

MIGRATION: KEY FUNDAMENTAL RIGHTS CONCERNS

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QUARTERLY BULLETIN

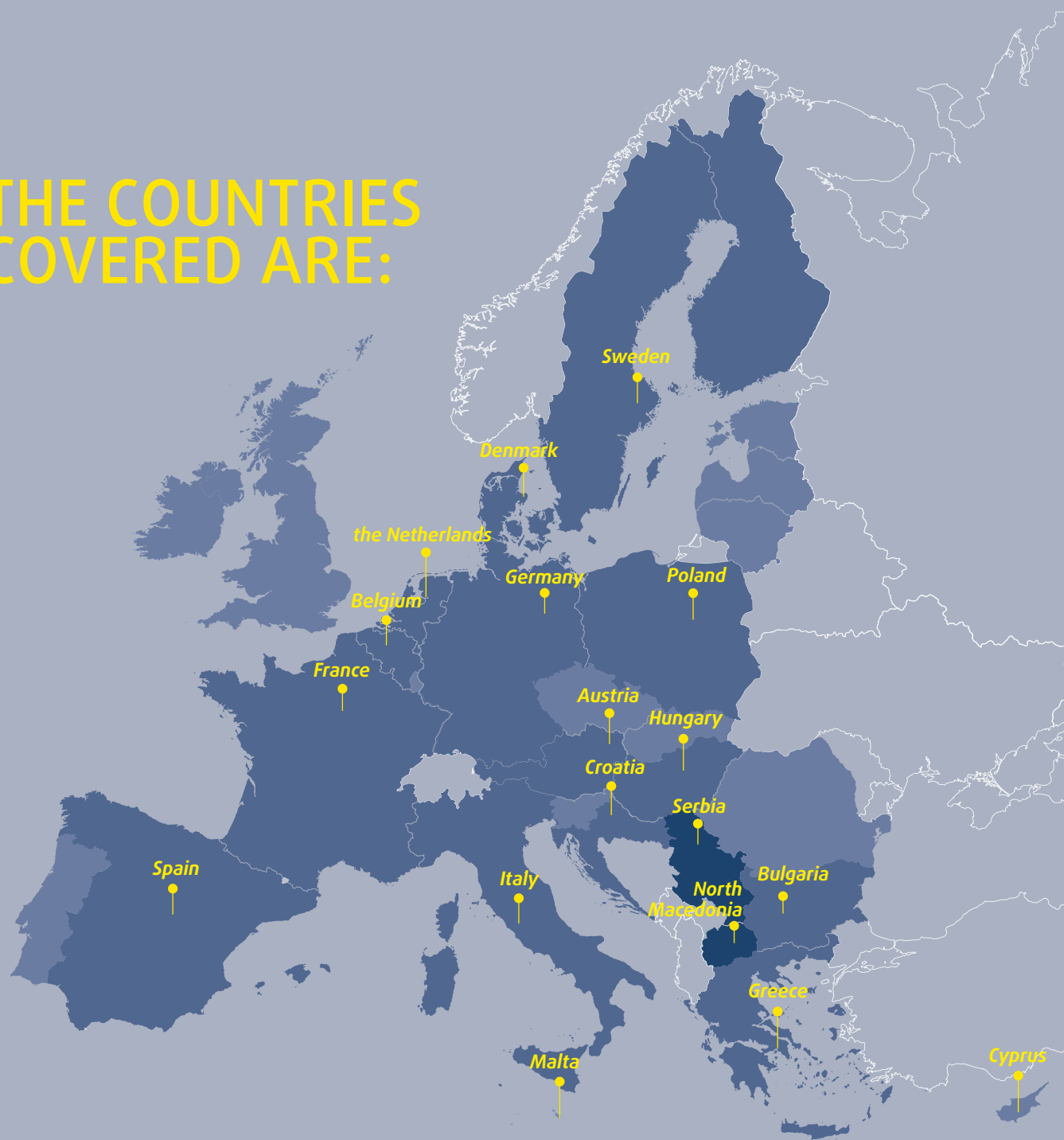
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The EU Agency for Fundamental Rights has been regularly collecting data on asylum and migration since September 2015. This report focuses on the fundamental rights situation of people arriving in Member States and EU candidate countries particularly affected by migration. It addresses fundamental rights concerns between 1 January and 31 March 2020. The first section reflects developments relating to the COVID-19 outbreak up to 30 April 2020.

THE COUNTRIES COVERED ARE:



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.

Key fundamental rights concerns during the COVID-19 pandemic

In response to the COVID-19 pandemic, many countries have taken severe measures to prevent the spread of the virus. Some measures – although legitimate and necessary – limit fundamental rights.

The **European Commission** presented **guidance** on implementing EU rules on asylum and return procedures and resettlement in the context of the coronavirus pandemic. Several actors published recommendations on how actions to control and prevent the spread of the virus that affect migrants and asylum seekers can be consistent with established international human rights and refugee law norms. These include the **European Parliament**, **UNHCR**, the **European Committee for the Prevention of Torture (CPT)**, and the **Zolberg Institute on Migration and Mobility**.

Situation at the border

According to the latest update (8 April 2020) of the **European Commission**, all EU Member States introduced some border/travel restrictions. Explicit exemptions for asylum seekers from entry prohibitions and border closures are provided for by over 20 countries in Europe, according to **UNHCR** – for example, in **Austria**, **Denmark**, and **Sweden**. The **European Commission** recommended that entry restrictions should not affect the right to seek international protection.

In **Italy**, a **Decree** established that, for the duration of the COVID-19 health emergency, Italian ports cannot be classified as a ‘Place of Safety’ for people rescued by vessels flying a foreign flag outside the Italian Search and Rescue (SAR) area. Meanwhile, according to the **media**, most of the NGOs carrying out SAR operations in the central Mediterranean Sea suspended their activities in order to comply with additional restrictive legislation introduced in response to the COVID-19 emergency.

Médecins Sans Frontières (MSF) urged EU Member States to take responsibility for the humanitarian crisis at sea. It claims European governments are using the COVID-19 pandemic as an excuse to shirk responsibilities in SAR efforts. MSF ended their partnership with SOS MEDITERRANEE after disagreement on whether to continue operations with the SAR ship ‘Ocean Viking’. Shortly thereafter, the government of **Malta** declared Maltese **ports unsafe**, prohibiting ships from disembarking people who are rescued in Maltese waters.

In **Cyprus**, media reported that patrol vessels **pushed back** a boat with approximately 175 Syrians, including 69 children. According to the Cyprus Refugee Council, armed officers boarded the boat, seized the refugees’ mobile devices and threw the devices overboard, then directed the boat outside the territorial waters of Cyprus towards Syria. Later that day, the boat reached a shore in the areas where the Cypriot government (Government of the Republic) does not exercise effective control, according to the **media**. According to the **Cypriot police**, the action taken was in accordance with ministerial decisions banning entry into Cyprus, as part of the measures against COVID-19. This is the first reported push-back at sea carried out by Cypriot authorities. Refugee support organisations also indicated that pushbacks took place along the line of the government-controlled area.

FRA activity

Fundamental rights implications of COVID-19

FRA is publishing regular reports about government efforts to stop the virus that particularly affect the rights of people who are already vulnerable or at risk. These include the elderly, children, people with disabilities, Roma and refugees.

*The bulletins are available on **FRA’s website**.*

Bright spots

Ensuring access to territory while protecting public health

UNHCR offers governments practical advice and good practice examples regarding asylum seekers at the borders. For example, UNHCR recommends medical screenings or testing. In addition, it suggests that, where entry bans or border closures are implemented, an explicit exemption for asylum seekers should be considered.

*Source: **UNHCR Practical Recommendations and Good Practice to Address Protection Concerns in the Context of the COVID-19 Pandemic***

Bright spots

In **Austria**, the **Second COVID-19-Act** postpones deadlines to file requests for legal remedies in all pending administrative procedures, including asylum proceedings, until after 30 April.

In **North Macedonia**, the **government** proclaimed a state of emergency, the closure of borders, and restriction of movement. It also **imposed** a nationwide night curfew.

In **Serbia**, the temporary declaration of a state of emergency on 15 March led to the **closure of borders** on 19 March.

Asylum procedure

Travel bans and other emergency measures led to a 43 % decline in asylum applications in the EU+ in March, according to the **European Asylum Support Office**.

Several countries temporarily suspended asylum procedures for public health reasons due to the pandemic. These include **Bulgaria, Cyprus, Denmark, France, Greece, Hungary, Italy, Malta**, the **Netherlands, Poland, Spain** (partially), and **Serbia**.

In **Austria**, according to the Austrian Red Cross, family reunifications were put on hold. The Minister of Interior stated in the media that the country will no longer participate in any EU **resettlement** or **relocation** efforts.

In **Spain**, according to the **Office of Asylum and Refuge** and the **Ministry of the Interior**, public information services, activities carried out by the National Police and the Ministry of Inclusion, Social Security and Migration, as well as interviews, are suspended. Social services by the Social Work Unit are still accessible by phone. The **Ministry of Social Inclusion, Social Security and Migration clarified** that, pursuant to **Royal Decree 463/2020 of 14 March**, for successful asylum applications submitted before the entry into force of the Royal Decree, residence permits shall be issued. If a claim is rejected, the appeal proceeding shall be suspended. Residence permit applications submitted online after the entry into force of the Royal Decree shall be processed.

In **France**, submitting applications for residence permits was suspended for health reasons 'until further notice', according to **the Police Prefecture**. Submitting new asylum applications remained possible, but only by post, due to the suspension of the telephone service for registration run by **the French Office for Immigration and Integration**. NGOs voiced criticism that the time limit for lodging an asylum application was not extended beyond the ordinary deadline (21 days from pre-registration), as **media reported**.

Belgium closed **the arrival centre for asylum seekers in Brussels** to contain the spread of COVID-19. This meant new protection seekers could not submit applications for international protection and thus be assigned reception places. The Belgian **French- and German-speaking bars** criticised the measure. The asylum authority (Fedasil) re-opened the arrival centre on 3 April only for priority cases received via an **online registration and appointment system**.

In **Germany**, according to the **media**, due to the Covid-19 pandemic, the Ministry of the Interior suspended resettlement procedures until further notice.

In **Sweden**, according to the Migration Agency, facilities where asylum applicants can hand in their application are open. To reduce the spread of infection, everyone is urged to contact the Migration Agency via e-mail, telephone or through any of its e-services. A maximum of 50 people can visit any of the

service centres at a time and all play areas for children are closed. People who show COVID-19 related symptoms are registered first as asylum applicants and the authorities should make an immediate decision about their daily allowance. They are asked to return after three weeks.

In **Denmark**, the **Ministry of Immigration and Integration reintroduced** the resettlement of refugees, which had been suspended since 2016. In the **2020 Finance Act** Denmark committed to receiving quota refugees and covering the expenses of up to 500 refugees a year. Shortly thereafter, it was decided to receive approximately 30 refugees who are vulnerable and **in the need of special health treatment**. **According to media**, 16 refugees (three families) were the first to arrive in Denmark this year.

In **Serbia**, according to the '**Decision on status of foreign citizens in the Republic of Serbia during the state of emergency**', documents that were to expire will remain valid until the end of the state of emergency. **Deadlines** will only expire 30 days after the end of the state of emergency. **Activities of public administration** decreased and meetings are only possible by postal mail or phone.

Extension of expired residence permits

Several countries allow certain third-country nationals whose residence permit expired during the COVID-19 measures to remain legally in the country until the end of the pandemic. These include **Croatia, France, Greece, Hungary, Italy, North Macedonia** and **Poland**.

Reception

The way asylum applicants were informed about protective measures against the pandemic varied widely across different countries. Different state and non-state actors in **Austria, Belgium, Bulgaria, Denmark, Greece, Italy, Malta**, the **Netherlands, North Macedonia, Poland** and **Sweden** provide information about protective measures against COVID-19 in several languages.

In **Cyprus** and **Germany**, concerns were raised regarding the lack of accessible and translated information about COVID-19 related measures for asylum applicants and migrants. In **Germany**, the Federal Working Group of Psycho-Social Support Centres for Refugees and Victims of Torture reports that psycho-social support for vulnerable refugees in the context of the COVID-19 pandemic is provided through interpreter-assisted telephone calls and video calls. However, reception facilities usually have weak internet connectivity, so people cannot use them effectively.

The European Commission published some data to show the "**Impact and outreach of COVID-19 to migrant communities**" – for example, how migrants were informed about the healthcare measures adopted due to COVID-19.

In **Greece**, the authorities announced certain **measures** to prevent the spread of COVID-19 in the hotspots, including restricting residents' movements. Restricting movement in severely overcrowded camps can deepen human suffering, increase existing tensions in the camps, and exacerbate the risk of domestic violence. Overcrowding and a complete lack of sanitation, combined with limited access to healthcare and basic services, exacerbate the risk of COVID-19 infections in the hotspots. **Médecins Sans Frontières** highlighted that, under

Bright spots

In **North Macedonia**, the NGO Macedonian Young Lawyers Association provides free legal assistance to asylum applicants. In **Spain**, social services by the Social Work Unit are still accessible by phone and e-mail.

Bright spots

Preventing virus transmission in reception centres

Reception centres pose particular challenges when it comes to physical distancing and hygienic measures required to prevent the spread of COVID-19. According to UNHCR, a number of countries established good practices to help prevent the spread of the virus in reception and detention centres.

In **Austria**, all new asylum seekers undergo a medical check. In **Serbia**, medical presence has been reinforced in all centres accommodating asylum-seekers and migrants. In **Germany**, particularly vulnerable persons are accommodated in separate facilities with increased medical care.

In **Sweden**, the number of people (occupancy rate) has been reduced in some of the collective facilities to decongest and lower the risks of spreading the disease. In **Denmark**, residents eat meals in shifts to increase physical distance.

In **Spain**, the Secretary of State for Migration has issued guidelines to adapt the management of the national reception system in view of COVID-19.

Source: **UNHCR Practical Recommendations and Good Practice to Address Protection Concerns in the Context of the COVID-19 Pandemic**

these conditions, preventing infection becomes impossible. In some parts of the Moria camp, there was just one water tap for 1,300 people and no soap.

The **LIBE Committee** of the European Parliament called for the immediate evacuation of those most vulnerable from the hotspots. The Greek authorities, international organisations, and the European Commission agreed on an emergency **plan** for the relocation of 2,380 vulnerable individuals from the overcrowded camps to other areas. The first **transfers** of vulnerable people to hotels on the islands and the mainland started in late April.

In **Italy**, **media** reported that first-level reception centres face difficulties in dealing with the COVID-19 outbreak given the precarious living conditions and overcrowding. Many asylum seekers continue to work outside the facility, exposing themselves to the risk of infection due to lack of protective equipment. For example, according to **media**, eight asylum seekers and the director of a first-level reception centre in Milan had tested positive for COVID-19 as of 30 March. There is no comprehensive database on COVID-19 cases in reception facilities, so it can be assumed that the actual figure is higher.

In **Hungary**, the Ministry of the Interior stated that, starting in March 2020, due to the COVID-19 outbreak, authorities put more emphasis on sanitary conditions in the transit zones. Similarly, the separation of people accommodated in various sectors of the transit zones (e.g. sector for single men, sector for families etc.) has been strictly monitored to minimise the risk of infection. No infected asylum applicant had been reported as of the end of April.

In **Malta**, the **Director** of the NGO **Integra Foundation** stressed the negative impact of the outbreak on the mental well-being of people who suffer from post-traumatic stress. Despite a **contingency plan** for migrant centres, **concerns persist** amongst migrants about hygienic conditions, lack of space to practice social distancing, and the feeling of not being well informed about the measures. The **Prime Minister** and **Minister of Economy** threatened third-country nationals with the loss of work permits and deportation if they break the quarantine rules or even lose their jobs in the current economic crisis caused by the Corona pandemic. However, the **Minister of Economy later apologised** for his comments.

In **Cyprus**, due to COVID-19, reception and support services were not provided to new arrivals, resulting in homelessness. The Pournara camp in Kokkinotrimithia was in practice converted into a closed centre, as UNHCR reported. The authorities instructed asylum applicants living in hostels to move into the camp, even though the construction work had not been completed. The asylum applicants had to stay in tents for 14 days, most of them without electricity and heating, as the Cyprus Refugee Council reported. The Volunteers' platform '**Kofinou We Care**' expressed concern about these mandatory transfers to the camps, as well as the non-identification of vulnerable people and overcrowding.

In April, according to UNHCR, the authorities confirmed that the remaining asylum applicants would not be transferred from hostels to the camp. The **Commissioner for Administration and the Protection of Human Rights** visited the centres in Kokkinotrimithia and Kofinou and suggested measures to improve the living conditions of asylum applicants. In late April, **UNHCR** positively noted some steps taken by the authorities to improve the conditions in Pournara camp. These include the installation of additional sanitation facilities, increased lighting, and additional food distribution points.

In **Cyprus**, the adoption of measures against COVID-19 in public services prevented authorities from issuing unemployment certificates to asylum applicants, which are necessary to access reception benefits. The possibility to

Bright spots

In **Croatia**, according to the Red Cross, asylum-seeking children can use the computer room in the Reception Centre for Asylum Applicants Porin in Zagreb to attend online classes during the COVID-19 crisis.

register as unemployed via email was provided to Cypriots, but not to third-country nationals. As a result, registered asylum applicants who completed the screening procedure at Pournara camp were not referred to the relevant services, as the **Cyprus Refugee Council** reported, and thus could not benefit from material reception conditions, including rental allowances, food vouchers, financial assistance, etc.

In **Croatia**, the Centre for Peace Studies raised concerns about the accommodation of asylum applicants during the COVID-19 crisis. Asylum applicants who are granted international protection have to leave the reception centre, as they are no longer applicants. There is no support in place for these people, leaving some of them homeless. According to Médecins du Monde-BE, which continues to provide medical assistance, NGOs providing free legal aid, psycho-social support, language classes, childcare, assistance in finding work and other support measures had to leave the centre.

In **Poland**, the **Head of the Office for Foreigners** indicated that, due to the current sanitary and epidemiological situation, access to reception centres for NGOs has been suspended.

In **Bulgaria**, the **State Agency for Refugees** suspended all group activities in the facilities, including school classes, kindergartens and extracurricular activities, as well as access of visitors to the centres. According to the **Ministry of the Interior**, all newly arrived persons were placed into quarantine for two weeks, without access to lawyers and NGOs during this period.

In **Austria**, the **Federal Minister of the Interior** announced in January that new arrivals would be quarantined in separate state-run accommodation that was empty. According to Caritas Styria, persons who receive a negative asylum decision may stay in asylum accommodation, but those who receive a positive decision and want to stay longer are now asked to leave. **State agencies** and **NGOs** changed their working methods to embrace digital solutions. Extra phone lines were established. Meanwhile, a **refugee centre in Salzburg** with 162 residents was put under quarantine on 18 March.

In **Spain**, the Secretary of State for Migration issued **guidelines** suspending all transfers between different facilities. Asylum seekers who cannot apply for asylum due to the COVID-19 restrictions have access to the reception system anyway.

In **France**, an **order of the President of the Republic** extended the winter eviction truce until the end of May. This stopped evictions and the cutting of water, electricity or gas supplies, as part of the COVID-19 pandemic-related measures. Dismantling of informal camps, however, continued. For instance, **the Ministry of the Interior** evacuated an informal camp in Aubervilliers and sheltered 732 persons – including families and three unaccompanied children – in hotels and sports halls in Seine-Saint-Denis, Val d'Oise, Val-de-Marne and Paris. However, many of the evacuated remained without shelter. The Public Defender of Rights, the Controller General of Places of Deprivation of Liberty, and the National Consultative Commission on Human Rights **highlighted, in a joint statement**, controversial practices that aim to contain the COVID-19 outbreak. These include authorities dismantling informal camps, which results in moving potentially infected individuals across the country.

To contain the spread of COVID-19, **Belgium** implemented physical distancing measures in all reception facilities for asylum seekers. This includes housing separately vulnerable persons and those with symptoms, as well as applying a curfew in some centres, as the asylum authority (Fedasil) reported. The police evacuated migrants in an irregular situation from the Maximilien Park in Brussels because they were not complying with social distancing orders, **media** reported.

In **Germany**, **according to media**, as of 8 April 2020, at least 250 people in reception centres were infected with COVID-19. A **broad alliance of civil society actors** demanded an immediate stop to the accommodation of asylum applicants in crowded reception centres. According to **media**, in the federal state of Thuringia, after one resident tested positive for COVID-19, 533 people were quarantined for 14 days in the initial reception centre in Suhl under limited space and poor hygienic conditions.

In **Denmark**, the **government introduced several measures** to prevent infections at reception centres. Asylum applicants are accommodated for 14 days at the Sandholm centre after arrival. Teaching and other activities, as well as visits to the reception centres, are suspended.

In the **Netherlands**, the **Central Agency for the Reception of Asylum Seekers (COA)**, provided information for residents of reception centres on their website, as well as through flyers and posters, addressing how to prevent the virus from spreading. Residents with high temperature or other symptoms are quarantined. On 8 May 2020, COA **released a statement** on the situation in the reception centre in Sneek, where 22 residents have been diagnosed with COVID-19. As a result, the centre was closed for three days and all the residents and staff have been tested.

In **Serbia**, the temporary declaration of the **state of emergency** on 15 March was followed by a **government decision** restricting the movement of asylum applicants. As a result, the only valid ground for leaving closed centres is the need for medical care, with prior approval from the Commissariat for Refugees and Migration. **According to the Ministry of defense**, the army guards asylum and reception centres. The Commissariat for Refugees and Migrations reports that, due to these measures, migrants residing outside official accommodation facilities were transferred to official facilities. They also reported that reception centres are seriously overcrowded, leading to tension and violent clashes between different nationalities in camps. Temporary tents were set up to accommodate more people.

Child protection

In **Spain**, **media** reported that overcrowding and precarious living conditions in the reception centres for children in Ceuta and Melilla make difficult the proper implementation of COVID-19 measures. To reduce overcrowding of the Melilla centre – where currently 900 children live, although its maximum capacity is for 350 – 130 children were transferred to camping cabins situated in the Rostrogordo Fort of Melilla. The Ministry of Social Rights and Agenda 2030 published **recommendations** for staff of facilities that accommodate children, suggesting voluntary guardianships for children whose parents are infected and the availability of internet connections and computers to ensure access to educational activities.

In **France**, the NGO Human Rights Watch **expressed criticism** that, despite the imposed confinement measures, many unaccompanied children lived in precarious and overcrowded conditions in the streets or squats in certain towns, such as Marseilles and Gap, without protection.

In **Serbia**, due to a lack of other reception capacities, in the Asylum Centre Bogovađa adults are accommodated in the facilities for unaccompanied children. According to the NGO Indigo-Group for Children and Youth, in the Reception Centre Preševo even single men were placed in shared rooms with unaccompanied children. The NGO further reports that services for unaccompanied children are almost non-existent and that the lack of schooling, leisure possibilities, serious overcrowding and poor hygiene standards affect children particularly negatively.

Bright spots

In **France**, **an order of the President of the Republic** forbids withdrawing child welfare services from unaccompanied children who turn 18 during the COVID-19 crisis.

Detention

In **Italy**, inadequate living conditions and overcrowding in detention and return centres, such as in **Rome** and **Turin**, raise serious concerns. In the **centre of Gradisca d'Isonzo**, detainees started a hunger strike to protest against the risk of the virus spreading in the centre. The association "Legal Team Italia" sent a **letter** to the Ministry of the Interior, the Prefects and the Chiefs of the Italian Police, asking for the immediate release of everyone detained in detention and return centres since the necessary safeguard measures to limit the spread of the virus could not be implemented. The Ministry of the Interior issued a **Circular Letter** listing the safety measures to be implemented in return and detention centres. This includes constant monitoring of detainees' health, provision of safety equipment, the obligation to test new detainees, and a 14-day isolation period for new detainees.

In **Croatia**, according to the Ombudsman, a Syrian asylum applicant who had been transferred from Austria to Croatia under the Dublin Regulation, was detained at the Detention Centre in Ježevo for one month for having failed to comply with a self-isolation measure imposed due to a suspicion of COVID-19 at the Reception Centre for Seekers of International Protection in Zagreb, Porin.

In **Belgium**, a group of lawyers asked the prime minister to release all returnees detained in closed centres, given the lack of reasonable prospect of their removal due to the COVID-19 pandemic and related travel restrictions. As of 19 March, **pre-removal detention centres started releasing detainees**. However, most of them were simply left with no assistance and frequently had nowhere to go. **NGOs were unable to visit pre-removal detention centres**. The Jesuit Refugee Service **reported** that they could only provide assistance by phone. A **parliamentary visit** to the detention centre in Vottem was also denied due to health concerns.

In **France**, the **Controller General of Places of Deprivation of Liberty** and the **Public Defender of Rights** called on the authorities to temporarily close the pre-removal detention centres, including holding places at the border, amidst the COVID-19 epidemic, owing to health risks and the lack of reasonable prospect of detainees' removal. **Several NGOs appealed to the Council of State** (*Conseil d'Etat*), asking for the closure of all pre-removal detention centres. The Council of State **rejected the legal action** and noted that adequate instructions had been issued about preventing COVID-19 in such facilities. As of 31 March, 150 returnees were still being kept in pre-removal detention, the NGO La Cimade reported.

In **Sweden**, one person held at a detention centre **died on 17 April from COVID-19**. The Migration Agency **reports** that detained persons attacked staff at the detention centre following the initial detection of the virus, and that the police had to intervene. As of 18 March, visits to the detention centres were strictly limited. At the end of April, detainees were on **hunger strike** in a number of the Migration Agency's detention centres.

In the **Netherlands**, the Immigration Detention Hotline indicated on its **liveblog** on the COVID-19 crisis that 64 rejected asylum applicants who cannot be returned due the COVID-19 restrictions were transported from the immigration detention centre in Rotterdam to a reception centre. This was done to prevent them from having to sleep rough after their release from detention.

In **Spain**, the **NGO Jesuit Migrant Service** and the **Ombudsperson** asked the authorities to immediately release detained migrants who cannot be returned due to the emergency situation. **Media** reported that, in the Aluche Alien Detention Centre, detainees protested against the risk of COVID-19 propagation and asked to be released. **Media** also reported that migrants detained in the Alien Detention Centre of Barcelona were released since they could not

be returned due to the COVID-19 emergency. The **NGO Movement Against Intolerance** reported that some were released from the Alien Detention Centres of Madrid and Valencia, and that the Ministry of Migration and the General Police Station of Aliens and Borders were trying to find suitable accommodation.

Return

Numerous countries suspended Dublin transfers. These include **Bulgaria, Denmark, Germany, Italy**, the **Netherlands** and **Poland**.

The **execution of return** decisions from and to Italy remained possible.

In **Bulgaria**, the **Ministry of the Interior** announced that forced return operations were temporarily suspended to avoid health risks for escorting officers. All newly accommodated persons in pre-removal facilities were placed into quarantine, with no access to lawyers and NGOs and, according to the NGO Center for Legal Aid Voice, under poor conditions.

In **Austria**, the Federal Ministry of the Interior stated on 27 March 2020 to the **media** that, while returns are not suspended, only a limited number can be carried out due to COVID-19.

In **France**, **14 NGOs called** on the Ministers of the Interior and the Minister of European and Foreign Affairs to introduce a moratorium on removals to Haiti, where internal instability has led to widespread violence. Despite the measures introduced in response to the COVID-19 pandemic, French authorities continued to carry out removals to third countries, as long as international flights were available, according to the **NGO La Cimade**.

In **Belgium**, authorities suspended **voluntary departures of migrants subject to a return decision**. Forced returns are still taking place, international flights permitting, according to FRA's field observations in mid-March.

In **Germany**, according to the **media**, returns to Afghanistan are suspended as of 30 March until further notice. Media had previously reported that, despite the outbreak of the COVID-19 pandemic, **39 people were returned to Afghanistan on March 12**.

In the **Netherlands**, the Repatriation and Departure Service **will not conduct any return interviews**. Returns can still be carried out, but only to a limited extent due to travel restrictions.

In **Denmark**, due to the COVID-19 pandemic, the **Ministry of Immigration and Integration suspended** all escorted returns.

Legal developments

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

In a preliminary ruling requested by a court in **Hungary** (*L.H. v. Bevándorlási és Menekültügyi Hivatal* – C-564/18), the CJEU stated that decisions on the inadmissibility of an application for international protection on the grounds of safety of a third country and the lack of the risk of refoulement under the Asylum Procedures Directive (**Directive 2013/32/EU**) have to be based on a case-by-case examination and made in relation to the particular applicant. The court found that an application for international protection cannot be rejected without individual analysis on the grounds that the applicant arrived from a safe country where he was not exposed to a risk of ill-treatment or persecution or in which he was granted a sufficient degree of protection. Applicants for international protection have to be granted the right to an effective remedy under the directive, interpreted in light of Article 47 of the Charter of Fundamental Rights. Thus, the time-limit of eight days under Hungarian law for national courts to examine negative decisions on international protection may not be sufficient to thoroughly examine an application and the level of protection in a third country.

The CJEU delivered its judgment in the joint cases against **Poland, Hungary and Czechia** (**C-715/17, C-718/17 and C-719/17**) regarding their refusal to relocate applicants for international protection under Council Decisions **2015/1601** and **2015/1523**, which obliges EU Member States to indicate the number of persons who can be relocated to their territory. The decisions on relocating applicants for international protection were adopted following the emergency resulting from the large number of arrivals to Greece and Italy in 2015. The CJEU held that, in refusing to comply with the temporary relocation mechanism, Poland, Hungary and Czechia failed to fulfil their obligations resulting from EU law. The court rejected the arguments regarding the maintenance of law and order and the safeguarding of internal security, based on Article 72 of the TFEU. It clarified that Article 72 cannot be invoked for the sole purpose of general prevention and without establishing any direct connection with a particular case to justify suspending the implementation of, or ceasing to implement, its obligations under the relocation decisions.

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

In *D and Others v. Romania*, an Iraqi national alleged that his expulsion to Iraq would result in a risk of ill-treatment or death, and so would be contrary to Articles 3 and 2 of the European Convention on Human Rights (ECHR), respectively. The ECtHR did not find a violation of Articles 2 and 3, as the evidence submitted did not prove a personal risk to the applicant. Nevertheless, the ECtHR found a breach of Article 13 (effective remedy) in conjunction with Articles 2 and 3 of the ECHR. The available remedy against removal did not have suspensive effect under Romanian law. This compromised its effectiveness.

In *N.D. and N.T. v. Spain*, the Grand Chamber of the ECtHR reviewed the removal of two Sub-Saharan Africans who entered the Spanish enclave of Melilla as part of a larger group, which stormed and climbed the border fence. The Spanish authorities apprehended the applicants and handed them over to Morocco without carrying out individual procedures or giving them the opportunity to seek asylum. The ECtHR noted that the applicants – for whom the court had already established that they had no arguable claim under Article 3 of the ECHR – did not make use of other means to seek legal entry into Spain. In particular, they did not provide convincing evidence that they were prevented

from physically reaching the nearby official border crossing point where the Spanish authorities had set up an office to register asylum claims. The ECtHR concluded that the lack of individual removal decisions was a consequence of the applicants' own conduct and, therefore, did not find any violation of Article 4 of Protocol No. 4 (prohibition of collective expulsion) of the ECHR.

In *Makdoudi v. Belgium*, the applicant maintained that the available measures to challenge the lawfulness of his pre-removal detention did not enable the domestic court to make a final decision on the matter. The ECtHR held that the inability of Mr Makdoudi to obtain a decision regarding the lawfulness of his detention violated Article 5 (3) of the ECHR. The applicant also claimed that, contrary to Article 8 of the ECHR, the national authorities did not take into account that he is a father of a child with Belgian nationality when deciding upon his removal and imposing a 10-year-long entry ban. The ECtHR ruled that the existence of family life has to be duly considered while deciding upon removal and as such, the removal order interfered with the applicant's right to family life, breaching Article 8 of the ECHR. The domestic court also failed to prove that the removal of the applicant was the result of a pressing social need or was proportionate in the particular situation.

M.A. and Others v. Bulgaria concerns five Chinese nationals whose applications for asylum and subsequent appeals were rejected in **Bulgaria**, and who were subject to removal on the ground of posing a threat to national security. The applicants, Uighur Muslims, claimed that, upon their return to China, they would face the risk of arbitrary detention, torture, execution or being placed in "re-education" camps. The ECtHR recognised the clear evidence for the described practices that the particular minority group faces in China and ruled that their removal would put them in risk of violating Article 2 (right to life) and Article 3 (prohibition of torture and other forms of ill-treatment) of the ECHR.

Bilalova and Others v. Poland concerns the pre-removal detention of a Russian woman of Chechen origin and her five children. The ECtHR ruled that the detention of the applicant's children amounted to a violation of Article 5 (1) (f) of the ECHR. The court's established case law indicates that the confinement of young children should be avoided and only short-term placement under suitable conditions and strictly as a measure of last resort could be compatible with the Convention. The ECtHR held that there was no sufficient evidence that national authorities carried out such an assessment, including exploring alternatives to detention, and the authorities did not take steps to limit the duration of detention.

Decisions of United Nations (UN) human rights treaty bodies

In *Q.A v. Sweden (CCPR/C/127/D/3070/2017)*, the UN Human Rights Committee adopted its views on the risk of ill-treatment in case of removing the applicant to Afghanistan. The Committee underlined the importance of adequately assessing the real and personal risk of ill-treatment in the event of returning the applicant to Afghanistan. The Swedish Migration Court failed to do this. The applicant's return would amount to a violation of Article 6 (right to life) and Article 7 (prohibition of torture and other forms of ill-treatment) of the International Covenant on Civil and Political Rights.

As a result of a complaint to the Committee on the Rights of the Child (CRC), authorities in **Denmark** decided to grant asylum to a Syrian mother of six refugee children living there. The complaint to the CRC concerned a Kurdish family from Syria. The father and two children were granted asylum in Denmark, where they had travelled directly, while the mother and the other

children had first applied for asylum in Greece. After joining the rest of the family in Denmark, the children were given 'family reunification status', which enabled them to stay with their father. However, the mother was ordered to return to Greece. The children referred the case to the CRC, claiming that the separation from their mother and her transfer to Greece would violate their rights under the UN Convention on the Rights of the Child. Soon after the CRC registered the case, the Danish Refugee Appeals Board reopened the asylum case. It decided that the asylum request should be processed in Denmark and that the mother should not be sent back to Greece. The mother was finally granted asylum in February.

As of March, a total of 116 complaints were registered with the CRC; 35 % of them relate to asylum applications.

Situation at the border

Figures and trends

According to **IOM**, between January and March 2020, 15,610 migrants and refugees irregularly entered Europe by sea in Italy, Malta, Greece, Cyprus and Spain. The number of arrivals significantly increased in **Italy**, where 2,795 individuals arrived – in comparison with 517 arrivals during the same period in 2019. Arrivals also sharply increased in **Malta**, where 1,135 people arrived between January and March; only 237 arrived during the same period in 2019. Similarly, in **Greece**, 7,404 people arrived, while 5,649 arrived during the same period in 2019.



By contrast, arrivals in **Spain** decreased during the reporting period compared with the same period in 2019: from 5,628 in 2019 to 4,496 in 2020. As reported by **IOM**, between January and March 2020, the number of fatalities in the Mediterranean Sea decreased compared with the same period in 2019: 243 deaths were recorded in 2020, compared with 362 in 2019.

Meanwhile, according to **IOM**, 14 deaths occurred on land routes during the reporting period (nine at the Greece-Turkey border and five on the Western Balkan route).

According to the **Frontex Risk Analysis for 2020**, 141,846 people irregularly crossed the EU's external borders in 2019. This represents a decrease of almost 5 % compared with 2018. Two-thirds arrived via the Mediterranean. Afghanistan and Syria are the main countries of origin, representing about 41 % of the detected illegal border-crossings.

Search and rescue (SAR)

In **Italy**, according to **media**, the Ministry of Foreign Affairs proposed a draft revised version of the 2017 Memorandum of Understanding between Italy and Libya. The draft proposal widely confirms the previous text by reaffirming the cooperation between the two countries, including in the implementation of search-and-rescue operations. Detention centres will continue their activities, but human rights protection should be improved with the support of UN organisations, and vulnerable people should be released. The Council of Europe Commissioner for Human Rights sent a **letter** to the Italian Ministry of Foreign Affairs, expressing concern about the consequences of the Memorandum's renewal and its impact on fundamental rights. The Ministry of Foreign Affairs **replied**, noting their intention to further engage in the protection of migrants and asylum seekers in Libya and progressively replace the current detention system with one respecting the rule of law.

In **Italy**, the Supreme Court of Cassation confirmed in a **judgment** that the captain of the 'Sea Watch 3' vessel – Carola Rackete – should have not been arrested since she acted in line with her duty to rescue. In June 2019, she entered the port of Lampedusa with 42 people rescued at sea due to an emergency situation on the vessel, in spite of a docking ban.

In **Greece**, a four-year-old child drowned when a dinghy capsized while trying to reach the Greek island of Lesbos, **as media reported**.

In **Greece**, according to **media**, the Hellenic Coastguard was **filmed** firing shots towards a refugee boat in the Aegean Sea.

In **Malta**, the captain of a humanitarian rescue vessel – who was arrested in 2018 following the rescue of 234 migrants from the Mediterranean Sea – was cleared of all charges by a **decision** of the Court of Criminal Appeal. **Captain Reisch** had initially been charged on two counts of sailing into Maltese waters without the appropriate ship registration. After 18 months of criminal proceedings, the Maltese judiciary dropped all charges.

In the North of **France**, an increasing number of migrants in an irregular situation continued to attempt to cross the Channel in dangerous conditions to reach the United Kingdom, according to the **Maritime Prefecture of the Channel and the North Sea**. Some 150 migrants have been rescued off the French coast since January, the data provided by the same authority show. The media also reported about increasing interceptions at sea and land. According to these sources, the **British authorities intercepted** six boats carrying 96 irregular migrants who tried to reach the United Kingdom.

Challenges at land borders

From 27 February onwards, thousands of people headed to the Greek-Turkish land border following **announcements** by the Turkish authorities that the borders to the EU would be opened. **Greece closed the Kastanies border crossing point in response**. In addition, Greek authorities issued an **Act of Legislative content** suspending the acceptance of asylum applications for one month and providing for the return of third-country nationals who entered the country in an irregular manner after 1 March 2020 without registration.

Following this, **UNHCR** issued a statement noting that neither the 1951 Convention Relating to the Status of Refugees nor EU refugee law provide any legal basis for the suspension of the reception of asylum applications. The **Commissioner for Human Rights of the Council of Europe** asked for immediate actions to address the humanitarian and protection needs of people trapped between Turkey and Greece. The adoption of the Act of Legislative content was also denounced as a violation of international law by the **European Council for Refugees and Exiles** (ECRE), the **International Commission of Jurists**, **Amnesty International** and **255 civil society organisations**. After the expiration of the Act, the suspension was not renewed and the authorities started registering the intention to apply for asylum, including for those who entered Greece in March.

Other **measures** taken by the Greek authorities included strengthening border controls by also involving their armed forces, generally maximising border-protection measures, and requesting the EU's Border and Coast Guard Agency (Frontex) to deploy a Rapid Border Intervention Team. The Greek authorities have **reportedly** used tear gas and water cannons to prevent irregular crossings. Migrants interviewed by **Human Rights Watch** and **Amnesty International** mentioned the use of live ammunition by Greek security forces in Evros. The spokesperson of the Greek government **denied** the allegations of shootings as fake news.

Following the announcement of the Turkish government that migrants would no longer be stopped by Turkey from entering the EU, the **Minister of the Interior of Bulgaria** announced measures to reinforce border security, such as the deployment of additional police forces and increased controls of incoming motor vehicles, including buses. The **media** quoted the Minister of Defence as saying that the border police prevented about 60 persons from entering the country from Turkey. In an **open letter** to the European Commission and the Bulgarian Prime Minister, civil society organisations expressed concerns about what the Prime Minister described to **media** as 'zero migration pressure'. NGOs called it 'practice of push-backs', including violence.

FRA activity

Fundamental rights at the European borders

FRA and the Council of Europe's Special Representative on Migration and Refugees published a joint statement summarising the main fundamental rights safeguards applicable to migrants and asylum applicants at Member States' borders.

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

Legal corner

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

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

In **Hungary**, according to **government information** and **media reports**, at the end of January, a group of approximately 70 people attempted to force their way through the Serbian border to Hungary at the border crossing point of Röszke. When people started climbing over and destroying the border fence, an armed security guard shot in the air three times, and most of the group ran back to the Serbian side. **Four individuals were arrested** on account of criminal charges related to unauthorised border crossing and damaging the fence.

One week later, hundreds of people (mostly Syrians and Afghans) walked to the border crossing point at the town of Kelebia, set up camp and waited peacefully. After sitting in front of lined-up Hungarian policemen for a few hours, the Serbian authorities sent buses in the middle of the night and transported them back to a Serbian camp, **several media sources** reported.

In **Spain**, the **Ministry of the Interior** announced that the land-border protection system in the autonomous cities of Ceuta and Melilla will be strengthened by increasing the height of the border fences by 30 % and installing a new close-circuit surveillance system.

In **North Macedonia**, a migrant from Syria was found frozen to death in the mountains, according to **media** reports.

Risk of *refoulement* and police violence at borders

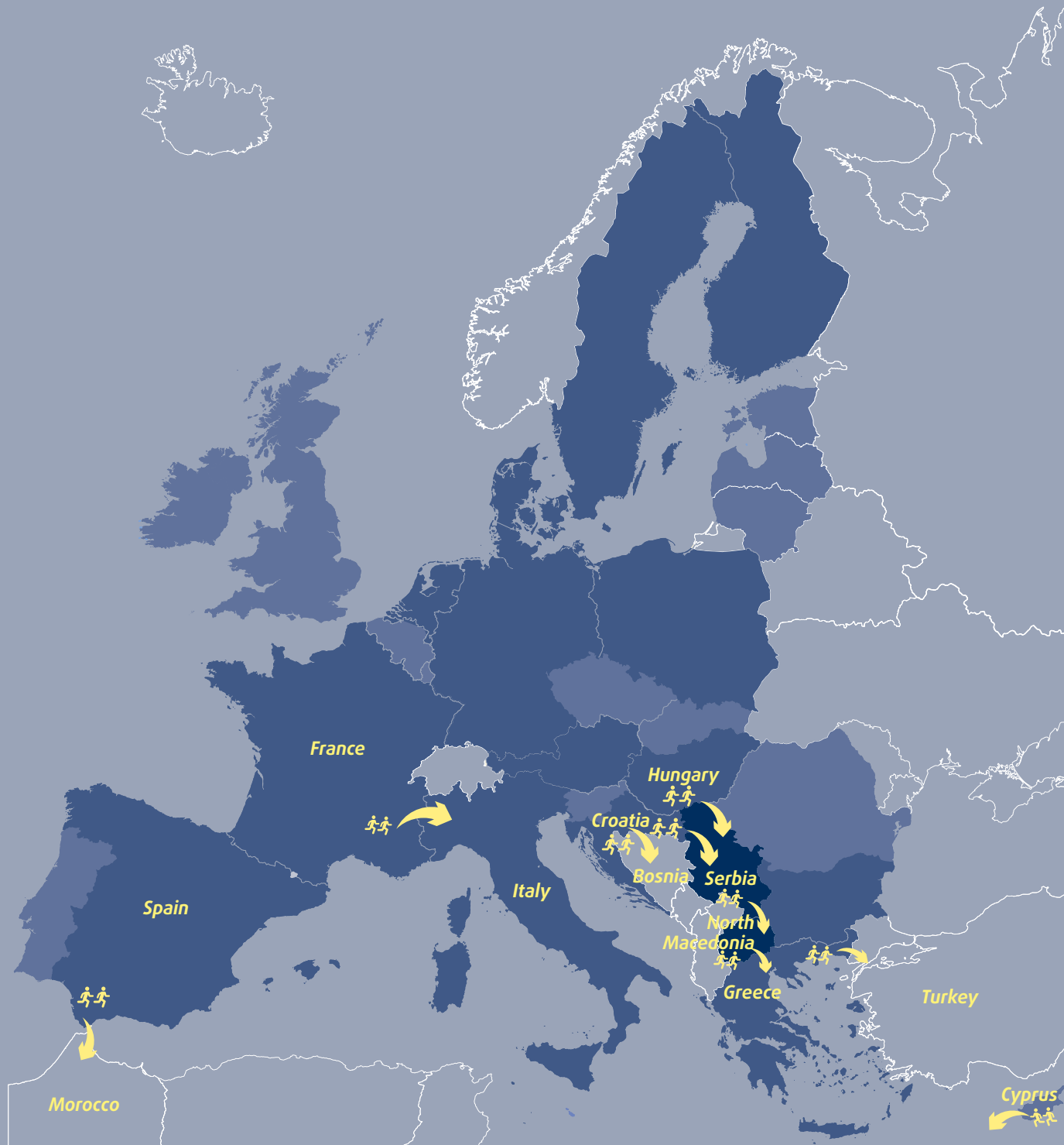
The European Committee on the Prevention of Torture (CPT) undertook a so-called **rapid reaction visit** to **Greece**, during which it also examined allegations of pushbacks across the Evros river. The **UN Special Rapporteur on the human rights of migrants** expressed concerns about reported assaults and violence against migrants and asylum seekers by Greek security officers and unidentified armed men aiming to push them back to Turkey. He noted that migrants who managed to cross the border were allegedly intercepted, detained, stripped, their belongings were confiscated, and they were pushed back. According to the Special Rapporteur, this alleged excessive use of force seems to have led to deaths and injuries, including the death of a Syrian asylum seeker.

The **OSCE Office for Democratic Institutions and Human Rights** also stressed that documented incidents of violence at the border with Greece and the failure to organise rescue operations for migrants in distress at sea have greatly increased the risk of violating the right to life, the prohibition of collective expulsion, and the principle of non-refoulement. In addition to the pushback allegations, migrants interviewed by **Human Rights Watch** said that men, women and children were reportedly assaulted through electric shocks, beatings with wooden or metal rods, prolonged beatings of the soles of feet, punching, kicking and stomping.

Hungary suspended admissions of asylum seekers to the transit zones located at the Serbian border due to public health risks related to COVID-19. At the same time, the police prevented more than 1,960 people from crossing the border into Hungary via the border fence (an increase compared to the previous period), according to the **National Headquarters of the Police**. In addition, the police apprehended 6,224 migrants in an irregular situation in Hungary during the reporting period; they were escorted back to the outer side of the border fence at the southern border. The migrants were hiding in **trucks, cars** and **trains**, as well as in **fields close to the border** with Serbia. Authorities do not register and fingerprint these individuals prior to escorting them to the border, nor do they record them as new arrivals or asylum applicants in the official statistics.

When the Minister of the Interior presented **Croatia's priorities** for its six-month presidency of the Council of the European Union to the **European Parliament**,

REPORTED INCIDENTS OF REFOULEMENT



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

Source: FRA, 2020

numerous **Members of Parliament** showed photographs of alleged victims of police brutality and read their testimonies requesting Croatia to stop this practice. The Croatian Minister of the Interior dismissed all allegations, stating that Croatia was merely protecting EU borders.

The Ombudsperson's **Activity report for 2019** confirms cases of ill-treatment of asylum seekers and pushbacks. Allegations include cases where the police ignored asylum requests, including from families and children, took people's money and cell phones, and ordered migrants at the border to go back to Bosnia, threatening them with firearms. The **Ombudsperson for Children** received 10 complaints about violations of migrant children's rights in 2019, mostly concerning unlawful expulsions of children at the borders with Bosnia and Herzegovina and Serbia.

The Border Violence Monitoring Network published **a report** describing new forms of alleged violence of the Croatian border police in 2019, including use of electric discharge weapons, forced undressing, use of excessive and disproportionate force, threats with firearms, and detention without access to basic facilities. The Border Violence Monitoring **Network** reports that similar incidents of violence are continuing in 2020.

In **Spain**, according to the **media**, 42 people, including children and sick people, who disembarked on the Chafarinas islands off the North African coast, were sent back to Morocco on the same day. According to the **media**, while the Government's delegation of Melilla reported that these people were rescued by Moroccan authorities at sea and transferred to the nearest safe port, the **NGO Caminando Fronteras** claims that national authorities returned them after they had landed on Spanish territory. Over 60 NGOs signed a **statement** accusing Spanish authorities of illegally returning migrants. They claimed that this practice constitutes a serious violation of human rights, violating the prohibition of collective expulsions.

Push-back practices continued at the alpine border between **France and Italy**, **a joint NGO mission to the border** pointed out. The mayor of Ventimiglia (Italy) informed the prefecture of Imperia province that French authorities always send back to Italy migrants in an irregular situation apprehended in France – including during this period without testing them for COVID-19, **NGOs** and **media sources** reported.

In **North Macedonia**, according to the Macedonian Young Lawyers Association and the NGO Legis, collective expulsions at the border with Greece continue.

In **Serbia**, according to UNHCR, there were 5,963 arrivals in the first trimester of 2020, with the peak in February (2,633). During the reporting period, they documented some 73 pushbacks from Serbia to North Macedonia (i.e. 27 in **January**, 40 in **February**, 6 in **March**). The trend shows that numbers of pushbacks continue to decrease: they dropped from 246 in the third quarter of 2019 to 163 in the last three months of 2019. According to the Belgrade Centre for Human Rights, significantly lower figures in March – six observed pushback cases – can be attributed to the COVID-19 pandemic, starting in the middle of the month, along with the introduction of the state of emergency, which obstructed information collection and decreased the number of arrivals.

Human smuggling

Human smuggling remained a concern in **Hungary**, with a significant increase of detected cases in the reporting period. According to the police, between January and March 2020, the authorities placed into custody 103 alleged human smugglers – almost three times as many as in the previous three-month period. In most cases, people were smuggled in **cars**, the **cargo space of trucks or minivans**, as well as **cargo wagons of trains** crossing the border from Serbia and Romania, while several people were also apprehended in the **fields close to the border**.

The **army deployed personnel and equipment** to the Tisza river, which forms the 4 km border between Hungary and Serbia, to support police patrolling vessels in the border area. The **media reported** that, in the first week of introducing military boat patrols, soldiers found tents, abandoned wet clothing, and rafts made of PET bottles along the banks of the river. The Minister of the Interior **instructed the police** to explore new technologies for patrolling and to use drones more extensively to detect irregular crossings.

In **Spain**, according to **the National Police**, 26 members of a criminal network were arrested for smuggling more than 900 migrants in 2019; the smugglers were paid over € 1.5 million for doing so. In a separate case, according to the **Ministry of Interior**, 47 people were arrested following a Joint operation of the National Police and the Royal Gibraltar Police, coordinated by EUROPOL; they were part of a criminal smuggling network operating between Gibraltar and Spain.



Asylum procedure

Figures and trends

According to the **Eurostat Asylum quarterly report**, between October and December 2019, the number of first-time asylum applications in the EU-27 amounted to 171,300 (22 % more compared with the same period in 2018). Spain ranked first with 35,400 first-time applications (21 %), followed by France with 32,800 (19 %), Germany with 31,600 (18 %), and Greece with 28,000 (16 %). Compared with the same period in 2018, the number of first-time asylum applications in Germany decreased by 4,700. By contrast, in Spain it increased by 20,300.

Compared with the population of each Member State, the highest rate of applicants was in Cyprus (3,728 first-time applicants per million population), followed by Malta (2,725) and Greece (2,613). Most applications were filed by Syrians, Afghans, and Venezuelans, with 21,000, 18,900 and 13,700 applications filed, respectively. In the fourth quarter of 2019, 145,600 asylum decisions were issued, 42 % of which were positive.

Access to asylum procedures

In **Italy**, the **Ministry of the Interior** declared that 68 asylum applicants were relocated to France within the framework of the Malta Joint Declaration between Germany, France, Italy and Malta. Some 464 people have been relocated to other Member States since September 2019.

In **Italy**, the Ministry of the Interior published a **practical guide** aimed at providing asylum applicants with official and accurate information on the asylum procedure. It is available in 12 different languages.

In **Cyprus**, the Ministry of the Interior adopted an **action plan** to address increased migration flows. The measures introduce a number of changes in the asylum procedure and reception of asylum applicants. They include shortening deadlines for appeals and examining applicants from safe countries of origin under accelerated procedures. According to the action plan, the policies on welfare grants and housing allowances for asylum applicants will be revised, while alternative schemes such as accommodation in hotels and apartments will be interrupted. Accommodation will be provided only in organised centres. A new closed facility for asylum applicants will be created, while two wings of the Menoyia detention centre will be reused for persons subject to return procedures.

In **Hungary**, the government extended the '**state of crisis due to mass immigration**' for another six months, until September 2020. The state of crisis has now been in place for almost five years.

In **Croatia**, according to the Croatian Law Centre, applicants whose negative decisions on international protection are reversed and remanded by the Administrative Court wait for around six months to have their cases reviewed by the Ministry of the Interior; the legal deadline is within 60 days.

In **Poland**, legal gaps in the administrative law still enable administrative bodies to classify case files as 'secret' in migration proceedings and consequently to exclude the possibility to access these files by the parties concerned. In November 2019, the European Court of Human Rights communicated the case **Poklikayew vs. Poland (application no. 1103/16)** regarding a Belarusian national,

who was granted a permanent residence permit in Poland, but was later returned for posing a threat to national security. The applicant complained because he and his lawyer were unable to access the classified parts of his case files.

In **Belgium**, a **Royal Decree was published** on establishing a list of “safe countries of origin”. The same third countries were kept on the list as last year, namely Albania, Bosnia and Herzegovina, Georgia, India, Kosovo, Montenegro, North Macedonia and Serbia.

In **Spain**, the **Ministry of Foreign Affairs, the European Union and Cooperation** updated the list of countries subject to the airport-transit visa requirement. According to the **Spanish Commission for Refugees**, the airport-transit visa is now also required for Yemeni nationals and constitutes an obstacle to accessing the right to asylum. The Spanish Commission for Refugees reports that it assisted 454 Yemeni nationals over the last year, 166 of whom applied for asylum at Barajas airport and 288 of whom did so in Melilla.

In **Spain**, according to the **NGO Accem**, seven Syrian asylum applicants were resettled from Turkey to Spain in the framework of the **2019 Refugee Resettlement Programme**, which aims to resettle 1,200 people in 2020.

In **Germany**, according to **the Federal Office for Migration and Refugees**, the number of initiated revocation review procedures (Widerrufsprüfverfahren) has significantly increased – from 77,106 in 2017, to 192,664 in 2018 and 205,285 in 2019. In January 2020, authorities took 21,830 decisions in revocation review procedures. (By comparison, in **January 2019**, authorities took 8,219 such decisions.) The revocation rate in January 2020 was almost 5 % (1,069 decisions out of a total of 21,830). Over 218,000 revocation review procedures were pending on 31 January 2020.

In the **Netherlands**, the National Ombudsman and the Ombudsman for Children raised – in a **letter** to the State Secretary for Justice and Security – the persisting issue of long waiting periods (several months) before starting asylum procedures. According to the **communication** between the State Secretary for Justice and Security and the House of Representatives, as of 31 January 2020, approximately 8,900 cases were not examined in the prescribed time limit.

Family reunification

In **Germany**, the **quota of 1,000 visas** per month for the family reunification of beneficiaries of subsidiary protection, introduced in August 2018, was again not met: 659 visas were granted in January, according to the **NGO Pro Asyl**.

In **Denmark**, amendments to the **law on family reunification** entered into force. The amended law abolished the requirement that children show that they will successfully integrate into Danish society if they have been residing in their home country together with one parent. This applied to children older than eight years. Under the new provision, children under the age of 15, who are staying in their home country with one parent or a permanent caregiver, must submit an application for a residence permit on the grounds of family reunification no later than 3 months from the date on which the other parent was granted a residence permit in Denmark. The new provision does not refer to future integration.

The Danish Institute for Human Rights has stated that abolishing the requirement to show children’s ‘integration potential’ is a positive development. Nevertheless, the new time limit for submitting an application for family reunification may be challenging for applicants and may affect their right to family life.

Bright spots

North Macedonia acceded to the 1961 Convention on the Reduction of Statelessness, making it among the first countries to do so since the High-Level Segment on Statelessness was held in Geneva in October 2019.

Reception

Reception capacity

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

Reception facilities in **Belgium, Cyprus, France, Italy, Malta**, the **Netherlands, Serbia**, and **Spain** were full or overcrowded. In **Greece**, they remained severely overcrowded.

In **Greece**, the Reception and Identification Centres on the Aegean islands ('hotspots') continued to be **severely overcrowded**, hosting more than 37,000 people, which is approximately six times their actual capacity. Following its field visit to Samos, the **National Commission for Human Rights** stated that the situation in the camp violates the right to human dignity.

According to **media reports**, the local population in Lesbos, Samos and Chios held strikes and protests, demanding that the Greek government decongest the refugee camps. The protests **escalated** in February 2020, after the issuance of **an "Act of legislative content"** requisitioning land on the five Aegean islands for the construction of new closed centres for refugees and migrants. Local residents **blocked the roads** leading to existing centres and construction sites. Many were **injured** during the clashes that broke out between the riot police and local residents of Lesbos and Chios. As **media reported**, the police made extensive use of teargas and flash grenades. On 26 February 2020, local residents of Chios barged into a hotel and **attacked** riot police officers who were staying there.

In **Greece**, health aid organisations continued to raise the issue of the lack of access to medical care for asylum seekers and undocumented persons. Médecins Sans Frontières (MSF) **reported** that, in the Moria camp, the Greek authorities are depriving at least 140 seriously ill children of adequate medical care. To address the issue, the Greek authorities issued a **Joint Ministerial Decision** regulating the access of asylum seekers to healthcare, social security and the labour market with the issuance of a *temporary number of insurance and healthcare for foreigners* (PAAYPA). Beneficiaries of international protection have also faced challenges in receiving social insurance numbers (AMKA) during the first months of 2020. According to Human Rights 360, despite the guidelines included in circulars, there have been incidents where refugees without addresses or those waiting for the issuance of their residence permit card did not receive social insurance numbers.

The reception system in **France** can accommodate 107,274 people, according to a **new ministerial circular**. Although this represents an increase from the previous reporting period (96,000 places), it does not provide accommodation for all asylum applicants (170,000 people), according to the NGO La Cimade. **The Prefecture of Île-de-France** announced the opening of a new reception facility in Paris, with a capacity of 150 places, to house those who live in informal camps in the northeast of Paris.

Some **97 % of reception places** in **Belgium** were occupied. To increase reception capacity, the asylum authority (Fedasil) opened a **temporary reception facility in Coxyde**, with a capacity of 300 places. Fedasil further announced the **opening of a temporary reception centre in Liège** (with 280 beds), as well as **one in Kalmthout** (with 120 beds), and **one in Marcinelle** (with 174 beds).

In the **Netherlands**, the State Secretary for Justice and Security informed the House of Representatives **by letter** about the preparations made by the Central Agency for the Reception of Asylum for extra reserve accommodation capacity (1,800 places) in emergency locations, such as sports and event halls, as reception centres are full at the moment, accommodating around 27,000 individuals. The Central Agency for the Reception of Asylum indicated in a **press release** that it had decided, for the time being, not to open new emergency accommodation in the wake of the COVID-19 outbreak.

In **Serbia**, the Belgrade Centre for Human Rights reports that occupancy rates in all operational asylum and reception centres increased significantly by the end of March compared to February – while conditions deteriorated dramatically as the number of asylum seekers increased. During January 2020, UNHCR had already observed significant overcrowding in the centres in Adaševci, Bujanovac, Kikinda, Principovac, Sjenica and Sombor.

Reception conditions

In **Italy**, the **operational guidelines for training and reception** – developed within the framework of the PROVIDE project – were published. The project was conducted by a consortium of 12 partners, such as NGOs, universities and municipalities based in Italy, Spain and France. It aims to counter violence targeting refugees and asylum applicants and foster networking and exchanges of good practices. The research highlighted the difficulties faced by professionals operating in reception centres and local services, namely the lack of specific training and skills concerning gender-based violence and of qualified training. It also includes good practices concerning training and reception of migrants who are victims of violence.

In **Greece**, according to **media reports**, a six-year-old child died after a fire broke out in the overcrowded Moria refugee camp on Lesbos.

In **Greece**, following a legal **amendment**, the timeframe within which beneficiaries of international protection are required to exit the accommodation facilities has been shortened – from six months to thirty days from the notification of the decision granting them beneficiary status. Due to difficulties caused by the coronavirus measures, this measure will apply after 31 May, according to **media**.

Greece also adopted a **law** providing for a one-off benefit of € 2,000 for every child born in Greece as of 1 January 2020. For third-country nationals, a previous 12-year legal stay in the country is required. The **Hellenic League for Human Rights** stated that the requirement of a 12-year stay constitutes a setback as, for other allowances, a five-year prior legal stay is sufficient.

In **Cyprus**, according to the Cyprus Council for Refugees, access to health care for migrants and asylum seekers remained **problematic** as the new healthcare system introduced in summer 2019 did not include provisions enabling their registration to the system. Asylum seekers, irregular migrants and victims of trafficking in human beings in practice had no access to the national health system, as reported by Caritas. This also prevented them from consulting a doctor, as required by the COVID-19 government instructions, if they had any symptoms.

In **Croatia**, according to the Welcome Initiative, a fence was built around the open Porin Reception Centre for Asylum Applicants in Zagreb amidst the COVID-19 crisis. Residents of the centre published a **letter** in which they expressed concern that the fence would create even more division, panic and intolerance.

In **Spain**, **media** reported that the Delegation of Migration of the Getafe Diocese launched the "Housing Shelter Project" within the Autonomous Community of Madrid. The project aims to provide temporary accommodation for homeless asylum seekers by offering shared housing or empty flats for a maximum period of six months. The project also provides legal counselling.

In **Spain**, according to the **National Ombudsperson** and the **media**, asylum applicants were concerned about the lack of support from the Ministry of Migration and the Madrid City Council. Several asylum seekers are not provided with housing support or other support measures, and are living in the streets.

In **France**, in a letter sent to the prefectures of Nord and Pas-de-Calais, as well as to the mayors of the towns concerned, **twenty-four NGOs demanded urgent measures** to protect migrants in an irregular situation living in the informal camps of Calais and Grand-Synthe. They identified as threats: overcrowding, daily evictions, and deplorable sanitary conditions, including lack of access to water for hand washing. The **Mayor of Calais announced** that a public facility, with a capacity of 400 beds, would be set up in the region of Hauts de France to accommodate migrants from Calais and Grande-Synthe.

In **Belgium**, the reception authority (Fedasil) **no longer provides reception for two categories of asylum applicants**. The new instructions exclude those who would have been subject to a Dublin transfer but for whom Belgium became responsible due to the failure to transfer them within the Dublin Regulation's six-month deadline. They also exclude applicants who have already received international protection in another Member State. In January, **more than 80 applicants** were subsequently refused reception, including some single women with children. **NGOs voiced criticism** against this measure. They argued that these two categories of protection seekers do not fall under the exceptional cases provided for by law that allow Fedasil to limit or halt material assistance.

In **Sweden**, a **new law** stipulates that asylum seekers who find their own accommodation in socio-economically challenged areas will not receive daily allowances as of 1 July 2020. Save the Children (Rädda Barnen) is concerned that children in families that choose to arrange their own accommodation in socio-economic challenged areas will suffer harm if their families lose these daily allowances.

In the **Netherlands**, the **daily newspaper 'NRC' reported** that the Ministry of Justice and Security is planning to extend the time for which asylum applicants with sufficient assets **have to contribute to the costs of their accommodation in asylum centres** to beyond six months. This is despite the authority's obligation to finalise the asylum procedure and thus the time spent in the reception centre within six months.

In the **Netherlands**, the radio programme Argos of the Dutch public broadcaster VPRO **revealed** that at least 25 pregnant women from different African countries disappeared from Dutch reception centres in November and December 2019. The women mainly came from Nigeria, but some were from Cameroon, the Democratic Republic of Congo and Uganda. Officials of the Dutch human trafficking centre (EMM) believe they risk being trafficked and their children could be illegally adopted.

In **Serbia**, the Belgrade Centre for Human Rights reports that asylum seekers in the Asylum Centre Banja Koviljača and the Reception Centre Preševo complained about overcrowding, poor quality of meals and poor hygienic conditions. The situation improved after the new arrivals were transferred to tents and other accommodation facilities. Up to the end of the reporting period, no cases of COVID-19 were confirmed within the accommodation facilities.

Child protection

Figures and trends

As of 31 March 2020, according to the **National Centre for Social Solidarity (EKKA)**, 5,252 unaccompanied children were estimated to be in **Greece**, including 368 separated children (who are accompanied by an adult other than their parents or legal caregivers). Only 1,435 were in appropriate and long-term accommodation (shelters and semi-independent living apartments); 568 were in temporary accommodation ('safe zones' and emergency hotels); 1,637 stayed in Reception and Identification Centres; 331 were in 'protective custody', mainly at police stations; and 157 were in open temporary accommodation facilities. Meanwhile, 1,061 have been reported as living in informal or insecure housing conditions, such as living temporarily in apartments with others, living in squats, being homeless, or moving frequently between different types of accommodation. The total number of available long-term accommodation places for unaccompanied children in all of Greece is 1,687; for temporary accommodation, there are 719 places.

In **Italy**, according to the **Ministry of the Interior**, 498 unaccompanied children arrived in Italy by sea between January and March 2020.

In **Malta**, **UNHCR statistics** report 275 unaccompanied children arriving by boat in January and February 2020, representing 27 % of overall arrivals to the country during that period.

In **Cyprus**, according to UNHCR, the estimated number of unaccompanied children as of April 2020 is 234.

In **Austria**, according to the Ministry of the Interior (Criminal Intelligence Service, Competence Centre for Missing Children), as of 1 February 2020, 284 missing children with non-EU-citizenship were registered. By the end of March, this number dropped to 253. Caritas Styria reported five cases of forced prostitution during the reporting period.

In **Sweden**, the National Board of Health and Welfare reports concern regarding the number of unaccompanied children who disappear during the asylum process. In 2019, 163 unaccompanied children were registered as missing, and 92 cases of suspected trafficking in human beings involving children were reported by the Swedish Migration Agency. Some 129 of them are still registered as missing today. In 2020, between January and March, 25 unaccompanied children were newly registered as having absconded.

In **Serbia**, 538 unaccompanied children arrived during the reporting period. This is a decrease of almost one half compared to the last quarter of 2019, when 920 arrivals were reported. According to the statistics provided by the Asylum Office to UNHCR, 120 children who expressed their intention to seek asylum in Serbia were registered and issued a certificate of registration of foreigners. This included 26 unaccompanied children (all boys), predominantly from Afghanistan (15).

Reception conditions

Greek and international child protection organisations jointly addressed EU institutions and Greek authorities, expressing deep concern about the situation of families with children and unaccompanied children who arrived in **Greece** after 1 March 2020 and were placed in inadequate facilities that do not ensure their protection. The NGOs also appealed to EU Member States to proceed with their relocation efforts.

In **Cyprus**, 70 out of the 234 unaccompanied children present in the country were accommodated in the overcrowded Pournara camp, where their separation from unrelated adults could not be properly ensured, UNHCR reported. The services in the camp were significantly reduced and medical care was very limited. The remaining unaccompanied children were placed in overpopulated shelters lacking sufficient bed capacity. Two of those shelters were within the same buildings as old people's homes, without any structural separation.

Unaccompanied children who were not allowed to submit an asylum application due to the suspension of the procedures for public health reasons were not given access to state reception facilities. In the absence of governmental support, they were accommodated by CARITAS.

In the **Netherlands**, the Dutch daily newspaper 'NRC' **reported** that more than 2,556 unaccompanied children have disappeared from the reception centres and special shelters in the Netherlands over the past 10 years. The Central Agency for the Reception of Asylum Seekers states in **the newspaper** that some of them will have travelled on to find family in the Netherlands and elsewhere in Europe, but that a proportion will have ended up in the hands of human traffickers or forced into prostitution.

Safeguards and specific support measures

In **Italy**, the NGOs Intersos, Save the Children, We World, UNHCR and UNICEF released a **practical guide** on the legislative framework for the protection of unaccompanied children. The guide is an updated toolbox for professionals who offer legal support to unaccompanied children in Italy.

In **Italy**, the ISMU Foundation and the "Albero della Vita" Foundation presented the results of the research conducted in the framework of the SWIM – **Safe Women in Migration project**. The research involves the staff of reception centres located in five Member States (France, Italy, Romania, Sweden and the United Kingdom) and aims to investigate the phenomenon of gender-based violence suffered by women living in the centres. The research shows that most of the women hosted in these reception centres suffered multiple types of violence in the country of origin or during their journey, and that they found it very difficult to report them. The research also stresses the overall lack of specific training for staff members who deal with women who have had these kinds of traumatic experiences.

In **Cyprus**, the social workers acting as guardians were assigned with tasks that went beyond their guardianship duties, UNHCR reported. During the reporting period, there was one guardian for twenty or thirty children. To address the issue, the Social Welfare Services were planning to increase the number of guardians by recruiting 60 social workers.

FRA activity

FRA has published a new report on *Relocating unaccompanied children: applying good practices to future schemes*.

The report looks at three types of relocation schemes used so far, and outlines lessons learned from these. It presents promising practices and practical guidelines on how to ensure that a child is protected through the different steps of the procedure. This includes appointment of a guardian, best interests determination, and the provision of information.

*The report is available on **FRA's website**.*

In **Cyprus**, access to education was challenging for unaccompanied children, UNHCR reported. Due to language barriers, they could only attend special reception classes. Integration into mainstream classes is possible only when their Greek language skills are sufficiently developed. Activities offered in shelters before the outbreak of COVID-19 were mainly recreational, and did not include language courses or vocational training. The activities were selected based on the availability of teachers rather than on the children's needs.

In **Austria**, **UNHCR, IOM and UNICEF** demanded that unaccompanied children have guardians at their side immediately after their arrival in Austria to ensure that the children's best interests are taken into account in all measures and decisions.

In **Spain**, according to the **media**, the requirements for children who turn 18 to renew their residence permits have been tightened. They are now asked to prove the availability of financial means (€ 540 per month). This approach follows a recent **Supreme Court** judgment that provides a new interpretation of the Aliens Law; specifically, it held that the financial means required for renewals of "non-profit residence permits" cannot come from public benefits. **Save the children** condemns this approach, stressing that these requirements will push young adults into irregular situations, increasing social and labour exclusion.

In **Spain**, the Secretary of State for Migration issued an **instruction** providing that foreign children between 16 and 18 who hold a residence permit are allowed to work, and do not need to obtain authorisation to do so. According to the **media**, the measure will facilitate children's integration into the labour market.

In **Sweden**, the UN Convention on the Rights of the Child was incorporated into **Swedish law**.

Immigration detention

Detention capacity

In **Greece**, 4,638 persons were held in immigration detention at the end of March; of these, 3,227 were asylum seekers, according to the Hellenic Police. The majority of the detainees originate from Pakistan, Bangladesh and Afghanistan.

In **Italy**, according to the **Authority for the Protection of People who are Detained or Deprived of their Personal Freedom**, 344 people were in immigration detention and return centres as of 31 March (425 as of 12 March). The authority stressed that, following the COVID-19 outbreak, a number of detainees were released.

In **Malta**, immigration detention is still on the rise. UNHCR reports that 1,700 people were detained in closed facilities during the reporting period. According to the **media**, another centre for migrant detention was re-opened, and 500 individuals were kept there. **The Office of the Commissioner for Children** reported, as a key fundamental rights concern, the detention of children together with adults in closed facilities pending their age assessment by Maltese authorities.

In **Cyprus**, according to the Ministry of Justice, over 120 persons were detained in the Menoyia detention centre and in police stations awaiting removal.

In **Hungary**, 84 people were placed in pre-removal detention during the reporting period, a slight decrease compared to the previous period, according to the data of the National Directorate-General for Aliens Policing and the National Headquarters of the Police. In the same period, according to the same sources, asylum detention (in facilities other than the transit zones) was applied to ten Dublin transferees. At the end of March, seven asylum applicants were detained at the Nyírbátor asylum detention facility, according to the National Directorate-General for Aliens Policing.

A total of 1,298 people were detained in immigration detention in **Belgium** in January and February, according to the data of the Immigration Office.

Detention conditions

Most of the migrants and refugees who entered **Greece** through Evros in March were held in poor conditions in police facilities and pre-removal centres. No vulnerability screening was carried out to identify their specific needs.

On the Greek islands, persons who arrived in March 2020 were held in informal facilities until their transfer to two new closed centres on the mainland (Malakassa and Serres). Facilities on the islands have included a **navy vessel**, temporary buildings, but also open spaces near ports. There was no systematic provision of food in these locations, most of the facilities did not have running water, and access to toilets was limited.

The European Committee on the Prevention of Torture (CPT) visited a number of facilities in Evros and in Samos from 13-17 March 2020 and expressed concerns in a **news item** released after their visit.

Police Trade Unions described the hygiene measures in the centre of Malakassa as **non-existent** and the detention conditions in Serres as **completely inappropriate**. **Human Rights Watch** reported that, in Malakassa, access to water, electricity, hygiene products, clothing, and blankets was severely limited.

Meanwhile, **121 non-governmental organizations** stressed that, as a result of the temporary suspension of asylum, many people – including children – were detained in conditions that did not ensure the minimum standards of hygiene or protection, deprived of the right to apply for asylum.

In **Italy**, living conditions in some detention and return centres remain precarious and some revolts occurred. According to the **NGO “Borderline Sicilia”**, a protest started in the centre of Caltanissetta after the death of a Tunisian detainee, who was not adequately assisted despite been sick for a few days. According to **media**, a second protest in the same centre followed attempts to forcibly return some detainees who had not been informed in advance about their return.

In the centre in Turin, 11 police officers and two members of the army were injured following a riot, **media** reported. According to the **media**, the activists of the “LasciateCIEntrare” campaign and the Association for Juridical Studies on Migration (ASGI) publicly denounced the inadequate living conditions at the detention and return centres of Macomer (Sardinia).

Following the death of a Georgian migrant detained in the Centre of Gradisca d’Isonzo, the **Authority for the Protection of People who are Detained or Deprived of their Personal Freedom** visited the facility. The authority collected information on the causes of the death as well as on living conditions in the centre, and requested information on the state of the formal investigation from the public prosecutor. According to the **media**, the Association “*No CPR e no frontiere*” claimed that the victim died because was beaten by police officers who intervened in a fight between the victim and his cellmate.

In **Cyprus**, the NGO **KISA** raised concerns over the protection of public health in overpopulated detention centres. According to the NGO, third-country nationals under return procedures are still being detained in inhuman conditions, even though all return procedures have been suspended since the outbreak of COVID-19.

In **Malta**, according to the former **UNHCR Special Representative Kahin Ismail**, 1,400 asylum seekers have to stay in detention centres even though this is not a measure of last resort.

In **Croatia**, the Jesuit Refugee Service reported that they are, like most organisations, no longer allowed to access the Jezevo detention centre, or the Trilj and Tovarnik transit centres, for monitoring purposes.

In **Poland**, according to the NGO **Association for Legal Intervention**, unlawful detention of migrants remains a persisting concern. In January 2020, the European Court of Human Rights communicated the case **A.A. vs. Poland (No. 47888/19)**. The case concerns an asylum-seeking woman who had been a victim of sexual violence and who was detained for several months, even though **Polish law prohibits the** detention of victims of violence (specifically, victims of torture in the country of origin, as well as of physical and psychological violence). The applicant alleges that her detention violated Article 5 (1) (f) and Article 5 (4) of the ECHR.

In **Poland**, in March 2020, the Helsinki Foundation for Human Rights **indicated** that a national of the Democratic Republic of Congo, identified as a victim of violence by border guards, was unlawfully detained. Although the law does not allow the detention of such persons, he was detained and released only after filing a legal complaint against the detention decision. The District Court in the city of Radom granted him compensation for the unlawful detention.

In **France**, the **Public Defender of Rights expressed serious concerns** – in a report published following his visit to Mayotte in October 2019 – about the continued and widespread practice of placing children, including unaccompanied children, in pre-removal detention.

In the **Netherlands**, the Custodial Institutions Agency (*Dienst Justitiële Inrichtingen*) reported in its **January 2020 overview of violent incidents** that four staff members of the Detention Centre Rotterdam had been suspended because they were suspected of having used disproportionate violence against a detainee. The Detention Centre Rotterdam, besides the Closed Family Facility at Zeist, is the only pre-removal detention facility. The National Ombudsman published **a report** about this detention centre, expressing concern about the lack of privacy and the frequent and prolonged placement in isolation as punishment.

In **North Macedonia**, according to a **report of the Macedonian Young Lawyers Association** about the situation in 2019, conditions in the Reception Centre for Foreigners “Gazi Baba” do not comply with national and international standards. The centre also accommodates vulnerable migrants for up to four days, including children, women, mothers with children, and at least one pregnant woman, without having appropriate personnel to respond to their specific needs. Migrants are denied their right to daily walks outside, are not sufficiently informed about the reasons of their detention, and their mobile phones are confiscated. Only one NGO, the Jesuit Refugee Service, has access to the centre to provide legal advice, subject to written approval of the Ministry of Interior.

Detention of children

In **France**, the lack of adequate care for migrant and asylum-seeking children and the widespread use of immigration detention, including for children, remained problematic issues, the Public Defender of Rights and the **NGO La Cimade** reported.

In **Malta**, children have to wait in detention centres together with adults upon their arrival, until they complete the age-assessment process. Lack of reception capacities and child-friendly facilities raised **concerns** in light of child protection standards.

In **North Macedonia**, according to the **Macedonian Young Lawyers Association**, some children were accommodated at the Reception Centre for Foreigners, a facility for immigration detention, to secure their presence as witnesses in criminal procedures. The report refers to 2019. However, the Macedonian Young Lawyers Association confirmed that the practice continues in 2020.

Return

Figures and trends

According to the [Frontex Risk Analysis for 2020](#), around 300,000 return decisions were issued in 2019, a 5 % increase compared with 2018. By contrast, 138,860 effective returns were registered for 2019, a decrease of 6 % compared with 2018. **Greece, Spain and Poland** are issuing the most return decisions.

The police in **Greece** carried out 1,183 removals between 1 January and 31 March, including 138 readmissions in the framework of the EU-Turkey Statement. The majority of the returnees originated from Albania and Pakistan.

Authorities in **Hungary** carried out 65 removals to third countries, as well as 637 intra-EU readmissions in application of readmission agreements, during the reporting period (up until 25 March), according to the data of the National Headquarters of the Police. These figures represent a slight increase compared to the previous period. Pending removal, returnees are kept in either of the two transit zones or in pre-removal detention centres at the Budapest International Airport and in Nyírbátor.

In 2019, **France** returned 23,746 migrants in an irregular situation who were subject to a return decision, according to the statistics published by [the Ministry of the Interior](#). This represents a 19 % increase compared to 2018.

In **Belgium**, 496 irregularly staying third-country nationals departed voluntarily in January and February, and authorities removed 1,213 migrants in an irregular situation during that period, the Immigration Office reported.

In **Sweden**, the Swedish Migration Agency reports that 1,317 persons returned voluntarily between January and 19 March, and that 803 persons were removed by force during the same period. The top three nationalities of persons who were forcefully removed were Afghani, Albanian and Ukrainian.

In **Sweden**, the Migration Studies Delegation published a [report](#) investigating the large discrepancies between goals and outcomes in the policy area of returns. The report highlights inconsistencies in the area of returns. For example, all asylum applicants who have been denied asylum receive return decisions. However, those who have found work can apply to stay in Sweden.

Denmark returned some 110 irregularly staying third-country nationals between 1 January and 23 March 2020, according to the police.

Fundamental rights concerns related to return

In **Greece**, following the emergency measures adopted by the government, the judicial authorities in Orestiada (Evros region) and in Kos convicted approximately 56 persons for irregular entry. The criminal procedures affected men, women and unaccompanied children, and led to the separation of families. Some of the men received prison sentences of four years and fines up to € 10,000, and were sent to prison. Their wives received suspended prison sentences of three years and fines up to € 5,000, and were placed in the Reception and Identification Centre of Fylakio in the Evros region.

In **Italy**, the Ordinary Court of Florence issued a [decision](#) on the suspension of the return procedure of an asylum applicant from Senegal. Italian authorities had rejected his application – based on homosexual orientation – because Senegal was included on the list of safe third countries of origin. The Court of Florence, based

on the National Commission for the Right of Asylum's report on Senegal, stated that Senegal cannot be considered a safe country for the LGBTQI+ population and suspended the return decision.

The Ministry of the Interior of **Italy** and the Ministry of Security of the Ivory Coast signed a **Declaration of Intent**. It aims to foster cooperation on migration and security through reinforced collaboration on return operations, integration projects and training activities for Ivorian citizens living in Italy, and cooperation activities to improve the exchange of information to counter terrorism and criminal organisations.

In **Hungary**, authorities returned to the practice of not providing food to rejected asylum applicants who are detained in the transit zones pending their removal. In an **interim measure adopted under Rule 39** of the Rules of the Court, the European Court of Human Rights (ECtHR) obliged the authorities to give food to an Afghani man after seven days of starvation, the **Hungarian Helsinki Committee**, acting as his legal counsel, reported. Since August 2018, this has been the eighteenth case where the ECtHR has had to intervene to end the practice of denying food in the Hungarian transit zones. These people are often kept in the transit zones for a long period, given that their removal is in many cases impeded by practical or legal reasons (e.g. due to lack of identification or the prohibition of *refoulement*).

In **Spain**, according to the **Spanish Commission for Refugees**, around one hundred people, mostly Mali nationals, were returned to Mauritania in application of a readmission agreement signed in 2003. According to **media**, the Minister of the Interior declared that the returns complied with national and international law. However, the Spanish Commission for Refugees and the Jesuit Migrant Service condemned the practice, noting that, once they arrive in Mauritania, many Mali nationals are returned to their country of origin, where their lives are at risk due to the armed conflict in the country.

In **France**, the **Public Defender of Rights released a report** on the situation on Mayotte, following a visit carried out in October 2019. According to the report, the number of removals from the island, targeting also children, increased. The removals have often been carried out in a very speedy manner, without providing returnees access to legal aid and medical assistance.

In **Sweden**, the Migration Agency endorsed a **new legal position** on the situation in Syria, stating that parts of Syria are safe. This means that individual reasons for the need of protection become more important for asylum applicants from Syria. The Swedish Refugee Law Centre is concerned that Sweden will force people to return to Syria and that asylum applicants from Syria will not receive international protection.

Return of children

In **Spain**, the **media** reported that the Court of Melilla ordered the return to Morocco of two children and their mothers. The two children were initially identified as unaccompanied children and were accommodated in the La Purissima reception centre. However, following a visit by the mothers to the reception centre, the police also found the two mothers and detained them. After convicting them of child abandonment, the judge ordered the return of the two mothers and their children to Morocco.

In **Germany**, according to the Federal Association for Unaccompanied Minors, forced returns of children with and without family members continued until mid-March, especially to the West-Balkan region. According to the association, the best interests of the child are often disregarded, as there is no systematic follow-up care in the country of arrival.

Hate speech and violent crime

In **Germany**, on 19 February 2020, an alleged racist killed nine migrants in Shisha-Bars and on the streets in the city of Hanau, according to **media reports**. The **German Institute for Human Rights** called on the federal and state governments to take rapid action to enable security authorities to adequately assess the threat of racist and extreme right-wing violence.

In **Greece**, the **Racist Violence Recording Network expressed serious concern about** xenophobic and racist incidents by groups of local residents against refugees and migrants, attacks against staff of international and civil society organisations, as well as attacks on journalists covering the refugee crisis. The incidents included physical assaults of humanitarian workers, arson in facilities used for shelter or services for refugees, and blocking transfers or disembarkations of new arrivals. The Racist Violence Recording Network also highlighted the link between the rise in xenophobic incidents and the targeting of refugees and migrants in public discourse by political leaders and media. **UNHCR** appealed for calm and restraint after a series of deplorable and intimidating acts on the Aegean islands.

In addition, according to **media reports**, private individuals were involved in patrolling activities, tracking down and apprehending migrants. Far-right groups from Germany and Austria have also **reportedly** travelled to Lesbos and Evros to protect the borders. Media **reported** that the Public Prosecutor of the Supreme Court instructed local prosecutors to investigate reports of attacks against migrants and journalists.

In **Austria**, according to the Antidiscrimination Office in Styria (Anti-Diskriminierungsstelle Steiermark, ADS), an increase in social media posts blaming especially refugees for the spread of the Coronavirus in Austria has been reported on their app "**Ban Hate**", which allows reporting of hate speech online. According to the Antidiscrimination Office, as the COVID-19 crisis began in February 2020, hate speech was first directed towards persons presumed to be of Asian origin, and then towards Italians; and is currently directed at refugees.

In **Italy**, the Court of Appeal of Milan issued a **decision** confirming that referring to asylum seekers with the term "clandestine" represents discrimination on grounds of racial and ethnic origin. The Ordinary Court of Rome issued a **decision** clarifying that hate speech is not covered by freedom of expression. According to the court, Facebook's decision to close the Facebook page of the Italian far-right political organisation "Forza Nuova" was legitimate since the posts published by the organisation convey racial discrimination and hate speech, in violation of Facebook's code of conduct and policy.

In **Italy**, the Italian Government approved a **Draft Law** proposed by the Ministry of Foreign Affairs and International Cooperation on the ratification and implementation of the Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems, signed in Strasbourg on 28 January 2003.

In **Hungary**, when **public television reported** on hundreds of migrants walking to the border-crossing point in Kelebia at the southern border and peacefully sitting there, the reporter and the legal expert in the studio claimed refugees would do whatever it takes to get into Hungary. The expert even **said** that he considers it lawful to use weapons against these people to protect the borders at all costs.

In **Spain**, according a **report** of the Andalusian Permanent Migration Observatory, the Andalusian population has an increasingly negative perception of migration. The report argues that this is influenced by the political discourse, leading to increased hate speech, especially on social media.

In **France**, the COVID-19 pandemic led to racist and xenophobic incidents. For instance, a girl of Vietnamese origin was insulted and punched when returning from school, and a young man of Chinese origin was beaten up after leaving a nightclub, the Public Defender of Rights and **the media** reported.

In **Belgium**, the Interfederal Centre for Equal Opportunities – the national human rights institute – received 53 reports on incidents of discrimination, harassment or hate speech between 1 February and 17 March in connection with the Covid-19 outbreak. Out of these, 15 incidents were based on nationality, skin colour, and national or ethnic origin, the same institution reported.

In **Sweden**, the leader of the nationalist political party the Sweden Democrats visited a refugee camp in Turkey, where he handed out leaflets with the message that **Sweden is “full”** and has no capacity to receive more refugees. The leaflet was signed with “The Swedish people and Sverigedemokraterna”. Over 100 **complaints** were submitted to the Parliamentary Ombudsmen regarding the behaviour of this Member of Parliament in general and his flyers signed with “the Swedish people” in particular.

In **Serbia**, several protests against migrants have been organised since the beginning of the year. These include one on **8 March in Belgrade** by extreme right-wing organisations with banners containing anti-migrant rhetoric, such as “Terrorists not welcome” and “You will not replace us”. They followed self-identified **“people’s patrols”**, which appeared in Belgrade at the end of February, warning persons who they recognised as migrants not to attack Serbian women and that they would react should any incidents occur. They also distributed leaflets to migrants with instructions not to walk on the streets between 10 pm and 6 am. The **Ministry of the Interior stated** that they informed the Prosecutor’s Office of this incident.

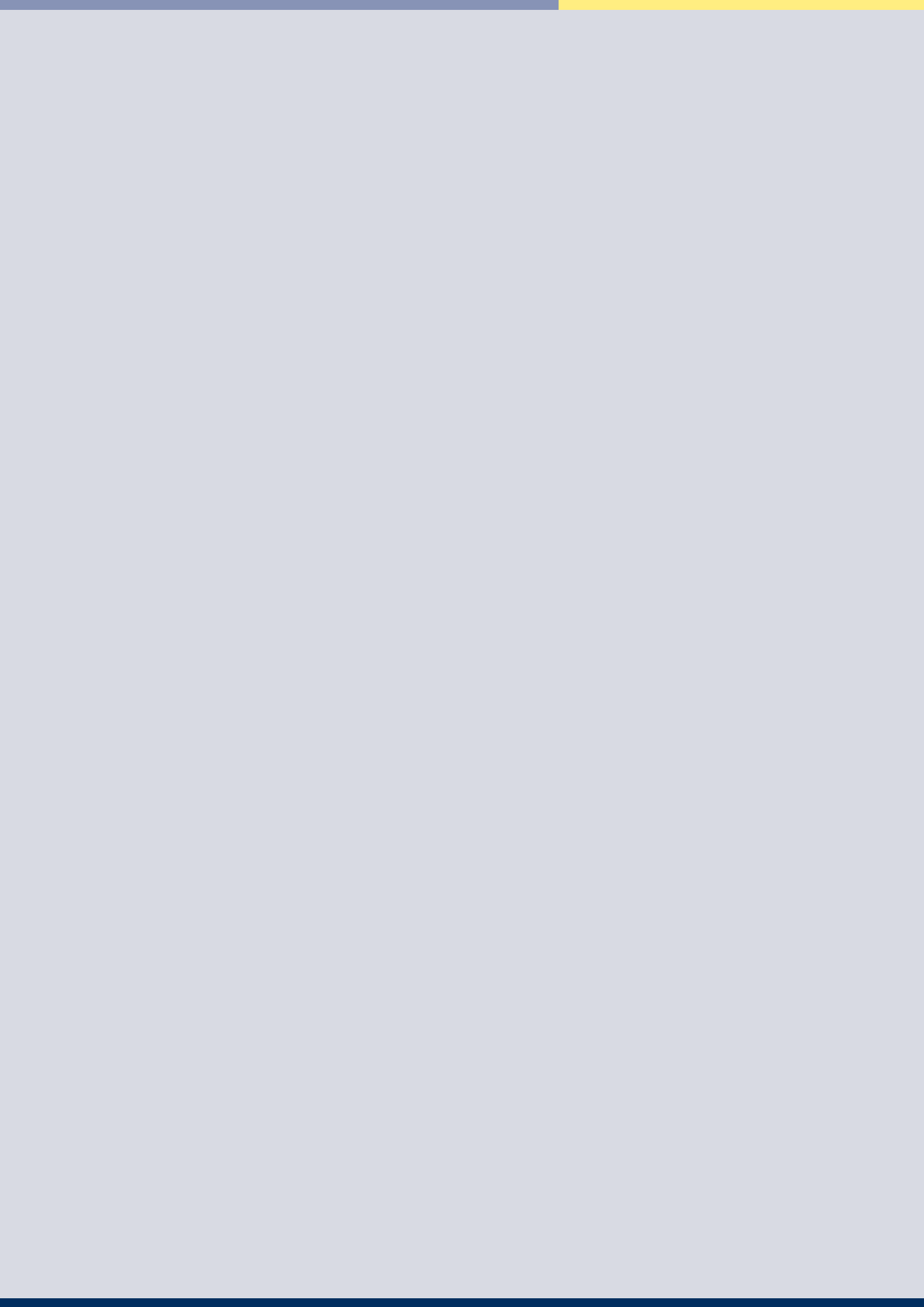
COUNTRY	STAKEHOLDERS INTERVIEWED
The first part of this report on measures related to the COVID-19 pandemic benefited from input by UNHCR HQ.	
AUSTRIA	<ul style="list-style-type: none"> → Federal Ministry of the Interior, Department V/9/a (<i>Bundesministerium für Inneres, Abteilung V/9/a Grundversorgung und Bundesbetreuung</i>); → Federal Ministry of the Interior, Department V/8 (<i>Bundesministerium für Inneres, Abteilung V/8 Asyl und Fremdenwesen</i>); → Federal Ministry of the Interior, Criminal Intelligence Service, Competence Centre for Missing Children (<i>Bundesministerium für Inneres, Bundeskriminalamt, Kompetenzzentrum für Abgängige Personen</i>); → Federal Agency for State Protection and Counter Terrorism (<i>Bundesamt für Verfassungsschutz und Terrorismusbekämpfung, BVT</i>); → Austrian 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>); → FEDASIL – Federal Agency for the Reception of Asylum Seekers (<i>Federaal agentschap voor de opvang van asielzoekers/Agence fédérale pour l'accueil des demandeurs d'asile</i>); → Ministry of Justice (unaccompanied refugee children unit); → Interfederal Centre for Equal Opportunities (Unia) (<i>Interfederaal Gelijkekansencentrum/Centre interfédérale de lutte contre les discriminations</i>); → UNICEF Belgium; → <i>Vluchtelingenwerk Vlaanderen</i> NGO.
BULGARIA	<ul style="list-style-type: none"> → State Agency for Refugees (SAR) (<i>Държавна агенция за бежанците, ДАБ</i>); → Ministry of the Interior, Directorate General Border Police (<i>Mol – DGBP</i>) (<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>); → Ministry of the Interior, Directorate General National Police (<i>Mol – DGNP</i>) (<i>Министерство на вътрешните работи, Главна дирекция „Национална полиция“, МВР – ГДНП</i>); → UNHCR Bulgaria (based on weekly updates and other reports); → 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>).
CROATIA	<ul style="list-style-type: none"> → Centre for Peace Studies (<i>Centar za mirovne studije</i>); → Croatian Law Centre (<i>Hrvatski pravni centar</i>); → Croatian Red Cross (<i>Hrvatski Crveni Križ</i>); → Jesuit Refugee Service (<i>Isusovačka služba za izbjeglice</i>); → Ministry of Demography, Family, Youth and Social Policy (<i>Ministarstvo demografije, obitelji, mladih i socijalne politike</i>); → Ombudsperson's Office (<i>Ured pučke pravobraniteljice</i>); → Ombudswoman for Children (<i>Pravobraniteljica za djecu</i>); → Rehabilitation Centre for Stress and Trauma (<i>Rehabilitacijski centar za stres i trauma</i>); → Welcome Initiative (<i>Inicijativa Dobrodošli</i>).

COUNTRY	STAKEHOLDERS INTERVIEWED
CYPRUS	<ul style="list-style-type: none"> → Asylum Service (Υπηρεσία Ασύλου), Ministry of the Interior (Υπουργείο Εσωτερικών); → Ministry of Justice and Public Order (Υπουργείο Δικαιοσύνης και Δημόσιας Τάξης); → UNHCR Representation in Cyprus (Αντιπροσωπεία της Ύπατης Αρμοστείας του ΟΗΕ για τους πρόσφυγες στην Κύπρο); → Cyprus Refugee Council (Κυπριακό Συμβούλιο για τους Προσφυγες) (NGO acting as implementing partner of UNHCR, offering legal, social and other assistance to asylum applicants and refugees); → Kofinou We Care, platform of volunteers servicing the only reception centre for asylum seekers and refugees in Cyprus; → Legal expert of the University of Cyprus (Πανεπιστήμιο Κύπρου) advising the Ministry of Justice and Public Order (Υπουργείο Δικαιοσύνης και Δημόσιας Τάξης) on human rights; → KISA (Κίνηση για Ισότητα, Στήριξη και Αντιρατσισμό- ΚΙΣΑ) national NGO offering support to migrants and refugees; → Migration Office (Γραφείο Μεταναστών) of the Pancyprian Federation of Labour PEO (Παγκύπρια Εργατική Ομοσπονδία); → Caritas Cyprus; → Cyprus Stop Trafficking.
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>); → Danish Refugee Council (<i>Dansk Flygtningehjælp</i>); → Danish Red Cross (<i>Dansk Røde Kors</i>); → National Prevention Centre, Danish National Police which is below the Ministry of Justice (<i>Nationalt Forebyggelsescenter (NFC), Rigspolitiet under Justitsministeriet</i>); → Amnesty International Denmark.
FRANCE	<ul style="list-style-type: none"> → Ministry of the Interior (<i>Ministère de l'Intérieur</i>); → Maritime Prefecture of the Channel and the North Sea (<i>Préfecture Maritime de la Manche et de la Mer du Nord</i>); → Public Defender of Rights (<i>Le Défenseur des droits – DDD</i>), General Authority and Department for the Protection of the Rights of the Child; → Controller General of Places of Deprivation of Liberty (<i>Contrôleur général des lieux de privation de liberté – CGLPL</i>); → National 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>); → Doctors of the World (<i>Médecins du Monde</i>); → Service centre for migrants in Calais (<i>Plateforme de service aux migrants à Calais</i>).

COUNTRY	STAKEHOLDERS INTERVIEWED
GERMANY	<ul style="list-style-type: none"> → Jesuit Refugee Service (<i>Jesuitenflüchtlingsdienst – JRS</i>); → Federal Association for Unaccompanied Minors (<i>Bundesverband unbegleitete minderjährige Flüchtlinge – BumF</i>); → United Nations High Commissioner for Refugees Berlin (UNHCR); → Migration Commission of the Catholic German Bishops Conference - DBK's Migration Commission (<i>Migrationskommission der Deutschen Bischofskonferenz</i>); → Federal Working Group of Psycho-Social Support Centres for Refugees and Victims of Torture (<i>Bundesweite Arbeitsgemeinschaft der psychosozialen Zentren für Flüchtlinge und Folteropfer – BAfF</i>); → German Red Cross (<i>Deutsches Rotes Kreuz</i>); → Federal Workers' Welfare Association (<i>Bundesverband der Arbeiterwohlfahrt AWO</i>); → Berlin Refugee Council (<i>Flüchtlingsrat Berlin e.V.</i>).
GREECE	<ul style="list-style-type: none"> → Hellenic Police Headquarters - Migration Management Division (<i>Αρχηγείο Ελληνικής Αστυνομίας-Τμήμα Διαχείρισης Μετανάστευσης</i>); → Greek Asylum Service (<i>Ελληνική Υπηρεσία Ασύλου</i>); → National Commission for Human Rights (<i>Εθνική Επιτροπή Δικαιωμάτων του Ανθρώπου</i>); → United Nations High Commissioner for Refugees (UNHCR) Greece (<i>Υπατη Αρμοστεία του ΟΗΕ για τους Πρόσφυγες</i>); → Racist Violence Recording Network (<i>Δίκτυο Καταγραφής Περιστατικών Ρατσιστικής Βίας</i>); → National Centre for Social Solidarity (<i>Εθνικό Κέντρο Κοινωνικής Αλληλεγγύης</i>); → Greek Council for Refugees (<i>Ελληνικό Συμβούλιο για τους Πρόσφυγες</i>); → Hellenic League for Human Rights (<i>Ελληνική Ένωση για τα Δικαιώματα του Ανθρώπου</i>); → Human Rights 360.
HUNGARY	<ul style="list-style-type: none"> → Ministry of the Interior (<i>Belügyminisztérium</i>); → Ministry of Human Capacities (<i>Emberi Erőforrások Minisztériuma</i>); → National Headquarters of the Police (<i>Országos Rendőr-főkapitányság</i>); → National Directorate-General for Aliens Policing (<i>Országos Idegenrendészeti Főigazgatóság</i>); → UNHCR Hungary; → Migrant Solidarity Group of Hungary (<i>Migráns Szolidaritás – MigSzol</i>); → Hungarian Association for Migrants (<i>Menedék Migránsokat Segítő Egyesület</i>); → Cordelia Foundation (<i>Cordelia Alapítvány</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 – Directorate General for Immigration and Border Police (<i>Ministero dell’Interno Dipartimento della Pubblica Sicurezza - Direzione Centrale dell’Immigrazione e della Polizia delle Frontiere</i>); → National Commission for the Right of Asylum (<i>Commissione Nazionale per il Diritto d’Asilo</i>) of the Ministry of the Interior; → Authority for the Protection of People who are Detained or Deprived of their Personal Freedom (<i>Garante nazionale per i diritti delle persone detenute o private della libertà personale</i>); → Authority for the Protection of Childhood and Adolescence (<i>Autorità Garante per l’Infanzia e l’Adolescenza</i>); → National Office against Racial Discrimination (<i>Ufficio Nazionale Antidiscriminazioni Razziali, UNAR</i>); → Association for Legal Studies on Immigration (<i>Associazione per gli studi giuridici sull’immigrazione, ASGI</i>); → Italian Refugees Council (<i>Consiglio Italiano per i Rifugiati, CIR</i>); → NGO ‘Doctors for Human Rights’ (<i>Medici per i diritti umani, MEDU</i>); → United Nations High Commissioner for Refugees (UNHCR); → ‘Melting Pot Europa’ project; → ARCI (Italian Recreational and Cultural Association – <i>Associazione Ricreativa e Culturale Italiana</i>); → Observatory for the Security against Discriminations of the Italian Police (<i>Osservatorio per la Sicurezza Contro gli Atti Discriminatori – OSCAD</i>); → Chronicles of Ordinary Racism (<i>Cronache di ordinario razzismo</i>).
MALTA	<ul style="list-style-type: none"> → Ministry for Home Affairs, National Security and Law Enforcement – Hate Crime and Hate Speech Unit; → Office of the Refugee Commissioner; → Office of the Commissioner for Children; → NGO ‘KOPIN’; → NGO ‘African Media Association’.
NETHERLANDS	<ul style="list-style-type: none"> → Dutch Council for Refugees (<i>Vluchtelingenwerk Nederland</i>); → Amnesty International – Netherlands; → Netherlands Institute for Human Rights (<i>College voor de Rechten van de Mens</i>); → Defence for Children the Netherlands; → Ministry for Justice and Security: central information point, providing information on behalf of: Immigration and Naturalisation Service, Aliens Police, Central Agency for the Reception of Asylum Seekers (all members of the so-called ‘Alien Chain’); → Stichting LOS (knowledge centre for people and organisations that support migrants in an irregular situation); → UNICEF the Netherlands ; → NIDOS (independent family guardian organisation, fulfilling the guardianship task for Unaccompanied Minor Asylum Seekers).

COUNTRY	STAKEHOLDERS INTERVIEWED
NORTH MACEDONIA	<ul style="list-style-type: none"> → Ministry of the Interior (<i>Министерство за внатрешни работи</i>); → Ombudsperson (<i>Народен Правобранител</i>); → Macedonian Young Lawyers Association MYLA (<i>Македонско здружение на млади правници МЗМП</i>); → fNGO Legis (<i>НВО фЛегис</i>); → IOM North Macedonia; → UNHCR North Macedonia; → NGO Helsinki Committee of Human Rights of the Republic of Macedonia (<i>НВО Хелсиншки комитет за човекови права на Република Македонија</i>); → NGO EUROTHINK – Center for European Strategies (<i>ЕВРОТИНК – Центар за европски стратегии</i>).
POLAND	<ul style="list-style-type: none"> → Ombudsperson (<i>Rzecznik Praw Obywatelskich – RPO</i>); → Ombudsperson for Children (<i>Rzecznik Praw Dziecka – RPD</i>); → United Nations High Commissioner for Refugees (UNHCR), Office in Poland; → Border Guard, Border Guard Headquarters (<i>Straż Graniczna – SG</i>); → Police, Police Headquarters (<i>Policja</i>); → Head of the Office for Foreigners (<i>Szef Urzędu do spraw Cudzoziemców – UDSC</i>); → Association for Legal Intervention (<i>Stowarzyszenie Interwencji Prawnej – SIP</i>); → Helsinki Foundation for Human Rights (<i>Helsińska Fundacja Praw Człowieka – HFPC</i>); → Human Constanta.
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</i>); → General Directorate for International Protection Programs of the Ministry of Labour Ministry of Labour, Migration and Social Security (<i>Subdirección General de Programas de Protección Internacional del Ministerio de Trabajo Ministerio de Trabajo, Migraciones y Seguridad Social</i>); → Chair of Refugees and Forced Migrants of Comillas ICAI-ICADE, INDITEX (<i>Cátedra de Refugiados y Migrantes Forzados de Comillas ICAI-ICADE, INDITEX</i>).
SERBIA	<ul style="list-style-type: none"> → Asylum Office; → Asylum Commission; → Commissariat for Refugees and Migrations; → Shelter for Foreigners; → INDIGO- Group for Children and Youth; → UNHCR Serbia.
SWEDEN	<ul style="list-style-type: none"> → Swedish Migration Agency, Statistics (<i>Migrationsverket</i>); → Swedish Migration Agency, Returning Department (<i>Migrationsverket</i>); → Swedish Migration Agency, Asylum process (<i>Migrationsverket</i>); → Swedish Migration Agency, regarding Reception conditions (<i>Migrationsverket</i>); → National Board of Health and Welfare (<i>Socialstyrelsen</i>); → Save the Children Sweden (<i>Rädda barnen</i>); → Red Cross Sweden (<i>Röda Korset</i>); → The Swedish Refugee Law Centre (<i>Asylrättscentrum</i>); → The Christian Council of Sweden (<i>Sveriges Kristna råd</i>).





PROMOTING AND PROTECTING YOUR FUNDAMENTAL RIGHTS ACROSS THE EU —

For all of FRA's periodic reports on migration-related fundamental rights concerns, which date back to January 2015, see:

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