

# MIGRATION: KEY FUNDAMENTAL RIGHTS CONCERNS

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QUARTERLY BULLETIN

- 3 Key fundamental rights concerns
- 8 Situation at the border
- 14 Asylum procedure
- 21 Reception
- 26 Child protection
- 30 Immigration detention
- 35 Return
- 38 Hate speech and violent crime
- 40 Annex – Stakeholders contacted for information (September 2021)

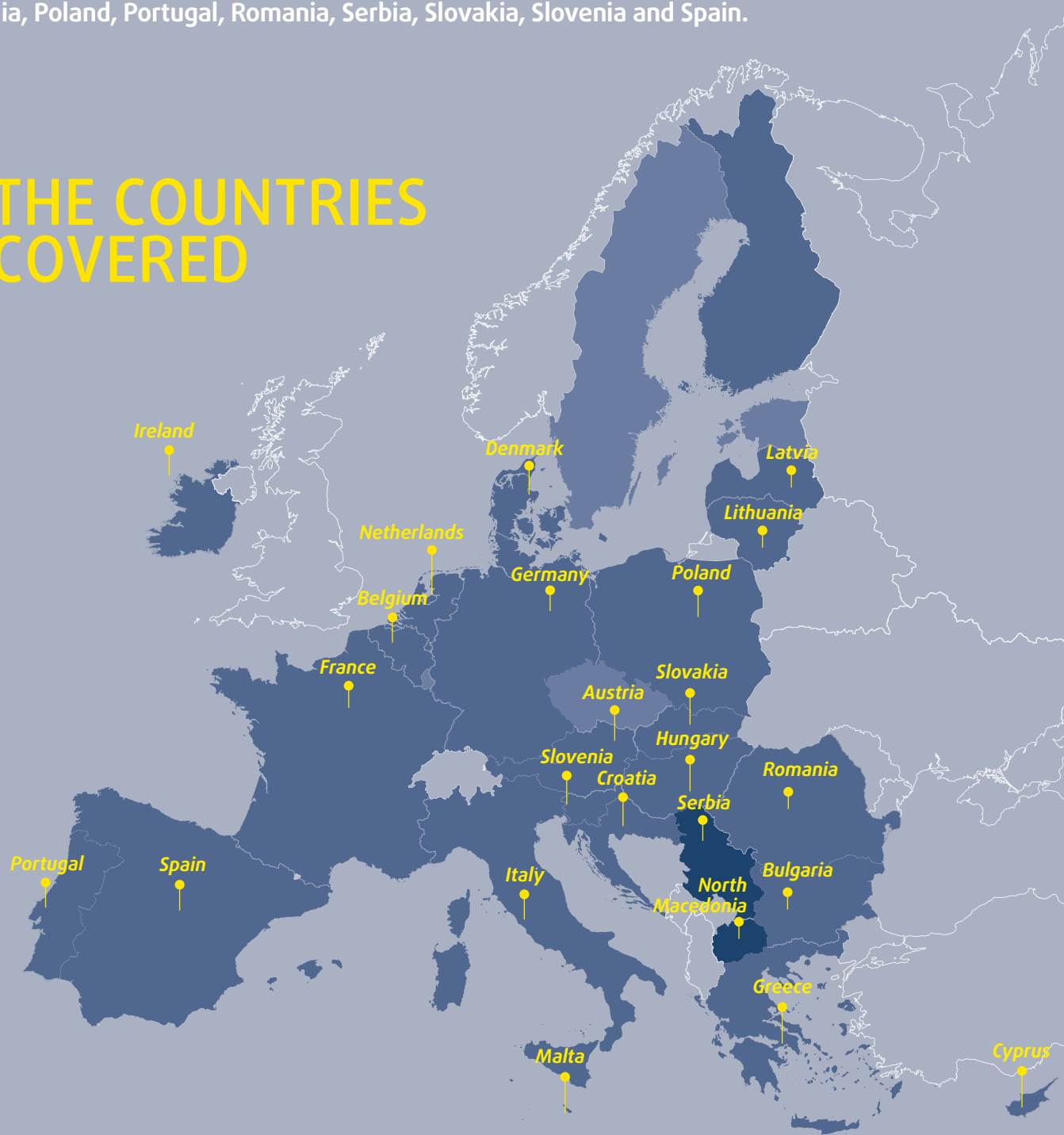


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The European Union Agency for Fundamental Rights (FRA) has been regularly collecting data on asylum and migration since September 2015. This report focuses on the fundamental rights situation of people arriving in Member States and EU candidate countries particularly affected by migration. It addresses fundamental rights concerns between 1 July and 30 September 2021.

The countries covered are Austria, Belgium, Bulgaria, Croatia, Cyprus, Denmark, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, the Netherlands, North Macedonia, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia and Spain.

## THE COUNTRIES COVERED



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

## Key fundamental rights concerns

### Migrants arriving from Belarus

The **Parliamentary Assembly of the Council of Europe** issued a resolution voicing its concern at the unfolding situation of hybrid attacks by the Belarusian authorities resulting in increased migration and asylum pressures at Belarus's borders with Latvia, Lithuania and Poland. The resolution calls on the authorities of Belarus to stop using migrants, refugees and asylum seekers for political purposes and helping non-EU nationals travel to Belarus under false pretences of tourism. It also calls on Latvia, Lithuania and Poland to provide access to asylum procedures to all those seeking international protection, refrain from pushbacks to Belarus and provide necessary safeguards to ensure the human rights of those seeking entry to their territory.

The **Council of Europe Commissioner for Human Rights**, Dunja Mijatović, underlined the importance of a strong and principled response by the European states, to ensure that the human rights of those arriving do not become subordinate to geopolitical considerations.

In August, the ministers for the interior and migration of **Belgium, Czechia, Denmark, Germany, Greece, Cyprus, Lithuania, the Netherlands and Austria** underlined in a **joint letter to the European Commission** that 'efforts at instrumentalising migration take aim at the Union as a whole, our Schengen and common asylum system and migration policy' and called for collective action and specific measures on the part of the EU.

### Poland

The Polish Border Guard reported increased migratory pressure on the Poland-Belarus border, as Belarus facilitates irregular migration to the EU in response to EU sanctions. According to the **Podlasie Border Guard Branch**, 3 500 persons attempted to cross the border in August 2021 alone. Since mid-August, a group of people have been stranded at the Polish-Belarusian border near the village of Usnarz Górny, surrounded by border guards from both countries, as the Helsinki Foundation for Human Rights reported.

Six people died in the reporting period while stranded at the border. The number had gone up to ten by 9 November, according to the **media**. Four of them **reportedly** died of hypothermia and exhaustion. The death of the fifth person occurred as Polish authorities detained a group of Iraqis near the Belarusian border, as **media reported**. Three more bodies of Syrian nationals, including a teenager, were **found** at the border in late September and October. Two more bodies were found in November, **according to media reports**. Human rights groups and **the media** have not been able to access the border with Belarus since early September.

The European Court of Human Rights (ECtHR) indicated **interim measures** in the cases of *R.A. and Others v. Poland* (application no. 42120/21), requesting the authorities to provide the applicants with food, water, clothing, adequate medical care and, if possible, temporary shelter. The case concerns 32 Afghan nationals confined for approximately 7 weeks in a makeshift camp on the border between Belarus and Poland. They claim that they crossed the border before being forcibly pushed back to Belarus by Polish border guards, and that since then they have been stranded, in problematic sanitary and humanitarian conditions, between the Belarusian border guards, on the one hand, and the Polish police, on the

other. The ECtHR **extended this interim measure** and requested the Polish authorities to allow the applicants' lawyers to make necessary contact with them. The ECtHR also indicated that, if the applicants are on Polish territory, they should not be sent to Belarus. Poland did not comply with the measure and **provided the ECtHR with its position** maintaining that, although it understands the humanitarian aspect of the Court's position, it cannot violate the integrity of the neighbouring country where the migrants are situated. Moreover, Poland suggested that the applicants' legal representatives go to the nearest border-crossing point in order 'to cross the Polish–Belarusian border in accordance with the law and, when on the territory of Belarus, go to the camp where the complainants are staying'.

The Polish authorities also took legal measures to prevent unauthorised entry into Polish territory, effectively restricting access to asylum. These include **provisions** allowing for the return of individuals entering Poland in an unauthorised manner, which the Polish Ombudsperson considered **incompatible with** the principle of *non-refoulement*; a **law** introducing the possibility of not examining asylum applications submitted by persons apprehended immediately after their irregular crossing, which according to **the Office for Democratic Institutions and Human Rights**, the United Nations High Commissioner for Refugees (**UNHCR**) and **civil society organisations** can also lead to violations of the *non-refoulement* principle; and the introduction of a state of emergency in parts of the Podlaskie and Lubelskie voivodeships, which includes a ban on staying in certain areas close to the border with Belarus, severely limiting the possibility for journalists and civil society organisations to monitor violations at the borders and provide humanitarian assistance, as the European Council on Refugees and Exiles (**ECRE**) reported.

During her visit to Poland, the EU's Commissioner for Home Affairs raised the importance of the Polish authorities ensuring in a transparent way that any legislation, policy or practice at the Polish–Belarusian border is fully in line with the EU *acquis*, as **media** reported.

## Lithuania

By early October, more than **4 100 migrants** had crossed into the country from Belarus and were being held in temporary facilities, according to the media. Detained persons primarily came from Afghanistan, Cameroon, Congo, Iraq, Sri Lanka and Syria, according to the International Organization for Migration (**IOM**) and **media** reports. One quarter were **children**, and almost one third were women. Between 2 August and 8 September, 80 were admitted and 2 240 were returned to Belarus. In early October, the number of persons trying to enter Lithuania **stabilised** at some 40 a day. On 10 October, all 56 persons who entered were turned back to Belarus.

The government **declared** on 2 July an 'extraordinary situation due to a mass influx of third-country nationals', which peaked at the end of July, according to the State Border Guard Service. According to **changes** to the Aliens Law and border management **policy**, asylum seekers can enter the country only at designated border-crossing points, and will be temporarily held in temporary accommodation until a decision on their application is made. Vulnerabilities are not adequately assessed in practice, according to the **Ombudsman**. **Media** reported the complaint of a Lithuanian non-governmental organisation (NGO) claiming that a migrant family with two daughters was barred from entering Lithuania, casting doubt on the country's commitment to admit migrants on humanitarian grounds. Although the family was eventually allowed to enter Lithuanian territory, pushing them back at first violated their human rights, according to the NGO, which questions the methods used for assessing vulnerability.

The Lithuanian interior ministry replied that families with children can be barred from entering Lithuania, since a family is not automatically vulnerable, but is only vulnerable when its members need immediate humanitarian help.

The ECtHR indicated an **interim measure** in the case of *A.S. and Others v. Lithuania* (application no. 44205/21) on 8 September 2021, halting the expulsion of five Afghan nationals who had repeatedly attempted to enter Lithuania from Belarus with a view to seeking international protection. Media **reported** that the applicants were then able to request asylum in Lithuania.

## Latvia

Due to the increasing number of irregular crossings of the border with Belarus, the government **declared a state of emergency** for four administrative border territories from 11 August 2021 to 10 November 2021, later **extended** to 10 February 2022. National armed forces and the State Police, including members of the Special Forces Unit, have been called to assist the State Border Guard in border surveillance and preventing irregular border crossing. They can use physical force to return persons irregularly entering Belarus without a formal return procedure or giving them the opportunity to apply for asylum. At the end of August, according to **media reports**, information emerged about 80 people, including 4 children under the age of three, and 23 children older than three, stranded at the Latvia–Belarus border. On 18 August, Deutsche Welle published a **video** about Kurdish families from Iraq in no man’s land for a week without shelter or food. The **Latvian Deputy Prime Minister and Minister for Defence** responded that the report ‘is biased, because you fail to say that Belarussian authorities are forcing these people to cross border against their will. Its [sic] a hybrid war strategy executed by Lukashenko regime against EU with the goal to activate public opinion in EU against EU. Be smart.’ Moreover, the **Minister for the Interior** claimed that Latvian border guards provide those crossing irregularly with water, food, medicines, clothing and medical care. As of 20 August, **media** reported that the NGO Gribu palīdzēt bēgļiem was allowed to provide the stranded persons with hot meals. When UNHCR staff visited the border a few days later, all migrants had disappeared, according to **Latvian TV Channel 1**.

On 25 August, the ECtHR indicated an interim measure in the case of *Ahmed and Others v. Latvia* (**application no. 42165/21**) concerning 41 Iraqi ethnic Kurds seeking to enter Latvia to request asylum, who were stranded at the border. The court requested that the Latvian authorities provide all applicants with food, water, clothing, adequate medical care and, if possible, temporary shelter. It clarified, at the same time, that this measure should not be understood as requiring that Latvia let the applicants enter its territory. On 1 September, the government **amended the order on the state of emergency**, allowing the State Border Guard to provide food and basic necessities to those stranded between borders. On 15 September, the ECtHR lifted the interim measures, as 11 of the group (6 adults and 5 children) were admitted to Latvia for humanitarian reasons and the others were no longer near the border zone.

## Germany

In **Germany**, the Federal Police detected instances of migrant smuggling through the German–Polish border in **Löcknitz** and other places in **Mecklenburg-Western Pomerania**. Some of the migrants had come to Poland through Belarus. The **media** reported that in August the Federal Police spoke of a smuggling operation on a scale that has not been seen there in the last 20 years. According to the **media**, the **Ministry of the Interior in Brandenburg counted 400 people who irregularly entered in the first half of September and another 400 in August, mostly Iraqis coming from Belarus via Poland.**

## Summary of other key fundamental rights concerns

In **Greece**, reports of pushbacks including increased use of force and the criminalisation of persons entering the country irregularly continue to be concern. Furthermore, persons whose asylum applications are found inadmissible in Greece, based on its safe third country concept, remain in limbo, as Greece does not examine their applications and Turkey does not readmit them, as reported by UNHCR to FRA. Fewer than 15 % of children in refugee camps attend public schools, and in the reception and identification centres attendance rates are 0.3 %, with only 7 children out of 2 900 attending classes, according to **Save the Children and the Greek Council for Refugees**. For more information, see the sections on **Risk of refoulement and police violence at borders**, **Access to asylum procedures** and **Child protection**.

In **Italy**, the limited capacity and inadequate accommodation conditions of the reception facility at the island of Pantelleria remain a key concern according to the **Association for Legal Studies on Immigration (ASGI)**. For more information, see the section on **Reception conditions**.

In **Malta**, delays in search and rescue operations persisted, as did the ignoring of requests by civil society vessels to coordinate rescue operations and the shifting of this responsibility to Italian state actors, in addition to alleged episodes of violence in pre-removal detention centres. For more information, see the section on **Challenges at sea borders**.

In **Cyprus**, UNHCR informed FRA of pushbacks at sea. Some cases also involved separation of families, as **media** reported. Asylum applicants continue to face practical difficulties and delays in accessing financial, welfare and housing benefits. For more information, see the sections on **Risk of refoulement and police violence at borders** and **Reception conditions**.

In **Hungary**, migrant smuggling remained a persistent concern, and so did escorting all apprehended migrants to the outer side of the fence at the southern border without fingerprinting or registering them as new arrivals or asylum applicants. For more information, see the section on **Risk of refoulement and police violence at borders**.

In **Croatia**, the Office of the Ombudsperson continued to receive complaints about pushbacks at the external borders and the ill-treatment of migrants and refugees by the police. For more information, see the section on **Risk of refoulement and police violence at borders**.

In **Austria**, the NGO **Asylum Coordination Austria** reported further cases of pushbacks at the Austrian border, some of them involving children. For more information, see the section on **Risk of refoulement and police violence at borders**.

In **Slovenia**, pushbacks at borders and difficulties in accessing asylum for those who have crossed the border irregularly, coupled with lengthy asylum procedures, persisted. For more information, see the sections on **Challenges at land borders** and **Access to asylum procedures**.

In **Bulgaria**, the **Ombudsperson** found conditions in the safety zone for unaccompanied children in Voenna Rampa inappropriate, partly due to overcrowding. For more information, see the sections on **Reception conditions** and **Child protection**.

In **Romania**, during January–September 2021, more than 6 100 cases of collective expulsion were reported by **UNHCR Serbia**. For more information, see the section on **Risk of refoulement and police violence at borders**.

In **Portugal**, poor detention conditions and the detention of children remain a key concern. For more information, see the section on **Immigration detention**.

In **Spain**, the **Ombudsman** and the **public prosecutor of the National High Court** found that the repatriation to Morocco of the unaccompanied children who arrived in May 2021 was carried out in violation of Spanish legislation and the United Nations Convention on the Rights of the Child. New allegations of pushbacks to Morocco emerged. For more information, see the section on **Risk of refoulement and police violence at borders**.

In **France**, dangerous sea crossings over the Channel to the United Kingdom continued and increased, and pushback practices also persisted at the French-Italian and French-Spanish internal land borders. For more information, see the section on **Situation at the border**.

In **Belgium**, the large number of asylum cases and stretched reception capacity remained an issue, together with increased use of detention for asylum applicants. For more information, see the sections on **Access to asylum procedures**, **Reception conditions** and **Immigration detention**.

In the **Netherlands**, reception capacity is at its limits, according to the **Dutch Central Agency for the Reception of Asylum Seekers**. Violent protests against the planned arrival of Afghan asylum applicants took place in the emergency reception centre near the village of Harskamp, according to the **media**. For more information, see sections on **Reception** and on **Hate speech and violent crime**.

In **Ireland**, the **press** reported that nationals from Afghanistan, Eritrea, Somalia, Syria, Yemen and other countries have been refused leave to land at a significantly higher rate during 2020 and 2021 than prior to the pandemic. Civil society organisations also expressed concern over the delays in dismantling the 'direct provision' reception system as was promised by the government in February 2021 in the **White Paper to End Direct Provision**. For more information, see the sections on **Changes in law, policy and/or practice** and **Reception conditions**.

In **Serbia**, the recognition rate for asylum seekers remains very low, the Belgrade Centre for Human Rights reported. In addition, there were 81 reported pushbacks to North Macedonia between July and September, according to **UNHCR**. For more information, see the sections on **Asylum procedure** and **Risk of refoulement and police violence at borders**.

In **North Macedonia**, the Department of Internal Control, Criminal Investigation and Professional Standards within the Ministry of the Interior imposed disciplinary measures against a police officer for inappropriate treatment of a migrant child, according to the Macedonian Young Lawyers Association.



## Situation at the border

### Challenges at sea borders

In **Greece**, the Ministry for Migration and Asylum **is launching** an international information campaign. According to the ministry, 'the core message is to make it clear that Greece guards its borders in an organized way and does not allow illegal migration flows'. The campaign is co-financed by the EU Asylum, Migration and Integration Fund.

In **Italy**, 9 945 migrants arrived through the central Mediterranean route in August 2021, according to the NGO **Mediterranea Saving Humans**. The **ASGI** reported that the number of migrants disembarking on the island of Pantelleria is constantly on the rise.

Authorities in **Malta** allegedly did not respond to a call to rescue a group of migrants in distress at sea, including a child with a disability, the media outlet **EUObserver reported**. The NGO SOS Mediterranée vessel *Ocean Viking* rescued 30 people, including 5 women and 15 children. In another rescue operation, the armed forces of Malta rescued 81 people, found in the Maltese search and rescue zone after many hours in distress at sea; 3 were found dead according to **Alarm Phone Malta** and **media sources**.

In **Spain**, according to the **IOM's** Missing Migrants Project, 785 people, including 177 women and 50 children, died or disappeared between the beginning of 2021 and the end of August while heading for the Canaries. August was the deadliest month in terms of documented fatalities, with 379 lives lost, accounting for nearly half of the total number of deaths recorded this year.

In the north of **France**, an increasing number of migrants in an irregular situation continued to attempt to cross the Channel in makeshift boats, according to the **Ministry of the Interior** and the **Maritime Prefecture of the Channel and the North Sea**. According to the UK Home Office statement to the **press**, at least 430 migrants from France disembarked on the British coast within a day in the second half of July. The day after this incident, the French Ministry of the Interior **announced a new phase** of Franco-British collaboration in the fight against irregular migration. The stepped-up measures include the doubling of the number of police and gendarmes along the French coast and the increasing of aerial surveillance. An Eritrean national drowned when his boat sank near Dunkirk (in the north of France), the **press** reported.

According to **media in the Netherlands**, a Dutch ship handed over 170 migrants rescued in international waters to the Libyan Coastguard. The NGO Sea-Watch informed FRA that all 170 persons were returned to Tripoli, where they are at risk of torture and inhuman or degrading treatment.

### Challenges at land borders

In **Hungary**, the police prevented some 11 750 people from crossing the southern border. Besides the complex physical barrier, border surveillance measures include a heavy police presence (at least one police officer every 100 metres along the fence, occasional air support, watchtowers), the use of smart technology along the border fence (e.g. heat and motion sensors, cameras) and loudspeakers informing people approaching the fence that irregular entry into Hungary has been criminalised, the NGO Hungarian Association for Migrants reported. Czechia also offered to send 50 police officers to guard the Hungary-Serbia border, **media reported**.

Also in **Hungary**, during the reporting period authorities placed 398 human smugglers into custody, the police reported. In the first 9 months of 2021, Hungarian authorities arrested more than 800 migrant smugglers, according to **Europol** data.



In **Italy**, the **Melting Pot Europa** project reported that the joint patrolling operation at the Italy–Slovenia border was resumed after its suspension during the COVID-19 emergency. The operation is carried out in the framework of a bilateral agreement between the two countries, signed in 1996, which included a readmission procedure whose implementation was found to be in violation of international, European and national law by the **Ordinary Court of Rome** in January 2021. The agreement between the ministries of the interior of both countries, which is not publicly available, includes the provision of 55 drones.

In **Greece**, the body of a teacher, who had fled from Turkey due to persecution, was found in the Evros border region, as the **Stockholm Centre for Freedom** reported. The cause of death is still unknown.

In **Croatia**, the NGO Centre for Peace Studies reported that a 5-year-old boy **drowned** in the Una River in Bosnia and Herzegovina while his family was trying to cross the Croatian border. The media also reported **two cases** of parent–child separation by Croatian border guards at the external borders, with no information about the whereabouts of the parent(s). The Office of the Ombudsperson participated in the first meeting of the advisory board of the recently established national independent border-monitoring mechanism.

In **Romania**, the European Border and Coast Guard Agency (Frontex) is running a joint operation with the Romanian Border Police aimed at preventing and combating irregular migration at the EU border with Serbia, according to the Romanian Border Police. In a similar vein, the **Romanian Border Police** said that in September Frontex conducted an exercise with Bulgaria and Romania under the Multipurpose Maritime Operation in the Black Sea in 2021.

In **Slovakia**, according to the **Ministry of the Interior**, there was an increase in persons who crossed the border in an unauthorised manner or stayed irregularly in Slovak territory. In the first half of 2021, public authorities recorded 61 cases of unauthorised state border crossing (50 in the first half of 2020) and 630 cases of irregular stay in the territory of Slovakia (431 in the first half of 2020). The three most frequent countries of origin are Afghanistan, Morocco and Ukraine.

With the onset of the COVID-19 pandemic, the situation of migrants and persons seeking protection at the alpine border between **France** and **Italy** further deteriorated, notably in the Italian border town of Ventimiglia, the NGOs Refugee Rights Europe and Progetto 20K found in their **recent report**. Civil society organisations continued to witness a weakening of already stretched support services, resulting in an overall decline in living conditions for refugees and asylum seekers in Ventimiglia. COVID-19-related restrictions also prevented NGOs and solidarity groups from operating in the area and providing essential services and assistance during the global health crisis.

In **Austria**, the **Federal Ministry of the Interior** reported that the border with Hungary has been reinforced to fight human smuggling, using specially equipped helicopters, thermal imaging cameras and drones. According to **media** reports, about 30 Austrian police officers have been deployed in operations against smuggling of migrants at the border, including on Hungarian territory, based on a police cooperation agreement between Austria and Hungary. In Austria, increased checks were carried out especially at the borders in Burgenland, Styria and Tyrol, with the support of the customs service and the Austrian armed forces. X-ray vehicles scanner and drones were used to thoroughly check lorries, containers, goods trains and international coaches. Three smugglers were arrested and 174 smuggled persons or persons who had irregularly entered Austria were apprehended.

In **Spain**, the **press** reported that the Spanish–French border in Irún has become a death trap for many migrants who have drowned attempting to cross the Bidasoa River. In the same vein, the **press** said that the migratory route to the Canary Islands is increasingly lethal for African migrants, with 379 deaths recorded in August this year alone.

# REPORTED ALLEGATIONS OF REFOULEMENT



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

Source: FRA, 2021.

## Risk of *refoulement* and police violence at borders

In **Poland**, UNHCR and the IOM **expressed** their growing concern over reports of pushbacks of people at these borders and the absence of any form of assistance, asylum or basic services. The two agencies requested immediate access to those affected to provide life-saving medical help, food, water and shelter. Pushback allegations were also reported by **Amnesty international** and other NGOs, such as **Grupa Granica**. In some cases, before being allegedly pushed back, the persons had expressed their intention to apply for asylum in Poland, according to **journalists**, while in others they had already applied, as **posted** on **social media** by various NGOs.

In **Lithuania**, **legislative** and **policy** changes establish a practice of collective expulsion at the border. Many human rights bodies, including **UNHCR** and **ECRE**, have criticised the changes for creating a situation conducive to breaching the principle of *non-refoulement*.

In **Latvia**, since the **declaration of the state of emergency**, reports by the **State Border Guard** about persons being deterred on the Latvian–Belarusian border have been published almost on a daily basis, and **according to the Ministry of the Interior** 1 785 persons were prevented from crossing the border illegally between 10 August and 19 October.

In **Greece**, allegations of pushbacks at both land and sea borders persist. The allegations relate to the abandonment of migrants in life rafts at sea or on islets in the Evros River. There are also complaints of increased use of force. Asylum applicants who enter Greece are often convicted of irregular entry by courts, mainly in Orestiada. In Chios, according to the **media**, the police imposed fines of EUR 5 000 each on 25 non-EU nationals arriving by sea without negative COVID-19 tests. The validity of such fines will be judged by the courts.

The UN Special Rapporteur on the human rights of migrants, the Working Group on Arbitrary Detention, the Working Group on Enforced and Involuntary Disappearances, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment brought allegations of pushbacks of migrants from **Cyprus** to Lebanon and Turkey and of the unreasonable use of force involved in some of these operations to the attention of the Cypriot authorities. **They expressed** grave concern regarding allegations of violations of the right to asylum and asked the Cypriot authorities to provide information on the measures taken to address this issue. The alleged incidents have been taking place since March 2020 and concern 550 persons, including 90 children. In their reply, the Cypriot authorities disputed the incidents and **stated**, *inter alia*, that no such allegations had been brought to their attention. According to **media reports**, the EU Home Affairs Commissioner said, during her visit to Cyprus, that she has ‘question marks’ about an agreement with Lebanon to send back migrants aboard boats nearing the Cypriot coastline. She highlighted that EU regulations stipulate that people can seek asylum at the bloc’s sea borders.

During the reporting period, seven instances of pushbacks were reported by UNHCR, while at least eight persons among those pushed back to Lebanon were deported to Syria. Two out of the seven boats were eventually returned to Cyprus by the Lebanese authorities, as they stated that the passengers had departed from Syria and had no links to Lebanon. In another case, only 2 out of the 75 persons on board a boat were permitted to disembark in Cyprus. One of them, a heavily pregnant woman, was separated from her husband and other children, who were sent back to Lebanon, according to **media reports**. Her case was discussed by the Cypriot Parliamentary Committee on Human Rights, as the **media** reported. However, the Minister for the Interior stated in the **media** that asylum seekers do not have the right to family reunification and exceptions will not be made. As reported by the **media**, the NGO KISA mentioned that two persons from the same boat attempted to swim towards the Cypriot shore but a

## 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 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 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 to a neighbouring country without being granted access to the territory and to a fair and efficient asylum procedure.

## Bright spots

UNHCR, the Office of the UN High Commissioner for Human Rights and the European Network of National Human Rights Institutions have shared with the government of **Greece** a set of **10 points** to guide the creation of an independent and effective national border-monitoring mechanism in Greece.

coastguard vessel sped around them to prevent them from reaching the shore. One of them is still missing.

In **Hungary**, the police apprehended 22 997 migrants in an irregular situation during the reporting period (mostly Afghan, Iraqi and Syrian nationals). This is the highest monthly number since 2017. Despite the December 2020 **ruling of the Court of Justice of the EU**, the police continued to escort all apprehended migrants back to the outer side of the fence at the southern border. Authorities do not fingerprint or register these individuals before escorting them back to the border, nor do they record them as new arrivals or asylum applicants in the official statistics. If they wish to ask for asylum, the police direct them to the **designated Hungarian embassies** in Belgrade (Serbia) and in Kyiv (Ukraine) to lodge their statement of intent to apply for asylum; this legal regime has been **extended** until 31 December 2021. As a next step in the ongoing infringement procedures against this legislation, the European Commission **referred Hungary to the Court of Justice of the EU** for unlawfully restricting access to asylum procedure in breach of the asylum procedures directive (**Directive 2013/32/EU**), interpreted in the light of Article 18 (right to asylum) of the Charter of Fundamental Rights of the EU. Under the contested rules, only nine persons submitted asylum applications in the reporting period, according to data provided to FRA by the National Directorate-General for Aliens Policing.

Also in **Hungary**, a rejected Afghan asylum applicant, who had studied in Hungary and whose family had been persecuted by the Taliban after their takeover in Afghanistan, was returned to Serbia in September, because his asylum application was lodged within the country and not at the designated Hungarian embassies, the **Hungarian Helsinki Committee reported**.

In **Croatia**, the monthly report in August of the Border Violence Monitoring Network – an umbrella network of NGOs – contains testimonies some of which reveal alleged dog attacks and sexual violence committed by Croatian police officers. Family separation also allegedly occurs at the borders: mothers and children are often allowed to enter the territory to seek asylum while fathers are pushed back to Bosnia and Herzegovina by Croatian police, the NGO Are You Syrious told FRA.

In **Romania**, **UNHCR** Serbia reported more than 6 100 cases of collective expulsion from Romania to Serbia during the period January–September 2021.

The Border Violence Monitoring Network **collected individual testimonies**, including from those who had allegedly expressed their intention to apply for asylum in **Slovenia** but claimed that they had been summarily removed to neighbouring countries, including **Croatia**, where they often faced violence and further pushbacks, mostly to Bosnia and Herzegovina. According to some of the testimonies, in **Slovenia** they were not provided with an interpreter and could not follow the procedure in an informed manner. The network also provides information on alleged incidents of violence by the **Slovenian** border authorities in certain cases.

In **Austria**, **Asylum Coordination Austria** reported on the investigation of further cases of pushbacks at the Austrian border. **Asylum Coordination Austria** claimed that a child from Somalia applied for asylum with five other persons in Bad Radkersburg, but the police, instead of taking them to an initial reception centre, transferred them to Slovenia. The **media** also reported on this case. **Asylum Coordination Austria** further reported that Push-Back Alarm Austria was currently dealing with about 15 similar cases of suspected pushbacks.

In **Spain**, the **Ombudsman** found that the return to Morocco of unaccompanied children who had remained in Ceuta since May this year was not in line with the requirements of the Spanish legislation and violated the United Nations Convention on the Rights of the Child. The Ombudsman expressed particular concern over the non-compliance with the right of the child to be heard

and the absence of a prior report from the child protection services and the public prosecutor's office. The [press](#) reported that the public prosecutor of the National High Court concluded, in line with the Ombudsman's findings, that the administrative action carried out to return the unaccompanied children was null and void, since it did not follow the established procedure under domestic law. Furthermore, the prosecutor argued that the complaint against the return put forward by an NGO (Red de Inmigración y Ayuda al Refugiado) should be admissible before the administrative courts of Ceuta.

Also in **Spain**, several [NGOs](#) signed a statement addressed to the government delegation in Melilla and to the Ministry of the Interior regarding the situation of 125 asylum seekers on the Rock of Vélez de la Gomera, among them more than 60 women and children. Some of the women were pregnant. The NGOs requested their transfer to a safe place where they could start the appropriate procedures to apply for international protection with all due guarantees. Nevertheless, the [press](#) reported that they were returned to Morocco on the same day, an action characterised by the Ombudsman as a collective expulsion.

Alleged pushbacks continued at the alpine border between **France** and **Italy** as well as at the mountainous border between **France** and **Spain**, which affected children with families and unaccompanied children, several NGOs, including the National Association of Border Assistance for Foreigners and La Cimade, reported. At the French-Spanish border, intensified police checks implemented since the beginning of the year, with the deployment of 1 200 to 1 600 police officers each week, led migrants to take more risks. For instance, a migrant died in early August when trying to enter France by crossing the Bidasoa River which marks the French-Spanish border, the [press reported](#).

Between July and September, 81 pushbacks from **Serbia** to North Macedonia were reported by UNHCR. As shown in [UNHCR's statistical data](#), in July and August, 2 996 cases of collective expulsion from Hungary to Serbia were reported, 1 119 from Romania, 172 from Croatia and 45 from Bosnia and Herzegovina. The NGO Humanitarian Center for Integration and Tolerance collected data on 302 cases of collective expulsion from neighbouring countries to Serbia in relation to 6 364 persons (including 1 558 Afghans and 2 527 Syrians). Many of these operations were allegedly carried out violently and affected vulnerable individuals, including children, some of them unaccompanied, and persons who had clearly expressed their intention to apply for asylum.

In **North Macedonia**, the Macedonian Young Lawyers Association and the Ombudsperson confirmed that the practice of pushbacks at the border with Greece continues. According to the Macedonian Young Lawyers Association, around 4 400 people were pushed back during the reporting period without any individual assessment of their protection needs.

# Asylum procedure

## Figures and trends

According to **Eurostat**, the number of first-time asylum applicants in the EU rose by 115 % in the second quarter of 2021 compared with Q2 2020, and by 9 % compared with Q1 2021. Lithuania (781 % increase), Poland (742 % increase), Bulgaria (701 % increase) and Croatia (579 % increase) recorded the highest rates of increase in first-time asylum seekers in the second quarter of 2021 compared with the same quarter of 2020.

In **Austria**, the number of applications for international protection rose significantly during the reporting period, including from unaccompanied children, according to the **Federal Ministry of the Interior**. For example, 3 135 persons filed applications for international protection in July 2021, an increase of 165 % compared with July 2020 (1 181). In August 2021, 4 758 persons filed applications for international protection in Austria, an increase of 222 % compared with August 2020 (1 477).

In **Germany**, the **Federal Office for Migration and Refugees** reported that it had received 100 278 initial applications by the end of September in 2021. This is 35 % more than in the same period of the previous year.

In the **Netherlands**, a **report** published by the Dutch Council for Refugees shows that in May 2021 there was still a backlog of 3 070 overdue asylum decisions. Interviewed lawyers and asylum applicants indicated mistakes in communication and planning, and highlighted that online interviews should not replace physical hearings and should not be used for complicated cases. In addition, according to the same report, many asylum decisions do not include country-of-origin information and are based on unfounded assumptions.

In **Denmark**, the numbers of asylum applications lodged in July, August and September were 97, 174 and 200 respectively, Syria and Eritrea being (in that order) the main countries of origin. The Danish Immigration Service also reported that a relatively high number of Afghan nationals applied for asylum in September.

In **Serbia**, the asylum recognition rate remains very low. In the reporting period, only six positive asylum decisions were issued, as reported by UNHCR. According to the Belgrade Centre for Human Rights, two positive decisions were issued concerning vulnerable applicants, namely a victim of torture and a victim of sexual and gender-based violence.

## Access to asylum procedures

In **Greece**, the implementation of the ministerial decision designating Turkey as a safe third country for asylum seekers from Afghanistan, Bangladesh, Pakistan, Somalia and Syria is expected to affect most asylum applicants in the country, as UNHCR mentioned to FRA. As readmissions to Turkey do not take place, persons whose applications are found inadmissible based on the safe third country concept remain in limbo with no access to protection or rights and are at risk of detention, UNHCR reported to FRA. UNHCR issued its **Position and recommendations on the safe third country declaration by Greece** calling for clarification of the methodology and analysis resulting in this safe third country declaration, reconsideration of the extensive use of admissibility procedures, due consideration of protection and procedural safeguards in the implementation of the safe third country concept and swift access to asylum procedures based on the merits of the case whenever an individual cannot be readmitted. The Greek Council for Refugees and Refugee Support Aegean filed **judicial review applications** before the Greek Council of State for the annulment of the Joint Ministerial Decision of the Minister for Migration and Asylum and the Deputy Minister for Foreign Affairs of 7 June 2021.



## Bright spots

In Italy, the **Ministry of the Interior**, the Ministry of Foreign Affairs and representatives of some religious denominations signed a protocol aimed at establishing humanitarian corridors to safely transfer 1 000 asylum applicants from Lebanon to Italy.

In **Italy**, **ASGI** reported that migrants accommodated at the reception facility on the island of Pantelleria are poorly informed about the possibility of lodging an asylum application and are discouraged from doing so, especially Tunisian citizens.

In **Malta**, the main fundamental rights issues in asylum procedures include delays in processing applications, restrictions on access to healthcare, employment, vocational training and child allowances, and difficulties in providing adequate interpretation services, legal aid and basic information about the asylum procedure, according to the NGO African Media Association Malta.

In **Cyprus**, two Cameroonian nationals have been attempting to cross the United Nations-controlled buffer zone from the areas where the Cypriot government (Government of the Republic) does not exercise effective control to the area where it does. They have remained trapped there for 4 months and have not been given access to asylum procedures, as UNHCR and the **media** reported. They sleep in a tent in poor conditions. A third person, who had also been stuck there for some months, managed to enter the area controlled by the Republic of Cyprus in an irregular manner. According to **media sources**, the Interior Minister stated that Cyprus cannot host additional persons due to the severe burden on its reception system. The alternative, the ministry suggests, is that the European Union creates a reallocation programme similar to that for Greece. Access to asylum procedures for those already in Cypriot territory has improved, as UNHCR, Caritas and the Cyprus Refugee Council reported.

In **Austria**, the Austrian Ombudsman Board informed FRA that it had received 14 complaints concerning the length of first-instance asylum procedures and 151 complaints mainly about the length of second-instance asylum procedures from 1 January 2021 to 17 September 2021.

In **Slovenia**, first-instance asylum procedures remained lengthy, lasting at least 6 months, but they can also take considerably more time, up to 18 months, the NGO Legal Centre for the Protection of Human Rights and Environment reported. Court appeals against negative asylum decisions also last for 6 months on average. According to the same NGO, provision of information about the asylum procedure continued to be insufficient. Information is provided through videos, while the available brochures on the procedure are not handed over to the applicants in a systematic manner.

In **Slovakia**, the **Ministry of Justice** announced the functioning of a new court: the Supreme Administrative Court, which became a court of appeal for asylum cases. Appeals were previously decided by the Supreme Court. The NGO Human Rights League welcomed this change, as it expects it will allow greater specialisation of judges in asylum matters.

In **Slovakia**, the **government** adopted a new migration policy for 2021–2025. As one of the top priorities, the document lists preventing mandatory relocation of asylum seekers from other EU countries to Slovakia and the principle of voluntariness in burden sharing within the EU.

In **Lithuania**, access to asylum is practically suspended, **according to UNHCR and ECRE**, since applications are only accepted at border-crossing points or transit zones, in the territory or at diplomatic missions abroad, following legal and **policy** changes. These options are in practice **inaccessible**, since Belarusian border guards do not allow non-EU nationals to reach the designated Lithuanian border-crossing points, where applications would **only** be accepted based on valid identification documents; entering Lithuania and applying from within would also require the possession of valid documents; and so far no applications have been received through the Lithuanian embassy in Belarus, according to the Migration Department.

In **Lithuania**, the Migration Department **rejected** all 358 asylum requests it had reviewed that were submitted up to 11 October 2021 by applicants who had



arrived through Belarus, most of them in accelerated procedures. This is in line with its director's **projection** that only about 2-3 % of them would be granted asylum. According to a **media report**, Migration Department staff claim to have between 2 and 20 minutes to register new arrivals and potentially identify them as asylum seekers, which makes it practically **impossible** to grant asylum.

In **Latvia**, **government decree No 518** lays down that no asylum applications are accepted in areas where a state of emergency is declared, which is the case at the border with Belarus. Asylum applications can only be submitted at other official border-crossing points (e.g. borders with Russia, airports, etc.) or at Latvia's embassies abroad. The Ombudsperson issued an **opinion** on the emergency situation at the Latvian border with Belarus, reminding authorities of their obligation to respect the right to asylum and the principle of *non-refoulement*. **UNHCR** expressed concern about the measures removing the possibility for persons in need of protection to apply for asylum in the regions covered by the state of emergency.

From the declaration of the state of emergency in border areas with Belarus on 19 August until 17 October, 50 persons were allowed into **Latvia** on humanitarian grounds, according to the State Border Guard.

In **France**, the Council of State **removed** Benin, Ghana and Senegal from the national list of **safe countries of origin**, as a result of which asylum applicants from those countries can no longer be channelled into **accelerated asylum procedures**. In another decision, the Council of State also **ruled** that the government failed to respect the deadline for registering asylum applications in the Île-de-France region (10 days for this region under **national law**). Asylum applications submitted in Île-de-France represent more than half of the asylum applications in mainland France.

In **Belgium**, the Office of the Commissioner General for Refugees and Stateless Persons **concluded** that the situation in Gaza and in other countries and regions of origin of Palestinians is unstable. However, that does not mean that international protection is automatically granted to Palestinian applicants. An individual assessment of each case is still required before granting any form of international protection to them.

Also in **Belgium**, the Office of the Commissioner General for Refugees and Stateless Persons **announced** that, due to an upsurge in asylum applications since the second half of 2020, it would not be able to process all applications within the set deadlines. In response to the increased caseload, the Office will prioritise repeat asylum applications, applicants who have already obtained international protection in another EU Member State, applicants in detention and applicants from safe third countries.

**Germany** has suspended decisions on asylum applications of Afghans since the takeover by the Taliban regime in Afghanistan, according to the **NGO ProAsyl**.

In **Portugal**, the Portuguese News Agency reported that the President of the Supreme Administrative Court said that there had been a substantial rise in the number of judicial processes related to asylum, contributing to a backlog of cases.

In **Spain**, the NGOs **Spanish Commission for Refugee Aid** and the **Spanish Catholic Migration Commission Association** warned of the persistent lack of legal and safe routes to access asylum, which forces migrants to face untold perils, including disappearance and death. The NGOs called for a fair and courageous migration policy, including, among other measures, the transfer of asylum seekers from embassies and consular representations to Spain, the granting of humanitarian visas, the relaxation of family reunification requirements, the non-criminalisation of humanitarian action at sea, the safe disembarkation of migrants, the identification of situations of vulnerability and the **elimination of the transit visa requirements imposed on people from countries in conflict**.

*"It is a fundamental human right to access territory and be able to seek asylum, also for persons crossing the border irregularly. Managing and protecting a border is not incompatible with responding to the rights of asylum-seekers, and UNHCR has called on Latvia to live up to all international obligations."*

Elisabeth Haslund,  
**UNHCR Spokesperson  
in the Nordics and Baltics**,  
13 August 2021

In **Ireland**, the **government** announced a final temporary extension of the permissions to stay for immigration and international protection reasons until 15 January 2022 due to COVID-19 disruptions, applying to permissions that are due to expire between 21 January 2021 and 15 January 2022 and those that have already been extended by the previous seven temporary extensions since March 2020. The **Irish Refugee Council** continued to express concern about the extent of ongoing delays in the Irish protection process. Its Chief Executive noted that projected waiting times are currently more than 2 years.

In **North Macedonia**, according to the Macedonian Young Lawyers Association, the asylum authorities have so far not granted any applicant refugee status or subsidiary protection during 2021. Most of the asylum applicants do not appear at scheduled interviews and this usually terminates the asylum procedure.

## Legal pathways from Afghanistan

Most EU Member States evacuated at least some Afghan nationals who had worked with national military forces and embassies.

In **Hungary**, Afghans who were evacuated from Afghanistan because they had cooperated with the Hungarian armed forces were placed in the transit zones located at the border with Serbia (274 people were accommodated in Röszke, and 176 people in Tompa), according to the data that the National Directorate-General for Aliens Policing provided to FRA. Later, families with a negative polymerase chain reaction (PCR) test and vaccinated for COVID-19, around 150 people, **were transferred** to the open reception centre in Vámoszabadi. The evacuated Afghans were not counted as asylum applicants in the official statistics, since the authorities first subjected them to 'alien-policing' procedures, the **media reported** based on information from the Ministry of the Interior.

The government in **Hungary** adopted a **new decree** setting out the reception conditions that apply to evacuated Afghan people. These include accommodation in an open reception centre for 3 months, meals three times a day (five times a day for pregnant or nursing women and for children), clothes and sanitary necessities. The persons concerned are also obliged to undergo medical examinations and receive COVID-19 vaccinations.

**Croatia received** 19 evacuated Afghan nationals – three families who had cooperated with EU services – before the end of August. They underwent an **accelerated asylum process** and were accommodated in the Reception Centre for Vulnerable Groups in Kutina. According to data from the **Ministry of the Interior**, a total of 692 people from Afghanistan applied for asylum in 2021.

In **Austria**, **media** reported that, according to the Foreign Ministry, more than 100 people had been brought out of Afghanistan with Austrian support by 27 August 2021. By then 'several dozen' Austrian citizens with Afghan roots were still in and around Kabul. Media also reported on 27 August 2021 that civilian evacuation flights had been terminated, according to the Foreign Ministry. However, the **Federal Minister for European and International Affairs** stated on 19 October 2021 that Austria had enabled about 340 persons to leave the country so far. Besides these evacuations, after the takeover of Afghanistan by the Taliban, the Federal Minister for the Interior explained that **Austria** refused to accept further refugees from Afghanistan, according to **media reports**. The priority was now to 'talk to Afghanistan's neighbouring countries to ensure protection and help in the region'. **Caritas** appealed to the Austrian government to launch a humanitarian admission programme for refugees from Afghanistan who were particularly in need of protection. Several NGOs, including **Amnesty International**, **Asylum Coordination Austria** and **Diakonie**, joined forces to **campaign** for the admission of people from Afghanistan.

## Bright spots

In **Portugal**, the **High Commission for Migration** informed the Portuguese News Agency that it had received confirmation from 31 organisations, including NGOs, that they were willing to provide housing, access to essential goods and/or job opportunities to Afghan people, meaning that these entities could welcome more than 550 refugees.

**Bulgaria decided** to receive up to 70 Afghan nationals and their families, who had worked either for the embassy of Bulgaria in Kabul or for the EU and NATO. Of those, 56 have already arrived in the country, according to the **Prime Minister** and the **Minister for Defence**, while the rest are temporarily hosted by Spain.

In **Romania**, UNHCR stated that, in the case of Afghans, the assessments under asylum procedures were significantly modified starting in the middle of August, including the granting of access to a new procedure, thus avoiding accelerated procedures. Furthermore, the government adopted an **emergency ordinance** to grant support to non-EU nationals and stateless persons found in special situations, particularly children, persons with disabilities and older people. The ordinance allows for the provision of housing, meals, medical emergency services and transport to Romania. The representative of the General Inspectorate for Immigration reported that 136 Afghans were registered as asylum seekers after an evacuation operation from Islamabad conducted by Romanian authorities. **Romanian civil society** called for solidarity with the Afghan people and for their protection.

**Slovakia** evacuated eight Afghan citizens together with Slovak citizens from Afghanistan by the intervention of Slovak armed forces. After that, the NGOs Human Rights League and Mareena **petitioned** the government to evacuate people with ties to Slovakia. According to the **Office of the Government**, altogether 36 Afghan citizens were evacuated. Some of them have already entered asylum procedures; others are expected to do so soon, or legalise their stay in the territory of Slovakia in accordance with the Law on the Residence of Foreigners.

In **Portugal**, the **government** has joined the international effort to protect Afghan nationals, with 243 Afghans who had worked with the Portuguese military forces at Kabul Airport waiting for evacuation, along with their families.

In **Belgium**, the **Flemish Agency for Integration and Civic Integration reported** that Afghans evacuated to Belgium received a 15-day visa allowing them to enter the country and apply for a residence permit, for example through family reunification or by requesting international protection.

In **Germany**, according to the **Federal Foreign Office**, as of 24 September, at least 5 300 people had been evacuated from Afghanistan, including German citizens, local employees of German institutions, especially vulnerable persons and their nuclear families. These people will receive a residence permit for humanitarian reasons for 3 years (based on **§22 of the Residence Act**). This residence permit allows the permit holder to be eligible for the same social benefits as German citizens and to study or seek employment. **ProAsyl** advises these permit holders not to apply for asylum, as they could lose this status and the related rights and benefits by doing so. **ProAsyl** criticised Germany for starting the evacuation from Afghanistan too late and for lack of transparency in the selection procedure for evacuation flights.

As of 14 September, 1 897 people had been evacuated from Afghanistan to the **Netherlands**, according to the **Dutch authorities**. This group comprises 787 Dutch nationals, while the rest are Afghan interpreters or other professionals who worked for international military or police missions, the United Nations or NATO, or the Dutch embassy. The authorities received 21 512 emails from people in Afghanistan requesting asylum in the Netherlands. The Dutch government **estimated** that 22 interpreters and their family members were still in Afghanistan, while 70 additional people who had been scheduled for evacuation could not reach the last evacuation flight from Kabul in time. The government stated that approximately 1 960 people from Afghanistan were staying at various reception locations in the Netherlands. The competent **minister acknowledged** that the slow response rate and chaotic handling of the situation meant that some local staff and people who had worked for Dutch troops had not been evacuated.

In **Denmark**, **media** reported that authorities evacuated approximately 1 000 persons from Afghanistan who were at risk due to their involvement with the Danish mission. They were accommodated in the Sandholm Reception Centre and later relocated to asylum centres throughout the country. Furthermore, the **Ministry of Immigration and Integration** introduced a draft bill in September concerning the possibility of granting a residence permit to evacuated Afghans and their families. The purpose of the law is to provide Afghans with a **2-year residence permit in Denmark** that will allow them to leave the asylum centres. The **Danish Institute for Human Rights**, the **Danish Red Cross** and the **Danish Refugee Council** criticised the draft bill for lack of clarity on the important difference between a residence permit granted according to the special law and the standard international protection procedures, whereby those granted asylum automatically enjoy better conditions, including longer resident permits.

In **Ireland**, the **Department of Foreign Affairs** and the **Department of Justice** published statements on the situation in Afghanistan. In response to a **parliamentary question**, the Minister of State at the Department of Justice stated that approximately 76 Afghan nationals had been issued with immigration status letters so far in 2021 under the existing international humanitarian admissions programme (now closed). In late September, the **government** announced the establishment of an Afghan admissions programme, to open in December 2021 with an allocation of up to 500 places. Afghans living in Ireland on or before 1 September 2021 will be able to nominate up to four close family members who are currently living in Afghanistan or certain neighbouring countries. Eligible family members will be granted a residence permit with immediate access to the labour market. Afghans will also arrive in Ireland as 'programme refugees', with over **400 people granted programme refugee status** through the Irish refugee protection programme. Visa applications from Afghan citizens are also being prioritised, according to the **Department of Justice**.

**North Macedonia** granted temporary protection visas for 90 days to approximately 200 Afghan nationals as part of the US plan for evacuation from Afghanistan. They were accommodated in a hotel in Skopje. The Red Cross provides medical and psychological support and the Macedonian Young Lawyers Association assists with data collection for resettlement purposes. According to the NGO Legis, the government restricted their freedom of movement outside the hotel for security purposes.

## Resettlement and relocation

In **Romania**, a new **action plan for 2021–2022** provides for a resettlement quota of 200 refugees transferred from Jordan, Lebanon or Turkey.

In **Portugal**, the government maintained its commitment to welcome and integrate beneficiaries of international protection and asylum applicants and, consequently, announced that (1) within the national programme for **ad hoc relocation from humanitarian boats**, in July, 8 asylum applicants were relocated from Malta, raising the total number of persons relocated to Portugal on this ad hoc basis since July 2018 to 243; (2) within the national programme for **UNHCR resettlement**, in August, 14 refugees arrived from Turkey and, in September, 19 other refugees also arrived from Turkey, raising the total number of resettled refugees to 830; (3) in accordance with the **bilateral agreement** signed between Portugal and Greece to transfer applicants and beneficiaries of international protection, on 28 September, 41 persons arrived from Greece. For the current pilot phase, the agreement sets a threshold of 100 beneficiaries and, so far, 57 international protection applicants/beneficiaries are already in Portugal. Finally, with regard to the EU relocation programme, the government announced that Portugal was one of the EU Member States that had welcomed most asylum applicants, with a total of 1 550 – the sixth highest number out of the EU-27 – arriving from Greece and Italy.

## Bright spots

In **Italy**, the **Ministry of the Interior** signed a protocol for the implementation of a project promoted by the NGO Intersos and UNHCR that provides 35 unaccompanied migrant children currently living in Niger with the opportunity to complete their education in Italy.

Also in **Portugal**, the **government** announced that, within the voluntary relocation programme, 21 unaccompanied children, aged 15 or over, arrived from Greece in August and **another 23** in September, raising the total number of unaccompanied children in Portugal to 143. The IOM mission said that it had welcomed 44 unaccompanied children to Portugal from Greece.

## **Family reunification**

In **Croatia**, the NGO Croatian Law Centre pointed out that family reunification processes are lengthy and complicated. Further issues include obstacles in data collection and covering family travel costs.

In **Denmark**, the Grand Chamber of the ECtHR handed down its judgment on the legislative tightening of family reunification rules for temporary protection holders in the case of **M.A. v. Denmark**. The court ruled that the statutory requirement of 3 years' waiting time for family reunification was in breach of the applicant's right to respect for family life under Article 8 of the European Convention on Human Rights. The media reported that the Danish **Minister for Immigration and Integration** expressed discontent with the ruling and stated that the impact of this decision on other refugees living in Denmark was still unclear. The **Danish Institute for Human Rights**, an intervener in this case, commented that it is expected that Denmark will adjust its legislation in accordance with the court's decision.

In **Ireland**, the **Department of Justice** said that family reunification under the International Protection Act of 2015 has been granted to 108 Afghan family members to date and 162 family reunification visa applications for Afghan nationals have been approved.

# Reception

## Reception capacity

Sufficient reception capacity was available in **Austria, Bulgaria, Croatia, Germany, Greece, Hungary, Ireland, North Macedonia, Poland, Portugal, Slovakia, Slovenia, Spain** and **Sweden**.

In the reporting period or part thereof, some reception facilities in **Belgium, Cyprus, Denmark, France, Italy, Latvia, Lithuania, Malta, the Netherlands, Romania** and **Serbia** were full (or almost) or overcrowded.

In **Italy**, the **Ministry of the Interior** said that 76 279 migrants were accommodated in Italian reception facilities as of 31 July 2021, 12 % fewer than at the same date in 2020. The Italian regions with the highest shares of migrants in reception facilities are, in order, Lombardy, Sicily and Emilia-Romagna.

In **Austria**, the rising number of applications for international protection, according to the **Ministry of the Interior**, puts capacities for asylum procedures and basic care under strain. The Federal Ministry of the Interior reports that at the end of September 2021 around 3 300 persons were in federal basic care facilities. Two reception centres (Steinhaus am Semmering in Styria and Finkenstein in Carinthia) had to be (re)opened during the reporting period to provide sufficient capacity. **UNHCR** reported a significant decrease in COVID-19 cases among asylum applicants in Austrian reception centres at the beginning of the reporting period, with zero cases of COVID-19 at the end of June 2021. However, on 13 September 2021, **media** reported on a COVID-19 cluster with 128 persons infected at the initial reception centre in Traiskirchen.

In **Bulgaria**, according to the **Ministry of the Interior**, the number of new arrivals accommodated in reception facilities doubled compared with the previous reporting period. Nevertheless, the average occupancy rate remained low (about 35 % at the end of September 2021).

In **Romania**, according to the General Inspectorate for Immigration, the occupancy rate of the reception facilities in July–September 2021 was around 80 %.

In **Latvia**, the capacity (400 places) of the only asylum seekers' camp, Mucenieki, was exceeded due to the need to ensure quarantine, according to the **Ministry of the Interior**. Accommodation for 48 persons, who had submitted asylum applications or received international protection prior to 5 August or who had been evacuated from Afghanistan by the national authorities, was arranged at the Dzintari structural unit of the Ministry of the Interior, a health and sports centre for the employees of the ministry.

In **Portugal**, the **Ministry of Home Affairs** announced, on 14 July, that a new reception centre for refugees was going to be constructed in the Alentejo region in southern Portugal, in the city of Vendas Novas, and that it would be managed by the Jesuit Refugee Service Portugal. Following this announcement, the **Jesuit Refugee Service Portugal** explained that the new reception centre is scheduled to be ready on 31 December 2022 and will start its work in 2023.

Also in **Portugal**, the Ombudsperson expressed concern to the national parliament and the **media** regarding the continuing lack of places/centres for asylum applicants in Lisbon and Faro. In Portugal there is only one reception centre, in Porto, for asylum applicants who arrive at Portuguese airports.

In **Spain**, the **press** reported that the existence of sufficient reception places, the speeding up of transfers to the mainland and better coordination protocols linked to the COVID-19 pandemic are preventing a reception crisis like that of previous years, despite the increase in arrivals of irregular migrants at the Canary Islands.



In **Belgium**, the Federal Agency for the Reception of Asylum Seekers (Fedasil) **opened** a new temporary reception centre in Spa, with a capacity of 300 beds. **Fedasil also provided housing** for 200 persons who had been repatriated from Afghanistan.

Also in **Belgium**, after Fedasil **lost some 1 000 reception places** due to the floods in Wallonia over the summer, the authorities planned to reopen the reception centre in Coxyde (Flanders) to host up to 300 persons. The abrupt decrease in reception capacity has also led to overcrowding in the arrival centre (known as the *petit chateau*) in Brussels, where protection seekers first request asylum, Fedasil and the NGO Vluchtelingenwerk Vlaanderen reported.

In the **Netherlands**, reception capacity is at its limits and needs to be enlarged by 4 000 places, according to the **Dutch Central Agency for the Reception of Asylum Seekers**. Five temporary emergency shelters (Zoutkamp, Zeist, Ede-Harskamp, Nijmegen and Amsterdam) opened for the reception of asylum applicants evacuated from Afghanistan, with a total **capacity** of 3 020. On 12 September 2021, the four emergency shelters in Zoutkamp, Zeist and Ede-Harskamp and Nijmegen were almost full, according to the **Dutch authorities**. The emergency centre in Amsterdam closed. The Minister for the Interior and the State Secretary for Justice and Security **asked** the municipal authorities to increase the regular reception capacity of the Central Agency for the Reception of Asylum Seekers.

In **Serbia**, the number of refugees and migrants hosted in the country's reception facilities is rising, as the Commissariat for Refugees and Migration reported. In the reporting period, the number of people newly registered in the state's facilities was 21 841, as UNHCR reported. Between July and September, approximately 800 to 950 persons were sleeping rough close to Serbia's northern borders. According to data collected by the Humanitarian Center for Integration and Tolerance, 90 % of them were from Iraq and Syria, while approximately 30 % of them were women and children.

## Reception conditions

The European Commission provided **updates** on the current state of play in the temporary camp of Mavrovouni on Lesbos and the construction of new reception centres in **Greece**. One year after the Moria fire, 45 civil society organisations **urged** EU institutions and national governments to abandon policies that keep asylum seekers at Europe's borders, and to facilitate their social inclusion and subsequent integration. **Médecins sans Frontières** (MSF) highlighted that patients report that their limbo situation on the Greek islands, the arbitrary and fast-track asylum processes, the fear of deportation and the precarious living conditions contribute to the deterioration of their health. The summer heatwaves exacerbated poor living conditions for residents in Mavrovouni camp, many of whom are hosted in tents without indoor cooling equipment, as the Greek Council for Refugees and Oxfam **highlighted**. Single women staying in the camp expressed their fear of accessing sanitary facilities after dark, according to these two NGOs.

A **general regulation on the operation of the closed controlled island facilities** was adopted, specifying, among other things, the main responsibilities of the authorities, the categories of the facilities' residents and procedures for entry and exit. According to this regulation, residents of such facilities can come and go during specified hours and move freely within designated areas of the facility. The first closed controlled facility opened on Samos with a capacity of approximately 3 000 people. As announced by the **Ministry of Migration and Asylum**, spaces for communal activities and distinct areas for vulnerable persons have been incorporated into the design. A NATO-type double security fence and a closed-circuit television system were installed around the camp, and control systems such as turnstiles were placed at the entrance. Identity and fingerprint



checks also take place at the entrance. Médecins sans Frontières **stated** that the new centre will further dehumanise and marginalise people seeking protection.

In **Italy**, **ASGI** raised concerns about the inadequate reception conditions on the island of Pantelleria. For instance, ASGI noted that children are accommodated together with adults in a small and isolated facility in the industrial area of the island. Furthermore, the report stressed that the reception facility is often overcrowded, with people sleeping on worn-out mattresses in a small building. In the event of a major influx, migrants are housed in Civil Protection or Interior Ministry tents or forced to sleep in the courtyard in a particularly critical situation without any protection from weather conditions. A representative of the **Ministry of the Interior** visited the island and met with local public and police authorities to identify measures for the prompt transfer of migrants to the mainland.

In **Cyprus**, a rise in sexual harassment complaints in the Pournara Emergency Reception Centre was reported by the Cyprus Refugee Council. Also in Pournara, the vulnerability assessment is carried out when residents are about to leave the centre and not upon their arrival, as UNHCR and the Cyprus Refugee Council reported. As a result, vulnerable persons spent several months without the necessary support or referral for early release.

Asylum applicants continue to face practical difficulties and delays in accessing financial, welfare and housing benefits, as reported by Caritas. For instance, the receipt of cash assistance might take between 3 and 6 months, leaving asylum applicants without financial means in the meantime. Their access to public hospitals has been improved but medication is not provided free of charge. The lack of free Greek language courses is one of the main obstacles to the integration of asylum applicants, as Generation for Change CY reported.

In **Croatia**, special procedures for the initial reception of asylum applicants due to the COVID-19 pandemic continued in the Porin Reception Centre (Zagreb), the Croatian Red Cross reported. When asylum applicants enter the facility, they must stay in isolation for 10 days, during which time they have no contact with the employees or other residents of the reception centre. During their quarantine, the Croatian Red Cross provides special care to children, focusing on food, hygiene kits and healthcare.

Also in **Croatia**, those who have been granted international protection are swiftly placed in apartments provided by the Central State Office for Reconstruction and Housing, the NGO Centre for Intercultural Dialogue reported. People can choose in which municipality they would like to live, subject to available accommodation. However, shortcomings during the integration process were reported. The Central State Office for Reconstruction and Housing finances accommodation for the first 2 years, after which the persons concerned need to cover the costs of their housing. The lack of employment opportunities makes this difficult, but in some cases the Centre for Intercultural Dialogue, with the support of the Ministry of the Interior, managed to intervene and the 2-year period was extended to allow families extra time to find ways to pay for housing.

In **Slovenia**, the COVID-19-related quarantine requirements can lead to overcrowding in pre-reception facilities, the UNHCR Regional Representation for Central Europe reported. To address this, the national authorities started using facilities that were initially designated to accommodate asylum applicants. Such reorganisation of accommodation may lead to situations in which asylum applicants need to be moved to another location, which can have a negative effect on children and vulnerable individuals, the same UNHCR branch added. UNHCR also identified several challenges related to the provision of psychosocial support to asylum applicants.

## Bright spots

In **Bulgaria**, asylum applicants accommodated in the reception centre in Harmanli and looking for a job had the opportunity to meet with local companies seeking to recruit non-EU nationals, the **Bulgarian Council on Refugees and Migrants** reported. In addition, **Caritas Bulgaria** released a series of interactive educational materials for asylum applicants and refugees. The e-books, developed as part of the Digital School for Bulgarian Language initiative, present audio and audiovisual content in a format suitable for use on phones, tablets and other mobile devices.

## Bright spots

In **Ireland**, the Irish Refugee Council reported that the state has confirmed that persons who have received a recommendation of inadmissibility from the International Protection Office under Section 21 of the International Protection Act continue to be entitled to access reception accommodation until a ministerial decision is taken. Furthermore, the **government** announced the expansion of the student support scheme to postgraduate studies.

In **Romania**, two draft amendments to Asylum Law No 122/2006 were published for public consultation, one **increasing monthly allowances for housing and utilities**, and the other **improving the reception and accommodation of asylum seekers**. Furthermore, the Ombudsperson **visited the reception centres at Timisoara and Maramures** and released a **report** on the first facility, providing recommendations for its improvement.

In **Slovakia**, according to the Migration Office there was a slight increase in cash assistance for asylum applicants in reception facilities. The cash assistance can be further increased if the applicants perform community service for the reception facility. Asylum seekers also receive larger hygiene packages and basic clothing if needed. Child asylum seekers subject to compulsory education receive necessary school supplies.

In **Latvia**, according to the **media**, a protest occurred at the Mucenieki camp, as an asylum seeker was diagnosed with COVID-19 and quarantine was declared in the entire camp without an end date. Shortly afterwards, the order was amended to allow legal aid providers and interpreters to visit the camp, according to the Office of Citizenship and Migration Affairs. The head of the parliamentary Citizenship, Migration and Social Cohesion Commission acknowledged initial difficulties with a shortage of medical staff due to the increase in the number of asylum seekers, which has been resolved, and a doctor and two nurses are employed in the camp. A shortage of seasonal clothing has also been cited as an issue, due to a drop in temperature, according to the Office of Citizenship and Migration Affairs. Earlier in August, due to the quarantine in the camp and acute staff shortages, volunteers from the NGO 'I want to help refugees' helped distribute warm meals to asylum seekers.

In **France**, operations intensified to dismantle informal migrant camps in the north of France, on the outskirts of Calais and Grande-Synthe, the NGO **Human Rights Observers** pointed out. The same NGO stressed that the destruction of seized goods (tents, mattresses, blankets) aggravates the precarious situation of these migrants in an irregular situation, including unaccompanied children. The NGO **Médecins du Monde** also deplored the upsurge in evictions from informal settlements where many irregular migrants live.

In **Ireland**, the **government** appointed an external advisory group to monitor progress on the implementation of the **White Paper to end direct provision** that was published last February, reflecting the commitment to a fundamental overhaul of the Irish reception system. Direct provision means Ireland's system for accommodating asylum seekers, which for a long time has been the subject of fundamental rights concerns due to inadequate living conditions and lengthy stays.

The NGO Open Gate, which is part of La Strada International, asserted that the government should increase the capacity of the Centre for Victims of Trafficking and provide separate facilities for child victims of trafficking.

### Support to persons with vulnerabilities

In **Croatia**, the accommodation provided to individuals with disabilities who had been granted international protection remained inadequate, as they are mostly placed in institutions for the elderly, the Centre for Intercultural Dialogue reported.

In **Slovakia**, the Migration Office is currently updating the internal rules on identification of vulnerable applicants based on good practices from other EU Member States.

In **Germany**, the Federal Working Group of Psychosocial Support Centres for Refugees and Victims of Torture (BAFF) reports that the situation in Afghanistan increases the need for psychosocial services. Limited healthcare provision for

asylum applicants and the lack of interpreters are further barriers to accessing psychosocial assistance.

In **Ireland**, the **Irish Refugee Council** highlighted that the vulnerability assessment process, aimed at identifying asylum seekers with vulnerabilities and special needs, remains on a pilot basis until the end of the year and has not yet been placed on a permanent, fully developed footing.

## Vaccination of asylum applicants

In **Italy**, the **Asylum and Immigration Board** issued a report on the efficacy of the information campaign on COVID-19 in reception facilities, stressing the need to adopt measures to increase the share of people who opt for vaccination. Furthermore, the **National Office against Racial Discrimination** issued a press release asking Italian regions and autonomous provinces to allow irregular migrants to have access to the COVID-19 vaccination campaign.

In **Malta**, asylum applicants and other ‘persons of concern’ (e.g. beneficiaries of international protection and stateless persons) have been included in the national vaccination plans, **UNHCR reported**. According to UNHCR, people living in reception centres have been vaccinated as a group, and 94 % of residents in closed centres had been vaccinated by the end of July.

In **Cyprus**, all non-EU nationals, including undocumented ones, can get **vaccinated**, according to the Ministry of the Interior.

In **Croatia**, Médecins du Monde reported that the vaccination of asylum applicants against COVID-19 started in July. The Croatian Institute of Public Health organised vaccination in the reception facility in Zagreb with the support of Médecins du Monde and the Ministry of the Interior. From August, vaccination was available through referrals to the main public vaccination centre in Zagreb, with the help of Médecins du Monde, which informed asylum applicants about vaccination procedures and organised transport with interpreters, the same NGO informed FRA.

In **Austria**, according to the Federal Ministry of the Interior, opportunities for vaccination are provided in the basic care facilities and at doctors’ premises nearby.

In **Bulgaria**, according to the **State Agency for Refugees**, there was an increase in the number of non-EU nationals wishing to get vaccinated. Asylum applicants are one of the priority groups under the **national vaccination plan**, due to the high risk of infection associated with their living conditions.

In **Slovakia**, asylum seekers became eligible to receive vaccination against COVID-19, according to UNHCR.

# Child protection

## Figures and trends

Under the voluntary relocation scheme for unaccompanied children, 1 006 children were relocated from **Greece** to 13 European countries, according to the **Greek authorities**. The majority were from Afghanistan, followed by Syria, Pakistan, the Democratic Republic of Congo and Egypt.

In **Austria**, the Red Cross reports an increase in new applications for international protection, including by unaccompanied children. It received 100 to 150 requests and/or general inquiries a day from Afghans during the reporting period.

The UNHCR Regional Representation for Central Europe reported that 98 % of unaccompanied children seeking asylum in **Slovenia** go missing, which highlights the need to strengthen specialised and efficient child protection services to support this particularly vulnerable group. These missing children face heightened protection risks, as they are exposed to exploitation by human smugglers and traffickers.

In **Germany**, the Federal Association for Unaccompanied Minors reports growing numbers of unaccompanied children from Afghanistan, who managed to come on military evacuation flights.

In **Serbia**, 175 refugees (over 60 % of school-age refugee children) were included in the national educational system in September, as shown in UNHCR's **factsheet**. The Group for Children and Youth – Indigo reports delays in accessing school in the asylum centre in Krnjača and reception centres in Šid and Bosilegrad, mainly due to problems with legally obligatory medical examinations for schoolchildren. As also shown in UNHCR's factsheet, access to higher education for refugees was improved when Serbia acceded to the European Qualifications Passport for Refugees, an initiative by the Council of Europe facilitating the recognition of refugees' qualifications.

## Changes in law, policy and/or practice

In **Italy**, the **Ministry of the Interior** issued a decree earmarking financial resources from the Asylum, Migration and Integration Fund to finance 45 new reception projects for unaccompanied children, with a total capacity of 677 places.

In **Romania**, a **draft law** extending the mandate of legal guardians assisting unaccompanied child asylum seekers or beneficiaries of international protection is pending before the parliament.

In **Slovakia**, new guidelines for the police departments for foreigners were issued, according to the Ministry of Labour, Social Affairs and Family. The guidelines establish a detailed procedure for providing sociolegal protection institutions with information about unaccompanied children. The guidelines aim to improve the communication and coordination of activities between the Ministry of Labour, Social Affairs and Family and the Office of Border and Foreign Police.

In **Lithuania**, following **amendments** to the Aliens Law, unaccompanied children now undergo accelerated border procedures, lasting up to 10 days, and are detained in temporary facilities. UNHCR and other stakeholders **criticised** the fact that children are not exempted from detention.

In the **Netherlands**, the rules according to which unaccompanied children were not automatically entitled to family reunification if they were taken care of by an immediate or distant relative residing in the Netherlands were revoked, as the State Secretary for Justice and Security **stated** to the House of Representatives.

## Bright spots

In **Belgium**, Fedasil was working on the opening of **a new reception centre for unaccompanied children** in Brussels. The centre will be able to host up to 60 children in the first weeks after their arrival, while their profiles are assessed to ensure that they are then placed in an adequate childcare facility that can cater for their special needs.

## Reception conditions

In **Greece**, fewer than 15 % of children in refugee camps attend public school, according to a **report** by Save the Children and the Greek Council for Refugees. In the reception and identification centres, the attendance rate drops to 0.3 %, with only 7 children out of 2 900 attending class. Issues such as lack of staff, scheduling of reception classes and lack of school transport remain largely unresolved. Measures to contain the spread of COVID-19, particularly restrictions on movement from camps, have exacerbated the situation for asylum-seeking children.

In **Croatia**, the Ministry of Labour, Pension System, Family and Social Policy reported on persistent issues that their social welfare experts face in their work with unaccompanied children. These include difficulties in finding interpreters, language barriers, the lack of civil society organisations in local communities and difficulties in interagency cooperation. According to the same ministry, unaccompanied children continued to face obstacles in accessing primary and secondary education, because of the lack of documentation on previous education and acquired knowledge and skills; lengthy school enrolment processes (notably in secondary schools); local community resistance to these children's local integration; and insufficient cooperation with guardians. The Croatian Red Cross voiced similar concerns about those unaccompanied children who have been granted international protection.

In **Bulgaria**, the **Ombudsperson** found the conditions in the safety zone for unaccompanied children in Voenna Rampa inappropriate. At the time of the visit, the safety zone, which had capacity for 100 children, was accommodating 221 children. Of those, 146 were accommodated in sleeping quarters, but the rest, 75 children, were living in the gym, in conditions described as 'not acceptable and not appropriate for children'. The Ombudsperson recommended setting up an additional safety zone with living conditions appropriate for children, and the recruitment of additional personnel.

In addition, the Ombudsperson **raised** concerns over the fact that many asylum-seeking children do not receive education. Most children leave the reception centres shortly after their arrival and, although they are reported missing, few of them are found. Because they stay only for a short time in the reception centres, most of them are not enrolled in state schools or educational activities.

In **Lithuania**, according to the **Ombudsman**, children, including children with disabilities, were accommodated in tent camps, regardless of their vulnerabilities and without any education or leisure activities, until the beginning of October, when families and children were moved to modular housing camps.

In **Spain**, **UNICEF** reported that regional and local authorities in the Canary Islands have made a great effort to ensure adequate reception for unaccompanied migrant children. However, the report stressed the need for contingency planning at the state level, the strengthening of the capacities of the institutions involved, including the National Police and the Juvenile Prosecutor's Office, and transfers to the mainland to avoid the overcrowding of the reception system.

In **France**, the **Public Defender of Rights** reported persistent shortcomings in social services for unaccompanied children, including burdensome procedures at prefectures and obstacles to accessing education. According to **Médecins du Monde**, in some departments nearly three quarters of young people presenting themselves as unaccompanied children are excluded from the child protection system following a summary and biased administrative assessment, which is at variance with the principle of the best interests of the child.

In **Germany**, the **Federal Ministry for Family Affairs, Senior Citizens, Women and Youth** reported that the quota-based obligatory distribution of asylum-seeking children among federal states (*Länder*), the legal guardian system,

accommodation and care are appropriate and in compliance with German law. In terms of education and labour market integration, the evaluation reports improvements. **The Federal Association for Unaccompanied Refugee Minors (BumF)** criticises the implementation of the German quota-based distribution procedure as not always respecting the best interests of the child. In some cases, unaccompanied children have gone missing because they travelled back to relatives or to places where they have a support network, out of the reach of authorities and without the assistance of youth welfare.

In **Germany**, the Arrival Centre of the Regional Authorities for Refugees in Berlin started a pilot project to offer accommodation to unaccompanied children who turn 18. **BumF, the Berlin Refugee Council, the Advice and Support Centre for Young Refugees and Migrants, and Jugendliche ohne Grenzen, however, criticise the pilot project for not providing enough assistance and individual support to young people, as it is part of collective accommodation for adults.**

In **the Netherlands**, a **study** conducted by the Research and Documentation Centre of the Ministry of Justice and Security provided insights into the experiences of unaccompanied children whose asylum applications were rejected and the future-oriented guidance they receive from the authorities. The Dutch reception model envisages separate accommodation facilities for this group of unaccompanied children. In practice, many abscond from the housing facilities, as they know that reception will be terminated when they reach majority.

## Safeguards and specific support measures

In **Greece**, the age assessment procedure is not always carried out in a harmonised and child-friendly manner, while poor application of child safeguards at certain entry points is still observed, UNHCR informed FRA.

In **Italy**, **ASGI** warned of the critical situation of unaccompanied children at the Italian borders. Among many issues, ASGI highlighted the need to immediately cease rejecting, readmitting and expelling children at both maritime and land borders, and to ensure age-appropriate legal information and timely identification procedures.

The **Ordinary Court of Rome** accepted request to suspend the return decision on an Albanian citizen on the grounds that it would entail a potential risk to his children's best interests and the right to family unity. The case was filed by an Albanian immigrant who had regularly arrived in Italy in 2001. He got married to an Albanian woman and the couple had two children. All his family members have a regular residence permit in Italy and are successfully integrated: the children regularly attend Italian schools.

In **Cyprus**, unaccompanied children stay in the Pournara initial reception centre longer than other asylum applicants, waiting for their age determination and psychological assessment, which often takes between 5 and 6 months. The presumption of minority is not always respected in the assessment, as the Cyprus Refugee Council reported. As a result, children might lose their chance to reunify with family members in other Member States.

In **Austria**, the independent **Commission on the Best Interests of the Child** established by the Federal Ministry of Justice published a **report** on the protection and safeguarding of children's rights in the area of asylum law. Key concerns of the commission were the lack of clear guidelines for the assessment of the child's best interests, including during age assessment, and that guardianship for unaccompanied children is not guaranteed from the beginning, namely when children are in a basic care facility run by the *Land*. Although the number of juveniles in detention pending return has decreased significantly, detention of children is still permissible. Due to the waiting period

of 3 years, holders of subsidiary protection status may file applications for family reunification only if they have been granted subsidiary protection before reaching the age of 15. **Diakonie** and **UNHCR Austria** welcomed the report. UNHCR stated that many recommendations were also made in its own report, ***The priority of the best interests of the child in the context of the asylum procedure – Legal foundations and recommendations for implementation in Austria.***

In **Romania**, the NGO JRS Romania provided information about a new project called **Social inclusion of migrants through the involvement of local communities**, implemented in partnership with Save the Children Romania, aimed at drawing attention to the vulnerability of children in refugee centres by developing a sustainable and favourable framework for advocacy actions at local and national levels.

In **Lithuania**, unaccompanied children do not get a copy of the age assessment result and cannot challenge it, according to the Office of the Child's Rights Ombudsperson; no verbal or written procedure is in place for consenting to the assessment.

In **Spain**, a **local court** in Ceuta halted the return to Morocco of nine unaccompanied children who arrived in May 2021, on the grounds that the procedure did not comply with Spanish legislation or the Convention on the Rights of the Child. This decision is in line with the position of the **Ombudsman**, the **Spanish Ministry of Social Affairs**, **UNICEF Spain**, the **United Nations Committee on the Rights of the Child** and numerous **NGOs**.

In **Belgium**, Caritas International **published a report** that found, among other things, that authorities do not provide sufficient information to unaccompanied children about how and why their fingerprints are being taken. For example, they do not explain that their fingerprints are registered and subsequently available in the European Asylum Dactyloscopy (Eurodac), or what the consequences of fingerprinting are.

Also in **Belgium**, the Jesuit Refugee Service observed in its visits to immigration detention centres that age assessment is only carried out after the child has completed the compulsory COVID-19-related quarantine. As a consequence, unaccompanied children stay in closed centres longer than the maximum time allowed by the law for their identification.



# Immigration detention

## Figures and trends

In **Hungary**, 113 people were placed in pre-removal detention during the reporting period, according to the National Directorate-General for Aliens Policing and the National Headquarters of the Police. As of the end of September, five asylum applicants were being detained at the Nyírbátor asylum detention facility, according to information provided to FRA by the National Directorate-General for Aliens Policing.

In **Slovenia**, 795 migrants in an irregular situation were detained in the Postojna Centre for Foreigners in the reporting period (up to 27 September), according to information the police provided to FRA.

In **Lithuania**, **ECRE claimed** that recent legislative **changes** could lead to automatic de facto detainment, as arrivals may be held in designated facilities where they are deprived of their freedom of movement, without an individual assessment, legal assistance, assessment of alternatives to detention or the possibility of judicial review.

## Changes in law, policy and/or practice

In **Italy**, the press agency **Pressenza** raised concerns about the access of journalists and civil society organisations to the detention and return centres (*centri di permanenza per il rimpatrio*, CPRs). The **Administrative Court of Palermo** confirmed that detention facilities should be accessible to civil society, in a case brought by ASGI after being denied access to the Lampedusa hotspot by the Ministry of the Interior and the Prefecture of Agrigento.

According to the **Times of Malta**, a new protocol has been drawn up in **Malta** specifically for the media so that journalists will be able to gain access to immigration detention centres. Under the protocol, journalists are given a supervised tour of the centre, following the route chosen by the detention staff, and are always accompanied by a detention official.

In **Poland**, an amendment to the **regulation** on guarded centres and arrests for foreigners allows the placement of migrants in cells with a floor space of 2 m<sup>2</sup> per occupant. In addition, new detention centres were created. As a result, detention capacity was increased from 628 to 1 785 places, as reported by the Polish Border Guard. Persons who enter Polish territory irregularly are subject to return procedures and may end up in detention, civil society organisations reported. As a result, most asylum applications are now being submitted by detainees.

In **Lithuania**, the **amended** Aliens Law allows temporary restrictions on the rights of asylum seekers. Detention at the border may last up to 6 months. International organisations, such as UNHCR, **criticise** the fact that detention orders do not have to be issued, which would make appeal and review possible. Courts may also detain non-EU nationals based on a provision in the **Aliens Law** allowing restrictions on asylum seekers' freedom of movement (Article 115(2)(5)).

In the **Netherlands**, the Administrative Jurisdiction Division of the Council of State **ordered** the release of an Algerian national from detention, as there was no prospect of return to Algeria within a reasonable period.

In **Ireland**, the Department of Justice noted in an interview that it is the **policy of the state** to detain asylum seekers only in the most exceptional of circumstances and that it tends to use alternative measures. Furthermore, the former Transaer building at Dublin Airport, according to a **report** of April 2021, has been refitted to

contain 4 one-person cells and 2 additional detention rooms. It is intended that the Garda National Immigration Bureau will detain persons at the Dublin Airport Garda station if they are refused leave to land, although the detention facilities are not yet operational, as reported by the [media](#).

## Detention conditions

In **Greece**, the lack of individual assessment of the necessity and proportionality of deprivation of liberty and the limited use of alternatives to detention persist, UNHCR informed FRA. There is no public legal aid scheme for asylum seekers in detention and this limits the possibility of challenging their detention orders. Long-term detention in police stations, in seriously substandard conditions, remains of concern, as UNHCR informed FRA.

Following [a complaint](#) by the NGO Equal Rights Beyond Borders, the Greek Ombudsperson [requested](#) that the authorities reconsider the detention of 19 persons held in the pre-removal centre of Kos. All of them had received final rejections of their asylum applications and were being held pending their removal to Turkey. The Ombudsperson stressed that, as long as there was no reasonable prospect that they will be removed, their detention was unlawful.

In **Italy**, the [Melting Pot Europa](#) project reported the case of a lawyer who complained that migrants were being registered with a number instead of with their full names in the CPR of Palazzo San Gervasio. This practice is forbidden in the Italian detention system, since it violates the dignity of the detainees, and should also be illegal in the CPRs, according to the lawyer. Furthermore, the [National Guarantor for the rights of persons detained or deprived of liberty](#) raised specific allegations of inadequate detention conditions in the CPR of Turin after its visit to the facility motivated by the [suicide of a detainee in the isolation ward known as the ospedaleto](#). According to its report, irregular migrants on their arrival at the CPR were visited not by national health professionals but by internal medical staff, and detainees with psychiatric impairments were detained without the necessary assistance. The guarantor also denounced the critical situation of the *ospedaleto* ward of the CPR, stressing the inadequate detention conditions, the lack of formal and standard isolation procedures, and the inappropriateness of this ward to serve as a sanitary isolation ward. In response to this report, the [Ministry of the Interior](#) announced the suspension of the use of the *ospedaleto* ward, the reinstatement of the protocols with the local healthcare department and the adoption of a protocol for psychological assistance.

In **Malta**, the [National Audit Office](#) published a report that identified several shortcomings concerning immigration detention. These include prolonged detention of those who have arrived irregularly in Malta, overcrowded and poorly maintained detention centres, and significant staff shortages. Record-keeping deficiencies and a lack of information technology systems have exacerbated the situation.

Also in **Malta**, the [Times of Malta](#) reported that some detainees at Hal Far Reception Centre were allegedly put in solitary confinement and beaten up by the guards. An Egyptian national claimed he had been stripped to his underwear and put in solitary confinement for 4 days after informing a detention officer that he had been served food that had made him ill, as it was not gluten free. In another incident, a Moroccan national was allegedly handcuffed and beaten up by a guard after complaining about living conditions, and then was kept in a room with only a mattress and a toilet for 4 hours.

In **Romania**, the NGO the Romanian National Council for Refugees said that, in the case of vulnerable detainees, the duration of detention to enforce removal was very short. Furthermore, extra measures were adopted during the pandemic to provide supplementary hygiene items in the detention facilities.

In **Lithuania**, arrivals were held in tent camps at border-crossing points and in abandoned public buildings, which served as places for temporary accommodation. The **Seimas Ombudsman's Office**, the Lithuanian **Red Cross**, the **Refugee Council** and other sources reported many human rights concerns about such facilities, including inadequate provision for basic needs, violence among asylum seekers and from the authorities, no separation based on vulnerability or ethnic group, and inadequate meals. Conditions at permanent facilities are **better but still very poor**, especially concerning personal safety, as the authorities primarily protect only the perimeter and less so the inside of the camp. The Ombudsman **considered** conditions at the temporary accommodation to amount to degrading human treatment.

In **Portugal**, the Ombudsperson's Office conducted visits to facilities where migrants are detained, namely the temporary installation centres at Faro Airport and at Lisbon Airport and a facility in Vila Real de Santo António, in the Algarve region. Following these visits, the Ombudsperson's Office concluded that the temporary installation centre at Faro Airport continues to face the same problems as in the past, such as the women's wing being still unusable due to serious inadequacy of material conditions; lack of access to mobile phones and wireless internet connection; only dormitory-type bedrooms; and lack of leisure activities. In the temporary installation centre at Lisbon Airport, on the day of the visit, 22 foreign citizens were being held. The Ombudsperson Office also concluded that the problems previously detected – lack of wireless internet connection and lack of privacy in the shower area – had not been solved. Moreover, male detainees were being held in the women's wing due to capacity constraints. As for the facility in the Algarve region, which is expected to become the Vila Real de Santo António Seaport 'hotspot' and to work as a short-term reception centre for migrants, the Ombudsperson's Office is concerned about the facility's limited space and whether it will indeed only be used for short-term stays.

In **Spain**, the NGO Jesuit Migrant Service reported that there has still been no response from the competent authorities to the **complaint** about the alleged aggressions and violations of fundamental rights in the migrants' detention centre (*centro de internamiento de extranjeros*, CIE) of Madrid filed jointly by this organisation and several others at the beginning of July. The Jesuit Migrant Service noted that, although no new incidents came to light in the period under review, the migrant detention system continues to suffer from structural deficiencies such as a persistent lack of protocols for referral from the temporary immigrant stay centres to the CIEs, lack of translation assistance, deficient legal aid and impediments to NGO access to the CIEs.

Following a riot in the largest pre-removal detention facility in **France** (Mesnil-Amelot), during which three detainees escaped and two were injured, the **Controller General of Places of Deprivation of Liberty** found that the majority of returnees are detained in a punitive manner for up to 90 days, without any reasonable prospect of removal, in violation of **national legislation**. In view of the health situation and the lack of prospect of removal, the Controller General recommended the temporary closure of these administrative detention centres or, at least, a drastic reduction of their occupancy.

In its **concluding observations** on the fourth periodic review of **Belgium**, the United Nations Committee Against Torture expressed concerns over the quasi-systemic detention of asylum applicants (except for unaccompanied children and children with families) at Belgian borders. The committee also called on the Belgian government to resort to immigration detention only in exceptional circumstances and following a case-by-case individual assessment.

In **Germany**, a new joint detention centre of three *Länder* (Schleswig-Holstein, Hamburg and Mecklenburg-Western Pomerania) was opened in **Glückstadt** in August. Various NGOs, such as **Paritätische Schleswig-Holstein**, **ProAsyl** and **the Evangelical Church in Mecklenburg-Western Pomerania**, criticise detention pending removal as constraining liberty rights and causing a high psychological

**burden and trauma.** ProAsyl published an interview with the lawyer Peter Fahlbusch. He stated that, out of the 2 141 people he represented, courts have found that, between 2001 and 6 August 2021, 1 089 (51 %) were unlawfully in detention. These people were unlawfully detained for between 1 day and several months. In total these 1 089 people spent 28 670 days in prison, which adds up to more than 78 years of unlawful detention, while on average each person spent 4 weeks in unlawful detention.

In **the Netherlands**, the lodging of complaints about detention is a lengthy process, according to the **Immigration Detention Hotline of the Foundation LOS**. Detainees often submit a complaint to the supervisory committee of the detention facility and might receive its decision months later, when they are often no longer in the detention centre.

In **Serbia**, the Belgrade Centre for Human Rights reported having received calls from Cuban citizens detained at Belgrade Airport. According to their testimonies, the conditions and the nutrition in the holding premises were inadequate.

## Detention of children

In **Slovenia**, the UNHCR Regional Representation for Central Europe voiced serious concerns about the continued detention of migrant children, including unaccompanied children, and informed FRA that it had called on the authorities to implement the existing interministerial plan on alternatives to detention. The average length of their detention was around 3 days, since most of the unaccompanied children express their intention to seek asylum, upon which they are transferred to the reception facilities for asylum applicants.

In **Romania**, the NGO JRS Romania reported several cases of Afghan unaccompanied children who were placed under guardianship and thus avoided detention following Dublin transfers. The children were assisted by child protection agencies in the submission of new asylum applications.

In **Lithuania**, more than 1 000 children and other vulnerable persons were detained upon entering the territory, in line with legislative **changes**, according to the State Border Guard Service.

In **Portugal**, the **media** reported that the Immigration and Borders Service continued its practice of detaining migrant children. In 2020, it had detained 85 migrant children and 10 of these children were kept in detention for more than 7 days, exceeding the maximum detention period established by the Ministry of Home Affairs. In response to this news, the Immigration and Borders Service said that this practice was carried out to ensure that these persons' basic needs were provided for.

In **France**, in reaction to yet another **ruling of the ECtHR** condemning France for detaining migrant children with families, the **Public Defender of Rights** continued to express concerns about putting children in immigration detention. She also called on the government and the National Assembly to change the legislation to outlaw immigration detention of children.

In **Belgium**, the Council of State **annulled** parts of the royal decree allowing detention of migrant children in certain conditions but did not annul the decree in its entirety (e.g. the possibility of keeping children in immigration detention for 4 weeks remains in force). Commenting on the ruling, the Secretary of State for Asylum and Migration **repeated** that, even though the immigration detention of children is possible under domestic law, the current government will not allow the practice.

In **North Macedonia**, the Macedonian Young Lawyers Association and the Ombudsperson confirmed that the practice of placing children in immigration

detention continues and no alternatives to detention are in place. The main reason for the detention of migrants is to secure their presence as witnesses in criminal procedures. According to both bodies, such detention is unlawful. According to the Macedonian Young Lawyers Association, one child was detained as a witness in a container for 17 days in the Tabanovce transit centre. The child could only leave the container when accompanied by the police. The child protested and self-harmed. Following this, the police transported the child to the Vinojug transit centre and kept him there for another 21 days before sending him back to Greece without due process.

Also in **North Macedonia**, two young asylum-seeking boys with amputated legs were accommodated in the reception centre for asylum seekers after their discharge from hospital. According to CSO Legis, the reception centre for asylum seekers does not have capacity to provide adequate healthcare for persons with special needs.

# Return

## Figures and trends

In **Italy**, **4 321 migrants were returned during 1 August 2020 to 31 July 2021** (-2 % compared with the same period in 2019-2020). During the same period, 372 migrants benefited from voluntary assisted return programmes.

In **Cyprus**, since 1 January 2021, more than 8 500 asylum applications had been examined and more than 7 000 negative decisions had been notified but fewer than 300 rejected applicants had been returned to their country of origin, the Interior Minister **stated**.

Authorities in **Hungary** carried out 274 removals to non-EU countries, as well as 483 intra-EU readmissions under bilateral readmission agreements, during the reporting period, according to data that the National Headquarters of the Police provided to FRA. The people removed had typically attempted to enter Hungary with forged documents and were expelled as a result of a criminal procedure, or were extradited human smugglers. Pending removal, returnees were kept in pre-removal detention centres at Budapest International Airport and in Nyírbátor (close to the border with Ukraine), according to the Ministry of the Interior.

In **Slovenia**, authorities readmitted, from the Postojna Centre for Foreigners, 337 migrants in an irregular situation to neighbouring countries on the basis of bilateral readmission agreements, and removed 11 persons to their non-EU countries of origin.

## Changes in law, policy and/or practice

The Human Rights Commissioner of the Council of Europe **expressed concern** about the new **legislation** on returns in **Greece**, which introduced restrictions on the activities of civil society organisations. She highlighted that this would seriously hinder the life-saving work carried out at sea by NGOs, and their human rights-monitoring capabilities. The Commissioner also noted the serious concerns of the human rights community regarding its impact on the right to asylum, the prevention of *refoulement*, safeguards in return procedures and the prevention of large-scale automatic detention.

In **Italy**, the **Ministry of the Interior** received the Tunisian ambassador in a bilateral meeting at which the cooperation between the two countries on returns and readmission of irregular Tunisian migrants in Italy was confirmed.

In **Austria**, the Constitutional Court took a landmark **decision** regarding returns to Afghanistan. The application concerned the same case for which the ECtHR had issued an interim measure stopping the planned return of a rejected asylum applicant from Austria to Afghanistan, according to a **letter** published by the NGO Deserteurs- und Flüchtlingsberatung, which filed the application. Nevertheless, the **Federal Minister for the Interior** first announced his intention to uphold returns to Afghanistan, and the **Federal Administrative Court** also still considered the continuation of detention pending removal to be proportionate due to a risk of absconding. The Afghan citizen filed an appeal before the Constitutional Court, which granted suspensive effect to the appeal. The court could not see that a timely return of the applicant to the country of origin was possible, which would justify the imposition and maintenance of detention pending removal. The NGO **Asylum Coordination Austria** announced legal action against the Federal Minister for the Interior for not immediately ordering the release of all Afghan nationals in pre-removal detention. Following this announcement, the last two Afghans who had been arrested in preparation for deportation and were in pre-removal detention were released from the Vordernberg detention centre in late August 2021. The Federal Ministry of the Interior confirmed on 24 September 2021 that there are de facto currently no returns to Afghanistan.

In the wake of the rapid deterioration in the security and human rights situation in Afghanistan, UNHCR released a **non-return advisory**, calling for a bar on forced returns of Afghan nationals, including asylum seekers who have had their claims rejected.

## Bright spots

In **Slovenia**, because of the COVID-19-related conditions and worsening security situation in certain non-EU countries, return procedures to those countries were stopped. The police issue permissions to stay to persons from such countries.

In **Lithuania**, the authorities try to make asylum seekers arriving from Belarus agree to return voluntarily, according to IOM, offering **EUR 300** as encouragement and **refraining** from criminal prosecution for the illegal border crossing, which would carry a 5-year ban on entry to the Schengen area and detention for an unspecified period of time.

In **Portugal**, the IOM mission said that it continued to implement the voluntary return project. Supported by this project, between 1 July and 30 September, 50 migrants returned to Brazil, Cape Verde, Guinea-Bissau, São Tomé and Príncipe, and Venezuela, and the IOM mission started the reintegration process of 10 migrants who had previously returned to Brazil and Sierra Leone.

In **the Netherlands**, the State Secretary for Justice and Security suspended deportations to **Afghanistan** and **Tigray** for 6 months. In addition, the deadline to decide on pending asylum applications and on those that will be submitted during the suspension has been extended by 1 year.

Also in **the Netherlands**, the Administrative Jurisdiction Division of the Council of State **ruled** in two joined cases that the authorities must provide more justification concerning the return of recognised refugees to Greece. The rulings concerned two Syrian nationals who had been granted asylum in Greece, then travelled to the Netherlands and reapplied for asylum. Their application had been rejected by the State Secretary for Security and Justice on the grounds that they already had received refugee status in Greece. The Council of State ruled that their return should be reconsidered, as they might end up in poor conditions in Greece.

## Fundamental rights concerns related to return

In **Austria**, the **Regional Administrative Court of Styria ruled** in a case concerning a pushback incident that national authorities had violated the prohibition of *refoulement* and carried out summary returns in a quasi-systematic manner at the Austrian-Slovenian border. In addition, the court found that the practice by the police in **Slovenia** of taking back rejected migrants in an irregular situation without interviewing them and subsequently readmitting them to Bosnia and Herzegovina and to Croatia 'could amount to chain *refoulement*'.

In **Spain**, the **Ombudsman** denounced the practice, particularly common in Melilla, of initiating return procedures against foreign citizens in an irregular situation who go to a police station to carry out the necessary procedures to exercise their children's right to education or to have access to healthcare.

In **France**, the NGO umbrella organisation Observatory on the Imprisonment of Foreigners **voiced criticism** about the practice of forcing pre-removal detainees to undergo a PCR test so that authorities can remove them to non-EU countries that require a negative COVID-19 test to enter. Migrants who refuse to comply with this obligation are often sentenced to prison for obstructing their removal.

Also in **France**, the Ministry of the Interior **announced** the suspension of forced removals of those Afghans whose asylum application had been rejected, in view of the deteriorating security situation in Afghanistan after the Taliban's takeover. However, Dublin transfers of Afghan nationals to those Member States that have not halted removals to Afghanistan after the takeover of the Taliban continued, the NGO **La Cimade reported**.

The United Nations Committee Against Torture adopted its **concluding observations** on the fourth periodic review of **Belgium**. The committee expressed concerns that Belgium continued to remove rejected asylum applicants to non-EU countries in conflict where there is a high risk that those returned will be subjected to torture or ill-treatment. The same report also voices criticism about the impartiality of the national forced return monitoring

## Bright spots

In **Bulgaria**, **UNHCR Bulgaria**, the Bulgarian Helsinki Committee and the Directorate-General Border Police of the Ministry of the Interior signed an agreement on cooperation in monitoring forced return procedures.



system under **the return directive**, carried out by the General Inspectorate of Federal and Local Police. It also highlights the lack of sufficient human and financial resources and the inspectorate's resistance to using video recording of monitored removal operations, which impede the effective implementation of its mandate. The Belgian Federal Migration Centre (Myria) also formulated similar concerns about the inspectorate's independence in a **recent report**.

In **Germany**, the Paritätischer Gesamtverband and the Representative of the Council of the Evangelical Church in Germany report cases of family separation due to return procedures. **The Berlin Refugee Council** also criticises the return of physically and mentally handicapped people. In this context, BAFF repeatedly assesses the requirements for medical certificates to prevent return procedures as too high. In particular, BAFF criticises the fact that statements of psychotherapists are not recognised, so that people with serious mental health issues have limited opportunities to meet the necessary criteria.

In **Denmark**, a rejected asylum applicant was returned to Afghanistan in late July, even after the **Afghan government** had asked the EU Member States to stop forced returns. Media reported that **Denmark carried out 17 returns in 2021** before a suspension was announced in August. Furthermore, the **Refugee Appeals Board** screened the cases of 77 Afghan asylum seekers awaiting deportation whose applications for international protection were rejected before the crisis in Afghanistan, and it reopened 15 cases.

In **Ireland**, the **press** reported that nationals from Afghanistan, Eritrea, Somalia, Syria, Yemen and other countries have been refused leave to land at a significantly higher rate during 2020 and 2021 than prior to the pandemic. The Department of Justice said each case of a person who has been refused leave to land is assessed on its own merits, taking all relevant information into consideration. The Chief Executive of the Irish Refugee Council expressed deep concern over this development, saying that, while there have been no official reports of pushbacks of people wishing to claim asylum, anecdotal evidence 'suggests that some people may be refused leave to land and to enter Ireland even when they have grounds for protection'.

# Hate speech and violent crime

## Changes in law, policy and/or practice

In **Hungary**, the government launched in July a **national consultation** concerning post-COVID-19 recovery measures. It included a question about ‘sealing the borders against migrants, as they may carry new variants of the COVID-19 virus into Hungary’. Some 1.5 million of the respondents (98 %) agreed that migration should be stopped for 2 years after the pandemic ends.

In **Portugal**, Resolution 101/2021 of the **Council of Ministers** approved the first national plan against racism and discrimination, 2021–2025, which establishes a comprehensive set of measures to fight discrimination and promote equality in 10 areas, including education, employment, housing, health, justice and security, media and social media. The national plan specifically addresses discrimination against refugees, including migrant children who do not hold a valid permit to enter and/or stay in Portugal.

## Reported incidents of hate speech and violent crime against migrants

In **Greece**, the Racist Violence Reporting Network recorded seven incidents of racist violence between 1 July and 30 September 2021. In addition, xenophobic protests took place against an **artistic project** that used a giant puppet’s journey from Turkey to the United Kingdom to show the plight of displaced refugee children. According to media reports, the puppet was not **permitted** to pass through certain municipalities, while in another case protesters **threw stones**.

In **Malta**, four men beat up a Sudanese asylum applicant badly in the streets of Mara, the **Times of Malta** reported.

Also in **Malta**, 20 Facebook users have been convicted of hate speech in court, the **Times of Malta reported**. They posted inflammatory comments under a video, saying that ‘bloody foreigners’ should all be ‘chucked out before we start a war’ and ‘we should burn them all if they cross the line’. The magistrate gave suspended sentences ranging from 18 months to 2 years, and imposed fines ranging from EUR 150 to EUR 500 depending on the offensiveness of the comment.

In **Croatia**, the Centre for Intercultural Dialogue reported a case of school bullying against a refugee child, which caused her serious psychophysical suffering. The school and the local Centre for Social Care offered support to the affected child.

In **Slovenia**, Web Eye – an online hotline platform collecting incidents of alleged hate speech on the internet – published its **annual report**, covering incidents in 2020. The hotline received 2 268 reports of controversial speech and referred 67 cases to the police for further investigation. Of the 67 incidents of alleged hate speech punishable as a criminal offence, one quarter involved xenophobia, predominantly targeting migrants and asylum applicants.

In **Bulgaria**, according to **media** reports, a small group of residents of Harmanli protested against the reception centre for asylum applicants (the biggest reception facility in the country). The protesters demanded the closure of the centre or its transformation from an open to a closed facility so that the people accommodated in it could not go out.

In **Slovakia**, according to a recent report by the **Human Rights League**, hate crimes against migrants are under-reported because of various factors such as language barriers, fear of losing a residence permit, lack of trust in the police and ignorance that such incidents can be punished as a crime. The Human Rights

League published **videos** in various languages informing people of migrant origin about hate crime and possible assistance.

Media in **Lithuania present** newly arrived asylum seekers as a weapon used by the Belarusian regime or as economic migrants wishing to reach western Europe. Local communities **oppose accommodating** newly arrived asylum seekers; some locals have started **riots** or set up **self-defence** groups.

Lawyers trying to defend the rights of asylum seekers, for example the applicants in the ECtHR case *Sadeed and Others v. Lithuania* (ECtHR application No 44205/21), are **portrayed** as agents of the Belarusian regime, while the Lithuanian Red Cross is **mentioned** in conspiracy theories. Articles concerning asylum seekers receive many **hate comments**. Only one criminal investigation was initiated, concerning a poster that said 'Migrants – go away' (*Migrantus lauk*).

In **Portugal**, the Commission for Equality and Against Racial Discrimination reported that, between 1 January and 30 June, of a total of 220 situations of alleged discrimination on the grounds of race/racism, 84 might relate to discrimination against migrants. The reasons for discrimination include a person's nationality (i.e. not Portuguese), their migrant status and multiple grounds. The director of the Portuguese Catholic Work for Migration, **quoted** by the media, expressed her concern at the rise in xenophobic speech in social media and mentioned, in particular, the written comments made whenever there was news on the Mediterranean crossings and the arrival of migrants in Europe.

In **France**, Amnesty International reported that the **Court of Boulogne-sur-Mer convicted** a police officer of the assault in 2018 of a British volunteer engaged in helping migrants and refugees in Calais and of making false statements against him. The volunteer, filming a French policeman pushing another volunteer, had been assaulted by the policeman and then was himself charged with contempt and violence against the police.

In the **Netherlands**, violent protests against the planned arrival of 800 Afghan asylum applicants took place in the emergency reception centre near the village of Harskamp, according to the **media**. The protesters burned car tyres and set off fireworks outside the centre, and some shouted racist slogans. The protesters were mainly young people with dogs.

COUNTRY	STAKEHOLDERS INTERVIEWED OR CONSULTED VIA EMAIL
AUSTRIA	<ul style="list-style-type: none"> <li>→ Federal Ministry of the Interior, Department V/9/a (<i>Bundesministerium für Inneres, Abteilung V/9/a Grundversorgung und Bundesbetreuung</i>)</li> <li>→ Federal Ministry of the Interior, Department V/8 (<i>Bundesministerium für Inneres, Abteilung V/8 Asyl und Fremdenwesen</i>)</li> <li>→ Federal Ministry of the Interior, Criminal Intelligence Service, Competence Centre for Missing Children (<i>Bundesministerium für Inneres, Bundeskriminalamt, Kompetenzzentrum für Abgängige Personen</i>)</li> <li>→ Federal Agency for State Protection and Counter-terrorism (<i>Bundesamt für Verfassungsschutz und Terrorismusbekämpfung</i>)</li> <li>→ Austrian Ombudsperson Board (<i>Volksanwaltschaft</i>)</li> <li>→ Asylum Coordination Austria (<i>asylkoordination österreich</i>)</li> <li>→ Caritas Vienna (<i>Caritas Wien</i>)</li> <li>→ Austrian Red Cross (<i>Österreichisches Rotes Kreuz</i>)</li> </ul>
BELGIUM	<ul style="list-style-type: none"> <li>→ Immigration Office (<i>Dienst Vreemdelingenzaken / Office des Étrangers</i>)</li> <li>→ 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, Fedasil</i>)</li> <li>→ Ministry of Justice (Guardianship Service)</li> <li>→ Myria – Federal Migration Centre (<i>Federaal Migratiecentrum / Centre fédéral Migration</i>)</li> <li>→ Jesuit Refugee Service Belgium, NGO</li> <li>→ Vluchtelingenwerk Vlaanderen, NGO</li> </ul>
BULGARIA	<ul style="list-style-type: none"> <li>→ State Agency for Refugees (SAR) (<i>Държавна агенция за бежанците, ДАБ</i>)</li> <li>→ Ministry of the Interior, Directorate-General Border Police (Mol – DGBP) (<i>Министерство на вътрешните работи, Главна дирекция „Гранична полиция“, МВР – ГДГП</i>)</li> <li>→ Ombudsperson 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>)</li> <li>→ State Agency for Child Protection (SACP) (<i>Държавна агенция за закрила на детето, ДАЗД</i>)</li> <li>→ Ministry of the Interior, Directorate-General National Police (Mol – DGNP) (<i>Министерство на вътрешните работи, Главна дирекция „Национална полиция“, МВР – ГДНП</i>)</li> <li>→ UNHCR Bulgaria (<i>Работна група по интеграция на лица с предоставена международна закрила в България</i>)</li> <li>→ Center for Legal Aid Voice in Bulgaria (<i>Център за правна помощ – Глас в България</i>)</li> </ul>
CROATIA	<ul style="list-style-type: none"> <li>→ Ministry of Labour, Pension System, Family and Social Policy (<i>Ministarstvo rada, mirovinskog sustava, obitelji i socijalne politike</i>)</li> <li>→ The Office of the Ombudswoman (<i>Ured pučke pravobraniteljice</i>)</li> <li>→ Centre for Peace Studies (<i>Centar za mirovne studije</i>)</li> <li>→ Centre for Intercultural Dialogue (<i>Centar za kulturu dijaloga</i>)</li> <li>→ Jesuit Refugee Service (<i>Isusovačka služba za izbjeglice</i>)</li> <li>→ Médecins du Monde (<i>Liječnici svijeta</i>)</li> <li>→ Are You Syrious?, NGO</li> <li>→ Welcome! Initiative (<i>Inicijativa Dobrodošli</i>), NGO</li> </ul>

**COUNTRY****STAKEHOLDERS INTERVIEWED OR CONSULTED VIA EMAIL****CYPRUS**

- 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*)
- Social Welfare Services (*Υπηρεσίες Κοινωνικής Ευημερίας*)
- Cyprus Refugee Council (*Κυπριακό Συμβούλιο για τους Πρόσφυγες*) (NGO acting as implementing partner of UNHCR, offering legal, social and other assistance to asylum applicants and refugees)
- KISA (*Κίνηση για Ισότητα, Στήριξη και Αντιρατσισμό, ΚΙΣΑ*), national NGO offering support to migrants and refugees
- Caritas Cyprus
- Generation for Change CY, national NGO offering support to migrants and asylum seekers in the community

**DENMARK**

- The Danish Immigration Service (*Udlændingestyrelsen*)
- Amnesty International Denmark
- SOS Racism (*SOS Racisme*)
- Danish Red Cross (*Dansk Røde Kors*)
- UNHCR Regional Representation for Northern Europe
- Danish Refugee Council (*Dansk Flygtningehjælp*)
- Danish Parliamentary Ombudsman (*Folketingets Ombudsmand*)
- The Danish Return Agency (*Hjemrejsestyrelsen*)

**FRANCE**

- Ministry of the Interior (*Ministère de l'Intérieur*)
- Maritime Prefecture of the Channel and the North Sea (*Préfecture Maritime de la Manche et de la Mer du Nord*)
- Public Defender of Rights (*Le Défenseur des droits - DDD*), General Authority and Department for the Protection of the Rights of the Child
- Controller General of Places of Deprivation of Liberty (*Contrôleur général des lieux de privation de liberté, CGLPL*)
- National Consultative Commission on Human Rights (*Commission nationale consultative des droits de l'homme, CNCDH*)
- National Association of Border Assistance for Foreigners (*Association nationale d'assistance aux frontières pour les étrangers, ANAFÉ*)
- La Cimade (Inter-Movement Committee for Evacuees - *Comité inter mouvements auprès des évacués*)
- Doctors of the World (*Médecins du Monde*)

**GERMANY**

- UNHCR
- Arrival Centre of the Regional Authorities for Refugees in Berlin (LAF)
- Jesuit Refugee Service (*Jesuitenflüchtlingsdienst, JRS*)
- German Institute for Human Rights
- Federal Working Group of Psycho-Social Support Centres for Refugees and Victims of Torture (*Bundesweite Arbeitsgemeinschaft der psychosozialen Zentren für Flüchtlinge und Folteropfer, BAFF*)
- Federal Association of Unaccompanied Minors (*Bundesfachverband für unbegleitete minderjährige Flüchtlinge, BumF*)
- Berlin Senate Department for Education, Youth and Family (*Berliner Senatsverwaltung für Bildung, Jugend und Familie*)
- Plenipotentiary of the Council of the Evangelical Church in Germany (*Bevollmächtigter des Rates der EKD bei der Bundesrepublik Deutschland und der Europäischen Union*)
- Der Paritätische Gesamtverband

**COUNTRY**      **STAKEHOLDERS INTERVIEWED OR CONSULTED VIA EMAIL**

- GREECE**
- Hellenic Police Headquarters – Migration Management Division (*Αρχηγείο Ελληνικής Αστυνομίας-Τμήμα Διαχείρισης Μετανάστευσης*)
  - UNHCR Greece (*Υπατη Αρχή Αρμοστέια του ΟΗΕ για τους Πρόσφυγες*)
  - Racist Violence Recording Network (*Δίκτυο Καταγραφής Περιστατικών Ρατσιστικής Βίας*)
  - Greek Council for Refugees (*Ελληνικό Συμβούλιο για τους Πρόσφυγες*)
  - Hellenic League for Human Rights (*Ελληνική Ένωση για τα Δικαιώματα του Ανθρώπου*)
  - Médecins sans Frontières (*Γιατροί Χωρίς Σύνορα*)
  - Greek Ombudsman
  - Reception and Identification Service (*Υπηρεσία Υποδοχής και Ταυτοποίησης*)

- HUNGARY**
- Ministry of the Interior (*Belügyminisztérium*)
  - Ministry of Human Capacities (*Emberi Erőforrások Minisztériuma*)
  - National Headquarters of the Police (*Országos Rendőr-főkapitányság*)
  - National Directorate-General for Aliens Policing (*Országos Idegenrendészeti Főigazgatóság*)
  - UNHCR Hungary
  - Migrant Solidarity Group of Hungary (*Migráns Szolidaritás, MigSzol*)
  - Hungarian Association for Migrants (*Menedék Migránsokat Segítő Egyesület*)
  - Cordelia Foundation (*Cordelia Alapítvány*)

- IRELAND**
- Irish Refugee Council
  - Dr Lucy Michael, Commissioner, Irish Human Rights and Equality Commission
  - Immigrant Council of Ireland
  - UNHCR Ireland
  - Facility Manager, initial reception centre for unaccompanied minors
  - Department of Justice
  - Department of Children, Equality, Disability, Integration and Youth / International Protection Accommodation Service

- ITALY**
- Ministry of the Interior
  - Ministry of Labour and Social Policies
  - Department for Public Security – Directorate-General for Immigration and Border Police (*Dipartimento della Pubblica Sicurezza – Direzione Centrale dell’Immigrazione e della Polizia delle Frontiere*) of the Ministry of the Interior
  - National Commission for the Right of Asylum (*Commissione Nazionale per il Diritto d’Asilo*) of the Ministry of the Interior
  - National Guarantor for the rights of persons detained or deprived of liberty (*Garante nazionale per i diritti delle persone detenute o private della libertà personale*)
  - Authority for the Protection of Childhood and Adolescence (*Autorità Garante per l’Infanzia e l’Adolescenza, AGIA*)
  - National Office against Racial Discrimination (*Ufficio Nazionale Antidiscriminazioni Razziali, UNAR*)
  - Association for Legal Studies on Immigration (*Associazione per gli studi giuridici sull’immigrazione, ASGI*)
  - Italian Refugees Council (*Consiglio Italiano per i Rifugiati, CIR*)
  - Observatory for the Security against Discrimination of the Italian Police (*Osservatorio per la Sicurezza Contro gli Atti Discriminatori, OSCAD*)



COUNTRY	STAKEHOLDERS INTERVIEWED OR CONSULTED VIA EMAIL
LATVIA	<ul style="list-style-type: none"> <li>→ Office of Citizenship and Migration Affairs (<i>Pilsonības un migrācijas lietu pārvalde</i>)</li> <li>→ State Border Guard (<i>Valsts robežsardze</i>)</li> <li>→ Ombudsman (<i>Tiesībsargs</i>)</li> <li>→ Ropaži Municipality Child Custody Court (<i>Ropažu novada bāriņtiesa</i>)</li> <li>→ Daugavpils Orphan Child Custody Court (<i>Daugavpils bāriņtiesa</i>)</li> <li>→ UNHCR</li> <li>→ Asylum seekers camp "Mucenieki" (<i>Patvēruma meklētāju centrs "Mucenieki"</i>)</li> <li>→ Latvian Centre for Human Rights (<i>Latvijas Cilvēktiesību centrs</i>)</li> </ul>
LITHUANIA	<ul style="list-style-type: none"> <li>→ Lithuanian Red Cross</li> <li>→ IOM Vilnius</li> <li>→ Migration Department under the Ministry of the Interior</li> <li>→ UNHCR Vilnius office</li> <li>→ Children's Rights Ombudsman Institution of the Republic of Lithuania</li> <li>→ Prosecutor General</li> <li>→ Seimas Ombudsman Office</li> </ul>
MALTA	<ul style="list-style-type: none"> <li>→ Ministry for Home Affairs, National Security and Law Enforcement – Hate Crime and Hate Speech Unit</li> <li>→ International Protection Agency (formerly the Office of the Refugee Commissioner)</li> <li>→ Office of the Commissioner for Children</li> <li>→ KOPIN, NGO</li> <li>→ African Media Association, NGO</li> </ul>
NETHERLANDS	<ul style="list-style-type: none"> <li>→ Dutch Council for Refugees (<i>Vluchtelingenwerk Nederland</i>)</li> <li>→ Amnesty International – Netherlands</li> <li>→ Netherlands Institute for Human Rights (<i>College voor de Rechten van de Mens</i>)</li> <li>→ Defence for Children the Netherlands</li> <li>→ 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 'Alien Chain')</li> <li>→ Stichting LOS, knowledge centre for people and organisations that support migrants in an irregular situation</li> <li>→ UNICEF the Netherlands</li> <li>→ NIDOS, independent family guardian organisation, fulfilling the guardianship task for unaccompanied minor asylum seekers</li> </ul>
NORTH MACEDONIA	<ul style="list-style-type: none"> <li>→ Ombudsperson (<i>Народен Правобранител</i>)</li> <li>→ UNHCR North Macedonia</li> <li>→ IOM North Macedonia</li> <li>→ Macedonian Young Lawyers Association (<i>Македонско здружение на млади правници</i>)</li> <li>→ Association for Action Against Violence and Trafficking in Human Beings – Open Gate (<i>Здружението за акција против насилство и трговија со луѓе-Отворена порта</i>)</li> <li>→ Legis (<i>HBO Легис</i>), NGO</li> <li>→ Helsinki Committee of Human Rights of the Republic of Macedonia (<i>HBO Хелсиншки комитет за човекови права на Република Македонија</i>), NGO</li> </ul>

COUNTRY	STAKEHOLDERS INTERVIEWED OR CONSULTED VIA EMAIL
<b>POLAND</b>	<ul style="list-style-type: none"> <li>→ Ombudsman for Children (<i>Rzecznik Praw Dziecka</i>)</li> <li>→ UNHCR Representation in Poland</li> <li>→ Ombudsman (<i>Rzecznik Praw Obywatelskich</i>)</li> <li>→ Border Guard, Border Guard Headquarters (<i>Straż Graniczna, SG</i>)</li> <li>→ Police, Police Headquarters (<i>Policja</i>), Plenipotentiary for human rights of the Police Headquarters</li> <li>→ Head of the Office for Foreigners (<i>Szef Urzędu do Spraw Cudzoziemców</i>)</li> <li>→ Caritas, Diocese in Ełk, Care and Educational Institution in Ełk, Director of the House of St. Faustina's 'Helping Hand' (<i>Dyrektor Domu św. Faustyny – „Pomocna Dłoń”. Caritas Diecezji Ełckiej. Placówka Opiekuńczo-Wychowawcza w Ełku</i>)</li> <li>→ Helsinki Foundation for Human Rights (<i>Helsińska Fundacja Praw Człowieka</i>)</li> <li>→ Association for Legal Intervention (<i>Stowarzyszenie Interwencji Prawnej</i>)</li> </ul>
<b>PORTUGAL</b>	<ul style="list-style-type: none"> <li>→ Immigration and Borders Service (<i>Serviço de Estrangeiros e Fronteiras, SEF</i>)</li> <li>→ Portuguese Refugee Council (<i>Conselho Português para os Refugiados, CPR</i>)</li> <li>→ High Commission for Migration (<i>Alto Comissariado para as Migrações</i>)</li> <li>→ Ombudsperson's Office (<i>Provedoria da Justiça</i>)</li> <li>→ Social Security Institute – Ministry of Labour and Social Security (<i>Instituto da Segurança Social – Ministério do Trabalho, Solidariedade e Segurança Social</i>)</li> <li>→ IOM Mission in Portugal (<i>Organização Internacional para as Migrações em Portugal</i>)</li> <li>→ Refugee Children Reception Centre (<i>Casa de Acolhimento para Crianças Refugiadas, CACR</i>)</li> <li>→ Commission for Equality and Against Racial Discrimination (<i>Comissão para a Igualdade e contra a Discriminação Racial, CIDR</i>)</li> <li>→ Peaceful Parallel</li> <li>→ National SIRENE Bureau (<i>Gabinete Nacional SIRENE</i>)</li> </ul>
<b>ROMANIA</b>	<ul style="list-style-type: none"> <li>→ General Inspectorate of Border Police</li> <li>→ General Inspectorate for Immigration</li> <li>→ General Directorate for Social Assistance and Child Protection</li> <li>→ UNHCR</li> <li>→ Jesuit Refugee Service Romania</li> <li>→ LOGS Initiatives</li> <li>→ Romanian National Council for Refugees</li> <li>→ Ombudsman (<i>Avocatul Poporului</i>)</li> </ul>
<b>SERBIA</b>	<ul style="list-style-type: none"> <li>→ ADRA Serbia</li> <li>→ Atina NGO</li> <li>→ Asylum Office</li> <li>→ Commissariat for Refugees and Migration</li> <li>→ Humanitarian Center for Integration and Tolerance (HCIT)</li> <li>→ Group for Children and Youth – Indigo</li> <li>→ Shelter for Foreigners</li> <li>→ UNHCR Serbia</li> </ul>
<b>SLOVAKIA</b>	<ul style="list-style-type: none"> <li>→ Migration Office of the Ministry of the Interior of the Slovak Republic</li> <li>→ Office of the Border and Foreign Police</li> <li>→ Central Office of Labour, Social Affairs and Family</li> <li>→ Public Defender of Rights (Ombudsperson)</li> <li>→ Slovak National Centre for Human Rights</li> <li>→ Slovak Humanitarian Council</li> <li>→ Human Rights League</li> <li>→ IOM Slovakia</li> <li>→ European Migration Network in Slovakia</li> <li>→ UNHCR</li> </ul>

**COUNTRY****STAKEHOLDERS INTERVIEWED OR CONSULTED VIA EMAIL****SLOVENIA**

- UNHCR Representation for Central Europe
- Human Rights Ombudsman (*Varuh človekovih pravic*)
- Ministry of the Interior, Migration Directorate (*Ministrstvo za notranje zadeve, Direktorat za migracije*)
- Office of the Government of the Republic of Slovenia for the Support and Integration of Migrants (*Urad Vlade Republike Slovenije za oskrbo in integracijo migrantov*)
- Police (*Policija*)
- Caritas Slovenia (*Slovenska karitas*)
- Legal Centre for the Protection of Human Rights and Environment (*Pravni center za varstvo človekovih pravic in okolja, PIC*)
- Slovene Philanthropy (*Slovenska filantropija*)

**SPAIN**

- Spanish Ombudsman (*Defensor del Pueblo*)
- UNICEF Spain (*UNICEF España*)
- UNHCR (*ACNUR España*)
- Prosecutor for the Coordinating Chamber for Minors, Ministry of Justice (*Fiscal de Sala Coordinador de Menores, Ministerio de Justicia*)
- Spanish Commission for Refugee Aid (*Comisión Española de Ayuda al Refugiado, CEAR*)
- Spanish Catholic Migration Commission Association (*Asociación Comisión Católica Española de Migraciones, ACCEM*)
- SOS Racismo
- Jesuit Migrant Service (*Servicio Jesuita a Migrantes, SJM*)







# PROMOTING AND PROTECTING YOUR FUNDAMENTAL RIGHTS ACROSS THE EU —

For FRA's work on migration, please see:

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

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