



## Input by civil society to the EASO Annual Report 2017

EASO has started the production of the 2017 Annual Report on the Situation of Asylum in the European Union, in line with Article 12 (1) of the EASO Regulation. The report aims to provide a comprehensive overview of important asylum-related developments at EU+ and national level, and the functioning of all key aspects of the Common European Asylum System (CEAS). While the final product comes out of an analytical and synthetic process that takes place in-house, a critical part of information is elicited through valuable contributions by a multiplicity of stakeholders from EU+ countries, civil society organizations, UNHCR, and other actors possessing in-depth knowledge on main developments in asylum policies and practices in EU+ countries. Previous reports are [available for review at EASO's website](#).

We would like to kindly invite you to take part in this process, by sharing your observations **on developments in asylum law, policy or practice in 2017 (and early 2018) in the areas listed on page 2**. The topics listed there reflect the structure of Chapter 4 of the EASO report, which focuses on the 'Functioning of the CEAS'. To this end, your observations may concern national practices of specific EU+ countries or the EU as a whole. Overall, the EASO Annual Report is not meant to describe the national asylum systems in detail, but present key developments in 2017, including **improvements and new/remaining concerns**. In terms of format, your contributions would be preferably offered in the form of bullet points, which would facilitate further processing of your input.

Please, bear in mind that the EASO Annual Report is a public document. Accordingly, it would be desirable that your contributions, whenever possible, be supported by references to relevant sources. Providing links to materials such as analytical studies, articles, reports, websites, press releases, position papers/statements, and press releases, would allow for maintaining transparency. For your reference, you may review the [contributions offered by civil society actors for the 2016 Annual Report](#). If you do not consent on EASO making your submission available, please inform us accordingly.

In our effort to provide an inclusive overview of all relevant developments, we strive to incorporate as many contributions as possible. At the same time, the final content of the EASO Annual Report is subject to its set terms of reference and volume limitations. To this end, your submissions, which are gratefully received and acknowledged, may be edited for length and clarity so that the final product concisely serves the objectives of the Annual Report: to improve the quality, consistency, and effectiveness of CEAS. From our side, we can assure you that the valuable insights you offer feed into EASO's work in multiple ways and inform reports and analyses beyond the production of the Annual Report.

Please, kindly provide your input by filling in this document (with attachments, if needed) and returning it to [ids@easo.europa.eu](mailto:ids@easo.europa.eu) **AND** [consultative-forum@easo.europa.eu](mailto:consultative-forum@easo.europa.eu) **by 16 February 2018**.

Within each area, please highlight the following **type of information**:

- NEW positive developments; improvements and NEW or remaining matters of concern;
- Changes in policies or practices; transposition of legislation; institutional changes; relevant national jurisprudence.

*You are kindly requested to make sure that your input falls within each section's scope. Please, refrain from including information that goes beyond the thematic focus of each section or is not related to recent developments. Feel free to use Section 16 to share information on developments you consider important that may have not been covered in previous sections.*

**Name of the contributing stakeholder:**

**Contact details:**

**1) Access to territory and access to asylum procedure**

- In 2017, 15,779 unaccompanied and separated children arrived in Italy by sea (13% of total arrivals)<sup>1</sup>, while 5,446 unaccompanied children are estimated to have arrived in Greece<sup>2</sup>. Without effective access to the asylum system or to legal routes of transfer, asylum seekers, including children, are stranded in the first countries they arrive in, or resort to crossing borders in an irregular and dangerous manner, even where there is an existing legal right to relocation.
- Asylum procedure still takes a very long time, reaching often one year or more: all children-related asylum claims need to be treated as urgent. The general delays of Dublin III are not currently respected and these delays should be much shorter regarding the best interest of the children.
  - At present it can take anywhere between 7 months to over a year for a child in France to be reunited with family in Britain under Dublin III from point of arrival, accessing asylum procedure (asylum claim) to departure. Domestic access to asylum for children remains incredibly limited, with barely a handful of successful asylum claims by minors in the South of France
  - Published data on AIDA suggests Italy issued over 14,000 Take Charge Requests with only 60 or so successful transfers, and only a handful of children
  - In Greece, where substantial capacity building has been done, the process for a child to be transferred under Dublin III still takes over a year and even more in many cases.
- France: according to OFPRA, the total number of asylum claims raised in 2017 to 100 412, 17% more in comparison with 2016<sup>3</sup>. According to MsF, 20,000 – 25,000 asked to be recognized as UAMs<sup>4</sup>. Meanwhile many asylum seekers including minors from Calais have few possibilities to access asylum procedure – they need to travel big distances to claim asylum in the prefectures e.g. in Lille or Paris. Children frequently do not know who is dealing with their case, who their guardian is or about a decision regarding asylum and/or family reunification (even the one which is positive).
- Italy: lack of individualization of special needs, e.g. LGBT and victims of trafficking. Violation of the access to an effective remedy. Police and national authorities do incorrect assessments – lack of capacity to treat asylum cases. Need for capacity increasing seminars and trainings for the national authorities – on the Dublin procedure, special needs & rights etc. Need to improve the collaboration between national authorities & EASO staff.
- As of 26 November 2017, sea arrivals in Greece over 2017 reached 27,245 persons of concern. The majority of new arrivals originate from Syria (41,4%) and Iraq (19,7%), and approx. 60% were women and children. Asylum-seekers have to complete lengthy procedures while in inadequate shelter with limited services.

**2) Access to information and legal assistance**

- France: there is a constant lack of information on legal procedures including the right to family reunification in Northern France as well as in Ventimiglia. There is no stable source of child-friendly information – there are many volunteers and NGOs present at the food distribution, however not many provide verified information or legal assistance. Therefore, for many children and youth the main source of information remains smugglers and human traffickers. Prefectures do not provide

<sup>1</sup> <https://data2.unhcr.org/en/documents/download/61548>

<sup>2</sup> <https://data2.unhcr.org/en/documents/download/61484>

<sup>3</sup> <https://www.ofpra.gouv.fr/fr/l-ofpra/actualites/les-donnees-de-l-asile-2017-a-l>

<sup>4</sup> <http://www.lefigaro.fr/actualite-france/2017/12/05/01016-20171205ARTFIG00002-un-centre-d-accueil-pour-mineurs-non-accompagnes-ouvre-a-pantin.php>

information in appropriate languages, e.g. Iraqi clients are receiving information in French. This is especially important during the court proceedings – children need to be provided appropriate interpretation to understand their rights.

- Italy: lack of legal assistance, violation of article 6, 13 ECHR and articles 41 and 47 CFR
- Greece:
  - An issue of mistrust: a lot of rumors and misinformation given by smugglers and human traffickers
  - Different sources of information, which sometimes are contradictory and not regularly updated
  - Need for digital (mobile) information & visual & audio information for children (especially those with disabilities – e.g. podcasts and videos)
  - Information needs to be sensitive to the culture from which asylum seekers come (e.g. in terms of colours)
  - Before any information is used, there is a need to consult directly with children and youth

### 3) Providing interpretation services

- France: Safe Passage frequently uses the ECPAT videos<sup>5</sup> to inform youth in Calais. Videos need to be, however, translated to more linguistic varieties, such as Amharic or Tigrinya, to ensure that all children access reliable information. There is otherwise no multilingual information (provided by the state) on asylum procedure, fingerprinting or accessible safe and legal channels.
- In Greece, there is a need to build local capacity in interpretation/translation. Interviews conducted by EASO staff were frequently done by persons not knowing national law and/or Greek language. There is a need for better translations of information.
- Italy: lack of professionalism in translation/interpretation (not adequate translations), a lot of misunderstandings that cause consequent violation of rights

### 4) Dublin procedure: family reunification

- Even elementary work to identify the relevant populations of concern has not been conducted. To date there is no reliable data on what proportion of adults, unaccompanied children and families arriving in Greece, Bulgaria or Italy have family links across Europe that would make them eligible for safe and legal onward passage
- Family reunion procedures are often difficult or impossible to access, particularly for unaccompanied children. In Greece, France and Italy challenges in registering the asylum claim of a minor whether make the issuing of TCRs extremely unlikely. Many blockages are created through a) the intersection of child protection and asylum systems – a lack of trained competent legal guardians for instance, and b) complex asylum procedures that often are not structured to progress the cases of children – in both France and Italy very large numbers of UASCs are never in fact supported to claim asylum, c) a simple lack of access to asylum procedures as is the case for many in the Greek islands, d) a near total lack of information on eligibility criteria and due national process for the issuance of TCRs
- A lack of adequate protection provision for unaccompanied minors increases the likelihood of children going missing from care arrangements, as does a lack of clearly timetabled and adequately provisioned legal assistance for the completion of a Dublin transfer. Where transfers happen at a reasonable rate – Calais 2016 – levels of compliance from minors rise radically, where there is nowhere for them to go or no one to turn to for assistance in progressing their legal claim they abscond
- Those who finally arrive to the receiving country through the Dublin procedure are often left without much psychosocial support from the state – falling between established social provision to unaccompanied minors, or families who arrive and claim asylum together.

<sup>5</sup> [https://www.youtube.com/watch?v=dkFGdfW\\_RDg](https://www.youtube.com/watch?v=dkFGdfW_RDg)

- Evidential requirements and broader decision making policies vary wildly between European countries, often provoking delays and refusals and placing an unfair burden on sending state Dublin Units. This is clearly reflected in published data revealing extremely varied acceptance rates for TCRs from Greece to different Member States. Evidential standards must be uniform and realistic provisions made for evidence collection to happen across states
- Minors, who legally belong with their families, are being instead supported by member states' protection services. This largely increases the costs for sending countries, e.g. in Italy it's 50€ per day for thousands of children with family links elsewhere in Europe.
- Migrants should be asked whether they have family elsewhere in Europe and informed of their rights as a matter of routine, while they get fingerprinted (both on arrival to Europe, including in Greece and Italy, or congregation points such as Calais). At present it is not the policy of UK border staff in Calais to ask children they intercept whether they have family in Britain or to inform them of their rights. A Coroner's verdict into the death of a child Mohammed Hassan last year found that border staff were not adequately safeguarding children who came into their care or investigating and informing them of their rights to family reunion.
- France: number of children transferred from Calais to their relatives in the UK in 2017 (nb: 41 more young people aged-out during the procedure and were transferred as 'adults' on the basis of compelling humanitarian reasons)<sup>6</sup>: 769 (grand total). Recently, MsF opened a centre in Paris<sup>7</sup> where young people can stay during the day and at which Safe Passage is present to identify children with the family links in the UK. According to the 12 months on study by RRDp from October 2017<sup>8</sup>, 40% of the refugees living in Calais declared to be aged under 18 and 85% to have family in the UK.
- Italy: general lack of information about the reunification procedures – Italian authorities aren't giving the information about the right for family reunion (Executive Regulation 118/2014).

## 6) Reception of applicants for international protection

- France: to the end of November 2017 there were 13 391 unaccompanied children in French child services, including 660 in Nord and 304 in Paris<sup>9</sup>. Organisations estimate that there are at least 60 unaccompanied minors in Calais. There could be as much as 100 (source: RYS) who are sleeping rough. There are also currently around 600 adults in similar situation. Moreover, there are many other children (local NGOs estimated 45 in January) sleeping rough around Dunkirk. In Northern France, there is not always an adequate number of spaces for UAMs to enter accommodation and they may be turned away, forced to spend another day outside. On the night of the 18th of December, 10 children were refused accommodation, the temperature was around 10° and it was raining. On December 18th, 9 children were left to sleep outside – the temperature was 8° in the evening and went even lower during the night.
- Greece:
  - There is a need to open more reception and accommodation facilities for children in Greece, where for 31 December 2017, there were an estimated 3,350 unaccompanied children, 2,290 of who are on a waiting list for shelter<sup>10</sup>. The Greek authorities are resorting to housing children in police protective custody because of lack of resources and the situation

<sup>6</sup> <https://www.gov.uk/government/publications/transfers-of-children-to-the-uk-from-the-calais-operation-november-2017> published by the UK government on 30/11/2017

<sup>7</sup> <https://www.msf.fr/presse/communiqués/msf-ouvre-centre-accueil-mineurs-non-accompagnés-pantin>

<sup>8</sup> [http://refugeerights.org.uk/wp-content/uploads/2017/11/RRDP\\_TwelveMonthsOn.pdf](http://refugeerights.org.uk/wp-content/uploads/2017/11/RRDP_TwelveMonthsOn.pdf)

<sup>9</sup> Ref.

<sup>10</sup> <https://reliefweb.int/sites/reliefweb.int/files/resources/61484.pdf>

on the Greek islands where thousands of refugees are contained in flimsy tents has been rapidly deteriorating.

- Increased arrivals coupled with the limited number of reception places at the Reception and Identification Centres (RIC) have led to the further deterioration of reception conditions on the Greek islands and added pressure to processing capacity, particularly in Lesbos, Samos and Chios. In these islands, increased numbers, the lack of sufficient police presence, along with the reduction of UNHCR and NGO staff, as part of the transfer of the response to national authorities in July, has created an environment of increased protection risks, tensions and violent episodes. The situation on the islands is highly critical and living conditions are the worse observed since 2015. In an effort to decongest the islands, a (one-off) transfer exercise of asylum seekers from the islands to the Greek mainland took place in October, implemented by UNHCR. Approximately 2,000 people were transferred from the islands via this initiative. Assigning accommodation in the mainland (camps, or accommodation schemes in apartments/hotels) to PoCs who are transferred from the islands is often highly problematic, including in terms of taking into account vulnerability issues.
  - As a result of increased arrivals and lack of UAC shelter spaces, more children are spending longer in detention, unprotected and under dehumanizing conditions. Detention and police custody are never in the best interest of the children and cannot be used as an accommodation alternative for minors. Safety and security of children need to be of primary consideration: relative authorities should provide them with adequate reception conditions such as accommodation, medical, legal and psycho-social support, education, access to guardian etc.
- Italy: unaccompanied minors should stay in adequate reception center – currently they are staying approximately one year in first reception centers without access to legal and psycho-social assistance

## Safe Passage: Key Recommendations

- Following positive outcomes of the French-UK summit, during which the French and British political leaders agreed on **reducing the wait time for family reunion from France from the issuance for the take charge request to 25 days for children and one month for adults<sup>11</sup>**, Safe Passage calls on setting similar firm deadlines in other EU member states to allow all asylum seekers to reach their relatives in EU member states in a safe, fast and regular manner.
- To improve time frames Member States should **respect the difference between lodging and registering an asylum claims** in the European and national legislations, in line with the recent ruling of Mengesteab in the German High Chamber. **The delays between registering a child and his or her transfer need to be substantially reduced.** All children-related asylum claims need to be treated as urgent and with the best interest of the child as a guiding priority at all times of the procedure. Deadlines set-out by the Dublin IV European Parliament's proposal as well as all **safeguarding principles need to be mirrored in all CEAS legislative proposals.** Children should not be waiting many months, often over one or one and a half years to be transferred to their family.
- **Evidential standards and decision making procedures must be harmonised and published among receiving states.** These requirements should not put additional burden of proof on an already vulnerable asylum seeker but rather allow him or her

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<sup>11</sup> Press release: Victory for Safe Passage's two-year campaign on unaccompanied child refugees in Calais, 18 January 2018: [safepassage.org.uk/press\\_posts/victory-for-safe-passages-two-year-campaign-on-unaccompanied-child-refugees-in-calais/](https://safepassage.org.uk/press_posts/victory-for-safe-passages-two-year-campaign-on-unaccompanied-child-refugees-in-calais/)

to submit other documents facilitating identification and evidencing family links, e.g. witness statements, correspondence, family photographs etc. Member states need to be proactive, creative and rapid in investigating and evidencing family links as well as in gathering information.

- Member states need to **preserve high-quality protection safeguarding principles** for unaccompanied children and of vulnerable asylum seekers, including providing them with appropriate accommodation, education, legal and psycho-social support, etc. All children need to be accommodated in dignified and age-appropriate reception facilities while waiting for the transfers.

- Appropriate European agency together with national authorities from ‘receiving’ states

should pro-actively **identify Dublin eligible children and inform them about their rights**, as is required under their investigative duty.