

MIGRATION: KEY FUNDAMENTAL RIGHTS CONCERNS

1.4.2019 → 30.6.2019

QUARTERLY BULLETIN

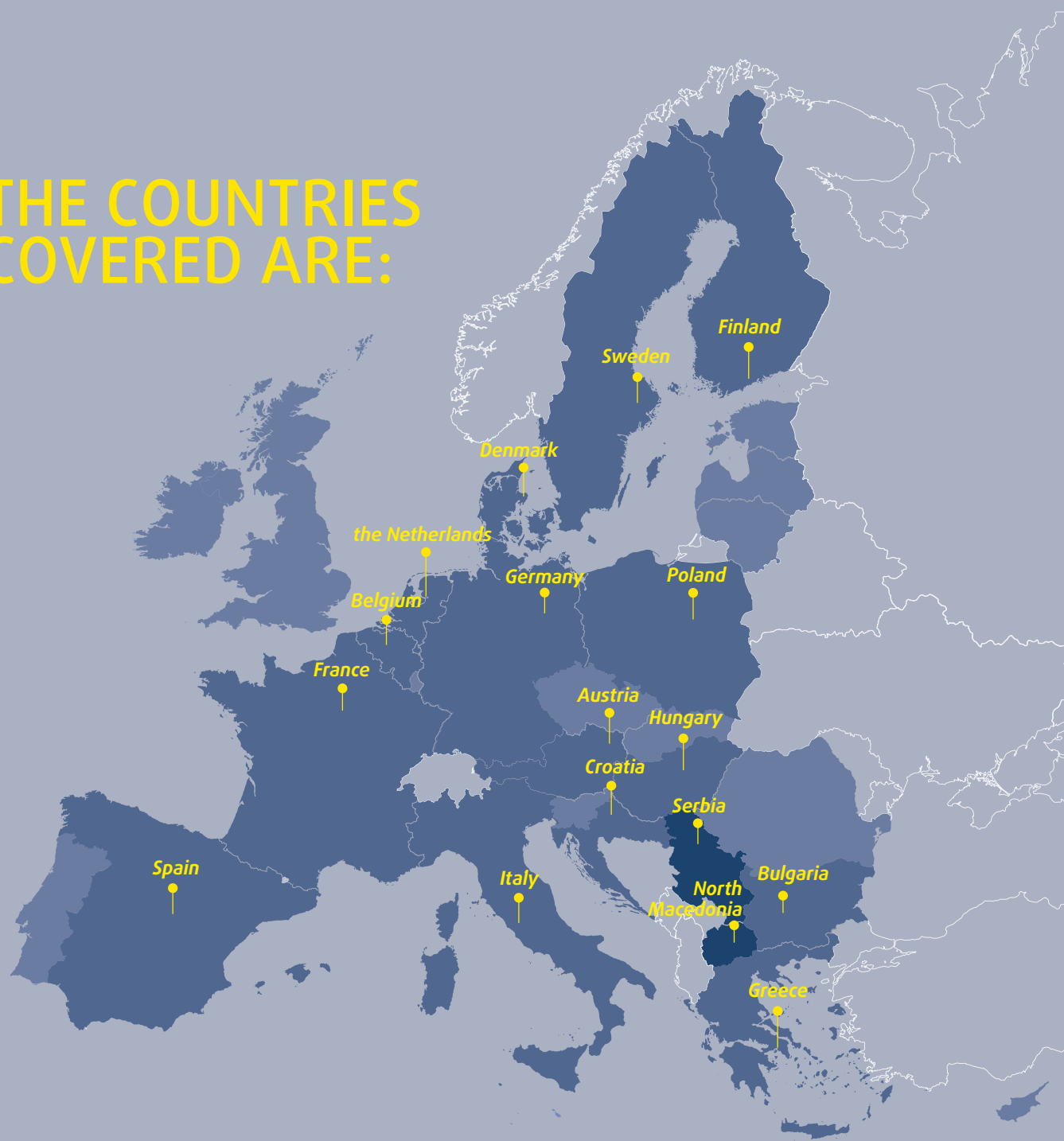
- 3 Key fundamental rights concerns
- 8 Legal developments
- 12 Policy developments
- 13 Situation at the border
- 19 Asylum procedure
- 22 Reception
- 26 Child protection
- 30 Immigration detention
- 33 Return
- 36 Hate speech and violent crime
- 38 Stakeholders interviewed in June 2019



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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 April and 30 June 2019.

THE COUNTRIES COVERED ARE:



Key fundamental rights concerns

Key emerging fundamental rights concerns

After **Greece** stopped supporting certain categories of recognised refugees under the Emergency Support to Integration and Accommodation (ESTIA) programme in March, **according to the NGO 'Refugee Support Aegean'**, the responsible authorities have not taken sufficient measures to secure refugees' housing and facilitate their integration into Greek society. This NGO urged the government to ensure dignified and secure living for all residing in the country, including refugees, to avoid homelessness and destitution. Some 480 people had been evicted by the end of May, the NGO 'Human Rights 360' reported. At the same time, under a **new program** called '**Helios 2**', 5,000 recently recognised beneficiaries of international protection will be entitled to a rental allowance for a six-month period. The authorities have been examining additional measures to support protection-status holders as part of the **national strategic plan for integration**.

According to **media** reports, the captain of the 'Sea Watch 3' vessel – Carola Rackete – contravened a newly introduced docking ban of the Minister of Interior of **Italy** and entered the Lampedusa port, due to an emergency situation on the vessel. For more information, please see the section on 'Search and rescue'.

In **Hungary**, the **Hungarian Helsinki Committee reported** about incidents of rejected asylum seekers again being denied food in the transit zones at the southern border with Serbia. In May, for instance, an old couple from Afghanistan, suffering from diabetes, was denied food for a couple of days, until an interim measure of the European Court of Human Rights under Rule 39 of the Rules of the Court ordered the government to stop this practice and provide them with food. In another case, five Afghani adults were not given food for five days after receiving negative asylum decisions, the **same NGO stated**.

The Council of Europe Commissioner for Human Rights also highlighted, in a **country visit report published in May**, that the Hungarian authorities were, in multiple cases since August 2018, not giving food to rejected asylum seekers waiting in the transit zones. The **Minister of the Interior argued, in response to a question of a member of the Parliament**, that the transit zones are not places of detention and that anyone can leave towards Serbia. He added that Hungary thus is not responsible for taking care of them once their asylum claims are rejected, adding that asylum seekers can also purchase food in the facilities.

In **Croatia**, a **local newspaper** reported that incidents of abuse had taken place in a police station in Korenica. Testimonies mention food deprivation, limited availability of toilets, and physical violence.

In Lower **Austria**, the provincial commissioner (Landesrat) introduced a list of behavioural rules for asylum applicants entitled "Ten commandments for immigration" ("**10 Gebote für Zuwanderer**"), which they would have to sign and obey. For example, the commandments specify, "You should live in gratitude to Austria".

Note on sources

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

Germany adopted eight laws on asylum, legal migration, integration and return. For more information, please see the section on 'National legislation'. NGOs raised particular concerns about the Law on Improved Enforcement of the Duty to Leave the Country (the so-called *Geordnete-Rückkehr-Gesetz*), which aims to increase returns, for instance through expanding immigration detention.

In **France**, authorities started removing migrants in an irregular situation without giving them prior notice, which is against **the law**, the NGO 'La Cimade' pointed out. In May, detainees at the administrative detention centre in Rennes who opposed the forced return of an 18-year-old Moroccan national in the middle of the night set a fire in the facility and climbed onto the rooftops to protest the operation, the **same NGO** and **media sources** reported.

In addition, **France** started returning people to Eritrea, despite the unstable security situation in the country, the **NGO 'La Cimade'** noted.

In **Denmark**, the Danish Immigration Service stated that, following **legislative amendments** that entered into force in May 2019, since June 2019, they inform employers when a person working for them is denied a residence permit, their permit is revoked, or their permit has expired and is not extended. This occurs without the foreigner concerned giving his or her consent to the information being shared.

The Danish Immigration Service **started reassessing cases concerning individuals from the Damascus Province in Syria** who benefit from subsidiary protection based on the general security situation. Referring to the improved security situation in that region of Syria, the Immigration Service refused to extend the protection status in five pilot cases and rejected an asylum applicant from Damascus in one case. However, the Danish Refugee Appeals Board annulled all six decisions, and changed the individuals' protection status to 'individual subsidiary protection status' or refugee status.

Authorities in **Serbia** struggled to implement the new asylum procedures envisaged in the **2018 Law on Asylum and Temporary Protection**, in particular at the Belgrade International Airport, where poor reception conditions prevented the implementation of the asylum border procedure. In some instances, authorities also did not adequately take into consideration the best interests of the child, the NGO 'Belgrade Centre for Human Rights' reported.

Key persisting fundamental rights concerns

The Ministry of Migration Policy in **Greece** reported that Reception and Identification Centres (RIC) on the Aegean islands (hotspots) remained severely overcrowded, with the exception of the hotspot in Leros. Samos hosted five times as many people as its capacity. Kos accommodated twice as many people as its capacity. Lesbos had a bit less than double its capacity. Chios accommodated 80 % more people than its official capacity.

The Parliamentary Assembly of the Council of Europe (PACE) expressed serious concerns regarding the humanitarian situation at the 'hotspots' and in the reception centres on the mainland. PACE called on the Greek authorities to rapidly improve the housing, sanitary and security situation inside the RICs of Lesbos, Samos and Chios; and to identify and register all people arriving to the Greek islands to prevent them from remaining undocumented and thus more vulnerable. Similarly, PACE maintained that unaccompanied children and

women must be protected against violence, sexual exploitation and trafficking; and effective guardianship should be provided for unaccompanied children, who should be allowed to reunite with their family members.

The political debate in **Italy** continued to focus on save-and-rescue (SAR) operations at sea, as well as on the Minister of the Interior's plans to prevent NGO vessels from disembarking rescued people in Italy. The Public Prosecutor of Syracuse (Sicily) once again put the Minister of the Interior under investigation for abduction because of his decision to prevent a vessel from disembarking migrants in the harbour of Syracuse, according to **media reports**. For more information, please see the section on 'Search and rescue'.

The Council of Europe Commissioner for Human Rights **highlighted a number of persistent fundamental rights concerns in Hungary** in a report published following her country visit in February 2019. The key areas where the Commissioner identified serious problems include the inaccessibility of refugee protection (due to both physical and legal barriers), summary removals by escorting people back to the outer side of the border fence and ill-treatment, mandatory deprivation of liberty of asylum seekers in the transit zones, xenophobia, and a lack of integration measures for beneficiaries of international protection.

Human smuggling also remained a concern in **Hungary**. According to the police, **the authorities placed into custody 26 alleged human smugglers** during the reporting period. In most of the cases, people were smuggled in the cargo space of trucks or minivans crossing the borders from Serbia and Romania. As a result of the limited access to the territory for those in need, many people continued to attempt to enter Hungary at border-crossing points by using forged travel documents, reflecting either EU or Serbian false identities. The police stated that, during the reporting period, criminal proceedings were initiated against 95 people who were suspected of document forgery when trying to enter Hungary from Serbia and Romania.

Pushbacks from **Croatia** to Bosnia and Herzegovina continued, according to the **Centre for Peace Studies**, the **Swiss media**, and numerous interviewed stakeholders, such as the Jesuit Refugee Service, the Welcome!Initiative and the Ombudsperson's Office. Swiss media showed **testimonies of children** describing police threats with weapons and being denied the possibility to request asylum. The **Ministry of Interior** denied the claims. Since April 2019, the Jesuit Refugee Service noted a decline in the number of reported incidents of violence by the Croatian police – approximately one incident per week. Meanwhile, violence by Bosnian police officers against asylum seekers and refugees is reportedly increasing. Members of the European Parliament sent an **open letter** to the European Commission and the Government of the Republic of Croatia, asking for an urgent cessation of all illegal action against refugees and human rights organisations.

Following a mission to **Austria** in October 2018, the **Office of the UN High Commissioner for Human Rights published a report** about violations of international human rights standards in the area of asylum. According to the report, laws relating to the reception of asylum applicants do not provide for a mechanism to identify persons in vulnerable situations. Availability, quality and professionalism of interpreters as well as access to legal aid were of concern, including in relation to the planned Federal Agency for Care and Support (*Bundesagentur für Betreuungs- und Unterstützungsleistungen*). For more information, please see the section on 'National legislation'.

In **Poland**, many asylum seekers and other migrants continued to end up in immigration detention because of poorly functioning identification and referral mechanisms, the Commissioner for Human Rights pointed out at a **conference** and the NGOs 'Association for Legal Intervention' and 'Helsinki Foundation for Human Rights' also reported. This occurred even though detaining victims of violence is prohibited under Polish **immigration** and **asylum law**. Assistance to victims of violence who are asylum seekers or migrants has been primarily provided by private entities (e.g. medical companies) and NGOs, given that there is still no rehabilitation centre for such people in the country, according to the **National Preventive Mechanism** established under the Optional Protocol to the UN Convention against Torture. Courts usually do not rely on expert opinion when reviewing detention, the NGO 'Helsinki Foundation for Human Rights' reported.

Another persisting issue in **Poland** was that authorities, applying administrative procedural law, continued to classify as "secret" several files concerning residence permits and asylum, the Commissioner for Human Rights as well as the NGOs 'Helsinki Foundation for Human Rights' and the 'Association for Legal Intervention' reported. This allows authorities to deny applicants and their legal representatives access to these documents in legal proceedings. This practice affected mainly **Chechen asylum seekers** whose application was rejected and who were then subject to expulsion to Russia (in one case, the **European Court of Human Rights intervened** and suspended the removal through an interim measure under Rule 39 of the Rules of the Court).

Germany continued to abstain from implementing the **Court of Justice of the EU's judgment** establishing that beneficiaries of international protection who have turned 18 years old during the asylum procedure remain eligible for family reunification, according to the Federal Association for Unaccompanied Minors, the German Red Cross and the Refugee Council Berlin.

The **Ombudsman** notes deficiencies in the reception system in **Spain**, in particular concerning families in a vulnerable situation.

According to several NGOs and the Public Defender of Rights, persistent problems in **France** included: summary returns and denial of access to asylum procedures at the alpine border between France and Italy, and at the French-Spanish land border; the reappearance of informal camps in the North of France and in Paris, and the deterioration of living conditions for people staying there; as well as difficulties in accessing asylum procedures at the prefectures due to the long waiting times to get an appointment. The widespread use of immigration detention, including for children, and the lack of adequate care for migrant and asylum-seeking children also remained issues, the same stakeholders reported.

Requesting family reunification in **Belgium** remained a challenge, since applicants have to do this at the Belgian embassy in their country of origin, which may put them at risk. An **Uighur woman with four children at the Embassy of Belgium in Beijing** tried to reunite with her husband, who was living in Belgium as a refugee; she had to leave the building after the Chinese police was allowed to enter. The wife and children were arrested shortly thereafter, and their whereabouts remain unknown.

UNICEF reported that migrants aiming to move from **Belgium** to the United Kingdom continued to face various issues, especially a lack of information about their rights and about the asylum procedure in Belgium. The lack of information severely affects unaccompanied children who do not wish to apply for asylum, as these children are not in the child protection programmes.

Legal corner

Sweden extended the validity of the law imposing temporary restrictions on granting residence permits to refugees and limiting family reunification until July 2021.

The parliament in **Sweden** extended the validity of the law imposing temporary restrictions on granting residence permits to refugees and limiting family reunification for two more years, until July 2021. The NGOs 'Save the Children' and the **Swedish Red Cross** criticised this decision, highlighting that the negative effects of this legislation on asylum seekers and persons granted temporary residence permits will continue.

Another persisting concern in **Sweden** was the situation of young people granted temporary residence permits to finish studies at upper secondary level as a result the **July 2018 legislative amendments**. Both the Swedish Association of Local Authorities and Regions and the National Board of Health and Welfare **stated** that it remained unclear which types of education, beyond traditional studies at upper secondary level (especially vocational training programmes), are covered. The target group needs to receive this information as soon as possible, since they need to be enrolled in an educational programme covered by the law at the time of applying for the extension of the permits.

The NGO 'Belgrade Centre for Human Rights' identified lengthy asylum-registration procedures, alongside the inadequate application of the "safe third country" concept by the Asylum Office, as persistent issues in **Serbia**.

Collective expulsions continued in **North Macedonia**, according to the **European Commission Progress Report on North Macedonia** and the Ombudsman and the NGO Legis. The procedure for asylum continued to be ineffective, rarely resulting in a positive decision. This year, no positive asylum decision had been issued by 30 June.

Legal developments

Court of Justice of the European Union (CJEU)

The Court of Justice of the European Union (CJEU) ruled in the **case of Bilali (C-720/17)**, in a preliminary ruling initiated by **Austria**, that Member States must revoke subsidiary protection status if granted based on wrong facts, even when the error is on the part of the administrative authorities. The applicant, who claimed to be stateless, was granted subsidiary protection in 2010 on the ground that, although his identity was not established, he was probably an Algerian national. If returned to Algeria, he could be exposed to inhuman treatment. In 2012, the Asylum Court (*Asylgerichtshof*) annulled the decision, noting that nothing more than assumptions had been made with regard to his nationality and that Mr Bilali was actually a Moroccan national.

In a preliminary ruling requested by **Belgium** and the Czech Republic, the **CJEU in joined cases C-391/16, C-77/17 and C-78/17** ruled that third-country nationals cannot automatically be returned after committing crimes, if that would put them in serious danger in their countries of origin. The case concerned the refusal of one asylum application and the revocations of the refugee status of two other applicants on the ground of having committed serious crimes.

In two requests for a preliminary ruling in the joined cases **C-582/17 and C-583/17**, the CJEU clarified what effective remedy means in ‘take back’ procedures under the Dublin Regulation. The joined cases concerned two Syrian nationals who applied for asylum in **the Netherlands** after having also applied in **Germany**, according to a Eurodac ‘hit’. The applicants claimed to be married to beneficiaries of international protection in the Netherlands. Dutch authorities, however, insisted that Germany was responsible for their claim, as they did not consider their claims of being married to be plausible. The court found that, in such a situation, an applicant exceptionally had the right to appeal the decision ordering the applicant’s transfer back to the first Member State, if he or she has provided the competent authority of the requesting Member State with information clearly establishing that it should be regarded as the responsible Member State.

In a preliminary ruling requested by the Council of State (*Raad van State*) in **the Netherlands**, the CJEU ruled in the **Tjebbes and Others case (C-221/17)** that EU law does not preclude the loss of the nationality of a Member State and, consequently, the loss of citizenship of the EU, where the genuine link between the person concerned and that Member State is durably interrupted. However, the principle of proportionality requires an individual examination of the consequences of that loss for the persons concerned from the point of the view of EU law. In view of the CJEU ruling, the **Council of State subsequently annulled** the decisions withdrawing the nationality of the persons concerned.

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

In the case **Sh.D. and others v. Greece, Austria, Croatia, Hungary, North Macedonia, Serbia and Slovenia** concerning the living conditions in **Greece** of five unaccompanied migrant children from Afghanistan, the ECtHR found that conditions in the Idomeni camp were not suitable for children. It held that the authorities failed to meet their obligation to protect the applicants, who were particularly vulnerable on account of their age. The court also held that the “protective custody” of three applicants in police stations amounted to a deprivation of liberty, in facilities not designed for unaccompanied children. The ruling emphasises the positive obligations of States to protect and take care of unaccompanied children under Article 3 of the the European Convention on Human Rights (ECHR), as well as under Article 20 of the Convention on the Rights

of the Child, according to which a State must provide alternative care for a child when they are deprived of their family environment.

In a case concerning the Swedish authorities' refusal to grant a Somali national a residence permit for family reunification purposes (**Abokar v. Sweden**), the ECtHR declared the application inadmissible under Article 8 of the ECHR (right to respect for private and family life). The court was satisfied that the authorities had struck a fair balance between the applicant's interests and those of the State in the effective implementation of immigration policy.

Case law of the European Committee on Social Rights

Based on the complaint lodged by the International Commission of Jurists and the European Council on Refugees and Exiles, the European Committee on Social Rights issued a **decision on admissibility and immediate measures in a case concerning systemic violations of migrant children's rights on mainland Greece and the North Eastern Aegean islands**. The Committee's decision requested the Greek government to immediately provide migrant children with appropriate shelter, food, water, education and medical care; to remove unaccompanied children from police stations, pre-removal detention and from the Reception and Identification Centres, and place them in age-appropriate shelters; and to appoint effective guardians. The Committee noted that "immediate measures" were exceptional, but found that they were necessary in this case given the government's failure to dispel serious concerns about the gravity and urgency of the situation of migrant children in Greece. The complaint now awaits in-depth examination and determination on the merits by the Committee.

National legislation

Greece adopted a series of by-laws implementing the **2018 guardianship law**, including a **new joint ministerial decision defining the formal and substantive qualifications required for professional guardians**. The legislation sets out professional guardians' duties, the modalities of their training, their evaluation and monitoring mechanisms; and also determines the number of unaccompanied children per guardian, the type and terms of their contract, as well as their remuneration.

Italy approved **Decree Law No. 53 of 14 June 2019 on urgent provisions on public order and security**, allowing the Minister of the Interior to limit or prevent the transit and docking of vessels in Italian territorial waters, if these pose a threat to public security. Captains and owners of vessels who violate this ministerial ban can be sanctioned with penalties of up to € 50,000, and vessels can be seized. The law became immediately enforceable, but must be confirmed by the Italian Parliament within 60 days in order to remain in force. UNHCR and the NGO network **Asylum Board (Tavolo Asilo)** expressed concerns, stressing that hindering search-and-rescue operations at sea fosters returns to Libya, which cannot be considered a safe third country. **The Association for Legal Studies on Immigration condemned the docking ban**, recommending that Italian authorities provide adequate assistance and reception.

In **Austria**, the **new law on social assistance** came into force, providing that the full amount of social assistance can only be obtained if a beneficiary has a good knowledge of German (B1 level) or English (C1), among other things. The nine provinces have to enact implementation laws within seven months. **UNHCR** views this as unjustified discrimination against beneficiaries of international protection. Following the UNHCR's statement, the Upper Austrian integration counsellor claimed that the **federal government must return to EU standards** on integration policy.

Also in Austria, the law on the Federal Agency for Care and Support (*Bundesagentur für Betreuungs- und Unterstützungsleistungen*) came into force. The agency is subordinate to the Ministry of the Interior and will provide legal and return advice to asylum applicants. UNHCR expressed serious concerns about the independence of the legal advice and sees the rule of law at risk, as the Ministry of the Interior is the authority that also decides upon asylum applications. **Agenda Asyl**, a group of relevant NGOs, as well as **Diakonie** and Caritas Styria, criticised the law for undermining the impartiality of legal advice. According to Caritas Styria, the agency will become operational as of 2021. The new **interim Minister of the Interior** withdrew a decree, which the previous minister had just issued, foreseeing an hourly wage limit for asylum applicants of € 1.50.

UNHCR criticised proposed amendments to the Limited Profit Housing Act (*Wohnungsgemeinnützigkeitsgesetz, Änderung*), since its entry into force would continue to make difficult access to affordable housing for beneficiaries of international protection. The law requires foreigners to have legally lived in Austria for more than five years to be eligible for social housing.

In **Hungary**, an independent member of the Parliament submitted, in mid-June, **draft legislation to prevent future starvation of people in the context of migration and asylum**, expressly obliging authorities to provide food to everyone – irrespective of their legal status (e.g. asylum seekers, irregular migrants in pre-removal detention etc.). The general debate of the bill had not started by the end of the reporting period.

Bulgaria adopted amendments to the Act on Foreigners in the Republic of Bulgaria (*Закон за чужденците в Република България*), introducing an option for stateless persons, who have been recognised as stateless but are not eligible for permanent or long-term residence in Bulgaria, to receive a residence status for up to one year. Amendments also affect the Asylum and Refugees Act (*Закон за убежището и бежанците*), making international protection and humanitarian status of family members, and family reunification, dependent on family relations existing prior to the foreigner's entry into the country.

Germany adopted multiple new laws. The Law on Improved Enforcement of the Duty to Leave the Country (*Geordnete-Rückkehr-Gesetz*) aims to enforce returns through expanding immigration detention or requiring applicants to remain in reception centres for up to 18 months. It also extends, from 15 to 18 months, the time period during which applicants only have limited access to healthcare. A person whose asylum claim has been granted in another EU Member State will no longer receive social benefits, apart from a two-week "transition support". The law also stipulates a temporary suspension of the separation between immigration detention and criminal detention facilities. "Cooperation custody" can be ordered if an asylum seeker refuses to cooperate with the authorities, for instance during his or her identification. Several actors, such as the **Federal Association for Unaccompanied Minors**, the **Protestant Church Germany** and **Commissioner's Office of German Bishops** and the **Association of Republican Lawyers**, expressed grave concern.

The Law on the Enhancement of Employment of Foreign Nationals (*Ausländerbeschäftigungsförderungsgesetz*) aims to help third-country nationals learn German and improve their chances in the labour market. Asylum applicants who have been registered as seeking employment for at least nine months are eligible to participate in official integration courses, unless they are from a safe country of origin.

The Law on the Removal of a Time Limit of the Integration Law (*Gesetz zur Entfristung des Integrationsgesetzes*) makes a permanent rule the previously temporary provision obliging beneficiaries of international protection to remain in the same state (Land) for three years.

The Law on Improved Registration and Data Exchange for Asylum and Immigration Purposes (*Datenaustauschverbesserungsgesetz*) expands the Central Register for Foreign Nationals and integrates data gathered by additional authorities like the Youth Welfare Services, the Federal Agency for Justice and the Federal Foreign Office.

The Law on Toleration tied to Apprenticeship and Employment (*Gesetz zur Ausbildungs- und Beschäftigungsduldung*) stipulates the eligibility for persons who would otherwise be obligated to leave the country to get a residence permit called “employment toleration” or “apprenticeship toleration”. The Law on Immigration of Specialist Workers (*Fachkräfteeinwanderungsgesetz*) facilitates the acquisition of stay permits for skilled migrants and the recognition of foreign professional qualifications. Amendments to the Law on Benefits for Asylum Applicants (*Änderung des Asylbewerberleistungsgesetzes*) aim to improve the situation of applicants who study or do an apprenticeship.

Finally, the Federal Parliament will decide about a proposed Law on the Modification of the Law on Nationality (*Entwurf eines Dritten Gesetzes zur Änderung des Staatsangehörigkeitsgesetzes*). It stipulates that people with dual nationality may forfeit their German nationality if they join a terrorist organisation.

In **Belgium**, the parliament in May amended the law on access to territory, stay and return of foreigners, according to which Dublin transferees may be detained for up to six weeks while authorities decide which Member State is responsible for examining their asylum application under the Dublin Regulation. Under the new rules, such asylum seekers might also be detained for another period of a maximum of six weeks while awaiting their actual transfer to the responsible Member State, and this period may be prolonged if the transfer decision is appealed.

In **Sweden**, the government presented a draft bill to the Council on Legislation, which seeks to limit asylum seekers’ choice to arrange accommodation on their own. The government argues that asylum seekers typically find housing in areas characterised by segregation and overcrowding, which increases problems in the areas concerned. As a disincentive to private housing, the draft bill suggests that asylum seekers wishing to find privately arranged accommodation in socio-economically challenged areas will not be granted the daily allowance pursuant to the Act on the reception of asylum seekers.

In **the Netherlands**, the amendment to the Aliens Decree abolished the discretionary powers of the State Secretary of Justice and Security to award asylum, and mandates the Immigration and Naturalisation Service to assess first-time applications, the media reported. The process for submitting subsequent asylum applications will be simplified as of 1 July 2019.

In **Finland**, an amendment of the Aliens Act (*ulkomaalaislaki/utlänningslagen 301/2004*, Section 102, HE 273/2018 vp) tightening the criteria for approval of subsequent applications entered into force. The law will decrease the number of asylum applicants and contribute to an increase in the number of so-called ‘paperless people’, reports the Finnish Immigration Service.

A new Law on Foreigners came into force in **North Macedonia**. It regulates the conditions of entry, exit, stay, departure and return of foreigners, as well as their rights and obligations in the country.

Policy developments

In **Greece**, the municipality of Athens launched a pilot program for refugee integration named “Curing the Limbo”, co-funded by the EU. The integration program covers refugees who have been granted asylum in Greece after 2015 and speak Greek, English, Arabic, Farsi or French. The target group is offered language classes, training in computer skills and audio-visual arts, and benefits from one-to-one career counselling, including on how to seek and rent affordable homes.

In **Italy**, a summit involving representatives from the Ministry of the Interior and of the Ministry of Foreign Affairs established a strategic approach to increase the number of agreements with third countries to speed up returns; strengthen EU cooperation mechanisms to manage migration inflows; increase cooperation funds targeted at third countries to reduce migration pull factors; and to establish additional humanitarian corridors.

An **International Ministerial Conference on the Balkan Route** including representatives of **Austria, Bulgaria, Croatia, Denmark, Germany, Greece, Hungary, North Macedonia, Poland** and **Serbia** at the Ministry of the Interior in Vienna agreed on a twelve-point plan on crisis prevention and contingency planning. The plan foresees, for example, regular exchanges of information and strategic partnerships, increased efforts against smuggling and trafficking networks, coordinated border-management measures, and cooperation on repatriation and “foreign terrorist fighters”.

In **Poland**, the Ministry of Internal Affairs and Administration submitted the new draft national migration strategy for public consultation. The draft strategy seeks to limit foreigners’ right to stay in the country and to make naturalization conditional upon the acceptance of “Polish cultural and religious values”, while also recommending the creation of a list of “dangerous countries”. The previous version of this strategic document was annulled by the Council of Ministers in March 2017.

As a follow-up measure to the extension of the validity of the law imposing temporary restrictions on granting residence permits to refugees and limiting family reunification, a parliamentary inter-party committee of inquiry will put **Sweden’s** migration policy under scrutiny for the duration of the extension, until July 2021. It aims to evaluate the application of the law in practice and to establish a system that is sustainable in the long-term. The Swedish parliament also amended the above law to put beneficiaries of subsidiary protection on equal footing with refugees concerning their right to family reunification.

The EU reviewed **Finland’s** national strategy on external border control (**National Integrated Border Management Strategy 2018–2021**), the **Finnish Border Guard** indicated. The strategy includes 38 strategic objectives, two of them explicitly addressing the situation of asylum applicants. The strategy aims to develop contingency plans for reception capacity and improve data collection of the asylum procedure.

A new **Government Policy Programme** in Finland includes several potential reforms improving legal protection of asylum-seeking children. First, it promises that an assessment will be made of alternatives to detention for children over 15 years of age. Secondly, it entails an examination of problems relating to family reunification and the income limits applied to family reunification sponsors who have been granted international protection.

Situation at the border

Figures and trends

According to **IOM**, 21,301 migrants and refugees entered Europe by sea in an unauthorised manner between January and 29 May 2019. The number decreased by one third compared to the previous year, with 32,070 having arrived during the same period in 2018.

According to **UNHCR**, 13,898 people had arrived in **Spain** in 2019 by 7 July, 11,022 of them by sea. According to **IOM**, as of 9 July, 682 people had died or gone missing in the Mediterranean this year, 203 on their way to Spain.

Risk of *refoulement*

The **Greek Council for Refugees** initiated **criminal proceedings** in June before the Supreme Court of **Greece** concerning allegations of pushbacks at the border along the Evros river. The **Greek Minister for Citizens' Protection** dismissed the **accusations**, stating that border guards are assisted in the Evros region by officers from the European Border and Coast Guard Agency, who have never spoken out about any pushbacks. The minister also noted that all border guards receive sufficient training on the fundamental rights implications of border management, including the prohibition of *refoulement*.

Pushbacks from **Croatia** to Bosnia and Herzegovina continued, according to the **Centre for Peace Studies**, and as captured in a documentary shown on **Swiss media**.

In **Poland**, refusing entry to asylum seekers at the land-border crossing points of Terespol (at the border with Belarus) remained a major concern, the Commissioner for Human Rights and NGOs reported. The Commissioner for Human Rights and some NGOs continued to receive a high number of complaints about restricted access to asylum during the reporting period. The Polish Border Guard refuted these allegations and stated that asylum seekers have full access to the asylum procedure at the border crossing points.

According to the NGO '**Bordermonitoring Bulgaria**', pushbacks and other violent actions appear to remain widespread along the border of **Bulgaria** with Turkey. In the period April-June, a total of 519 persons were apprehended at the borders or within the territory of the country. This number is higher than during the previous three months (348 in the period January-March 2019) and than the same period last year (365 in the period April-June 2018). Many newly apprehended third-country nationals (about 50 %) were from Afghanistan, according to the **Ministry of the Interior**.

Crossing the English Channel to reach the United Kingdom from the shores of **France** became more frequent. For instance, on one night in May, **74 migrants in an irregular situation, using inflatable boats, were intercepted at sea** by the British Border Police before they reached the English coast. During May, **more than 140 migrants were apprehended** in total in similar conditions; this is the highest figure since December 2018.

Refoulement practices at the border between **France** and **Italy**, particularly in the French Department of Alpes-Maritimes, and between the **French-Spanish** border, persisted, the NGOs '**ANAFÉ**' and **Médecins sans Frontières** (MSF) reported. Unaccompanied children were also affected by pushbacks.

In **Serbia**, the risk of *refoulement* at the borders remained high. In the reporting period, **UNHCR documented** alleged 97 pushbacks at the border from Serbia to North Macedonia.



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 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.

REPORTED INCIDENTS OF UNLAWFUL REFUSAL OF ENTRY AT BORDERS



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

Source: FRA, 2019

In April and May, 4,494 persons were prevented from crossing the border to **North Macedonia** in an unauthorised manner; most of them (4,194) were coming from Greece, according to the Ministry of the Interior. According to the **EU Commission Progress Report on North Macedonia**, about 32,500 migrants are believed to have crossed the country's borders in an unauthorised manner in both directions since the beginning of 2018.

Collective expulsions to **Greece** over the southern border continue from **North Macedonia**, as noted by the Ombudsperson, the **European Commission Progress Report on North Macedonia**, and the NGO 'Legis'. The European Commission stated that, since January 2018, international organisations have recorded 8,823 persons as returning irregularly to Greece.

Search and rescue (SAR)

Tough search-and-rescue policies have been undermining civil society rescue efforts to save lives and bring to safety migrants in distress at sea. Figure 1 provides a snapshot of FRA's research on developments between 2016 and June 2019.

The Minister of the Interior of **Italy** ordered law-enforcement authorities to monitor the 'Mare Jonio' vessel, operated by the Italian NGO '*Mediterranea*', and performing SAR operations in the Mediterranean. *Mediterranea* responded with a **press release**, stating that it cannot return migrants to Libya as it is not a safe third country or a safe port. The Italian Financial Guard seized the 'Mare Jonio' vessel and charged the crew with aiding and abetting irregular migration, **Melting Pot Europa** reported.

On 18 May 2019, the 'Sea Watch 3' vessel breached the ministerial ban and entered Italian territorial waters near Lampedusa, following the rescue of 65 people in the Mediterranean. The day before, 18 vulnerable persons – including children and families – had already been allowed to disembark, according to **media reports**. On 19 May 2019, the Public Prosecutor of Agrigento ordered the seizure of the 'Sea Watch 3' vessel.

On 29 June, the captain of the 'Sea Watch 3' vessel – Carola Rackete – contravened the minister's docking ban and entered the Lampedusa port, due to an emergency situation on the vessel, with passengers suffering from critical health and psychological conditions, the **media** reported. The European Court of Human Rights (ECtHR) had previously declined to impose interim measures under Rule 39 of the Rules of the Court on Italy in the case of **Rackete and Others v. Italy**, which would have required the rescued migrants to be allowed to disembark in Italy. The president of the ECHR found that there were no exceptionally serious and urgent reasons to do so, given that vulnerable individuals (children and pregnant women) on board had already been disembarked. After disembarkation, the captain was arrested and accused of facilitating irregular migration. Doctors and staff of UNHCR and IOM provided the 42 people on the vessel with basic health assistance and information concerning their rights in Italy. On 30 June 2019, **the Court of Agrigento cleared the captain of all charges**, recalling that under the UN Convention on the Law of the Sea, the state of the territorial waters in which the boat is located must authorise passage to a ship to provide assistance.

In **Greece**, seven people coming from Turkey, including two children, died off **Lesvos island** after their boat sank while carrying 64 people. The Hellenic Coast Guard rescued 57 people, mostly of African origin.

FRA activity

NGO ships involved in search and rescue in the Mediterranean and criminal investigations – 2019 update

In June 2019, FRA published an updated overview on all NGOs and their vessels and reconnaissance aircrafts involved in search-and-rescue operations in the Mediterranean since 2016. It also indicates whether they have been subject to legal proceedings. This reveals that only a few NGO rescue vessels were operational in June 2019 due to various reasons, including ship seizures and de-flagging ordered by Member States. It also points to ongoing or closed investigations and administrative or criminal proceedings against private entities involved in search and rescue as of June 2019. Most court cases opened, however, ended in acquittals or were discontinued due to a lack of evidence.

Figure 1: NGO ships involved in search-and-rescue (SAR) operations in the Mediterranean Sea between 2016 and 1 June 2019



Source: FRA, 2019

The **media in Spain** reported that nearly 300 migrants were rescued at sea within two days, while attempting to cross the Mediterranean in small boats. In another incident, about 20 out of 49 migrants went missing in the Mediterranean on their way from Nador in Morocco to Spain, **media** reported. The NGO 'Walking Borders' estimates that, between 2018 and April 2019, around 70 ships carrying 1,020 migrants sank on their way to Spain, 12 boats went missing, 204 persons died, and 816 disappeared.

Challenges at land borders

In **Greece**, at the beginning of April, more than 500 people, including families with children, assembled outside the Diavata camp, some 10 kilometers west of Thessaloniki, with a view to getting through the fenced-off border with North Macedonia and reaching Western Europe, **media sources** and **UNHCR** reported. The initiative – called “**Caravan of Hope**” – started with anonymous calls on social media for a long trek through the Balkans. Greek police blocked off an access route to the border with buses, and there were scuffles with police as some people tried to break through a cordon. Finally, the assembled people did not leave Greece. **UNHCR denounced the social media calls**, stressing that irregular border crossings are “risky and dangerous”, which they do not encourage; and also warned of “false information and social media rumors”.

Firefighters rescued four migrants who had been attempting to cross the border between **France** and **Italy** in the Monginevro area (Hautes-Alpes Department). Their health conditions were not critical, **media reported**.

The police in Hungary apprehended some 1,951 migrants in an irregular situation during the reporting period. They were hiding in **trucks, cars or trains**, but also **in fields** close to the border with Serbia. According to data of the National Headquarters of the Police, these persons were escorted back to the outer side of the fence at the Hungarian-Serbian border. Authorities do not register and fingerprint these people prior to escorting them to the southern border, nor do they count them as new arrivals or asylum seekers in official statistics.

The police in **Hungary** also prevented more than 230 people from crossing the border into Hungary via the border fence (a slight increase compared to the previous period), the National Headquarters of the Police **reported**.

Several transport companies in the Basque Country, **Spain**, require people to show their residence permits or passports when purchasing bus tickets on routes crossing into France, because of carrier liability rules. **SOS Racism** considers this practice not to be in line with the case law of the **Court of Justice of the EU**, stating that Member States should not check passports of every passenger travelling on coaches that regularly cross borders within the Schengen area.

A migrant from Pakistan was hit by a freight train in **North Macedonia** and lost his life, **media** reported. Another Pakistani **survived an electric shock** sustained while trying to get into a freight train. The **parliament extended the “state of crisis”** on the southern and northern border until 31 December 2019 due to the increased number of entering and transiting migrants. This decision provides the legal basis for having a coordinated approach to migration management, allocates additional resources, and allows the involvement of the army to secure the border.

Temporary reintroduction of border controls

Austria, Denmark, France, Germany, and **Sweden** prolonged or kept **internal border controls** in the Schengen area.

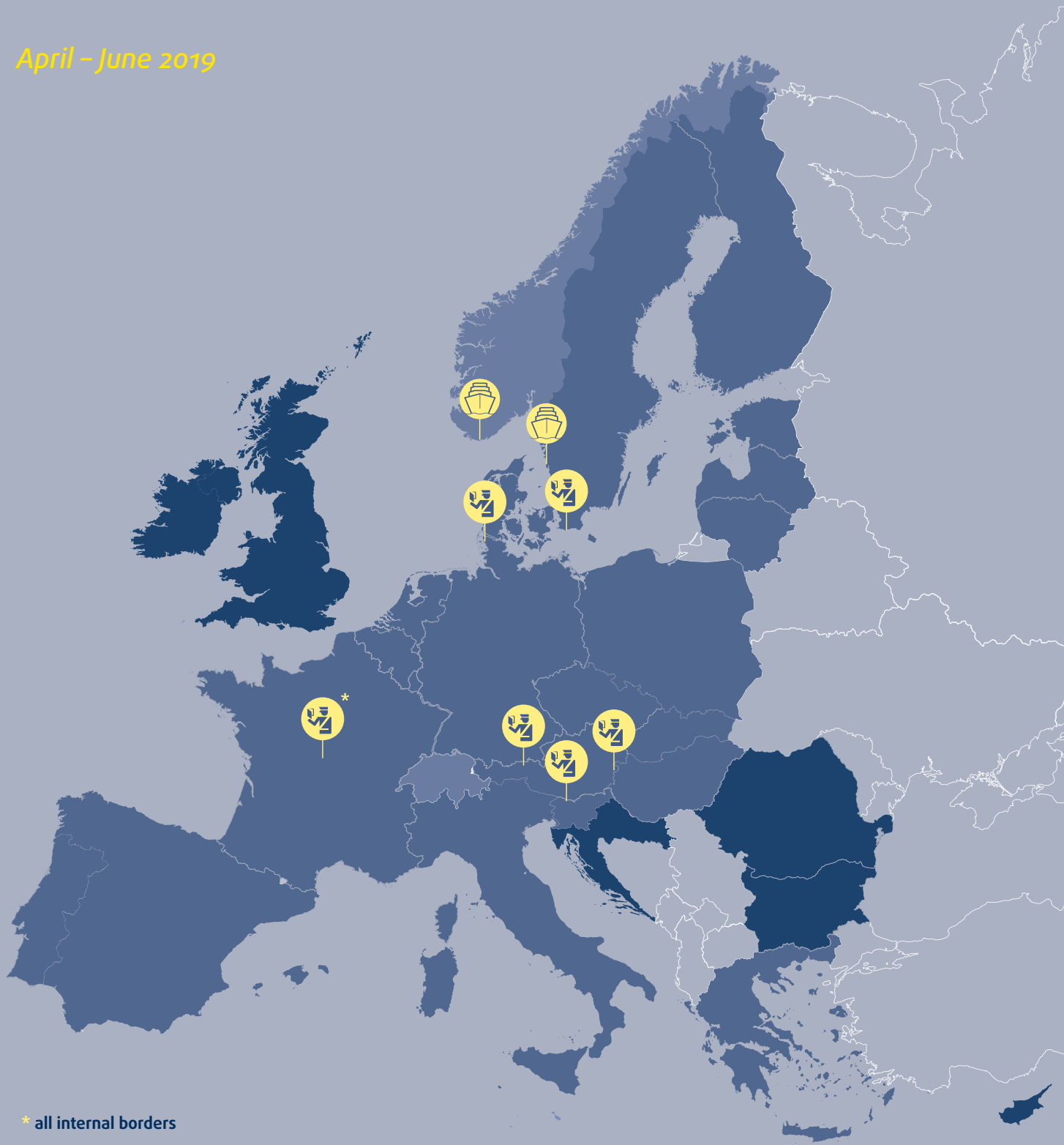
National case law

The **Ordinary Court of Trapani (Sicily), Italy**, discharged – after 10 months of pre-trial detention – two migrants who had been accused of fostering the uprising on board the ‘Vos Thalassa’ vessel in July 2018. According to the court, the uprising – which broke out when the passengers became aware that the vessel was returning them to Libya because of the Italian docking ban – must be considered as legitimate self-defence due to the inhumane conditions and treatment they suffered during their detention period in the country.

In **Hungary**, the Regional Court of Szeged (*Szegedi Ítéltábla*) **delivered the last instance and final ruling** in the case concerning 71 smuggled migrants who had suffocated inside a lorry, which was then dumped by smugglers at the side of a motorway in Austria in 2015 (“the Parndorf tragedy”). The 11 members of the criminal group of human smugglers were handed long prison sentences (ranging from four to 30 years), and three perpetrators (those driving the truck and the main organiser of the operation) were sentenced to life imprisonment.

THE SCHENGEN AREA

April – June 2019



* all internal borders

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



Controls at land-border crossing points



Controls at ports

Asylum procedure

Figures and trends

According to **UNHCR**, which released its annual statistics on displacement, the global population of forcibly displaced people increased by 2.3 million in 2018, to a record of almost 70.8 million individuals.

According to the **European Asylum Support Office (EASO)**, asylum applications in the EU decreased for the third consecutive year in 2018. In 2018, a total of 664,480 applications for international protection were recorded in the EU, Norway and Switzerland. In the first quarter of 2019, 157,970 first-time applicants were registered in the EU-28, according to **Eurostat**.

The number of refugees fleeing the worsening crisis in Venezuela has surpassed 4 million, making them one of the single largest population groups displaced from their country, according to **UNHCR and IOM**. Venezuelans made up 7 % of all applicants in the EU-28 in the first quarter of 2019, according to **Eurostat**.

In **Spain**, according to **Eurostat**, almost 46,000 asylum applications were filed within the first quarter of the year, leading to large backlogs. More than 100,000 requests were still pending, the **Spanish Refugee Aid Commission (CEAR)** reported.

In **France**, almost **59,000 applications** were pending at the beginning of April, which is some 21,000 more than in the same period last year. The overall length of asylum procedures increased again. On average, it was **more than 6 months** at the beginning of the reporting period, more than two months longer than in 2018 – this despite the entry into force of the **new law on immigration and asylum** in September 2018. The number of asylum applications submitted in **some French overseas territories also rose** in the first five months of the year, especially in the Antilles and French Guyana (71 % increase) and Mayotte (300 % increase) as compared to last year.

Access to asylum procedures

In **Greece**, the **annual report of 2018 published by the Greek Council for Refugees** highlighted a number of issues affecting access to asylum procedures. These include delays in lodging asylum applications from immigration detention, lengthy registration processes (more than 40 days on average), and an increasing average processing time of asylum claims at first instance (8.5 months). Also, major delays occurred in the identification of vulnerabilities on the islands, due to a lack of qualified staff.

In **Italy**, according to the Italian Psychology Association (**Associazione Italiana di Psicologia**), the abolition of the humanitarian protection status in accordance with **Law No. 132 of 1 December 2018** significantly reduced the number of people who can access protection. The situation of people still holding humanitarian protection status will worsen due to the difficulties they face in changing their status to another kind of residence permit and because they no longer have access to the second-level reception system.

The Italian Refugees Council and the association '*A buon diritto*' filed two **complaints before the Ordinary Court of Rome against the Immigration Department (Ufficio Immigrazione)** of the Police Headquarters (*Questura*) of Rome for refusing to renew residence permits for holders of international protection status, if they could not prove that they were formally residing in the municipal territory. The law does not require proof of residency, also allowing the renewal of such residence permits for homeless persons.



In numbers

A total of 147 asylum seekers travelling from Libya came to **Italy** through a so-called humanitarian corridor, according to the **Ministry of the Interior**. This initiative provides refugees with safe travel and visas to Italy, along with housing and resettlement assistance upon arrival.

Roughly, one person per working day was admitted to each transit zone in **Hungary**, according to the data provided by the National Directorate-General for Aliens Policing (as of July, this police body is the successor of the Office of Immigration and Asylum). The data continue to show that daily access to asylum in Hungary is extremely limited. This **has been the case since the end of January 2018**. In the country, people in need of international protection can only lodge asylum applications in the transit zones. Since July 2018, once an asylum application is lodged, authorities systematically deny international protection to those who arrived via Serbia, declaring these applications inadmissible **under the rules in force since then**, according to which an asylum application is to be considered inadmissible if the person arrived from a country where he/she was not subject to persecution.

According to the Ombudsperson's Office, access to the asylum procedure in **Croatia** remains hindered, as requests for asylum are being ignored and people pushed back. The **Chief of Border Management** said in a video: "A person who has not entered the Republic of Croatia cannot exercise the right to asylum at the official border crossing or on the border line". The 'Welcome Initiative', a group of NGOs and citizens, reported that applicants have to sign papers in a language they do not understand, without the presence of an interpreter or lawyer.

In **Poland**, the lack of free legal assistance to asylum seekers in detention centres and open reception facilities remained an issue of concern, the NGOs 'Association for Legal Intervention' and 'Helsinki Foundation for Human Rights' pointed out. To remedy this situation, the Ministry of Internal Affairs and Administration announced **two new calls for tenders to provide legal assistance** under their national programme of the EU Asylum, Migration and Integration Fund, with a deadline of submitting proposals by mid-May. The selected projects will be implemented between September 2019 and September 2022, each with a budget of approximately € 700,000.

The **Bulgarian Helsinki Committee's annual monitoring report** on status determination procedures in **Bulgaria** stated that conducting asylum application procedures at the migrant detention centres contradicts the law and should be discontinued. The report further suggests that the State Agency for Refugees (*Държавна агенция за бежанците, ДАБ*) must incorporate a mandatory preliminary social interview for all applicants in order to identify a potential vulnerability.

In **Germany**, according to the **Federal Office for Migration and Refugees (BAMF)**, in 2018, of the 173,416 court proceedings challenging BAMF decisions, 17.1 % overturned the decisions (compared to 22 % in 2017). Three quarters of all complainants were from Syria or Afghanistan. The government indicated, in **response to a parliamentary question**, that the average duration for applications lodged from centralised reception and decision centres (AnKER centres) was 1.7 months. BAMF has been postponing decisions on Syrian nationals for several weeks until new internal guidelines are available, **media reported**. UNHCR warned that postponing these decisions for several months would lead to disproportionate hardship and insecurity for the applicants.

In **France**, the telephone system introduced in the Île-de France region in May 2018 to register asylum claims and get appointments at the prefecture continued to present difficulties, **media sources** reported based on figures from the NGO 'La Cimade'. According to these figures, only 10.8 % of the calls were actually answered, and the average time to register an asylum application for this region was 13 working days during the reporting period.

In **Belgium**, the Office of the Commissioner General for Refugees and Stateless Persons (CGRS) **was re-evaluating the security situation in Syria** to determine whether the whole country was still affected by the armed conflict. The CGRS also **changed its policy regarding parents of children fearing female genital mutilation (FGM)**; as a result, only the girls fearing FGM will be granted refugee status, and not their parents. Although parents' claims based on the fear of their daughters are to be rejected under the new policy, parents can request a residence permit on other grounds, such as 'exceptional circumstances' under Belgian immigration law.

In **Sweden**, the Swedish Migration Agency pointed out that the processing time of appeals against negative asylum decisions before the migration courts continued to be very lengthy. For example, the average duration of judicial review of negative asylum decisions was between 17 and 21 months at the Migration Court in Gothenburg.

In **the Netherlands**, asylum applicants on average have to wait for 16 months for their first interview, according to the **Dutch Council for Refugees**. This waiting period was 8 weeks in early 2017, and is likely to increase to 24 months in the first half of 2019. A wrong prognosis, combined with cutbacks at the Immigration and Naturalisation Service, caused the increase.

The **COC, the main LGBTI-organisation in the Netherlands**, claims that the Immigration and Naturalisation Service still applies a criterion, which was banned in summer 2018 as it was based on stereotypes, to assess whether an applicant is LGBTI.

According to an independent survey report (**Report on the Asylum Process**) assessing the asylum process in **Finland**, the asylum process is not being uniformly handled, and differs depending on the respective laws of the authorities concerned (the Police and the Border Guard, and the Immigration Service, respectively). The interviews are also not always of high quality and there is a lack of adequate legal aid. The report emphasises the initial phase of the asylum procedure and recommends that legal aid should be provided to all asylum applicants at the initial stage of the proceedings and also that the applicant's counsel should be allowed to be present at the interview.

Quality of decision making on asylum procedures in **North Macedonia** should be improved, including at the appellate level, according to the **European Commission Progress Report on North Macedonia**. Difficulties persist in providing translation during interviews and free legal aid is not accessible in practice. The NGO 'Legis' also expressed concern that the authorities use "danger to national security" as grounds for rejecting asylum applications, without an explanation for their assessment.

Bright spots

Spain introduced a one-year humanitarian **residence permit for Venezuelans** whose asylum claims were rejected before February 2019. The permit includes the right to work.

In numbers

In **the Netherlands**, asylum seekers on average have to wait 16 months for their first interview, the **Dutch Council for Refugees** reports.

Reception

Reception capacity

Sufficient reception capacity was available in **Austria, Belgium, Bulgaria, Croatia, Denmark, Finland, Germany, Hungary, the Netherlands, North Macedonia, Poland** and **Serbia**.

Reception facilities in **France, Greece** and **Spain** remained overcrowded.

According to the **Ministry of the Interior**, many reception facilities were closed down in **Italy**, due to the significant decrease in arrivals and increase of forced returns.

Social organisations in **Spain**, such as the Reception Solidarity Network, Parish Church of San Carlos Borromeo and Coordinadora de Barrios, reported that the Office of Asylum and Refuge has not accepted appointments to register applications for over a month. In Madrid, this led to people sleeping on the streets, including pregnant women and children, as they cannot access the reception system before their asylum claims have been registered.

The reception system in **France** remained unable to provide accommodation for all asylum seekers in the country, which meant that only every second asylum applicant was housed in the national reception system, the NGO 'La Cimade' reported. As a result, informal camps in the North of France persisted (with an estimated 300 people living near Calais and 700 people living in the outskirts of Grand-Synthe), and thousands of migrants were still living in camps scattered across Paris, **NGOs** and the **media** reported. According to the Public Defender of Rights and multiple NGOs, to prevent previously dismantled camps from re-emerging, the authorities intensified evacuations across the country. The **UN Special Rapporteur on the right to housing** also criticised this practice as violating the right to property and other internationally protected human rights.

Asylum applicants, tolerated persons and refugees with short-term residence permits have difficulties finding housing in Berlin, **Germany**, as they are excluded from social housing benefits, the Refugee Council Berlin noted.

Reception conditions

After an on-site visit in the 'hotspot' on Samos, **Greece**, in April, the NGO '**Greek Council for Refugees**' reported unsuitable reception conditions due to overcrowding, with more and more people living in makeshift structures that they had to arrange by themselves. Hygiene and sanitation conditions were substandard and there were no specific support measures for vulnerable people residing there, including unaccompanied children. The NGOs 'Refugee Support Aegean' and 'PRO ASYL' issued a report analysing the structural failures of the **Greek reception system**, also looking at the flawed financial management and the ineffective use of EU funds and emergency assistance.

Several civil society actors in **Italy** sent a letter to the **National Association of Italian Municipalities** and launched a hashtag '**#dirittincomune**' to persuade municipalities to allow asylum applicants to be registered in municipal civil registries, which **Law No. 132 of 1 December 2018** eliminated. This law also resulted in a 25-year-old pregnant Nigerian woman holding a humanitarian protection residence permit and her one-year-old baby being expelled from the special reception centre (*centri di accoglienza straordinaria*, CAS) of Matera (Basilicata) without having any other place to live, the **media** reported.

The **Court of Genoa** cancelled the transfer of asylum applicants from **Italy** to **Croatia** under the Dublin Regulation due to the risk of exposing the woman and her daughter “to the possibility of being subjected to treatments in contrast with the humanitarian principles and with article 4 of the Charter of fundamental and EU rights”. In Croatia, the **Ministry of Interior** informed the public that the government would no longer build a new reception centre in the village of Mala Gorica, due to opposition from the local community.

The Federal Ministry of the Interior reported that the new interim Minister of the Interior of **Austria** changed the name of “departure centres” (*Ausreisezentrum*), recently relabelled as such by the former government, back to the previous name: initial reception centres (*Erstaufnahmезentren*). At least seven asylum applicants went on hunger strike at the Tyrolean Return Center at Bürglkopf in Fieberbrunn (Kitzbühel district) to protest the centre’s reception conditions, according to **media reports**. The strike was still ongoing at the end of June, the Federal Ministry of the Interior reported. Caritas Vienna reported that conditions in the special transit zone established at the airport in Schwechat were deficient, particularly the quality of medical care and food.

According to the **Federal Office for Migration and Refugees, Germany**, in 2018, 202,933 persons participated in integration courses. Some 115,793 (52 %) first-time participants completed the course, obtaining a B1-level for the German language.

In **Poland**, more than 50 % of all asylum applicants (some 1,660 persons) continued to receive funds to live outside of open reception centres (i.e. in private accommodation), the Office for Foreigners stated. Such private housing arrangements are authorised by the Office for Foreigners **for safety or family reasons or to prepare asylum seekers for independent living once they get international protection**. However, the sum provided by law (€ 180 per month) is too low compared to living costs and thus needs to be increased, the NGOs ‘Association for Legal Intervention’ and ‘Helsinki Foundation for Human Rights’ pointed out.

In **Spain**, the NGO ‘Pueblos Unidos’s’ ‘Baobab programme’ supports vocational training of young Sub-Saharan migrants in an irregular situation, who can obtain a residence permit (*Arraigo status*) after three years of continuous residency in Spain.

Upon the **initiative of a group of NGOs supporting migrants**, the Council of State in **France** in May ordered the prefecture of the Nord Department to install a sufficient number of water, shower and sanitary facilities in the informal camp near Calais, where some 700 migrants in an irregular situation live. The Council of State equally obliged the authorities to disseminate information sheets on the rights of these people in the main languages they understand.

In **Belgium**, bus drivers from the Flemish transport company refused to stop at the Brussels North Railway Station, claiming that migrants at the station had malaria and tuberculosis and thus could be contagious, **media sources** reported. This led to the **planning of a police operation** to remove all migrants staying at the station. The night before, however, various civil society organisations took many migrants to shelters to avoid confrontation with the police and, after that, buses restarted stopping at the station, according to the **press**. The police operation evacuated all remaining people and placed them in shelters for homeless persons in Brussels. In this context, the representatives of the Flemish right-wing party **Vlaams Belang drove around Brussels in a van named ‘Go Back Bus’** with the slogan of collecting and taking back migrants with “scabies, malaria and tuberculosis to their country of origin.”

In numbers

In **Germany**, 52 % of first-time participants completed their integration course in 2018, obtaining a B1-level of German, the **Federal Office for Migration and Refugees** reported.

The government in **Sweden** announced that **municipalities would receive new temporary financial support for accommodating** unaccompanied asylum-seeking children and those who turned 18 during the asylum procedure. The financial support is supposed to allow these young people to remain, for the duration of their asylum procedure, in the municipalities where they have been living, instead of being transferred to one of the reception centres for adults run by the Swedish Migration Agency. The total sum to be allocated to the municipalities in 2019 amounts to 195 million SEK (€ 18,442,000).

The housing shortages in many municipalities in Sweden affect beneficiaries of international protection. Several municipalities faced difficulties in finding accommodation for protection-status holders to whom they must provide housing. According to a **report published by the Swedish National Board of Housing, Building and Planning**, beneficiaries of international protection were provided with permanent housing in less than 50 % of the Swedish municipalities. Consequently, the others had to move out and find their own housing arrangements after the two-year "introduction period".

In **Finland**, according to the Finnish Immigration Service's **2018 monitoring report** assessing the overall operation of reception centres, the centres were found to operate appropriately, but deficiencies were also found. The most serious ones relate to the number of employees, their insufficient induction, and the reception centre's safety arrangements.

The legal status of the transit reception centres in **North Macedonia** was still not defined, leaving asylum seekers staying there insecure about their status. At the Reception Center for Asylum Seekers Vizbegovo, the **Ombudperson** noted a lack of appropriate and qualified personnel and the lack of a permanently available doctor and medical personnel. Finally, no individual psychological assessments are carried out.

Vulnerable persons

The Croatian Law Centre in **Croatia** reported that the police does not carry out procedures for the early identification of torture victims and other vulnerable groups. This prevents timely and proper reactions, including the provision of appropriate accommodation or food.

In **Poland**, the institutional assistance for vulnerable people released from immigration detention, which is a duty by law, had not yet been put into operation because the NGO selected to carry out this task declined the offer before signing the contract, the Border Guards Headquarters stated.

According to the **government's response to a parliamentary question** concerning the rights of persons with a disability during the asylum procedure, the **German** Federal Office for Migration and Refugees assesses special vulnerabilities at every stage of the asylum procedure; however, there is no standardised identification procedure. Access to healthcare for migrants in an irregular situation remains challenging, according to the Jesuit Refugee Service. To receive medical treatment, they must request a letter of referral from the social welfare office. Many do not dare to do so as they fear that contacting an official authority without residence permit could lead to their return.

In **France**, the Public Defender of Rights found in a **report on migrants' access to health care**, published in May, that it has become more difficult for seriously ill irregular migrants to avoid return. Access to the prefectures for those who are hospitalised or have reduced mobility is not guaranteed, coupled with frequent breaches of medical confidentiality. In addition, people concerned are often not aware of their right to request the postponement of removal due to serious health issues; even if invoked, such a request does not suspend the enforcement of the removal.

In **Denmark**, a joint project commenced between the government's Centre Against Human Trafficking (CMM) and the Red Cross. The project aims to train legal guardians, personnel in reception centres, and CMM staff to better identify and handle cases of trafficking in human beings, the Red Cross reported. The project will continue until 2021.

Up to 40 % of adult asylum applicants who arrived in **Finland** in 2018 suffer symptoms of severe depression and anxiety, the **Asylum Seekers Health and Welfare Survey (TERTTU)** reported. Over 80 % experienced at least one potentially traumatic event in their country of origin or during the journey.

Child protection

Figures and trends

As of 15 June 2019, according to the **National Centre for Social Solidarity (EKKA)**, 3,883 unaccompanied children were estimated to be in **Greece**, including 258 separated children. This marks a slight increase compared to the end of May. Only 1,018 were in appropriate and long-term accommodation (shelters and semi-independent living apartments); 875 were in temporary accommodation ('safe zones' and emergency hotels); 687 stayed in Reception and Identification Centres; 116 in 'protective custody', mainly at police stations; and 122 in open temporary accommodation facilities. 1,065 have been reported as living in informal or insecure housing conditions, such as living temporarily in apartments with others, squats, or being homeless and moving frequently between different types of accommodation. The total number of available long-term accommodation places for unaccompanied children in all of Greece is 1,165; for temporary accommodation, that number is 960.

According to the **Ministry of the Interior**, between 1 January 2019 and 9 July 2019, 394 unaccompanied children reached **Italy**, compared to 3,536 in the entire year of 2018, and 15,779 in all of 2017.

In **Hungary**, almost half of the people kept in the transit zones along the Hungarian-Serbian border in April were **children**.

According to the Jesuit Refugee Service, 17 unaccompanied children were in **Croatia** on 19 June 2019.

In **Denmark**, the 'Reception Centre Sandholm – Unaccompanied Children' has a capacity of approximately 80 persons. In June 2019, fewer than 10 unaccompanied children were accommodated in the centre, according to the data of the Danish Immigration Service.

In **Serbia**, a total of 474 unaccompanied children were staying at the seven asylum centres accommodating such children, while seven other unaccompanied children were placed at the Centre for Minors in Niš, UNHCR reported.

Reception conditions

In **Hungary**, authorities **announced at the end of June that they will close** down the children's home near Budapest (in Fót), which hosts unaccompanied children up to 14 years of age, although it remains unclear where these children will be placed. Unaccompanied children over 14 years of age still remain in the Röske transit zone until their asylum claims are decided upon. The Committee to the Parties to the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse (Lanzarote Committee) **published its report in June 2019**. It noted the lack of effective measures to prevent sexual exploitation of children in the transit zones; the discriminatory treatment of children; and the exclusion from the Hungarian child protection system of children between 14-18 years of age, as a result of which girls especially are not adequately protected from sexual harassment and exploitation.

In **Italy**, according to a **report** of the NGO INTERSOS, by abolishing the humanitarian protection status, **Law No. 132 of 1 December 2018** seriously compromised the situation of unaccompanied children holding such a status, in particular when they turn 18. They have to leave the reception facilities for children, but can no longer access the second-level reception facilities for adults

Bright spots

IOM **Bulgaria** and the State Agency for Refugees (*Държавна агенция за бежанците, ДАБ*) inaugurated the **first special zone for unaccompanied children** in the Voenna Rampa neighbourhood in Sofia. It will provide 24/7 care and specialised services for children in an environment responsive to their needs.

or the former SPRAR system, now renamed Protection System for International Protection Status Holders and Unaccompanied Children (*Sistema di protezione per titolari di protezione internazionale e per minori stranieri non accompagnati* – SIPROIMI). Many of them become irregular and subject to return, even if they are in vocational training or participating in other integration programmes.

The stigmatisation of unaccompanied children remains a key concern in **Spain**, UNICEF reported. The opening of new Protection Centres for Children caused demonstrations by neighbours in La Macarena, the **media** reported. In Melilla, according to a **report** by the Harraga association, many unaccompanied children living at the centre “La Purísima” reported a lack of beds, food scarcity, cold-water showers and physical mistreatment by one centre employee.

The office of the Ombudsman for Children in **Finland** expressed concern over the inadequate level of the support services offered to underaged asylum-seeking children, especially those suffering from mental-health problems.

Guardianship for unaccompanied children

According to the Ministry of Demography, Family, Youth and Social Policy in **Croatia**, on average, one guardian is appointed for 2.15 unaccompanied children. Almost all appointed special guardians were employees of social welfare centres, replacing the previous practice of appointing persons who travelled with the child.

Safeguards and specific support measures

In **Greece**, the humanitarian association ‘*Médecins Sans Frontières*’ **vaccinated asylum-seeking children against pneumonia** on the islands of Chios, Samos and Lesbos. Pneumonia remains the most dangerous disease for children under five worldwide, and children living in precarious conditions, such as those in refugee camps, are at particularly high risk.

In **Bulgaria**, according to an amendment to the Foreigners in the Republic of Bulgaria Act (*Закон за чужденците в Република България*), unaccompanied or abandoned children who have not requested or have been denied international protection can be granted continuous residence until they reach adulthood, and afterwards, if humanitarian reasons exist. This permit does not allow them to request family reunification, however.

In **France**, the Public Defender of Rights highlighted, in an interview, serious shortcomings when police deal with unaccompanied children. Although police stations have a legal duty to properly assist this vulnerable group, assistance and referral are lacking in practice – in particular at night, when child-protection services are closed.

In **Sweden**, the child perspective was not addressed in the ‘establishment plans’ for those who have been granted international protection, the NGO ‘Save the Children’ reported. The NGO also reported a lack of child-friendly spaces for leisure activities in reception centres for asylum seekers.

In **Denmark**, the Red Cross released a report on the psychiatric well-being of children with families at the Sjælsmark pre-removal detention centre. According to the report, half of the children aged between 11 and 17 had symptoms of post-traumatic stress disorder (PTSD), and many struggled with a lack of appetite, nightmares and insomnia. 80 % of the parents of these children themselves

Bright spots

In **Denmark**, a special unit to fast-track the initial processing of newly arrived unaccompanied children with “street-oriented behaviour” continued to operate, transferring them to one of the three accommodation centres for unaccompanied children, according to the Danish Immigration Service.

showed symptoms of anxiety or depression. The Red Cross formulated a series of recommendations to remedy the current situation, which include setting up a specialised kindergarten, improving nursery possibilities for all children, allowing families to cook for themselves, and better schooling arrangements. As a follow-up, four political parties jointly committed, as part of a **larger political common understanding on the country's migration policy**, to in future place rejected asylum-seeker families with children in a more adequate centre than the Sjølsmark facility.

According to UNHCR, unaccompanied children in **the Netherlands** do not feel adequately involved in decisions concerning them; are not informed in a child-friendly manner; and their best interests are not always sufficiently guaranteed.

The **Report on the Asylum Process in Finland** draws attention to the varying quality of the work of the representatives of unaccompanied children.

Violence remained a threat among unaccompanied children in **Serbia**. For instance, two migrants were murdered in Belgrade in June. One of them was a 17-year-old unaccompanied child from Afghanistan. According to the **information the police shared with the media**, the Afghani child was a fugitive suspected of having murdered the other migrant the day before, and the following day, he was also found dead – which the authorities described as a reckoning between “human smugglers”.

Age assessment

The Italian Independent Authority for Children and Adolescents presented its **2018 annual report** before the **Italian** Parliament, updating it on progress concerning voluntary guardianship and recommending effectively supporting unaccompanied children in their transition to adulthood.

The United Nations Committee on the Rights of the Child issued two opinions (**A.L. case** and **J.A.B. case**) condemning **Spain** for violating the rights of two unaccompanied children. The Committee recalled that, for age determinations, physical appearance and psychological maturity have to be taken into account. Also, the assessment must be based on scientific criteria with consideration of the best interests of the child. In cases of uncertainty, the individual should be given the benefit of the doubt. In the second case, the Committee held that the denial of access to legal representation during age-assessment procedures violates the right to be heard.

Missing children

As of 1 July 2019, 393 missing children with non-EU-citizenship were registered in SIS II in **Austria**, according to the Federal Ministry of the Interior.

In **Sweden**, 175 asylum-seeking and migrant children went missing during the reporting period, according to the Swedish Migration Agency.

Over 1,600 children disappeared from asylum centres in **the Netherlands** during the past 4.5 years, the **Dutch daily newspaper 'NRC'** reported.

Family reunification

In **Greece**, the NGOs 'PRAKSIS' and 'Safe Passage' carried out **research focusing on 80 children hosted at 13 shelters across the country**. The research found, amongst others, that consistent delays impede family reunification, meaning asylum-seeking and refugee children on average have to wait 16 months to reunite with their relatives in another EU Member State. An estimated 10 % of these children left the shelters due to a lack of trust in formal procedures. They usually ended up living in the streets and contacting smugglers to cross the borders. The report also revealed that requests for family reunification were rejected in the majority of the 80 cases examined.

In **Germany**, the quota of 1,000 visas granted per month for family members of beneficiaries of subsidiary protection is now being met, according to UNHCR. The 5,000 places that were not filled between August and December 2018 have not been added to this year's contingent.

The Federal Association for Unaccompanied Minor Refugees criticised the decreasing number of family reunifications from Greece to Germany under the Dublin Regulation. This is despite a preliminary **decision of an administrative court** demanding a more comprehensive and favourable examination of whether the individual circumstances of a case require Germany to assume responsibility.

National case law

Acting upon the **initiative of multiple NGOs defending migrants' rights**, the Council of State (*Conseil d'Etat*) in **France** referred in May a **'priority question of constitutionality'** to the **Constitutional Council** (*Conseil constitutionnel*) relating to several provisions of the recent law on immigration and asylum of September 2018. The petitioners challenged the legality of the law's provisions concerning age assessments of unaccompanied children, which mandate the setting up of a biometric database for facilitating such assessments.

Immigration detention

Detention capacity

According to the data of the Hellenic Police, the number of migrants and asylum seekers in immigration detention (pre-removal detention and asylum detention) in **Greece**, islands included, was 3,701 in June; of these, 2,999 were asylum seekers. The number of persons in immigration detention during May 2019 was 3,190; of these 2,481 were asylum seekers. The majority of the detainees originated from Afghanistan, Bangladesh and Pakistan. This has not changed over the past months. **More than a dozen of NGOs, alongside academics, sent an open letter to Greek authorities**, calling on them to stop holding irregular migrants and asylum seekers in inappropriate detention facilities. They were particularly concerned about the use of holding cells at police stations without access to outdoor activities; and more generally, the inadequate access to healthcare, the lack of personal hygiene items, and the bad material reception conditions in a number of unsuitable facilities.

In **Hungary**, 62 people were placed in pre-removal detention during the reporting period (a continuous slight increase compared to the previous period), according to the data of the National Directorate-General for Aliens Policing and the National Headquarters of the Police. Meanwhile, according to the same source, asylum detention (in facilities other than the transit zones) was applied to six Dublin transferees in the same period. Given that the transit zones at the southern border with Serbia remain the only locations to lodge an asylum application and all migrants in an irregular situation who have been apprehended on Hungarian soil are escorted back to the other side of the border fence, the designated pre-removal and asylum detention centres continued to be almost empty, according to the National Directorate-General for Aliens Policing.

The two detention centres in Ježevo and Tovarnik, **Croatia**, are full, according to the Jesuit Refugee Service

In 2018, **Austria** imposed pre-removal detention 5,010 times, according to the Federal Ministry of Interior's response to a **parliamentary question**. The Federal Administrative Court confirmed as lawful 58 % (1,075) of all detention decisions that were appealed in 2018, according to the Federal Ministry of Interior in response to another **parliamentary question**. 18 % were annulled or changed, and 24 % led to termination of proceedings, withdrawal of appeal, or suspensions.

In **Poland**, one of the pre-removal detention centres for families with children (in Biała Podlaska) will soon be closed because of planned renovations, the Border Guard Headquarters stated.

Some 7,855 persons were held in Alien Detention Centres (*Centros de Internamiento de Extranjeros* – CIEs) in **Spain** (7,676 men and 179 women), the lowest figure since 2009, according to the Jesuit Refugee Service. The **Jesuit Refugee Service** said that 89 children were in CIEs in 2018, the highest figure recorded in the past years (by comparison, 48 children were held in 2017 and 51 were held in 2016).

A total of 687 people were detained at the airports in **Belgium** during the reporting period; of these, 199 requested international protection, the Immigration Office stated. During the reporting period, 2,185 people were detained pending their removal, according to the data of the Immigration Office. The Belgian government also **opened a new pre-removal detention centre for migrant women** in Holsbeek, with a capacity of 50 places.

Sweden opened a **new immigration detention centre** in the municipality of Ljungbyhed, with a capacity of 44 places. Also in Sweden, 487 migrants in an irregular situation, including 21 women and one child, were in pre-removal detention at the end of the reporting period, according to the data of the Swedish Migration Agency.

In **Serbia**, the Shelter for Foreigners, which is a pre-removal detention centre, has the capacity to hold 14 individuals. No one was detained there at the end of the reporting period, UNHCR reported.

Conditions of detention

According to the **Authority for the Protection of People who are Detained or Deprived of their Personal Freedom**, hygienic conditions in detention centres in **Italy** are inadequate, and there is a lack of leisure, social and religious activities for the detainees. All migrants are detained together, without consideration of their different administrative statuses. Press and civil society organisations face difficulties in accessing detention centres. In addition, migrants are often not provided with adequate and comprehensible information about their rights, and competent judicial authorities are not always involved.

The civil society organisation **ASGI** sent a public letter to the Police Headquarters and the Prefecture of Agrigento, expressing concerns about fundamental rights violations and, more specifically, the de facto deprivation of liberty, in the hotspot of Lampedusa, Italy.

The Centre for Peace Studies in **Croatia** reported that lawyers providing support to asylum seekers in the Ježevo Reception Centre for Foreigners could not hold confidential conversations with their clients, as a police officer is always in the room.

The Criminal Court in Madrid, **Spain** (Criminal Court Judgment n° 201/2019 of 10 June) acquitted the doctors of the Alien Detention Centre of Aluche of involuntary manslaughter. The case concerned a Congolese woman who was held at the Alien Detention Centre of Aluche for 38 days in 2011, as **several organisations** reported. After having asked for medical assistance more than ten times, the woman was taken to hospital, where she died six hours later due to an infection. The judge pointed out that her death was a result of negligence and indifference of those who had the obligation to care for her health.

Immigration detention remained widespread in **France**, including for families with children, several NGOs stated. The same actors expressed doubts about the effectiveness of the increased maximum length of detention, since almost the **same number of travel documents (laissez-passer) have been issued to returnees** by consulates during the prolonged detention period (90 days) as in the past. Similarly, the NGO '*La Cimade*', which is present in a number of administrative detention centres, **reported** that only a few returnees are detained for more than 45 days (4.8 % of all detainees in the first four months of the year in the seven administrative detention centres (CRA) where they operate). Just over one third of the people in pre-removal detention were eventually removed, the others having been released.

Also in **France**, in a report published after an unannounced visit to an administrative detention centre (CRA) in Lyon, **the Controller General of places of deprivation of liberty highlighted a number of shortcomings** in the detention conditions. These include insufficient information on the house rules, no systematic medical checks upon admission, and limited access to a psychiatrist.

More than 20 civil society organisations sent an open letter to the Minister of the Interior, raising concerns about the increasing number of suicides, hunger strikes and self-harm in immigration detention centres; the increase in the occupancy rate of the centres; and the difficulties in accessing care, especially psychiatric care.

In **Belgium**, to protest against the reintroduced possibility to detain children together with their parents who had previously absconded from a return house, several NGOs and UNICEF Belgium launched a **campaign entitled “You don’t lock up a child. Period”**. According to the NGO ‘Nansen’, the closed detention centre used for this purpose (*Centre de rapatriement 127bis*) is also **harmful for children due to serious noise pollution** coming from the nearby Brussels International Airport. As a result of NGO legal action, the **Council of State suspended the application of the royal decree** allowing the detention of children with their families, arguing that the decree did not exclude the detention of young children at places where they are exposed to severe noise pollution, e.g. in the vicinity of airports. Another request to annul the decree was still pending at the time of publication.

According to the **European Commission Progress Report on North Macedonia**, the country continued to arbitrarily detain migrants. Detained persons are not sufficiently informed about the reasons for their detention, the process of forced return, and the destinations to which they are going to be returned. Some centres do not meet the conditions for accommodating asylum seekers or vulnerable people.

Detention of children

The **annual report of the Ombudsman of Bulgaria** for 2018 notes differing practices on implementing the authorities’ obligation not to detain unaccompanied children. The obligation is to transfer them to a directorate for social assistance. The migrant detention centre in Lyubimets had submitted 80 cases to the directorate for regional social assistance and a social worker came to the centre within 24 hours. The centre in Busmantsi had submitted 21 such cases and a social worker arrived in a timely manner only in relation to one of the reported children and placed the child in an appropriate social service. In the rest of the cases, according to the head of the Busmantsi centre, the social workers reacted after more than a week. The report further noted there was no specially designated space in the centres for families with children.

In **Poland**, detention of migrants with their children remained an issue, the NGO ‘Association for Legal Intervention’ reported.

According to the Ombudsperson, children are held for 1-2 days in the Reception Center for Foreigners in Gazi Baba, **North Macedonia**, an immigration detention facility, to ensure their presence as witnesses in criminal procedures against smugglers.

The Macedonian Young Lawyers Association published a **Report on Immigration Detention in North Macedonia**, noting an increase in detained unaccompanied children (36 in total) in 2018, often in the same room with adults.

National case law

In **the Netherlands**, the **Dutch Council of State** ruled that asylum applicants cannot be detained at the border if they can still appeal their negative asylum decision.

Return

Figures and trends

The police in **Greece** carried out 1,414 removals during the reporting period, including **42 readmissions to Turkey** in application of the EU-Turkey Statement of March 2016. The vast majority of the returnees originated from Albania and Pakistan, who were sent back to their home countries. As reported in an interview, IOM Greece conducted 1,210 assisted voluntary returns in the same period, including more than 240 children with families, primarily to Georgia, Iraq and Pakistan. This represents a slight increase in voluntary returns compared to the previous period.

The Federal Ministry of the Interior of **Austria** reported about 2,776 voluntary returns and 2,967 forced removals between January and end of May 2019.

Authorities in **Hungary** carried out 284 removals in the reporting period (up until 23 June) in application of readmission agreements, according to the data of the National Headquarters of the Police.

In 2018, 23,617 persons were returned from **Germany**, according to the **government's response to a parliamentary question**, compared to 23,966 in 2017 and 25,375 in 2016.

In **Belgium**, the **number of voluntary departures between January and the end of April 2019 decreased** (876 returnees) in comparison to the first four months of last year (1,065 people). The top nationalities in this period included Brazilians, Ukrainians and Iraqis.

In **Sweden**, according to the data of the Swedish Migration Agency, the number of voluntary departures during the reporting period was 1,268, including 264 children. The top three countries of destination were Afghanistan, Georgia and Iraq. During the same period, the Swedish authorities carried out some 720 forced removals, including 28 children. The main countries of destination for this group were Afghanistan, Georgia, Ukraine and Albania.

Fundamental rights concerns related to return

The **Authority for the Protection of People who are Detained or Deprived of their Personal Freedom** identified several deficiencies in forced return operations in **Italy**. These include the excessive use of coercive measures, the lack of adequate accommodation at airports and, in some cases, the lack of food and water during return operations. Cultural mediators to support the migrants are not always available during forced return operations and the staff deployed is not always adequately trained and clearly identifiable.

In **Hungary**, rejected asylum seekers subject to a return decision (which is typically combined with the negative asylum decision) either remained in the transit zones or were transferred to other closed detention centres pending their removal – at the Budapest International Airport in case of removal by air and otherwise in the pre-removal facility at Nyírbátor (a town in the north-east part of the country), the Ministry of the Interior stated. Food deprivation incidents in relation to rejected asylum seekers again occurred in the transit zones; this practice was stopped only upon the intervention of the European Court of Human Rights in individual cases (see the section on “Key fundamental rights concerns”).

Also in Hungary, the forced return of three Afghani families (16 people including ten children) **was challenged before the European Court of Human Rights** in May, seeking an interim measure under Rule 39 of the Rules of the Court barring their removal to Afghanistan. The court stopped the removal of only one family. The other two families, including children and a pregnant and sick woman, **were not returned to Afghanistan, but ultimately transported in the middle of the night** to the outer side of the fence at the Hungarian-Serbian border. The merits of their claim for international protection was not assessed by Hungary, as it had been declared inadmissible based on the concept of Serbia as a safe third country. In addition to the Hungarian Helsinki Committee, **UNHCR condemned** this action as being in breach of international and EU law. The **government denied the accusations** and emphasised the legality of the operation.

In **Austria**, Caritas and **media reports** pointed to the precarious situation of persons whose asylum claims have been rejected but who cannot be returned – for example, because their country of origin refuses to accept them back. These people have to leave the reception centre, no longer receive basic social care, have no health insurance, and are not allowed to work.

The **Conference of Interior Ministers in Germany** extended the suspension of returns to Syria until 31 December 2019. The Jesuit Refugee Service and the Refugee Council Berlin reported about continuing cases of violence in the context of return, insufficient regard for the wellbeing of children, and the disproportionate use of restraint measures.

Spain, in cooperation with **Morocco**, intends to return unaccompanied Moroccan children. Various organisations, such as the Spanish Network of Migrations and Refugees, Save the Children, *Asociación Pro Derechos Humanos de Andalucía* (APDHA) and *Red Acoge* have **expressed concern** about the process. For example, children are called for an interview with the public prosecutor and a Moroccan delegation without the presence of a lawyer.

In **France**, a man from Côte d'Ivoire subject to a return decision, who was about to be sent back home after serving his prison sentence in Grasse (Department of Alpes-Maritimes), **committed suicide in his prison cell**. This happened a few days after representatives of the prefecture visited the prison, and informed him about the planned removal right after his release from prison, even though the victim expressed that he faced a clear threat to his life in Côte d'Ivoire.

According to **several NGOs**, France continued to carry out forced removals to Sudan, despite serious security concerns in the country.

In **Denmark**, the pre-removal detention of families in the Ellebæk prison as a 'motivational measure' to increase returnees' willingness to cooperate in the return process became more frequent, **media sources** reported, and the Red Cross confirmed.

In **the Netherlands**, the Immigration and Naturalisation Service was returning rejected Yezidi applicants from Iraq to refugee camps in the northern parts of the country, arguing that they have sufficient access to food and other facilities, the Dutch newspaper **'Trouw'** reported. UNHCR expressed 'serious concerns' about the capacity of Kurdish authorities to deal with almost one million refugees from Syria and Iraq, **'Trouw'** said. The **State Secretary for Justice and Security** on 3 July informed the House of Representatives, in answers to parliamentary questions, that the Immigration and Naturalisation Service will continue to assess the Yezidi asylum applicants individually but will consider them as 'vulnerable minorities'. This makes it easier for them to obtain a residence permit and not be returned.

In **Finland**, an update of the **Finnish Immigration Service's country report on Syria** assesses the human rights and humanitarian situation in the country to continue to be very poor.

According to Finnish **media reports**, a Somali man who was forcefully returned to Somalia in 2018 was shot dead in Mogadishu in May 2019.

National case law

The Dutch **Council of State** annulled the Secretary of State for Justice and Security's decision to transfer a 16-year-old Syrian national back to **Hungary**. The child had submitted an application for asylum in **the Netherlands**, which was found to be inadmissible, as he was already granted international protection in Hungary. In the appeal, the Council of State found that the examination of the situation in Hungary failed to take into account the best interests of the child, as Hungary had stopped supporting the integration of beneficiaries of international protection.

Hate speech and violent crime

In **Greece**, the **Network on Recording Racist Violence** published its **2018 annual report**, which documented 117 serious incidents, based on interviews with more than 130 victims. In some 70 incidents, the victims were migrants or refugees, migrants' associations and human rights defenders.

More than 110 civil society organisations in Greece and other European countries signed a **public statement in March, expressing deep concern about the rise of racism and xenophobia across Europe** and demanding a firm response from European leaders in the context of the European Parliament elections.

The approach of **Law No. 132 of 1 December 2018** to treat migration as a threat to public and social security fuels racism and stigma against third-country nationals in **Italy**, according to the Italian Psychology Association (*Associazione Italiana di Psicologia*).

When Carola Rackete, captain of the Sea Watch 3, was arrested, some 100 people were demonstrating at the **Lampedusa** port to criticise the Italian Government's policy on SAR operations at sea. Fewer people demonstrated in support of the Italian authorities, some of them using derogatory, sexist and violent language.

In **Hungary**, the head of Bács-Kiskun County's Roma minority self-government spread hate speech against migrants when opening a campaign event for the upcoming local government elections in autumn, **media sources** reported. He claimed that 90 % of the migrants are terrorists and asked his audience to vote for the governing party to protect their families from migrants.

The Federal Agency for State Protection and Counter Terrorism in **Austria** recorded 19 xenophobic/racist, eight anti-Semitic, and three Islamophobic crimes between January and March 2019. The Antidiscrimination Office Styria documented 21 insults for the period from 1 April 2019 to 30 June 2019 in the region of Styria. 41 % were based on ethnicity, 19 % on multiple discrimination and 12 % on religion. During the same reporting period, 217 incidents of online hate speech were reported to the Antidiscrimination Office in Styria. Out of these, 35 % were based on ethnicity and 23 % on religion.

In **Poland**, the **Prevention Bureau of the National Police Headquarters organised a training seminar** on fighting hate crime. The target audience was primarily composed of police officers in charge of social prevention at the provincial police headquarters and lecturers from police schools. Also in **Poland**, 41 % of online statements about Ukrainians were negative and only 17 % were positive in 2018, according to a **report published by the Commissioner for Human Rights**.

In **Germany**, in January, 128 offences categorised as hate crimes were registered in the official crime statistics of the police, including 15 violent offences and 26 propaganda offences. Ten persons were injured, **according to the government's response to a parliamentary question**. In February, 301 offences, of which 29 were violent offences and 61 propaganda offences, were categorised as hate crimes. 25 persons were injured, according to the **government's response to a parliamentary question**. In March, 300 offences were categorised as hate crimes, of which 40 were violent offences and 71 propaganda offences. 36 persons were injured, according to a **governmental response to a parliamentary question**.

Among the offences registered between January and March 2019, 132 were categorised as Islamophobic; four persons were injured, according to another **governmental response to a parliamentary question**. During the same time period, 223 offences were categorised as anti-Semitic; eight persons were injured, the **government indicated in a reply** to a parliamentary question.

In the city of Aalst in **Belgium**, several residents with migrant backgrounds received racist anonymous letters in their mailboxes, **media sources** reported.

In **Denmark**, members of a recently established far-right political party “Hard Line” (*Stram Kurs*), which does not have seats in the parliament, burned the Quran in public and spread hate speech in areas with a high percentage of persons with migrant backgrounds, according to the Danish Refugee Council.

Several people broke into the house of a Syrian family in Enschede, **the Netherlands**, forced the parents outside and beat them, leaving both with severe injuries, the **media** reported. The police arrested three suspects.

In **Finland**, according to a report by an independent expert working group entitled ‘Words Are Actions. More Efficient Measures against Hate Speech and Cyberbullying’ [*Sanat ovat tekoja. Vihapuheen ja nettikiusaamisen vastaisten toimien tehostaminen*] **informing the Ministry of the Interior**, efforts to fight hate speech are disorganised, unsystematic and lack coordination, while incidents of hate speech keep rising and taking on new forms.

The National Police Board (*Poliisihallitus/Polisstyrelsen*) reported that incidents involving asylum seekers decreased from around 150 in March to approximately 100 per month in April and May. These incidents concern suspected criminal acts involving asylum seekers, either as victims or perpetrators. Around one third of them concerned suspected offences against life and health.

Around 80 people attended a demonstration organised by the anti-immigration group Soldiers of Odin. Four people were arrested, but two of them were later released.

In **Serbia**, according to the NGO ‘Asylum Info Centre’, reports of crimes allegedly linked to migrants caused the local population to develop increasingly negative sentiments towards refugees and migrants living in the country.

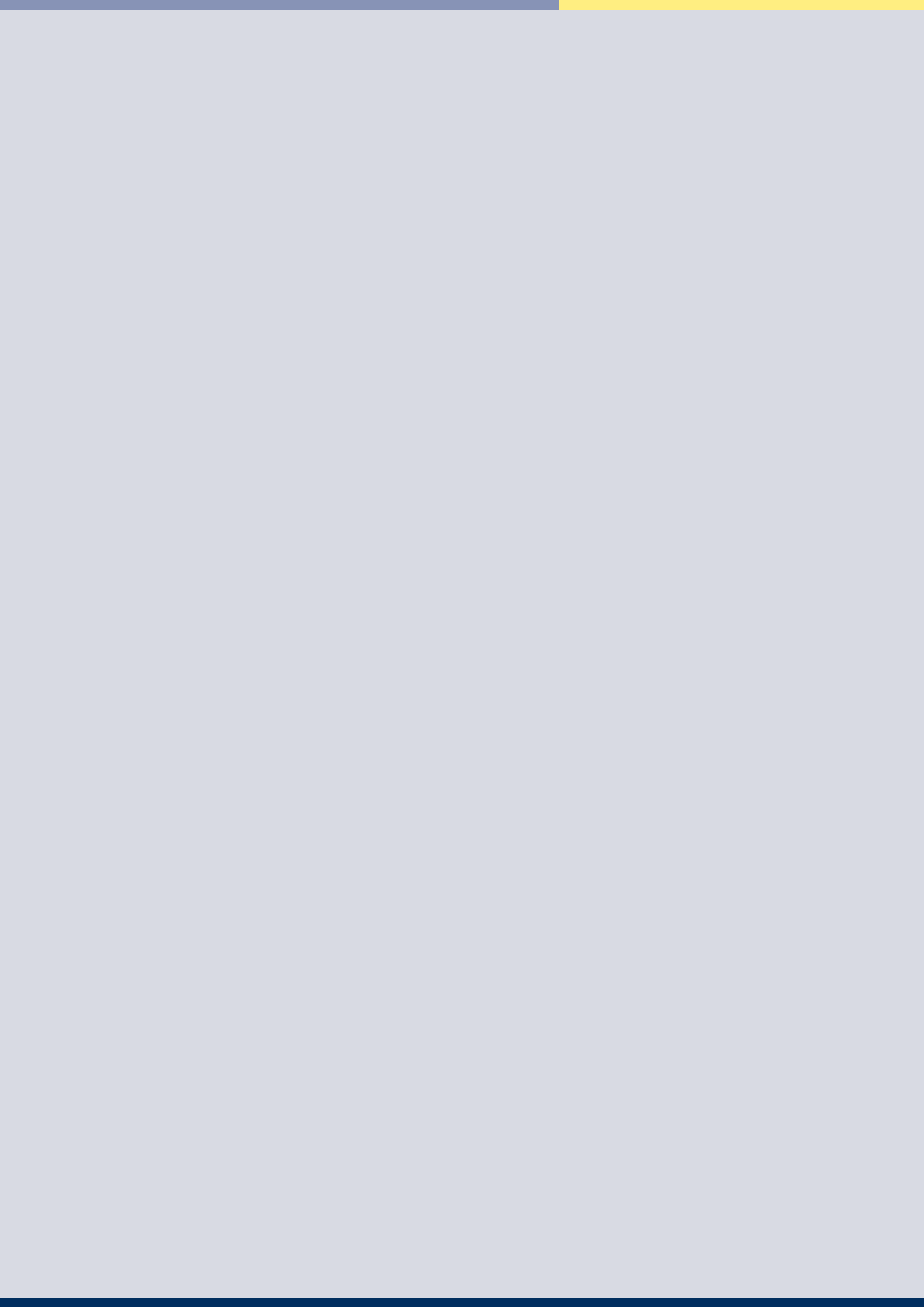
COUNTRY	STAKEHOLDERS INTERVIEWED
AUSTRIA	<ul style="list-style-type: none"> → Federal Ministry of the Interior, Department III/9 (<i>Bundesministerium für Inneres, Abteilung III/9 Grundversorgung und Bundesbetreuung</i>); → Federal Ministry of the Interior, Department III/5 (<i>Bundesministerium für Inneres, Abteilung III/5 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 Ombudsman Board (<i>Volksanwaltschaft</i>); → Antidiscrimination Office Styria (<i>Antidiskriminierungsstelle Steiermark</i>); → Caritas Vienna (<i>Caritas Wien</i>); → Caritas Styria (<i>Caritas Steiermark</i>); → Austrian Red Cross (<i>Österreichisches Rotes Kreuz</i>).
BELGIUM	<ul style="list-style-type: none"> → Immigration Office (<i>Dienst Vreemdelingenzaken/Office des Etrangers</i>); → Office of the Commissioner General for Refugees and Stateless Persons (<i>CGVS/ CGRA – Commissariaat-generaal voor de Vluchtelingen en de Staatlozen/ Commissariat General aux refugies et aux apatrides</i>); → MYRIA – Federal Migration Centre (<i>Federaal Migratiecentrum/Centre Fédéral Migration</i>); → FEDASIL – Federal Agency for the Reception of Asylum Seekers (<i>Federaal agentschap voor de opvang van asielzoekers/ Agence fédérale pour l'accueil des demandeurs d'asile</i>); → UNIA – Interfederal Centre for Equal Opportunities (<i>Interfederaal Gelijkekansencentrum/ Centre interfédéral pour l'égalité des chances</i>); → National Commission on the Rights of the Child (<i>Nationale Commissie voor de Rechten van het Kind/ Commission nationale pour les droits de l'enfant</i>); → UNICEF; → Le CIRÉ NGO; → Nansen NGO; → Vluchtelingenwerk Vlaanderen NGO.
BULGARIA	<ul style="list-style-type: none"> → State Agency for Refugees (SAR) (<i>Държавна агенция а бежанците, ДАБ</i>); → Ministry of the Interior, Directorate General Border Police (Mol – DGBP) (<i>Министерство на вътрешните работи, Главна дирекция „Гранична полиция“, МВР – ГДГП</i>); → Ombudsman of the Republic of Bulgaria, National Preventive Mechanism and Fundamental Human rights and Freedoms Directorate (<i>Омбудсман на Република България, Дирекция „Национален превантивен механизъм и основни права и свободи на човека“</i>); → State Agency for Child Protection (SACP) (<i>Държавна агенция за закрила на детето, ДАЗД</i>); → UNHCR Bulgaria; → Bulgarian Red Cross, Refugee Migrant Service (BRC – RMS) (<i>Български червен кръст, Бежанско-мигрантска служба, БЧК – БМС</i>); → Center for Legal Aid Voice in Bulgaria (<i>Център за правна помощ – Глас в България</i>).

COUNTRY	STAKEHOLDERS INTERVIEWED
CROATIA	<ul style="list-style-type: none"> → Ministry of Demography, Family, Youth and Social Policy (<i>Ministarstvo demografije, obitelji, mladih i socijalne politike</i>); → Ombudsperson's Office (<i>Ured pučke pravobraniteljice</i>); → Croatian Government's Office for Human Rights and the Rights of National Minorities (<i>Ured za ljudska prava i prava nacionalnih manjina Vlade Republike Hrvatske</i>); → Croatian Red Cross (<i>Hrvatski Crveni Križ</i>); → Croatian Law Centre (<i>Hrvatski pravni centar</i>); → Jesuit Refugee Service (<i>Isusovačka služba za izbjeglice</i>); → Association for Psychological Support (<i>Društvo za psihološku pomoć</i>); → Welcome Initiative (<i>Inicijativa Dobrodošli</i>); → Centre for Peace Studies (<i>Centar za mirovne studije</i>).
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>), including the Statistical Unit, the Office for Finances and Accommodation, the Centre for Asylum and the Office for Accommodation Conditions; → Danish Refugee Council (<i>Dansk Flygtningehjælp</i>); → Danish Red Cross (<i>Dansk Røde Kors</i>).
FINLAND	<ul style="list-style-type: none"> → Amnesty International Finnish Section; → Central Union for Child Welfare (<i>Lastensuojelun keskusliitto/Centralförbundet för Barnskydd</i>); → Finnish Human Rights Centre (<i>Ihmisoikeuskeskus/Människorättscentret</i>); → Finnish Immigration Service (<i>Maahanmuuttovirasto/Immigrationsverket</i>); → Finnish Refugee Advice Centre (<i>Pakolaisneuvonta/Flyktingrådgivningen</i>); → National Police Board (<i>Poliisiylhallitus/Polisstyrelsen</i>); → Ombudsman for Children (<i>Lapsiasiavaltuutettu/Barnombudsmannen</i>).
FRANCE	<ul style="list-style-type: none"> → Ministry of the Interior (<i>Ministère de l'Intérieur</i>); → Public Defender of Rights (<i>Le Défenseur des droits - DDD</i>), General authority and Department for the Protection of the Rights of the Child; → Controller General of places of deprivation of liberty (<i>Contrôleur général des lieux de privation de liberté - CGLPL</i>); → National Association of Border Assistance for Foreigners (<i>Association nationale d'assistance aux frontières pour les étrangers - ANAFÉ</i>); → La Cimade NGO (<i>Inter-Movement Committee for Evacuees - Comité inter mouvements auprès des évacués</i>); → The Immigrant Information and Support Group (<i>Groupe d'information et de soutien des immigrés - GISTI</i>); → Service centre for migrants in Calais (<i>Plateforme de service aux migrants à Calais</i>).

COUNTRY	STAKEHOLDERS INTERVIEWED
GERMANY	<ul style="list-style-type: none"> → Workers' Welfare Association (<i>Arbeiterwohlfahrt - AWO</i>); → Berlin refugee Council (<i>Berliner Refugee Council - RCB</i>); → Federal Association for Unaccompanied Minor Refugees (<i>Bundesfachverband Unbegleitete Minderjährige Flüchtlinge e.V. - BumF</i>); → Federal Working Group of Psycho-Social Support Centres for Refugees and Victims of Torture (<i>Bundesweite Arbeitsgemeinschaft der psychosozialen Zentren für Flüchtlinge und Folteropfer - BAfF</i>); → German Caritas Association (<i>Deutscher Caritasverband - GCA</i>); → German Red Cross (<i>Deutsches Rotes Kreuz - GRC</i>); → Jesuit Refugee Service (<i>Jesuiten Flüchtlingsdienst - JRS</i>); → Migration Commission of the German Bishops Conference (<i>Migrationskommission, Deutsche Bischofskonferenz - DBK</i>); → Senate Administration for Education, Youth and Family of the City of Berlin (<i>Senatsverwaltung für Bildung, Jugend und Familie</i>); → United Nations High Commissioner for Refugees (UNHCR), Berlin Office.
GREECE	<ul style="list-style-type: none"> → Ministry of Migration Policy (<i>Υπουργείο Μεταναστευτικής Πολιτικής</i>); → Greek Asylum Service (<i>Υπηρεσία Ασύλου</i>); → Hellenic Police Headquarters (<i>Αρχηγείο Ελληνικής Αστυνομίας</i>); → Greek Ombudsman (<i>Συνήγορος του Πολίτη</i>); → Racist Violence Recording Network (<i>Δίκτυο Καταγραφής Ρατσιστικής Βίας</i>); → International Organization for Migration (<i>Διεθνής Οργανισμός Μετανάστευσης</i>); → United Nations High Commissioner for Refugees (UNHCR); → EKKA - National Centre for Social Solidarity (<i>Εθνικό Κέντρο Κοινωνικής Αλληλεγγύης</i>); → Doctors Without Borders Greece (<i>Γιατροί Χωρίς Σύνορα-Ελληνικό Τμήμα</i>); → Greek Council for Refugees (<i>Ελληνικό Συμβούλιο για τους Πρόσφυγες</i>); → Human Rights 360 (<i>Ανθρώπινα Δικαιώματα 360</i>); → Praksis NGO (<i>Πράξις</i>); → ARSIS - Association for the Social Support of Youth NGO (<i>Κοινωνική Οργάνωση Υποστήριξης Νέων</i>).
HUNGARY	<ul style="list-style-type: none"> → Ministry of the Interior (<i>Belügyminisztérium</i>); → Ministry of Human Capacities (<i>Emberi Erőforrások Minisztériuma</i>); → National Headquarters of the Police (<i>Országos Rendőr-főkapitányság</i>); → National Directorate-General for Aliens Policing (<i>Országos Idegenrendészeti Főigazgatóság</i>); → Migration Aid; → UNHCR Hungary; → Migrant Solidarity Group of Hungary (<i>Migráns Szolidaritás - MigSzo!</i>); → Hungarian Association for Migrants (<i>Menedék Migránsokat Segítő Egyesület</i>).

COUNTRY	STAKEHOLDERS INTERVIEWED
ITALY	<ul style="list-style-type: none"> → Ministry of Labour and Social Policies; → Ministry of the Interior; → Public Security Department of the Ministry of the Interior – Central Direction for Immigration and Border Police (<i>Ministero dell’Interno Dipartimento della Pubblica Sicurezza - Direzione Centrale dell’Immigrazione e della Polizia delle Frontiere</i>); → National Commission for the Right of Asylum (<i>Commissione Nazionale per il Diritto d’Asilo</i>) of the Ministry of the Interior; → Authority for the Protection of People who are Detained or Deprived of their Personal Freedom (<i>Garante nazionale per i diritti delle persone detenute o private della libertà personale</i>); → Authority for the Protection of Childhood and Adolescence (<i>Autorità Garante per l’Infanzia e l’Adolescenza</i>); → National Office against Racial Discrimination (<i>Ufficio Nazionale Antidiscriminazioni Razziali, UNAR</i>); → Association for Legal Studies on Immigration (<i>Associazione per gli studi giuridici sull’immigrazione, ASGI</i>); → Italian Refugees Council (<i>Consiglio Italiano per i Rifugiati, CIR</i>); → NGO ‘Doctors for Human Rights’ (<i>Medici per i diritti umani, MEDU</i>); → United Nations High Commissioner for Refugees (UNHCR); → ‘Melting Pot Europa’ project; → ARCI (Italian Recreational and Cultural Association – <i>Associazione Ricreativa e Culturale Italiana</i>); → Chronicles of Ordinary Racism (<i>Cronache di ordinario razzismo</i>).
NETHERLANDS	<ul style="list-style-type: none"> → Ministry for Justice and Security (<i>Ministerie van Justice en Veiligheid</i>) - 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’); → Defence for Children the Netherlands; → Dutch Council for Refugees (<i>Vluchtelingenwerk Nederland</i>); → Amnesty International – Netherlands; → Netherlands Institute for Human Rights (<i>College voor Rechten van de Mens</i>); → Stichting LOS NGO; → UNICEF the Netherlands; → NIDOS (independent family guardian organization, fulfilling the guardianship task for Unaccompanied Minor Asylum Seekers); → MiND – the Dutch Reporting Point for Discrimination.
NORTH MACEDONIA	<ul style="list-style-type: none"> → Ministry of the Interior (<i>Министерство за внатрешни работи</i>); → Ministry of Labour and Social Policy (<i>Министерство за труд и социјална политика</i>); → Ombudsperson – (<i>Народен Правобранител</i>); → Agency for Audio and Audio-Visual Services (<i>Агенција за аудио и аудиовизуелни услуги</i>); → International Organization for Migration (Skopje Office); → Red Cross Skopje (<i>Црвен Крст Скопје</i>); → Legis NGO (<i>Легис</i>).

COUNTRY	STAKEHOLDERS INTERVIEWED
POLAND	<ul style="list-style-type: none"> → Commissioner for Human Rights (<i>Rzecznik Praw Obywatelskich – RPO</i>); → Ombudsman 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>); → Rule of Law Institute Foundation (<i>Instytut na rzecz Państwa i Prawa – FIPP</i>).
SPAIN	<ul style="list-style-type: none"> → Asylum and Refugee Office of the Spanish Ministry of the Interior (<i>Oficina de Asilo y Refugio del Ministerio del Interior – OAR</i>); → Spanish Ombudsman (<i>Defensor del Pueblo</i>); → UNHCR (<i>Oficina de la Agencia de la ONU para los Refugiados en España – ACNUR</i>); → Spanish Committee of UNICEF (<i>Comité español de UNICEF</i>); → Spanish Observatory for Racism and Xenophobia (<i>Observatorio Español del Racismo y la Xenofobia, OBERAXE</i>); → Spanish Refugee Aid Commission (<i>Comisión Española de Ayuda al Refugiado – CEAR</i>); → Jesuit Migrant Service (<i>Servicio Jesuita Migrantes, SJM in its Spanish acronym</i>); → Chair of Refugees and Forced Migrants of Comillas ICAI-ICADE, INDITEX (<i>Cátedra de Refugiados y Migrantes Forzosos de Comillas ICAI-ICADE, INDITEX</i>).
SERBIA	<ul style="list-style-type: none"> → Asylum Office; → Asylum Commission; → UNHCR Serbia; → Border Police Directorate; → Asylum Info Centre NGO; → Belgrade Centre for Human Rights NGO.
SWEDEN	<ul style="list-style-type: none"> → Swedish Migration Agency, Asylum Unit (<i>Migrationsverket</i>); → Swedish Migration Agency, Detention Unit (<i>Migrationsverket</i>); → Swedish Association of Local Authorities and Regions (<i>Sveriges kommuner och landsting</i>); → Save the Children Sweden (<i>Rädda barnen</i>); → Amnesty International Sweden.





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ISSN 2599-8900
TK-AP-19-003-EN-N



Publications Office
of the European Union