

# MIGRATION: KEY FUNDAMENTAL RIGHTS CONCERNS

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QUARTERLY BULLETIN

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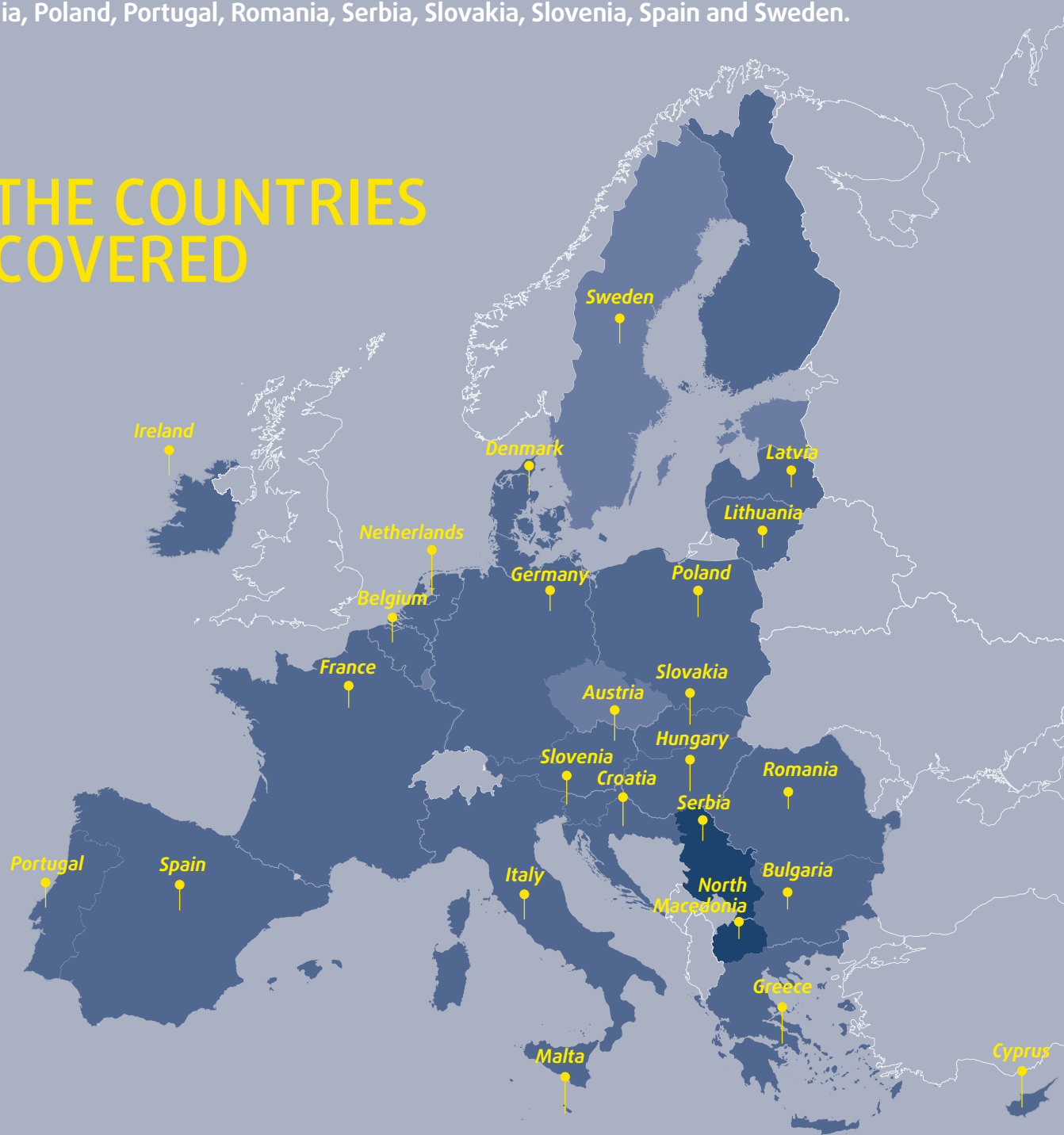
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The European Union Agency for Fundamental Rights has been regularly collecting data on asylum and migration since September 2015. This report focuses on the fundamental rights situation of people arriving in Member States and EU candidate countries particularly affected by migration. It addresses fundamental rights concerns between 1 October and 31 December 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, Spain and Sweden.

## THE COUNTRIES COVERED



## Note on sources

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. The EU Agency for Fundamental Rights is not in a position to confirm allegations.

## Key fundamental rights concerns

Pushbacks and collective expulsions continue to be reported by international organisations, civil society organisations and the media in several EU countries, including **Croatia, Cyprus, France, Greece, Hungary, Latvia, Lithuania, Malta, North Macedonia, Poland, Romania, Serbia, Slovenia** and **Spain**. For more information, see **Risk of refoulement and police violence at borders**.

In **Greece**, at least 31 people lost their lives in three different shipwrecks over the course of 4 days and more went missing, according to **the Office of the United Nations High Commissioner for Refugees (UNHCR)**. Reports of arbitrary detention and ill-treatment persisted. The lack of access for both recognised refugees and rejected asylum applicants to accommodation, food and basic services remained an issue of concern. For more information, see **Risk of refoulement and police violence at borders** and **Reception conditions**.

In **Italy**, the **National Guarantor for the rights of persons detained or deprived of liberty** reported on the inadequate conditions at several facilities used by police authorities to temporarily detain migrants. For more information, see **Reception conditions** and **Detention conditions**.

In **Malta**, allegations persisted concerning delays in search and rescue (SAR) operations, ignored requests from civil society vessels for coordinated rescue operations, and the chartering of tourist boats to detain migrants in Maltese waters. For more information, see **Search and rescue** and **Risk of refoulement and police violence at borders**.

In **Cyprus**, overcrowding of camps and very poor reception conditions remained concerns. In addition, the Cypriot authorities requested the European Commission to activate Article 78(3) of the Treaty on the Functioning of the European Union (TFEU) and propose provisional measures to allow Cyprus to deal with a sudden inflow of third-country nationals, including the suspension of new asylum applications until the situation becomes manageable. For more information, see **Search and rescue, Access to asylum procedures** and **Reception conditions**.

In **Hungary**, the scope of application of **the temporary procedural rules on asylum** was again extended, to 31 December 2022. According to these rules, a declaration of intent to apply for asylum can be made only at the Hungarian diplomatic missions in Belgrade and Kiev. Many migrants apprehended in the territory of Hungary were advised of this by the border police. The practice of detaining migrants who enter the country irregularly continued. For more information, see **Access to asylum procedures**.

In **M.H. and Others v. Croatia**, the European Court of Human Rights (ECtHR) found violations of the right to life, the prohibition of inhuman and degrading treatment, the right to security and liberty, the prohibition of collective expulsions and the right to an individual application. The court referred to the periodic data collection carried out by the European Union Agency for Fundamental Rights (FRA) on the migration situation in the EU and its quarterly bulletins on migration as supporting evidence.

**The media** reported that a woman drowned in the Korana River at the border with Bosnia and Herzegovina and a 10-year-old girl drowned in the River Dragonja at the Croatian-Slovenian border. After a **media investigation** captured footage of pushbacks to Bosnia and Herzegovina, the Ministry of the Interior **confirmed** the involvement of Croatian police officers and **suspended** those filmed pending disciplinary proceedings. Non-governmental organisations (NGOs) continued to report on police violence at borders. For more information, see **Risk of refoulement and police violence at borders**.

In **Austria**, the number of cases of migrant smuggling detected remained high. In 2021, at least 337 smugglers were arrested. There were reports of up to 25 people crammed for hours into small vans to cross the border, and at least two dead refugees were discovered in a minibus at the Hungarian border. For more information, see [Migrant smuggling](#).

In **Slovenia**, the NGO Border Violence Monitoring Network [collected testimonies](#) from people who had expressed their intention to apply for asylum in Slovenia but were pushed back to Croatia without being given the opportunity to do so. According to these testimonies, they often faced violence in Croatia and further pushbacks, mostly to Bosnia and Herzegovina. For more information, see [Risk of refoulement and police violence at borders](#).

The [UN Subcommittee on Prevention of Torture](#) expressed concerns about the detention of children in **Bulgaria** and highlighted the need to ensure humane conditions for all detained migrants. For more information, see [Detention of children](#).

In **Romania**, UNHCR and NGOs reported multiple cases of alleged collective expulsions at the border with Serbia and allegations of ill-treatment by the authorities. For more information, see [Risk of refoulement and police violence at borders](#).

According to [UNHCR](#), around 8 000 asylum seekers crossed into **Latvia**, **Lithuania** and **Poland** last year. According to the Lithuanian Border Guard Service, 8 099 migrants were prevented from entering Lithuania between 3 August and 31 December 2021. In Latvia, following the introduction of the [state of emergency](#) in four territories bordering Belarus on 10 August 2021, [4 475 people had been prevented](#) from crossing the Latvian–Belarusian border by 9 January 2022. According to the Polish Border Guard, 28 104 people were prevented from entering Poland between October and December. According to [UNHCR](#), thousands of migrants were stranded along the border in Belarus as the weather turned cold, and many have died. In Latvia and Poland, NGOs are still not allowed access to border zones and the media are allowed only under restricted conditions. For more information, see [Risk of refoulement and police violence at borders](#).

In **Portugal**, the Lisbon Court of Appeal confirmed a first-instance judgment that found three inspectors of the Immigration and Borders Service guilty of qualified and serious offences to physical integrity that resulted in the death of a Ukrainian detainee at Lisbon airport's temporary detention centre in March 2020. For more information, see [Law and policy changes](#).

In **Spain**, [deaths and disappearances](#) of migrants at sea continued to rise, with over 4 000 victims in 2021. Allegations of collective expulsions to Morocco have also been made by NGOs. The United Nations Children's Fund (UNICEF) raised serious concerns about the inadequate reception conditions in the Canary Islands, Ceuta and Melilla. For more information, see [Search and rescue](#), [Risk of refoulement and police violence at borders](#) and [Reception conditions](#).

In **France**, attempts by migrants to reach the United Kingdom by crossing the English Channel (La Manche) persisted. In November, 27 people died in a [shipwreck](#). Several [NGOs](#) reported practices involving racial profiling, police violence and pushbacks at the French–Italian and French–Spanish borders. [Human Rights Watch](#) and the [Public Defender of Rights](#) denounced the degrading human rights situation in Calais. For more information, see [Search and rescue](#), [Risk of refoulement and police violence at borders](#) and [Reception conditions](#).

In **Belgium**, the [Federal Agency for the Reception of Asylum Seekers](#) announced that the reception facilities in the country had exhausted their capacity, leaving many asylum seekers without a place in a reception facility or the opportunity

to lodge an application for international protection. For more information, see [Reception conditions](#).

In **Germany**, the **Federal Police** registered 11 228 irregular migrants from Belarus crossing the German–Polish border in 2021, but the numbers were decreasing towards the end of the year.

In **Sweden**, many Afghan asylum seekers remain in limbo after a ‘moratorium’ between 23 July and 29 November 2021 on the processing of their asylum applications and return decisions, after the Taliban takeover in August 2021. The suspension of such decisions was based on the absence of reliable country-of-origin information. For more information, see [Law and policy changes](#).

In **the Netherlands**, overcrowding and poor reception conditions were reported in reception centres and emergency shelters for Afghan evacuees. For more information, see [Reception conditions](#).

**Denmark** continued to consider parts of Syria safe for return. Between 1 January 2019 and October 2021, the protection status of **376 Syrians** was revoked, but to date they have not been returned. For more information, see [Fundamental rights concerns related to return](#).

In **Serbia**, asylum recognition rates remained very low throughout 2021 and allegations of pushbacks from and to neighbouring countries continued. For more information, see [Access to asylum procedures](#) and [Risk of refoulement and police violence at borders](#).

## IRREGULAR BORDER CROSSINGS IN EUROPE



**200,000** ↑  
MIGRANTS

According to preliminary figures collected by **the European Border and Coast Guard Agency (Frontex)**, the total number of irregular border crossings in 2021 was just short of 200 000, the highest number since 2017.

## FRA ACTIVITY

FRA regularly collects data on NGO vessels involved in SAR efforts in the Mediterranean. This includes information on any legal proceedings against them and any difficulties disembarking migrants in safe ports. The International Organization for Migration estimates that from January to 10 December 2021 about 1 654 people died or went missing while crossing the Mediterranean Sea to reach Europe to escape war or persecution or to pursue a better life. This is an average of more than four people per day. Deadly incidents have also occurred recently in the English Channel.

For more information, see FRA, **December 2021 Update – Search and rescue (SAR) operations in the Mediterranean and fundamental rights, 2021**.

## Situation at the border

### Search and rescue

In **Greece**, at least 31 people lost their lives in three different shipwrecks over the course of 4 days and more went missing, according to **UNHCR**. More than 160 people were rescued by the Greek authorities. Weeks after the shipwrecks, four more bodies, including that of a 3-year-old boy, were found, as **media** reported. According to the same source, as Greece has tightened patrols around the eastern Aegean islands, smugglers are increasingly routing vessels from Turkey towards Italy. This route is much longer and more dangerous.

In **Italy**, the Ordinary Court of Naples issued a judgment against the captain of a private vessel, the *Asso 28* of the Augusta Offshore Company, for returning to Libya more than 100 people rescued at sea in 2018. According to the **Association for Legal Studies on Immigration** (Associazione per gli studi giuridici sull'immigrazione, (ASGI)), this decision could affect policies on cooperation with the Libyan authorities on migration.

In **Malta**, the NGO Alarm Phone reported having notified the authorities of several cases of distress at sea in the Maltese SAR zone, without receiving a response. See **Risk of refoulement and police violence at borders**.

In **Cyprus**, 61 people of Syrian origin spotted on a vessel off the south-western coast were escorted by the authorities to Paphos harbour, where they remained for at least 3 days in poor conditions, as UNHCR and **media** reported.

In **Portugal**, 37 people, including four children, were rescued from a small boat in international waters, according to the **Portuguese News Agency**.

In **Spain**, according to the NGO **Caminando Fronteras**, 83 boats attempting to reach Spanish shores in 2021 were reported missing, with 4 404 people on board. In comparison with 2020, deaths increased by more than 100 %, making 2021 the deadliest year so far.

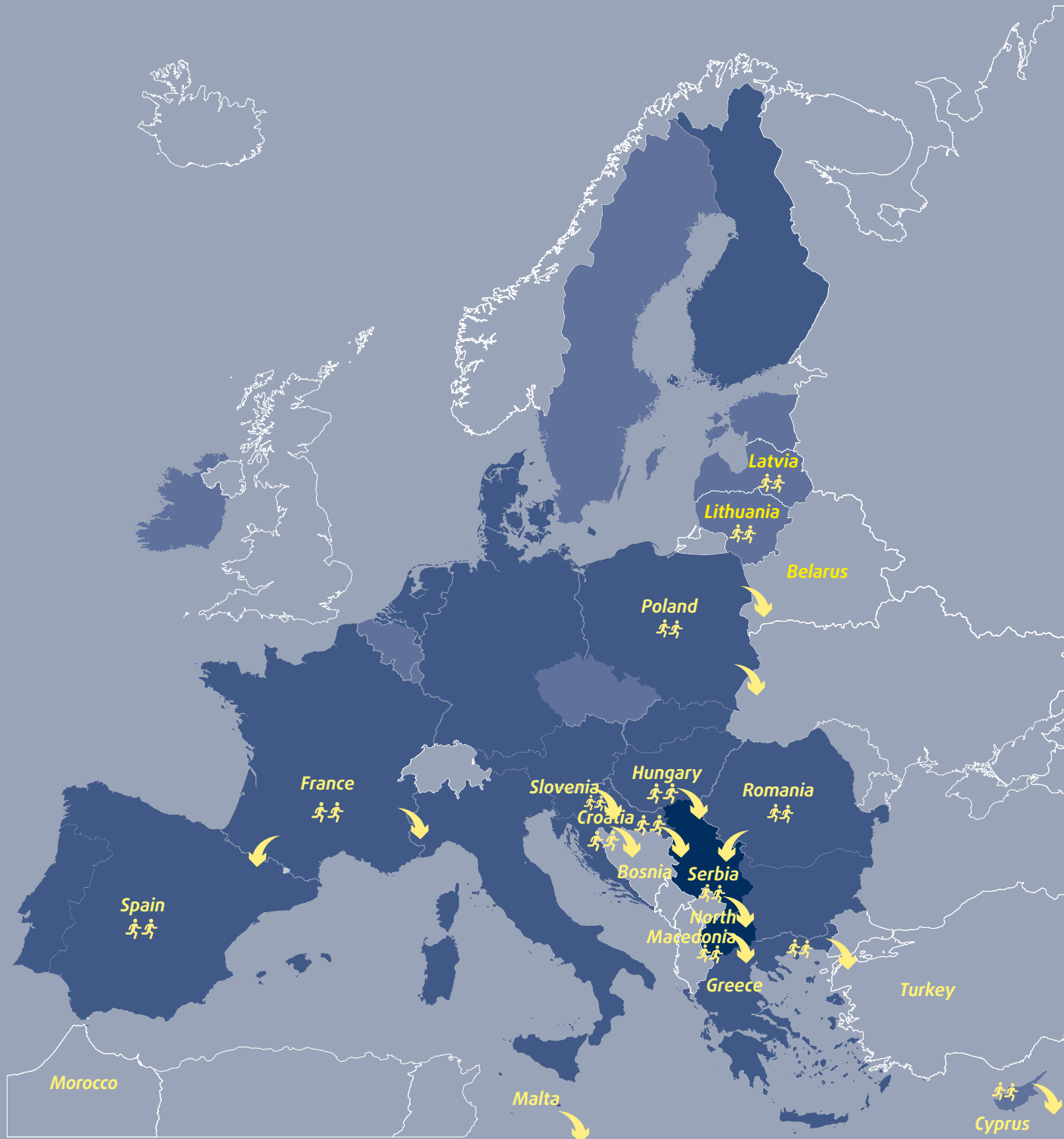
In **France**, the **Ministry of the Interior** and the **Maritime Prefecture of the Channel and the North Sea** reported that migrants continued their attempts to reach the United Kingdom by crossing the Channel in small boats. In a joint statement with representatives of the German, Belgian and Dutch governments, the **French Minister for the Interior** deplored the sinking of a boat that was trying to reach the British coast, causing the deaths of 27 people, including a 16-year-old and a 7-year-old child, in November. The **press** reported that an investigation had been opened into this tragedy. The **Public Defender of Rights** and the **National Consultative Commission on Human Rights** reiterated the urgent need for a fundamental-rights-compliant reception policy. In a joint statement, several **NGOs**, including Médecins du Monde, Amnesty International France and La Cimade, expressed regret that the French and British authorities prioritise security and implement repressive measures that cause migrants to take risks and make widespread use of traffickers.

### Risk of refoulement and police violence at borders

The Border Violence Monitoring Network **released** information on its **submission to the UN Special Rapporteur on freedom of religion or belief**, referring to testimonies of pushbacks by the police in **Bulgaria, Croatia, Greece, Hungary, North Macedonia, Romania** and **Slovenia**. Islamophobia continues to underpin violent and illegal border enforcement.

The Italian **ASGI** reported that 11 901 people had been pushed back at the EU's external and internal borders since the beginning of 2021.

# REPORTED ALLEGATIONS OF REFOULEMENT



NB: Unlawful refusals of entry at airports are not included.  
Source: FRA, 2021.

## 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 country where they are at a risk of persecution, torture, or inhuman or other degrading treatment or punishment. EU primary law reflects the prohibition of *refoulement* in Article 78(1) of the TFEU and in Articles 18 and 19(2) of the EU Charter of Fundamental Rights.

The prohibition of collective expulsions, under Article 19(1) of the EU Charter of Fundamental Rights and Article 4 of Protocol No 4 to the European Convention on Human Rights, means, according to the **ECtHR**, that any measure compelling aliens, as a group, to leave a country is prohibited, except where such a measure is taken on the basis of a reasonable and objective examination of the particular case of each individual alien of the group.

This report uses the non-legal term 'pushback' to refer to a situation where a person is apprehended after an irregular border crossing and summarily returned to a neighbouring country without an assessment of their individual circumstances.

See also FRA and Council of Europe, **Handbook on European law relating to asylum, borders and immigration – Edition 2020**, 2020.

In **Greece**, reports on pushbacks and ill-treatment persisted. **Media** reported on the case of an interpreter working for Frontex who claimed that Greek border guards mistook him for an asylum seeker, assaulted him and sent him to Turkey against his will and without any due procedure. The **Greek Ombudsperson** launched an investigation into this incident following a complaint received through the Frontex complaints mechanism. The NGO **Refugee Support Aegean** claimed that a Syrian national was pushed back to Turkey with other people while a procedure for interim measures was pending before the ECtHR. This Syrian national also claims that men in uniform confiscated their mobile phones, stripped them of their clothes, ill-treated them and held them incommunicado at two detention sites.

In **Malta**, NGO reports of pushbacks at sea and failure to respond to alerts of distress at sea persisted; such incidents affected a total of more than 1 600 people during the reporting period. For example, on 12 October 2021, the NGO Alarm Phone **reported** that the Libyan Coast Guard had intercepted and forced back a rubber boat carrying 70 people, including a baby born on the boat, more than 5 hours after the organisation had reported the boat to be in distress in the Maltese SAR zone to the Maltese authorities. On 24 October 2021, the merchant vessel *Hafina Malacca* **reported** a possible pushback from the Maltese SAR zone of a boat with 60 people on board, including many children. According to Alarm Phone, the authorities were informed 11 hours before that the boat was deflating and taking on water.

On 24 November 2021, Alarm Phone **reported** that the Libyan Coast Guard had opened fire on a boat in distress in the Maltese SAR zone, forcing the 85 people on board to return to Libya. On 25 November 2021, the same NGO **reported** that the Tunisian Navy **claimed** to have launched a rescue operation 24 hours after it had been alerted about a boat in distress with 430 people on board, including three dead, in the Maltese SAR zone. The NGO claimed that it had also notified the authorities about other cases of boats in distress in the Maltese SAR zone without receiving a response, for example on 3 October about a boat with **49 people**, on 3 November about a sinking boat with **350 people** and another boat with **200 people**, on 6 November about a boat with **14 people**, on 9 November about a boat with **48 people**, on 21 November about four boats with more than **200 people**, on 22 December about two boats with **70 people** and on 23 December about a boat with **25 people**.

According to the online media outlet **Newsbook**, on 11 October 2021, the Maltese Finance Minister hailed the decrease in migrant arrivals as a result of the government's talks with Libya, which culminated in a bilateral agreement signed in 2021; he further referred to the all-time high in the number of returns between January and September 2021.

Following her visit to Malta in October, the **Council of Europe Commissioner for Human Rights** stressed that the human rights of those in distress at sea should never be put at risk and reminded the authorities to ensure that their actions do not lead, either directly or indirectly, to returns to Libya, which is not a safe place for disembarkation. In response, according to the **Malta Independent**, a government spokesperson strongly refuted the claim that Malta had returned migrants to Libya.

In **Cyprus**, pushbacks at land and at sea remain a key fundamental rights concern, as UNHCR reported to FRA. A series of **media reports** on pushbacks at sea led to **parliamentary debates** questioning the legality of such practices. Reacting to these reports, the Cypriot Commissioner for the Rights of the Child **intervened** with the competent ministers regarding pushback practices and violation of children's rights.

In **Hungary**, the **police** stated that during the reporting period they had prevented a total of 12 133 people from entering the country. This included people who were attempting to enter Hungary irregularly (most frequently through the border fences) and were prevented from doing so by the police.



In **Croatia**, deaths at the borders with Bosnia and Herzegovina and with Slovenia, involving a woman drowning in the Korana River and a 10-year-old girl drowning in the River Dragonja, **were reported**.

The authorities **accepted footage** of Croatian police officers beating people and pushing them back to Bosnia and Herzegovina as proof of pushbacks. In one of the videos, a man wearing a balaclava is seen beating several people and pushing them into the Korana River, which marks the Croatian–Bosnian border. Forensic analysis of the footage showed that the uniform worn by these men matches the uniform of the Croatian Intervention Police. According to media **reports**, the three officers were suspended, awaiting further disciplinary proceedings.

The Ombudswoman of the Republic of Croatia called for a thorough investigation of the events and initiated an examination procedure. Members of the European Parliament **requested** that the European Commission initiate infringement procedures against Croatia for violating EU law in the field of the right to international protection and the principle of *non-refoulement* at the EU's external borders.

The Croatian Independent Mechanism for Monitoring the Conduct of Police Officers of the Ministry of the Interior in the Field of Illegal Migration and International Protection published its first **report**.

In **October**, the NGO **Border Violence Monitoring Network** collected 36 testimonies of pushbacks impacting 986 people on the move across the Balkans; in **November** it collected 34 such testimonies, with the pushbacks impacting 1 289 people. The Border Violence Monitoring Network provides detailed accounts by victims and experts on its **searchable database**.

The Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment of the Council of Europe **published** the report on its visit to Croatia in December 2020, confirming allegations of physical ill-treatment and other forms of severe ill-treatment of migrants by Croatian police at the border with Bosnia as credible. For the first time since the committee started visiting Croatia in 1998, the report also noted manifest difficulties of cooperation.

In **Austria**, the **Federal Minister for the Interior** firmly denied allegations of 'partial methodical use of illegal pushbacks' at the Austrian southern border in November 2021. As previously reported, the Regional Administrative Court of Styria had **found (unofficial English translation)** on 1 July 2021 indications that pushbacks were applied to some extent in Austria. No misconduct on the part of police officers could be ascertained by an internal evaluation, according to the **Federal Minister for the Interior**. The Regional Police Directorate of Styria appealed against the decision of the Regional Administrative Court of Styria to the Administrative Court. The appeal proceeding is currently pending.

In **Slovenia**, the **Border Violence Monitoring Network** reported on testimonies of people who had experienced violence on the part of the authorities and could not access an interpreter before being returned to Croatia. In response to the death of a 10-year-old girl at the Croatian–Slovenian border, the **Slovenian Human Rights Ombudsman** stressed that society must not allow the normalisation of the collective expulsions of persons who use irregular channels to seek international protection and called on the EU to ensure effective access to international protection for all those in need.

In **Romania**, the Border Police reported that almost 75 000 people had been prevented from entering through the border with Serbia in 2021, while **UNHCR Serbia** reported more than 1 000 alleged cases of collective expulsion from Romania to Serbia between November and December 2021. The NGO JRS Romania further informed FRA about 34 incidents of allegations by migrants of ill-treatment under the authorities' custody and pushbacks in 2021. These were communicated for further investigation to the General Inspectorate of Border Police.

In **Poland**, at least 17 people have lost their lives on the Polish–Belarusian border since September 2021, often as a result of hypothermia or exhaustion, according to **media reports**. **Médecins Sans Frontières** withdrew its teams after being repeatedly blocked by the Polish authorities from accessing the border region to assist people living in forests in sub-zero temperatures. According to the **Polish Border Guard**, 28 104 people were prevented from entering Poland between October and December. The number of attempted entries into Poland decreased, as the Polish Border Guard reported to FRA, but the humanitarian crisis persisted, as people spent several days or weeks in the forest without access to basic humanitarian services, food or water. **Human Rights Watch** and the coalition of NGOs and activists **Grupa Granica** reported that Polish officials had pushed back those who had crossed the border. Similar allegations were made by **Amnesty International**. The state of emergency, in force until 30 November 2021, blocked journalists and aid workers from entering the area, according to the **European Council on Refugees and Exiles**. On 30 November, an **amendment** to the Border Protection Act replaced the state of emergency measures, allowing the authorities to prohibit the stay of persons in areas close to the border. The Minister for the Interior applied the new measures to the border zone with Belarus for 3 months. According to the NGO **Helsinki Foundation for Human Rights**, this was a de facto extension of the state of emergency, circumventing constitutional provisions.

In **Lithuania**, media reported that Frontex’s Fundamental Rights Office had collected evidence of collective expulsions by Lithuanian border guards. On 21 December, the UN Committee against Torture expressed **concern** about reported incidents of collective expulsion of asylum seekers, including children, without review of the individual situations. The Seimas Ombudsmen’s Office **reported** pushbacks to Belarus without checks as to whether or not persons concerned would face torture, inhuman or degrading treatment, or a risk to life or health. The State Border Guard Service reported having prevented the entry of 8 099 migrants between 3 August and 31 December 2021. NGOs’ access to the border remains **restricted**, unless they get a special permit issued for exceptional cases; otherwise, media reported, they are **fined** for entering the border zone, as were the NGOs Siena and Médecins Sans Frontières.

In **Latvia**, since the introduction of the **state of emergency** in four territories bordering Belarus on 10 August 2021, **4 475 people** had been prevented from crossing the Latvian–Belarusian border by 9 January 2022. The law introduced a provision allowing border guards to use all means, including physical force, to prevent people from crossing the border in an irregular manner. During the same period, 453 people were detained for irregular border crossing, while 101 people were allowed into the country on humanitarian grounds. In spite of the 2011 memorandum of understanding between UNHCR and the State Border Guard (not publicly available), and the partnership agreement between the human rights NGO Latvian Centre for Human Rights and UNHCR, access to border-crossing points by the NGO remains restricted. Media representatives accompanied by border guards have occasionally been allowed to visit border areas; nevertheless, the visits are closely monitored and reporters have no opportunities to meet migrants or observe people deterred from crossing the border.

In **Spain**, the NGO Jesuit Service for Migrants reported on alleged collective expulsions of people who had swum to Melilla from the Moroccan coast. The **press** reported the case of a Yemeni national who had tried to swim to Melilla but had been intercepted by the police and drowned after alleged ill-treatment by the authorities.

In **France**, the NGOs Amnesty International France, the National Association for Border Assistance to Foreigners and La Cimade **released a statement** on the practices by the authorities at the French–Italian and French–Spanish borders, claiming that they included racial profiling, police violence and pushbacks, and citing the deaths of three Algerian nationals as a result of their efforts to avoid police checks. Furthermore, **ASGI** stated that people from Afghanistan,

Iran and Pakistan had reported pushbacks from France at the northern Italian–French border (at Oulx), as well as arbitrary detention and physical and verbal mistreatment. The association also claimed that in some cases French police had pushed migrants back to Italy, including people who had not yet been registered in any EU country, thus denying them the right to seek asylum at the border.

In **Serbia**, **UNHCR** received reports about 10 199 pushbacks from neighbouring countries (**Bosnia and Herzegovina**, **Croatia**, **Hungary** and **Romania**) between October and December 2021. In November, Syrians made up 51 % of all the people pushed back and Afghans 17 %, according to **UNHCR**. Pushbacks increased significantly during the reporting period, the NGO Humanitarian Center for Integration and Tolerance reported. The organisation collected information on 297 incidents affecting 11 186 people; in the previous reporting period, the number of people who were reportedly pushed back was 6 364. Most people were reportedly pushed back by Hungary (9 022 people), followed by Romania (2 016 people) and Croatia (132 people). During the same period, 62 pushbacks from Serbia to North Macedonia were reported by UNHCR.

In **North Macedonia**, the Ombudsperson and the Macedonian Young Lawyers Association confirmed that the practice of pushbacks on the border with Greece continued. They claimed that during the reporting period 3 667 people were returned to Greece without any formal legal procedure.

## Challenges at land borders

In **Hungary**, the police reported that around 30–40 people attempted to enter the country by using forged travel documents in each month of 2021. Criminal proceedings were initiated during the reporting period against a total of 125 people who were suspected of having committed the crime of forging public documents to enter Hungary, mainly from Serbia.

In **Romania**, the **Border Police** reported that the Joint Operation Flexible Operational Activities Land 2021 to prevent and combat irregular migration, involving Frontex and representatives of other EU border authorities, had expanded its area of responsibility in October, to cover the entire border with Serbia.

In **Germany**, the **Federal Police** registered 11 228 irregular entries from Belarus at the German–Polish border in 2021.

## Migrant smuggling

In **Austria**, the number of cases of migrant smuggling detected remained high. For example, the **Federal Ministry of the Interior** reported the arrest of 15 suspected human smugglers having allegedly smuggled more than 700 people for a total fee of more than EUR 2.5 million, between EUR 4 000 and EUR 5 000 per person. On another occasion, 25 vehicles containing approximately 200–300 smuggled migrants were detected coming from the Serbian/Hungarian border to Austria. In 2021, at least 337 smugglers had been arrested in Austria by the end of November. The **Federal Ministry of the Interior** increased its efforts to combat irregular migration through targeted checks of lorries and vans, and the use of drones, helicopters and thermal-imaging technology. The ministry reported that often up to 25 people are crammed for hours into small vans to cross the border. According to **media** reports, two migrants were discovered dead in a minibus at the Hungarian border.

In **Lithuania** on 30 December, the media reported that the Border Guard Service had initiated pre-trial investigations into **people smuggling** following reports from the NGOs Siena and Médecins Sans Frontières, which had provided humanitarian aid to people stranded in the forest at the border.

In **Ireland**, the **Criminal Justice (Smuggling of Persons) Act 2021** came into force in December. The legislation reflects the UN Protocol against the Smuggling of Migrants by Land, Sea and Air. The **Irish Human Rights and Equality Commission** published its submissions to the Council of Europe Group of Experts on Action against Trafficking in Human Beings, noting 'inertia' in some areas, including the lack of sufficient legal assistance for victims of human trafficking, the absence of viable compensation avenues for undocumented victims and victims of trafficking for sexual exploitation, issues around recovery and reflection, temporary residence permits and their interplay with international protection, and a lack of specific measures to identify child trafficking.

## Law and policy changes

In **Lithuania**, the ECtHR ordered interim measures not to return non-EU nationals to Belarus in **one case** involving four people from Pakistan and **another** involving a Syrian national needing medical assistance.

In ***M.H. and Others v. Croatia***, the ECtHR found violations of the right to life, the prohibition of inhuman and degrading treatment, the right to security and liberty, the prohibition of collective expulsions and the right to an individual application. The case concerned the death of a 6-year-old girl from Afghanistan who was hit by a train. She and her family were pushed back from Croatia to Serbia during the night and the police instructed them to follow the railway tracks. The court referred to FRA's periodic data collection on the migration situation in the EU and its quarterly bulletins on migration as supporting evidence.

In **Austria**, the Federal Minister for Foreign Affairs presented the 6th **national action plan to combat trafficking in human beings for 2021 to 2023**, consisting of 109 measures ranging from prevention and awareness raising to improving law enforcement measures.

In **Lithuania**, the parliament **adopted** amendments to the **Law on the Legal Status of Aliens** on 23 December, **allowing** the detention of newly arrived migrants for up to 1 year. NGOs and the Lithuanian Catholic Church broadly **criticised** these amendments.

In **Slovenia**, asylum applicants' movement was restricted in some cases, in line with the **March amendments to the International Protection Act**, according to the Ministry of the Interior. The Administrative Court revoked such orders in two cases involving families with children, establishing that the measure amounted to deprivation of liberty and that the asylum authorities had failed to assess proportionality and consider the best interests of the child (Administrative Court (Upravno sodišče), Judgment No I U 1885/2021, 29 December 2021, and Judgment No I U 1887/2021, 30 December 2021).

The Slovenian Ombudsman **lodged** a constitutional complaint on behalf of a Moroccan national who was returned to Croatia on the basis of a bilateral readmission **agreement**; the complaint was dismissed for procedural reasons.

In **Portugal**, **Law 73/2021 of 12 November** restructured the Portuguese border control system. The control of Portuguese borders will be the responsibility of the police, while administrative procedures concerning entry and stay will be carried out by the new Agency for Migration and Asylum (Agência Portuguesa para as Migrações e Asilo). A consultative body composed of state officials and representatives of NGOs will be part of the new agency.

In **Belgium**, the **Secretary of State for Asylum and Migration** met with the French Ministry of the Interior to strengthen cooperation on the management of migration, including through engaging Frontex to detect attempts to leave for the United Kingdom by boat.

In **Denmark**, the **Parliament** passed a **law** introducing the possibility to grant a temporary residence permit to evacuated Afghans and their families for 2 years without the possibility of extension. Several organisations, such as the **Danish Institute for Human Rights**, the **Danish Red Cross** and the **Danish Refugee Council** criticised the law. By 31 October 2021, 218 of the evacuated Afghans had **applied for asylum** in Denmark. On 30 November, the first Afghans received a **residence permit** under the new law.

In **North Macedonia**, the **Ministry of the Interior** tabled amendments to provisions on state of emergency under the Law on Foreigners in November. In October, the **government** adopted the national strategy and action plan for combating trafficking in human beings and illegal migration for 2021–2025.



## Asylum procedure

### Figures and trends

According to the **European Union Agency for Asylum**, 71 400 asylum applications were filed in November 2021, which is the second highest number in 5 years, narrowly below the level recorded in September 2021. While Afghans remained the largest group and Syrians have applied the most since 2016, the increase in November was also linked to several other nationalities.

In **Romania**, according to the General Inspectorate for Immigration, the highest number of new asylum requests recorded in the past 30 years was in 2021 (9 025 during January–November 2021). Afghanistan, Bangladesh and Syria were the main countries of origin. A significant increase was recorded in applications from children (29 % of the total number of applications).

In **France**, the director general of the **French Office for the Protection of Refugees and Stateless Persons** stated that about 100 000 asylum applications were filed in 2021, a significantly lower level than before the pandemic.

In **Lithuania**, between 1 January 2021 and 3 January 2022, the Migration Department **issued** 84 positive asylum decisions and 2 699 negative decisions to newly arrived asylum applicants who had come to the country via Belarus in 2021.

In **Latvia**, 583 asylum applications were made in 2021, according to the Office of Citizenship and Migration Affairs. This was the largest number since the introduction of the asylum procedure in Latvia in 1998.

In **Serbia**, the asylum recognition rates remained very low throughout 2021, with a total of 14 people granted asylum, as UNHCR reported to FRA. The total number of asylum applications submitted in 2021 was 174, of which 73 cases were closed due to absconding.

### Access to asylum procedures

In **Malta**, migrants **protested** in Valletta against discriminatory and inhumane treatment. Media **reported** on a lack of resources and expertise for processing asylum applications, resulting in lengthy delays (up to 4 years), and a negative bias towards applicants from the beginning within the **International Protection Agency**.

In a **letter to the European Commission**, **Cyprus** requested the activation of Article 78(3) of the TFEU to introduce provisional measures allowing Cyprus to deal with a sudden inflow of third-country nationals, including the suspension of new asylum applications until the situation becomes manageable.

In **Hungary**, **Act CXX of 2021** entered into force on 2 December 2021, extending the scope of application of the temporary procedural rules again until 31 December 2022. According to the existing asylum regime, a declaration of intent to submit a claim of asylum can be submitted only outside the country at one of the Hungarian diplomatic missions in Belgrade and Kiev. According to the police, during the reporting period 26 542 people were apprehended in Hungary and escorted back to the border. The police claim that they do not register and fingerprint those escorted back to the border, nor do they record them as new arrivals or asylum applicants in any official statistics, given that they cannot stay in the country and cannot submit claims for asylum in Hungary. The Constitutional Court issued its **decision** concerning the implementation of the **judgment of the Court of Justice of the European Union (CJEU)** of December 2020. The Constitutional Court ruled that, while the mass settlement of a foreign population in the territory of Hungary without democratic authorisation

may violate the right to self-identity or self-determination of the Hungarian population, there was no possibility to review the judgments of the CJEU or alter the supremacy of EU law. Finally, the **CJEU** issued a ruling in November finding that Hungary had failed to fulfil its obligations under EU law by criminalising the actions of any person who provides assistance in respect of the making or lodging of an application for asylum in its territory. In **Croatia**, a volunteer for the NGO Are You Syrious? **was charged** with providing support for seeking asylum to the family of the 6-year-old Afghan girl who died during the pushback from Croatia. He was fined HRK 60 000 and ordered to pay HRK 1 300 in court costs.

In **Austria**, Caritas Vienna noted a significant increase in applications after the judgment **C-18/20** by the CJEU, which ruled that EU law precludes a subsequent application for international protection from being rejected as inadmissible solely because it is based on circumstances that already existed at the time of the proceedings on the first application.

In **Slovakia**, the **Ministry of the Interior** initiated an amendment to Law 480/2002 on Asylum and in parallel launched a public consultation process. The draft amendment increases the possibilities for granting humanitarian protection to applicants. It also extends the time limit for border procedures from 7 days to 28 days. **UNHCR** shared its observations with the government.

In **Lithuania**, access to the asylum procedure is possible only, first, at border-crossing points with Belarus; second, at the Lithuanian embassy in Belarus, where only **five people** have so far managed to apply for asylum; and, third, at the Migration Department, accessible in practice only by people already in Lithuania. In the absence of other viable options to apply for asylum, non-EU nationals have claimed asylum during court hearings on detention and in some cases Lithuanian courts have declared them to be asylum applicants during the hearings, in line with **CJEU** judicial practice.

The UN Committee against Torture expressed **concern** about the quality of the asylum procedure and urged the Lithuanian authorities to ensure that asylum requests receive appropriate consideration at all stages of proceedings.

Nobel laureate Nadia Murad **asked** the Lithuanian authorities during her visit to the country not to restrict the opportunities for Yazidis to apply for asylum, as Iraq was unsafe for them and they were victims of genocide.

In **Latvia**, according to the Latvian Centre for Human Rights, some families, particularly from Iraq, who were allowed into Latvia on humanitarian grounds and were placed in the Daugavpils Detention Facility for Foreigners were not allowed to submit asylum applications by state border guards. Some of the asylum seekers have in the meantime voluntarily returned to Iraq. The **UNHCR published observations** on the Order of the Cabinet of Ministers of the Republic of Latvia on the Declaration of Emergency Situation (No 518). UNHCR concluded that 'a State which is presented with an asylum request at its borders is required to provide admission at least on a temporary basis to examine the asylum claim, as the right to seek asylum and the *non-refoulement* principle would otherwise be rendered meaningless'.

In **Portugal**, the government announced that a group of 43 people had arrived from Greece on the basis of a **bilateral agreement** on the relocation of applicants for and beneficiaries of international protection. In October, the total number of people relocated under this agreement was 100, the maximum limit for arrivals during the agreement's pilot phase.

In **Spain**, the NGO Jesuit Service for Migrants reported that the border with Morocco continues to be closed (since March 2020), preventing access to the Spanish asylum office at Beni Enzar at the border between Spain (Melilla) and Morocco. Furthermore, **Amnesty International** published a report documenting obstacles to accessing asylum procedures in the Canary Islands throughout 2020

and 2021, namely a lack of information and legal assistance, backlogs and the absence of a vulnerability assessment, among other issues.

In **Belgium**, the **Office of the Commissioner General for Refugees and Stateless Persons** prolonged its decision to suspend international protection requests involving Afghan nationals until January 2022. The **Secretary of State for Asylum and Migration** confirmed that the list of safe non-EU countries, unchanged from previous years, included Albania, Bosnia and Herzegovina, Georgia, India, Kosovo, Montenegro, North Macedonia and Serbia.

In **Ireland**, the **Minister for Justice** announced a further temporary extension of immigration and international protection permits to 31 May 2022.

## Resettlement

In **Italy**, some asylum applicants arrived through official humanitarian corridors. In November, **93 applicants** arrived from Libya on a UNHCR charter flight, according to the Ministry of the Interior. During the same month, **63 applicants** arrived from refugee camps in Ethiopia thanks to a 2019 protocol signed by the Ministry of the Interior, the Ministry of Foreign Affairs, the Comunità di Sant'Egidio and the Italian Episcopal Conference. Also in November, a further **44 Syrian applicants** arrived in Italy thanks to the protocol signed by the Ministry of the Interior, the Ministry of Foreign Affairs, and several associations and organisations, including the Waldensian Diaconate and the Italian Episcopal Conference.

## Legal pathways for Afghans to the EU

In **Portugal**, **273 Afghan nationals** arrived, raising the total number of arrivals from Afghanistan to 764. The **Portuguese media** reported that the government planned to spend EUR 6.4 million to support the reception and integration of Afghan nationals.

In **the Netherlands**, **the government stated** that it intended to bring approximately 2 100 more people from Afghanistan, including Dutch nationals; Afghans with Dutch residence permits; and Afghans who had worked for international military or police missions, for the Dutch embassy or for the Dutch Ministry of Defence. Approximately 2 200 Afghans have already been evacuated since August 2021 and have gone through accelerated asylum procedures. Of those, 2 000 have already received a residence permit, according to the **Dutch Immigration and Naturalisation Service**.

In **Ireland**, the **Afghan admission programme** will enable up to 500 Afghan nationals living legally in Ireland to apply to have close family members (up to four) who are living in Afghanistan or who have recently fled to territories bordering Afghanistan to apply for temporary residence in Ireland.

## Law and policy changes

In **Portugal**, the Supreme Administrative Court **ruled inadmissible** an appeal against a second-instance judgment that confirmed the refusal of an asylum application made by a Gambian national who had arrived in Portugal from Germany, due to the grounds for appeal.

The Supreme Administrative Court **admitted an appeal** against a second-instance judgment that ruled in favour of an Angolan woman whose asylum application was refused because in her first hearing with the Immigration and Borders Service she did not have a lawyer present, nor had she been informed of the

## Legal corner

The European Council on Refugees and Exiles published a compilation of information on evacuations, pathways to protection and access to asylum in Europe for Afghans since August 2021 entitled, ***Afghans Seeking Protection in Europe***.



possibility of having an *ex officio* lawyer appointed to her case. A final decision is pending.

In **Sweden, a new legal provision** came into effect requiring the Swedish Migration Agency to provide asylum applicants with information on the asylum process and an introduction to Swedish society orally as well as in writing.

A 'moratorium' between 23 July and 29 November 2021 on the processing of asylum applications and return decisions concerning Afghans left many Afghans in legal limbo after the Taliban takeover in August 2021. The **Swedish Migration Agency** argued that the lack of country-of-origin information made it impossible to accurately determine the protection needs of individuals from Afghanistan and to take return decisions. After the Taliban takeover in August 2021, many Afghans submitted new asylum claims based on the changed security situation in Afghanistan. However, due to the moratorium, none of them were admitted back into the asylum procedure, which made them ineligible to receive support from the reception system, such as housing and welfare.

## Reception

### Reception capacity

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

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

In **Italy**, the **Ministry of the Interior** announced an increase of 3 000 in places in the Italian reception system for asylum applicants, protection status holders and unaccompanied migrant children (*sistema di accoglienza e integrazione* (SAI)). The **Ministry of the Interior** further announced that an additional 3 000 places would be available in the SAI system for Afghan applicants and their families.

In **Malta**, rapporteurs representing the Parliamentary Assembly of the Council of Europe visiting the country **expressed** concern about the treatment of migrants and refugees and the conditions at reception and detention centres. They urged the Maltese authorities to implement the **recommendations** made by the European Committee on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment in 2020.

The government has not yet established a procedure to determine the status of stateless persons in line with its obligations under the 1954 Convention Relating to the Status of Stateless Persons, according to **Aditus Foundation**. As a result, stateless persons in Malta remain unidentified and vulnerable to violations of their fundamental rights, including the rights to education, employment, freedom from discrimination, housing, personal liberty, and family and private life.

In Berlin, **Germany**, the Arrival Centre of the Regional Authorities for Refugees reported that, in December, there were a large number of asylum applicants from Egypt, Iraq and Yemen in its reception facilities, having arrived through the Polish–Belarusian border. The number of asylum applicants from Georgia, Moldova and Vietnam also remains high in Berlin. Since June 2021, 2 000 asylum applicants have arrived every month in Berlin, and reception capacities have reached their limits.

In **France**, **Law 2021-1900 on finance for 2022** provides for the creation of 3 400 new reception places for asylum seekers during that year. However, the NGO **La Cimade** claimed that, despite this, the national reception system could still accommodate only half of the asylum seekers in the country.

In **Latvia**, by the end of 2022 **a fenced and guarded accommodation centre for asylum seekers** will host up to 250 people, according to the Ministry of the Interior.

In **North Macedonia**, the Tabanovce and Vinojug reception centres are still operating without any defined legal status. According to the Ombudsperson, this affects the level of coordination between the authorities present in the camps and increases the risk of inappropriate treatment and violation of the rights of refugees and migrants.

### Reception conditions

In **Greece**, the Administrative Court of Syros ruled that prohibiting the exit of an Afghan asylum seeker from a reception facility on Samos was unlawful, the NGO **Greek Council for Refugees** reported.

## Bright spots

According to **UNHCR**, the **Agency for the Welfare of Asylum Seekers** launched a pilot voluntary leaders programme to empower residents of open centres and ensure better communication between centres' management and the resident community, with volunteer residents acting as a bridge.

According to the **International Organization for Migration** in Malta, a significant number of migrants have been transferred from closed to open centres.

The lack of access for both recognised refugees and rejected asylum applicants to accommodation, food and basic services remained an issue of concern. In her reply to a [joint letter](#) from NGOs, the [European Commissioner for Home Affairs](#) mentioned that the Commission had raised the issue of the discontinuation of material reception conditions with the Greek authorities, emphasising that everyone, irrespective of their status, should benefit from the provisions of EU law. The Commission has called upon the Greek authorities to ensure that all people, particularly the vulnerable, receive basic means of subsistence.

Also in **Greece**, Médecins Sans Frontières reported that refugees, asylum seekers and undocumented migrants face difficulties, due to language barriers and administrative issues, in getting vaccinated against COVID-19, even though by law everyone must have access to vaccination. This prevents them from accessing public hospitals; according to new rules, access is dependent on proof of COVID-19 vaccination or a negative test.

In **Italy**, [ASGI](#) reported that access to healthcare, shelter and basic needs had deteriorated in Ventimiglia (on the southern Italian–French border), resulting in growing demand for basic services.

In **Cyprus**, the Pournara camp accommodated approximately 2 800 people in November, which is more than 200 % of its capacity, as UNHCR reported. The lack of affordable housing outside the camp discourages some asylum seekers from leaving Pournara, while others return to the camp after facing homelessness and destitution, as the NGO Generation for Change CY reported. The insufficient number of doctors and gaps in the provision of healthcare are also an issue of concern, according to UNHCR. Cypriot parliamentarians from the Human Rights Committee who visited the camp described the living conditions as shocking, the [media](#) reported. Overcrowding, lack of toilets and tents in the mud were some of the issues noted, according to the same source. The [Interior Ministry stated](#), among other comments, that the deterioration of reception conditions was due to the increased number of asylum applicants, which had put pressure on the system, and that efforts were being concentrated on examining manifestly unfounded applications in accelerated procedures.

Following a series of COVID-19 cases in the Pournara camp, 600 people who had been in close contact with the infected people were transferred to a camp in the remote area of Limnes, as [media](#) reported. There was no electricity and heating in Limnes, and many people had to sleep on the floor without mattresses in overpopulated conditions, UNHCR reported to FRA. UNHCR also reported that access to medical care was not always guaranteed, even for people with COVID-19 symptoms.

In **Croatia**, pending renovation of the Kutina reception centre for vulnerable groups, all asylum seekers are being placed in the Porin reception centre in Zagreb, according to the Croatian Red Cross. Only the Croatian Red Cross and Médecins du Monde have been able to gain access to the Porin reception centre since mid-March 2020, despite several requests by other organisations, according to the NGO Are You Syrious?. This negatively affects the integration prospects of accommodated applicants, including children, who have lost access to language and homework support.

In **Austria**, the NGO [Asylkoordination Österreich](#) criticised the ‘fundamental misconstruction of the basic care system’, arguing that when the number of accommodated asylum applicants falls provincial reception centres are no longer funded and are closed down. For new arrivals, only centres at federal level remain available in such cases, offering significantly worse reception conditions.

In **Slovenia**, the Government Office for the Support and Integration of Migrants reported difficulties in accommodating asylum seekers due to the increasing number of arrivals and measures put in place to curb COVID-19 infections. In December, the Human Rights Ombudsman, implementing the tasks of the

National Preventive Mechanism (for the prevention of torture and other cruel, inhuman or degrading treatment or punishment), visited the reception areas for people wishing to apply for asylum in Ljubljana and Logatec, where vulnerable groups stay in a building and 30 containers. The Ombudsman considered in his preliminary findings that the facilities in Logatec were in poor condition and the containers were inadequate in the long term. More specialised services for vulnerable people are needed, according to the NGO Slovene Philanthropy; furthermore, winter conditions require the provision of adequate clothing and footwear.

In **Lithuania**, the Seimas Ombudsmen's Office **reported** on the conditions at temporary accommodation facilities, concluding that restricting migrants' freedom, for an average of 40 days, without adequate material reception conditions, hygiene, weather-appropriate clothing and footwear, or access to privacy, amounted to inhuman or degrading treatment. According to the **Lithuanian Red Cross**, from the end of October onwards, all newly arrived non-EU nationals were transferred from temporary facilities to permanent accommodation. **Concerns** remained, however, about overcrowding, sanitation, and lack of access to healthcare and social services. No specific facilities are available for vulnerable people, according to the same report by the Lithuanian Red Cross. The UN Committee against Torture urged Lithuania to refrain from detaining families and children, and to ensure appropriate accommodation conditions. The Committee was further **concerned** about allegations of ill-treatment and torture and the lack of preventive mechanisms in accommodation facilities. Almost all newly arrived non-EU nationals (4 000, including more than 1 000 children, since July 2021) from Belarus are still in de facto **detention**. There is no functioning system for identifying vulnerable individuals at the border, according to **Frontex** and the **Seimas Ombudsmen's Office**.

In **Spain**, **Amnesty International** published a report on the human rights situation in the Canary Islands, denouncing the overcrowding of reception centres, undignified reception conditions that have been prolonged over time, arbitrary detention, and a lack of adequate protection for the most vulnerable people, such as unaccompanied children and women victims of trafficking.

In **France**, the **Public Defender of Rights** issued a press release on the situation in Calais. Referring to her previous **reports** about massive fundamental rights violations there, she reiterated that the right to life, the right not to be subjected to inhuman or degrading treatment, the right to seek asylum, the right to enjoy dignified living conditions and access to healthcare and accommodation, and the rights of children must be guaranteed in all circumstances and regardless of the nationality or administrative situation of the people concerned. The Public Defender of Rights demanded an immediate end to the systematic dismantling of the informal camps in Calais and stressed the need for the establishment of sustainable accommodation solutions. **Human Rights Watch** published a report on the degrading treatment of migrant children and adults in northern France by the police, including repeated mass evictions, other forms of police harassment of migrants and volunteers, and official impediments to humanitarian assistance. According to the **press**, six migrants of Iranian nationality are taking legal action against the municipality of Grande-Synthe for the confiscation or destruction of their personal belongings during two evictions in October. Also in France, several NGOs, including **Médecins du Monde**, denounced the lack of public measures taken at the French-Italian border to provide accommodation and healthcare for migrants.

The majority of 400 Afghans evacuated to **North Macedonia** in August and September have applied for humanitarian protection status and been accepted by resettlement programmes offering visas to **Canada** or **the United States**. According to the NGO Legis, their freedom of movement is limited for security reasons.

In **Belgium**, two strikes by workers employed by the Federal Agency for the Reception of Asylum Seekers took place (on **18 October** and **27 October**) to protest against the overcrowding of the reception network and the deterioration of their working conditions. The agency stated in December that it **was unable** to provide a reception place for all asylum seekers and would give priority to vulnerable individuals such as women and children. In response, the **Secretary of State for Asylum and Migration** announced that the European Union Agency for Asylum would provide 150 residential containers to expand Belgium's reception capacity. The NGOs **CIRÉ** and **Vluchtelingenwerk Vlaanderen** and the **Federal Institute for the Protection and Promotion of Human Rights** expressed concern about the reception crisis and called for the provision of a reception place for all who have the right to such a place.

In **the Netherlands**, the reception centre for asylum applicants in Ter Apel was often overcrowded during the reporting period, with hundreds of people spending the night in tents, as **media** reported. A hygiene check conducted by the Municipal Health Services gave rise to a warning about increased health risks due to the lack of quarantine or isolation areas, according to **media** reports. The conditions in the Heumensoord emergency shelter for Afghan evacuees were found to be unsuitable by the **Netherlands Institute for Human Rights and the Ombudsperson**. The living conditions of 5 000 asylum applicants at 21 emergency locations were inadequate, according to the **Dutch Council for Refugees**. Three municipalities are expected to create 2 000 accommodation places, according to **the Dutch authorities**.

Also in **the Netherlands**, the Central Agency for the Reception of Asylum Seekers has developed a policy to support LGBTI asylum seekers in reception centres, according to a recent **report**. Specialised officers are present at various reception centres to support this group and help the other reception employees. At the same time, the report highlights, more attention needs to be paid to another vulnerable group, applicants who have converted to Christianity or left their religion.

## Law and policy changes

In **Cyprus**, employers will now be **allowed** to hire asylum seekers immediately by submitting a declaration of temporary employment to the Labour Office. This measure is expected to cut down on bureaucracy and delays, serving to reduce unemployment among asylum seekers, UNHCR reported.

A court in **the Netherlands permitted** asylum applicants who had entered the EU via **Cyprus** to be admitted to the Dutch asylum procedure, as returning to Cyprus entailed the risk of being subjected to inhumane or degrading treatment due to the poor reception conditions.

In **Slovakia**, the **draft law amending the Asylum Law and amending and supplementing certain related acts** stipulates that the Ministry of the Interior must provide asylum seekers with psychological and social counselling and with sociocultural orientation training. It further reduces the period during which asylum seekers are not allowed to enter the labour market from 9 months to 6 months from the moment of lodging the asylum application.

In **Austria**, **UNHCR** and the **media** reported that the Austrian Constitutional Court had ruled that a district decree, issued in spring 2020 and limiting freedom of movement for asylum-seeking residents of the Traiskirchen reception centre in view of the COVID-19 pandemic, lacked a legal basis and proportionality.

## Bright spots

In **Ireland**, the **Department of Justice** announced a scheme introducing a pathway to regularisation for undocumented migrants and international protection applicants who have been in the asylum process for more than 2 years. The **Irish Refugee Council** stated that it is understood that applicants should also be permitted to stay in the international protection process, so the protection application does not need to be withdrawn. In addition, the **Immigrant Council of Ireland** welcomed the scheme but drew attention to the high costs involved for applicants (EUR 500 for an adult and EUR 700 for a family). Furthermore, the **Department of Transport** announced that international protection applicants can now apply for a driving licence and learner permit using their temporary residence certificate as proof of normal residence.

# Child protection

## Figures and trends

In **Greece**, as of 31 December 2021, according to the **National Center for Social Solidarity**, 2 225 unaccompanied children were estimated to be in the country, including 47 separated children. Of these unaccompanied children, 1 955 were in appropriate and long-term accommodation (shelters and semi-independent-living apartments), and 270 were in temporary or emergency accommodation (relocation facilities, emergency accommodation facilities, reception and identification centres, and open temporary accommodation facilities). The total number of available long-term accommodation places for unaccompanied children in all of Greece is 2 478.

According to the **Ministry of the Interior**, 9 699 unaccompanied children arrived in **Italy** in 2021.

In **Portugal**, the government reported the arrival of **33 unaccompanied children** from Greece in the context of the EU voluntary relocation programme and four Syrian refugees from Egypt under the national programme for UNHCR resettlement. Portugal has accepted a total of 199 unaccompanied children from Greece through the EU voluntary relocation programme.

## Reception conditions

In **Cyprus**, approximately 300 unaccompanied children were accommodated in Pournara during the reporting period, staying on average for 5 months without freedom of movement or access to education or recreation, UNHCR reported. The shortage of welfare officers and the largely insufficient number of guardians created considerable delays in procedures, extending the stay of unaccompanied children in the camp to several months, well beyond the average stay of adults.

In **Hungary**, UNHCR reported, children over the age of 14 are treated as adults with respect to the asylum procedure and, as such, social workers, instead of guardians, are assigned to them.

In **Croatia**, unaccompanied children continue to experience difficulties in accessing education, as well as local communities' resistance to their integration, and can only stay briefly in social welfare institutions, according to the Ministry of Labour, Pension System, Family and Social Policy. Further difficulties concern a lack of interpreters, a lack of interdepartmental cooperation and insufficient cooperation of special guardians with accommodation facilities for unaccompanied children.

In **Austria**, the Children's and Youth Ombudspersons' Offices stated in a **press release** that age-appropriate care is not guaranteed for unaccompanied children, and that children remain in initial reception centres for months. The Children's and Youth Ombudspersons' Offices – as well as numerous other organisations such as the Child Welfare Commission, UNHCR and asylum coordinators – demanded the rapid reallocation of children and adolescents to the Austrian provinces. The NGO Asylum Coordination Austria reported that as of the beginning of December 2021 around 760 unaccompanied children were accommodated in basic care centres of the provinces. The NGO repeated its criticism that the accommodation for unaccompanied children is inadequate in the federal basic care centres and that as long as they stay there children are not assigned a guardian.

In **Bulgaria**, the **State Agency for Child Protection** found conditions for children in the reception centres in Harmanli, Banya and Sofia (in the Voenna rampa, Vrazhdebna and Ovcha kupel neighbourhoods) appropriate. The **Ombudsperson**, however, highlighted that unaccompanied children who had received

international protection continued to live in Harmanli, because necessary steps had not been taken to accommodate them in more appropriate settings.

In **Spain**, the Office of the Public Prosecutor for Minors reported that the Canary Islands, Ceuta and Melilla remain the areas of greatest concern in terms of child protection, that the distribution of children throughout the territory is inefficient, and that a system of solidarity and shared responsibility involving other EU Member States is lacking. UNICEF also reported that several hundred children remain stranded in Ceuta in inadequate reception conditions, especially in the facilities that were opened following the massive arrival of migrants in May.

In **North Macedonia**, according to the Macedonian Young Lawyers Association and the Ombudsperson, the practice of placing children in immigration detention continues. The main reason for the detention is to ensure their presence as witnesses in criminal procedures against smugglers of migrants.

In **France**, the **Senate** reported that the current policy on unaccompanied children, regarding both their entry into and their exit from the child protection system, suffers from a shortage of legal and financial means as well as a lack of coherence at territorial level.

In **Germany**, the Federal Association for Unaccompanied Refugee Minors reported increasing numbers of unaccompanied children and adolescents. The Berlin Senate Department for Education, Youth and Family reported that the reception capacities for unaccompanied children and adolescents have been exhausted since September 2021. Further facilities have therefore been taken into service. The Federal Working Group of Psychosocial Support Centres for Refugees and Victims of Torture, **Deutschlandfunk** and **XENION**, a centre providing psychosocial assistance to refugees, also reported limited access to psychotherapy for refugees, unaccompanied children and adolescents.

In **the Netherlands**, the Ombudsperson and the Ombudsperson for Children **recommended** extending the supervision and reception of unaccompanied children until they are 21 years of age.

## Safeguards and specific support measures

In **Greece**, the law on guardianship for unaccompanied children has still not been implemented. Since August 2021, most unaccompanied children do not have guardians, as the Greek Council for Refugees reported to FRA.

In **Italy**, the **Ministry of the Interior and the NGO Save the Children** renewed a protocol (signed originally in 2019) that allows the NGO to supply free assistance, protection and legal counselling to unaccompanied and accompanied children arriving in Italy until 31 December 2022. The NGO will also provide cultural mediators and psychological support, and carry out early identification of vulnerable children, from their very arrival in Italy.

In **Malta**, migrants protested in October, **calling** for better protection of the rights of children born to migrants or asylum seekers in Malta. This included their right to immediate registration at birth and the right to acquire a nationality as required by Article 7 of the **United Nations Convention on the Rights of the Child**.

In **Croatia**, unaccompanied children continue to abscond during the asylum procedure, according to the Croatian Red Cross and the Croatian Law Centre. The Jesuit Refugee Service reported an increasing number of families who are separated at the border when mothers and children are allowed to apply for asylum while fathers are pushed back to Bosnia and Herzegovina; as no legal procedures are in place for family reunification, this creates great stress and uncertainty, negatively affecting the children.

### FRA ACTIVITY

FRA published a report on the problems faced by unaccompanied migrant children who are not in the care of child protection systems in the EU. Presented as a case study, it tells the story of children and young adults from Pakistan living in Greece who travelled alone to the EU without their parents or other adults.

See FRA, *Unaccompanied Children outside the Child Protection System – Case study: Pakistani children in Greece*, 2021.

## Bright spots

In **Spain**, the government passed an amendment (**Royal Decree 903/2021**) modifying the **Regulation of Organic Law 4/2000, on the rights and freedoms of foreigners in Spain and their social integration** that will benefit the rights of unaccompanied children and their integration. This reform should ensure that all unaccompanied children arriving in Spain are duly documented, and that their residence authorisations are processed in a maximum of 90 days after their entry into the national protection system. Notably, in the case of children aged 16 and over, their residence permits will always be accompanied by a work permit, putting an end to the plight of thousands of undocumented children who were not allowed to work.

In **Austria**, the parliament passed a **motion** on the protection of unaccompanied children, calling upon the federal government to further improve the protection and legal status of child refugees and to pay special attention to the best interests of the child in the asylum procedure by offering a comprehensive training programme for everyone involved in the asylum procedure. The Constitutional Court published its **Annual Report 2020**. According to the report, a total of 2 873 cases were brought before the Constitutional Court in the reporting year, every second case concerning asylum and aliens law. The court repeatedly reiterated the particular vulnerability of children in cases of returns and that the best interests of the child must always be considered in any decision affecting a child.

In **Romania**, a **draft law** extending the mandate of legal guardians assisting unaccompanied child asylum applicants or beneficiaries of international protection is pending in the parliament. The extended mandate aims to fully cover the asylum procedure and integration process, as well as tasks related to the repatriation of unaccompanied children.

In **Denmark**, a study by the Danish Research Institute for Suicide Prevention showed that suicide attempts among asylum seekers are eight times higher than among the general population in Denmark, as the **media** report. The rate for unaccompanied foreign children is almost six times higher than among Danish children of the same age.

In **Belgium**, the **Office of the Commissioner General for Refugees and Stateless Persons** clarified that, due to the COVID-19 pandemic, interviews with children seeking international protection were held no longer in dedicated child-friendly spaces, but instead in large rooms with Plexiglas separation screens.

In **Germany**, the Federal Association for Unaccompanied Refugee Minors reported an increase in the number of unaccompanied children and adolescents who experienced violence and sexual abuse on their way to Germany.



# Immigration detention

## Figures and trends

In **Hungary**, the National Directorate-General for Aliens Policing confirmed that the practice of detaining migrants awaiting return or who have unlawfully entered the country continues. Migrants are currently being accommodated mainly in the Nyírbátor closed detention centre and in a detention facility at Budapest airport.

In **Slovenia**, the number of detainees at the Centre for Foreigners rose from 196 in October to 215 in November and 329 in December (including 270 in return procedures), according to the police. The police did not apply any alternatives to detention in the reference period.

In **Belgium**, the **Secretary of State for Asylum and Migration** announced the opening of a new closed detention centre in Steenokkerzeel for short stays, as extra capacity is required by the new return policy.

In **North Macedonia**, the practice of detention of migrants for the purpose of securing their testimony as witnesses in criminal proceedings against smugglers continues. According to the Ombudsperson and Macedonian Young Lawyers Association, migrants, including children, are detained in the Transit Centre for Foreigners in Gazi Baba and in the Transit Centre Vinograd. Alternatives to detention are not available.

## Detention conditions

In **Italy**, the **press** reported that a 26-year-old Tunisian citizen detained in the detention and return centre (*centri di permanenza per il rimpatrio, (CPR)*) in Rome died of a cardiac arrest at the psychiatric ward of the San Camillo hospital, where he had allegedly been subject to physical restraint measures for 63 hours. Some of the victim's cellmates and family in Tunisia reported to the press and local activists that the victim had suffered **abuse and mistreatment while detained in the CPR**, and had therefore voluntarily decided to undergo psychiatric treatment at the hospital. The **press** also reported that a Moroccan citizen committed suicide in the CPR of Gradisca during the COVID-19 isolation period. Furthermore, according to the **National Guarantor for the rights of persons detained or deprived of liberty**, conditions in several facilities used for temporarily detaining migrants are inappropriate; for example, they lack bedding, mattresses, dining chairs and tables, visual surveillance is continuous, they lack outdoor areas or there is no privacy. The Ministry of the Interior replied to the guarantor's report and issued a **circular letter** to all prefectures with suggestions for improving detention conditions for migrants.

In **Malta**, 32 asylum seekers who were detained for several weeks on board tourist boats in April 2020, after being rescued in the Maltese SAR zone, filed a complaint before a civil court against the government for an alleged breach of their fundamental rights, according to the online news site **Newsbook**. The applicants claimed they had not been told why they were being held on the vessels; they were unable to contact their family or friends, had no access to information or legal advice and could not request asylum or ask for judicial review; the conditions were insanitary, with only two or three bathrooms and showers for over 150 people; and there were no beds to sleep on.

The Council of Europe Commissioner for Human Rights **noted** during her visit in October the very poor conditions in Block A of the Safi Detention Centre and urged authorities to take immediate action to ensure dignified conditions for all those held there. The Maltese government **responded** that ongoing refurbishment works would address the deficiencies in the next few months. The commissioner also **observed** that uncertainties remain about the legal grounds

and the safeguards related to detention. She called on the authorities to invest in alternatives to detention and ensure that no children or vulnerable people are detained.

The magistrates court **released** three asylum seekers who had been held illegally in detention for 66–85 days on public health grounds.

In **Cyprus**, the Menoyia Detention Centre operated at full capacity, as the Ministry of Justice reported to FRA. As a result, immigration detainees continue to be held in police holding cells, which are unsuitable for long-term stays, as the Cyprus Refugee Council reported. In addition, UNHCR reported that some asylum seekers are serving sentences in prison for using forged passports.

In **Bulgaria**, the **Ombudsperson** noted a deterioration of the living conditions in the pre-removal facility at Busmantsi, highlighting the lack of cleanliness and difficulties in accessing healthcare due to the lack of qualified personnel. The conditions in Elhovo and Lyubimets were found to be adequate, with the main issues being the lack of interpreters and problems with the provision of dental care.

In **Slovenia**, the Ombudsman found that people who had expressed their intention to apply for asylum were held in the reception areas of the asylum home in Ljubljana and its branch in Logatec for up to 23 days; in the Ljubljana facility, people held in isolation spaces intended for people with COVID-19 or other communicable diseases were not issued with the necessary quarantine guidance.

In **Romania**, the **Ombudsperson** published a report following a monitoring visit to the Otopeni Detention Centre in August. The report recommended that authorities train staff to deal with crisis situations, provide interpretation services and full-time medical assistance, and ensure access to recreational activities.

In **Poland**, the **Commissioner for Human Rights** found conditions in the detention centre in Wędrzyn inadequate. The centre is in an active military training area. The commissioner criticised its prison-like environment, highlighted the stress caused to detainees by the sounds of gunshots and explosions, and mentioned that such conditions can lead to aggravation of trauma. In addition, the sanitary facilities in the centre are in poor condition and do not ensure privacy, the Helsinki Foundation for Human Rights reported to FRA. The conditions are also poor in the detention centre in Ketrzyn, according to the same source. Due to lack of space, migrant families are accommodated in containers, which do not guarantee adequate living conditions, especially during winter.

In **Portugal**, the Ombudsperson's Office noted that the challenges identified in the last **report of the National Mechanism of Prevention**, referring to 2020, persisted in 2021, namely lack of lockable individual bedrooms, lack of access to mobile phones and personal belongings, lack of Wi-Fi, and lack of leisure activities such as television, books and board games.

In **Spain**, the NGO Jesuit Service for Migrants reported that migrants are not allowed visitors in the detention centres (*centros de internamiento de extranjeros*, (CIEs)) of Barcelona and have difficulties in accessing healthcare and high-quality information related to asylum.

In **France**, the NGO **La Cimade** underlined that the national policy of detaining migrants continues despite the increasing number of COVID-19 outbreaks in detention centres. **NGOs** welcomed the decision of the **Court of Cassation** that the practice of incarcerating migrants for refusing to undergo a PCR test for COVID-19 is illegal.

## Detention of children

After its first visit to **Bulgaria**, the **UN Subcommittee on Prevention of Torture** expressed concerns about the detention of children. The subcommittee highlighted the need to ensure humane conditions for detained migrants, especially children, and that detention should only be used when strictly necessary. The NGO **Centre for Legal Aid – Voice in Bulgaria** claims that foreign nationals who have lost the right of residence are routinely detained and the use of alternatives to detention remains limited.

## Law and policy changes

In **Latvia**, **Cabinet of Ministers Regulations No 728** determines the procedure for detaining foreigners, such as those crossing the border irregularly and those subject to removal orders, for up to 48 hours in temporary premises of the State Border Guard. Border checks are currently performed at 29 border-crossing points with Belarus and Russia, and none are equipped with temporary holding premises as envisaged by the new regulations.

In **Portugal**, the Lisbon Court of Appeal confirmed a first-instance judgment that found three inspectors of the Immigration and Borders Service guilty of qualified and serious offences against physical integrity that resulted in the death of Ihor Homeniuk, a Ukrainian citizen, at Lisbon airport's temporary detention centre, in March 2020. As **reported by Portuguese media**, the Court of Appeal confirmed the sentences of 9 years in prison for two inspectors and increased the sentence of the third inspector from 7 years to 9 years.

# Return

## Figures and trends

In **Italy**, the **National Guarantor for the rights of persons detained or deprived of liberty** released data on returns of non-EU citizens carried out in 2021: 2 231 migrants detained in CPRs were returned from January to November, the majority (54.9 %) from Tunisia.

In **Malta**, according to the **Home Affairs Minister**, between January and October 2021 a total of 361 people were returned to their country of origin, including 36 who returned voluntarily.

In **Cyprus**, the number of returns has doubled in the past 2 years, as the police spokesperson **mentioned to the media**.

In **Slovenia**, according to **police data**, 3 768 people were returned on the basis of international agreements in 2021, mainly to Croatia.

In **Hungary**, according to the police 587 people were returned to their countries of origin during the reporting period.

## Fundamental rights concerns related to return

**Austria** offers 'return assistance plus', which according to the **Federal Office for Immigration and Asylum** gives EUR 1 000 to people obliged to leave Austria and those who applied for asylum before 1 November 2021 and would like to return voluntarily. Information on this programme is available on a dedicated **website** in Arabic, Farsi, French, Hindi, Russian and Urdu. Nationals of Western Balkan countries, visa-exempt countries and EEA countries, as well as criminal offenders, are excluded.

In **Spain**, the NGO Jesuit Service for Migrants pointed to irregularities concerning the execution of return decisions in CIEs. These included lack of prior notification, failure to provide mandatory documentation to returnees at the time of return (medical reports, certificate of residence in the CIE) and failure to take into account serious medical conditions not treatable in the country of origin.

In **France**, the NGOs **La Cimade and Médecins du Monde** criticised an emerging administrative practice by some prefectures of providing unaccompanied children with accommodation on condition that they accept assistance to return to their country of origin.

In **Belgium**, the **Secretary of State for Asylum and Migration** announced the opening of the first return office in Brussels. Return offices are part of the government's strategy to follow up and control return. They will organise meetings with potential returnees to provide individual advice and discuss their future and a possible voluntary return.

In **Germany**, the Federal Working Group of Psychosocial Support Centres for Refugees and Victims of Torture argues that proving the existence of health issues, especially mental health issues, as compelling obstacles to returns takes too long and can be expensive, while medical certificates may not always be recognised by the Federal Office for Migration and Refugees and by courts.

In **Sweden**, the Refugee Law Centre claims that return decisions are issued to unaccompanied children without first ensuring the orderly reception of the child in the receiving country, although return decisions are not enforced before the child turns 18.

## FRA ACTIVITY

Since 2014, FRA has been publishing an annual update of the forced return monitoring systems EU Member States have set up under Article 8(6) of Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (the return directive). This overview describes different indicators for an effective forced return monitoring system. It includes the organisation responsible for monitoring forced return, the number of operations monitored in 2020, the phases of monitored return operations, the number of staff trained and working as monitors, and whether the monitoring body issued public reports about its monitoring.

See FRA, **Forced Return Monitoring Systems – 2021 update**, 2021.

Also in **Sweden**, the migration agency issued a revised **judicial position** in November 2021 lifting the initial suspension of forced returns and issuance of negative decisions for Afghans after the takeover by the Taliban in August 2021.

In **the Netherlands**, the Administrative Jurisdiction Division of the Council of State **ruled** that a rejected asylum applicant who was detained and raped after being deported to Russia must be compensated.

**Denmark** continued to consider parts of Syria safe for return, according to the **European Council on Refugees and Exiles**. While it has not yet started to return people to Syria, up to October 2021 the protection status for **376 Syrians** was revoked. The Danish government considered that there had been a decline in armed conflict in Damascus and its surrounding suburbs, **media** reported. Amnesty International **criticised** this practice and documented 24 cases of men, women and children who were subjected to rape or other forms of sexual violence, arbitrary detention and/or torture or other ill-treatment upon return.

In **Lithuania**, between 1 October and 8 December, 345 non-EU nationals returned voluntarily and 45 were removed, according to the Migration Department. The authorities **tripled** the amount offered to those agreeing to return voluntarily, to EUR 1 000. The Lithuanian Red Cross and the **Seimas Ombudsmen's Office** claim that hostile reception conditions, restrictions of rights and provision of only minimal basic services put constant pressure on non-EU nationals, leading some to return voluntarily because of this treatment.

## FRA ACTIVITY

FRA published a report outlining to what extent legal aid is available to those held in pre-removal detention in the 27 EU Member States, and in North Macedonia and Serbia, during procedures related to their return. These involve decisions on return, on detention pending removal, on the removal itself and on bans on entry. The report also examines when people are entitled to free legal aid and how this aid is funded, as well as who provides representation and various factors that limit the scope of legal aid.

See FRA, ***Legal Aid for Returnees Deprived of Liberty***, 2021.

## Hate speech and violent crime

In **Malta**, the **African Media Association Malta** reported the death of a 22-year-old migrant after she was allegedly refused hospital treatment. Her relatives testified to her repeated experience of negligence at the Mater Dei emergency room, and the police opened an investigation to determine the exact cause of her death. On 27 December, **MaltaToday** reported that a Somali man who was reported missing had died in a hospital after suffering serious injuries at work. His identity had not been established until nurses identified him from a photo issued by the police. When the police issued the missing person report, social media were flooded with racist jokes and abusive comments celebrating the man's disappearance, according to **Lovin Malta**, which were **condemned** by the Minister for Inclusion and the Equality Minister.

In **Cyprus**, the Commissioner for Children's Rights criticised the statements of the government's spokesperson on the high proportion of migrant children in schools, as **media** reported. The commissioner argued that the statement generated a climate of insecurity, xenophobia and intolerance.

In **Croatia**, the NGO Centre for Peace Studies, part of the **International Network Against Cyber Hate**, reported content displaying anti-refugee hatred, mostly incitement to violence, on TikTok, YouTube and Facebook, which was generally subsequently removed. The Centre for Peace Studies reported the use of derogatory and abusive slurs and threats received by email in connection to its visibility in the case of **M.H. and Others v. Croatia**.

In **Bulgaria**, local residents of Harmanli protested against the reception centre after an incident involving asylum seekers, as **media** reported. The residents demanded an earlier curfew, an increased police presence and strict control of COVID-19 measures.

In **Lithuania**, the Lithuanian Red Cross and other **NGOs** consider that the media portray an overall **negative image** of newly arrived migrants.

In **Portugal**, following a fact-finding visit by the UN Working Group of Experts on People of African Descent, the **Portuguese News Agency** reported that the UN group members were 'surprised and shocked' by reports on police violence against people of African descent in Portugal. In a news conference, the **working group** shared its preliminary findings that migrants and refugees of African descent face more administrative and financial barriers than other people to their integration in a country that, in general, welcomes migrants, refugees and asylum seekers.

Also in **Portugal**, according to **media**, the public prosecutor filed criminal charges against seven military officers of the Republican National Guard related to the torture and humiliation of migrants.

In **France**, the NGO **Médecins du Monde** and the **press** reported a sword attack in a migrant camp in Paris in December. The perpetrator was arrested after injuring two migrants and destroying several tents.

In **Ireland**, the national police force, **An Garda Síochána**, published hate crime statistics from its online hate crime reporting system, which was launched in July 2021. By 30 September 2021, it had received 24 actionable hate-related reports: 11 reports related to **hate crimes** and 13 to hate incidents.

COUNTRY	STAKEHOLDERS INTERVIEWED OR CONSULTED BY EMAIL
<b>AUSTRIA</b>	<ul style="list-style-type: none"> <li>→ Federal Ministry of the Interior, Department V/9/a (Bundesministerium für Inneres, Abteilung V/9/a Grundversorgung und Bundesbetreuung)</li> <li>→ Federal Ministry of the Interior, Department V/8 (Bundesministerium für Inneres, Abteilung V/8 Asyl und Fremdenwesen)</li> <li>→ Federal Ministry of the Interior, Criminal Intelligence Service, Competence Centre for Missing Children (Bundesministerium für Inneres, Bundeskriminalamt, Kompetenzzentrum für Abgängige Personen)</li> <li>→ Federal Ministry of the Interior, Directorate for State Security and Intelligence (Bundesministerium für Inneres, Direktion Staatsschutz und Nachrichtendienst)</li> <li>→ Austrian Ombudsperson Board (Volksanwaltschaft)</li> <li>→ Caritas Vienna (Caritas Wien)</li> <li>→ Asylum Coordination Austria (Asylkoordination Österreich)</li> <li>→ Austrian Red Cross (Österreichisches Rotes Kreuz)</li> </ul>
<b>BELGIUM</b>	<ul style="list-style-type: none"> <li>→ Federal Agency for the Reception of Asylum Seekers (Federaal agentschap voor de opvang van asielzoekers/Agence fédérale pour l'accueil des demandeurs d'asile)</li> <li>→ Guardianship Service</li> <li>→ Myria – Federal Migration Centre (Federaal Migratiecentrum/Centre fédéral Migration)</li> <li>→ Jesuit Refugee Service Belgium</li> </ul>
<b>BULGARIA</b>	<ul style="list-style-type: none"> <li>→ State Agency for Refugees (Държавна агенция за бежанците)</li> <li>→ Ministry of the Interior, Directorate-General Border Police (Министерство на вътрешните работи, Главна дирекция „Гранична полиция“)</li> <li>→ Ombudsperson of the Republic of Bulgaria, National Preventive Mechanism and Fundamental Human Rights and Freedoms Directorate (Омбудсман на Република България, Дирекция „Национален превантивен механизъм и основни права и свободи на човека“)</li> <li>→ State Agency for Child Protection (Държавна агенция за закрила на детето)</li> <li>→ Ministry of the Interior, Directorate-General National Police (Министерство на вътрешните работи, Главна дирекция „Национална полиция“)</li> <li>→ UNHCR Bulgaria (based on weekly updates, other reports and information presented during the regular meetings of the Working Group on Integration of Beneficiaries of International Protection in Bulgaria (Работна група по интеграция на лица с предоставена международна закрила в България) coordinated by UNHCR)</li> <li>→ Centre for Legal Aid – Voice in Bulgaria (Център за правна помощ – Глас в България)</li> </ul>
<b>CROATIA</b>	<ul style="list-style-type: none"> <li>→ Centre for Peace Studies (Centar za mirovne studije)</li> <li>→ Centre for Culture of Dialogue (Centar za kulturu dijaloga)</li> <li>→ Croatian Law Centre (Hrvatski pravni centar)</li> <li>→ Jesuit Refugee Service (Isusovačka služba za izbjeglice)</li> <li>→ Médecins du Monde (Liječnici svijeta)</li> <li>→ Ombudsperson for Children (Pravobraniteljica za djecu)</li> <li>→ Welcome! Initiative (Inicijativa Dobrodošli)</li> <li>→ Are You Syrious?</li> <li>→ State Attorney's Office (Državno odvjetništvo Republike Hrvatske)</li> <li>→ Ministry of Labour, Pension System, Family and Social Policy (Ministarstvo rada, mirovinskog sustava, obitelji i socijalne politike)</li> <li>→ Office of the Ombudswoman (Ured pučke pravobraniteljice)</li> </ul>

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

- Asylum Service (Υπηρεσία Ασύλου)
- UNHCR Representation in Cyprus (Αντιπροσωπεία της Ύπατης Αρμοστείας του ΟΗΕ για τους πρόσφυγες στην Κύπρο)
- Menogia Detention Centre (Χώρος Κράτησης Μεταναστών Μενόγειας), Ministry of Justice and Public Order (Υπουργείο Δικαιοσύνης και Δημόσιας Τάξης)
- Cyprus Refugee Council (Κυπριακό Συμβούλιο για τους Πρόσφυγες)
- KISA (Κίνηση για Ισότητα, Στήριξη και Αντιρατσισμό)
- Caritas Cyprus
- Systema Cyprus
- Generation for Change CY

**DENMARK**

- 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)
- 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)
- General Authority (Bureau générale)
- Department for the Protection of the Rights of the Child (Collège 'Défense et promotion des droits de l'enfant' du Défenseur des droits)
- National Consultative Commission on Human Rights (Commission nationale consultative des droits de l'homme)
- Médecins du Monde - France
- National Association of Border Assistance for Foreigners (Association nationale d'assistance aux frontières pour les étrangers)
- Immigrant Information and Support Group (Groupe d'information et de soutien des immigrés)
- La Cimade
- Service centre for migrants in Calais (Plateforme de service aux migrants à Calais)

**GERMANY**

- UNHCR
- Arrival Centre of the Regional Authorities for Refugees in Berlin (Landesamt für Flüchtlingsangelegenheiten Berlin)
- Jesuit Refugee Service (Jesuitenflüchtlingsdienst)
- Federal Working Group of Psychosocial Support Centres for Refugees and Victims of Torture (Bundesweite Arbeitsgemeinschaft der psychosozialen Zentren für Flüchtlinge und Folteropfer, (BAFF))
- Federal Association for Unaccompanied Refugee Minors (Bundesfachverband für unbegleitete minderjährige Flüchtlinge, BumF)
- Berlin Senate Department for Integration, Employment and Social Affairs (Berliner Senatsverwaltung für Integration, Arbeit und Soziales)
- Berlin Senate Department for Education, Youth and Family (Berliner Senatsverwaltung für Bildung, Jugend und Familie)
- Representative of the Council of the Evangelical Church in Germany (Bevollmächtigter des Rates der EKD bei der Bundesrepublik Deutschland und der Europäischen Union)
- The Parity Association (Der Paritätische Gesamtverband)



COUNTRY	STAKEHOLDERS INTERVIEWED OR CONSULTED BY EMAIL
<b>GREECE</b>	<ul style="list-style-type: none"> <li>→ Hellenic Police Headquarters (Αρχηγείο Ελληνικής Αστυνομίας)</li> <li>→ Greek Ombudsperson (Συνήγορος του Πολίτη)</li> <li>→ Greek Council for Refugees (Ελληνικό Συμβούλιο για τους Πρόσφυγες)</li> <li>→ Hellenic League for Human Rights (Ελληνική Ένωση για τα Δικαιώματα του Ανθρώπου)</li> <li>→ Human Rights 360 (Ανθρώπινα Δικαιώματα 360)</li> <li>→ Ministry of Migration and Asylum (Υπουργείο Μετανάστευσης και Ασύλου)</li> <li>→ Doctors without Borders (Γιατροί χωρίς Σύνορα)</li> <li>→ Racist Violence Recording Network (Δίκτυο Καταγραφής Περιστατικών Ρατσιστικής Βίας)</li> </ul>
<b>HUNGARY</b>	<ul style="list-style-type: none"> <li>→ Ministry of the Interior (Belügyminisztérium)</li> <li>→ Ministry of Human Resources (Emberi Erőforrások Minisztériuma)</li> <li>→ National Directorate-General for Aliens Policing (Országos Idegenrendészeti Főigazgatóság)</li> <li>→ National Police Headquarters (Országos Rendőr-főkapitányság)</li> <li>→ UNHCR Hungary</li> <li>→ Migrant Solidarity Group of Hungary (MigSzol)</li> <li>→ Cordelia Foundation (Cordelia Alapítvány)</li> <li>→ Hungarian Association for Migrants (Menedék Migránsokat Segítő Egyesület)</li> </ul>
<b>IRELAND</b>	<ul style="list-style-type: none"> <li>→ Immigrant Council of Ireland</li> <li>→ Irish Refugee Council</li> <li>→ Dr Nusha Yonkova, Principal Officer, Irish Human Rights and Equality Commission (leads the commission's work in its role as National Rapporteur on the Trafficking of Human Beings)</li> <li>→ Facility manager, initial reception centre for unaccompanied minors</li> <li>→ Dr Lucy Michael, Commissioner, Irish Human Rights and Equality Commission</li> <li>→ UNHCR Ireland</li> </ul>
<b>ITALY</b>	<ul style="list-style-type: none"> <li>→ Ministry of the Interior (Ministero dell'Interno)</li> <li>→ Ministry of Labour and Social Policies (Ministero del Lavoro e delle Politiche Sociali)</li> <li>→ 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</li> <li>→ National Commission for the Right of Asylum (Commissione Nazionale per il Diritto d'Asilo) of the Ministry of the Interior</li> <li>→ 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)</li> <li>→ Authority for the Protection of Childhood and Adolescence (Autorità Garante per l'Infanzia e l'Adolescenza)</li> <li>→ National Office against Racial Discrimination (Ufficio Nazionale Antidiscriminazioni Razziali)</li> <li>→ Association for Legal Studies on Immigration (ASGI)</li> <li>→ Italian Refugees Council (Consiglio Italiano per i Rifugiati)</li> <li>→ Melting Pot Europa</li> </ul>
<b>LATVIA</b>	<ul style="list-style-type: none"> <li>→ UNHCR Stockholm Office</li> <li>→ Office of Citizenship and Migration Affairs</li> <li>→ Head of the Ropaži child custody court</li> <li>→ Head of the Daugavpils child custody court</li> <li>→ Latvian Centre for Human Rights</li> </ul>

COUNTRY	STAKEHOLDERS INTERVIEWED OR CONSULTED BY EMAIL
LITHUANIA	<ul style="list-style-type: none"> <li>→ Lithuanian Red Cross</li> <li>→ International Organization for Migration 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 Ombudsmen's Office</li> <li>→ State Border Guard Service</li> <li>→ Lithuanian Criminal Police Bureau Police Department under the Ministry of the Interior of the Republic of Lithuania</li> </ul>
MALTA	<ul style="list-style-type: none"> <li>→ African Media Association</li> <li>→ International Organization for Migration</li> <li>→ Kopin</li> <li>→ Ministry for Home Affairs and National Security</li> <li>→ Ministry for Equality, Research and Innovation</li> <li>→ Victim Support Agency</li> <li>→ UNHCR</li> </ul>
NETHERLANDS	<ul style="list-style-type: none"> <li>→ Dutch Council For Refugees (Vluchtelingenwerk Nederland)</li> <li>→ Amnesty International Netherlands</li> <li>→ Netherlands Institute for Human Rights (College voor de Rechten van de Mens)</li> <li>→ Defence for Children the Netherlands</li> <li>→ Ministry for Justice and Security (Ministerie van Justitie en Veiligheid)</li> <li>→ Stichting LOS</li> <li>→ UNICEF the Netherlands</li> <li>→ Nidos</li> </ul>
NORTH MACEDONIA	<ul style="list-style-type: none"> <li>→ Ombudsperson (Народен Правобранител)</li> <li>→ UNHCR North Macedonia</li> <li>→ International Organization for Migration North Macedonia</li> <li>→ Macedonian Young Lawyers Association (Македонско здружение на млади правници)</li> <li>→ Association for Action Against Violence and Trafficking in Human Beings – Open Gate (Здружението за акција против насилство и трговија со луѓе-Отворена порта)</li> <li>→ Legis (Легис)</li> <li>→ Helsinki Committee of Human Rights of the Republic of Macedonia (Хелсиншки комитет за човекови права на Република Македонија)</li> </ul>
POLAND	<ul style="list-style-type: none"> <li>→ Ombudsman for Children (Rzecznik Praw Dziecka)</li> <li>→ UNHCR Representation in Poland</li> <li>→ Ombudsman (Rzecznik Praw Obywatelskich)</li> <li>→ Border Guard, Border Guard Headquarters (Straż Graniczna)</li> <li>→ Police (Policja), Plenipotentiary for Human Rights of the Police Headquarters (Pełnomocnik Komendanta Głównego Policji ds. Ochrony Praw Człowieka)</li> <li>→ Head of the Office for Foreigners (Szef Urzędu do Spraw Cudzoziemców)</li> <li>→ Caritas, Diocese in Ełk (Diecezja Ełcka), Care and Educational Institution in Ełk (Specjalny Ośrodek Szkolno-Wychowawczy w Ełku)</li> <li>→ Helsinki Foundation for Human Rights (Helsińska Fundacja Praw Człowieka)</li> <li>→ Association for Legal Intervention (Stowarzyszenie Interwencji Prawnej)</li> </ul>

COUNTRY	STAKEHOLDERS INTERVIEWED OR CONSULTED BY EMAIL
<b>PORTUGAL</b>	<ul style="list-style-type: none"> <li>→ Immigration and Borders Service (Serviço de Estrangeiros e Fronteiras)</li> <li>→ Portuguese Refugee Council (Conselho Português para os Refugiados)</li> <li>→ High Commission for Migration (Alto Comissariado para as Migrações)</li> <li>→ Ombudsperson's Office (Provedoria da Justiça)</li> <li>→ Social Security Institute – Ministry of Labour and Social Security (Instituto da Segurança Social – Ministério do Trabalho, Solidariedade e Segurança Social)</li> <li>→ International Organization for Migration Mission in Portugal (Organização Internacional para as Migrações em Portugal)</li> <li>→ Refugee Children Reception Centre (Casa de Acolhimento para Crianças Refugiadas)</li> <li>→ Commission for Equality and Against Racial Discrimination (Comissão para a Igualdade e contra a Discriminação Racial)</li> <li>→ National SIRENE Bureau (Gabinete Nacional SIRENE)</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>→ Ombudsperson</li> <li>→ National Council for Combating Discrimination</li> </ul>
<b>SERBIA</b>	<ul style="list-style-type: none"> <li>→ Asylum Office</li> <li>→ Humanitarian Center for Integration and Tolerance</li> <li>→ Group for Children and Youth – Indigo</li> <li>→ Ministry of the Interior – Police Directorate</li> <li>→ UNHCR Serbia</li> <li>→ Shelter for Foreigners</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 Humanitarian Council</li> <li>→ Human Rights League</li> <li>→ International Organization for Migration Slovakia</li> <li>→ European Migration Network in Slovakia</li> <li>→ UNHCR</li> </ul>
<b>SLOVENIA</b>	<ul style="list-style-type: none"> <li>→ Human Rights Ombudsman (Varuh človekovih pravic)</li> <li>→ Ministry of the Interior, Migration Directorate (Ministrstvo za notranje zadeve, Direktorat za migracije)</li> <li>→ 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)</li> <li>→ Police (Policija)</li> <li>→ Caritas Slovenia (Slovenska karitas)</li> <li>→ Legal Centre for the Protection of Human Rights and Environment (Pravni center za varstvo človekovih pravic in okolja)</li> <li>→ Slovene Philanthropy (Slovenska filantropija)</li> </ul>

**COUNTRY****STAKEHOLDERS INTERVIEWED OR CONSULTED BY EMAIL****SPAIN**

- Spanish Ombudsman (Defensor del Pueblo)
  - UNICEF Spain (UNICEF España)
  - UNHCR Spain (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)
  - Spanish Catholic Migration Commission Association (Asociación Comisión Católica Española de Migraciones)
  - SOS Racism (SOS Racismo)
  - Jesuit Migrant Service (Servicio Jesuita a Migrantes)
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**SWEDEN**

- Swedish Migration Agency (Migrationsverket)
  - Swedish Border Police (Gränspolis)
  - Children's Ombudsman (Barnombudsmannen)
  - Swedish Refugee Law Center (Asylrättscentrum)
  - UNHCR Sweden
  - Swedish National Council for Crime Prevention (Brottsförebyggande rådet)
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# 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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