 290 were women, and 598 were men. Among the forced removals, 18 were children. The top three nationalities for returns during the reporting period were Afghanistan (163 persons), Ukraine (149 persons) and Albania (143 persons).

In **the Netherlands**, 11,830 persons were returned between January and August 2020, according to **government data**. This includes 2,340 forced removals, 2,830 returns with supervision, and 6,660 independent returns without supervision. Voluntary departures and forced removals marked a 21 % decrease compared to the same period in 2019.

Fundamental rights concerns related to return

In **Austria**, the **courts of second instance** started to determine whether applicants have pre-existing medical conditions (such as diabetes, cardiovascular diseases) that put them into a COVID-19 risk group. If so, this may result in granting an appeal and not withdrawing protection status.

In **Poland**, according to the NGOs **Helsinki Foundation for Human Rights** and **Association for Legal Intervention**, the ECtHR in August 2020 granted interim measures under Rule 39 of the Rules of Court in two cases concerning Tajik nationals. The ECtHR held that Tajik nationals should temporarily not be deported from **Poland** to Tajikistan. According to the NGOs, Polish authorities planned to deport the Tajik citizens without properly examining the risk of torture, inhuman or degrading treatment upon arrival and their right to family life in Poland. The NGOs underlined that the expulsions were ordered despite a number of procedural shortcomings, including the lawyer's inability to access case files, classified as 'secret' by the Polish authorities. This case suggests persisting legal gaps in the Polish administrative law. In response, the Border Guard reiterated that they fully respect the ECtHR's rulings and interim measures in the area of return.

In **Spain**, according to the 2019 **Annual Report of the Public Prosecutor's Office** published in September 2020, the number of requests for expulsions replacing prison sentences increased by almost 20 % compared to 2018. This is even though European courts require a case-by-case proportionality assessment – the CJEU for EU long-term residents (**Case C-636/16, López Pastuzano**) and the ECtHR in respect of claims under Article 8 of the ECHR (Joined cases 76550/13 and 45938/14, **Saber and Boughassal v. Spain**).

In **France**, the **Public Defender of Rights** expressed concerns about persistent practices in the overseas department of Mayotte, where migrant children are falsely associated with other persons with whom they have no family ties in order for them to be placed in pre-removal detention and subsequently removed from the country. This mainly affects children from the Comoros arriving in Mayotte on makeshift crafts.

In **France**, a new pre-removal detention centre in Plaisir (located in the Yvelines Department) will soon be used exclusively to hold returnees who are infected with the COVID-19 virus, the **Ministry of the Interior announced to the press**. Approximately ten infected detainees may be accommodated at a time (one person per cell). The date for the transformation of this centre has not yet been set, mainly due to a lack of medical staff, the NGO *France Terre d'asile* reported. The NGO **Migrants Family Social Service association** deplored this project, arguing that returnees should be catered to in facilities that are specifically designed to take care of the most vulnerable patients.

In **Belgium**, the so-called "Bossuyt Commission", evaluating the country's return policy, published its **final report**. The report's recommendations include making it mandatory for persons subject to return to cooperate with the authorities in determining their identity and obtaining travel documents; creating a new ground for pre-removal detention for the purposes of identification without the need to assess the risk of *refoulement* and possible violations of the right to family life (which should be assessed earlier, before issuing the return decision); as well as increasing the capacity of immigration detention centres.

Germany has removed around 400 persons to the Republic of Moldova since July 2020, mostly Roma, according to the Berlin Refugee Council. Among them were persons with mental disorders, **wheelchair users** and a **patient** in chemotherapy, removed at night. The Berlin Refugee Council **criticised** the removal of vulnerable persons dependent on medical aid to Moldova as a COVID-19 risk country, as well as the removals at night, which have generally been increasing in Berlin, according to the Jesuit Refugee Service.

The **Berlin Senate** confirmed that around 80 % of arrests for removal (*polizeiliche Ingewahrsamnahme*) in Berlin have taken place at night since the beginning of 2020. However, according to **law**, the police may only enter or search an apartment at night if it can establish that the arrest for the purpose of removal will otherwise be prevented. In Berlin, mobile phones are generally confiscated during removals, which prevents returnees from contacting their lawyers, as the Berlin Refugee Council told FRA.

In **Germany**, the Jesuit Refugee Service reported to FRA that means of restraints on return flights (mostly belts or body cuffs) are increasingly used. It remains unclear which criteria are applied to decide whether to use such measures, and whether or which de-escalation strategies are used to avoid relying on such restraints.

In **Sweden**, the government **submitted a report** of the Swedish National Audit Office (*Riksrevisionen*) on the effectiveness of return procedures to the parliament in June 2020. It shows that barely half of the 23,352 return decisions issued in 2013 and 2014 were followed by a registered departure. More than half of these return cases (12,466) were handed over to the Swedish Police (*Polisen*) because the person had absconded (6,857 cases) or to enforce their return (5,609 cases). Of these 12,466 cases, only every third was closed through a registered departure. The audit further shows weaknesses in the cost efficiency, governance and coordination of return activities. Recommendations to the government are to review the mandates and division of responsibility between the agencies; strengthen the coordination of goals, results, and financial management for return activities; and consider how to improve the transfer of information between agencies involved in return activities.

Several stakeholders interviewed by FRA in **Sweden** expressed concern over returns to Syria as well as Afghanistan due to ongoing conflicts in these countries.

In **Denmark**, the Danish Parliamentary Ombudsperson **reported** on the inspections conducted last June in three prisons, including in the unit for foreign nationals sentenced to deportation located in Nyborg Prison. The inspections examined how the institutions have dealt with COVID-19 and how COVID-19-related measures have affected individuals in prison. The Ombudsperson recommended that authorities consider whether a future pandemic can be dealt with using less restrictive measures and suggested making relevant guidelines and information available in languages that all inmates understand.

In **Denmark**, the Ministry of Justice reported to FRA that, since August 2020, several tasks and responsibilities related to returns of rejected asylum seekers have been moved from the National Police to a new authority established under the Ministry of Immigration and Integration, called 'the Danish Return Agency' (*Hjemrejsestyrelsen*). The government **reported** that the new authority will have the responsibility to inform asylum applicants upon entry of what happens if they are refused asylum, and on the temporary nature of the asylum-related residence permit. The Danish Institute for Human Rights reported that the new authority will also take over return counselling of rejected asylum seekers, for which the Danish Refugee Council was previously responsible.

In **the Netherlands**, in a **report** on forced removals and removals with supervision of foreign nationals in 2019, the Inspectorate for Justice and Security concludes that these removals took place in a safe and humane way and that only the information sharing between the organisations involved remains a point of concern, although it has improved in recent years. The Inspectorate decided to stop the investigations in the coming years and to base its future assessment of the return procedure on *ad-hoc* investigations and on the information reported by the organisations involved in the removal of foreign nationals.

Hate speech and violent crime

Bright spots

In **Italy**, the National Office against Racial Discrimination (*Ufficio Nazionale Antidiscriminazioni Razziali*, UNAR) signed a **protocol** with the Italian Journalists' Professional Association (*Consiglio Nazionale dell'Ordine dei Giornalisti*) and the association "Carta di Roma" to develop professional training activities for press and media professionals on racism, xenophobia and discrimination.

UNAR also signed a **protocol** with the Italian Sports Union for All (*Unione Italiana Sport per Tutti – UISP*) and the association Lunaria, for the establishment of a National Observatory against Discrimination in Sports (*Osservatorio nazionale contro le discriminazioni nello sport*). The first soccer league (*Lega Serie A*) joined the Observatory. It committed to consistently monitor and review discrimination in sports, with a particular focus on youth and grassroots, and to submit periodic reports and analysis on the matter.

The common goal of the first soccer league and UNAR is to educate the next generations, through training activities and workshops dedicated to the youth sectors, players, and managers.

In **Italy**, the association "Lunaria" **released** the Fifth White Book on Racism in Italy, which covers 12 years of monitoring activity of racism incidents from 1 January 2008 until 31 March 2020. During the reporting period, estimated racist incidents amount to 7,426: 5,340 cases of verbal violence, 901 cases of physical violence, 177 cases of damage to personal property, and 1,008 discrimination cases. The report stressed the increase of online hate crimes and hate speech, exacerbated by the COVID-19 emergency.

In July 2020, three NGOs (Action Aid Italia Onlus, Amnesty International Italia, Cospe Onlus) – in partnership with other NGOs, eight universities, two research centres, two observatories (including the Observatory for the Security against Discriminations of the Italian Police) and the National Forensic Council – set up the **National Network Countering Hate crimes and Hate speech** (*Rete nazionale per il contrasto ai discorsi e ai fenomeni d'odio*). The network promotes and supports advocacy, training and research in this field; shares good practices in tackling racism; and raises awareness among civil society.

In **Malta**, the **Hate Crime and Speech Unit** has, since July 2020, supported a child who was verbally and physically assaulted due to his skin colour. Hate speech remains far more prevalent than hate crimes, with nearly half of all reported incidents concerning migrants (55 of 111 reports). Incidents commonly occur on social media and in response to reported crimes by foreigners.

Following a second peak in COVID-19 infections in Malta, the Prime Minister publicly **denied** the impact of mass gatherings and referred to migrants making up more than half of the positive cases. The NGO *Repubblika* **condemned** the Prime Minister's use of language, suggesting it could incite racial prejudice. The African Media Association told FRA that it believes the pandemic is being used as a pretext for imposing disproportionate measures on migrants compared to the local population, and for not rescuing migrants at sea.

In **Croatia**, some **media** reported on migrants in a manner that spreads disinformation and incites fear. Some journalists no longer use the terms refugees or migrants, but refer to people crossing the borders to Croatia as "illegals".

In **Austria**, the Antidiscrimination Office Styria (*Antidiskriminierungsstelle Steiermark*) told FRA that they documented 72 insults between 1 April and 30 September 2020 in the region of Styria, with some 40 % based on ethnicity, some 20 % each on multiple discrimination and religion, and 16-19 % on anti-Muslim content.

In **Poland**, there were new developments regarding a case brought up by the Ombudsperson, concerning an anti-immigrant **commercial** issued by the ruling Law and Justice (PiS) party on 17 October 2018. **Over the course of the past two years**, the Ombudsperson requested the District Prosecutor in Warsaw to initiate proceedings to determine whether the commercial evokes hatred or other strong emotions toward migrants, refugees, and other minorities. After the District Prosecutor repeatedly refused to look into the case, the Ombudsperson appealed the prosecutor's decision to the District Court in Warsaw-Mokotów.

The court found that the commercial may have attempted to create a wrong understanding of terms such as “refugee” and “migrant”, and may have used stereotypical presentations of migrant issues that may inspire viewers to take action against minorities. The court referred the matter back to the District Prosecutor for re-examination. However, the prosecutor again discontinued the proceeding on 11 September 2020. The Ombudsperson again appealed to the court.

In **Spain**, the Ministry of the Interior published its **Annual National Report on Hate crimes** in July 2020, concluding that the incidents increased by 6.8 % in 2019 in comparison with the previous year. Those motivated by racism and xenophobia increased the most (20.9 %), from 426 in 2018 to 515 in 2019. A total of 1,706 cases were recorded in 2019, compared to 1,598 in 2018.

In **Spain**, according to the **media**, the Malaga Public Prosecutor’s Office filed a criminal complaint seeking the closure of a digital newspaper and four years of imprisonment for its director, for publishing articles that amounted to hate speech against the migrant community.

In **Sweden**, anti-Muslim demonstrations took place in Malmö in August 2020 despite a prohibition by the police, leading to subsequent disturbances throughout the city. One group **kicked** around a copy of the Koran and was subsequently reported for agitation against an ethnic or national group. Another group burnt a Koran in a part of the city where many persons with foreign background live. As of 1 October 2020, the group who burnt the Koran had **not been reported** to the police.

The Stockholm City Mission notes an increase of reports to the police about hate crimes against destitute EU migrants. They are generally forced to keep moving from public place to place, and are subjected to violence.

In **the Netherlands**, the **media** reported that a lesbian asylum applicant was attacked by other asylum applicants in a reception centre. According to a **report** by the NGO LGBT Asylum Support, 75 anti-LGBT incidents happened in reception centres between 1 June and 4 September 2020.

In **Serbia**, an anti-immigrant **Facebook group** distributing fake news and hate speech is gaining increasing numbers of followers. The NGO Belgrade Centre for Human Rights launched an online **campaign** responding to each item of fake news with facts; this provoked around 100 negative comments per post, some containing severe levels of hate speech.

COUNTRY	STAKEHOLDERS INTERVIEWED OR CONSULTED VIA E-MAIL
AUSTRIA	<ul style="list-style-type: none"> → Federal Ministry of the Interior, Department V/9/a (<i>Bundesministerium für Inneres, Abteilung V/9/a Grundversorgung und Bundesbetreuung</i>); → Federal Ministry of the Interior, Department V/8 (<i>Bundesministerium für Inneres, Abteilung V/8 Asyl und Fremdenwesen</i>); → Federal Ministry of the Interior, Criminal Intelligence Service, Competence Centre for Missing Children (<i>Bundesministerium für Inneres, Bundeskriminalamt, Kompetenzzentrum für Abgängige Personen</i>); → Federal Agency for State Protection and Counter Terrorism (<i>Bundesamt für Verfassungsschutz und Terrorismusbekämpfung, BVT</i>); → Austrian Ombudsperson Board (<i>Volksanwaltschaft</i>); → Antidiscrimination Office Styria (<i>Antidiskriminierungsstelle Steiermark</i>); → Caritas Vienna (<i>Caritas Wien</i>); → Austrian Red Cross (<i>Österreichisches Rotes Kreuz</i>).
BELGIUM	<ul style="list-style-type: none"> → Immigration Office (<i>Dienst Vreemdelingenzaken/Office des Étrangers</i>); → FEDASIL – Federal Agency for the Reception of Asylum Seekers (<i>Federaal agentschap voor de opvang van asielzoekers/Agence fédérale pour l'accueil des demandeurs d'asile</i>); → Ministry of Justice (<i>unaccompanied refugee children unit</i>); → Myria – Federal Migration Centre (<i>Federaal Migratiecentrum/Centre fédéral Migration</i>); → Jesuit Refugee Service Belgium; → Vluchtelingenwerk Vlaanderen NGO.
BULGARIA	<ul style="list-style-type: none"> → State Agency for Refugees (SAR) (Държавна агенция за бежанците, ДАБ); → Ministry of the Interior, Directorate General Border Police (MoI – DGBP) (Министерство на вътрешните работи, Главна дирекция „Гранична полиция“, МВР – ГДГП); → Ombudsperson of the Republic of Bulgaria, National Preventive Mechanism and Fundamental Human rights and Freedoms Directorate (Омбудсман на Република България, Дирекция „Национален превантивен механизъм и основни права и свободи на човека“); → State Agency for Child Protection (SACP) (Държавна агенция за закрила на детето, ДАЗД); → Ministry of the Interior, Directorate General National Police (MoI – DGNP) (Министерство на вътрешните работи, Главна дирекция „Национална полиция“, МВР – ГДНП); → UNHCR Bulgaria (based on weekly updates, other reports and information presented during the regular meetings of the Working Group on Integration of Beneficiaries of International Protection in Bulgaria (Работна група по интеграция на лица с предоставена международна закрила в България) coordinated by UNHCR); → Bulgarian Red Cross, Refugee Migrant Service (BRC – RMS) (Български червен кръст, Бежанско-мигрантска служба, БЧК – БМС); → Center for Legal Aid Voice in Bulgaria (Център за правна помощ – Глас в България).

COUNTRY	STAKEHOLDERS INTERVIEWED OR CONSULTED VIA E-MAIL
CROATIA	<ul style="list-style-type: none"> → Centre for Peace Studies (<i>Centar za mirovne studije</i>); → Croatian Law Centre (<i>Hrvatski pravni centar</i>); → Croatian Red Cross (<i>Hrvatski crveni križ</i>); → Jesuit Refugee Service (<i>Isusovačka služba za izbjeglice</i>); → Ministry of Labour, Pension System, Family and Social Policy (<i>Ministarstvo rada, mirovinskog sustava, obitelji i socijalne politike</i>); → Médecins du Monde-BE (<i>Liječnici svijeta</i>); → Ombudsperson for Children (<i>Pravobraniteljica za djecu</i>); → Rehabilitation Centre for Stress and Trauma (<i>Rehabilitacijski centar za stres i traumu</i>); → The Office of the Ombudswoman (<i>Ured pučke pravobraniteljice</i>); → The State Attorney's Office (<i>Državno odvjetništvo</i>); → Welcome! Initiative (<i>Inicijativa Dobrodošli</i>).
CYPRUS	<ul style="list-style-type: none"> → Asylum Service (<i>Υπηρεσία Ασύλου</i>), Ministry of the Interior (<i>Υπουργείο Εσωτερικών</i>); → Social Welfare Office (<i>Υπηρεσίες Κοινωνικής Ευημερίας</i>), Ministry of Labour, Welfare and Social Insurance; → Menoyia Detention Centre (<i>Χώρος Κράτησης Μεταναστών Μενόγειας – ΧΩΚΑΜ</i>), Ministry of Justice and Public Order (<i>Υπουργείο Δικαιοσύνης και Δημόσιας Τάξης</i>); → UNHCR Representation in Cyprus (<i>Αντιπροσωπεία της Ύπατης Αρμοστείας του ΟΗΕ για τους πρόσφυγες στην Κύπρο</i>); → Cyprus Refugee Council (<i>Κυπριακό Συμβούλιο για τους Πρόσφυγες</i>) (NGO acting as implementing partner of UNHCR, offering legal, social and other assistance to asylum applicants and refugees); → Legal expert of the University of Cyprus (<i>Πανεπιστήμιο Κύπρου</i>) advising the Ministry of Justice and Public Order (<i>Υπουργείο Δικαιοσύνης και Δημόσιας Τάξης</i>) on human rights; → KISA (<i>Κίνηση για Ισότητα, Στήριξη και Αντιρατσισμό- ΚΙΣΑ</i>) national NGO offering support to migrants and refugees.
DENMARK	<ul style="list-style-type: none"> → Danish Ministry of Justice (<i>Justitsministeriet</i>), including the Danish National Police (<i>Rigspolitiet</i>); → Danish Immigration Service (<i>Udlændingestyrelsen</i>); → The Danish Parliamentary Ombudsperson (<i>Folketingets Ombudsmand</i>); → Danish Refugee Council (<i>Dansk Flygtningehjælp</i>); → Danish Red Cross (<i>Dansk Røde Kors</i>); → Amnesty International Denmark; → SOS Racism (SOS Racisme); → UNHCR Regional Representation for Northern Europe.

COUNTRY	STAKEHOLDERS INTERVIEWED OR CONSULTED VIA E-MAIL
FRANCE	<ul style="list-style-type: none"> → Ministry of the Interior (<i>Ministère de l'Intérieur</i>); → Maritime Prefecture of the Channel and the North Sea (<i>Préfecture Maritime de la Manche et de la Mer du Nord</i>); → Public Defender of Rights (<i>Le Défenseur des droits – DDD</i>), General Authority and Department for the Protection of the Rights of the Child; → Controller General of Places of Deprivation of Liberty (<i>Contrôleur général des lieux de privation de liberté – CGLPL</i>); → National Consultative Commission on Human Rights (<i>Commission nationale consultative des droits de l'homme – CNCDH</i>); → National Association of Border Assistance for Foreigners (<i>Association nationale d'assistance aux frontières pour les étrangers – ANAFÉ</i>); → <i>La Cimade</i> NGO (<i>Inter-Movement Committee for Evacuees – Comité inter mouvements auprès des évacués</i>); → Doctors of the World (<i>Médecins du Monde</i>); → Service centre for migrants in Calais (<i>Plateforme de service aux migrants à Calais</i>).
GERMANY	<ul style="list-style-type: none"> → Jesuit Refugee Service (<i>Jesuitenflüchtlingsdienst – JRS</i>); → Federal Association for Unaccompanied Minors (<i>Bundesfachverband unbegleitete minderjährige Flüchtlinge – BumF</i>); → United Nations High Commissioner for Refugees Berlin (UNHCR); → Migration Commission of the Catholic German Bishops Conference - DBK's Migration Commission (<i>Migrationskommission der Deutschen Bischofskonferenz</i>); → Federal Working Group of Psycho-Social Support Centres for Refugees and Victims of Torture (<i>Bundesweite Arbeitsgemeinschaft der psychosozialen Zentren für Flüchtlinge und Folteropfer – BAfF</i>); → German Red Cross (<i>Deutsches Rotes Kreuz</i>); → Federal Workers' Welfare Association (<i>Bundesverband der Arbeiterwohlfahrt AWO</i>); → Berlin Refugee Council (<i>Flüchtlingsrat Berlin e.V.</i>); → The Berlin Senate Department for Education, Youth and Family (<i>Berliner Senatsverwaltung für Bildung, Jugend und Familie</i>).
GREECE	<ul style="list-style-type: none"> → Hellenic Police Headquarters - Migration Management Division (<i>Αρχηγείο Ελληνικής Αστυνομίας-Τμήμα Διαχείρισης Μετανάστευσης</i>); → The Greek Asylum Service (<i>Ελληνική Υπηρεσία Ασύλου</i>); → National Commission for Human Rights (<i>Εθνική Επιτροπή Δικαιωμάτων του Ανθρώπου</i>); → United Nations High Commissioner for Refugees (UNHCR) Greece (<i>Υπατη Αρμοστεία του ΟΗΕ για τους Πρόσφυγες</i>); → Racist Violence Recording Network (<i>Δίκτυο Καταγραφής Περιστατικών Ρατσιστικής Βίας</i>); → Greek Council for Refugees (<i>Ελληνικό Συμβούλιο για τους Πρόσφυγες</i>); → Hellenic League for Human Rights (<i>Ελληνική Ένωση για τα Δικαιώματα του Ανθρώπου</i>); → Solidarity Now (<i>Αλληλεγγύη για όλους</i>); → Greek Forum for Migrants (<i>Ελληνικό Φόρουμ Προσφύγων</i>).

COUNTRY	STAKEHOLDERS INTERVIEWED OR CONSULTED VIA E-MAIL
HUNGARY	<ul style="list-style-type: none"> → Ministry of the Interior (<i>Belügyminisztérium</i>); → Ministry of Human Capacities (<i>Emberi Erőforrások Minisztériuma</i>); → National Headquarters of the Police (<i>Országos Rendőr-főkapitányság</i>); → National Directorate-General for Aliens Policing (<i>Országos Idegenrendészeti Főigazgatóság</i>); → UNHCR Hungary; → Migrant Solidarity Group of Hungary (<i>Migráns Szolidaritás – MigSzo</i>); → Hungarian Association for Migrants (<i>Menedék Migránsokat Segítő Egyesület</i>); → Cordelia Foundation (<i>Cordelia Alapítvány</i>).
ITALY	<ul style="list-style-type: none"> → Ministry of Labour and Social Policies; → Ministry of the Interior; → Public Security Department of the Ministry of the Interior – Directorate General for Immigration and Border Police (<i>Ministero dell’Interno Dipartimento della Pubblica Sicurezza - Direzione Centrale dell’Immigrazione e della Polizia delle Frontiere</i>); → National Commission for the Right of Asylum (<i>Commissione Nazionale per il Diritto d’Asilo</i>) of the Ministry of the Interior; → Authority for the Protection of People who are Detained or Deprived of their Personal Freedom (<i>Garante nazionale per i diritti delle persone detenute o private della libertà personale</i>); → Authority for the Protection of Childhood and Adolescence (<i>Autorità Garante per l’Infanzia e l’Adolescenza</i>); → National Office against Racial Discrimination (<i>Ufficio Nazionale Antidiscriminazioni Razziali, UNAR</i>); → Association for Legal Studies on Immigration (<i>Associazione per gli studi giuridici sull’immigrazione, ASGI</i>); → Italian Refugees Council (<i>Consiglio Italiano per i Rifugiati, CIR</i>); → NGO ‘Doctors for Human Rights’ (<i>Medici per i diritti umani, MEDU</i>); → United Nations High Commissioner for Refugees (<i>UNHCR</i>); → ‘Melting Pot Europa’ project; → <i>Observatory for the Security against Discriminations of the Italian Police (Osservatorio per la Sicurezza Contro gli Atti Discriminatori – OSCAD)</i>; → <i>Chronicles of Ordinary Racism (Cronache di ordinario razzismo)</i>.
MALTA	<ul style="list-style-type: none"> → Ministry for Home Affairs, National Security and Law Enforcement – Hate Crime and Hate Speech Unit; → International Protection Agency (formerly the Office of the Refugee Commissioner); → Office of the Commissioner for Children; → NGO ‘KOPIN’; → NGO ‘African Media Association’.
NETHERLANDS	<ul style="list-style-type: none"> → Dutch Council for Refugees (<i>Vluchtelingenwerk Nederland</i>); → Amnesty International – Netherlands; → Netherlands Institute for Human Rights (<i>College voor de Rechten van de Mens</i>); → Defence for Children the Netherlands; → Ministry for Justice and Security: central information point, providing information on behalf of: Immigration and Naturalisation Service, Aliens Police, Central Agency for the Reception of Asylum Seekers (all members of the so-called ‘Alien Chain’); → Stichting LOS (knowledge centre for people and organisations that support migrants in an irregular situation); → UNICEF the Netherlands; → NIDOS (independent family guardian organisation, fulfilling the guardianship task for Unaccompanied Minor Asylum Seekers).

COUNTRY	STAKEHOLDERS INTERVIEWED OR CONSULTED VIA E-MAIL
NORTH MACEDONIA	<ul style="list-style-type: none"> → Ministry of Interior; → Ombudsperson; → UNHCR North Macedonia; → IOM North Macedonia; → Jesuit Refugee Service JRS; → NGO Legis (HBO Легис); → NGO Helsinki Committee of Human Rights of the Republic of Macedonia (HBO Хелсиншки комитет за човекови права на Република Македонија); → NGO EUROTHINK – Center for European Strategies.
POLAND	<ul style="list-style-type: none"> → Ombudsperson (<i>Rzecznik Praw Obywatelskich – RPO</i>); → Ombudsperson for Children (<i>Rzecznik Praw Dziecka – RPD</i>); → United Nations High Commissioner for Refugees (UNHCR), Office in Poland; → Border Guard, Border Guard Headquarters (<i>Straż Graniczna – SG</i>); → Police, Police Headquarters (<i>Policja</i>); → Head of the Office for Foreigners (<i>Szef Urzędu do spraw Cudzoziemców – UDSC</i>); → Association for Legal Intervention (<i>Stowarzyszenie Interwencji Prawnej – SIP</i>); → Helsinki Foundation for Human Rights (<i>Helsińska Fundacja Praw Człowieka – HFPC</i>);
SPAIN	<ul style="list-style-type: none"> → Asylum and Refugee Office of the Spanish Ministry of the Interior (<i>Oficina de Asilo y Refugio del Ministerio del Interior – OAR</i>); → Spanish Ombudsperson (<i>Defensor del Pueblo</i>); → UNHCR (<i>Oficina de la Agencia de la ONU para los Refugiados en España – ACNUR</i>); → Spanish Committee of UNICEF (<i>Comité español de UNICEF</i>); → Spanish Observatory for Racism and Xenophobia (<i>Observatorio Español del Racismo y la Xenofobia, OBERAXE</i>); → Spanish Refugee Aid Commission (<i>Comisión Española de Ayuda al Refugiado – CEAR</i>); → Jesuit Migrant Service (<i>Servicio Jesuita Migrantes</i>); → General Directorate for International Protection Programs of the Ministry of Labour Ministry of Labour, Migration and Social Security (Subdirección General de Programas de Protección Internacional del Ministerio de Trabajo Ministerio de Trabajo, Migraciones y Seguridad Social); → Chair of Refugees and Forced Migrants of Comillas ICAI-ICADE, INDITEX (<i>Cátedra de Refugiados y Migrantes Forzosos de Comillas ICAI-ICADE, INDITEX</i>).
SERBIA	<ul style="list-style-type: none"> → Asylum Office; → Asylum Commission; → Humanitarian Center for Integration and Tolerance; → Shelter for Foreigners; → INDIGO- Group for Children and Youth; → UNHCR Serbia.
SWEDEN	<ul style="list-style-type: none"> → Swedish Migration Agency, Department of digitalisation and development (<i>Migrationsverket, enheten för digitalisering och utveckling</i>); → Swedish Migration Agency, Statistics Department; → Swedish Migration Agency, Detention Department; → Swedish Police Authority, Border Department; → Save the Children Sweden (<i>Rädda barnen</i>); → Red Cross Sweden (<i>Röda Korset</i>); → The Swedish Refugee Law Centre (<i>Asylrättscentrum</i>); → Stockholm City Mission (<i>Stockholms Stadsmission</i>); → Swedish Church (<i>Svenska Kyrkan</i>); → Amnesty Sweden.





PROMOTING AND PROTECTING YOUR FUNDAMENTAL RIGHTS ACROSS THE EU —


For FRA's work on migration, please see:

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

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