**Input by civil society to the**

**2022 Asylum Report**

Dear Colleagues,

The production of the *Asylum Report 2022* is currently underway. The annual [Asylum Report series](https://euaa.europa.eu/asylum-knowledge/asylum-report) present a comprehensive overview of developments in the field of asylum at the regional and national levels.

The report includes information and perspectives from various stakeholders, including experts from EU+ countries, civil society organisations, UNHCR and researchers. To this end, we invite you, our partners from civil society, academia and research institutions, to share with us your reporting on developments in asylum law, policy or practice in 2021 (and early 2022) by topic as presented in the online survey.

Please note that the Asylum Report does not seek to describe national systems in detail but rather to present key developments of the past year, including improvements and challenges which remain. Your input can cover practices of a specific EU+ country or the EU as a whole. You can complete all or only some of the sections.

All submissions are publicly accessible. For transparency, 2022 contributions will be published on the EUAA webpage. For reference, contributions to the 2021 Asylum Report by civil society organisations can be accessed [here](https://euaa.europa.eu/acknowledgements-0), under 'Acknowledgements'. All contributions should be appropriately referenced. You may include links to supporting material, such as analytical studies, articles, reports, websites, press releases or position papers. If your organisation does not produce any publications, please make reference to other published materials, such as joint statements issued with other organisations. Some sources of information may be in a language other than English. In this case, please cite the original language and, if possible, provide one to two sentences describing the key messages in English.

The content of the Asylum Report is subject to terms of reference and volume limitations. Contributions from civil society organisations feed into EUAA’s work in multiple ways and inform reports and analyses beyond the Asylum Report.

Your input matters to us and will be much appreciated!

**\***Please submit your contribution to the 2022 Asylum Report by **Monday, 21 February 2022.\***

# Instructions

Before completing the survey, please review the list of topics and types of information that should be included in your submission.

For each response, only include the following type of information:

* New developments and improvements in 2021 and new or remaining challenges; and
* Changes in policies or practices, transposition of legislation or institutional changes during 2021.

Please ensure that your responses remain within the scope of each section. Do not include information that goes beyond the thematic focus of each section or is not related to recent developments

# Contributions by topic

1. **Access to territory and access to asylum procedures (including first arrival to territory and registration, arrival at the border, application of the non-refoulement principle, the right to first response (shelter, food, medical treatment) and issues regarding border guards)**

|  |
| --- |
| **Access to the territory**  **Austria:** In July 2021 the Administrative Court of Styria issued a landmark decision concerning a case of a Moroccan national living in Bosnia. Despite having asked for asylum in September 2020 after crossing the green border from Slovenia to Austria along with a group of other asylum seekers, he was handed over to the Slovenian police based on a readmission agreement who also ignored his claim. He was subsequently returned to Croatia and pushed-back to Bosnia. The Court concluded that the policemen “overheard” the asylum application, the body search conducted resulted in an inhuman treatment and the rejection to Slovenia was unlawful. In the statement of facts, the Court stated that push-backs are “partly applied as a method in Austria.” The Ministry of Interior denied the fact that an application for international protection had been made and brought in a legal remedy to the High Administrative Court. In 2020, 514 persons from 48 different countries were handed over to Slovenian authorities based on this *ad hoc* agreement.  In July 2021, a Somali minor was also unlawfully returned to Slovenia on the basis of that readmission agreement, despite the fact that he had articulated the words “asylum” various times when talking to police officers. He brought in a complaint and the procedure is still pending. In Slovenia, the asylum request was accepted and an asylum status has already been granted.  From January to November 2021, the number of persons unlawfully returned to Slovenia based on bilateral readmission agreement has decreased to 59.  Border controls were prolonged on 11 May 2021, based on the “continuing migration pressure” and “the tense situation resulting from COVID-19”.  **Bulgaria**: Despite the COVID-19 pandemic, the number of arrivals in Bulgaria began to rise in mid-2020. This trend continued in 2021, as there were a total of 10,999 applicants for international protection in Bulgaria, compared to 3,525 applicants in 2020. This represents a 212% increase of asylum seekers compared to 2020.  In October 2021, the head of the Elhovo regional border police precinct told the media that around 20,000 people had been prevented from crossing the Bulgarian-Turkish border since the beginning of 2021.  Moreover, a total of 10,799 third country nationals were apprehended without previous police registration, thus representing a 210% increase of new irregular migrants who were apprehended during the year. The main contributing factors for the increase of arrivals were the takeover of Afghanistan by the Taliban in summer 2021, the dire security situation in Northern Iraq as well as the political and economic instability in the neighbouring Turkey. At the same time, national border arrangements fail to provide both sufficient means to prevent irregular entries and safe legal channels for those who attempt to enter to lodge an application for international protection. Pushback practices thus continue to be widespread. In 2021, the national border monitoring mechanism registered 2,513 alleged pushback incidents affecting a total of 44,988 individuals.  **Cyprus**: In 2021 there was an increase in the percentage of new arrivals, which reached 90% compared to applicants who were already in the country who represented 10% of asylum applicants. The majority of people arriving in 2021 accessed the territory by irregularly crossing the ‘green line’, indicating that the installation of razor wire had little - if any - impact. In November 2021, Cyprus and Israel reached an agreement for the Israeli military to build surveillance system to track activity along Cyprus’s Green Line. According to reports the Technology will monitor attempts at smuggling and illegal migration, as well as provide military intelligence.  In January 2021, a boat with 256 Syrians reportedly Syrians attempted to reach the areas under the effective control of the RoC but, according to media reports, the coast guard provided the boat with food and fuel and did not allow it to approach the shore. In May 2021 a boat carrying 56 men, women and children was pushed back at sea in Cape Greco area. In June 2021 a boat carrying 58 men women and children was pushed back in Cape Greco area and returned to Lebanon, according to Police spokesperson the boat was escorted by Cyprus Police and in collaboration with the Lebanese authorities. In July 2021, three boats were pushed back and returned to Lebanon, the first boat the number of persons was unconfirmed. The second boat carried reportedly 14 persons and the third reportedly carried 80 persons. In August 2021 two boats were pushed back to Lebanon. The first boat carried 75 persons, however 73 persons were returned to Lebanon, as two persons were brought to shore for medical assistance and separated from their families; a heavily pregnant woman who was separated from her husband and two very young children and a man with heart condition that was separated from his wife and children. The second boat in August carried 17 persons, of which all were returned except 1 person one who jumped overboard and was never found.  Besides the push backs at sea, in May 2021, three Cameroonians approached the RoC police at the Ledra Palace crossing point to seek asylum and were pushed back to the Buffer Zone. The authorities refused to allow them to enter the areas under the effective control of the RoC, which led to them remaining in the Buffer Zone in tents for a period of 6 months. One of the Cameroonians entered the areas under the effective control of the RoC irregularly in autumn 2021 whereas the other 2 were included in the group of 50 persons to be relocated to Italy by Pope Francis following a visit to Cyprus in December 2021. In December 2021, an 18-year-old Nigerian woman approached the RoC police at the Ledra Palace crossing point to seek asylum and was pushed back into the Buffer Zone. She returned to the areas not under the effective control of the RoC.  In early 2021, in a letter addressed to the Minister of Interior of Cyprus, the Council of Europe Commissioner for Human Rights, Dunja Mijatović urged the Cypriot authorities to ensure that independent and effective investigations are carried out into allegations of pushbacks and of ill-treatment of arriving migrants, including persons who may be in need of international protection, by members of security forces.  **Germany**: With the outbreak of the COVID-19 pandemic, the German government has introduced temporary border controls at internal Schengen borders at various points in time. The first introduction of border controls on 15 March 2020 applied to the borders with Austria, France, Denmark, Luxemburg and Switzerland. After the lifting of these general border controls in June 2020, controls have again been introduced with Austria and the Czech Republic in the spring of 2021. While the border controls at the borders with the Czech Republic have been lifted, the border controls with Austria were set to be in place until 11 May 2022 at the time of writing of this report. According to the Federal government, the border controls have not affected the possibility to apply for asylum at German borders.  Independently of the pandemic situation, Germany has regularly re-introduced border controls at its borders with Austria since 2015. In 2018, following a heated political debate, a new procedure was introduced which enables the Federal Police to refuse entry at the border and send persons back to Greece and Spain within 48 hours if they have previously applied for asylum there. Since 2019, it was is only applied to the Austrian-German border, as this was is the only border where controls took continue to take place. In any case, the introduction of the new procedure had little effect in practice: Between August 2018 and May 2021, only 50 persons were returned (46 returns to Greece and 4 to Spain) on the basis of the readmission agreements with these countries. In October 2021, the Ministry of Interior has declared its willingness to conclude a renewed agreement with Greece and to potentially reintroduce border controls at airports with flights from Greece. However, the declaration occurred only weeks before the end of term of the Minister of Interior who had initiated the procedure.  The humanitarian crisis at the Polish-Belarussian border also had effects on border-crossing in Germany. In 2021, the Federal Police registered 11.228 border crossings “with a connection to Belarus”, with the highest numbers of crossing reported between September and November 2021. The Federal Government did not introduce temporary border controls, and as a result refusals of entry at the German-Polish border are not permitted. The Federal Police reports to conduct “intensive search measures short of border controls” in the border area. Of the persons arriving in Germany, many were initially housed in the reception facility in Eisenhüttenstadt, Brandenburg. In October of 2021, reception capacity was increased temporarily with heated tents, and the situation was described as “tough” by the head of the city’s refugee authority, also due to quarantine requirements in reception to prevent the spread of COVID-19. In early November, the Federal Police opened a “registration centre” in Frankfurt/Oder, where persons asking for asylum are registered, and where a COVID-19 test and security checks are done before the persons are referred to the responsible Federal State. As a result of the Border situation, the police forces have detected more smuggling operations between Poland and Germany than usual.  **Spain**: During 2021, and at the beginning of 2022, pushback practices continued to be reported. In mid-May 2021, around 8,000 migrants reached the city of Ceuta by sea, swimming for around 36 hours. One man died in the attempt, while around 4,000 people were immediately expelled. Among them were more than 2,000 unaccompanied minors. In August, the Ministry of Interior announced having started return procedures for part of them, as the result of an agreement with Morocco that agreed to the transfer of around 700 unaccompanied children to a reception facility in the Moroccan city of Tetuan. According to available information, 45 unaccompanied children were in fact subjected to unlawful collective expulsions from Ceuta on 13 August 2021 carried out by the Ministry of Interior and the Territorial Governmental Delegation in Ceuta (Delegación de Gobierno).  According to the information available, at least 45 children were actually returned to Morocco. According to national authorities, a total of 41,945 persons arrived in Spain by land and sea in 2021, thus marking a slight decrease of 0.4% compared to 2020 (42,097 arrivals). In 2021, this refers to 1,845 arrivals by land (to Ceuta and Melilla), and 40,100 arrivals by sea, thus demonstrating that the vast majority of persons arrived by boat. It should be noted that data on arrivals by land to Ceuta do not include the number of persons who entered on 17 and 18 May 2021.  The number of persons arriving in Spain by land in 2021 was 1,845, marking a slight increase compared to 2019, when 1,712 persons entered the enclaves, but representing an important decrease compared to the number of arrivals in previous years. As already mentioned, data on arrivals by land to Ceuta do not include persons who accessed the enclave between 17 and 18 May 2021.  In January 2021, around 100 NGOs reached out to political groups to oppose pushbacks and require from the Government to immediately stop such practices. Following an attempt to jump the fence in Ceuta in April 2021, when the Moroccan police prevented around 250 people from crossing, at least one young migrant achieved to enter the Spanish territory, but was immediately pushed back to Morocco by the Spanish Guardia Civil through a small door in the fence. Human rights organisations have denounced this case of refoulement, and that such practice is still common at the Southern border, and urged the Government to apply the jurisprudence of the Supreme Court on the matter. In April, 30 young migrants who reached Ceuta by swimming were pushed back to Morocco. In mid-May 2021, in a 36-hours’ time span, around 8,000 migrants - a quarter of them minors - entered the city of Ceuta by swimming. One man died in the attempt, and the police has immediately expelled at least 4,000 persons, without any clarity on the procedure put in place by the Minister of Interior for carrying out such expulsions.  In 2021, 40,100 persons and 2,149 boats arrived in Spanish shores by sea.  Amnesty International called on the Government to provide more transparency on data regarding arrivals to the Spanish coasts, also underlining the importance of collecting information on their situation and on the number of persons in need of international protection. The organisation also called on the Autonomous Communities for more solidarity in providing reception conditions.  Out of the total number of persons arriving by sea, more than a half (22,316 persons) disembarked on the Canary Islands, which became one of the main destinations for boats since the last months of 2019, while 17,341 persons arrived on mainland and the Balearic Islands. Only a few migrants disembarked in Ceuta (404 persons) and Melilla (39 persons).  As regards the number of deaths in the Mediterranean, several figures have been reported. The NGO Caminando Fronteras (Walking Borders) estimated that 4,404 persons died while reaching Spain in 2021, which would constitute a 102.95% increase compared to 2020. It further reported that 94.8% of victims disappeared at sea, without their bodies been recovered, and that a total of 83 vessels disappeared with all persons on board.  The arrivals of boats to the Canary Islands has greatly continued throughout 2021. It is very likely that the Canary Island will continue to be the main point of entry to Spain for migrants and refugees throughout 2022, especially given the increased border controls at the Ceuta and Melilla border points and the increased capacity of Morocco to control the Northern part of the country, inter alia through EU funds. According to the NGO CEAR, 2021 has been the more deadly year in the Canary route since data have been collected.  Nevertheless, while the focus has continuously been on the Canary Island during the last years, the so-called ‘Algerian route’ has also recorded many arrivals during 2021, especially the port of Almería.  During a hearing at the Senate in February 2021, different organisations (i.e. CEAR, IOM and the Red Cross) called for the territorial solidarity mechanisms allowing the relocation of migrants and asylum seekers between the Autonomous Communities, in order to avoid persons being blocked on the Canary Islands. In April, more than 160 organisations, including trade unions as well as the Spanish Ombudsman, claimed the Government to change the migratory policy in the Canary Islands in front of the human rights violations that migrants suffer.  SAR activities: In November 2021, the personnel of the Maritime Rescue requested additional resources to cope with the arrival of migrants at the Canary Islands. In December, the Government approved the new Plan for Security and Maritime Rescue 2021-2024, with a budget of more than 173 million Euros.  **France:** A parliamentary commission on migration – not limited to border issues - has been launched in April 2021 and has published a report in November 2021. This report recalls that “the violations of rights at our borders have been abundantly documented and denounced” and “it's time to put an end to it”.  The Italian organisation Doctors for Human Rights (MEDU) denounced at the beginning of 2021 the critical situation of migrants who attempt to reach France from Italy through the Alpine border, highlighting inter alia that snow and freezing winter temperatures make the journey through the mountains particularly dangerous. Figures on the number of apprehended persons and refusals of entry at the Italian border are not fully available for 2021 at the time of writing of this report. According to the Border police, 26,000 refusals of entry were notified in Alpes-Maritimes (Menton) in the first ten months of the year, compared to 16,000 in 2019 and 17,000 in 2020. The authorities in the district of Hautes-Alpes (Modane) stated that 1,912 entry bans have been notified in 2021.  Due to the increasing number of migrants arriving in Spain, the French-Spanish land border has become one of the main entry points to France since 2018. In February 2021, the border police illegally returned a 16-years old unaccompanied child from Bayonne (France) to Irun (Spain). The NGOs which reported the incident indicated that these illegal practices are recurrent and recalled that the authorities must take into account the best interest of the child, in accordance with the United Nations Convention on the Rights of the Child. In the first 8 months of 2021, 31,213 refusal of entry were notified at the Spanish land border, up 146% compared to the same period the previous year.  **Croatia**: In 2021, besides continuation of the spread of COVID-19, the main challenge continued to be a strict border regime that limits access to the territory and to the procedure for international protection in Croatia, raising serious concerns for the protection of human rights of applicants for international protection.  Pushback practices persisted throughout 2021 as reported by many organisations. According to the Danish Refugee Council (DRC), 9,114 persons have been pushed back from Croatia to Bosnia and Herzegovina (BiH) in 2021, out of which a significant number of individuals were subject to chain refoulement. UNHCR data further indicates that 928 persons were pushed back from Croatia to Serbia. In February 2021,aCroatian border police official was accused of sexually abusing an Afghan woman during a search of a group of migrants at the border with Bosnia.  In their monitoring activities, AYS and the Border Violence Monitoring Network (BVMN) recorded 2,805 individual victims of illegal expulsion and police violence, collectively expelled into 205 groups, out of which 44 percent of persons explicitly and unsuccessfully sought asylum in Croatia. Some of these cases included children, unaccompanied children, pregnant women and disabled persons. AYS also reported that some families were separated during the expulsion i.e. children would had entered asylum system, while their parents were expelled. Centre for Peace Studies (CPS) reported that the practice of denying access to the asylum system and illegal expulsion along with the frequent use of violence are the most problematic aspects in relation to access to the international protection system. In 2021, CPS provided legal support to a person who was prevented from applying for asylum i.e. his expressed intentions to lodge an application were repeatedly ignored during his stay in the Reception Centre for Foreigners in Ježevo (deportation-detention centre). In addition, his attorney was denied access to him and he was forcibly removed from Croatia without access to a legal remedy. The case is pending before ECtHR. Protection Rights at Borders (PRAB) initiative, which focuses on human rights violations at the EU’s external and internal borders - particularly the illegal practice of pushbacks, also reported on pushbacks from Croatia to Bosnia and Herzegovina.  Various cases of injured and dead migrants were also reported in 2021: in February 2021, police officers saved five migrants (three women and two children) from drowning in the area of Kopački Rit, near the border with Serbia. In March 2021, one man died and two men were hospitalised after they had been hurt by the explosion of a landmine left from the Croatian War of Independence in the forest area of Saborsko. A few days later, four migrants died, while 19 others, including children, were injured and hospitalised, when a truck had an accident on a highway near Okučani. In July 2021, there was a car accident in which one person died and about 20 people were injured, while in December, an Afghan woman and a little girl of Turkish nationality drowned in a river.  In January 2021, the Council of Europe Commissioner for Human Rights published written observations to the European Court of Human Rights concerning the cases of three Syrian applicants summarily returned from Croatia to Bosnia and Herzegovina, stressing that all the information available to the Commissioner points to the existence of an established practice of collective returns of migrants from Croatia to Bosnia and Herzegovina, which are carried out outside of any formal procedure and without identifying the persons concerned or assessing their individual situation.  The report on the visit to Croatia carried out by CPT from 10 to 14 August 2020 was finally published in December 2021, while a new visit will be realised in 2022.  **Hungary**: As regards the procedure at the embassy, the law does not clarify the criteria to be considered by the National Directorate-General for Aliens Policing (NDGAP) in deciding on such applications. Those wishing to submit their statement of intent must first secure an appointment at the embassy. In 2021, according to the NDGAP 53 and as per the Ministry of Trade and Foreign Affairs 55 statements of intent were submitted at the Embassy of Hungary in Belgrade.  In 2021, 8 persons (4 persons in April and 4 in September) were granted a single-entry permit in order to apply for asylum in Hungary.  Although the vast majority of irregularly staying third country nationals get automatically pushed out of Hungary to Serbia in a summary procedure, there have been some rare exceptions, such as the cases of unaccompanied minors who were injured when crossing the border – e.g. fell off the border fence or were beaten by the Police or military so severely that they needed to be hospitalised. For them, a guardian was appointed and following their release from the hospital, they were placed in a children’s home in Fót, near Budapest. In their case, the guardian could contact the embassy in Belgrade and ask for an appointment to submit the statement of intent. In such cases, the appointment was given within a reasonable time. However, it normally still took in around 1,5 – 2 months on average for the guardian to arrange for their travel to Belgrade. Even when the embassy showed flexibility and accepted the statement of intent to be submitted in the Hungarian consulate in Subotica (near the border), this time frame remained the same. This delay is mainly due to the fact that when appointed, guardians need to arrange for a meeting with the child with an interpreter and a legal representative, then must arrange for their travels. Given that, in the experience of the HHC, relevant guardians are often responsible for around 30-35 children at the same time, the task is particularly challenging.  This should however not be understood in the sense that unaccompanied minors are, as a rule, exempted from pushbacks, as such procedure was applied only in a handful of cases in 2021. At the time of writing, only one case resulted in a favourable decision. Unaccompanied and separated children suffer from the systemic denial of access to the territory and procedure as much as adults. Practice shows that it is the level of their injuries upon irregular entry, as opposed to a child-focused approach, which determines their fate following interception by the authorities near the border.  The National Office for the Judiciary (NOJ) reported that there were 5 persons convicted for ‘illegally crossing the border fence’ in 2021. According to the Police, one criminal procedure was started with the charge of illegal crossing of the border fence in 2019, in 2020 a total of 33, whereas in 2021, a total of 11 criminal procedures were initiated.  In 2021, 72,787 migrants and asylum seekers were pushed back and 47,323 were blocked entry. 63% of those pushed back were Syrian, whereas 19% were Afghan nationals.  On 9 June 2021, the European Commission sent a letter of formal notice to Hungary for failing to comply with the ruling of the CJEU (C-808/18). On 8 October 2021, the ECtHR issued a judgement in the first case against Hungary involving a pushback of an Afghan man. The ECtHR ruled that the acts of Hungarian authorities amounted to a pushback in breach of the prohibition of collective expulsions enshrined in Article 4 of Protocol 4 of the Convention (Shahzad v. Hungary, Appl. no. 12625/17, 8 October 2021).  **Ireland**: 2,333 people were refused leave to land at Dublin Airport between 1 January and 14 November 2021. The reduction in refusals of leave to land for 2020 and 2021 was a consequence of travel restrictions implemented following the onset of the COVID-19 pandemic.  The top 5 nationalities refused leave to land in 2021 were Eritrean, Syrian, Somalian, Afghan and Kuwati. The Irish Refugee Council has raised concerns in relation to the increasing number of individuals being refused leave to land from active zones of conflict that are demonstrably unsafe and has urged the government to show proactivity in ensuring effective access to the asylum procedure.  In August 2021, the Irish Refugee Council raised concerns in relation to the number of individuals from war-torn countries, including, among others, Eritrea, Syria, Yemen, Afghanistan and Somalia being refused entry to Ireland during the COVID-19 pandemic. In response, the Department of Justice stated that each case regarding persons refused leave to land is assessed on its own merits, taking all relevant information into consideration. More specifically, the Department indicated: “The purpose of the checks is to prevent illegal entry to the State and to disrupt activities that are often highly organised involving exploitation of the persons concerned. Those who are returned to their country of departure, which in the ‘vast majority’ of cases is to another EU state, are done so in accordance with the law.”  **Italy**: In 2021 1, 67,477 persons disembarked in Italy, an increase compared to 2020 (34,154) and 2019 (11,471). In 2021 there were a total of 56,388 asylum applicants. The number of MSNA also increased to 10,053 compared to 4,687 in 2020. The main nationality of people disembarked remained Tunisians, who were 15,671. The number of Tunisian registered as asylum seekers was 7,102.  Since May 2020 the Italian Government gave instructions to the border authorities of Friuli Venezia Giulia to carry out informal readmissions to Slovenia. On 18 January 2021, the Civil Court of Rome accepted the urgent appeal lodged, with the support of the Associazione per gli Studi Giuridici sull'Immigrazione (ASGI) and Border Violence Monitoring Network, by a Pakistani man, asylum seeker, who was informally readmitted in July 2020 by the border police of Trieste to Slovenia according to the Readmission Agreement signed by the Italian and Slovenian Government in 1996. After said decision, readmission procedures at the eastern border were suspended. However, since July 2021, mixed patrols of Italian and Slovenian police have been started. In October, the Italian Government declared that persons applying for asylum would not be subjected to readmission procedures. However, the Government ambiguously stated that these procedures “operate in parallel with the Dublin Regulation and govern bilateral forms of collaboration only in cases of readmission of migrants traced immediately and close to the border”. Later, on several occasions the Government outlined the imminent resumption of readmission procedures and, in January 2022, the region Friuli Venezia Giulia announced that it had purchased, on request of the Prefecture of Trieste, 65 camera traps, to be allocated to the border police and to be placed on the Italian-Slovenian border to intercept arrivals.  According to the testimonies collected by the Adriatic ports Network, in 2021, readmission practices between Italy and Greece continued. In May, six Turkish nationals, including a woman, were denied the opportunity to apply for protection in Italy, despite having immediately expressed their willingness to seek asylum after reaching the port of Bari in the morning, hidden inside a truck that arrived with a ferry. Immediately after their tracing, cell phones, documents and some essential medicines were confiscated from the group of foreign citizens, of which a seventh person belonged. They have been prevented from any contact with lawyers, associations and family members; it was not guaranteed any legal information and the assistance of a mediator; the organisation which, in agreement with the Prefecture, is in charge of the information and reception service at the border crossing is also not contacted. Readmissions and refoulement were also recorded towards Croatia and Albania.  In 2021 the readmission from Ventimiglia continued. In 2021, there was a total of 24,589 readmission from France. The majority of people involved came from Tunisia (3,815), followed by Sudan (1,822) and Afghanistan (1,769).  UNHCR data shows that in 2021, 67,477 refugees and migrants arrived in Italy by sea and 1,496 died or disappeared during the route. In 2021, the highest number of monthly sea arrivals was recorded in August, when 10,286 persons reached the Italian coasts.  The policy of blocking rescue ships for administrative reasons continued in 2021. As an example, the ship Sea Eye 4 was again stopped in the Port of Palermo in June 2021 following an inspection.  Regarding the Gregoretti case, the former Minister of Interior, Matteo Salvini, faced a criminal trial, but in May 2021 the Court of Catania decided not to indict him for kidnapping. On 17 April 2021, he was however indicted by the Court of Palermo for the kidnapping of 147 migrants aboard the Open Arms, kept aboard the ship for six days in August 2019. As of March 2022, the trial that started on 15 September 2021 was still pending.  In June 2021, IOM and UNHCR indicated that over 270 migrants and refugees were handed over to the Libyan Coast Guard by the ship “Vos Triton”. “Vos Triton” had rescued the group in international waters during their attempt to reach Europe on 14 June. On 15 June, the Libyan Coast Guard returned them to the main port of Tripoli, from where they were taken into detention by the Libyan authorities. On July 2021, the Italian Parliament approved the re- financing and support to the Libyan coast guard. At the same time, Amnesty international reported the grave abuses connected with pushbacks and detention in Libya in 2021.  **Malta**: Since May 2020 and throughout 2021, the Armed Forces of Malta (AFM) drastically decreased its rescues at sea. In the report published in January 2022, the Council of Europe Commissioner for Human Rights stresses the need to step up Malta’s capacities and ensure effective co-ordination of search and rescue operations, and underlined that Libya is not a safe place for disembarkation. The Commissioner called on the Maltese authorities to review their co-operation with the Libyan authorities to curb irregular migration, which is of grave concern in so far as it leads to returns of refugees and migrants to Libya or contributes to other human rights violations.  In January 2022, three international organisations accused Libyan militias of committing war crimes against migrants in detention centres and included Malta and Italy in their complaint for their support to Tripoli’s coast guard. Denouncing a pocket of impunity “at the gates of Europe,” the three NGOs accused Malta and Italy of denying migrants their right to claim asylum in Europe. Between 1 January and 31 October 2021, UNHCR recorded 607 sea arrivals to Malta. This is a 73% decrease compared to the same period last year (2,256 sea arrivals to Malta from January to October 2020). Of the 607 persons that arrived in Malta, 63 autonomously landed in Malta in February. The AFM rescued 14 persons in April, 68 persons in May, 164 persons in July, 48 persons in August and 143 persons in October. Following NGO rescue operations, 2 persons were medically evacuated to Malta in February and 8 in August. In June, 97 persons were rescued by a private boat after which they were transferred onto an AFM boat and brought to Malta. There were no arrivals in January, March or September 2021. Most of the persons arriving by sea were adult men (64%), followed by unaccompanied and separated children (20%), adult women (4%) and accompanied children (12%). The main countries of origin were Eritrea (27%), Syria (18%), Sudan (15%) and Egypt (8%). In total, IOM recorded 838 arrivals by sea in 2021. Please refer to the AIDA report for a detailed developments chronological overview of the different arrivals and relevant developments in 2021, as well as for information on the criminalisation of asylum seekers arriving by air.  A hearing for the El Hiblu case was held on 21 May 2021, where two of the seven witnesses who were among the more than 100 people aboard the El Hiblu 1 at the time of the alleged offence presented their testimonies. During a following hearing held on 24 June 2021, another witness told the court that the accused helped calm rescued migrants who were 'screaming and crying' and wanted to jump into the water when they realised that they were being returned to Libya. He denied claims that the youths had been carrying weapons when they went to speak to the captain. Translation remained an issue, as several witnesses who were appointed a francophone translator declared not being completely fluent in French their preference for speaking Bambara. In October 2021, a new initiative called the “ElHiblu 3 Freedom Commission” was launched. It aims at strengthening the action demanding freedom for the ElHiblu3 which was started by a coalition of activists, legal practitioners, and human rights advocates, the “Free the El Hiblu 3-Campaign".  **Poland**: Since mid-2021 the numbers of asylum seekers and migrants seeking to enter Poland from Belarus increased significantly. According to the Border Guards, in August 2021 alone 3500 persons tried to cross the border, compared to none in August 2020. Belarus facilitated irregular migration to the EU in response to the EU sanctions, while Poland refused to provide access to asylum procedures to those in need. As a result, in August 2021 a group of Afghan nationals (men, women and children, a group of about 32 persons) was stranded for several weeks at the border near the village Usnarz Górny, without the possibility of neither entering Poland, nor going back to Belarus. At the end of August, the ECtHR issued an interim measure ordering Poland to provide food, water, clothing, medical assistance and if possible - shelter to the group (ECtHR, R.A. and Others v. Poland (application no. 42120/21), press release from 25 August 2021). On September 27, this order was extended and two other interim measure were indicated: The Court asked to provide direct contact between the applicants and their lawyer and not to send the applicants to Belarus if the applicants were on the Polish territory (ECtHR, R.A. and Others v. Poland (application no. 42120/21), press release from 28 September 2021). As a result, the only assistance however, was provided by non-governmental sources. The situation in the border zone has quickly became a humanitarian crisis. Besides leaving people without any assistance in the border area, Border Guards also carried out push backs.  The Polish Ombudsman (Commissioner for Human Rights) became the sole institution with access to areas near the border. The border zone as well as the Border Guard unit’s detention facilities were visited around four times a month in the second half of 2021 by the Commissioner for Human Rights within the National Mechanism for the Prevention of Torture. In November the Council of Europe Commissioner for Human Rights visited the border zone and reported that she had witnessed clear signs of the painful ordeal suffered by people stranded at the border: wounds, frostbite, exposure to extreme cold, exhaustion and stress.  With temperatures in the forests dropping below zero, at least 21 persons reportedly died in the border area, but the number is likely much higher. UNHCR and IOM issued a joint statement on the deaths, saying they had made clear the dangers of pushbacks and of people “stranded for weeks, unable to access any form of assistance, asylum or basic services. Many were left in dire situations, exposed to the elements, suffering from hypothermia.”  The Polish authorities’ response to the crisis concentrated mainly on militarization of the border, i.e. increasing the number of troops (Border Guard, Police and army) to protect the border and on building the physical barrier to stop influx of asylum seekers and migrants. Razor wire fencing is to be replaced by a high-tech 353 million euro border wall, 186 km long and 5.5 m tall. Its construction started in January and is planned for completion by summer 2022. The construction is very controversial and has raised concerns from the humanitarian and environmental point of view. The state of emergency was abolished in the end of November, but the limitations concerning access to the border zone are still in force. It is worth noting that on 18 January, Poland’s Supreme Court examined the complaint submitted by the Commissioner for Human Rights and ruled on the legality on the country’s “state of emergency” legislation, finding that the emergency measures went beyond what is permitted by the Polish Constitution.  Developments of the legal framework: The situation at the border gave rise to controversial legislative changes. On 21 August 2021, the Regulation on the suspension of cross-border movement – which is one of the COVID measures - was amended by the Ministry of Interior and Administration, giving legal basis for direct removal of persons from the territory if they appeared at the border crossing point on which the cross-border movement had been suspended or limited or if they appeared outside of any border crossing point. According to the Commissioner for Human Rights, although this amendment does not concern persons seeking international protection directly, it limits significantly access to the proceedings for international protection. In fact, those who fall in the above categories cannot effectively apply for protection at all.  In parallel, on 23 August 2021, the government submitted to the Parliament a bill amending the Act on foreigners and the Act on granting protection to foreigners in the territory of the Republic of Poland. The draft law was aimed at faster expulsions of foreign national directly after unauthorised crossing of the external border of the EU. The draft law concerned human rights NGO, as these provisions give grounds for removal of a foreign national from Poland, even if they apply for international protection.  On 26 October 2021, the Law on foreigners entered into force. As previously planned, it introduced a new legal instrument allowing for expulsion: an order to leave Poland after the foreigner crossed the border in an unauthorized manner. The order to leave Poland is accompanied by re-entry ban covering Schengen zone, so it has the same effect as a return order based on Return Directive, but is much more simplified. The new law also allows the Office for Foreigners to disregard an application for international protection submitted by a foreigner who crossed the border in an unauthorized manner, unless: (1) they came directly from the territory where their life or freedom was threatened by persecutions or serious harm and (b) they presented reliable reasons for illegal entry and (c) they applied for international protection directly after crossing the border.  The Commissioner for Human Rights and NGOs strongly criticized the new law. UNHCR in its observation regretted that the amendments significantly restrict the possibility to seek asylum for persons intercepted in the border area, summarizing that "the Draft Law relies on a misapplication of article 31 of the Geneva Convention”.  On the basis of the available statistics, the conclusion can be drawn that the new Law is much more frequently applied with regard to the application of the order to leave Poland than to the disregard the application for international protection. According to the GG report, 1098 persons were expelled on the basis of the new Law only in the period 27 October – 10 November 2022. Still, this instrument has been applied selectively, i.e. to some persons, perhaps because it requires a certain administrative procedure (contrary to the removal based on the Regulation amended on 21 August). As for the statistics on disregarding the application for international protection based on the new Law, the Office for Foreigners reported it was applied towards 5 persons in 2021. Unfortunately, on the basis of these statistics it is impossible to estimate how many persons were stranded between Poland and Belarus and how many of them were in need of international protection and were denied access to the proceedings. The organization Grupa Granica (GG) reported that, from the beginning of September until mid-November the activists were asked to provide humanitarian assistance by 5,370 persons. Most importantly, they lost contact with many of them, including children, unable to get to know their whereabouts. As of 26 February, GG reports they are still asked for assistance by the foreigners at the border with Belarus.  **Portugal**: While sea arrivals are not common in Portugal, since December 2019, multiple groups of people from Morocco arrived by sea in small boats in the region of Algarve. In November 2021, 37 people were rescued by the Portuguese authorities in international waters.  **Romania**: According to Romanian Border Police reports, asylum seekers arrive in Romania mainly by land through the south-western border with Serbia, through the southern border with Bulgaria, and through the northern border with Ukraine. In 2021, the number of asylum seekers who tried to enter Romania by crossing the Danube River or Timiş River by boats, dinghies or swimming coils increased dramatically, compared to 2020, when only a few incidents were reported by the Border Police. Nevertheless, even though more incidents were reported in 2021, these did not result in casualties.  In 2021, the Jesuit Refugee Service Romania (JRS) documented 34 incidents of pushback involving mainly single men.  **Sweden**: Despite the fact that the reintroduction of border control at the internal borders must be applied as a last resort measure, in exceptional situations, and must respect the principle of proportionality, Sweden has regularly re-introduced border controls at its internal borders in recent years. The current temporary border control is valid up until 11 May 2022. The decision to re-introduce border controls is based on the government's assessment that there is still a threat to public order and internal security in Sweden, including an important terrorist threat, and that there are shortcomings in the control of the external borders around Schengen. Checks are thus set up accordingly to address the threat.  While Sweden has not introduced any measures directly affecting the right to seek asylum, the access to the asylum procedure was rendered more difficult in 2020 and 2021 as a result of COVID-19, inter alia due to travel restrictions. On 19 March 2020, the Swedish government introduced a temporary ban on non-necessary travels to Sweden from countries other than EU countries, Great Britain, Norway, Iceland, Liechtenstein and Switzerland. The temporary entry ban to the EU via Sweden due to COVID-19 was extended several times. As of the end of 2021 Sweden still applied an entry ban for people travelling to Sweden from certain countries outside the EU/EEA and an extended ban on entry to Sweden from countries within the EU/EEA, but with several exemptions. The latest amendments to the entry ban entered into force on 21 January 2022. Travellers are no longer required to present a negative COVID-19 test on arrival, but all travellers must present a valid vaccination certificate, a negative test taken no more than 72 hours before arrival, or a medical certificate proving that he or she has recovered from a COVID-19 infection within the past six months. Children are exempt from these requirements. The Swedish Police Authority is tasked to interpret the rules and make decisions in individual cases upon arrival at the border control point. It is not possible to apply for an exemption in advance.  **Slovenia**: in 2021, the National Assembly accepted the amendments of the Foreigners Act that establishes the concept of a “complex crisis in the field of migration”. In line with the new provisions, the Ministry of Interior regularly monitors the situation in the field of migration in Slovenia. If it detects that the situation regarding migration in Slovenia has changed, creating a “complex crisis”, the Ministry of Interior can propose that the government activates the articles of the Foreigners Act that allow the National Assembly to close the border for 6 months and restrict access to the asylum procedure.  Upon activation of the articles the police would have the authority to determine whether a person can apply for international protection after they express the intention to apply. If the police determine that an individual can be returned to another country, they can return the individual regardless of the provisions of the International Protection Act (IPA). Exceptions would apply to unaccompanied minors and individuals whose health conditions prevent a return. The assessment of whether someone is an unaccompanied minor would be made by the police based on the person’s appearance, behaviour and other circumstances. An appeal against the police order would not have a suspensive effect.In 2021, the amended provisions of the Foreigners Act were not yet activated.  The Slovenian Human Rights Ombudsman notified the European Commission of the new adopted provisions and his position regarding the provisions. In his statement he noted that as the Government had failed to respect the decision of the Constitution Court by proceeding with the adoption of the amended provisions, there is the possibility that another procedure before the Constitutional Court would not be effective, as the Government could once again fail to respect the decision. By the end of 2021, the amended provisions of the Foreigners Act were not submitted to the Constitutional Court for a constitutional review by the Human Rights Ombudsman or MPs, although several NGOs advocated for them to do so.  In 2021 the police detected 10,067 irregular crossings of the Slovenian border. This is a 31,2% decrease in comparison to the previous year.  The most common countries of origin of people who were apprehended for irregular border crossing were: Afghanistan (3208), Pakistan (1499), Bangladesh (943), Turkey (737), Croatia (586), Iran (475), Iraq (288), Kosovo (239), Nepal (194), Morocco (180), followed by other nationalities. ). The biggest decrease was the number of Moroccan nationals who irregularly crossed the border. The number dropped from 2414 in 2020, to 180 in 2021. This can be partly attributed to the practice of mass detention the Ministry of Interior carried out in 2020.  In 2021, the Slovenian police returned 3998 of the 10,067 apprehended migrants to neighbouring countries based on the readmission agreements. This is a 60.1% decrease as compared to the previous year. Out of the 3998 returned migrants, 1064 were from Pakistan, 818 from Afghanistan, 686 from Bangladesh, 314 from Turkey, 150 from Kosovo, 149 from Iran, 132 from Nepal, 132 from Morocco, 72 from Iraq, and 70 from Syria.  The large majority, i.e. 3,858 persons, were returned to Croatia. This is a large decrease from the 9949 persons that were returned last year. The decrease is due to the change in the practice of the Croatian police, who began to deny the requests of Slovenian police to accept individuals based on the readmission agreement.  Based on the readmission agreements, Slovenia also received 248 individuals. The decrease can be largely attributed to the change of practice in Italy, from which readmissions were suspended following an Italian court decision from January 2021. The court determined that the readmission agreement cannot form a legal ground for return as it is not in accordance with Italian and EU law. Nonetheless, NGOs detected returns based on readmission agreements from Italy to Slovenia.  In August 2020, individuals started to report collective expulsions from the Austrian border to Slovenia. The number of people returned based on the readmission agreement between Slovenia and Austria increased from 23 people being returned by the end of July to 98 people being returned by the end of August. In 2021, 70 persons were readmitted from Austria based on the readmission agreement. Individual testimonies of individuals show that some were returned to Croatia by the Slovenian authorities after being readmitted from Italy or Austria.  **Switzerland**: In autumn 2021, there was a significant increase of persons entering Switzerland at the eastern border with Austria. Most of them were minors from Afghanistan. Instead of asking for asylum, they claimed that they want to reach France or the UK.  **United Kingdom**: Much attention was given by the media, politicians and government during 2021 on the phenomenon of small boat crossings mainly from northern France to the port of Dover. Various initiatives were introduced by government, it was the subject of parliamentary commentary and questions including an ongoing inquiry by the Home Affairs Select Committee. Research reports from NGOs looked into the context and policy response to people traveling from northern France, as well as analysing the protection status of the main nationalities making the journey. Attention was also paid to the conditions in which people were held on arrival, including by Her Majesty’s Inspector of Prisons (as the facility is a short-term holding facility). The Home Office made regular announcements about its plans to deter people from leaving the coast of France including regularly announcing new funding for the French authorities. In November 2021, it was reported that 27 people lost their lives attempting the crossing in a small boat, which led to increased discussion in parliament and the media about what the appropriate response should be, including a joint public statement by many public figures and NGOs. Many have made the link between the government’s limited ability to prevent people attempting the journey and the reforms; the Home Office has done this explicitly including in the release of a short film via its twitter channel.  Most of the government activity on Channel crossings is measures to deter people rather than pushbacks. One such measure is the decision to prosecute individuals for illegal entry/facilitating illegal entry. Several of these prosecutions have now been quashed as there was no evidence that the individuals were attempting a clandestine entry, indeed most had declared themselves to the authorities prior to or immediately upon, landing on UK territory.  Despite this the government continues to refer to ‘illegal migration’ and promotes the reforms as being aimed at facilitators and smugglers rather than individuals seeking asylum. The media reports regularly form the port of Diver, often sending reporters out on vessels to film channel crossings, publishing pictures of people newly arriving on UK territory alongside reporting of numbers, sometimes on a daily basis.  **Border monitoring**  **Belgium**: In Belgium, there is no actual border monitoring system in place that corresponds to the definition set forth by UNHCR. However, several organisations have formed a coalition active in the field of administrative detention of migrants. Since January 2021, this coalition is officially in place and known by the name Move ([www.movecoalition.be](http://www.movecoalition.be)). Currently, the members of the steering Committee of Move are Vluchtelingenwerk Vlaanderen, JRS Belgium, Caritas International Belgium and Ciré, and the goals of MOVE are achieved in full collaboration with other NGO’s working in this field too like Nansen or Point d’Appui. Move aims at continuing the work initiated by the informal Transit group mentioned earlier. The members of Move build on almost 20 years of experience in the field of immigration detention and possess vast expertise in the four specific pillars of the coalition:   * Visits and monitoring of detention centres, in order to give to the detainees psychosocial support, neutral information and legal aid. The visitors observe the conditions in the detention centres. * quality legal expertise offered to visitors and other legal practitioners, in order to increase access to legal defence for the detainees * field observations and recommendations for concrete changes are carried out by the political pillar, which maintains close contact with politicians; * a media and communication pillar, that works on fundamentally questioning detention for migratory reasons in the public space.   **Croatia**: An independent monitoring mechanism for border monitoring was established in Croatia in the summer of 2021. According to information provided to the Centre for Peace Studies by the Ministry of Interior the following institutions and organizations are included in the Independent Monitoring Mechanism: the Croatian Academy of Medical Sciences, the Croatian Academy of Legal Sciences, the Centre for the Culture of Dialogue, the Croatian Red Cross and a law professor as an independent legal expert.Representatives of the mentioned civil society organisations (one from each) and the law professor are members of the Coordinating Committee of the Independent Monitoring Mechanism, while direct activities within Independent Monitoring Mechanism are carried out by two representatives of these civil society organisations.  The role of the Coordinating Committee is to professionally direct and manage the activities of the Independent Monitoring Mechanism and to prepare a semi-annual and final report on the conduct of police officers. The summary of the final report will be published on the Ministry of Interior’s website. In addition to the Coordinating Committee, the establishment of an Advisory Committee is envisaged as an informal body that would meet twice a year to provide guidance on any necessary improvements to this new monitoring mechanism. Within the Advisory Committee, the invitation to participate was sent to the European Commission, European agencies (i.e. FRA, Frontex, EASO - now EUAA), international organisations (IOM and UNHCR), the Ombudsman’s Office, the Office of the Ombudsman for Children, the Office of the Gender Equality Ombudsman and the State Attorney's Office. In addition to the above, the meetings of the Advisory Board may be attended by representatives of the Coordinating Committee in order to directly provide information on the activities carried out.  The independent monitoring mechanism is established for a one-year period with the possibility of extension, while activities will be carried out at the Croatian border (border crossings / police stations / police administrations) with Bosnia and Herzegovina, Montenegro and the Republic of Serbia and in the reception centres for foreigners.  The activities of the Independent Monitoring Mechanism include 20 visits (announced and unannounced) in order to monitor police officers' treatment of irregular migrants and applicants for international protection in the implementation of regulations governing state border surveillance and international protection, announced visits to green border and access to case files regarding complaints of alleged illegal treatment of irregular migrants and applicants for international protection. The direct activities of the Independent Monitoring Mechanism are carried out by two representatives of civil society organisations.  Within seven (7) days after the monitoring visits, monitors shall jointly compile an individual report and submit it to the Coordinating Committee. The first semi-annual report of the Independent Monitoring Mechanism for the period June- December 2021 was published at the end of 2021 and is available online. During this 6 months, the monitoring mechanism conducted 8 visits. The mechanism found that *“the police carried out permissible deterrence of migrants under Article 13 of the Schengen Borders Code although it does not record them, but also an impermissible deterrence in isolated cases in mine suspected areas”.*  The mechanism further found that the Ministry of Interior misinterprets relevant regulations in situations where irregular migrants cross the state border in un-surveyed areas. When they get caught by the police after crossing, however, migrants point out that they have entered Croatian territory and are seeking asylum, but the interpretation of the Border police is that they did not actually enter Croatian territory, given that these areas are not “under de facto government of the Republic of Croatia”. Thus, they discourage them from crossing / entering in a way to send them back in safe locations, without assessing their individual circumstances and determining whether they are indeed protected from *refoulement.*  **Hungary**: On 1 February 2021, the Hungarian Helsinki Committee’s presented a submission to the UN Special Rapporteur on the rights of migrants in response to the call for input of the Special Rapporteur, to inform his report to the 47th session of the United Nations Human Rights Council on push-backs. As part of the Protecting Rights at Borders initiative, quarterly reports on pushbacks on the Western Balkan Route were published in 2021.  **Slovenia**: There is no systematic border monitoring in Slovenia. Border monitoring is conducted by UNHCR and by the Slovenian Ombudsman within the National Preventive Mechanism framework. The Ombudsman can make unannounced visits to police stations and has the authority to check all of the police records regarding migrants in the police procedures. Based on these visits, observations and recommendations are given to the Ministry of the Interior and the police station. In 2021 the Ombudsman visited 21 police stations. During its visits the Ombudsman detected several problems regarding access to the asylum procedure. One of the main problems remains the lack of any screening for persons in need of international protection. The Ombudsman noted that the police do not conduct screening and do not provide information on international protection when individuals express an intention to apply for international protection. Collective procedures in which all individuals are processed at the same time remain a problem in police procedures. The Ombudsman noted that the police should process foreigners individually and that they should record whether the individual was informed about the right to asylum, and whether they want to claim it. Individual procedures should be conducted in order to establish the individual circumstances of each case. In each procedure the risk of *refoulement* should be assessed, which is not done in practice.  Throughout 2021, the Border Violence Monitoring Network continued to report cases of individuals who claimed that they did not have access to the asylum procedure in Slovenia, while PIC also detected cases of asylum seekers claiming they were unable to apply for asylum after several attempts. Cases of summary returns were also detected by PIC and BVMN from Italy to Slovenia, and, from Austria to Slovenia. These reports, along with the police statistics on the number of people returned to Croatia based on the bilateral readmission agreement, indicate that people continue to have limited access to the asylum procedure in Slovenia.  **Access to asylum procedures**  **ECRE Legal Note**: In September 2021, ECRE published a Legal Note providing an assessment of recent changes to asylum legislation in Lithuania and their impact, with reference to compliance with EU and international law.  Through the Legal Note, ECRE observed that Changes in law and practice in Lithuania may result in limited access to the asylum procedure, automatic detention of asylum applicants, restrictions on the right to appeal, and restrictions on other rights of people seeking asylum.  See: ECRE Legal Note 11, Extraordinary Responses: Legislative Changes in Lithuania, 2021, September 2021, available at: <https://ecre.org/wp-content/uploads/2021/09/Legal-Note-11.pdf>.  **Belgium**: In the context of the reception crisis that started mid-October 2021, access to the asylum procedure was once again severely impacted. For several weeks, the number of persons allowed to make an application for international protection was limited to the places available on that day in the reception system. In practice, every morning people lined up at the gates of the arrival centre “Klein Kasteeltje”/”Petit Château”. Priority was given to families with minor children and non-accompanied minors. Afterwards, a different number of single men was given access to the arrival centre each day, depending on available places in the reception system. Once that number was reached, the remaining men were told to come back another day. Some men had to wait in line for days before being able to make their asylum application. As a consequence, these men were not yet considered ‘asylum seekers’ and could not claim certain fundamental rights linked to this status, such as the right to reception. The Labour Court, where urgent appeal cases were introduced in order to demand a reception place for persons being refused access to the reception network, rejected the appeals introduced by applicants who had not been able to make their asylum application and thus did not dispose of an Annex 26 yet, by lack of their official quality of ‘asylum seeker’. Lawyers tried to remedy this issue by first sending an e-mail to the Immigration Office, signalling their clients’ intention to apply for asylum, before introducing their appeal at the Labour Court, maintaining that the practice was in contradiction with the jurisprudence of the CJEU. Regardless, the Labour Court continued to reject the appeals for this category of applicants. On 18 November 2021, several national, Flemish and French speaking NGOs (Vluchtelingenwerk Vlaanderen, CIRÉ, Médecins sans Frontières, Médecins du Monde, NANSEN vzw, ADDE, Ligue des Droits Humains, SAAMO and the Order of French and German speaking bar associations (OBFG)) declared the Belgian State and the Federal Agency for the Reception of Asylum Seekers (Fedasil) in default at the Brussels court of first instance. In a judgment of 19 January 2022, the court condemned the Belgian State and Fedasil for not ensuring access to the asylum procedure and to reception conditions and ordered both parties to ensure the respect of these fundamental rights, imposing a €5000 penalty payment for the respective parties for each day during the following 6 months on which at least one person would not receive access to the asylum procedure (penalty for the Belgian State) or to the reception system (penalty for Fedasil). During the first period following this judgment, all applicants again received immediate access to the asylum procedure, being allowed to make their asylum application on the first day of presence at the arrival centre. However, due to an increase of applicants following the outbreak of the war in Ukraine, people are once more being rejected access to the asylum procedure since 28 February 2022. Minors, families with children and particularly vulnerable applicants are given priority and are allowed to enter in order to apply for asylum and receive a reception place. A large part of the single men is refused access to the asylum procedure and asked to come back on an unspecified later date. On some days, more than 150 men are refused access to the asylum procedure and reception conditions.  **Bulgaria**: In 2021, 1,065 asylum seekers were able to apply for international protection at the national entry borders and only 3% of them (i.e. 34 individuals) had direct access to the asylum procedure without detention. The remaining 97% who were able to apply at entry borders were sent to the Ministry of Interior’s pre-removal centres.  First time applicants were subject to detention in the context of COVID-19 and the mandatory ten days quarantine imposed to all newly arrived irregular migrants without exclusion. Status determination in immigration detention centres resumed in 2021 although to a limited extent. The number of asylum seekers placed in closed asylum facilities also slightly increased. The national asylum agency, SAR, continued to refuse registration of asylum seekers who approached its reception-and-registration centres (RRCs) independently and transferred them to immigration detention centres in violation of the law. This affected 196 newly arrived asylum seekers among whom families with minor children and pregnant women.  **Spain**: Through a landmark judgement of October 2020, the Supreme Court officially recognised the right to apply for asylum at Spanish embassies and consulates. Despite more than one year having passed since the Supreme Court’s judgements, there are no reports of asylum application being registered and processed at embassies, so it remains to be seen how this will be translated to practice.  **France:** In 2021, 121,554 persons have been registered as asylum seekers by the Ministry of Interior (compared to 93,264 in 2020), of which 104,577 as first applicants (81,531 in 2020) and 16,977 subsequent applicants (11,733 in 2020). For its part, the French Office for the Protection of Refugees and Stateless Persons (OFPRA) reported a total of 103,011 asylum seekers (compared to 96,424 in 2020).  **Hungary**: On 15 July 2021, the Commission decided to refer Hungary to the CJEU for unlawfully restricting access to the asylum procedure in breach of Article 6 of the Asylum Procedures Directive (APD), interpreted in light of Article 18 of the Charter.  **Italy**: ASGI continued to document nationality-based barriers to access the procedure, specifically as regards people from Morocco, Egypt, Tunisia, Albania, Serbia, Colombia, El Salvador, and in some cases Pakistan and Nigeria.  At the Questura of Milan, as denounced by the NGOs ASGI, Naga and Avvocati per Niente in a letter sent to the Ministry of Interior in April 2016, the Police submits a questionnaire to asylum seekers to assess, from the answers compiled, whether they are refugees or economic migrants, basically applying the same procedure as that applied at Hotspots. Those considered economic migrants are denied accessing the asylum procedure and notified of an expulsion order. This practice persisted until 2021, during which there were allegations of persons who spontaneously appear before the Questura of Milan to seek asylum were often not registered as asylum seekers and directly received an expulsion order. In August 2021, the Questura of Udine prevented the formalisation of an asylum application and notified the expulsion to an Iraqi asylum seeker who had declared, in the ‘foglio notizie’, that his partner was in Italy, regardless of the fact that he had previously applied for asylum in Germany, and thus should have also benefited from the Dublin guarantees. An appeal on the case is pending before the Civil Court of Trieste.  **Slovenia**: According to the statistics only 5651 individuals expressed their intention to apply for international protection. This is a 41% increase from the 4007 individuals who applied in 2020. The discrepancy between the number of irregular crossings and the number of people that actually enter the procedure for international protection, supported by numerous reports on pushbacks, shows that access to the asylum procedure is still systematically denied to individuals in the police procedure. After the police procedure, individuals are returned based on the readmission agreement to the country from which they entered Slovenia.  Reports show that migrants in the police procedure were not able to effectively access the asylum procedure. According to testimonies given upon their return to Bosnia, misinformation was given to migrants by the police during the police procedure, e.g. that there is no asylum in Slovenia, that they are not entitled to asylum or that they would be placed in asylum facilities but were in fact returned to Croatia. |

1. **Access to information and legal assistance (including counselling and representation)**

|  |
| --- |
| **Legal assistance at first instance**  **Austria**: In June 2019, the Austrian Parliament adopted a law establishing a Federal Agency for Care and Support Services (Bundesagentur für Betreuungs- und Unterstützungsleistungen, BBU GmbH) which is in charge inter alia of providing legal assistance to asylum seekers at first and second instance since 1 January 2021. The new law has been criticised by several organisations, as it raises concerns over the risk of arbitrary access to free legal assistance.  The BBU GmbH started providing legal counselling and representation on 1 January 2021. Caritas (Styria) and VMÖ offered counselling services at first instance until the end of 2020 which was funded by the Asylum, Migration and Integration Fund (AMIF). The BBU GmbH also has some AMIF funded capacities in first instance and provides open counselling in first instance as long as “possibilities are available”. The counselling services are provided at the buildings of the regional directorates of the BFA. There is no funding for transportation costs for persons willing to receive counselling at this stage. At first instance, the BBU GmbH has the legal obligation to provide legal counselling in all procedures where the first interview by the BFA is conducted within 72 hours. In these procedures, the counsellors of the BBU also have to take part in the interviews carried out with the BFA. At the time of writing, this concerned mainly subsequent applications, fast track procedures and procedures at the airport. The BBU GmbH is not being appointed in Dublin cases by the BFA and therefore is not involved in interviews in these procedures in general in first instance.  **Belgium**: In response to the reception crisis in the second half of 2021, the NGO Vluchtelingenwerk Vlaanderen set up an on-site ‘lawyer referral system’, linking applicants for international protection without access to the asylum system and/or a reception place to lawyers in order to file a ‘unilateral request’ (non-contradictory procedure in extreme urgency) before the presidents of the Labour courts, to claim the right to reception.  **Bulgaria**: Asylum seekers have the right to ask for the appointment of a legal aid lawyer from the moment of the registration of their asylum application. However, legal aid in first-instance procedures has still not been implemented as of the end of 2021. At the end of 2017, the National Legal Aid Bureau, the national body assigned to provide state sponsored legal aid, received funding under the AMIF national programme to commence for the first time ever in Bulgaria the provision of legal aid to asylum seekers during the administrative phase of the asylum procedure. Legal aid under this 80,000 € pilot project was implemented until 31 January 2021 and was limited to the vulnerable categories among applicants for international protection. The project was extended until 31 July 2021. After the end of the project, the National Legal Aid Bureau agreed to continue representing vulnerable applicants under its general rules, which would require the asylum seekers to fill in and submit complicated legal aid applications. The NGO Bulgarian Helsinki Committee funded by UNHCR assisted the NLAB with the adaptation and translation of the legal aid forms in English, French, Russian, Arabic, Farsi, Dari, Pashto, Urdu, Kurdish and Turkish languages in order to facilitate the access to legal aid to vulnerable applicants A problem persists, however, for those who are illiterate and where the assistance of case workers is the only way to get access to legal aid. Yet, some of them are reluctant to grant access to legal aid as it would mean that their role in and quality of the procedure would be assessed. In 2021, legal aid was provided to less than 50 asylum seekers at first instance, which represents a significant decrease in comparison with 818 vulnerable applicants provided legal aid in 2020. Other asylum seekers, i.e. who are not considered as vulnerable, did not enjoy access to legal aid at the first instance of the asylum procedure.  **Cyprus**: In practice, free legal assistance at first instance is extremely limited and dependent on under funded projects. In 2021, approximately 50 persons received legal advice from the Cyprus Refugee Council (CyRC), whereas the number of pending asylum applications was over 16,000.  **Germany**: The new coalition government has announced in November 2021 that legal assistance should be offered by independent organisations instead of the BAMF. It remains to be seen if this will be implemented in practice. Once asylum seekers have left the initial reception centres and have been transferred to other accommodation, the access to legal assistance depends on the place of residence. For instance, asylum seekers accommodated in rural areas might have to travel long distances to reach advice centres or lawyers with special expertise in asylum law.  **Spain**: In 2021, NGOs provided assistance both remotely and in person, in line with changes in COVID-19 measures in force and depending on the situation of each Autonomous Community.  **Croatia**: A public call under the AMIF fund for legal aid providers was published by the Ministry of Interior in September 2021. The Croatian Law Centre (CLC) was selected in 2022 as organisation responsible for providing legal counselling until the end of 2022. In 2021, CLC as an implementing partner and with the financial support of the UNHCR, implemented the project "Legal Support in the Asylum System". Due to prolonged COVID-19, the provision of legal information to targeted groups of beneficiaries including applicants for international protection, was usually provided by telephone, mobile applications (WhatsApp) and e-mail or in CLC's office when needed.  In 2021, the Jesuit Refugee Service (JRS) provided legal counselling to applicants accommodated in their Centre for integration of Refugees (SOL), mostly to prepare them for interviews within procedure for granting international protection and in relation to other modalities of regulation of their status.  **Hungary**: In 2021, due to the significant drop in the numbers of asylum seekers, as potential applicants were prevented from accessing asylum in the country, the HHC provided legal counselling only in 208 asylum cases.  **Ireland**: Applicants for protection are directed to the international protection unit within the Legal Aid Board for free legal assistance and support completing the questionnaire, once they have entered the international protection process. However, the Irish Refugee Council assisted a number of people who had registered with the Legal Aid Board and had been told to complete the questionnaire by themselves due to a general lack of capacity within the Legal Aid Board or a lack of capacity within the solicitors on the Legal Aid Board panel. Anecdotal reports show that the level of funding provided to the panel is insufficient to cover the number of hours required to give comprehensive representation. This issue persisted until 2021, when anecdotal evidence indicated a slight increase in the capacity of the Legal Aid Board. In 2021, the Irish Refugee Council Independent Law Centre moved away from providing assistance on questionnaires only, owing to the slightly increased capacity of the Legal Aid Board in this regard. The Law Centre provided ongoing representation to 180 clients in 2021, with 23 clients being recognised as refugees. A number of other issues arising in connection with the questionnaire include (on the basis of Irish Refugee Council casework): translation errors in a number of the non-English questionnaires; persons with special needs being provided with the questionnaire but provided with no assistance completing it (i.e. illiterate applicants being provided with the questionnaire despite being unable to read it); people receiving questionnaires in English where due to a lack of translated version in their preferred language. This issue persists for a small number of languages such as Tigrinya.  **Poland**: The list of legal counsellors and advocates who are available for 2021 is publicly available together with their contact details and is divided by the cities where they provide services.  In August 2021 many NGOs moved to the border zone to provide legal and humanitarian assistance. The introduction of state of emergency on 2 September limited this assistance. It is also worth noting that when the ECtHR extended interim measure in case *R.A. and others v. Poland* (application no. 42120/2), it requested that the Polish authorities allow the applicants’ lawyers to make necessary contact with their clients. The ECtHR also indicated that, if the applicants are on Polish territory, they should not be sent to Belarus. Poland did not comply with the measure and provided the ECtHR with its position maintaining that, although it understands the humanitarian aspect of the Court’s position, it cannot violate the integrity of the neighboring country where the migrants are situated. Moreover, Poland suggested that the applicants’ legal representatives go to the nearest border-crossing point in order ‘to cross the Polish–Belarusian border in accordance with the law and, when on the territory of Belarus, go to the camp where the complainants are staying’.  **Portugal**: Throughout 2021, the coronavirus pandemic continued to present challenges to the provision of services by CPR and to necessitate adjustments. Nevertheless, legal assistance was continuously ensured throughout the year.  **Slovenia**: The IPA does not provide free legal representation for applicants in the first instance procedure. This was provided by the PIC – Legal centre for protection of human rights and the environment and financed through the Asylum, Migration and Integration Fund (AMIF) to all asylum seekers until the end of April 2020. Since then, PIC continues to provide free legal help and representation, but on a smaller scale. In 2021, PIC assisted more than 676 asylum seekers  **Switzerland**: Although mandated by the federal migration authority SEM, independence and confidentiality in the work of legal representation must be guaranteed. UNHCR has published a series of recommendations addressed to legal counsellors and representatives as well as managers to ensure a legal protection of good quality. The quality of the legal protection was evaluated in an external evaluation mandated by SEM. The results were published in August 2021.  The sanitary measures implemented by the SEM in French-speaking Switzerland, prohibit direct contacts between legal representation and health professionals, both inside and outside the federal centres and in 2021, the situation deteriorated as the legal representatives were forbidden even to contact the infirmary, except for organizational requests like a date for an appointment date. Otherwise, they are only allowed to communicate through the SEM. The prohibition of direct and effective communication between medical staff and legal representation is worrying as it should ensure adequate care and a complete establishment of the relevant facts, especially in the context of an accelerated procedure.  **Legal assistance at second instance**  **Austria**: The BBU GmbH counselling unit is now composed of former employees of Diakonie Flüchtlingsdienst and VMÖ. The BBU GmbH was obliged to offer jobs to all employees of the latter organisations. As of January 2021, a total of 120 counsellors were working in 12 different offices throughout the country. While in the past legal advisers did not have to meet specific qualifications or training standards, all future advisors must hold a degree in law from an Austrian University and have completed a compulsory internship at a court. These requirements do not apply, however, to all previous staff already employed at VMÖ and ARGE organisations.  As opposed to the previous legal aid system where the contract between the service providers and the government did not foresee quality standards for the provision legal aid; the new contract between the BBU GmBH and the government has improved this aspect. A particular concern was the fact that the quality of legal aid provided by VMÖ largely depended on the individual counsellor. It is questionable whether this will improve in practice given that the same staff has been employed by the new BBU GmBH. Nevertheless, the head of the counselling unit of the BBU GmbH, Stephan Klammer, announced that future training activities will be standardised and that every advisor will undergo basic trainings on asylum and procedural law. Every counsellor must also take exams with the aim to ensure common quality standards.  The future tasks of the BBU GmbH include counselling, representation and explanation of judgement. The law requires counselling to be ‘objective’.  The start of the activities of the BBU GmbH in January 2021 was described as chaotic and not very well organised due to a lack of interest of the Ministry of Interior which does not seem eager to invest in a working legal representation system. Nevertheless, within three weeks, the BBU GmbH had already taken over representation in almost 3,000 cases and over 180 court sessions.  One project run by Caritas Austria offers assistance during the hearing before the Federal Administrative Court, but this resource is limited and therefore only a certain number of cases can be assisted. AMIF funding is no longer guaranteed but the project continues on a smaller scale with alternative funding. It will work at a very small scale also during 2021.  Besides this free legal advice funded by the state, NGOs help asylum seekers lodging appeals and submitting written statements, accompany them to personal hearings at the Federal Administrative Court and may act as legal representatives. NGOs cannot represent asylum seekers before the Constitutional Court or the Administrative High Court, as this can only be done by an attorney-at-law.  Important to note is that the centralisation of legal aid and founding of the BBU GmbH significantly restricts the potential role for and funding of civil society organisations. At the beginning of 2021, only 10% of the staff of Diakonie Flüchtlingsdienst were still employed as a result of the contract cancellation in 2020. The lack of funding will thus inevitably affect the activities of the relevant NGOs and raises serious concerns as regards the quality of legal assistance that will be provided to asylum seekers as of 2021.  **Bulgaria**: At the end of 2017, the National Legal Aid Bureau, the national body assigned to provide state sponsored legal aid, received funding under the AMIF national programme for the provision of legal aid to asylum seekers, covering both first and second instance assistance. The pilot project on legal aid which was carried out up until 31 January 2021 and ended on 31 July 2021. Otherwise, for regular applicants on appeal, national legal aid arrangements only provide for state-funded legal assistance and representation after a court case has been initiated, i.e. after the appeal has been drafted and lodged. As a result, asylum seekers rely entirely on NGOs for their access to the court, namely for drafting and lodging the appeal. Presently, the Bulgarian Helsinki Committee provides this type of assistance independently of EU funding. In 2021, BHC assisted 10,471 asylum seekers and beneficiaries of international protection.  **Cyprus**: In 2021 the Bar Association has taken steps to set a scheme to provide pro bono legal advice to persons who do not have the financial means to contract the services of a lawyer, however the scheme will most probably not include assistance for cases eligible for legal aid.  **Malta:** Inadequate remuneration for lawyers assisting applicants in appeals remained an issue in 2020 and 2021. A recurring problem is also the inadequate space for the legal aid lawyers to discuss the case with his or her client in detention, a problem which persisted throughout 2020 and 2021, exacerbated by COVID-19 related measures. In 2021, 142 requests for legal aid were filed at the appeal stage on a total of 212 filed appeals. As such, appellants are heavily relying on the services of a legal aid lawyer, often lacking the necessary understanding of asylum qualification.  **Poland**: In 2021, 147 applicants appealing the decision of the Head of the Office for Foreigners benefited from the free legal aid system, 21 persons were assisted by counsellors or advocates and 126 by NGO lawyers. Taking into account the overall number of appeals (1,142) in 2021, the system does not have much impact on effective provision of legal aid to applicants.  There is also a separate free legal aid system for the administrative court proceedings (onward appeal). Representation before administrative courts can be provided only by professional legal representatives (lawyers, legal counsellors). In 2021 the Voivodship Administrative Court in Warsaw (examining all the complaints against decisions regarding international protection) granted free legal assistance in 59 cases and refused to grant it in 30 cases.  **Slovenia**: In 2018 a new public tender was finalised, and a new list of refugee counsellors was drawn up. The list included 44 refugee counsellors who were appointed for five years. In January 2022 the list included 42 refugee counsellors. A new public call was published in October 2021; however the procedure of appointing a new refugee counsellor was not finalised by the end of the year.  The amendments of the IPA include several novelties regarding the work of refugee counsellors. According to the new provision, refugee counsellors have to pass a security check and obtain permission to access classified information. They are the only legal professionals in Slovenia that have to do so in order to be able to represent their clients. Under the new provisions, they are entitled to the assistance of a translator for the amount of 2 hours or 4 translator pages per case. They are not entitled to reimbursement for extraordinary legal remedies; however, they are entitled to reimbursement for the appeal procedure before the Supreme Court. They are still not entitled to reimbursement for representation before the Constitutional Court, the ECtHR or the CJEU.  One of the most notable and problematic changes is the new ground for dismissal of the refugee counsellor. Under the new provisions the refugee counsellor can be dismissed from their role by the Ministry of Justice if it is established that he or she:   * is aware of the true identity of the asylum seeker; * has the identity documents of the asylum seeker; * is aware of the asylum seeker’s actual age, in case the asylum seeker claims he or she is underage; * is aware of facts based on which the asylum seeker is not eligible for refugee status or subsidiary protection and does not disclose these facts to the Migration Directorate.   According to the Administrative Court’s case law the activities of refugee counsellors, as established by the IPA, are identical to the activities of attorneys. As refugee counsellors carry out the same activities as attorneys they share the same rights and obligations in relation to their clients; mainly this relates to the obligation to respect attorney-client privilege under which the communication between the attorney and client is protected as confidential. Violation of this obligation is considered a severe violation of the attorney's duties. Regarding the obligation to protect attorney-client privilege, the Constitutional Court notes that the duty to protect attorney-client privilege is not the privilege of the attorney but his/her obligation, together with the protection of his/her clients' human rights as enshrined in the Slovene Constitution, mainly the protection of privacy and personal rights, protection of secrecy of letters and other media and protection of personal data. This ensures the respect of the right to judicial review and the right to appeal.  The provision that allows the refugee counsellor to be dismissed from the function is therefore in the direct violation of the Slovene Constitution. NGOs urged the Slovene Ombudsman to submit the provisions to the Constitutional Court for review, however this was not done until the end of 2021. In addition, refugee counsellors submitted the provisions for review to the Advocate of the Principle of Equality; however, no decision was made by the end of 2021.  **Access to information**  **Belgium**: In March 2021, the CGRS launched a website www.asyluminbelgium.be. This new website provides information in nine languages about the asylum procedure in Belgium, tailored to the needs of asylum seekers. It aims to reach as many asylum seekers as possible and inform them correctly about their rights and obligations during the asylum procedure. All texts are audio-supported, so that an asylum seeker who is unable or less able to read, has access to all the information. The website also presents four videos, through which the viewer can follow the itinerary of Zana, a refugee, who testifies about her itinerary from the beginning of her asylum application until the moment she receives a decision. This video testimony helps asylum seekers in an accessible way to visualize the different stages they will go through.  Fedasil started an AMIF-project ‘Amica’, in collaboration with some universities, in the context of which 3 video’s about the “Day 0” (day of registration of the asylum application and first access to the reception network in the arrival centre) were developed and will be available on the Fedasil website in February or March 2022. The website will be accessible via QR-codes displayed in and around the arrival centre. Also, audio tours in 14 different languages will be available in the arrival centre, providing information about this “Day 0”.  **Bulgaria**: Monitoring from the Bulgarian Helsinki Committee in 2021 shows that oral guidance on determination procedures is provided by caseworkers in the majority of the cases (98%) with information brochures delivered in 84% of the cases.  **Germany**: The new coalition proposal of November 2021 suggests that asylum procedure counselling should be offered by independent organisations instead of the BAMF, but it remains to be seen if this will be implemented in practice.  **Malta**: both NGOs and UNHCR were denied access to detention centres for several months in 2020 and 2021 due to the COVID-19 pandemic, leaving hundreds of asylum-seekers with no information or assistance. Visits from NGOs resumed in May 2021, albeit strictly limited to pre-identified individuals that have to be seen in a boardroom. As such, living quarters are not visited anymore by NGOs and individuals that lawyers do not know about can go through their entire procedure without receiving any information on it.  **Poland**: It is not envisaged in the legislation which languages the rules of stay in the centre, information about rights and obligations and on regulations governing the provision of material reception conditions should be translated into. It states that information has to be accessible “in an understandable language”. The rules of stay in the centre and above-mentioned information issued on the basis of the current law were translated in practice into English, Russian, Arabic, French, Georgian and Ukrainian.  The Office for Foreigners claims that the centres’ employees speak English and Russian. Additionally, in 2021, mentors knowing Pashto and Dari were hired. The agreement was also concluded with the translation office. However, NGOs still consider the interpreters’ assistance in the reception centres insufficient. in 2021, the Office’s website has been changed. It is now far less comprehensible and exhaustive. It is available in Polish, English and Russian, but some materials published there are available also in other languages.  **Sweden**: Due to a significant increase in the number of questions received by e-mail there has been a long waiting period for a reply from the Migration Agency. According to the Migration Agency, the questions received often relate to the regulations concerning COVID-19, the legislative changes that came into force on 20 July 2021, and the situation for Afghan asylum seekers due to the developments in Afghanistan.  **Slovenia**: Prior to lodging their application, individuals are shown a video presentation on the asylum procedure in Slovenia. The video contains the procedural steps, the rights and obligations of asylum seekers in the procedure, information about the Dublin procedure, refugee counsellors and judicial review. It does not contain any explanation regarding the reasons for granting asylum. In 2021 the video was adapted for unaccompanied minors – it contains additional information regarding the procedure for unaccompanied minors but not information on reasons for granting asylum. According to the IPA, unaccompanied minors have to be informed about their rights and obligations before they lodge an application, and this must be done in a manner that is adjusted to their age and development. Excluding the additional information, the video for unaccompanied minors does not differ from the video presentation intended for adult asylum seekers. The video presentation is the same for all unaccompanied minors and is not adjusted for younger unaccompanied minors.  Special information sessions following the asylum application are conducted with unaccompanied children and other potential victims of trafficking. In 2021, the project was implemented both by the NGO Institute for African Studies and the staff of UOIM. The sessions are aimed at informing potential victims of the dangers of trafficking, and at identifying potential victims. In general the sessions should be conducted with all unaccompanied minors, single women and identified victims of trafficking. In practice, due to the lack of translators and the high absconding rate of asylum seekers, the information sessions are often not carried out in practice. If someone is identified as a victim of trafficking, the SOPS are conducted, during which a plan for further action and support is made and the victim is offered additional support.  **Access to NGOS**  **Bulgaria**: As regards urban asylum seekers and refugees living in the Sofia region, UNHCR has funded an Information Centre, run by the Red Cross and located in Sofia, which will be maintained throughout 2021. In 2021 altogether 656 asylum seekers and beneficiaries of international protection were provided different types of information in this centre.  **Croatia**: Until the end of March 2020, lawyers of the Croatian Law Centre (CLC) had access to both Reception Centres for Applicants for International Protection and the Reception Centre for Foreigners, where they provided free legal information. Since the end of March 2020, with the beginning of pandemic up to the end of the year 2021, access is limited due to COVID restrictions; i.e. CLC lawyers were visiting mentioned facilities only when they were representing clients in administrative court procedure. Contacts with applications were mainly and mostly had contacts with applicants were mainly maintained by telephone and email, or applicants would come to CLC office when needed.  **Hungary**: On 16 November 2021, the CJEU issued a judgment in case C-821/19 (Court of Justice of the European Union, Judgment in Case C-821/19 Commission v Hungary (Criminalisation of assistance to asylum seekers), PRESS RELEASE No 203/21, 16 November 2021, available at: <https://bit.ly/3rn8bKH>). It ruled that the 2018 ‘Stop Soros’ law breaches EU law. Threatening people with imprisonment who assist asylum-seekers to claim asylum violates EU norms.  **Italy**: with Decision n. 2473 of 24 August 2021, the Administrative Court of Palermo accepted ASGI's appeal against the Prefecture of Agrigento refusal to allow access to the Lampedusa hotspot to members of the organisation. The Court specified that Article 7 LD 142/2015 aims at allowing access to facilities where the asylum seeker can be detained, including the centres referred to in Article 10 ter of the TUI, i.e. the hotspot and that "limit the right of access only to international organizations, or to those with which the Ministry has entered into specific agreements, would integrate an unjustified circumvention of the principle of transparency of the administrative action carried out within the places of detention of migrants".  **Poland**: According to the Office for Foreigners, as of September 2021 there were 7 NGOs visiting reception centres. In October 2021, the Office for Foreigners announced a call for volunteers in reception centres. Their duties will include inter alia assisting asylum seekers with: a contact with public authorities and doctors, seeking accommodation, learning Polish and doing homework.  Conversely, persons seeking international protection located at the border definitely had problems with access to NGOs and UNHCR as not only the border, but the area near the border zone (surrounding forests and villages) was subject to state of emergency. In August 2021, civil society organizations and activists provided humanitarian and legal assistance to persons trapped at the Belarus-Poland border and by encountering other groups of foreigners in the forests nearby were also able to document pushbacks. Some NGOs opened a temporary office on the spot. On 2 September 2021, the state of emergency was officially introduced in the part of Podlaskie and Lubelskie Voivodeship, in the area surrounding the border with Belarus. It included a ban of staying in the area for everyone except certain categories of persons (i.e. inhabitants), a prohibition of recording by any technical means and limits of access to public information on actions related to the border protection. It severely limited the possibility for journalists and civil society organizations to monitor the situation at the border and provide humanitarian assistance. Nevertheless, many people (activists as well as inhabitants of the restricted area) managed to stay active and help asylum seekers and migrants, who were often left in the dense woods surrounding the restricted area of the border zone for months, with serious health problems. |

1. **Provision of interpretation services (e.g. introduction of innovative methods for interpretation, increase/decrease in the number of languages available, change in qualifications required for interpreters)**

|  |
| --- |
| **Interpretation**  **Austria**: The Federal Law on the Establishment of the Federal Agency for Care and Support Services Limited Liability Company (BBU-G) passed in June 2019 foresees that a federal agency annexed to the Ministry of Interior should be responsible for the provision of interpreters for the purpose of asylum procedures as of 1 January 2021. This includes the provision of interpreters both at first and second instance, but also in case of oral hearings in front of the BVwG as well as in procedures concerning basic support. The law lists a wide range of areas in which interpreters should be provided by the federal agency, inter alia for interviews related to the making of an application for international protection; for measures relating to the termination of the right to stay as well as for the granting or limitation of basic services. As of January 2021, nine interpreters (five full time equivalent) were employed by the BBU GmbH. In practice, the service provided by internal interpreters were not of great relevance but is to be seen as a test phase for a possible expansion of the department in future. The state-run agency took over the existing system established by the NGOs. In most cases, external interpreters were hired throughout 2021.  **Bulgaria**: Both at first and second instance, interpretation continued to be difficult in 2021, and its quality was often poor and unsatisfactory. Interpretation in determination procedures remains one of the most serious, persistent and unsolved problems for a number of years. Interpretation is secured only from English, French and Arabic languages, and mainly in the reception centres in the capital Sofia. Interpreters from other key languages such as Kurdish (Sorani or Pehlewani), Pashto, Urdu, Tamil, Ethiopian and Swahili are scarce and largely unavailable. In such cases, as well as in cases when an interpreter from the spoken language is available in another reception centre, the asylum administration organises videoconference interpretation. Communication interruptions and other technical problems are the most common obstacles during interpretation via videoconference. It often creates an environment, which does not allow the applicant to present properly his accounts in a detailed and systematic way, thus preventing the case worker from clarifying the relevant facts and circumstances for the decision-making process. The scarce fees paid for interpretation by the asylum agency SAR remain one of main reasons for the lack of proper interpretation during the eligibility interviews at first instance. With respect to those who speak languages without interpreters available in Bulgaria, the communication takes place in a language chosen by the decision-maker, not the applicant.  In the past, there were also cases where the determination was conducted with the assistance of another asylum seeker. In both cases it is done without the asylum seeker’s consent or evidence that he or she understands it or is able to communicate clearly in that language. It has to be noted however that, in 2021, this represented only 0% of the cases, therefore it can be concluded that this serious procedural gap was finally solved. However, in 11% of the monitored cases in 2021 the case worker did not address the interpreters’ inappropriate behaviour and did not remove them in compliance with national law. This omission was monitored only in two of the national reception centres with the majority of them perpetrated in Banya (37 cases) and much less in Harmanli reception centre (3 cases). 70% of the monitored court hearings were assisted by interpreters. In 2021, the regional administrative court in Haskovo continued to omit to engage interpreters in the first hearing on asylum cases in attempt to make savings, if the appellants failed to appear before the court. It created undue delay in the cases where the appellants duly appeared as far as the hearings had to be postponed in order to arrange the interpretation.  **Hungary**: Both in 2020 and 2021, the HHC lawyers reported problems when interpretation was provided by videoconference. The connection was often very poor, sometimes breaking down completely, to the point that the decision had to be communicated to the applicant through a phone call. The sound over the videoconference was of very poor quality, almost not audible, with all the parties in need of speaking loudly in order to be heard. The fundamental difficulty reported by various applicants was that the use of videoconferencing made it more difficult for them to share their reasons for fleeing their countries, given that the interview touches upon very personal issues.  **Ireland**: throughout 2021, owing to the COVID-19 pandemic and associated restrictions, interpretation services have typically been provided to applicants on a remote basis whereby interpreters have been required to dial in to client interviews via telephone. This significantly affected the sound quality of interviews. It was also not possible for the applicant to see the interpreter. The software being used meant that calls often dropped numerous times throughout the interview and had to be reconnected. Efforts were made to address these concerns through the introduction of new software, in December 2021.  Since 2016, the Irish Refugee Council has rolled out an interpreter training programme for French and Arabic interpreters that focuses on promoting best practice interpreting techniques, interpreting practice, terminology used in the asylum process, and, ethics and a code of conduct. In 2021, 18 interpreters attended training on how to work remotely and on a revision of the code of conduct. The Irish Refugee Council interpreters' professional code of conduct was also updated to include remote Interpreting. 3 sessions were delivered to 3 different groups on how to work effectively with interpreters and on the difference between interpreters and cultural mediators.  **Portugal**: According to CPR’s experience, securing interpreters with an adequate command of certain target languages remains challenging (e.g., Tigrinya, Pashto, Bambara, Lingala, Tamil, Kurdish, Mandinka, Nepalese, Sinhalese, Bengali, and Gujarati).  **Slovenia**: Interpreting can be conducted through video conferencing if secure data transfer is guaranteed. In practice this is used only for the interpretation of languages for which an interpreter cannot be provided in Slovenia. In 2021 video conferencing was also used due to COVID-19 related issues in a few cases. The Ministry of Interior can also ask for help with the interpretation from another Member State, the institution of the European Union or other international organisation. In practice, this provision has not been used. |

1. **Dublin procedures (including the organisational framework, practical developments, suspension of transfers to selected countries, detention in the framework of Dublin procedures)**

|  |
| --- |
| **Dublin: General information and statistics**  **ECRE/AIDA – Dublin Implementation in 2020:** In September 2021, ECRE published a report providing a detailed overview of developments in legislation, policy and practice relating to the application of the Dublin III Regulation in 2020, based on current practice, case law and up-to-date statistics in 29 European Countries. It also illustrated the challenges faced by the Dublin system in times of COVID 19.  See: ECRE/AIDA - The implementation of the Dublin III Regulation in 2020, September 2021, available at: <https://asylumineurope.org/wp-content/uploads/2021/09/AIDA_Dublin-Update-2020.pdf>.  **Austria**: During the COVID-19 pandemic in 2020 and 2021, the BFA never suspended Dublin procedures and continued to receive and issue incoming and outgoing requests.  **Bulgaria**: In 2021, Bulgaria received 7,811 incoming requests and made 190 outgoing requests, compared to 1,904 incoming requests and 116 outgoing requests in 2020; 3,088 incoming and 80 outgoing requests in 2019; 3,448 incoming and 125 outgoing requests in 2018 and 7,934 incoming and 162 outgoing requests in 2017. In the past, the sovereignty clause under Article 17(1) of the Regulation was used in few cases, mainly for family or health condition reasons. The sovereignty clause has never been applied for reasons different from humanitarian ones. Since 2017 and including in 2021, Bulgaria did not apply the sovereignty clause. However, in 2021, Bulgaria applied the humanitarian clause of Article 17(2) in 4 cases.  **Germany**: In 2021, Germany sent a total of 42,284 outgoing requests to other Member States. 2,656 transfers actually took place, which is a slight decrease from 30,135 outgoing requests and 2,953 transfers in 2020, where the number of transfers had already decreased significantly in comparison to previous years, likely as a result of the COVID-19 outbreak and subsequent suspension of transfers. Germany received 15,744 incoming requests from other Member States, and 4,274 transfers were carried out in practice.  **France**: In 2021, 30,223 outgoing Dublin requests have been made by French authorities, compared to 30,963 in 2020 (it differs from Eurostat data which indicates 30,054 outgoing requests). At the end of 2021, 23,682 of them were still in a Dublin procedure and 6,541 persons were re-channelled from a Dublin procedure to a regular or accelerated procedure (requalifiés).  In 2018, the Ministry on Interior has implemented a regionalisation plan for the Dublin procedure whereby the Dublin procedure is carried out by one Prefecture (pôle régional) per region. The regionalisation plan created difficulties for asylum seekers who have no means of travelling to the competent Prefecture after receiving a Dublin notice document; problems persisted throughout 2021 as transport vouchers were sometimes delivered too late. As a result, asylum seekers were not always able to attend their appointment.  **Croatia**: In 2021, a total of 3 outgoing Dublin transfers were carried out to Belgium, Romania and Slovenia respectively; while Croatia received a total of 54 incoming transfers mainly from Germany (28), Switzerland (14) and Austria (7). The majority of the applicants transferred to Croatia were Afghans (33).  **Netherlands**: In 2021 (until 1 December) the time limit to carry out the Dublin transfer was surpassed in approximately 440 cases because the applicant refused to take a PCR-test.  On 25 August 2021, the Council of State decided to refer prejudicial questions to the CJEU in the case of applicants who received diplomatic cards from the Ministry of Foreign Affairs of another Member State. The IND claimed the Member State issuing the diplomatic card would be responsible on the basis of Article 12 Dublin Regulation. The Council of State asks whether a diplomatic card issued by a Member State under the Vienna Convention on Diplomatic Relations is a residence document within the meaning of Article 2(1) Dublin Regulation.  On 30 November 2021, the Regional Court of Zwolle decided to refer prejudicial questions on the scope of Article 16 to the CJEU. The case concerns a woman, who married shortly after her arrival in the Netherlands, whose husband resides lawfully in the Netherlands. At the time the IND issued a transfer decision, the woman was pregnant with their child. The Regional Court requested the CJEU whether Union law precludes national legislation that takes into account the best interests of an unborn child and whether Article 16(1) of the Dublin III Regulation applies to the relationship between the unborn child and the father of that unborn child who is lawfully residing in the Member State.  **Portugal**: While in recent years it was not clear to CPR whether asylum seekers in a Dublin procedure were systematically offered a personal interview, according to CPR’s observation in 2021, applicants in a Dublin procedure seem to be systematically interviewed. Nevertheless, CPR is aware of cases where a transfer decision was adopted in the absence of an interview when the applicant absconded.  **Sweden**: The average processing time for all Dublin cases in 2021, i.e. until a transfer decision was issued, was 46 days.  **Switzerland**: In 2021, the SEM did not suspend Dublin transfers during COVID-19 and Dublin requests continued to be issued accordingly.  **United Kingdom**: As the UK is no longer part of the Dublin Regulation new guidance was issued to inform Home Office staff how to deal with the remaining requests made prior to 31 December 2020.  UK legislation provides for different lists of ‘safe third countries’ to which an asylum seeker can be returned without their asylum claim being considered in the UK. They are called ‘third’ countries because they are not the UK and not the country of origin. The First List is set out in the statute and consists of EU member states (except Croatia), Iceland, Norway and Switzerland. There is no reference to the Dublin III Regulation, but the legislation states that the listed countries are to be treated as places in which a person will not be at risk of persecution contrary to the Refugee Convention, and from which they will not be sent in breach of the Refugee Convention or European Convention on Human Rights (ECHR). Whether the person can be removed to one of these countries is determined in the first instance by whether they can be shown to have travelled through that country. During 2020, the UK had access to the Eurodac system but from 2021, access has been limited to transfer requests made prior to the beginning of 2021. Regulations laid in 2017 provided a list of criteria to consider prior to deciding to detain but give wide discretion e.g. whether there are reasonable grounds to believe that a person is unlikely to return voluntarily to any other participating State determined to be responsible for consideration of their application for international protection under the Dublin III Regulation. The Home Office was not able to provide figures on the average duration of the Dublin procedure in recent parliamentary questions. Anecdotal evidence from NGOs and legal reps is that particularly during the period September to November transfers of people who had arrived in small boats were processed very quickly after arrival, with minimal checks conducted to ascertain whether or not transfer is appropriate.  **Dublin procedure**  **Belgium:** In 2022 the Immigration Office introduced a new practice in the voluntary return procedure, called the ‘ICAM-procedure’. When someone receives an annex 26quater, this person will be invited for a conversation with an ‘ICAM-coach’. During this conversation, the voluntary return to the responsible member state will be discussed. If the applicant does not attend this conversation, this might result in the withdrawal of material aid by Fedasil. If the applicant does attend this conversation, but indicates that he does not wish to collaborate with the voluntary return procedure, he will be invited on a later date to discuss the voluntary return procedure once more. If the applicant does not attend this second conversation, or still indicates that he does not wish to collaborate with the voluntary return procedure, this might result in the withdrawal of material aid by Fedasil as well. If an applicant decides not collaborate with this ‘ICAM-procedure’, he could be invited by the Immigration Office again, and can be taken in detention with the aim of removal to the responsible member state. It remains to be seen how this new practice will be evaluated by the Council of Alien Law Litigation (CALL) and labour courts.  **Bulgaria**: In 2021, 72 outgoing transfers were carried out compared to 190 requests, indicating a 38% outgoing transfer rate. Some issues persist in the context of COVID-19 such as delays, cancelled flights and requirements to obtain a negative COVID test, but the situation has largely improved compared to 2020. The prevailing majority were Dublin transfers of unaccompanied children to members of their family in receiving Member States.  The Law on Legal Aid provides for state-funded representation at first instance and appeal. As a result, legal aid financed by the state budget should have become available to asylum seekers during the Dublin procedure since 2013, in addition to the already available legal aid during an appeal procedure before the court. However, in practice in 2021, legal aid to initiate and undergo a Dublin procedure was only provided to unaccompanied asylum-seeking children in order to assist their reunion with parents, relatives or family members in other European countries.  **Cyprus**: In 2021, there were no delays in issuance of “take charge” requests for family reunification within the three-month deadline by the Asylum Service, and the procedures were carried out timely. 27 outgoing transfers were carried out throughout the year.  **France**: In 2021, individualised guarantees were still not requested by Prefectures prior to ordering a Dublin transfer, even though Tarakhel v. Switzerland foresees that States have to check what reception conditions and procedural provisions will be guaranteed to asylum seekers when returned to the determined responsible country. That should particularly be applied to vulnerable asylum seekers and families.  In the first semester of 2021, the Ministry of Interior indicated that 1,569 transfers were carried out for 18,139 outgoing requests, equal to an 8.6% transfer rate.  **Croatia**: As of 1 June 2021, incoming and outgoing transfers were re-established under the Dublin Regulation, the implementation of which had been suspended in the previous period due to the COVID-19 pandemic.  **Hungary**: According to NDGAP, in 2021, the average duration time-period between the request and the execution of the transfer was 55 days. If another Member State has taken responsibility the average duration time-period between the acceptance of the responsibility and the execution of the transfer was 50,5 days. The average duration time-period between the receipt of an incoming request and the execution of the transfer from Hungary to another EU Member State was 219 days in 2021. The average duration time-period between the acceptance of the responsibility by Hungary and the execution of the incoming transfer was 156 in 2021. In 2021, Hungary issued 40 outgoing requests and carried out 19 transfers. In the same year, Hungary received 1400 requests out of which only one transfer was executed from Germany.  23 persons were detained because of Dublin procedure (Section 31/A(1a) Asylum Act). These persons were not asylum seekers in Hungary.  **Malta:** The visa and residence permit criterion is the most frequently used in practice for outgoing requests (at least 20 requests in 2021). For incoming requests, the most frequently used criteria are either the first EU Member State entered (at least 95 requests), or the EU Member State granting a Schengen visa (at least 39 requests).  **Netherlands**: The IND does not register the average duration of the procedure, from the moment a request is accepted until the transfer takes place. However, the average duration a Dublin case was part of the caseload of DT&V (Repatriation and Departure Service of the Ministry of Security and Justice) and was of 17 weeks in 2021 (until September), which gives some indication regarding the actual duration of the procedure. The actual time lapse until the execution of the transfer to the responsible Member State within the fixed term of 6 months depends on whether an appeal against the Dublin transfer decision has been submitted.  **Poland**: The Office for Foreigners indicated that in 2021 only Greece was on the list of countries to be asked for individualised guarantees, but since there was no positive decision, no transfers to Greece took place anyway.  The Office for Foreigners highlighted problems with regard to transfers to Bulgaria and Romania in 2021 (postponed transfers, the obligation to send information about COVID-19 vaccination).  The average time for the appeal procedure in Dublin cases in 2021 was 33 days (down from 59 days in 2020). In 2021 the Refugee Board issued 65 decisions (up from 16 in 2020) in Dublin proceedings, with only one decision overturning the decision of the first instance authority.  **Slovenia**: As in the regular procedure, the legal remedy against a Dublin decision is judicial review before the Administrative Court of the Republic of Slovenia.  In line with the amendments of the IPA, the time limit for judicial review was shortened from 8 days to 3 days. In line with the Constitutional Court’s decision, preclusive time limits have to be reasonably long or they can disproportionately limit the right to judicial review, consequently depriving the individual of his or her rights. The time limit imposed by the amendments infringes the right to effective remedy and the right to judicial review. In practice, refugee counsellors have trouble in lodging the judicial review within the time limit, since they have to obtain the power of attorney, the case file and then lodge the judicial review.  The applicant can lodge an appeal against a decision of the Administrative Court to the Supreme Court. This new provision came into force on 9 November 2021 with the new amendments of the IPA.  **Suspension of transfers**  **Belgium**: In January 2022, the Immigration Office confirmed that there were still no transfers carried out to Hungary, and that currently, no Dublin-transfer decisions are taken for Hungary. The Dublin procedure takes place but Belgium ends up declaring itself responsible for the asylum application, by applying article 17(1) of the Dublin Regulation. In the same month, the Immigration Office also informed that no Dublin-transfer decisions are taken for Greece and Bulgaria.  **Bulgaria**: Persons belonging to vulnerable groups such as unaccompanied minors are to be excluded from Dublin transfers to Greece for the moment. In any case, until the end of 2021, Bulgaria has not ruled out or implemented any Dublin transfer to Greece in practice despite the submission of 2 outgoing requests.  Suspensions of transfers are not automatic, as there might be cases of “take charge” requests where applicants have family members in other EU Member States or other circumstances that engage the responsibility of another state. Due to the level of material reception conditions in Bulgaria, there have been no appeals against Dublin transfer decisions to any other EU Member State.  Due to the COVID-19 pandemic and the national lockdown from 13 March to 13 May 2020 all Dublin transfers were suspended. However, even without any other lockdowns in 2020 or 2021 in Bulgaria many of the already consented transfers were not implemented either due to still ongoing or re-introduced lockdowns in the receiving countries, or because of quarantines applied, which congested flight and reception arrangements.  **Germany**: As of June 2021, transfers were still not taking place to Bulgaria, Slovenia and Latvia due to COVID-19 restrictions. Since 7 December 2021, transfers to and from Germany are only possible for persons with a negative COVID-19 test.  With the suspension of transfers, the BAMF also suspended the time limit within which the transfer has to take place in order for Germany to not be responsible for the application. This suspension was contested by the European Commission, stating that the Dublin regulation provides no legal basis for such a suspension, as well as by neighbouring countries and German administrative courts. As of 4 August 2020, the BAMF decided to no longer hold on to the suspension. Persons whose transfer period had expired due to the COVID-19 related travel restrictions can enter the national asylum procedure. This did not apply however to applicants with an ongoing appeal procedure. As of 20 May 2021, the transfer period had expired for a total of 9,329 persons due to the COVID-19 pandemic. As a result of the suspensions, the number of transfers was significantly lower in 2020 compared to 2019, with 2,953 transfers in 2020 compared to 8,423 in 2019.  Whereas no Dublin transfers to Hungary have taken place between 11 April 2017 and the end of 2020, one person was transferred to Hungary in the first quarter of 2021, with an individualised guarantee issued by the Hungarian authorities. It is unclear whether this presents a general change in practice on the side of either the German or the Hungarian authorities, also since the full number of Dublin transfers for 2021 was not available at the time of writing of this report.  Many court decisions which have been published in recent years were dealing with cases of persons who had been granted international protection in other European states such as Bulgaria, Greece or Italy. In many of these cases, transfers were suspended by courts on the grounds that a risk of inhuman or degrading treatment could not be excluded for beneficiaries of international protection in these countries. However, similarly to the existing case law on “systemic deficiencies”, the case law on this issue was not consistent and other courts upheld transfers of beneficiaries of international protection to Bulgaria, Greece or Italy.  Regarding the threshold for human or degrading treatment, the Federal Administrative Court ruled in September 2021 that all available support to individuals, including support by NGOs and other non-state actors and the applicants’ own efforts are to be taken into account for the assessment of each individual situation (Federal Administrative Court, Decision 1 C 3.21 of 7 September 2021, <https://bit.ly/3pnuXk2>). The Federal government states that it does not know whether actual removals are taking place since the Federal States are in charge of them. As of September 2021, 30,400 asylum applications of persons who are likely to already have a protection in Greece were pending at the BAMF. In July 2021, the German and Greek ministers of the Interior signed a memorandum of understanding aimed at improving the integration of beneficiaries of international protection in Greece regarding accommodation, health care and the provision of necessary goods through a project implemented by the IOM and financed by EU and German funds.  **France**: As France maintains a policy of applying the Dublin Regulation systematically when there are indications of previous stay or application in Hungary, it continued to be one of the main Member State sending requests in 2021, although actual transfers have not been carried out at the time of writing.  In one case in December 2021, the Administrative Court of Rouen annulled a transfer to Bulgaria in light of the systemic deficiencies in the country, especially for Afghans who face a recognition rate as low as 1%.  **Situation of Dublin returnees**  **Bulgaria**: In 2021, Bulgaria received 7,811 incoming requests under the Dublin Regulation and 78 incoming transfers. The number of Dublin returns actually implemented to Bulgaria increased by 497% compared to 2020. Overall, the percentage of actual transfers remains quite low compared to the number of incoming requests.  In 2021, the courts in some Dublin States, as well as the European Court of Human Rights, have continued to rule suspension of Dublin transfers to Bulgaria with respect to certain categories of asylum seekers due to poor material conditions and lack of proper safeguards for the rights of the individuals concerned.  **Cyprus**: Asylum seekers transferred back from another Member State whose final decision is pending are not detained. In the event that they have no place to stay on their own, they may be transferred to Kofinou Reception Centre, which is an open centre for asylum seekers. If there is no availability at the Center and in view of the lack of other accommodation options for asylum seekers, there is a possibility that persons may become homeless or be hosted by other asylum seekers in below standard accommodation. In cases of vulnerable persons, they may be provided with accommodation by the social welfare services but this is not always ensured and duration of stay is temporary usually at 3 months, after which the asylum seeker is expected to have identified accommodation without assistance.  No information is available as to whether requests sent to the Dublin Unit ask for the provision of individual guarantees for incoming transfers. Only one person was returned to Cyprus in 2021.  **Germany**: Germany received 4,274 transfers in 2021, compared to 4,369 incoming transfers in 2020. Dublin transfers are usually carried out individually through commercial flights.  **Italy**: In practice, Dublin returnees face the same problems as other asylum seekers in Italy in accessing the asylum procedure and housing in SAI. In December 2021 an Afghan citizen, evacuated from Afghanistan by the Italian authorities at the end of August, Dublin returnee from France, was reached by an expulsion decree and held in the CPR of Gradisca d'Isonzo for over a month without having access to asylum. Transferred by flight to Venice he was asked, in the airport, to fulfil the ‘foglio notizie’ and, without any examination of his individual situation, he was sent to the CPR. After having had access to the asylum request, his detention was not validated by the Civil Court of Trieste as of 8 January 2022.  **Malta**: As of 2021, there is no clear policy regarding Dublin returnees in Malta. NGOs are not currently in a position to comment as to whether Dublin claimants are detained following their return to Malta due to their severely restricted access to detention centres. If it occurs, Dublin returnees are detained in the same facilities as other asylum seekers and it is likely Malta follows the same detention policy than with first applicants. Hence, it is likely that detention will be based on the returnees’ countries of origin and the feasibility of their return in case of rejection rather than on other objective criteria. Some returnees from countries with a higher recognition rate such as Syria or Libya might therefore not be detained. On paper, the detention is likely to be based on the ground that elements of their claim cannot be gathered without enforcing detention due to the risk of absconding.  **Poland**: In 2021 the number of decisions on discontinuation of the proceedings for international protection was 1,073. The vast majority of these decisions were issued because the applicant withdrew the application, but not in the explicit way, e.g. did not reach the reception centre after applying for protection or left the reception centre and did not come back within 7 days, did not go to the interview, or left Poland. In 2021, the Office registered 62 requests to reopen the procedure, lodged within 9 months-time limit.  In March 2021 the Commissioner for Human Rights published a report (The Commissioner for Human Rights, Obcokrajowcy w detencji administracyjnej Wyniki monitoringu Krajowego Mechanizmu Prewencji Tortur, Nieludzkiego, Poniżającego Traktowania lub Karania BRPO w strzeżonych ośrodkach dla cudzoziemców w Polsce [Foreigners in administrative detention. Summary of monitoring within the National Mechanism for the Prevention of Torture in the detention centres in Poland, available (PL) at: <https://bit.ly/3LnF3ef>) within the National Mechanism for the Prevention of Torture, in which cases of improper detention of Dublin returnees with PTSD were described. According to the report, the problems occurred due to numerous procedural shortcomings during the transfer of a family to Poland by the German police, as well as the lack of appropriate operational algorithms that should have been implemented in order to promptly identify victims of torture and violence as well as persons whose mental and physical condition rule out their placement in detention. |

1. **Special procedures (including border procedures, procedures in transit zones, accelerated procedures, admissibility procedures, prioritised procedures or any special procedure for selected caseloads)**

|  |
| --- |
| **Border procedures**  **Croatia**: Procedures at the border or in transit zones are regulated by the LITP. However, according to the Ministry of Interior’s information from the beginning of 2019 they are not applied in practice. The border procedure was still not applied in 2021 according to the Croatian Law Centre’s knowledge.  **Germany**: From January 2021 to the end of August 2021, 97 airport procedures had taken place. In 2020 the airport procedure was applied in 145 cases, compared to 489 cases in 2019.This decrease is likely due to the COVID-19 pandemic and the reduced air traffic.  The three main countries of origin of applicants in Germany in 2021 (Iran, Syria, Afghanistan and Iraq), were among the main nationalities in the airport procedure in 2021 (until 31 August). However, the top three nationalities in the airport procedure were Iran, Turkey and Russia (9 persons). Other countries represented in the airport procedure in 2021 included the Democratic Republic of Congo, Bangladesh, Armenia, Iraq and Yemen.  In contrast to previous years, there seems to be more divergence between the top nationalities in airport procedures and among all asylum applications. However, this might be related to the overall lower number in 2020 and 2021 and fewer flights as a result of the COVID-19 pandemic. The top nationalities further indicate that so-called “safe countries of origin” are not among the 10 most frequent nationalities in the airport procedure.  **Italy**: By the end of 2021, four hotspots were operating in: Apulia (Taranto) and Sicily (Lampedusa, Pozzallo, and Messina). In 2020 and 2021, hotspots were temporarily partially or completely converted to quarantine facilities, with varying capacity and conditions. As of November 2021, Messina’s hotspot appears non-operational. As of 31 of January 2022, the hotspots hosted 361 people in Sicily and 62 in Apulia. At the same time quarantine boats continued to be used as de facto hotspots during the year.  In 2021, ASGI reported many criticalities at the “new border” of Pantelleria, where landed migrants are also channelled in hotspot-like procedures. Concern has been expressed in a 2021 document by “InLimine”, on the lack of gender related measures in the hotspots, especially the one in Lampedusa.  **Slovenia**: According to the amendments of the IPA, the Migration Directorate can only process applications at the border, airport or port:  (a) in the admissibility procedure;  (b) in the accelerated procedure if there are grounds for rejecting the application as manifestly unfounded, or (c) if the person lodged the request for a subsequent application and has not submitted any new evidence or listed any new circumstances that significantly increase their chance to be granted international protection.  The decision in the border, airport or port procedure has to be taken within three weeks. If the decision is not taken within three weeks or if the application needs to be examined in a regular procedure, the applicant is allowed entry to Slovenia. The fiction of non-entry is also a novelty introduced by the new amendments of the IPA. It is not clear from the wording of the provisions which authority – the Migration Directorate or the Police - would make the decision regarding entry to the territory. In practice this is made by the Police, since the Police are normally the first to process the individual in the preliminary procedure. The general rule that an individual cannot be deported from the country from the moment he or she has expressed the intention to apply for international protection, still applies in the border procedure.  In case of a large number of applicants who express the intention to apply for international protection at the border, airport or port, they can be accommodated near the border under the condition that material reception conditions are guaranteed.  Another novel provision introduced by the amendments relates to the treatment of vulnerable persons with special needs. The provision states that if a vulnerable person with special needs lodges an application in the border procedure, the Migration Directorate should give priority to the protection of the person’s health, including their mental health, and has to ensure that they are regularly monitored and have adequate assistance, taking into account their special position.  The appeal against a decision taken in the accelerated procedure has to be lodged within 3 days of notification. The time limit for judicial review was shortened by the amendments of the IPA from 8 days to 3 days. The suspensive effect of the appeal is automatic, and the Administrative Court has to take a decision in 7 days, although court procedures are usually much longer than that in practice.  **Switzerland**: The airport procedure is suspended in Zurich since March 2020 and was still suspended in January 2022. Persons expressing the will to claim asylum are oriented towards the federal asylum centre of Zurich. On the contrary, the airport procedure continued in Geneva, although the number of applications at the airport was very low in 2020 as a result of COVID-19 and travel restrictions.  **Admissibility procedure**  **Hungary**: A new inadmissibility ground, merging the concepts of “safe third country” and “first country of asylum”, is in effect since 1 July 2018. However, it was not applied in practice in 2021.  Issuing “refusal decisions” has become common practice since second half of 2021. Previously, the NDGAP would simply refuse to accept an asylum application and turn the applicants away immediately. In one case, where the HHC lawyers accompanied the client and reminded NDGAP officials that refusing to accept an application is a crime (abuse of authority, Section 305 of the Criminal Code). As a result, the NDGAP took in the application, but the case officer present said they would not register the claim. After that, NDGAP issued a simple “information note” notifying the applicant that they could not examine his application due to the Transnational Act rules. The HHC appealed and UNHCR intervened. On 8 June 2021, the Metropolitan court ruled that the asylum application must be considered lodged and that the NDGAP has to conduct a procedure and issue a formal decision (11.K.703.256/2021/7).  **Ireland:** The Irish Refugee Council (IRC) wrote to the IPO, IPAS and HSE in March 2021 arguing that a person who has received a recommendation that their application for international protection be inadmissible should continue to receive reception conditions, as no final determination had been made. Following engagement by IRC with the relevant stakeholders, it was determined that an individual remains an ‘applicant’ within the meaning of the 2015 Act unless and until the Minister declares their application to be inadmissible pursuant to s.21(11), therefore entitling them to material reception conditions. From September 2021, the IPO began applying this interpretation to all individuals subject to the inadmissibility procedure.  **Malta**: In 2021, 114 applications were deemed inadmissible by the International Protection Agency (IPA), either on the basis that applicants had already a protection in another Member State or in the context of subsequent applications where no new elements were provided. The International Protection Appeals Tribunal (IPAT) carried 114 reviews on inadmissible applications, 112 of which were confirmed. When the decision of the IPA is not confirmed by the IPAT, the case is remitted back to the IPA for “further examination”. In practice, the IPA seems to consider this as confirmation that the application is admissible and will proceed with an interview on eligibility. Important to note is that, according to the International Protection Act, inadmissibility is a ground for an application to be processed under the accelerated procedure in Malta.  **Poland**: The Office for Foreigners delivered 883 inadmissibility decisions in 2021. There are no specific time limits that must be observed by the Head of the Office for Foreigners in this procedure, so the rules governing regular procedures are applicable; the general deadline is 6 months. There is no data on whether the time limits for taking a decision are respected in practice. In 2021, 3,662 decisions were issued within 6-month time limit – but this includes all the proceedings, not only admissibility.  **Accelerated procedure**  **Bulgaria:** In 2021, 1,112 asylum applicants have been rejected under the accelerated procedure. Of those, 735 came from Afghanistan, 111 from Iraq, 98 from Pakistan, 78 from Morocco, 16 from Algeria, 12 from Iran, 11 from Tunisia, 10 from Turkey and 197 from other nationalities. Nationalities from certain countries such as Algeria, Morocco Tunisia and Bangladesh thus continue to be systematically treated as manifestly unfounded applicants under the accelerated procedure with zero recognition rates, i.e. 100% rejection.  Turkish and Afghan nationals also continued to be subject to unfair and discriminatory treatment with very low recognition rates, namely 10% for Afghan nationals and 8% for Turkish nationals. Since 2016, Afghanistan has been the top nationality of applicants in Bulgaria, for five consecutive years. As of the end of 2021, Afghan cases began to gradually change with some high profile cases and increased statements for personal risk of persecution. As a result, the annual recognition rate of Afghan applicants reached a national record of 10% - but overall the rejection rate remained at 90%. It is yet to be seen whether the national authorities’ attitude and treatment of Afghan nationals will change in general. As of the end of 2021, most subsequent applications lodged by Afghan nationals who filed them post-August 2021 events continued to be treated by the national asylum agency as inadmissible.  Hungary: As of 1 January 2021, a Gov. decree 570/2020. (XII. 9.) is in force, and its Section 5 removes the possibility to ask for interim measures in order to prevent expulsion in case of violation of epidemic rules or when expulsion is ordered based on the risk to national security or public order. This has serious consequence for people, who have been expelled prior to submitting their asylum application, as in case their asylum application is rejected in an accelerated procedure, the appeal does not have a suspensive effect and even if it is requested, it does not suspend the expulsion that was ordered prior to the asylum procedure. The HHC submitted a complaint to the European Commission, which is still pending as of March 2022. However, the Commission already indicated that based on initial analysis, it appears that the problem raised in the complaint may indicate a possible infringement of the Return Directive. The HHC is aware of one such case, where an asylum applicant was rejected in an accelerated asylum procedure and was deported prior his appeal even reached the court. The rejection decision was communicated to the lawyer in an email when the applicant was already on the plane.  **Malta**: Article 23 and 24 of the International Protection Act provides that applications should be examined under accelerated procedures where the application is manifestly unfounded.  In 2021, some 479 applications were channelled through the accelerated procedure, 114 inadmissible applications and 368 manifestly unfounded applications. NGOs report that most applications deemed to be manifestly unfounded were from individuals coming from countries considered safe by the IPA Act, which include nearly all applicants from Bangladesh, Morocco, Ghana and Egypt. They are channelled through the accelerated procedure while in detention and quickly issued at the same time the reject decision, the confirmation by the IPAT and a return decision. In 2021, the IPA started to issue manifestly unfounded applications to other specific countries of origin, such as Nigeria and Ivory Coast.  **Netherlands:** The Dutch Aliens Decree was amended on 25 May 2021, which has altered certain aspects of the asylum procedure and has abolished the first interview. One of the most significant changes concerns the registration interview. During this interview, the asylum seeker will now also be asked to state the grounds for asylum.  The Accelerated Procedure (“Track 2”) is not applicable to unaccompanied children. This was not regulated in the Aliens Decree or Circular. The implementation of Work Instruction 2021/14 (as of 25 June 2021), however, excludes underage unaccompanied minors from the Track 2 procedure, in what can be described as a good practice. Track 2 is primarily intended for asylum seekers who have very little chance of asylum in the Netherlands, as in the case of asylum seekers from safe countries of origin, asylum seekers that have already received international protection in another European country or are EU citizens. In practice, the aspect of being an underage unaccompanied minor takes precedence over the other Track 2 elements.  **Poland**: The statistics obtained from the Office for Foreigners show that in 2021, 103 applications (covering 105 persons) were channelled in the accelerated procedure. The average time of processing applications in the accelerated procedure was 88 days.  **Portugal**: In the context of the provision of legal assistance to asylum seekers, CPR continued to observe significant delays in the execution of judicial decisions by SEF in 2021. According to CPR’s observation, this mostly concerned the execution of judicial decisions that annulled first instance decisions rejecting applications in accelerated procedures and consequently condemned the Administration to channelling them into the regular procedure, or Dublin cases that should be reprocessed.  **Sweden:** The law makes no express reference to “accelerated procedures”. However, the Migration Agency has established a dedicated track for two categories of cases: (1) Manifestly unfounded claims (“Track 4A”) and (2) Claims from nationalities with a recognition rate below 15% (“Track 4B”). The countries currently listed are: Albania, Algeria, Angola, Armenia, Belarus, Bosnia and Herzegovina, Brazil, Chile, Colombia, Cuba, Georgia, Ghana, Honduras, India, Israel, Kazakhstan, Kyrgyzstan, Kosovo, North Macedonia, Mexico, Mozambique, Morocco, Moldavia, Mongolia, Montenegro, Nepal, Peru, Philippines, Serbia, Sri Lanka, South Africa, Thailand, Tunisia, Ukraine, USA, Uzbekistan, Venezuela and Vietnam.  A 2021 legal instruction by the Legal Unit of the Migration Agency, established that an expulsion with immediate effect should be considered in the following cases:  - The application is unrelated to the right of asylum;  - The application presents manifestly insufficient grounds for asylum;  - EU citizens and persons from safe countries of origin applying for asylum;  - The applicant has provided false information in all essential elements;  - If only health reasons are claimed.  **Subsequent applications**  **Belgium**: In principle, all applicants for international protection, including subsequent applicants, have the right to reception during the examination of their case. However, he Reception Act provides the possibility to refuse reception to subsequent applicants, until their asylum application is deemed admissible by the CGRS. Although the Reception Act explicitly states that decisions which limit or withdraw the right to reception should be in line with the principle of proportionality, should be individually motivated and based on the particular situation of the person concerned, Fedasil almost systematically refuses to assign a reception place to subsequent applicants until their asylum application is declared admissible by the CGRS.  A total of 5,432 applicants lodged subsequent applications in 2021, the majority regarding Afghan (1,352) and Iraqi (482) nationals.  The significant increase in subsequent applications by Afghan applicants in 2021 is due to the Taliban’s takeover of power. From mid-August until March 2022, certain decisions on Afghan applications for international protection were temporarily and partially suspended, including decisions about the non-admissibility of subsequent applications. During this period, each case was checked on the presence of relevant new elements. If such elements were present, a decision of admissibility was taken. However, no decisions of inadmissibility were notified as long as the CGRS was still gathering information about the situation in Afghanistan. As of 2 March 2022, the CGRS has determined its new policy towards Afghan applicants for international protection and decision taking in these cases will resume, including for subsequent applications.  **Bulgaria:** In 2021, 96 applicants submitted subsequent asylum claim while 16 subsequent applications were pending from 2020. Thus, 112 subsequent applications were dealt with in an admissibility procedure, of which 91 were declared inadmissible and 21 were granted access to further determination.  **Cyprus**: In 2021, there was a steady increase in the number of subsequent applications submitted in the country, with the majority presented by nationals from India, Pakistan and Bangladesh.  In total, 1,829 persons lodged subsequent applications.  **Germany**: 2021 was marked by a significant increase in subsequent applications. A total of 42,583 persons lodged subsequent applications in 2021, compared to 19,589 in 2020 and 23,429 in 2019. The number of subsequent applications increased substantially for Syrian nationals and was almost 6 times the number of 2020 for Afghans. For Afghanistan, this is likely related to the changing situation in Afghanistan with the withdrawal of international troops and the takeover of the Taliban (see Section Differential treatment of specific nationalities in the procedure). While the share of inadmissibility decisions has declined for applications from Afghans nationals in 2021, statistics on decisions do not yet reflect the changed circumstances as the overall number of decisions (1,939) is much lower than the number of subsequent applications (8,445). Regarding Syrian applicants, the increase in 2020 and 2021 is related to an CJEU ruling of November 2020 according to which there is a “strong presumption” that refusal to perform military service in the context of the Syrian civil war relates to one of the reasons to be granted refugee status. As a result, many Syrians who had previously been granted subsidiary protection in Germany lodged subsequent applications. The statistics show that these were deemed inadmissible in most cases, however. Statistics do not distinguish between situations where applicants have remained in Germany until lodging a subsequent applications and situations where subsequent applications are lodged after the applicant has left Germany. However, there are statistics on the number of asylum applications lodged by persons who already have a protection status in Germany. 33,069 such applications were lodged until the end of November 2021. Around two thirds of the applicants had either a residence permit for political or humanitarian reasons (which includes international protection) or a tolerated status, suggesting that their application might be counted as a subsequent application.  Statistics show that the majority of subsequent applications fail at the level of the admissibility examination are being rejected as inadmissible, before the asylum procedure is reopened (75 % in 2021, 48.5 % in 2020), or the follow-up procedure is terminated later either for formal reasons or because the application is found to be inadmissible at this stage (12.5 % in 2021, 28.6 % in 2020). However, when looking strictly at the subsequent applications decided on the merits, it appears that almost 50% of them were successful (2.919 decisions, equalling to 54.9 % in 2021, and 2.471 decisions in 2020 (49.1 %)).  The 2,919 “positive” decisions in 2021 resulted in the following status decisions: (a) Asylum or refugee status: 1,284; (b) Subsidiary protection: 530; (c) (National) humanitarian protection/prohibition of removal: 1,105.  **France**: Out of the total of 103,011 applications registered by OFPRA in 2021, 13,900 were subsequent applications, thus representing 13.5% of the total number of applications registered, compared to 8,764 subsequent applications in 2020, representing 9.1% of the total number of applications registered.  **Hungary**: In 2021, there was only one subsequent application submitted in May by a minor girl whose nationality was unknown.  **Poland**: In 2021, there were 1,426 subsequent applications, submitted mainly by Russian and Afghan nationals. The Office for Foreigners issued 51 decisions deeming the subsequent application admissible, while the applications of 815 persons were dismissed as inadmissible.  **Sweden**: On 30 November 2021 the Migration Agency published a legal instruction on Afghanistan due to the Taliban takeover. The Agency considers the general situation in Afghanistan after the Taliban takeover and the implementation of Sharia law to constitute such new circumstance that will in most cases meet the criteria for the Agency to grant re-examination. |

1. **Reception of applicants for international protection (including information on reception capacities – increase/decrease/stable, material reception conditions - housing, food, clothing and financial support, contingency planning in reception, access to the labour market and vocational training, medical care, schooling and education, residence and freedom of movement)**

|  |
| --- |
| **Access to reception conditions**  **Belgium**: On 18 November 2021, several organisations (Vluchtelingenwerk Vlaanderen, CIRÉ, Médecins sans Frontières, Médecins du Monde, NANSEN vzw, ADDE, Ligue des Droits Humains, SAAMO and the Order of French and German speaking bar associations (OBFG)) declared the Belgian State and Fedasil in default at the Brussels court of first instance. In a judgment of 19 January 2022, the court condemned the Belgian State and Fedasil for not ensuring access to the asylum procedure and to reception conditions and ordered both parties to ensure the respect of these fundamental rights, imposing a €5000 penalty payment for the respective parties for each day during the following 6 months on which at least one person did not receive access to the asylum procedure (penalty for the Belgian State) or to the reception system (penalty for Fedasil) (Brussels Court of First Instance, Judgment nr. 2021/164/C of 19 January 2021, available in French at <https://bit.ly/363Nqvk>). Although the situation had improved slightly since the opening of new places in the course of December 2021 and the opening of an emergency night shelter in January 2022, the court deemed the state of the reception system to be too unstable to guarantee access to the asylum procedure and to reception conditions for all applicants in the near future.  On 24 January 2022, the government launched a ‘five-point action plan’ to counter the ‘growing problem of asylum seekers crossing Belgium’. One of the pillars of this action plan consists in giving priority to ‘new’ asylum seekers, who have not yet applied for or/and received asylum in another EU member state, in case of shortage of reception places. As of 24 January 2022, applicants for who, at the moment of registering their asylum application, result to have already applied for or received international protection in another country, are being denied access to the reception network and told to send an e-mail to Fedasil in order to be put on a waiting list. Since they do not receive a formal decision of refusal of reception, these applicants cannot automatically challenge this decision before the labour courts. Once again, NGO workers needed to put persons in need of reception in contact with lawyers, who needed to first send an e-mail to Fedasil to notify their client’s individual application for reception, and consequently filed unilateral requests after a waiting period of 24 hours. In all these cases, labour court presidents have accorded the right to reception to the applicants, condemning Fedasil to give them immediate access to a reception place. Once again, however, these applicants have to make an appointment with the legal service of Fedasil, often fixed several days or even a week following the court decision, before being granted access to a reception place. The secretary of state announced he would appeal against these court decisions. Some of these appeals are currently pending.  Due to a significant increase of applicants for international protection after the outbreak of the war in Ukraine, access to the arrival centre was once again limited as of 28 February 2022. Minors, families with children and particularly vulnerable applicants are given priority and are allowed to enter in order to apply for asylum and receive a reception place. A large part of the single men is refused access to the asylum procedure and asked to come back on an unspecified later date. On some days, more than 150 men are refused access to the asylum procedure and reception conditions. The situation at the arrival centre is tense, and high number of police officers are always present.  **Cyprus**: From 2019, all persons wishing to apply for asylum who have recently entered the country in an irregular manner are referred to Pournara First Registration Centre for registration, lodging of asylum application, and medical and vulnerability screenings. In early 2021, approximately 200 asylum seekers were placed in tents outside the Centre in extremely substandard conditions. Exit of residents from Pournara Centre continued to be restricted on different occasions during 2021. Currently residents are allowed to exit, however the time required for all the procedures to conclude translates to 60 days of average stay, with some cases reaching 4 months before being able to leave. As a consequence, the facility is still overcrowded.  A number of major obstacles are encountered by asylum seekers that ultimately hinder access to reception conditions. One of them, is the necessity to submit specific documentation in order to apply for material reception conditions, if there is no vacancy in the reception centre. Among the documents to be presented, there is an unemployment card from the District. Up until the first half of 2021 and due to COVID-19 related measures, all asylum seekers who either had registered with the Labour Department prior to the pandemic as well as those who wanted to register for the first time, were receiving reception conditions without submitting or renewing a labour card. A change in the registration and servicing procedure of unemployed persons was initiated in the second half of 2021. Along with all jobseekers in the county, asylum seekers also are now required to register on a new online system, run by the Public Employment Services, under the Labour Department. A large number of asylum seekers, especially those lacking familiarization with similar tools, persons holding poor English and Greek language skills and people without proper equipment (phones, laptops) have not been able to register on time or use efficiently the system. Social Welfare Services have set a deadline for beneficiaries to sort out their registration, and further monitoring is required on whether single parents of children up to 2 years old who have not succeeded in registering, will be deprived of material reception conditions.  **Spain:** The reception system is currently divided into three phases. However, a new Instruction was adopted in January 2021 by the SEM, establishing that persons can access the second phase (i.e. the last phase) only if they have been granted international protection, while the rest of asylum applicants will – as formulated in the instruction- “complete the full itinerary” in the previous phase. Depending on each phase, asylum seekers and beneficiaries of international protection receive different forms of reception conditions (i.e. assistance, accommodation, financial support, etc.). The aim is to adapt the duration of stay in the first phase to the duration of the asylum procedure, considering that in practice the asylum procedure usually exceeds the 6 months’ time limit provided by the Asylum Law. It also aims to foster the integration of those who have already been granted international protection, or those arriving to Spain with a protection status. As specified by the Instruction, it is in line with EUAA’s recommendations to give priority to support in kind, instead of monetary support, to asylum seekers and refugees. Thus, according to the Instruction, persons accessing the asylum reception system starting from 1 January 2021 can access the second phase only if they have been granted, or if they will be granted, international protection. The other asylum applicants whose asylum procedure is pending will need to complete the full itinerary in the first phase. It remains to be seen how the instruction will be implemented in practice and whether it will actually address the shortcomings in accessing the asylum reception system and foster integration of beneficiaries of international protection.  **France**: On 18 December 2020, the Ministry of Interior published its 2021-2023 national reception plan for asylum seekers and the integration of refugees. This plan makes it possible to adapt the reception policy to the migration context and to the specific characteristics of the regions, *inter alia* through a better distribution of asylum seekers across national territory. It is based on two pillars: better accommodation and support.  In 2021 the number of asylum seekers accommodated remained far below the number of persons registering an application. At the end of the year, the Ministry of Interior stated that 59% of asylum seekers eligible to material reception conditions – i.e. 111,901 persons in total at the end of December 2021 - were effectively accommodated compared to 51% at the end of 2019. If we add asylum seekers who do not benefit from reception conditions, we can consider that at least 70,000 asylum seekers were not accommodated in France as of the end of 2021.  **Ireland**: Throughout most of 2021, newly arrived asylum seekers were subject to medical checks screening at the Dublin airport. Applicants were required to self-report symptoms of COVID-19 and subsequently transferred to dedicated facilities to undergo self-isolation. According to government policy, newly arrived applicants were required to self-isolate for a two-week period. However, in the experience of the Irish Refugee Council, individuals and families were often kept in quarantine for extended periods, sometimes up to 28 days.  Following the roll-out of the vaccination programme, newly arrived applicants who were fully vaccinated were not required to undergo mandatory hotel quarantine. However, in the experience of the Irish Refugee Council this policy was applied arbitrarily, with a number of applicants still being required to undergo quarantine for a two-week period, despite being fully vaccinated on arrival in Ireland. Owing to the increase in COVID-19 cases in the latter part of 2021, applicants were once again required to self-isolate on arrival in Ireland. However, anecdotal evidence suggests that applicants who test negative after a short period of isolation will be released from mandatory quarantine and transferred to temporary accommodation.  **Poland**: In summer 2021, a new document ‘Polish migration policy – directions of activities 2021-2022’ was presented for consultation with civil society. It mentioned that proceedings concerning material reception conditions and medical assistance should be optimized. The proper standard of reception should be maintained and monitored, but the costs should be under control as well. Teachers working with foreign pupils should have access to a proper training in this regard. The plans for 2021-2022 as regards reception expressed in that document were considered insufficient by NGOs. The preparation of the ‘Polish migration policy’ was subsequently suspended, reportedly in connection with the humanitarian crisis on Polish-Belarusian border.  The humanitarian crisis at the Polish-Belarusian border in 2021 left many prospective asylum seekers without access to material reception conditions. Foreigners that were stuck on that border or pushed back to Belarus were not allowed to apply for international protection in Poland – against Polish, EU and international law – thus, they could not obtain material reception conditions, including medical assistance that is available to asylum seekers whose applications have been registered. In those circumstances, humanitarian aid (i.e. food, clothes, and blankets) and medical assistance was provided for months by several local and state authorities (including the Commissioner for Human Rights), NGOs and private persons. However, its scope and effectiveness were greatly limited after the introduction of the emergency state.  **Slovenia**: In relation to asylum seekers subject to Dublin procedures, the Supreme Court clarified in 2018 that asylum seekers retain the right to reception conditions until the moment of their actual transfer to another Member State, despite the wording of Article 78(2) IPA. The Court stated that, to ensure an interpretation compatible with the recast Reception Conditions Directive and Article 1 of the EU Charter, Article 78(2) should not apply in Dublin cases. A provision was included in the IPA with the amendments, providing that applicants in the Dublin procedure have the same rights as asylum seekers until their transfer.  **Reception capacity**  **Austria**: During the first year of activity of the BBU- GmbH in 2021, the main challenge was to provide shelter as the agency was confronted to the sharp increase of applications and had to integrate staff from different companies and NGOs at operational level. Moreover, given that the reimbursement of the costs for accommodation in the provinces has not been adjusted for years and following the decrease of applications in 2019 and 2020, many NGO-led accommodation centres in the provinces have closed. As a result, many applicants already admitted to the asylum procedure had to be accommodated in federal reception centres pending a transfer. In 2021, the BBU GmbH reopened all available centres across the territory and reached its capacity limits at the end of the year. This is supposedly also one of the reasons why the Director of the BBU GmbH, whose contract was prolonged in May 2021, resigned in October 2021. He withdrew his resignation in December 2021, but the reasons were not communicated.  As of February 2022, the capacity of BBU GmbH for sheltering applicants during the admissibility procedure is still at the limit. Interestingly, the number of individuals receiving basic care has not increased significantly since 2019 even though the number of applications has risen significantly.  **Belgium**: In September 2021, Fedasil announced that the reception network was under pressure, the occupancy rate on 9 September 2021 being at 96% (the saturation capacity being 94%). The following factors were put forward as being the cause of the shortage of places:   * floods in July 2021, leading to a loss of over 1000 places; * the need of isolation places in reception centres in the context of the COVID-19 pandemic, leading to a loss of 1200 places; * the evacuation of around 400 persons from Afghanistan (“operation Red Kite”) leading to a temporary increased influx in the reception system; * a temporary suspension of decisions for applicants from Afghanistan by the CGRS since mid-August 2021, leading to a decreased outflow from reception centres.   Civil society organisations, however, also claim long term mismanagement of the reception network to be a main cause of the shortage, centres being systematically closed and staff dismissed in periods of lower occupation rates. Despite the announcement in policy note of the Secretary of State in 2020 to develop a stable reception system, no timely action was taken to prevent another over occupancy of the reception system. Fedasil personnel has organised several strikes in the course of the past months to denounce the lack of reception capacity and their working conditions.  Although possibilities of opening new reception places were urgently examined and several new reception centres – some structural, some emergency shelters – were announced to open in the near future, these processes took several weeks, often due to unwillingness of local administrations to admit the opening of a centre on their territory. The Secretary of State was unwilling to provide emergency shelter in empty hotel rooms, stating this might provoke a pull factor. Although several new places opened in the course of December, these were not sufficient to provide reception for all applicants in need of shelter. On 16 December 2021, Belgium signed an operational plan with the European Asylum Support Office (EASO) for support in the form of “reception assets and equipment, personnel and technical expertise” to assist Belgian asylum authorities in dealing with the reception crisis.  **Bulgaria**: 2,447 asylum seekers resided in reception centres as of the end of 2021, marking an occupancy rate of 47% i.e. 2,447 occupants out of 5,160 available places, compared to 1,032 occupants at the end of 2020.  **Cyprus**: In late 2021, the newly established Limnes Accommodation Centre began operations. However, the facility’s purpose is still not clear, nor is it known who it will accommodate. The Centre has open and closed sections. Upon operation and in early 2022, rejected asylum seekers all of Asian origin were transferred to the Centre from Pournara First Reception, where they have all received a negative first-instance decision on their asylum claims. They are given the choice to either reside in the open sections of the Centre or to leave the Centre and live in the community. Those who select to live in the community are obliged to waive their right to material reception conditions. Those who select to reside at the Centre are accommodated in the open sections of the Centre and are allowed to move in and out of the Centre between 9am-9pm. Furthermore, they are provided with a stipulated cash allowance of €100, which is allocated at the end of each month. The majority of persons transferred to Limnes opted to leave the Centre and reside in the community without access to material reception conditions.  The Centre appears to also be used on ad-hoc basis to address the overpopulation at Pournara. For example, on 21 December 2021, 585 asylum seekers were transferred from Pournara to Limnes as close contacts to COVID-19 cases. Additional asylum seekers who were positive to COVID-19 were also transferred to Limnes the following days/weeks. These persons are not considered to be residents of the Centre and although they are asylum seekers they do not have freedom of movement and are accommodated in the closed sections of the Centre.  **Germany**: As of May 2021, a total of eight AnkER or were established in Germany in Bavaria, Saxony and Saarland. In addition, eight “functionally equivalent centres” existed, some of which are also classified as arrival centres.  **Spain**: In a thematic report on the situation in the Canary Islands published in March 2021, the Spanish Ombudsman highlighted the necessity to swiftly create permanent reception facilities, in order to avoid unpreparedness and providing responses only applicable in the short run.  Since the end of 2020, different NGOs started to open reception facilities on the Canary Islands under the humanitarian programme funded by the Ministry of Inclusion, Social Security and Migration. Accem opened a reception facility in Tenerife under the humanitarian programme and within the Plan Canarias. It was initially planned that the facility would count 2,400 places, but it finally was created with 1,500 places, and employing 220 professionals. The organisation provides a comprehensive assistance to migrants (i.e. legal support, psychological assistance, interpretation, health assistance, etc.). The centre hosts men, the vast majority coming from Morocco and Senegal. In November 2021, Accem opened also an emergency humanitarian assistance and referral centre in Lanzarote with 1,000 places, within the Plan Canarias and from August 2021 it started to manage four flats with a total of 18 places in Tenerife within the programme for the humanitarian assistance of migrants. The flats host women and women with children.  The Fundación Cruz Blanca opened one centre in Las Palmas de Gran Canaria with 140 places for women and mothers with underage children, and another facility with a capacity of 400 places for men. The organisation Fundación Cruz Blanca, which is specialised in the assistance to trafficked persons, has also opened two centres in Las Palmas de Gran Canaria. One centre has 40 places available and aims to provide comprehensive assistance to women and their children presumed to be victims of human trafficking; while the other centre had 25 places and is dedicated to women presumed to be victim of trafficking.  **France**: At the end of 2021, 11% of the places in accommodation centres were occupied by individuals who were no longer authorised to occupy these places such as rejected asylum applicants or beneficiaries of international protection after the period of authorized presence, and 4% of the places were vacant. 4,900 new places (3,400 in CADA and 1,500 in CAES) could be opened for asylum seekers in 2022 if the budget foreseen for financial allowance for asylum seekers is respected.  **Croatia**: According to the Ministry of Interior on 31 December 2021, 373 applicants for international protection were located in the Reception Centres as of 31 December 2021.  Since October 2021, all applicants have been accommodated in the Reception Centre in Zagreb, since Reception Centre in Kutina is under renovation.  In January 2021, the Directorate for European Affairs, International Relations and European Union Funds of the Ministry of the Interior adopted a decision on the allocation of AMIF funds for the project “Procurement of equipment for needs of MoI's Service for reception and accommodation of applicants for international protection and Service for international protection- NOP2”. The purpose of the project is to equip reception centres in accordance with the best European practice in order to improve the quality of life of applicants as well as the working conditions for reception staff. In April 2021, the decision on the allocation of AMIF funds for the project “Increase of accommodation capacity of the Reception Centre for applicants for international protection in Zagreb” was adopted, The impact in practice remains to be seen.  **Hungary**: At the end of 2021, a total of 5 asylum seekers were accommodated in the open centre Balassagyarmat, while Vámosszabad was empty.  **Ireland**: Capacity in Direct Provision also continued to be a significant issue throughout the year, with 1360 protection applicants, 174 of whom were children, housed in emergency accommodation as of June 2021. The housing crisis in Ireland continued to exacerbate the situation, meaning that individuals who had been granted protection status or permission to remain were unable to move out of Direct Provision accommodation owing to a lack of available and affordable housing. Additionally, given the sustained risk of COVID-19 infections, emergency centres continued to operate so as to enable Direct Provisions residents to socially distance, and reduce over-crowding. These centres were also used to facilitate self-isolation for those who contracted COVID-19. Despite a commitment by the Minister for Children, Equality, Disability, Integration and Youth, Roderic O’Gorman, to decommission the use of emergency accommodation prior to year-end, 24 emergency accommodation centres remained in operation as of December 2021.  As of December 2021, there were 45 Direct Provision accommodation centres located nationwide.  As of November 2021, approximately 7,089 people resided in Direct Provision and emergency accommodation.  **Italy**: At the end of 2021, the number of asylum seekers and beneficiaries of international protection in the reception system was 78,001, decreased from 79,938 present in 2020. Out of them, at the end of 2021, 52,185 were in first reception facilities (CAS and first governmental centres) and 25,715 in SAI (former Siproimi).  However, the decrease in the number of persons accommodated and the decrease in arrivals of asylum seekers did not lead to their main placement in ordinary structures: still at the end of 2021, 7 out of 10 asylum seekers are accommodated in extraordinary centres.  As reported by Open Polis and Action Aid in their last report published on January 2022, as of 31 December 2020, the total number of accommodation facilities was divided as follows: 4,556 CAS, 4,570 Sipromi/SAI and 12 first reception centres (including hotspots).  The total number of CAS facilities decreased from 2020 when, according to the data obtained by Altreconomia, the number of CAS facilities at 31 July 2020 was 5,565 and also decreased with about 500 units from the 6,004 existing in October 2019. The number of accommodated persons, however, did not drop significantly: at the end of 2021, asylum seekers accommodated in CAS and first reception centres were 52,185 compared to 54,343 at the end of 2020 and to 66,958 at the end of 2019. This confirms that, in 2020 and in 2021 the trend of the closure of small CAS continued.  By the end of 2021, four hotspots were operating in Apulia (Taranto) and Sicily (Lampedusa, Pozzallo, and Messina). A total of 101 persons were accommodated in hotspots at the end of the year, half in Sicily and half in Apulia.  **Malta**: The total reception capacity of the 7 open centres in Malta is approximately 3,338 places (up from 1,500 in 2018). A new Emergency Arrival centre was finished in the first quarter of 2021. At the end of 2021, despite the increased capacity, only 753 persons were accommodated in open centres.  At the end of 2021, the actual occupancy of each centre was the following:   * Dar il-Liedna: 16 UMAS in the process of applying for asylum * Hal Far Tent Village: 254, including 82 UMAS or in the AAT procedure, 164 male adults applicants, 4 THPs and 4 rejected asylum seekers, * Hangar Open Centre: 238 applicants for international protection * Hal Far Open Centres: 102, including 101 applicants for international protection and 1 THP * Initial Reception Centre: 84 in the process of applying for international protection * Balzan Open Centre: 57, including 38 applicants for international protection, 3 refugee status, 5 Subsidiary protection, 1 THP and 10 rejected asylum seekers.   AWAS reported that 323 people (321 applicants and 2 subsidiary protection) registered at their Head Office at the end of December 2021 resided in private accommodation.  **Netherlands**: From September 2021, the Netherlands experienced a new reception crisis. In September-October 2021, due to a lack of capacity at the AVIM, IND and an increase in new arrivals, the application centre in Ter Apel surpassed its maximum capacity. The location was so full that people could not be registered in time and had to stay in tents outside the site. For days, people, including children, were forced to sleep on chairs or even on the ground in large tents.  As of the end of 2021, the total capacity of the Dutch reception system reached a total of 36,566 people staying at 104 different locations, of which 70 regular and 34 temporary. The total (104) does not include the reception of Afghan evacuees in locations from the Ministry of Defence and ‘acute emergency’ reception locations managed by municipalities. One third of the people staying at these locations are beneficiaries of international protection (12,123). It is expected that 42,000 reception places will be necessary to offer all asylum seekers with the right to reception a bed throughout 2022. Between 24 August and 23 December, 9,717 additional reception places were created, most of them in temporary locations. Since a number of these locations have closed again, currently 8,227 additional reception places are available.  Temporary emergency locations were frequently opened and closed in 2021. Recently arrived asylum seekers are placed in these locations, together with family members who came to the Netherlands through family reunification, Afghan evacuees and asylum seekers who filed a subsequent application. Emergency locations have been opened in sport and event halls, on boats, in pavilions and in former COVID-19 test locations.  **Poland**: At the end of 2021, Poland had eight reception centres which altogether provided 1,615 places (compared to ten centres in 2020 accommodating 1,962 persons). As of 31 December 2021, 1,076 (compared to 819 in 2020) asylum seekers were residing in the centres. Another 4,795 (compared to 2,225 in 2020) asylum seekers were receiving assistance outside the centres.  The number of reception centres dropped in 2021. One reception centre – in Warsaw – has been closed (24 August 2021) due to change of the ownership of the land on which the centre was situated. It was the only centre that was intended to accommodate solely single women and women with children. Moreover, in 2021, two reception centres were given temporarily under command of the Border Guard. The centres in Biała Podlaska (fully, since 26 July 2021) and in Czerwony Bór (partly – 129 places for the Border Guard’s needs and 60 places for the reception centre, since 9 August 2021) are now serving as guarded centres.  There is no problem of overcrowding in these centres. As of 31 December 2021, the occupancy rate was 58% in Dębak and 66% in total in other centres (the highest occupancy rate in Białystok - 93%, and the lowest - 39% - in Linin).  Centres are located in different parts of Poland. One is located in a city (Białystok), but most of them are situated in the countryside. Bezwola, Dębak, Grupa and Linin are in the woods. These centres are therefore not easily accessible. In Dębak, until recently, residents had to walk 3km through the woods to access public transport. However, in 2021 the Office for Foreigners organized a regular bus service (six times per day) from the Dębak centre to the railway station in Otrębusy in order to facilitate transport to Warsaw and back.  Exceptionally, in 2021, some asylum seekers were also temporarily accommodated in hotels for quarantine purposes. Due to COVID-19 restrictions, Afghans who had been evacuated by Polish authorities from Afghanistan were quarantined in hotels and motels in different parts of Poland. Next, they were transported to reception centres.  **Standards for reception**  **Ireland**: The National Standards, designed to constitute a set of standardised rules for every Direct Provision accommodation in Ireland, became legally binding and enforceable on 1 January 2021. It was hoped that a mechanism for independent monitoring the implementation of the standards would be established soon thereafter. Instead, inspections continued to be carried out by IPAS and a private contractor engaged by IPAS. In October 2021, Minister O’Gorman confirmed that that Direct Provision Accommodation Centres are to be monitored by the Health Information and Quality Authority (HIQA) for compliance with the National Standards. The Department of Children, Equality, Disability, Integration and Youth is currently engaging with HIQA and the Department of Health with a view to undertaking the preparatory work with regard to HIQA’s monitoring role. In parallel with this process, the Health (Inspection of Emergency Homeless Accommodation and Asylum Seekers Accommodation) Bill is currently before the Dáil with a view to placing HIQA’s monitoring role on statutory footing.  The Government’s long-awaited White Paper on Ending Direct Provision was published on 26 February 2021. The paper establishes a variety of measures aimed at ending the system of Direct Provision and replacing it with a not-for-profit model. The paper broadly reflects the recommendations of the Advisory Group’s report and sets out a roadmap towards establishing a new international protection accommodation policy, to be in place by 2024.  Following the publication of the White Paper, a team was established in the Department of Justice in order to lead the transition to a new accommodation model for international protection applicants. Additionally, the Minister for Children, Equality, Disability, Integration and Youth appointed a programme board tasked with overseeing the transition to the new model. Additionally the Department, working with the Housing Agency, began acquiring properties for use during phase 2 of the new envisioned system, which entails that, after people have completed an initial four months in a reception and integration centre and are moved into the community.  The STAD coalition was founded by eight NGOs in January 2022 with a view to lobbying the Government to deliver on the commitment to bring an end to direct provision in the next two years. The coalition’s primary aim is to replace Direct Provision with an alternative system by 2024, ensure that all emergency reception centres are closed as an immediate priority and reduce processing times for international protection applications and appeals.  **Specialised reception centres**  **Switzerland**: The new legislation of March 2019 introduced a legal basis for the creation of special centres for uncooperative asylum seekers. The only centre of this type ever opened is situated in Les Verrières, Canton of Neuchâtel and has a capacity of 20 places. During 2020, the centre was not in function; however, the SEM reopened it in February 2021 due to an increase in applicants disturbing the functioning of the centres or endangering its security. It was originally planned to open a second special centre in the German-speaking part of Switzerland, but plans were put on hold because of the low numbers of asylum applications.  **Reception conditions**  **Austria**: Following the rising number of asylum applications in 2021, the BBU agency faced difficulties in dealing with COVID-19 related challenges (such as the need for more room due to distancing rules) the lack of capacity in reception centres. The state-run agency had to reopen facilities which were shut down in 2017/18 and additionally opened new facilities, including due to the importance increase in the number of unaccompanied minors which were mostly accommodated in the reception centre of Traiskirchen.  NGOs in the federal provinces reported several communication problems with the BBU. This concerned issues relating to the transition of people from reception centres to basic care facilities in the provinces, as there was a general lack of information about people with special needs and/or mental health issues. There was thus no transfer to specialised and dedicated facilities and, instead, vulnerable groups were transferred to regular facilities which overburdened the relevant staff, increased logistical difficulties due to a lack of adequate equipment and infrastructure, incl. inadequate transport means (often occurring in the middle of the night and thus with no available staff upon arrival). In some cases, individuals were allocated to federal states without proper identification (i.e. the white card granted to asylum seekers upon registration). As regards the clothing allowance (€ 150,-/per person and year); most of it was spent quickly by the BBU agency, which hindered asylum seekers from receiving additional support from NGOs and led to frustration as they did not understand the functioning of the system. NGOs tried to secure clothes by way of donations but the resources remain limited and the agency is not officially allowed to accept donations. The specific issue of clothing was flagged to the agency which is trying to find a solution.  **Bulgaria**: The conditions in the vast majority of the reception centres remain overwhelmingly substandard. In some of them, such as Harmanli reception centre, the conditions have even worsened during 2021. Except for the Vrazhdebna shelter and the safe-zones, all other reception centres experience ongoing issues with their infrastructure and fail to provide the most basic services including hygiene, adequate amenities for personal and community spaces. Personal safety and security are also seriously compromised due to the presence of smugglers, drug dealers and sex workers who have access to the centres during the night hours without any interference from the private security staff. The activities which had been cancelled in 2020 due to COVID-19 pandemic resumed in 2021.  **Cyprus**: Throughout 2021, the duration of stay in the emergency reception centre in Pournara fluctuated with an average of around 45 days – 60 days, with some cases reaching 3-4 months, resulting in severe overcrowding as the number of residents surpassed 2,800 persons, whereas official capacity is 1,000, leading to severe substandard conditions.  Throughout 2021, the situation led to frequent protests in the Centre. Most times they peaceful, but in some cases, clashes between residents broke out or damage was caused. During one of these protests, protesters broke the gates of the Centre and walked out. Nevertheless, they all decided to return in the Centre after negotiations were made with the authorities and due to concerns it will affect their asylum applications. In late 2021, MPs from the Human Rights Committee of the Parliament carried out a visit to Pournara, and strongly criticised the centre’s conditions. In early 2022, another serious clash broke out among residents, leading to serious injuries and damages.  **Spain**: During 2021, many challenges in providing adequate reception conditions to migrants and asylum seekers continued to be reported in particular on the Canary Islands. This is due to the significant increase of arrivals by sea, but also because of the overall lack of reception facilities and the deficient humanitarian assistance system on the Canary Islands. At the beginning of 2021 tension rose between migrants sheltered on the Canary Islands, where the fear of deportation and the poor living conditions led to hunger strikes, protests and self-harm, including a man’s attempt to jump off a balcony. More than 175 persons, hosted in a hotel for 3 months, started a hunger strike to protest against their retention in Tenerife. In early February 2021, 450 people accommodated at a school in Gran Canaria went into hunger strike to protest their current living situation. In February 2021, the Government authorised the transfer of 1,000 vulnerable migrants to mainland, out of which a majority are women with children.  Protests for the poor living conditions in the new encampment of Las Raíces were registered during the first months of 2021, to which the police responded violently. The Minister of Inclusion, Social Security and Migration committed to solve the problems with the food and the provision of water at the facility. In May, the encampment notably reduced the number of migrants hosted, thanks to their transfer to the facility of El Matorral in Fuerteventura and to mainland.  In May 2021, Amnesty International denounced that, despite the approval of the Canarias Plan, reception conditions continue to be inadequate. Thanks to the transfers to mainland, at the end of May 2021 the reception facilities at the Canary Islands consistently reduced the numbers of migrants hosted.  The situation in informal settlements across Spain (especially in Andalucía) continued to be a concern in 2021. Many migrants and seasonal migrant workers live in these settlements in poor living conditions and with no access to basic services. Many of them are victims of trafficking, forced labour and forced prostitution. At the beginning of 2021, a fire at the settlement of Don Domingo in Almería left 2 persons wounded and around 200 persons affected, and another fire destroyed the settlement of San Jorge in Palos de la Frontera (Huelva), fortunately without any damage to its 400 inhabitants. In May, a fire at one of the main settlements near Almería, in Nijar, resulted in one person being injured and around 200 who were left without shelter. It can be noted that the settlement hosted between 600 and 800 migrants employed in agriculture. In the same month, two fires in the settlements of Palos de la Frontera y Lucena del Puerto (Huelva) caused many damages and two persons (one from Ghana and one from Morocco) were killed. After the events, the Asociación Pro Derechos Humanos de Andalucía (APDHA) urged to find viable and decent housing options for the persons living in the agricultural settlements of the province. The sub-standard living conditions of the settlements in Almería remained the same for more than 20 years, despite the funds allocated (2,3 million Euros) by the regional government (Junta de Andalucía) to improve the living conditions in the settlements after the start of the pandemic. Alternatives to settlements for temporary workers exist and can be created, as demonstrated by the temporary shelter with 40 places put in place by the Asociación Nuevos Ciudadanos por la Interculturalidad (Asnuci). In October, two fires affected numerous migrants living in the informal settlement in Lepe (Huleva). Fortunately, there were no casualties nor persons injured, but the fires demonstrate the unbearable situation migrants face in such settlements. The Asociación Pro Derechos Humanos de Andalucía (Apdha) denounces a flagrant neglect of duties by the administration. The lack of real measures by the Municipality of Lepe in order to end with settlements has also been denounced.  **Ireland**: As of March 2021, the number of unrelated single residents assigned a shared room in IPAS accommodation was 1,892. This comprised of 1,171 residents in a room assigned to two people and 721 residents in a room assigned to 3 people. This constitutes an increase of approximately 192 more people than the previous year, despite the onset of the pandemic. Whereby steps were taken to move residents out of Direct Provision so as to permit additional space to social distance, this was largely achieved without consulting residents, while notice provided was extremely short and residents were not informed as to whether the move would be temporary or permanent in nature.  **Italy**: The new tender specification schemes published by the MoI on 24 February 2021 do not intervene to concretely change the level of services in CAS and governmental centres, keeping the proportions between operators and people accommodated very low, providing for a negligible number of hours for the services provided and recognizing costs that are totally inadequate to guarantee the effectiveness of the protection.  **Malta**: Conditions in the open centres vary greatly from one centre to another. In 2021, a cooking area was re-opened in the families’ section of Hangar Open Centre. However, actors are not aware that such an area was opened in the men’s section, or in Hal Far Tent Village. Common showers and toilets are also available.  Around 200 AWAS staff are currently working in several reception centres, which represents a significant increase compared to past years. According to the authorities, AWAS significantly increased its capacity by putting in place two coordinators in each centre, one being in charge of the welfare of residents. In the first quarter of 2021, 4 Welfare officers were recruited to follow the health care of vulnerable clients in tandem with Social Workers. These Welfare Officers operate in Centre Hotspots. Medical Doctors contracted by AWAS, started operating in the 1st quarter of 2021 and provide their services in the IRC, and the main Open Centres. AWAS also established a Migrant Advise Unit in order to provide information to residents. EASO is said to be supporting this initiative by providing information material and interpreters. AWAS indicated that there is now an info point available in each centre (with interpreters) for people to go either by appointment or drop-in. AWAS reported that a total of 2947 information sessions were delivered by Migrants Advice Unit in 2021. 2021 was a pilot year for this team and the services provided seem to be in the process of developing. Actors in the field confirmed that each centre disposes of an information point, with a welfare officer and interpreters regularly present. In 2021, AWAS indicated that it carried out several training initiatives for its staff working in reception centres.  Despite this increased presence, most residents still report lack of information and access to services. They are accommodated in the centres after months spent in detention and are usually in need of assistance. AWAS reported having improved the conditions in AWAS centres throughout 2020, by increasing its capacity and setting up a quality assurance department, introducing Internet access in all AWAS centres, and initiating two pilot community projects. In 2021, actors in the field confirmed that internet access is available in all centres, through residents complain that in some of them access points are inconveniently placed. Despite these improvements, the living conditions in the open centres remain extremely challenging, save for a few exceptions.  **Netherlands**: Afghan evacuees have been located on sites provided by the Ministry of Defence, as many of the evacuees were its former employees. One of these was a large camp with tents in the woods close to Nijmegen called Heumensoord, hosting 1,000 people. This location was used during the 2015 reception crisis and was often criticized. The National Ombudsman and the Human Rights Committee went to visit Heumensoord in September 2021 as a follow-up to their 2016 visit. These parties recommended the government to close down Heumensoord as soon as possible, most importantly before winter, since the camp was not deemed good for the safety and (mental) health of the residents. The State Secretary finally closed Heumensoord at the end of January 2022. At another site in which Afghan evacuees were located (Harskamp), the residents of this village started protests against their arrival. Initially quite peaceful and counting only 250 demonstrators, the protest became much more violent in the night, when the few participants left set fire to car tires.  **Poland:** As of 31 December 2021, 1,076 (compared to 819 in 2020) asylum seekers benefited from material reception conditions in the centres and 4,795 (compared to 2,225 in 2020) asylum seekers were granted assistance outside the centres. According to the law, in case an asylum seeker helps in a reception centre (i.e. performs cleaning work for the centre, provides translation or interpretation that facilitates communication between the personnel of the centre and asylum seekers, or provides cultural and educational activities for other asylum seekers who stay in the centre), the amount of the allowance for personal expenses may be raised to PLN 100 (23.24€). In 2021 this raise was applied 386 times.  Conditions in the centres managed by the Office for Foreigners are occasionally monitored by other authorities and entities as well, e.g. in 2021, sanitary authorities and the UNHCR. Moreover, in September 2021, the Commissioner for Human Rights conducted an unannounced inspection of the reception centre in Dębak. The inspection was triggered by the recent incident in the centre where two children have died due to mushroom poisoning. The Commissioner’s representative monitored conditions in the centre and the quality of the food served to asylum seekers there. They also spoke with some residents, who assessed the conditions and food as good. Asylum seekers can present complaints to the Office for Foreigners on the situation in the centres. In 2021, in total 86 complaints were submitted, including 20 concerning food in the centres – its quality and amounts. Asylum seekers complained also on the performance of the duties by the centres’ employees.  **Portugal**: While overcrowding has been a recurrent problem in previous years, measures adopted within the context of the coronavirus pandemic allowed to reduce the average accommodation period with the assistance of CPR from 7 months to 2 and a half months (from April 2020 onwards) and overcrowding has been largely addressed. The Refugee Children Reception Centre (CACR) is equally composed of shared rooms with dedicated bathrooms/toilets and is equipped to accommodate asylum seekers with mobility constraints. Two resident cooks are responsible for the provision of meals in line with the nutritional needs of children, although children can be allowed to cook their own meals under supervision. The centre also has a laundry service, a playground and a small library, and provides psychosocial and legal assistance, Portuguese language training and socio-cultural activities. Children accommodated at CACR are systematically enrolled in local schools or in vocational training programmes. In 2021, the staff of CACR included three social workers and support staff (present 24 hours a day to ensure the overall functioning of the centre), who were further assisted by legal officers and a language trainer.  Absconding and the subsequent risk of human trafficking remain relevant concerns. A total of 9 out of 59 (15.3%) unaccompanied children accommodated by CPR absconded in 2021. In 2021, CACR’s team continued to report cases where unaccompanied children were suspected to be victims of human trafficking to the competent authorities.  **Sweden**: On 11 January 2021 the Swedish Government announced that it planned to end altogether the opportunity for asylum seekers to choose and arrange their own accommodation. The aim is to reduce segregation. The details of the proposal are not yet decided, but an asylum seeker that refuses to stay in the Agency-appointed accommodation may lose his or her daily allowance.  **Slovenia**: The Asylum Home employs social workers, a doctor and a nurse, who are present in the facility on a daily basis. A psychiatrist visits the Asylum Home on a weekly schedule and is also available to applicants from branch facilities upon appointment. Social workers are available in the branch facilities as well. Medical assistance is mostly organised through appointments at regular clinics and hospitals. Security is provided by personnel of a security company. Legal counselling is provided by PIC and various other assistance and activities by other NGOs. Due to the COVID-19 pandemic some activities were limited in 2021. The facilities could benefit from more regular employment of cultural mediators and interpreters to help with reception issues and activities, so far only available inconsistently through projects. Kindergarten-type care of children was not provided in 2021 due to the COVID-19 pandemic.  In 2021, overcrowding due to the large number of new arrivals continued. Due to the lack of capacity in the pre-reception area of the Asylum Home, the accommodation centre in Logatec was reorganized in a reception centre. All of the families, single women and unaccompanied children were moved to the Asylum Home in Ljubljana or the Student dormitory in Postojna. In Logatec, people were generally fist accommodated in containers for the quarantine period, after which they were moved to one of the rooms in the separate buildings. While the rooms are not locked, the buildings are, and individuals cannot move freely on the property. In 2021, individuals waited up to 20 days to lodge their applications, due to obligatory quarantine and the backlog of applications.  **Switzerland**: In its report published in 2021, the National Commission for the Prevention of Torture (NCPT) considered the level of cleaning satisfactory. Asylum seekers share common showers and toilet facilities, which are poorly equipped in terms of privacy. In some cases, men and women share the same showers that they access during different times. The same happens with male and female unaccompanied minors, for whom the NCPT recommends providing specific time slots for the use of showers. UNHCR and the Swiss Refugee Council supported a summary on the recommendations for the protection of asylum-seeking woman and girls in the aftermath of a political postulate, published in October 2021.  On 5 May 2021, the SEM communicated that it had mandated a former federal judge with an independent investigation on episodes of violence in the federal asylum centres. Parallel to this, the SEM suspended 14 security agents working in said centres. The report was published in November 2021, concluding that undue coercion was used in individual cases in which criminal investigations had also been initiated. The accusation of systemic disregard for the rights of asylum seekers and of torture, however, was considered false and misleading. The report includes recommendations: it urges SEM to review the education and training of security staff and the filling of key security positions by SEM personnel and not to delegate the crucial security tasks fully to a private security firm. It also recommends that SEM defines more precise rules on the application of disciplinary measures and the use of 'reflection rooms'. SEM will examine the recommendations and implement them where possible.  In the Commission's assessment, there is considerable potential for improvement in the handling of conflicts, in the prevention of violence and in allegations of violence, namely through the introduction of a low-threshold and systematic complaint management system. The NCPT has also recommended that security companies recruit experienced and competent personnel and improve their training, reinforce the role of assistance staff and introduce consultation hours for persons with addictions (on the basis of a best practice tested in Kreuzlingen). The SEM is currently finalising a violence prevention concept to be applied to all federal asylum centres. One positive measure that was already taken is that security agents wear an identification number on their uniform. A complaint management system is also foreseen, but the SEM was initially planning to directly manage such complaint system. Several NGOs such as the Swiss Refugee Council and Amnesty International claimed the need to establish an independent complaint and monitoring system or an ombudsman’s office. As of December 2021, the form that such system will take is not yet given.  **Homelessness and destitution**  **Belgium**: Since mid-October, Belgium has been experiencing a reception crisis, during which large groups (each day between 60 and 150 individuals) of applicants for international protection - mainly single men - did not receive access to a reception place for often multiple days, sometimes weeks. Homeless shelters in the city of Brussels being completely full, the applicants had no other option than to sleep rough, returning to the arrival centre every day hoping to get access to a reception place. Families with children and non-accompanied minors were given priority in the search of a reception place and gained access to the reception network on most days. On some days, however, some applicants with very vulnerable profiles – including non-accompanied minors and a family with 5 minor children and their 8-month pregnant mother – did not receive a reception place. Civil society organisations and citizen solidarity networks got involved to make sure these vulnerable applicants did not have to sleep on the streets.  **Cyprus**: With the total number of asylum seekers reaching 14,000 and capacity of Reception Centres limited to around 2500 persons, most asylum seekers reside in the community in private houses/flats, which they are required to secure on their own. The difficulties in securing shelter in the community led to an increase in the use of run-down or derelict buildings. Those are apartment buildings or former hotel apartments) in very bad condition, often have without running water, with severe structural, electrical and sewage issues etc. Due to the extremely bad conditions the owners of such buildings are not able to rent them to nationals and instead rent them to asylum seekers. Reports of owners receiving rent allowance from the Social Welfare Services were reported in 2021. Asylum seekers residing in such buildings include vulnerable persons such as single mothers with young children, pregnant women, violence/torture victims, disabled persons etc. In some cases, local authorities have taken legal action against the owners, but due to lack of housing alternatives moving persons from such buildings has proven extremely difficult.  **Spain**: Despite the increase in reception capacity, various asylum seekers were still left homeless in 2021. In March, 41 alleged minors were sleeping on the streets in Tenerife, after refusing to be referred to the encampment ‘Las Canteras’, given that it is a facility for adults. After the closure of the hostels in Madrid within the Campaña de Frío, around 400 vulnerable persons were left on streets, and referral to other facilities was slowly. In March, the National Police started to investigate the death of one of the homelessness migrants in Las Palmas de Gran Canaria. In April, around 50 migrants were living on the streets in Santa Cruz de Tenerife after refusing staying at the encampment of ‘Las Raíces’ due to the conditions at the facility. In May, around 100 migrants accommodated in a temporary reception facility at the bullring of Melilla were destitute and left on the street after its dismantlement, following the end of the State of Alarm declared during the COVID-19 pandemic.  **Italy**: The fifth Report “Agromafie e Caporalato” published by FLAI- CGIL two labour unions, by the end of 2020, highlights that, in the last decade more and more asylum seekers are crowding informal settlements sought close to the place of work in agriculture sector. To date, the report says, tens of thousands of asylum seekers are living in a promiscuous and degrading manner in these settlements.  Such examples, beyond Borgo Mezzanone, are S. Ferdinando, Cassibile, the Felandina in Metaponto area, Campobello, in Mazara, Castel Volturno (Caserta) and Saluzzo.  **Malta:** Several media outlets reported in 2020 that people were sleeping in the streets outside of the capital city following evictions from reception centres. Informal settlements continued to crop up in different areas of the island in 2021.  Moreover, due to the delays in processing asylum applications, individuals are usually evicted while they are still considered applicants for international protection holding only a three-month renewable asylum-seeker document. This makes it difficult for them to find employment and accommodation, with the monthly € 134 allowance not being sufficient to find a place to rent. The introduction of the new policy restricting access to the labour market for asylum seekers hailing from countries listed as safe has caused new difficulties for asylum seekers whose contracts in the open centres end, but are not allowed to find regular employment before they have been in the country for 9 months. In previous years, NGOs remarked that Appoġġ - the National Agency for children, families, and the community - no longer was accepting asylum-seekers in its shelters. This changed in 2021, and as it stands, the policy is that once their contract in the open centre is exhausted, asylum seekers can be referred to a shelter through Appogg.  Throughout 2020, authorities publicly stated that Malta had no more capacity to welcome migrants. In December 2021, however, the open centres run by AWAS were accommodating 696 individuals on a capacity of 2,638 beds (around 26% of the total capacity), not including the newly constructed emergency centre that has a capacity of 500 beds.  **Financial allowances**  **Austria**: In most reception centres, asylum seekers are responsible for keeping their rooms and the common areas clean, and in some cases this can be remunerated (from €2,5 to €5 per hour). Regarding the allowed free amount for income, the same guidelines apply in almost all federal states. Remu-work has a monthly allowance of € 110 in all federal states except Vienna, Burgenland and Tyrol. In Vienna and Burgenland there is € 200 per person for Remu-work and in Tyrol € 240,-. In Tyrol and Burgenland there is an additional allowance of € 80 for each family member, in Vienna this does not apply for Remu-Arbeit, but only for regular work.  **Belgium**: All asylum seekers receive a fixed daily amount of pocket money in cash, so those who reside in collective reception centres as well. In 2022, adults and all children from 12 years on who attend school receive 8.50€ a week, younger children and children 12 years of age or older who do not attend school receive 5.10€ a week, and unaccompanied children during the first phase of shelter (in the “observation and orientation centres”) receive 6.30€ a week.  **Bulgaria:** Asylum seekers who decide to live outside reception centres at their own expenses are not entitled to any social benefits. Asylum seekers who are not self-sufficient are entitled to accommodation in the available reception centres, three meals per day, basic medical assistance and psychological support, even though the latter is not secured in practice. Monthly cash allowance is not provided since 2015. Access to any other social benefits under the EU acquis is not guaranteed by law, nor provided in practice, thus raising questions of compliance with Articles 17, 18 and 25 of the recast Reception Conditions Directive.  **Cyprus**: Granting material conditions by cheque to an asylum seeker requires a bank account to be opened in his/her name. During 2021, a large number of complaints was received concerning the ability of asylum seekers to open an account, and thus their ability to access basic rights, however this number was reduced compared to 2020 The main issues identified concerned the documents required by banks (such as utility bills in the name of the applicant, rent contracts signed by two Cypriot citizens, police records from country of origin, and passports); significant delays in concluding the procedures; large discrepancies in bank account opening policies between branches/officers and the requirement for the applicant to speak good Greek/English.  **Spain**: Financial allowances and further details are decided on a yearly basis and published by the Minister of Inclusion, Social Security and Migration. These amounts are based on the available general budget for reception of the Directorate-General. On May 2021, the Ministry of Inclusion, Social Security and Migration launched a public consultation on the Strategic Framework for the Drafting of the National Programme for Spain within the AMIF for the period 2021-2017. Initially the Ministry collected inputs from different stakeholders, while the latest Royal Decree determining which entities are to receive direct grants (subvenciones) was published on 21 October 2021.  **France**: The allowance for asylum seekers (*allocation pour demandeur d’asile*, ADA) is granted to asylum seekers above 18 years old. Many problems which persisted in 2021 have been raised by local stakeholders regarding ADA. On many occasions, the allowance has been paid late. In addition, some asylum seekers are not familiar with using a bank card or a cash machine. In some accommodation centres, asylum seekers do not receive the same amount even if they are in similar situation (e.g. same date of arrival and registration, same family composition or same duration of accommodation in the centre). These issues can create tensions between asylum seekers and may expose social workers to a lot of pressure and complicate their work. Moreover, it is very difficult to interact with OFII, according to local NGOs, to resolve such problems. Despite the presence of local representations of OFII in regions, they usually do not intervene at the level of the allowance distribution (although it should be noted that there are some exceptions, where OFII’s offices are accessible to asylum seekers in certain cities such as Lyon, Clermont-Ferrand or Toulouse).  As of the end of December 2021, a total of 111,901 asylum seekers benefitted from ADA (compared to 145,253 at the end of 2020).  **Ireland**: In 2021, protection applicants receive a weekly allowance of €38.80 per adult and €29.80 per child. A group of organisations called for the daily expenses allowance to be increased during the pandemic, but the request was refused.  In August 2020, following sustained advocacy from various migrant rights groups, the Pandemic Unemployment Payment (PUP) was extended to people living in Direct Provision as well as applicants for international protection who live outside the Direct Provision system. Following the easing of COVID-19 related restrictions, the Pandemic Unemployment Payment closed to new applicants in July 2021. However, following the reintroduction of COVID-19 related public health restrictions, the payment reopened for a limited time in respect of persons who lost their job after the 7th of December 2021. Whereby an individual earned more than €400 per week, the rate payable under PUP is €350. Where an individual earned between €300 and €399.99, the rate payable is €300.00, where an individual earned between €200 and €299.99, the rate payable is €250, where an individual earned between €151.51 and €199.99, the rate payable is €208 per week and finally, where an individual earned less than €151.50 per week, the rate payable is €150. From the 22nd January 2022, PUP closed to new applicants.  **Poland**: In 2021, the government announced its plans to increase the financial allowances given to asylum seekers. Following changes in law were indicated: (a) Allowance for purchase of hygienic articles or hygienic utilities – PLN 30 (instead of PLN 20); (b) Equivalent for meals in the centre – PLN 12 (instead of PLN 9) and (c) Financial allowance for asylum seekers living outside receptions centres – PLN 776 per month (single persons) and PLN 600 (for a person in a family).  HFHR noticed that the proposed changes are insufficient: PLN 30 is not enough to cover asylum seekers’ essential expenses, e.g. diapers, and the financial allowance for asylum seekers staying outside the reception centres is still below ‘social minimum’ and not adjusted to their special needs. The HFHR’s comments were not considered justified by the government. Moreover, in spite of the initial plan to introduce the increase on 1st January 2022, the ordinance in this regard was still not adopted as of the end of January 2022.  **Slovenia**: In line with the amendments of the IPA, asylum seekers can no longer apply for financial assistance for the purpose of residing at a private address. Applicants whose requests were granted before the amendments came to force continue to receive the financial assistance.  **Food**  **Bulgaria**: In 2021, three meals per day were thus distributed to all asylum seekers accommodated in reception centres. The food distribution to adults is provided once a day, while for unaccompanied children the food is distributed three times a day in order to prevent the excess meals to be taken from them by the adults. Since then the food has been delivered by catering services and the quality, but also quantity of the food became one of the most common complaints from asylum seekers, accommodated in reception centres, along with poor hygiene and dismal living conditions.  **Hungary**: In Balassagyarmat over the course of 2020 and 2021 food and hygienic items were provided in kind. In 2021, as reported by Menedék Association according to the law, asylum seekers might choose from the forms of food provision, in practice beyond a certain number of applicants, reception facilities leave no choice and provide food exclusively in kind. This inference is supported by the information of the NDGAP regarding food provision in Vámosszabadi. According to the NDGAP, in Vámosszabadi asylum seekers had been provided with food allowance since 31 May 2018. With the closure of the transit zones though the number of asylum seekers significantly grew in May 2020. According to the asylum authority between 21 May 2020 and 26 July 2020, asylum seekers received food either in kind or in allowance, whereas since 27 July 2020 food allowance has been exclusively provided. In 2021, the NDGAP reported that residents received food allowance or provision based on costs efficiency considerations. As far as the number of residents was low, between January and the end of August as well as from 25 November, food allowance was distributed. In the course of autumn, due to the arrival of Afghan evacuees, food was given in kind. Hygienic items were given in kind in 2020 as well as in 2021.  Cooking was a possibility for residents both in Balassagyarmat and Vámosszabadi. However, in case of in-kind food provision, asylum seekers cannot opt for cooking due to their lack of financial recourses.  **Ireland**: In February 2021, approximately 100 residents at Ashbourne House accommodation centre in Co. Cork went on hunger strike in a protest action over the provision of food materials at the centre. It is understood that the centre has a small kitchen area where residents are permitted to cook for themselves, however, management have repeatedly turned down requests by residents for food items they could prepare themselves. The protest began following an unsuccessful meeting with centre management, with residents having subsequently written to the Minister for Children, Equality, Disability, Integration and Youth. In October 2021, an international protection applicant went on hunger strike for a nine-day period, having been refused international protection status and permission to remain in Ireland. Following the applicant’s hospitalisation, his legal team entered into discussions with the Department of Justice on his behalf and received assurances that the individual would not be deported from the State.  **Poland**: In August and September 2021, the food served in the reception centres was in the spotlight due to the mushroom poisoning in the Dębak centre that led to death of two children shortly after their evacuation from Afghanistan. According to some accounts, the children were hungry due to the insufficient amount of food served in the centre and for that reason they ate mushrooms that they picked in the woods surrounding the centre. The Commissioner for Human Rights’ inspection in the Dębak reception centre confirmed that at that time – due to the fact that foreigners were quarantined – they were served meals twice a day (instead of three times). Dinners were served together with breakfasts (on two separate plates). The Office for Foreigners firmly denied that there had been not enough food offered in the centre.However, it should not be overlooked that in 2021, 20 complaints were submitted to the Office for Foreigners concerning quality and amount of food offered in the reception centres. Polskie Forum Migracyjne, noticed, on the one hand, that the reception centres receive less money for asylum seekers’ food than public kindergartens, child care homes or hospitals. In consequence, food served in reception centres is not sufficiently diversified and adapted to cultural differences. Thus, asylum seekers may not want to eat it. The NGO pointed out also that there is not enough social workers and interpreters in the reception centres who could guide asylum seekers during their stay there. On the other hand, it acknowledged that the evacuation of Afghans put a lot of strain on Polish asylum reception system in a short period of time. In the aftermath of the tragedy, the children’s family was offered psychological assistance and given additional, daily assistance by the designated employee of the centre. In the Dębak centre, pictograms in English were hanged explaining that mushrooms and plants that can be found in the nearby forest should not be eaten; a special meeting was also organized to explain the matter to the residents. In December 2021, the criminal proceedings into the death of two brothers have been discontinued. Their death was qualified as unfortunate accident. It was concluded that the Afghan family had access to food in the Dębak centre.  **Reduction or withdrawal of reception conditions**  **Belgium**: As a sanction for having seriously violated the house rules, and thereby putting others in a dangerous situation or threatening the security in the reception facility, the right to reception can be suspended for a maximum of one month. This measure was taken against 152 persons in 2021, for an average duration of 15 days.  The law makes it possible to withdraw reception permanently. The sanction can only be used for persons, who had been temporarily excluded from reception before, subject to the aforementioned sanction, or in serious cases of physical or sexual violence. Ten applicants were permanently excluded from reception in 2021.  If an asylum seeker resides in a reception facility (LRI or collective centre) and is employed, he or she has an obligation to contribute with a percentage of his or her income to the reception facility (from 35% on an 80€ monthly income to 75% on a monthly income of more than 500€) and is excluded from any material reception conditions if his or her income is higher than the social welfare benefit amounts mentioned above and the working contract is sufficiently stable. The applicant also has an obligation to inform the authorities. Although a control mechanism is provided for in the abovementioned Royal Decree, Fedasil did not dispose of the necessary means or control mechanisms at the time of writing. Most of the local PCSWs’ have the resources to carry out such controls, however. In 2021, 31 persons had their reception rights suspended on the basis that they have obtained sufficient means through their employment.  **Malta**: AWAS indicated that there were no decisions reducing or withdrawing reception conditions during 2021.  **Poland**: in 2021, two persons were moved by the Office for Foreigners to another reception centre due to the recurrent violations of the rules in the first centre or their violent behaviour. Financial allowances can be reduced to a half also in case of a refusal to undergo medical examinations or necessary sanitary treatment of asylum seekers themselves and their clothes. This possibility was used once in 2020 in regard to an asylum seeker who refused to undergo medical examination after applying for asylum (epidemiological filter). It was not applied in 2021.  **Slovenia**: The new amendments of the IPA allow the UOIM to resettle the asylum seeker to another accommodation centre, if the asylum seeker commits certain serious violations of the house rules.  The new amendments also introduced a severe *de facto* reduction of reception conditions in case the applicant commits the following severe violations of the house rules:   * brings or consumes alcohol or other intoxicants; * enables the accommodation of another person in the room; * violates the public order and peace.   The amendments allow the UOIM to ‘accommodate’ the asylum seeker in another, special, separate room in the pre-reception area of the Asylum Home for up to 3 days or less, if the measure has reached its purpose. It should be noted that the measure itself represents solitary confinement and *de facto* detention, although it is not defined as such in the IPA, and the procedural provisions for detention do not apply. Applicants who are ‘accommodated’ in the separate room are notified about the detention orally and given a written decision in 24 hours. The applicant can lodge an objection to the UOIM against the decision within 3 days from receiving the written decision. As the measure imposed is no longer in place, by the time the applicant is in a position to lodge the objection, the legal remedy is not effective. Applicants also do not have free legal help or representation provided by law in the first instance or before the court.  **Access to the labour market**  **Bulgaria**: During the asylum procedure, asylum seekers have unconditional access to the labour market after a period of three months from their personal registration. In practice, it is still difficult for asylum seekers to find a job, due to the general difficulties resulting from language barriers, the recession and high national rates of unemployment and the COVID-19 pandemic further deteriorated the already difficult national economic situation. Statistics on the number of asylum seekers in employment is not collected, with the exception of those officially registered as seeking employment. In 2021, only 7 status holders and 2 asylum seekers were registered as job seekers, of whom 3 status holders and 2 asylum seekers were actually employed. The national asylum authority issued 146 work permits based on which 97 asylum seekers were employed while their procedure was still ongoing.  **Cyprus**: The outbreak of the pandemic has had severe implications on the economy, resulting in a sharp decline of offered positions, as well as termination of employment for many persons. The situation started to improve during 2021, however up until October 2021 the lengthy procedures required, until that time, for being hired and the inability of many to receive referrals from Labour Department impacted asylum seekers’ access to employment.  Up until October 2021, employment would be only considered legitimate after the conclusion of the procedure described above. This would typically require at least two-three months, which, as a result, made legal engagement of asylum seekers, difficult and unattractive to employers, despite the shortage of personnel in some of the allowed sectors. The situation was improved with the new Orders issued in October 2021 , by the Ministry of Labour, which now allow commence of employment of asylum seekers, before a final, formal decision of the employer’s application to acquire a permit to employ asylum seekers is made by the Labour Department. Although this advancement facilitated access of asylum seekers to jobs, and an increased numbers of asylum seekers managed to access the labour market, further monitoring would be necessary, especially for what concerns the extent to which employers uphold working terms/conditions, resolution of working differences, and grant efficient access of asylum seekers to social insurance benefits.  **Croatia**: Are You Syrious (AYS) reported that during 2021 they provided information to applicants of international protection on the right to work and provided support in job searching (e.g. writing CVs, contacting employers). As a shortcoming to the current legislative solution, they pointed out the 9 months period for implementation of right to work, which prevents early integration into the labour market.  The Croatian Red Cross drafted a leaflet for employers on the employment of applicants for international protection and beneficiaries of international protection in cooperation with UNHCR, The leaflet was presented in December 2021 at the round table "Economic Empowerment of Refugees and Employment Opportunities". Once finalized, the leaflet will be available online in Croatian and English.  **Hungary**: As per the experience of HHC and the account of the Menedék Association, in practice employers are not willing to offer a job to people under asylum procedure, who only have a humanitarian residence permit with a 2-3-month-long definite time of validity. The HHC is aware of a case in which an asylum-seeker sought employment in 2021, but failed to find one due to the employers’ unwillingness to hire him.  **Ireland**: As a result of the COVID-19 pandemic, in December 2021, the Minister for Justice, Helen McEntee announced a further temporary extension of immigration and international protection permissions, until 31 May 2022. This extension applies to permissions that are due to expire between 15 January 2022 and 31 May 2022 and includes permissions that have already been extended by the previous eight temporary extensions since March 2020. The extension applies to labour market access permission whereby an applicant has not yet received a final decision on their international protection claim and the applicant holds a current, valid permission or a permission that has already been extended under the previous notices issued.  In practice, labour market access applications are accepted once a person has been waiting for five months for a first instance decision in order to prevent delays once the six-month period has elapsed.  As of October 2021, a total of 9,546 applications for access to the labour market were received by the Department of Justice. Of these applications, approximately three quarters (7,248) have been granted and 2,132 have been refused, with a further 117 applications pending. Of the applications granted a permission, a total of 4,422 applicants have returned their LMA5 form to the Department of Justice, thus indicating that they have found employment.  **Malta**: Jobsplus is the Agency in charge of delivering ‘employment licences’ for asylum seekers, the duration of which varies from three months for asylum seekers whose applications are initially rejected, up to six months for those whose applications are still pending. In 2021, Jobsplus issued 3,723 employment licence, the countries of origin that received the most licences being Gambia (377), Mali (370), Nigeria (364), Ivory Coast (306) and Somalia (257). The number of licences issued do not directly correspond to the number of holders, since a person can apply for it more than once according to the length of the permit. Permits issued to people originating from safe countries of origin amounted to 16% of the total amount of licences issued. However it must be noted that the policy came into force in the second half of 2021.  In 2021, the MAU began assisting residents with updating a CV and looking for work. However, a number of residents still make use of the service offered by NGOs such as JRS and Integra.  NGOs have not observed any form of preference given to particular nationalities. In practice, however, the new work policy introduced in May 2021, whereby asylum seekers coming from listed safe countries of origin can work only 9 months after they apply for asylum, coupled with the eviction policy of AWAS at 6 months seriously puts these asylum seekers at risk of destitution and poverty.  **Access to education**  **Bulgaria**: No preparatory classes are offered to facilitate access to the national education system except those organised by NGO volunteers. In 2021 due to COVID-19 pandemic such activities were heavily restricted. All children accommodated in the centres were provided access to laptops, purchased by the Red Cross with AMIF co-funding, to secure children’s online access to primary and secondary education.  **Cyprus**: In 2021, children were able to physically attend school. During periods where attendance in person was not allowed, children in the Centre were supported to follow online classes or to access other support provided by the schools and the Centre, using equipment provided by UNHCR. 2021, children were able to attend schools physically.  **Croatia:** In 2021, Centre for Peace Studies (CPS) published the thematic report” Education of Children of Asylum Seekers and Refugees in the Republic of Croatia - (In) readiness for quality inclusion in the education system”. The report analyses the response of the Republic of Croatia to the needs of children, with a specific focus on access to education but also the identified difficulties and existing legislative framework. In addition, the report provides some examples of good practices.  According to the Ministry of Science and Education, in order to be included to the educational system, candidates are required to have following documents: a certificate of status in the Republic of Croatia; a certificate of residence in the Republic of Croatia; an identity document (birth certificate, identity card, passport or corresponding document of the Ministry of the Interior of the Republic of Croatia); and a document on previous education. If they do not have a document on previous education, they need to give a statement at a public notary and then present said statement to the services of the educational institution in order for them to organize an enrolment test and determine which class the candidate can attend.  According to the Ministry of Labour, Pension System, Family and Social Policy unaccompanied children faced obstacles to accessing primary and secondary education. The problems include a lack of documentation proving these children’s previous education, acquired knowledge and skills; lengthy school enrolment processes (especially in secondary schools); too few interpreters; issues with age assessment; and local community resistance.  **Hungary**: The HHC is aware of positive examples of schools accepting asylum-seeking children in the last years. HHC was also informed of instances in which schools accepted asylum seeking children in 2021. However, regarding the administration of official documents, some problems were reported in the last years, even if they were solved with the help of the HHC’s legal officer by explaining the legal background of such children to the headmaster of that particular school.  In 2021, due to the Embassy procedure, enrolment of unaccompanied children was further delayed by 2-3 months since children are eligible for education only once they are registered as asylum seekers. Even though they are placed in Fót by virtue of a ‘temporary placement decision’, the statement of intent to lodge an asylum application in Hungary must be submitted in one of the designated embassies. In practice, this can be done by the legal guardian of the unaccompanied minor; besides the designated embassies, the submission can also be made in Subotica (Szabadka), closer to Hungary than Belgrade.  Upon the closure of the transit zones in May 2020, children who were placed with their families in Vámosszabadi enrolled in a local school in Győr, even though education was not integrated. According to Menedék Association, in the first half of 2021, a good relationship was established between two local schools and the reception facility. The school district was cooperative in providing children in Vámosszabadi with community education. Even in the case of a child who did not have permission to stay longer than 3-months and as such, was not officially eligible for formal education, the school accepted to enrol him in school.  **Ireland**: As of 31 August 2020, to access the student support scheme for asylum seekers, applicants are required to have been accepted on an approved third level course, to have been in the protection process for a combined period of three years and to have been resident in the State for a combined period of three years  In August 2021, it was announced that the Student Support Scheme would be expanded to include allow postgraduate applications for the 2021 to 2022 academic year. Up to said month, there had been a total of 187 applications to the Student Support Scheme since its inception in 2015, with 51 applicants qualifying for support.  A number of Irish Universities have taken steps to improve access for protection applicants. A total of seven out of the eight Irish universities offered full-time scholarships. 9 of the 11 institutes of technology also offer scholarships or access support. The Irish Refugee Council’s Education Fund, using donations from members of the public, makes grants to support access to higher education. In the academic year 2021-2022, the Fund gave grants to 56 students with an average grant amount of approximately €950.  **Poland:** In September 2021, 1,160 asylum-seeking children attended 304 public schools in Poland. 353 of them lived in the reception centres. There are various obstacles to accessing education in practice. The biggest problem is a language and cultural barrier.  However, asylum-seeking children are supported by Polish language courses that are organised in all reception centres and compensatory classes. Respectively 410 and 84 children benefited from this assistance in 2021. It should be noted, however, that courses have been temporarily suspended due to the pandemic COVID-19.  Both in 2020 and 2021, due to the COVID-19 pandemic, kindergartens were temporarily closed for some periods.  In 2021, 40 computers were bought by the Office for Foreigners, inter alia in order to support online education of asylum-seeking children. NGOs stepped in to provide asylum-seeking children with online Polish language classes and to organize support in online compulsory education. Additionally, information materials on educational system in Poland were published in ten languages by the Office for Foreigners. Moreover, parents can now contact the Office for Foreigners with their questions concerning school system by e-mail on an address especially created for that purpose.  The only educational activities that adults have constant access to are courses of Polish language organised in all centres. They are open both for asylum seekers living in the centre and outside. Additionally, since August 2020, Polish language classes for adults are organized in Warsaw for those asylum seekers who receive financial allowance and do not live in a reception centre. In 2021, there was also a possibility to learn Polish online. However, due to the COVID-19 pandemic, Polish language lessons both in and outside reception centres were temporarily suspended in 2020 and 2021. The Polish language course’s level is considered insufficient by some NGOs. Foreigners evaluate those classes in general positively.  The Office for Foreigners indicated that asylum seekers participate in Polish language lessons actively. In total, 336 adults attended such course in 2020 and 388 in 2021. However, the numbers seem meagre when the overall number of asylum seekers is taken into account.  Usually, other courses in the centres, including vocational training and integration activities, are organized by NGOs, but in 2020 and 2021 these initiatives have been impacted by the pandemic.  **Switzerland**: In 2021, schooling was organized in all federal asylum centres, while few leisure activities exist for children, especially under and above school age.  **Access to health care, COVID-19 measures and vaccination campaigns**  **Austria**: In Vienna, in 2021, there were regular translations about information related to COVID, but it still took some time for this to work in a timely manner. The possibility to call and ask questions into the national language was also provided by the Magistrate’s department 17 on integration and diversity. Despite these efforts, the written information material about COVID-19 regulations and access to vaccination was not sufficient to reach all people in basic care, which is partly due to the fact that not all people are literate or that written translations were not available in all relevant first languages. There is also the possibility that infected persons are brought into quarantine quarters, as well as regular screenings (once or twice per month) in the facilities themselves, especially if there are positive cases in a facility. In Vienna there is 'Alles Gurgelt'- PCR tests that can be done independently at home, where asylum seekers also have access. In Burgenland, for example, NGOs would like to see more COVID-19 screenings in the facilities, not only on an occasion-related basis.  In all federal states there were vaccination campaigns for asylum seekers and refugees with extra appointments or extra vaccination routes in the facilities themselves, which started in April 2021 until June 2021. However, there were limited information sessions before the vaccination appointments. In certain communities there is a high level of vaccination scepticism (e.g. Chechnya) and there is a lot of fake news circulating on the internet. Due to the low resources in basic care facilities, the staff cannot adequately respond to all questions about COVID-19 or vaccination, and furthermore, it is mainly medical staff that is required for providing such information, not social workers.  One concern that has been raised by NGOs is the compulsory vaccination that will be introduced in Austria in 2022 and to what extent this will be sanctioned by police. Some NGOs would like vaccinations to take place in the initial reception centres and only be assigned once two partial vaccinations have been carried out.  **Belgium**: Applicants for international protection are entitled to the same access to COVID-19 vaccines and testing as Belgian nationals. For applicants residing in reception centres, Fedasil has put in place vaccination campaigns, leading to a vaccination degree of 62% in the reception network in September 2021 (compared to an overall vaccination degree in Flanders of 52% at the same moment). PCR tests are reimbursed by Fedasil under the same conditions as reimbursement to Belgian nationals. Persons not residing in a reception centre but entitled to medical care can obtain reimbursement.  **Cyprus**: Asylum seekers residing both in Kofinou and Pournara Centres as well as the community, participate in the National COVID-19 Vaccination Plan. During the course of 2021, walk-in vaccination arrangements were organized by the MoH, which provided easier access for the population, and large numbers of asylum seekers received their vaccination doses.  In a number of cases, asylum seekers reported to Cyprus Refugee Council that they faced racist behaviour from medical staff, often in relation to their poor Greek language skills and the reluctance of the latter to communicate in English. Such reports continued in 2021.  **Germany**: The legal framework for accessing health care has not changed since the outbreak of COVID-19. However, preventive measures such as testing and social distancing was implemented in most reception centres and many services were reduced, which might have affected access to health care as well. All persons residing in Germany, including asylum seekers, are entitled to receive the vaccination against SARS-CoV-2.  **Spain**: In April 2021, the Fundación Cruz Blanca opened a new reception facility in Guadalajara, dedicated to the assistance of migrants affected by mental health issues.  In a report published in February 2021, Amnesty International underlines the increasing obstacles that undocumented migrants faced in accessing health services during the COVID-19 pandemic. Such barriers are essentially due to the legislation that does not foresee the universal access to the National Health System, the insufficiency of adequate measures implemented by the Autonomous Communities, and the language barrier in order to access medical assistance by phone.  In occasion of the World Health Day, the NGO Kifkif called for the right to health of LGTBI+ migrants and asylum seekers to be comprehensive and effective. The organisation highlights that, during the first quarter of 2021, 56% its beneficiaries indicated that bureaucratic processes and the discrimination impede to receive a quality health assistance.  **Croatia:** Due to outbreak of COVID 19 in 2020, applicants for international protection were placed in a two-week quarantine and tested for COVID-19 based on medical assessments after being accommodated in Reception Centres for Applicants of International Protection.  Until June 2021, the self-isolation period lasted at least 14 days for all newcomers who arrived from Bosnia and Herzegovina, Serbia and other high-risk countries, while from June 2021 the self-isolation period was shortened to 10 days (except for persons returned under the Dublin Regulation, whose duration of self-isolation remained at least 14 days). In July, the government brought the decision on ensuring decided to provide access to COVID-19 vaccination for both to Croatian citizens and other persons who hold foreign citizenship and who do not have status of insured persons in the Republic of Croatia.  According to Médecins du Monde in 2021 all applicants in reception who were tested positive and their contacts were accommodated in isolation corridors and rooms, but without the possibility of complete self-isolation.  Complementary health services are also managed by NGOs. The MDM-BELGIQUE team – composed by a medical doctor, a nurse and 4 interpreters for Arabic and Farsi in 2021 -provided health care for applicants for international protection in the Reception Centre for Applicants for International Protection and facilitated their access to public health institutions in order to gain access primary health care, specialist-consultative and diagnostic examinations and treatment. This included conducting initial health examinations of newly arrived applicants and providing continuous health consultations in the premises of the Reception Centre (work with patients: 6 hours every working day) in order to facilitate access to a general practitioner of the Ambulance for applicants for international protection at the local Health Centre. In order to provide comprehensive support and care to patients, the community worker / social worker and interpreters/cultural mediators provided practical support to applicants for international protection in terms of interpretation, provision of information and counselling, transport of patients to health care facilities. MDM-Belgique arranged the dates of examinations in health care institutions, and organised the transport schedule and patient transportation (including the transport schedule for the Croatian Red Cross). Regular vaccination of children was carried out continuously in 2021 through the cooperation with Health Centre, Andrija Stampar Teaching Institute of Public Health and the Croatian Institute of Public Health and MDM-BELGIQUE.  In 2021, the MdM’s medical team carried out 1,603 medical consultations with applicants for international protection, out of which 211 initial medical examinations. Out of the 1,603 medical consultations: 44.3% were performed with women and 21.6% with children. The most represented nationalities were Afghans (42.1%) Iranians (10.3%) and Iraqis (8.2%). In addition, a total of 588 transports of 310 applicants for international protection to health care facilities for the necessary specialist and diagnostic treatment were performed (including 93 transports for children to paediatricians / vaccinations / school medicine specialists). In addition, 53 transports / escorts to public health facilities were also provided for the purpose of vaccination against the virus SARS CoV-2.  Two MdM’s psychologists conducted initial psychological assessments and individual psychological counselling sessions every working day for 6 hours and emergency interventions as needed. An external associate- psychiatrist visited the Reception Centre in Zagreb three times a month. Compared to 2020, there was an increase in the number of reports on sexual and gender-based violence (SGBV) during 2021, i.e. violence experienced within the Reception Centre, during transit or in the country of origin. MDM-BELGIQUE psychologists offered adequate psychological help and support and, if necessary, included them in adequate psychological and / or psychiatric treatment. The team provided 657 individual psychological counselling sessions and 136 specialist psychiatric examinations in the course of 2021. Moreover, 7 informative-preventive workshops on mental health care were held with the participation of a total of 54 applicants for international protection as well as 6 workshops for a total of 72 women and girls.  **Hungary**: In case of residents showing COVID-19 symptoms in 2021, reception centres ensured that testing was carried out as soon as possible, and ordered a halt on visits in the reception centre. Nevertheless, there was no one registered with COVID-19 infection in the reception centres in 2021.  In 2021, the psychologists and psychiatrists of Cordelia visited Balassagyarmat, Vámosszabadi and Fót on a weekly-fortnightly basis unless the reception facilities were under lockdown due to the COVID-19 pandemic.  The Foundation also plays a key role in the lives of asylum seekers and beneficiaries of international protection (and of those migrants who have a “refugee story”, for instance students from Syria) who are residing in Budapest. In 2020, four psychiatrists, two psychologists and one art therapist of Cordelia assisted 46 persons in person. In the same year, due to the COVID-19 pandemic the organization also provided online therapy to 26 people. In 2021, four psychiatrists, two psychologists and two intercultural mediators provided psycho-social assistance to a total of 179 people in the reception centres, asylum detention and Budapest.  The psychologist of the Menedék Association also visited Fót and Vámosszabadi regularly in 2020. In 2021 only until the first half of the year was a psychologist present (online) from the organization in Fót.  **Malta:** Access to the COVID-19 vaccine was granted to asylum seekers without limitations from 1 July 2021. Those that wished to be vaccinated could drop-in at the University of Malta without any need to pre-register. An identity document such as an asylum-seeker’s document or a police card was required. For some time, mobile teams were deployed at various locations to administer the vaccine, being staffed by medical students, civil servants, and civil society volunteers and were hugely successful particularly amongst the migrant communities. When person gets their vaccine, they also receive a health number, which they can use to download their COVID-19 certificate from the website of the Health Ministry. In practice, many asylum seekers face difficulties in accessing the certificate due to the language barrier, lack of phone or IT skills.  **Netherlands**: Asylum seekers, undocumented migrants and migrants in detention centres are explicitly included in the COVID-19 vaccination strategy. Around half of the asylum seekers living in AZCs have received one or more vaccinations. Due to the influx and outflow, the vaccination rate varies. Furthermore, not all vaccinations are registered in medical files (e.g. vaccinations that were given abroad), which means that these residents are not included in the vaccination rate. On November 29, 2021, it was recorded that 18,648 asylum seekers had received one or two vaccinations.  **Poland**: Basic health care is organised in medical offices within each of the reception centres. The Office for Foreigners informed that in 2021 the GP in the centres had 6 duty hours per 120 asylum seekers, while the nurse had 20 hours for the same number of possible patients. Both had 3 hours a week extra for every additional 50 asylum seekers. They were present in the centres at least three times a week. Additionally, in every centre the duty hours of a paediatrician were organised at least for 4 hours a week per 50 children, with extra 2 hours of duty for every additional 20 children. Paediatrician was present in the centres at least 2 days a week.  Health care for asylum seekers includes treatment for persons suffering from mental health problems. In 2021, psychologists worked in all centres for at least 4 hours a week for every 120 asylum seekers. This was extended to 1 hour for every additional 50 asylum seekers. Asylum seekers can also be directed to a psychiatrist or a psychiatric hospital. Reportedly, the Office for Foreigners tries to provide the assistance of only one psychologist to a specified asylum seeker, ‘so that the person has a sense of security and does not have to discuss his/her situation several times’. In 2021, some form of psychological support was provided by NGOs, but it was affected by the pandemic (assistance by phone instead of in person).  In 2021, some instances of refusals of medical treatment were reported. An asylum-seeking woman with acute respiratory infection was repeatedly not admitted to several hospitals due to the uncertainty who would cover the costs of her treatment. Finally, she was admitted to a hospital after paying for the treatment herself. SIP intervened and those costs were reimbursed. Another asylum seeker was informed that he cannot continue his cancer treatment as the Petra Medica denied paying for it. Again, only after the SIP’s intervention, the treatment was continued.  In 2021, 25 complaints about medical assistance were registered (10 from one asylum seeker) by the Office for Foreigners.  Due to the COVID-19 pandemic, medical consultations by phone were introduced in 2020 and continued in 2021. Overall, 25 asylum seekers were reported positive to COVID-19 in 2021, and only 3 were hospitalized.  Asylum seekers had the same access to COVID-19 vaccinations as Polish citizens. Vaccinations were administered as a rule in prescribed medical facilities and occasionally in the reception centres (two times in Bezwola, once in Linin). They were free of charge and asylum seekers also could ask for a reimbursement of travel costs that they had to cover in order to be vaccinated. 511 asylum seekers were vaccinated in 2021.  Special educational campaigns for asylum seekers were organized quarterly by the Office for Foreigners on the COVID-19 prevention and vaccinations. Information about vaccinations was also provided on the boards in the reception centres and by the doctors working there. Asylum seekers living outside the centres received a letter explaining how they could get vaccinated in Poland.  The humanitarian crisis at the Polish-Belarusian border in 2021 left many prospective asylum seekers without access to material reception conditions, including medical assistance. In those circumstances, medical assistance was mostly provided by NGOs, activists and groups of doctors. However, its scope and effectiveness were greatly limited after the introduction of the emergency state. Medical staff repeatedly applied to the Government to be allowed to enter the closed area at the Polish-Belarusian border. In January 2022, Médecins Sans Frontières (MSF) announced that, three months after sending an emergency response team to assist migrants and refugees at the Polish-Belarusian border, it must withdraw MSF teams after being repeatedly blocked by Polish authorities from accessing the forested border region, where groups of people are surviving in sub-zero temperatures, in desperate need of medical and humanitarian assistance’.  Foreigners crossing the Polish-Belarusian border often required medical assistance, in particular in winter. They were starved, dehydrated, freezing (some with hypothermia), suffering from food poisoning, beaten up by – according to their accounts – Polish or Belarusian officers, and with other injuries, *inter alia* foot and leg injuries resulting walking barefoot or climbing through a wired fence.  Medical assistance for those foreigners was provided by doctors, nurses and paramedics from all over Poland, many volunteering their free time to help at the border. Since 7 October, the group ‘Medycy na granicy’ (Medics at the Border) assisted foreigners (141 adults and 78 children) in the woods near the Polish-Belarusian border. They acquired funding through public collection. In November 2021, they ceased their activities, but the role was assumed by the Polskie Centrum Pomocy Międzynarodowej (PCPM). Polska Misja Medyczna also decided to support hospitals near the border that were overburdened since the humanitarian crisis started (due to the crisis but also the pandemic). In the face of the lack of systemic support, hospitals were supported also by other NGOs, activists and local communities.  Asylum seekers were given medical assistance, where possible, in the woods near the border, but those needing hospital treatment were transferred to the nearest hospitals. However, NGOs informed that some ambulances were not willing to take such foreigners; the requests to send ambulances were denied or conditioned on the Border Guard’s presence. Moreover, after receiving a treatment in the hospitals, some foreigners were deported back to the Belarusian woods by the Polish Border Guard. Some doctors decided to prolong the foreigners’ stay in the hospital only to avoid their push-back (that would worsen their medical condition again). Some foreigners did not agree to call an ambulance – even though it was needed – knowing that afterwards they may be send back to Belarus.  Doctors, nurses and paramedics working at the border experienced hostility, threats and violence. For instance, four cars of the ‘Medycy na granicy’ group were damaged in November 2021. Earlier that month, the tires of their cars got deflated.  In 2021, in numerous interim measures, the European Court of Human Rights indicated that Poland must provide the applicants with food, water, clothing, adequate medical care and, if possible, temporary shelter  Up to 12 November 2021, 8 deaths of foreigners were confirmed at the Polish-Belarusian border.  **Sweden**: During the asylum process and until the asylum seeker leaves Sweden or is granted a residence permit, he or she is entitled to a free medical examination, emergency health care and urgent medical or dental care that cannot be “postponed” (“vård som inte kan anstå”). They are also entitled to gynaecological and prenatal care, including health care on the occasion of childbirth, as well as health care in accordance with the Swedish Communicable Diseases Act (smittskyddslagen). Children and teenage asylum seekers under the age of 18 are entitled to the same health care as all other children living in the county council area where they are seeking treatment. Patient fees (co-ays) may differ depending on the county council, region and type of care involved. But in general asylum seekers pay 50 SEK (€4.60) to see a doctor at the district health centre or to receive medical care after obtaining a referral. Other medical care, such as with a nurse or physical therapist, costs 25 SEK (€2.30) per visit. Medical transportation costs 40 SEK (€3,70). Gynaecological and prenatal care, including health care on the occasion of childbirth, as well as health care in accordance with the Swedish Communicable Diseases Act is free of charge. The fee for emergency care at a hospital varies from county to county. Asylum seekers pay no more than 50 SEK (€4.60) for prescription drugs. Children are in most cases entitled to health care free of charge until they turn 18 years old. Dental care is free of charge for children until they turn 23 years old. However, there may be a patient fee (co-ays) for emergency care for children in some of the regions.  Adults without children can be left without shelter and money if they refuse to leave Sweden voluntarily within 4 weeks of an expulsion order gaining legal force. Persons in that situation are entitled to the health care mentioned above, but the Migration Agency does not provide any financial assistance for health care or medicine.  COVID-19 vaccines have been and will continue to be offered for free to everyone in Sweden, including asylum seekers and undocumented migrants.  **Slovenia**: In 2021 the Asylum Home provided free COVID-19 testing to all asylum seekers. Before lodging the application or appearing in another procedural act, asylum seekers had to be tested and show the negative result when coming to the Migration Directorate. Individuals were also tested at police stations when they were apprehended for irregular border crossings, and upon arrival in the Asylum Home or its branch. Despite being tested, new arrivals were subjected to a mandatory quarantine period before lodging the application.  **Freedom of movement**  **Austria**: Many people who have lost their basic care benefits move on to Vienna with the hope to access basic care in the capital. A major point of contact for them is the Caritas asylum centre, which encourages readmissions in federal states and tries to ensure at least access to health insurance. In practice, only two reasons are accepted for a change of federal state: either because there are family members in another federal state or due to medical reasons. In addition, LGBTIQ persons are usually allowed to be transferred to Vienna, where the NGO Queerbase in Vienna provides support.  People who move on their own to another federal province without asking for permission are likely to lose their basic care benefits in their former federal province. In some federal states like Lower Austria and Salzburg people get ‘Quartier unstet’ Status in the GVS BIS System, which means that they are still health insured but have no access to accommodation or other benefits. As a result, it is hard to receive basic care again and applicants have to prove that they still need assistance. This also applies to LGBTIQ cases or people with important health or mental issues.  **Bulgaria**: Asylum seekers’ freedom of movement can be restricted to a particular area or administrative zone within Bulgaria, if such limitations are deemed necessary by the asylum authority, without any other conditions or legal prerequisites. Consecutive failure to observe the zone limitation can result in placement in a closed centre until the asylum procedure ends with a final decision. In 2021, the SAR applied asylum detention on account of the person’s attempts to leave Bulgaria in 9 cases.  **Germany**: Federal States are allowed to impose an obligation on applicants to stay in initial reception centres for up to 24 months. As of November 2021, four Federal States had regulations in place that oblige asylum seekers to stay in initial reception centres for up to 24 months under Section 47(1b) of the Asylum Act.  However, the obligation to stay in initial reception centres must be limited to the duration of the first instance procedure until a decision by the BAMF, and may only be prolonged in case the application is rejected as manifestly unfounded or dismissed as inadmissible. So far there have not been any court decisions addressing this issue, and as of November 2021 all Federal States which have introduced regulations to this regard do not apply it to families with minor children.  **Spain**: Since 2020, the Ministry of Interior reportedly increased its requirements to allow transfers to the mainland, e.g. by asking asylum seekers to demonstrate that they can rely on someone on the mainland to provide housing and support. This affected various asylum seekers on the Canary Islands, and in February 2021, the Spanish Ombudsman reminded the Ministry of Interior its duty to ensure asylum seekers' freedom of movement within the national territory. The Spanish Ombudsman also asked the National Police to provide information on the reasons to block migrants from reaching the Canary Islands as well as the impossibility to access flights and boats to mainland, even for persons holding identification documents and passports.  In April 2021 the Administrative Court (Juzgado de lo Contencioso Administrativo) nº 5 of Las Plamas de Gran Canaria established that a migrant can fly from Canarias to the mainland using his/her passport or asylum application, and that this is compatible with the COVID-19 restrictions measures to movement.  Transfers increased to mainland in April 2021, when the Government transferred 1,800 persons during 5 weeks, being 4,385 those transferred since the beginning of the year.  For what concerns the enclaves of Ceuta and Melilla, since November 2021 asylum seekers admitted at 1st instance were transferred to the mainland. In mid-December, 18 asylum seekers were transferred from Melilla to the mainland and referred to reception facilities in Cataluña, Andalucína and Castilla y León after their applications were admitted at first instance. The asylum seekers were authorized to leave the enclave thanks to the appeals lodged by three NGOs (CEAR, the Spanish Red Cross, and Cepaim).  Ireland: On 17 May 2021, IPAS implemented revised guidelines for accommodation centres in line with public health guidelines. Visits from IPAS staff, other state services and general service providers were re-implemented in line with government restrictions and were subject to contact tracing recording, observance of social distancing and proper hygienic measures. General visits and visits from organisations providing services to centre residents were also permitted in line with government guidelines. Centre residents were permitted two consecutive overnight absences from their designated accommodation without the requirement to quarantine on return. This was subject to specific conditions such as downloading the HSE COVID-19 contact-tracing app and agreeing to comply with any guidance and instructions from public health whereby a resident was found to be a close contact of a positive case. Any resident absent from their designated centre for longer than the period permitted without the express permission of IPAS was required to reapply for new accommodation and quarantine in designated quarantine facilities - usually a hotel- for a period of 14 days prior to re-entering IPAS accommodation. Overnight absences for medical care in a recognised medical facility were permitted with no limit on the number of nights, nor quarantine required on return.  **France**: Reception conditions are offered by OFII in a specific region where the asylum seeker is required to reside. Non-compliance with the requirement to reside in the assigned region entails a termination of reception conditions. Freedom of movement is therefore restricted to a region defined by OFII. In practice, these new measures are only applicable since January 2021 following the publication of a new national reception scheme. However, the Ministry of Interior has ensured that this regional assignment would only be applied as long as accommodation is secured; and this commitment was respected in practice in 2021.  In practice, most asylum seekers are concentrated in the regions with the largest numbers of reception centres, namely in Grand-Est, Auvergne-Rhône Alpes, and Ile de France. The aim of the new scheme proposed in December 2020 is to better distribute asylum seekers across the territory, i.e. starting by the distribution from Ile de France to other regions. In 2021, this plan (governed by an order of April 7, 2021) enabled better orientation from the Paris region: 16,000 asylum seekers, 40% of whom under the Dublin procedure, were directed to accommodation in another region. However, this plan had had a negative impact on accommodation in these regions, places being mobilized for Parisian orientations, local situations have not improved and it is now becoming almost easier to be accommodated from Paris than from other places.  **Hungary**: Asylum seekers can normally leave reception centres freely for 24 hours. In Vámosszabadi and, in case of important matters to manage e.g. personal document issues, in Győr asylum seekers have been transported occasionally on weekdays by a minibus driven by a social worker to the city in the past years. In 2021, upon a larger amount of residents buses were used on a daily basis.  The only family arriving as a result of the “Embassy procedure” to Hungary on 1 December 2020 was placed in Vámosszabadi and was being quarantined subsequently for 10 days. In April and September 2021, altogether 2 Iranian asylum seeker families (8 persons) arrived to Hungary via the Embassy Procedure. At first, they were being quarantined in the transit zone and subsequently one family was placed in Vámosszabadi, whereas the other family was accommodated in Balassagyarmat.  Due to the COVID-19 pandemic, the general measures restricting freedom of movement (between 8 pm and 5 am, later ordered from 10 pm) introduced by the Government were also applicable to the residents of reception facilities. In addition, in case of relocation of asylum seekers between the reception centres a 10-day-long quarantine has to be observed. Apart from those, no limitation on freedom of movement was imposed.  **Poland**: In 2021, four foreigners were forced to move to another centre (two for organisational reasons, one perpetrator was isolated from the victim of violence, one person was moved due to the recurrent violations of the rules in the first centre). Otherwise reasons of public interest and public order do not have any impact on the decision on an asylum seeker’s place of stay.  If an asylum seeker submits a request to live in another centre, it is mostly because of the location of the centre he stays in (e.g. it is far from their family or more of his/hers compatriots live in another centre). With the exception of 2020 (due to pandemic), most of the requests for a move to another centre are accepted. In 2021, 60 such requests were submitted and most were decided in favour of the asylum seeker concerned.  **Slovenia**: In line with the amendments of the IPA that came to force in November 2021, asylum seekers can no longer move freely within the territory of Slovenia. Their freedom of movement is limited to the municipality in which they are accommodated. They are informed about the limitation of movement by the Migration Office upon lodging the application. Applicants can only leave the municipality if it is necessary for them to exercise their rights relating to health, work and education, if they have to participate in a procedural act, or for other substantiated reasons. In order to be able to live in the municipality, they have to lodge a request to the UOIM. They can lodge an objection against the decision to the head of the UOIM within 3 days from receiving it.  **Differential treatment of nationalities in reception**  **Hungary**: Following the Taliban take-over of Afghanistan in August 2021, almost 500 former NATO co-workers and their families were flown to Hungary in the rescue operation. Afghan evacuees were accommodated in Vámosszabadi and Balassagyarmat even though they were subject to the alien policing procedure (residence permit for other purposes, i.e. humanitarian purposes), instead of being channelled in the asylum procedure. In August 2021, Vámosszabadi was emptied, so that it could exclusively serve as an accommodation centre for Afghan citizens rescued by the Hungarian Defence Forces. Both facilities became overcrowded (in case of Vámosszabadi, it gave home to 270 evacuees, despite that its capacity of 210 places). The overcrowding resulted in problems in particular when people were using the bathrooms or praying. In Balassagyarmat, two families had to share a room, which presented an additional cultural problem. In some rooms, children had to sleep on the floor as there were not sufficient beds in the facility.  Afghans were given hygienic items and food in kind, but had no opportunity to cook for themselves. This caused conflict and problems both in Vámosszabadi and Balassagyarmat, as reported by Menedék Association, and the problem was not solved until the end of their stay in the facilities. To the knowledge of the NGO, the asylum authority justified the decision by arguing that the kitchens would not be able to accommodate so many people at once. In Vámosszabadi, several complaints were noted by the HHC in relation to the meals served to the residents. These problems surged from the prohibition of taking food into the rooms, so that children had to be woken up in case they were sleeping during meal time. The HHC was also informed about a diabetic refugee dietary needs not being respected, as he was not provided with special meals.  The rescued Afghans received donations from the Hungarian Red Cross and many private individuals, as well as the U.S. Embassy in Budapest, equipping them for basic necessities, primarily with winter clothes. A group of volunteers organized a special winter clothes donation in both premises and paid regular visits to both Balassagyarmat and Vámosszabadi. In early September, the HHC attorneys noted complaints about the Wi-Fi connection both in Balassagyarmat and in Vámosszabadi (only plug-in cable internet was available), which made it hard for the evacuees to keep contact with family members stuck in Afghanistan.  As for community activities, Menedék Association mainly organized programs outside the camps focusing on the children. During their stay in the reception centres, education for the children was not organized.  Despite the fact that the rescued families were not allowed to access the asylum procedure, the HHC closely followed the developments regarding their situation, and provided the opportunity for legal counselling and legal representation in both reception facilities (Balassagyarmat and Vámosszabadi). HHC staff and attorneys together with translators regularly visited both places. HHC was not allowed to access reception facilities, but the families were happy to receive assistance in nearby parks and outside the centre. Altogether, 21 families authorized the HHC to represent them.  **Italy**: Due to the exceptional reception needs resulting from the political crisis in Afghanistan, art. 7 of Law Decree of October 8, 2021 provided for an increase in the financial allocation to the National Fund for Asylum Policies and Services corresponding to 11,335,320 euros for the year 2021 and 44,971,650 euros for each of the years 2022 and 2023, in order to increase the SAI network by 3,000 places for the ordinary category.  **Poland:** After their evacuation, Afghans were first quarantined in either reception centres or other facilities (hotels, motels, e.g. in Poznań). During that time, they had access to organized meals and medical assistance; had telephone contact with interpreters and lawyers/NGOs; and were provided support with shopping online.  After the quarantine, Afghans staying in hotels/motels were transported by the Office for Foreigners to the reception centres. The Office for Foreigners provided transport for them also it was needed: to hospitals/doctors or to public offices to participate in asylum proceedings, give fingerprints or receive documents.  The Office for Foreigners hired mentors knowing Pashto and Dari languages to enable contact with evacuated Afghans and facilitate their integration. Mentors visit reception centres and are available for foreigners by phone. Their responsibilities include familiarizing foreigners with Polish culture and lifestyle, explaining cultural differences, facilitating contact with Polish authorities (e.g. enrolling to school), supporting foreigners in conflict situations and mediation and their initial integration in Poland.  Materials explaining material reception conditions for asylum seekers staying in Poland were translated to Pashto and Dari and distributed to evacuated Afghans. They included information about NGOs supporting asylum seekers by *inter alia* providing legal assistance, obligatory vaccinations for children and Polish education system. The Office for Foreigners distributed also special materials drawn up by the Ministry of Family and Social Policy explaining steps to be taken after being granted international protection, including what they need to do in order to start work in Poland, access vocational training, learn Polish, receive the Individual Integration Programme and legal and psychological support.  Polish language classes for evacuated Afghans were organized taking into consideration their particular needs, i.e. the number of classes was increased so as all interested persons can attend. The Office for Foreigners turned to local municipalities to indicate which schools Afghan children are to attend and to organize preparatory classes, hire teacher’s assistants as well as ensure additional Polish language and compensatory classes for them.  Evacuated Afghans received also material support: SIM cards with unlimited calls to Afghanistan, school materials, clothes, shoes, hygienic products, diapers, household appliances, strollers and baby food. Material support was most often offered to Afghans by NGOs, who gathered it from private persons. Polish society willingly offered material support for Afghan evacuees. However, the fact that the support was earmarked for Afghans did lead to some conflicts and tensions with other asylum seekers staying in the reception centres.  Polish Government granted also some funding for NGOs for supporting the integration process of Afghan evacuees. |

1. **Detention of applicants for international protection (including detention capacity – increase /decrease/stable, practices regarding detention, grounds for detention, alternatives to detention, time limit for detention)**

|  |
| --- |
| **Detention capacity and statistics on detention**  **Belgium**: During 2021, a total of 2,991 migrants were detained, of whom several categories of asylum seekers: asylum seekers who arrive at the border, who are still systematically detained before being allowed to enter the territory, and asylum seekers who are detained during their procedure or those asylum detained based on the Dublin regulation.  **Bulgaria**: Out of a total of 10,999 applicants registered in 2021, 8,626 individuals applied for asylum at border and immigration detention facilities. The increase of the number of detention orders from 2020 to 2021 is thus mainly due to the increase in the number of arrivals. Out of the 640 persons being detained in immigration detention centres at the end of 2021, 11 were asylum seekers.  Asylum seekers can also be placed in closed reception centres i.e. detained under the jurisdiction of the SAR for the purposes of the asylum procedure. In 2021, 31 asylum seekers have been detained in the asylum closed facility, situated in the premises of the 3rd Block in the Busmantsi pre-removal centre, the only closed centre for that purpose. 11 asylum seekers were held there at the end of the year 2021.  **Hungary**: Since the entry into force of amendments to asylum legislation on 28 March 2017, asylum detention was hardly ever used, as people were held in the transit zones in de facto detention. Transit zones were closed on 21 May 2020 and since 26 May 2020 the new asylum system is in place, which results in only 38 asylum applications in Hungary in 2021. In 2021, only rescued Afghans were placed in the transit-zones during the quarantine time due to COVID-19.  In 2021, 2 asylum seekers were detained out of 39 asylum-seekers (thus detainees only accounted for 5,1% of all applicants) and a prioritized procedure was conducted in their cases. 23 people were detained during the Dublin procedure (Section 31/A(1) Asylum Act), but they were not asylum applicants in Hungary. Compared to 2020, there was a 13.7% decrease in the use of asylum detention in 2021.  The average period of asylum detention was 43 days. According to the statistics of the NDGAP, there were no families with children placed in asylum detention.  **Italy**: No data on persons identified in hotspots is available. In the first four months of 2021, out of 1,490 persons detained in CPRs 187 (12%) were released because they were not identified in the timeframe foreseen by the law.  As of November 2021, the most 5 represented nationalities in CPRs were Tunisia (2,465 persons, representing almost 55% of CPRs’ population), Egypt (471 persons, 10%), Morocco (329 persons, 7%), Albania (191, 4%), and Nigeria (168, 3.7%).  As of November 2021, 4,489 migrants have been detained in CPR, out of which 2,231 (less than 50%) were returned. Tunisia remains the most represented nationality (55%, followed by Egypt, whose nationals represent the 10% of detained migrants) and the country where most of the returns (72%) take place.  **Malta**: According to official data provided by the Immigration Police, 415 asylum seekers were issued detention orders in 2021, out of which 85 were still detained at the end of 2021. Most of the detention orders were taken on the two first grounds foreseen by the Reception Regulations. However, this number does not include the asylum seekers detained under the Health Regulation and those who are de facto detained.  Since 838 persons were disembarked in Malta in 2021, it can be assumed that the number of people detained is approximately the same, with the exception of specific cases such as those regarding women and children whose age cannot be disputed. No official data is available, but the capacity of detention has been increased regularly since 2018 to accommodate the new policy of systematic and automatic detention. The UNHCR reports that 333 migrants were being held in detention in October 2021.  **Romania**: In 2021, a total of 1,714 foreigners were detained in the public custody centres, compared to 1,241 in 2020 and 377 in 2019, of whom 717 persons were detained in Otopeni and 997 in Arad.  Arad: During the author’s visit to the Public Custody Centre of Arad on 4 February 2022, there were 121 foreigners in detention out of whom 1 was an asylum seeker from Afghanistan, who was granted access to the regular asylum procedure and he was to be transferred to the Timisoara centre. A total of 997 persons were detained in Arad in 2021, compared to 1,164 in 2020. Out of the total number of detainees, 238 were Afghan nationals and 123 were Syrian nationals. According to the director of Arad, a total number of 89 asylum applications were made in Arad, out of which 73 were granted access to the regular procedure. In addition, 40 subsequent applications were made, out of which only 6 were granted access to the regular procedure. However, the Director of Timișoara Centre reported that 84 asylum applications were made in 2021 in Arad, out of which only 62 were assessed in the regular procedure. The majority of the applications were made by Afghan nationals.  The JRS representative in Timisoara reported that none of the Syrian nationals wanted to make an asylum application, because they don’t want to have Romanian identification documents, they want to reach Germany.  Otopeni: According to the director of the Otopeni Public Custody Centre 717 persons were detained in Otopeni in 2021, compared to 391 persons detained in 2020. No statistics on the number of asylum seekers or migrants who lodged a subsequent application were provided. However, it was reported that 68 first time asylum applications and subsequent applications were granted access to the ordinary procedure. It was also reported that the majority of applications were subsequent applications and were made by Afghan nationals.  In 2021, Arad centre reached the maximum capacity of 206 places for 1, 2 days. According to an employee from Arad they also reached a number of 220 persons were detained in the centre at one point. The occupancy rate of the center for the whole year was 73. Extra mattresses were placed in the rooms on the floor  The JRS representative reported no problems of overcrowding in Otopeni.  **Detention centres and places of detention**  **Belgium**: In 2021, there were 5 sites with 32 housing units with a capacity of 169 persons spread over the communes of Zulte, Tielt, Tubize, Sint-Gillis-Waas and Beauvechain. A total of 205 persons resided in the housing units throughout that year, out of which 85 were adults and 120 were children. Moreover, 21 families were released in 2021.  **Bulgaria**: There are 2 detention centres for irregular migrants in the country, totalling a capacity of 1,060 places. Due to the increased number of the new arrivals from 25 August to 19 November 2021, the Ministry of Interior reopened as auxiliary the former Elhovo Triage centre with a capacity 240 places. As such, during the short period of time from August to November, the detention capacity increased to 1,300 places.  **Germany**: Specialised pre-removal detention facilities existed in twelve Federal States in 2021. The capacity of these detention facilities has increased significantly in recent years, from around 400 places in 2016, to 821 available places at the beginning of 2022.  **Spain**: There have been several developments in 2021 with regard to Detention Centre for Foreigners (CIEs):  - At the end of 2020, the Government announced it would renovate the former prison of La Piñera in Algeciras so that it could be used as a CIE, at a cost of €737,620; preliminary renovation works started in May 2021. The Coordinator of the campaign “CIEs NO” in Cádiz criticised the new opening of the old facility, while requesting the Government to allocate the funds to other initiatives in the province;  - In a report published in March 2021, the NGO Irídia included information on six complaints it has lodged regarding allegations of violence used by police officers towards inmates at CIE in 2020;  - In mid-July 2021, the CIE of Zapadores in Valencia re-opened after being closed for one year due the pandemic; it will accommodate also the inmates at the CIE of Murcia, temporarily closed due to renovations;  - The intention of Government is also to build two new CIEs in the provinces of Málaga and Madrid in the future;  - The former CIE of El Matorral in Fuerteventura, closed in 2018 after being left unused for the 6 previous years, was reopened in 2021, but was used as reception centre for migrants under the management of the Spanish Red Cross. It was closed a second time, while the Minister of Interior announced that the facility will be reopened in part as a CIE and in part as a CATE;  - One year after the signature of the renovation contract of the CIE of Hoya Fría in Tenerife, in October 2021 the works still had to start;  - At the end of 2020, the Government announced the plan to install facial recognition at its borders and at the CIEs in 2021. A pilot project on facial recognition has been implemented during 2021 at the Spanish border with Gibraltar. In addition, the instalment of such system started at the Spanish borders of Ceuta and Melilla with Morocco, with a budget of 4,1 million Euros. In view of the re-opening of the Moroccan air and land borders on 7 February 2022, more than 40 organisations warned that the use of artificial intelligence can produce discrimination and human rights violations.  **Hungary**: As of March 2022, the only functioning asylum detention facility is Nyírbátor, with a capacity of 105 places.  The two transit zones in Röszke and Tompa can accommodate 450 and 250 persons respectively. Due to the closure of the transit zones in May 2020, at the end of 2021 there were no asylum seekers detained there.  **Ireland**: In December 2021, it was announced that work had been completed on a new Block F in Cloverhill Remand Prison, which is intended to accommodate persons detained for immigration purposes and ensure that they are housed separately from prisoners on remand. Throughout the pandemic, Block F was repurposed as an isolation unit for prisoners who contracted COVID-19, to manage and control infection risk. It is intended that when the pandemic ends, Block F will revert to its original intended use. However, at time of writing, persons detained for immigration purposes continued to be housed with the general prison population. Additionally, a purpose-built immigration facility was opened at Dublin Airport for use in circumstances where persons are refused leave to land. The facility houses the newly opened Dublin Airport Garda Station and the Garda National Immigration Bureau. The Garda station contains four single person cells and two additional detention rooms. While the building works have been completed, the cells are not yet operational. According to the Minister for Justice, Helen McEntee, it is intended that GNIB will detain persons refused leave to land at the Dublin Airport Garda station when the detention facilities are fully commissioned; however, no indicative timeline has been provided regarding the time frame in which that will happen.  **Italy**: In the case of *Khlaifia v. Italy*, the European Court of Human Rights (ECtHR) condemned Italy for the detention of some Tunisians in Lampedusa CPSA in 2011, noting the breach of various rights protected by ECHR. In particular, the Court found that the detention was unlawful, and that the conditions in which the Tunisians were accommodated – in a situation of overcrowding, poor hygienic conditions, prohibition of contacts with the outside world and continuous surveillance by law enforcement, lack of information on their legal status and the duration and the reasons for detention – constituted a violation of Article 3, 5 and 13 ECHR. The Grand Chamber judgement of 15 December 2016 confirmed the violation of such fundamental rights. Despite civil society organisations denouncing the continued practice of detention in hotspots in violation of the Khlaifia judgement, in December 2021 the supervision procedure on the implementation of the ECtHR judgement was officially closed. ASGI, A Buon Diritto and CILD expressed concern for the closure of the supervision procedure and stressed again the persistence of serious and systematic violations of fundamental rights. Regarding the unlawfulness of detention, the Government asserted that it had fully implemented the Khlaifia judgement by enacting L 173/2020. Nevertheless, as pointed out by the National Guarantor for the Rights of Detainees, the 2020 reform does not introduce any new provisions related to hotspots, amending solely the legislation covering CPRs.  In 2021 the National Guarantor for Detainees rights remarked that concerns exist over de facto detention in transit zones, noting the persisting practice at air or port borders where the effective rejection of the foreign citizen present at border crossings does not take place immediately and people be blocked for days in the transit area, and its criticalities in terms of lack of judicial review of detention as well as conditions of detention.  The Pozzallo hotspot is located in the premises of the former customs office in the port of Pozzallo. It is enclosed by a barrier about 3 metres high and has a constantly manned entrance. The structure consists of three large dormitories, divided according to gender and age. During 2019, it mainly welcomed people awaiting transfers to other European countries in the context of the so-called voluntary relocation. These redistribution procedures usually involved long-term stays within the centre. From March 2020 to the end of 2021, due to the Corona virus the hotspot has been used for the execution of quarantine and fiduciary isolation periods for arriving foreign citizens, including minors. This use raises critical issues as the hotspots are not, in fact, compatible with the implementation of measures aimed at the prevention and spread of COVID 19 for obvious reasons of a structural nature, since these are places that are already unsuitable for long-term stays. In July 2021, migrants protesting in the hotspot caused a fire in the building, a few migrants escaped from the hotspot but were traced by authorities.  In October 2020 and again in April 2021, ASGI reported that the first line reception facility of Monastir, in Sardinia, was being used as a de facto hotspot. The Monastir reception centre is located in a military area surrounded by large fences. Although the legal configuration of the centre is not clear, the same evidently has functions attributable to those defined by the hotspot approach, because all the typical procedures are carried out here such as health screening, pre-identification via news sheet, identification, fingerprinting and control in databases for the purpose of defining the legal status of the foreign citizen on the territory and for channelling them into asylum procedures or towards repatriation. The same structure has been used for periods of fiduciary isolation and quarantine. With regard to the conditions of stay, it was reported that an area housed 25 people in quarantine, with a single toilet equipped with a shower, and other chemical toilets outside the building.  In 2021, ASGI reported many criticalities at the “new border” of Pantelleria, where landed migrants are also channelled in hotspot-like procedures. Those arriving in Pantelleria, are hosted in a place, which can hardly be called a reception centre, where previously were hosted military barracks, in an isolated area of the island. It is a transit centre without any precise legal configuration and with many criticalities in terms of reception conditions and protection of rights.  **Malta**: Malta has three official detention centres: Safi Barracks, (which include several facilities), Lyster (Hermes) Barracks, and China House. In 2021, Lyster Barracks was closed for refurbishment; the current progress of the renovations is unknown. The Marsa Initial Reception Centre is not formally categorised as a detention centre, since a section within the centre is open and allows the residents’ free entry and exit. However, there is also a closed component to the IRC where persons are effectively deprived of their liberty.  **Poland**: Until August 2021, there were 6 detention centres in Poland, which were generally profiled according to demographics: Lesznowola, Białystok, Przemyśl, and Krosno Odrzańskie were for men. Women, married couples, and families with children were placed in Kętrzyn, Biała Podlaska (closed for renovation) and Przemyśl. Unaccompanied children are placed in the detention centre in Kętrzyn.  Due to the situation at the Polish- Belarusian border, the number of detention centres increased up to 8 location and the number of places in detention centres increased up to 2290 at the end of 2021. At the end of 2021 -1732 migrants were detained.  Additionally, Border Guard placed migrants -directly stopped at the Polish-Belarusian border in two Border Guards stations in (Dubicze Cerkiewne and Połowce) named as ‘centres for foreigners’ registration” (Centrum Rejestracyjne Cudzoziemców). In these facilities foreigners did not have access to outside world as there was no access to Internet, computers or phones or did not have access to legal assistance as no one could meet with them. Moreover, the living conditions were critical, for example, foreigners were sleeping in one big room on the floor on the mattresses.  In August 2021, the new detention centres were opened in Czerwony Bór, Biała Podlaska and in Wędrzyn as a result of a cooperation between Border Guards with Head of the Office for Foreigners and Ministry of National Defence (in case of Wędrzyn). Additionally, foreigners (also families with children) were placed in containers (Kętrzyn and Lesznowola).  Two detention centres in Biała Podlaska and Czerwony Bór (branch of detention centre in Białystok) were transferred from reception centres. On the base of the agreement with the Head of the Office for Foreigners in July 2021, the Border Guards adapted the building of the reception centre for foreigners in Biała Podlaska (2 August) and in Czerwony Bór (12 August) for the needs of detention centre.  In 2021 the profiles of the rest of detention centres were changed a couple of times. As of February 2022, men are placed in Wędrzyn, Lesznowola and Krosno Odrzańskie. Biała Podlaska (2 buildings), Czerwony Bór, Białystok, Kętrzyn and Przemyśl are for families with children and single women. In the opinion of Commissioner for Human Rights the conditions in detentions centres were not always compatible with the changed profiles.  **Romania**: In Arad, in May 2021, the authorities started the constructions of another facility, with a capacity of 240 places of accommodation, a sports field and leisure spaces. The construction of the facility is being funded by AMIF. The director stated that the construction works will be finalised in June-August 2022.  **Grounds for detention**  **Cyprus**: In the past asylum seekers were detained under the Aliens and Immigration Law instead of the Refugee Law which provides for the detention of asylum seekers in accordance with the recast Reception Conditions Directive. In 2020 and 2021 this practice has gradually changed and, with the exception of a limited number of cases, the majority of asylum seekers are detained under the Refugee Law.  Throughout 2021 the only cases identified were an asylum seeker was detained under the Aliens and Immigration Law were instances where the person was firstly detained, then applied for asylum whilst in detention and there was a delay in issuing the new detention order under the Refugee Law.  **Malta:** The policy of detaining asylum seekers automatically upon arrival continued in 2021, with the use of de facto detention for the first months, either as a measure of quarantine against COVID-19 or on the basis of the health ordinance. During this period of detention, all asylum seekers except families and young children are detained, including individuals claiming to be minors.  Upon disembarkation and following immigration registration, asylum seekers that arrived by boat are all automatically detained. NGOs reported that, although the authorities stated that this detention is related to COVID-19 measures, no information or documentation on said measures is provided to detained persons. This de facto detention often continues way beyond acceptable quarantine time-frames, and the practice is not in conformity with established quarantine protocols.  In 2021, 838 migrants were held under such measures, with 134 migrants still detained at the end of year, amounting to the total number of arrivals by boat in 2021. NGOs reported that the duration of this detention is variable, with most people being detained between 1 to 3 months.  Following COVID-19 quarantine, applicants undergo a health screening consisting of a chest X-ray seeking to identify persons infected by tuberculosis. The testing and processing of results often takes several days or weeks. Following medical clearance by the Health authorities, the PIO will proceed to an assessment of the legal basis and need to detain and issue a Detention Order accordingly.  **Slovenia**: The amendments of the IPA that came to force in November 2021 also include several provisions relating to the detention of Asylum Seekers in Slovenia. Regarding the grounds for detention, provisions were added for the Migration Directorate to determine whether an applicant could obtain identification documents in the country of origin. In addition, the definition of the risk of absconding was included in the IPA, meaning that the Migration Directorate no longer uses the definition from the Foreigners Act.  The definition of the risk of absconding was added through the amendments. This enabled the authorities to detain asylum seekers again in 2021. In addition, the IPA now allows the UOIM to detain asylum seekers in order to prevent security threats to the country or to the constitutional order of the Republic of Slovenia or if it is necessary to protect personal safety, property and other grounds related to public safety. The UOIM did not have this authority based on the previous provisions of the IPA.  The changes include a provision that allows the Migration Directorate to detain asylum seekers and individuals who have expressed the intention to apply for international protection, but have not yet lodged the application. According to the new amendments, asylum seekers detained in the Foreigners Centre can be subject to the same measures as foreigners if they violate the rules of the Foreigners Centre. This means that they can be subject to solitary confinement, prohibited to attend the activities in the centre, or have their rights limited.  **Alternatives to detention**  **Belgium**: In 2021, 60 new civil servants were contracted by the Immigration Office to start working for the newly founded department of ‘Alternatives to Detention’. They will be responsible to man local provincial ICAM-offices (Individual Case Management Support). After receiving an order to leave the territory a migrant will be invited to a series of interviews, where his/her file would be explained to them and a trajectory towards return or other existing procedures would be organised (depending on the individual). Attendance is mandatory and failure to cooperate with return procedures or to show up may result in detention. This ICAM approach will be rolled out in the frame of the Dublin procedure in 2022.  However, neither the law nor the Royal Decree has yet been amended. This means that until now, no clear gradation of the different possible coercive measures is listed. It is yet too early to report on the concrete impact of these so called ICAM coaches, and whether or not this approach can be considered an effective alternative to detention. 178 migrants were subjected to measures alternative to detention in 2021.  **Germany**: A whole range of obligations can be imposed on foreigners in connection with the newly established “tolerated stay for persons with undetermined identity” (*Duldung für Personen mit ungeklärter Identität*, also known as ”*Duldung light*/toleration light”).  As of March 2021, 7.5 % of all persons with a tolerated status were granted this “Duldung light” (17,988 out of ca. 240,000 persons with a tolerated status), with large differences between Federal States.  **Malta**: Following the transposition of the recast Reception Conditions Directive, concerns were expressed by NGOs that alternatives to detention could be imposed when no ground for detention is found to exist. These concerns were still present in 2020 and 2021, as most asylum seekers released from detention were imposed “alternatives to detention” arrangements, even though there was never any ground to detain them in the first place. According to the authorities, 648 asylum seekers were released from detention and placed under alternatives to detention (ATD) in 2021. They were requested to reside at an assigned place, to notify the Principal Immigration in case of change of residence and to sign at the Police Headquarters in Floriana once every week. NGOs reported that there is no clear pattern on the reason, when and why alternatives to detention are applied to asylum seekers. However, it transpires very clearly from the policy that alternatives to detention are seen by the authorities not as an alternative, but as a natural continuation of the status post-detention, with said detention often being ordered without legal basis.  **Duration of detention**  **Bulgaria**: In 2021 the authorities continued to apply a mandatory ten days quarantine to all newly detained third country nationals. In case of a positive PCR test at the end of the quarantine, the detention period could be repeatedly extended by a week until a negative test result, at which point the quarantine was lifted. During quarantine, the individuals were not able to receive legal advice or assistance to apply for asylum. The quarantine period is not included into the detention duration, which is calculated from the date of formal submission of the asylum application. The average detention duration of first-time applicants, excluding quarantine period, decreased to 7 calendar or 5 working days. The average asylum detention duration in 2021 slightly increased to 50 days compared to 48 days in 2020, 109 days in 2019 and 196 days in 2018, but this remains far from the legal standard set in the law according to which detention should last for the “shortest period possible”.  **Cyprus**: In 2020, there was a substantial deterioration in the duration of detention for asylum seekers, from around 1-2 months in 2019, to indefinite detention. Once detained, an asylum seeker will in most cases remain detained for the duration of the asylum procedures. For asylum seekers detained in Menogia Detention Centre, the duration of the first instance examination of the asylum application is on average 2 months, whereas if detained in a holding cell it may take longer. Furthermore, if an appeal is submitted before the IPAC against a negative decision on the asylum application the duration of detention may reach or even pass 12 months. The situation with the duration of detention remained unchanged in 2021 and at the start of 2022.  **Germany**: Between 2018 and the first quarter of 2021, the average duration of detention was 22.1 days (see table below for a breakdown by year and Federal State). Statistics made available by Federal States further show that detention for a period of less than six weeks seems to be the rule, while cases of detention lasting longer than 6 months seem to be exceptional with only a handful of cases reported every year overall.  **Romania**: According to the directors of Otopeni the average duration of detention in 2021 was 3 months.  According to IGI-DAI, in 2019, the average duration of detention was 1-5 months. In 2020, IGI-DAI reported an average duration of detention of 264 days.  Detention upon apprehension cannot exceed 24 hours under the Romanian Constitution and the Criminal Procedure Code. According to JRS, in 2021, in general, persons apprehended were not held for more than 24 hours in Border Police custody. However, it was reported by the JRS representative that at the Border Police Inspectorate of Sighetu Marmaţiei (northern part of Romania, at the border with Ukraine) persons apprehended were held up to 48 hours, due to the fact that the Ukrainian authorities took them back at the last moment.  **Detention conditions**  **Bulgaria**: In 2021, the capacity of pre-removal detention centres was close to be exceeded, while the overall number of persons in detention gradually increase from 119 persons at the end of 2019, to 337 at the end of 2020 and 728 at the end of 2021.  In 2021, as in previous years, detainees have complained about the lack of tailored and translated information and uncertainty on their situation.  **Cyprus**: In 2020, there were increased complaints regarding food provided in the Menogia detention centre, with reports of finding insects in the salad or tiny stones in dishes with beans. After voicing complaints, the issue was raised with the catering company and in early 2021 detainees noted improvements. The quality of the food is frequently monitored by the officers receiving it, and all detainee complaints in regards to the quality of the food are addressed.  **Spain**: Various developments regarding detention conditions were registered between 2021 and the beginning of 2022, the following developments and incidents were registered:  - In February, the Spanish Police Confederation denounced many issues affecting the well-functioning of the structure in the CIE of Hoya Fría in Tenerife such as filtrations, humidity and leaks from the ceiling;  - In occasion of the 8 of March celebration, various people joined a demonstration in front of the CIE of Aluche in Madrid, calling for CIEs closure;  - In March, the coordinator of the CIEsNo platform in Cádiz denounced that two Algerian children were detained at the CIE of Algeciras since mid-February, despite the age assessment procedure had proven they were minors. After carrying out additional age assessment proofs, one of the two minors was released and referred to the reception system for minors. The second was instead considered to be of age due to the results of the additional tests that were carried out, despite his birth certificate indicating him to be 16 years-old. Following a complaint lodged by Algeciras Acoge, the Committee on the Rights of the Child started an investigation and asked the Spanish Government not to return him to Algeria until the investigation is closed.  - In the same month, the organisations Irídia and Migra Studium asked the Supervising Judge of the CIE of Barcelona to establish a regime of visits for inmates in the context of the pandemic, which would assure respect of fundamental rights while managing COVID-19 cases. The organisations also requested a judicial instruction for the possible commission of torture and/or degrading and inhumane treatment against an inmate that was held in an isolation cell for COVID-19 quarantine;  - At the end of March, the platform CIEsNo of Madrid denounced that at least two Colombian nationals detained at the CIE of Aluche in Madrid were assaulted by different police officers, who additionally stopped them from accessing health services after the aggression. The supervising judge and the Ombudsman were notified about the fact. The detainees started a hunger strike after the accident. The Platform CIEsNO asked to suspend the expulsion order of the victims and witnesses until the conclusion of the investigation, while reporting that such episodes of violence and human rights violations against inmates are increasing;  - In a decision issued at the end of March, the Provincial Court of Valencia established that the police and health professionals at the CIE of Zapadores in Valencia were not to be held accountable for the suicide of Marouane Abouobaida, a Moroccan 23 years-old migrant who committed suicide on 15 July 2019. He was held in an isolation cell where he was put after receiving a brutal beating by other inmates and despite having reported the bad conditions he was suffering. While dropping criminal charges against the CIE’s personnel, the judge urged to revise internal protocols, and to monitor the behaviour of the professionals employed at the Zapadores facility. Following the decision, the political party Unides Podem called for the closure of the facility and its reorganisation as a Centre in Memory of the Victims of Migration, and that the mentioned measures indicated by the supervising judge in its decision will be adopted. In addition, the Spanish Ombudsman resumed the investigation on possible deficiencies in providing health assistance at the facility.  - The Trade Union of the National Police Jupol lodged a criminal complaint in March against the Chief Commissioner of the National Police of the Santa Cruz de Tenerife province, for disregarding the sanitary protocol and lamenting the lack of personnel at the CIE of Hoya Fría in Tenerife, in which more than 30 COVID-19 cases were reported;  - In June, more than 100 organisations gathered in front of the CIE of Barcelona with the aim of denouncing the report of 6 cases of degrading treatment or torture carried out by police officers during the 6 months in which the CIE was open in 2020.  - In mid-June, supervising judges decided to resume the visits to inmates at the CIE of Barcelona after they were suspended in March due to the pandemic;  - The re-opening of the CIE of Zapadores in Valencia in mid-July 2021 was accompanied by a demonstration by the Platform CIEsNO that, together with other relevant institutions (such as the coordinator of the political party Podem, the Deputy Major, and the Regional Minister of Participation), called for its definitive closure;  - During the summer, the organisations CIEsNO and Pueblos Unidos denounced the increase of cases in which migrants detained at the Aluche CIE in Madrid were subjected by degrading treatments by police officers. They asked judges, public prosecutors and the Minister of Interior to intervene, and lodged a complaint at the Public Prosecutor for Hate Crimes and at the Public Prosecutor for Foreigners for degrading treatments with violence. Reports of migrants repatriated after denouncing police aggressions were also revealed;  - A surge of protests and demonstrations signed the start of construction works to establish a new CIE in Algeciras;  - Family members and NGOs visits to inmates were restricted at the end of August in the CIE of Aluche in Madrid after a COVID-19 outbreak. Family members reported being unable to obtain information on the health situation of their relatives;  - At the end of October, the Provincial Court of Barcelona re-opened an investigation for the degrading treatment toward an inmate at the CIE of Barcelona denounced having suffered while in isolation for COVID-19. The case was previously closed because the Algerian migrant was repatriated after reporting police aggressions and isolation conditions that lead him to self-harm;  - In November, four police officers testified in front of the Provincial Court of Barcelona as they are accused of degrading treatments toward migrants during an attempt of escape from the CIE of Barcelona in 2017;  - In December, the Office for Equal Opportunities in Valencia launched a campaign for the International Human Rights Day, which included the installation of a monolith in memory of Marouane Abouobaida, a migrant who died in July 2019 while in detention at the CIE of Zapadores in Valencia;  - A young man was detained in December after throwing drugs and medicines to inmates at the CIE of Valencia;  - In December, lawyers from the organisation Irídia denounced various cases in which punitive isolations were used in CIEs as a form of Covid-prevention measure;  - In January 2022, inmates at the CIE of Valencia denounced the lack of appropriate prevention and isolation measures in the facility, after one third of the 99 detainees resulted positive to COVID-19. The Platform CIEs NO denounced that the centre’s director had not notified the situation to the Public Health System;  - During the same month, an Argelian man escaped from the CIE of Valencia by climbing a wall and stole a bicycle to run away.  **Hungary:** On 2 March 2021, the ECtHR ruled in its judgment in *R.R. and others v. Hungary* that detention conditions in the Röszke transit zone – currently not in use - amounted to inhuman and degrading treatment. The ECtHR pointed to the obligations under the Reception Conditions Directive that require the specific situation of minors and pregnant women to be taken into account, along with any special reception needs linked to their status throughout the duration of the asylum procedure. It observed that no individualised assessment of the special needs of the applicants were carried out by the Hungarian authorities. In view of, inter alia, the physical conditions of the containers in which the applicants were accommodated, the unsuitability of the facilities for children, the lack of professional psychological assistance and the duration of the stay in the transit zone, the Court found that the threshold of severity required to engage Article 3 of the ECHR had been reached, and Hungary had therefore violated the provision.  **Italy**: As reported by ASGI’s InLimine Project as a result of its monitoring and legal assistance activities, in the summer of 2021, during the period of peak arrivals, people have been de facto detained, even for up to one month, in the Lampedusa hotspot without validation by a judge and without proper hygienic measures, including measures to prevent the spread of COVID-19. Detention conditions were inhumane; migrants were hosted in potentially risky settings and hotspots were overcrowded, even reaching a point where 1000 people were being accommodated in a location with a stated capacity of 250 people. Even vulnerable persons were informally detained for an extended period of time, lacking any adequate mechanism of assistance, referral and or priority transfer for people who had survived the shipwreck, human trafficking, gender-based violence, torture or who were fragile for any other reason. Such informal and prolonged detention also involved minors, whose transfers often have been slowed down by the unavailability of places in centres for sanitary isolation. In particular, there were reports of people being subject to informal and extended detention in the Lampedusa hotspot even when they suffered from medical and/or psychological illness. As an example, a family consisting of two minors and a mother who had suffered from a carcinoma was kept in the hotspot under inadequate conditions including a lack of access to appropriate medical treatments, from 12 July to 12 August 2021, when the family was finally transferred to a centre for fiduciary isolation. Another family consisting of two minors, one of whom suffered from a severe illness that causes motor disability, and of a father who had requested international protection, was kept in a hotspot from 1 July to 10 August 2021.  In September 2021, MSF, who had deployed teams to provide medical and psychological assistance at landings and in the hotspot during the summer, providing assistance to over 11,000 persons, ceased its activities in Lampedusa, citing the inadequacy of the emergency approach adopted and the need for structural interventions to ensure the respect and protection of fundamental rights.  Especially dire conditions have been reported in Turin’s CPR, whose infamous sanitary isolation section (so-called Ospedaletto) was closed down in September 2021 upon insistence of the National Guarantor for Detainees rights, following the tragic suicide of Moussa Balde a few months before.  Several cases of self-harm and/or suicide attempts in CPRs have been reported in Milan, Turin, and Bari. Revolts over detention conditions in CPRs are frequent; in 2021, detained persons protested and revolted in Turin and Milan. In May 2021 a protest over lack of food in Milan’s CPR was violently repressed by riot police, resulting in 8 persons harmed and followed up by hunger strikes and cases of self-harm.  **Malta:** In 2021, detention conditions remained an issue, with substandard living arrangements in most blocks of the two major detention centres of the country. During her visit to Malta in October 2021, Council of Europe Commissioner for Human Rights Dunja Mijatović noted that, “although the number of those detained, including children, was significantly reduced recently, the Commissioner observed that uncertainties remain about the legal grounds and the safeguards related to some detention measures”. She called on the authorities “to focus on investing in alternatives to detention and to ensure that no children or vulnerable persons are detained”. The Commissioner also stressed the need to ensure independent monitoring of places of detention as well as unhindered access for NGOs to provide support and assistance to those detained.  NGOs and other actors are unable to assess whether the situation within the living quarters has improved since the previous report was issued. However, it was reported that telephones are not operational in most of the living area at Safi. Persons that to call their lawyers or other persons/organisations, are required to request this from the on-duty Detention Service personnel in order for them to use the office phone.  Many detainees are regularly sent to the psychiatric hospital after suicide attempts. In January 2021, a nurses’ union claimed that detainees were “purposely self-harming to get themselves transferred out of detention centres” and asked for the hospital to refuse admissions of such people. Such a statement left the NGOs shocked at this lack of sensitivity. They explained that their experience in detention confirmed the severe psychological harm caused by prolonged detention in undignified conditions. The NGOs stated that self-harm and suicide attempts were not abuses of the system but the “extremely worrying effects of a policy that entirely dehumanises people”. They stressed the need for all people to receive appropriate treatment for their mental health conditions without discrimination. It was reported that, in 2020, 93 detainees were taken to the psychiatric hospital (60 in 2019 and 17 in 2018) in order to be treated for self-harm or suicide attempts. Times of Malta, reporting about the issue in March 2021, spoke to a former employee of the Safi detention centre who claimed that migrants with mental health issues were deprived of adequate care. She told the newspaper that emergency services were called in none of the cases of attempted suicide she knew of.  **Netherlands**: The COVID-19 pandemic caused some specific issues in detention centres. Soap was not available for a very long time. In response to a complaint procedure from a detainee, the director of the Detention Centre stated that it was not his responsibility to provide soap, and migrants could use the shampoo or shower gel that was available in their standard packages. Moreover, up until January 2021, it was forbidden to wear facemasks since, according to the Minister of Legal Protection, personnel should have been able to see the emotions on the faces of the detainees for security reasons. On 22 of January however, it became mandatory to wear face masks. Detention centres do no systematically share COVID-19 statistics. However, cases of COVID-19 infections were reported. For example, on 16 October 2020, two detainees were infected, which meant that 142 detainees had to be put under quarantine measures.  **Poland**: On 13 of August 2021, a new amendment was introduced to Ordinance of the Ministry of Interior and Administration of 24 April 2015 on the guarded centres and detention centres for foreigners, allowing to place foreigners in a room for foreigners or in a residential cell the area of which is not less than 2 m2 per person:  - in the case of no vacancies in rooms for foreigners,  - for a specified period of time,  - no longer than 12 months.  This new regulation has caused detention centres to become overcrowded, in particular in Lesznowola, Przemyśl, Wędrzyn, Białystok and in Kętrzyn detention centres.  According to Commissioner for Human Rights, the automatic detention of foreigners who crossed the Polish-Belarusian border, limited the role of those facilities to the isolation function only. Furthermore, poor living and sanitary conditions, improper exercise of the rights of migrants and the length of stay in isolation may meet the definition of inhuman and degrading treatment. Moreover, level of medical and psychological care provided in detention centres is insufficient and in a result the health of foreigners who were victims of torture could deteriorate through the secondary victimization. Furthermore, the detention centres look like prisons and detention centres in Krosno Odrzańskie, Białystok, Przemyśl have rooms with barred windows. Due to the overcrowding in detention centres, there is not enough number of social assistance officers in the detention centres. In practice it means that foreigners’ right to information on the current status of their proceedings is not respected and foreigners are not aware of their rights and obligations.  The temporary detention centre in Wędrzyn, which is a branch of detention centre of Krosno Odrzańskie, was located in military barracks, on an active military range where military manoeuvres take place and the explosions happen on regularly basis. That facility was adapted to detention centre in 5 days and its capacity is 700 places. The detention centre and small walking areas are surrounded by a Concertina razor wire. Foreigners are placed in several buildings, 150 people each. Foreigners are accommodated in multi-bed rooms with the capacity of up to 24 which makes impossible in practice to create conditions ensuring at least minimum privacy. According to Commissioner for Human Rights, that facility does not fulfil any of the basic guarantees of counteracting inhuman and degrading treatment of persons deprived of liberty. The housing conditions there, are not acceptable in the light of the minimum standards of protection of the rights of foreigners in detention and they are not meeting the standards of decent treatment of persons deprived of liberty.  The biggest and persistent problem in that facility from the beginning is overcrowding. During the visit of the representatives of Commissioner for Human Rights, the number of foreigners detained exceeded the maximum capacity which make impossible in practice to exercise a number of rights of foreigners detained in the centre. Furthermore, the windows were covered with toilet paper due to lack of the covers, there is no furniture other than tables and stools in rooms, clothes are stored on the floor or in plastic bags. Foreigners had and still have very limited access to the outside world, as access to the computers, scanners, printers and Internet is restricted, which causes problems with getting in touch with lawyers or non-governmental organizations and difficulties in complying with the deadline for filing the appeals in asylum and detention procedures. There is no offer of recreational and sports activities.  Furthermore, in November there was a riot. Later in January and in February 2022, foreigners organized hunger strikes several times due to poor conditions in that facility and prolonging detention.  At the end of 2021, 599 foreigners were placed there, and the capacity of the centre will be increased to 900 places. Foreigners are obliged to pay for their stay in a detention centre calculated on the basis of algorithm, set in the Polish law.  For what concerns access to health care in detention, in practice there is a limited access to psychological care. In 2021 in guarded centre in Kętrzyn, the psychologist, Border Guard officer was available 5 days a week from 8 a.m. to 3 p.m., additional in September 2021 psychologist was referred to detention centre. In Krosno external psychologist is present only for 4 hours 3 times a week. She is also responsible for foreigners placed in detention centre in Wędrzyn, which capacity is 700 foreigners. In Przemyśl, two psychologists for foreigners are available 100 hours a month. The psychologists are not trained in the Istanbul Protocol and do not run a therapy for foreigners.  **Romania**: During the visit carried out to Otopeni on 31 January 2022, the detention conditions in the building which was not under renovation were good. The hallways and other shared spaces were clean. In the renovated building, the walls were already dirty and the old tiles had been kept. The dining room, located in the other building, was also clean. The outside space had not been improved, apart from a few new benches. The JRS representative declared that the centre is clean and warm during the winter.  During the visits carried out to Arad on 4 February 2022, the detention conditions in the public custody centre were decent, but not as satisfactory as two years ago. The walls in the rooms and hallways were scribbled on, the shower curtains were worn; the ping pong table from the common room that was broken last year, was no longer there; mattresses were stored in the common rooms; in one of the common spaces there was a broken TV, detainees stated that a police officer had broken it, detainees were smoking in the common room, but also in the hallways. In Aradonly building C was visited. The hygienic conditions and overall cleanliness of the centre were good. The rooms which were visited had bunk beds, a shower separated by a wall and with a curtain, and a toilet near the shower, not separated from the rest of the room. The room for mothers and children was not visited. The windows of the building where people were accommodated were opaque, so it is not possible to look outside. According to the director, building B was sanitized, painted and small repairs were done and in building C several disinfections were carried out. The JRS representative also reported that the centre was clean.  In Otopeni, the food (3 meals/day) is provided by the gendarmerie. According to the representatives of Otopeni the quality of the food is better than in the past as it is provided by a different kitchen of the gendarmerie. Some of the interviewed detainees stated that the food is good, some of them said that it is not that good, because it is not like the food they are used to in their country of origin or it is not sufficient. The interviewed detainees said that the food in Otopeni is better than in Arad. During the Ombudsman’s visit on 20 August 2021, in Otopeni it was noted that detainees do not receive fruit, not even the pregnant women. Representatives from Otopeni centre reported that now they also receive fruit. All the detainees interviewed by the author said that they never receive fruit in Otopeni. However, in Arad they receive apples three times per week, which sometimes are good and sometimes are too ripe or rotten. They also mentioned that they receive one juice every week and, once in a while, chocolate bars from CNRR.  In Arad the food is provided by the Arad penitentiary facility. Detainees interviewed by the author in Arad complained about the food quality and that they had also complained about it to the administration of the camp, but no measures were taken. They also mentioned that they never received chocolate or juice from CNRR. The director of Arad reported that they have no special menus for children as meals are provided by the Arad penitentiary.  **Sweden**: The Council of Europe Committee on the Prevention of Torture (CPT) published a new report after their visit to Sweden in January 2021, where they expressed continued concerns regarding lack of access to health care and to, legal aid for people being detained, and that detainees were placed in prison facilities.  **Slovenia**: In 2021, the Ombudsman finished the investigation into the claims of police violence of two foreigners made in 2020. Regarding solitary confinement, the Ombudsman found that severe procedural violations were made. The Ombudsman also concluded that documentation regarding the use of coercive means was not sufficient in order for a comprehensive assessment o be made as to whether the use was proportionate. Many smaller issues detected through monitoring activities have been remedied and improved over the years. In 2021, allegations of mistreatment and other inappropriate conduct of the Police and staff were made by asylum seekers and foreigners. Detainees reported that they were beaten and abused by the staff, and that they were put in solitary confinement for longer periods of time. Cases of self-harm, suicide attempts and hunger strikes were reported.  **Health care and special needs in detention**  **Croatia**: According to Ministry of Interior, health and medical care of persons who are accommodated at the Reception Centre in Ježevo is conducted by a general practitioner in the branch office of the Medical Centre Dugo Selo. As of 1 January 2021, a full-time nurse has been employed in the office who conducts a basic medical examination and screening immediately after a foreign national is accommodated in the Centre. A doctor comes to the office on Tuesdays and Thursdays and when called by the nurse. An emergency medical service also comes to the Centre when called. If a person does not speak English, the telephone interpretation is conducted by interpreters with whom the Ministry of the Interior has concluded an agreement either during a basic medical examination, a screening, or during health checks but also when transporting persons to specialist examinations and during treatments in hospitals and specialised institutions. Psychosocial assistance and protection is conducted in cooperation with the Croatian Red Cross whose psychologists and psychiatrists come to the Centre accompanied by interpreters twice a week and when called. They transfer foreign nationals to specialised institutions if specialist examinations are needed and with the authorisation of a doctor. Due to the COVID-19 pandemic, persons undergo a PCR test before accommodation at the Centre and by a BAT test during their stay at the Centre. In addition, all persons located at the Centre have the option to be vaccinated against COVID-19.  **Italy**: Immigration detention continued during the COVID-19 pandemic and the related lockdowns, notwithstanding the fact that no transfer could take place and concerns raised by civil society. It has been noted – including by judges while not validating detention in CPRs – that detention applied while transfers were blocked is without legal basis: detention in CPRs is supposed to be exclusively preparatory to repatriation and if this is not possible, any detention is considered illegitimate. A first MoI circular urging reception managing bodies to adopt appropriate measures to prevent COVID-19 contagion in CPRs was issued in March 2020. Adequate measures have not always been put in practice and detainees felt abandoned inside the centres, where distancing was virtually impossible, while also being exposed to very precarious living conditions. No official data is available on access to vaccines of persons in CPR. As of September 2021, vaccination activities had not yet kicked off in CPRs in Rome, Bari and Trapani.  In Milan, for a long time the absence of a MoU has impaired access of detained persons to health services; only in July 2021, after countless interventions by the National Guarantor; civil society associations and some parliamentarians, the Prefecture of Milan signed two MoU with the ASL of Milan: one being aimed at the detainees' access to the SSN and inspection activities by health authorities. This MOU runs from 1 July 2021 to 31 December 2021. The other is aimed at issuing a STP code to detainees who do not have it and runs from 1 July 2021 to 30 June 2022. However, it is not clear why such strict time limits have been set for their validity. It seems unreasonable to have waited so long for the finalisation of a MOU between the health authorities and the Prefecture of Milan and then to only provide for a period of operation of six months and one year respectively, of those instruments.  The lack of adequate supervision by local health authorities has been made further evident in the context of the COVID-19 pandemic. ASGI and other civil society organisations have repeatedly called out local health authorities to play a more active role in the supervision of health and sanitary conditions in CPRs.  It is to be noted that in CPRs health care is de facto – especially in the light of the absence of adequately implemented MoUs with local health authorities – managed by private parties, being entrusted to the managing body of the CPRs and not to the National Health Service (SSN).  **Romania**: In the Arad centre, PCR tests are collected by specialised personnel from a laboratory and the costs are covered by IGI. The director of Arad reported a total of 400 PCR test done in 2021, for detainees returned to Serbia. The medical office provides oral treatment and injections in the centre. If there is a need for specialist consultations and medical prescriptions from specialist doctors, detainees are taken to public health care institutions in Arad County.  The detainees interviewed by the author in Arad as well as those detained in Otopeni, who were previously detained in Arad, reported that all the detainees in Arad are “scratching themselves”, they have skin problems. The skin condition mentioned was scabies. The detainees mentioned that they were placed in quarantine during the treatment. The director of Arad reported that the cause of this may be the mattresses which were placed in the rooms when the number of detainees was high. The mattresses may have been infested and this is how the scabies spread. The detainees stated that they got the scabies inside the centre, the director stated the opposite, indicating that they arrived with this skin infestation.  In 2021, there were no detainees released from Arad due to their medical conditions. In Otopeni, 5 detainees (2 with diabetes, 1 with cardiac problems and 2 with psychiatric disorders) were released due to their medical conditions, according to the medical doctor. The decision to release them is taken when their stay in detention is aggravating their medical condition.  According to the law, the psychologist of the centre makes the psychological evaluation of persons detained in the centre, drafts psychological observation sheets and provides specialist assistance throughout their stay. According to the director of Arad, in 2021, due to the high number of detainees and their rapid movement the psychologist was not able to prepare medical record for everyone.  For foreigners with psychological or psychiatric problems, the psychologist of the centre informs the Director of the centre immediately or his or her legal substitute and, where appropriate, makes proposals for specialist consultations to hospital departments.  The psychological assistance is provided without an interpreter. It was mentioned that many of them speak English or Romanian and if they do not speak these languages she solicits the assistance of another detainee, who may interpret for them but only if the foreigner agrees to it.  According to the director of Arad there was only 1 suicide attempt. Many detainees participated in hunger strikes.  In Otopeni, the psychologist stated that all the detainees are registered and counselled. If necessary, the counseling is provided with the help of another trustworthy detainee, if the patient agrees to it. However, he said that he manages to discuss directly with most of the foreigners, because the majority of them speak English or Romanian or through Google translate. Therefore, there is no need for an interpreter. He reported that all detainees have a brief psychological interview and after the isolation they go through psychological testing. One of the detainees interviewed by the author in Otopeni reported that he tried to talk to the psychologist, but was told that he was not in the centre.  According to the doctor there were persons who had to be admitted to psychiatric hospital several times. There were no suicide attempts in 2021. As for hunger strikes, there were persons who stated their intention to go on hunger strike, but in 4-5 days they renounced it.  **Access of NGOs to detention facilities**  **Bulgaria**: NGOs’ and legal aid providers’ right to access to asylum seekers is explicitly regulated and expanded to also include border-crossing points and transit zones. However, the Bulgarian Helsinki Committee was the only NGO in 2021 visiting border and detention centres regularly as well as the SAR closed facility as all the rest refrained from visitations due to COVID-19.  **Cyprus**: From November 2020 until early 2021, and based on a Ministerial Decree, no person can enter or exit migrant reception and/or detention centres without prior authorisation by the Minister of Interior. This restriction does not apply to new arrivals and people having to enter/exit for work related reasons or humanitarian reasons. For the rest of 2021, such restrictions were lifted.  **France:** The list of NGOs accredited to send representatives to access the waiting zones, established by order of the Ministry of the Interior was last revised in June 2021and will be valid until June 2024. It includes 9 organisations: Association nationale d'assistance aux frontières pour les étrangers (Anafé); La Cimade; Croix Rouge française; France terre d'asile; Forum réfugiés-Cosi; Groupe accueil et solidarité (GAS); Groupe d'information et de soutien des immigrés (GISTI); Ligue des Droits de l’Homme; Mouvement contre le racisme et pour l'amitié entre les peuples (MRAP).  **Croatia**: During 2021, the Croatian Red Cross did not face issues in accessing transit reception centres and reception centres for foreigners.In accordance with the Ministry of the Interior, the Croatian Red Cross implemented a programme of psychosocial support and the renewal of family ties in all three centres for foreigners. During 2021, CRC visited the Transit Centre in Trilj 3 times, the Transit Centre in Tovarnik 2 times and the Reception Centre for Foreigners in Ježevo was visited by CRC on a weekly basis during the second half of the year (21 times in total). As a rule, centres were visited by the CRC’s psychologist and the employee of CRC’s Tracing Service together with interpreters, when necessary.  According to the CRC, access was limited to persons who have just arrived in detention centres and were accommodated in quarantine due to epidemiological measures in detention centres. Upon arrival at the Centre, all foreigners were tested for COVID-19 and placed in a 7-day quarantine.  During 2021, the Croatian Red Cross held trainings for employees in the Reception centres in Ježevo, Trilj and Tovarnik. CRC in cooperation with the ICRC, held a workshop "Capacity Building, Review of Cooperation and Exchange of Best Practices" for the heads of all centres and 2 employees of each centre. Educational workshops on identifying vulnerable groups of migrants were also held in Trilj and Tovarnik in cooperation with UNHCR. In addition to police officers working in the Centres, police officers from border police stations Trilj and Tovarnik also participated.  IOM reported that they did not encounter any problem with accessing reception centres, but some NGOs faced difficulties in obtaining access. The Centre for Peace Studies does not have access to the Reception Centre for Foreigners in Ježevo and the Transit Reception Centre for Foreigners in Tovarnik and Trilj since the beginning of 2018. The NGO Are you Syrious (AYS) did not ask for access to Reception Centres in Ježevo, Trilj and Tovarnik in the course of 2021.  **Malta**: A partial access for NGOs to detention centres was restored from June 2021. They do not have access to the living quarters in detention centres – that is granted only to UNHCR - and are not permitted to organise group sessions with detained persons. NGOs are only permitted to visit clients and by appointment despite having have repeatedly requested such access from the responsible Ministry, access that had consistently been denied. In practice, NGOs receive daily calls from detained persons requesting legal aid. Police numbers, exact names and countries of origins of these individuals have to be registered in order to be granted a visit by the Detention Services and reserve a slot for the only available boardroom. NGOs are usually allocated up to four hours, during which the lawyers (accompanied by an interpreter, as needed) are able to talk to between six to eight persons. There are weeks when NGOs visit a detention centre twice, whilst there are times when weeks pass without any slot being allocated.  NGOs repeatedly flagged a number of limitations with the current system. Presently, detained persons rely on the availability of a functioning telephone in order to call them and this is not always available. For the second half of the year, no telephone has been operational in any living area at Safi. Persons who need to call NGOs or other persons/organisations, are required to request this from the on-duty Detention Service personnel in order for them to use the office phone.  The authorities seem to assume that detained persons – including newly arrived asylum-seekers – are aware of the existence of NGOs, the nature of their services and how to get in touch with them. Invariably, the most vulnerable persons and often those most in need to be identified as such and be provided with information, assistance and referrals are not the ones calling.  This lack of access is particularly problematic due to the deadlines stipulated in Maltese legislation for the filing of appeals against Detention Orders (3 days), Removal Orders (3 days), age assessment decisions (3 days), and negative asylum decisions (15 days) are extremely stringent and template application forms are not provided. The actual deadlines amount more or less to actual time needed to get the approval for a visit the following week.  This policy of heavily restricted access results in the absence of provision of basic information on the asylum procedure, information on the available legal support for detainees, or the possibility to appeal decisions within the legal deadlines. Individuals can therefore go through their entire asylum procedure without ever being given any legal advice or information. Most detainees are channelled through the accelerated procedure and are issued with the IPAT review, a removal order and return decision along with their rejection. As stated above, they cannot appeal their first instance decision and they usually would miss the short deadline (3 days) to appeal the removal order, which necessarily needs the intervention of an NGO lawyer or a private lawyer. This lack of procedural safeguards coupled with the lack of communication from Immigration Police regarding removal arrangements means that individuals are increasingly at risk of refoulement.  **Poland**: The law allows lawyers, NGOs and UNHCR to have access to detention centres. In practice however, until January 2022, NGO could not visit detention centre in Wędrzyn due to national security and safety reasons. Due to the coronavirus situation, all visits were suspended from October 2020 to 21 May 2021 but foreigners could meet with lawyers and members of their family and friends remotely via Skype. At the end of January 2022 all personal visits were again suspended due to coronavirus situation in Poland till 28 February 2022.  NGOs provided legal assistance, but unfortunately not on a regular basis in 2021. NGOs had to narrow their assistance, including legal assistance, in the detention centres, due to lack of financial means as a result of delay in the implementation of AMIF; delay in the announcement of the call for proposals and delay in publishing the results co-financed by AMIF.  As a general rule, NGOs have to ask for the consent of a manager of the detention centre to meet with a specific asylum seeker. Lawyers, family members and friends, or NGOs can meet with a detainee during visiting hours. There are no limitations concerning the frequency of such visits. UNHCR Poland notes that they are not limited in accessing detention centres. The media and politicians have access to detention centres under general rules; they have to ask for the consent of the SG unit managing the detention centre.  In practice, NGOs who want to meet with more than one or with unspecified asylum seekers, monitor conditions in a detention centre etc. must ask the SG Commander in Chief in writing for permission to visit a detention centre. Since 2017 permission is authorized by the Border Guard Headquarters. Nevertheless, visits are generally not limited to visiting hours. On the other hand, in 2021 NGOs, which provided legal or psychological assistance started to face problems in accessing the detention centres, i.e. in Wędrzyn or Kętrzyn detention centre. In 2021 NGOs faced lots of problems in contacting the detainees in Wędrzyn.  **Romania**: In Arad, legal counselling is ensured by the legal counsellor of Timișoara, according to CNRR. However, the JRS representative from Timisoara stated that the legal counsellor from Timisoara does not provide legal counselling for the asylum seekers in Arad anymore and many of the asylum seekers were relying on the information received from other detainees. This was also confirmed by the interviewed detainees who reported that they were not counselled by any NGO on asylum applications or subsequent applications, and that they were relying on the information provided by other detainees or police officers. It was also reported by the director that the CNRR legal counsellor from Timisoara did not go to Arad centre in 2021.  According to the director of Arad, IGI informs via email CNRR Bucharest when an asylum application is made. This was also confirmed by CNRR. Nevertheless, it seems that the communication between IGI and CNRR was flawed in 2021 because, CNRR reported that no asylum seeker was counselled in Arad, because there were no asylum seekers detained in Arad in 2021, even though the director of Arad reported 89 asylum applications and the director of Timisoara reported 84. Therefore, no appeals were drafted by CNRR in 2021. According to the director of Timisoara centre, appeals were lodged by the applicants and none of them was admitted by the court. Conversely, the director of Arad mentioned that appeals are lodged either by CNRR or applicants.  As regards asylum seekers in Otopeni centre, the representatives of the centre stated that they are not counselled before the interview by NGOs and the majority of appeals are lodged by the detainee.  The lack of proper counselling in Otopeni detention centre was also emphasized by a lawyer. The lawyer reported that clients of hers detained in Otopeni were not counselled in relation to their right to make an asylum claim, had no knowledge of the asylum procedure. One of her clients, detained in Otopeni, was not aware that he had the right to make an asylum application in Romania and that Romania is part of the EU. As a consequence, he made an asylum claim after a few months, when he learned more about it from other detainees. The detainee also reported to his lawyer that he was not counselled before the interview by anyone; the interview was very brief, so brief that he was of the opinion that a next interview would follow. He also stated that the officer focused on general information and his family’s problems, he did not have the chance to talk about his problems from the country of origin. Another client of the lawyer interviewed by the author made 2 subsequent requests without any information on the conditions and grounds for admitting such a request. He received no assistance for filling in the form.  **Differential treatment of nationalities in detention**  **Malta**: the legal regime of persons detained depends significantly on their nationalities. Asylum seekers coming from a countries of origin where returns are deemed possible are usually detained under the Reception Conditions Directive. These applicants usually remain in detention during the whole asylum procedure since the automatic review of their detention, when conducted, never questions the lawfulness of their detention.  Applicants coming from other countries of origin are usually de facto placed in detention and may be released when space is available in reception centres or when a lawyer files a habeas corpus.  It was noticed that detainees are usually kept together based on their nationalities. They are also regularly moved from one detention centre to another, without being given any information for such change, which creates anxiety among applicants. The Detention Service indicated that detainees are “housed according to their different protection and socio-political needs” and that moving is done “to prevent potential conflict between different cultures”. |

1. **Procedures at first instance (including relevant changes in: the authority in charge, organisation of the process, interviews, evidence assessment, determination of international protection status, decision-making, timeframes, case management - including backlog management)**

|  |
| --- |
| **Determining authorities**  **Belgium:** In 2021, the CGRS had a total of 487 FTE staff, out of which 259 FTE were caseworkers responsible for examining applications for international protection. As regards its internal structure, the CGRS is divided into geographical departments and into units responsible for certain asylum procedures and/or certain asylum applicants. It has two vulnerability-oriented units that provide support to caseworkers dealing with specific cases, as will be discussed further below. The Dublin procedure, however, is conducted by the Immigration Office prior to transmitting the application to the CGRS.  **Hungary:** The Asylum and Immigration Office ceased to exist on 1 July 2019 as the National Directorate-General for Aliens Policing (NDGAP) was established taking over the responsibility for asylum and aliens policing matters. On 31 December 2021, there were 15 case officers handling asylum cases.  **Italy**: As of December 2021, there were 20 Territorial Commissions and 21 sub-Commissions across Italy.  **Registration**  **Cyprus**: During 2020, there were instances of people who had recently arrived irregularly that should have been referred to Pournara, the First Reception Centre in Kokkinotrimithia. However, due to overcrowding, they were not and were left homeless and unregistered. In an attempt to address this the authorities, set up tents outside the gates of Pournara, where approximately 200 asylum seekers were hosted with extremely limited hygiene facilities. In early 2021, the number remained at 200 people. This continued throughout 2021 with extremely long delays in accessing the Centre and registering asylum applications, leading to hundreds of persons waiting outside in squalor conditions. The delays were also caused by the Aliens and Immigration Unit of the Police carrying out interviews on the routes followed and mode of entry into the country, as well as verification of identification and documents before allowing persons to enter the Centre. Persons with a passport or some form of identification document were given access faster than those who had no documents, and many had to wait for weeks to enter the Centre. In late 2021, based on recommendation from UNHCR, a pre-admission section was created with chemical toilets, to accommodate people awaiting registration, which led to a significant reduction in persons awaiting registration. In early 2022, there were no persons reported to be waiting outside the Centre.  Towards the end of 2020 and in early 2021, there were delays in the issuance of Alien’s Registration Certificates (ARC) numbers due to COVID-19 cases in Pournara which led to the responsible officers not being present in the Centre. For the rest of 2021, there were no similar delays registered.  **France**: The registration of asylum claims in France is conducted by “single desks” (guichet uniques de demande d’asile, GUDA) introduced in order to register both the asylum claim and the need for material reception conditions. In July 2019, the Council of State recognised that the waiting time for appointment was an issue and urged the authorities to take appropriate measures to comply with the time foreseen by law. According to the authorities, the average time was 4 days in 2020, and “less than 3 days” in 2021.  Regarding difficulties in accessing the PADA, OFII reported 57,000 eligible calls from 11,679 different numbers each month during the first semester of 2021: 8,335 were processed by OFII and only 4,800 resulted in an appointment.  **Ireland:** In October 2021, the International Protection Office introduced a revised international protection questionnaire. The revised questionnaire is substantially shorter and more user-friendly than its predecessor. Additionally, the questionnaire can now be downloaded from the IPO’s website, completed and submitted by email. The online questionnaire is available in English, French and Arabic. The questionnaire is 39 pages long and divided into a Part A and Part B. Part A contains useful definitions of important words, as well as instructions to be followed by applicants in completing it, while Part B is divided into 14 parts across approximately 29 pages.  **Italy**: Difficulties in accessing the asylum procedure continued in 2020 and 2021, in particular for what concerns the registration of asylum applications. Even if in 2021, the Questure were generally open, some limitations in the access due to COVID-19 measures continued, which sometimes affected the concrete possibility for prospective applicants to manifest their willingness to apply for international protection.  The access to the Questura of Milano for people who wished to apply for Asylum was very difficult throughout 2021; a new office in charge of receiving people who wished to apply for asylum was opened far from the central office of Questura, which rendered it difficult for people to reach it. The access to the Questura of Naples also remained difficult in 2021, being de facto limited to people that book an appointment through certificated mail in advance, supported by lawyers or NGOs operators. Moreover, an appointment can in general be obtained only in a time span that goes beyond one month. In Rome, applicants have to reach the Questura extremely early in the morning to be attended, as only a limited number of applicants is admitted each day. In Palermo, it is possible to book an appointment by certified post; the appointment is generally scheduled around two weeks after the request. The introduction on 1 February 2022 of the obligation to present a COVID-19 “Green Pass ” to access all public offices created additional problems for persons wishing to apply for asylum, as no exemptions are foreseen, nor is COVID-19 testing provided for free.  In 2021, 56,388 asylum requests were registered in Italy, compared to 21,200 in 2020. The main countries of origin of the applicants were Pakistan, Bangladesh, Tunisia, Afghanistan and Nigeria.  **Netherlands**: The Aliens Decree on the Regular Asylum Procedure (“Track 4”) has been amended. The amendment has entered into force on 25 June 2021. Consequently, amongst other changes, the registration procedure, including the registration interview, is formally laid down in the Aliens Decree. Since the amendment, the immigration officer also explicitly questions the asylum seeker, during the registration interview, about the reasons for fleeing his or her country of origin. This also applies to unaccompanied minors. This change that was criticised by the Dutch Council for Refugees, given that during the registration procedure, the asylum seeker does not benefit from legal assistance and is not entitled to obtain individualized information. As a result, the asylum seeker will not be informed about the impact of his statements regarding reasons for fleeing his country of origin. It should be noted that asylum seekers receive a brochure from the IND at the start of the registration procedure; however, the brochure just provides general information about the asylum procedure in the Netherlands, and cannot be considered as a substitute for individualised assistance. In the past, the regular Asylum Procedure could be extended during the procedure up to 14, 16 or 22 days. Since 25 June 2021, when the amendments to the Aliens Decree regarding the regular asylum procedure came into force, the 6 days of the asylum procedure can be extended before the start of the procedure or during the procedure. When the IND decides to extend the procedure before its start, for example due to medical reasons, the asylum seeker is not able to be interviewed or there are indications that the assessment of the asylum claim cannot take place within the 6 days of the regular procedure, the procedure is extended for 3 days. In these cases, the regular asylum procedure takes 9 days. The grounds for extending the regular procedure before the start of the procedure are laid down in Article 3.115 (1) Aliens Decree.  When the IND decides to extend the regular asylum procedure during the regular procedure, for example when more time is needed to assess the identity or nationality of the asylum seeker or the asylum seeker did not show up for his detailed interview the regular procedure can be extended with 12, 14 or 20 days. The grounds for extending the regular procedure during the procedure itself are laid down in Article 3.115 (2) Aliens Decree. When there is a combination of grounds from Article 3.115(1) and (2) then the regular procedure could be extended up to 21, 23 or 29 days.  Exclusively in Track 4, the asylum seeker is granted a rest and preparation period. From 2018 onwards, this period has been considerably extended due to delays on the side of the IND. In March 2020, 15,350 asylum applications of people who applied for asylum before 1 April 2020 were passed on to a newly established Task Force, with the aim of clearing the backlogs before the end of 2020. The Task Force has not succeeded in doing so. A new aim was to clear the backlog by mid-2021. In October 2021, there 500 applications were still to be assessed. The Task Force used the following measures: (1) interviews via videoconference, (2) written interviews, (3) recruitment of (around) 250 new employees mainly from employment agencies and (4) outsourcing activities. The Task Force has ended its activities at the end of 2021.  The Dutch Council for Refugees has monitored the activities of the Task Force and the measures, which were created to clear the backlog. At the end of 2020, a first analysis was realised and the findings were published in November 2020, while a follow up to the monitoring report was published in July 2021. One of the main findings was that the new employees of the Task Force, mainly recruited by employment agencies, lacked the expertise necessary to realise detailed interviews and assess complex asylum cases (e.g. regarding LGBTI and religious conversion claims). In these complex cases, a process was introduced to overcome this problem: more experienced immigration officers of the IND became involved and more applications were referred to the extended asylum procedure. Another relevant point coming from the report was that the written intentions to reject the application and the decisions, which were taken by the Task Force, lacked quality. Furthermore, an observation was that the written interviews did not help to speed up the processing time of the applications. The applications still were referred to the extended procedure.  **Sweden:** In 2021, a total of 11,412 applications for international protection were lodged in Sweden. This marks a decrease of 12% compared to 2020, where 12,991 applications were lodged. This is mainly due to the impact of COVID-19, as travel restrictions made it difficult to reach Sweden. Nevertheless, the possibility to apply for asylum was maintained throughout the year despite the COVID-19 situation.  **Slovenia**: The Police conduct the so-called “preliminary procedure” in which they establish the identity and travel route of the individual and complete the registration form. They also inform the asylum seekers about the consequences of leaving the Asylum Home or its branch before lodging the application. In line with the amendments of the International Protection Act (IPA) that came into force on 9 November 2021, the police can also establish other circumstances that are relevant for the asylum procedure. It is not clear what those circumstances are and what is the extent of the police's authority. The police make a report about the procedure and any circumstances identified, before giving it to the Migration Office as part of the registration form. The national Ombudsman highlighted the numerous irregularities observed in the application of the police procedure during the visits to the police stations carried out in 2021. In particular, the Ombudsman detected that the police procedure was often not concluded individually or properly documented (inconsistencies, lack of information, and the use of incorrect forms were the most common irregularities). In addition, the police procedure was often not documented in a manner that could remove all doubt about whether an individual expressed the intention to apply for international protection.  In 2021, due to the COVID-19 pandemic, asylum seekers were subject to 7 – 10 days quarantine upon their arrival at the Asylum Home or its branch. However, even after the quarantine period was complete, asylum seekers had to wait significant periods of time to lodge their applications, due to the backlog in applications. In practice asylum seekers were waiting up to 20 days to lodge the application (together with the quarantine period). While waiting to lodge the application, asylum seekers are *de facto* detained. They are not issued with a detention order in respect of their detention in the Asylum Home or its branch. They also do not have the right to free legal advice or representation regarding their detention. Telephones and documents confiscated by the police during the police procedure are normally returned to asylum seekers when they lodge their application, meaning that while they are *de facto* detained, asylum seekers cannot communicate with the outside world in order to obtain legal counsel or in order to notify their family members of their whereabouts. In addition, translators are rarely present in the pre-detention area.  The general rule is that an application is lodged orally. The new amendment introduced a new provision under which the application can also be lodged in writing or electronically. The new provision states that in case where there are exceptional circumstances, the Migration Directorate can notify the asylum seeker to lodge the application in writing or electronically. The application consists of a special form which is filled in by the applicant, and the assistance of the Migration directorate officials is available in order to do so. Since the provision came to force in November 2021, it has not been used in practice, so it is unclear how and when the provision might be carried out and how it would affect the individual’s asylum procedure.  **Switzerland**: There was no specific obstacle to registering an asylum application due to the COVID-19 pandemic reported in 2021. Registration offices within federal asylum centres remained open at all times during the year.  **Frist instance procedure**  **Bulgaria**: In 2021, the number of new arrivals further increased, reaching a total of 10,999 asylum seekers. Moreover, the number of persons who decided to leave Bulgaria prior to a decision on their case also decreased to an additional 26% in 2021.  **Ireland**: The International Protection Office continues to process cases. However, according to the latest available statistics, the number of international protection applications throughout 2021 has remained lower than in recent years as a result of the COVID-19 pandemic. As of October 2021, there were a total of 1,808 applications made throughout the year, marking a slight increase of 35.56% on the same period in the previous reporting year.  **Malta:** As of October 2021, 2,127 decisions were issued, 114 positive decisions (5%) including 14 Refugee Status, 88 Subsidiary Protections and 12 THP. There were 438 rejections (23%). The rest were 1,575 (74% of the total) 'closed' cases, referring to applications that resulted in an administrative closure, Dublin closure, or applications that are explicitly withdrawn, implicitly withdrawn or inadmissible. At the moment, the refugee population present on the territory is mainly composed of Syrians (43%) and Libyans (35%) with a few Eritreans, Sudanese and Palestinians.  **Netherlands**: In September 2020, the State Secretary proposed an amendment of the Aliens Decree regarding the regular asylum procedure. This was followed by an actual amendment of the Decree, which entered into force on 25 June 2021. The amendment of the asylum procedure entails the following:  (1) the registration procedure is formally laid down in the Aliens Decree;  (2) during the registration interview the asylum seeker is questioned about his/her reasons for fleeing his/her country of origin;  (3) cancellation of the first (verification) interview at day 1 of the regular asylum procedure, which results into a shortening of the regular asylum procedure from 8 to 6 working days;  (4) more grounds for extending the regular asylum procedure.  **Sweden**: The Migration Agency decided on 40,597 applications for international protection in 2021. This included 12,793 decisions on new applications and 27,801 prolongation decisions where renewal of a temporary protection permit was requested. The backlog of pending cases has been reduced from 7,155 at the end of 2020 to 5,906 at the end of 2021.  **Switzerland**: On 15 September 2021, the Swiss Parliament agreed for immigration officials to access people’s mobile data if it is the only way to verify their identity. The Swiss Refugee Council and UNHCR criticised the measure as disproportionate and an assault on privacy rights.  **Length of first instance procedure**  **Belgium**: Throughout 2021, the average processing time of cases by the CGRS was 266 days, counting from the moment the file was sent to the CGRS until the first decision by the CGRS.  **Bulgaria**: According to monitoring activities in 2021, the general decision-taking 6 months deadline was observed in 100% of the cases, leaving 0% of the cases with prolonged determination duration. According to the SAR, the average duration of asylum procedures on the merits ranges from 3 to 6 months, including for nationalities such as Syria, Afghanistan and Iraq.  **Germany**: In the first quarter 2021, procedures at the BAMF took 6.5 months on average. In 2020, the average duration was 8.3 months. The average time of asylum procedures until a final decision is issued (i.e. including possible court procedures) was 25.9 months in 2020.  The average duration of the first instance procedure in the AnkER centres as 6.6 months in 2020, compared to 8.3 months for all procedures. In the first quarter of 2021, the average duration was 5.3 months in AnkER centres and 6.5 months in all first instance procedures. In the BAMF evaluation of AnkER centres, a comparison between procedures in AnkER centres and other procedures leads to the conclusion that procedures are only marginally faster in AnkER centres.  **France**: The average first-instance processing time for all procedures was 258 days in 2021, compared to 262 days in 2020 (in the context of COVID-19.  **Ireland**: Prior to the outbreak of COVID-19, persons whose circumstances fell outside the prioritisation criteria were likely to be waiting between 8 and 10 months for their substantive interview, whilst applicants who successfully requested prioritisation were interviewed within 4 to 5 months of their initial application. Generally, a person whose case was not prioritised could expect to receive a recommendation on their application within 15 months of claiming protection, while an individual whose case fell within the prioritisation criteria could expect to be waiting 9-10 months. Following the outbreak of COVID-19, restrictions on the operation of the International Protection Office have resulted in significant delays to the overall procedure. The latest figures from the Department of Justice indicate that individuals whose circumstances fall outside the prioritisation criteria are waiting approximately 23 months for a decision on their application, while those who successfully seek prioritisation are waiting approximately 14 months. This marks an increase on the previous reporting period (18 months for non-prioritised applications and 14 months for prioritised applications), despite a commitment by the Department of Justice to reduce the overall processing time to 6-months in line with the recommendations of the Expert Advisory Group.  **Netherlands**: Due to the ongoing pandemic in May 2020, the statutory decision period for asylum applications was extended by six months. The State Secretary referred to the European Commission’s Guidance, which mentioned that Article 31(3)(b) of the Asylum Procedures Directive allows Member States to extend the six months period for concluding the examination of applications. On 16 December 2020, the Council of State ruled that this extension was not unreasonable, nor contrary to EU law. If the application is assessed within the regular asylum procedure, in 2021, it takes in general 41 weeks and if it is referred to the extended procedure, in general it takes 64 weeks before a decision is adopted.  **Poland**: The time limit set in law for the Head of the Office for Foreigners to make a decision on the asylum application is 6 months. This period can be prolonged to 15 months if the case is considered complicated (218 cases in 2021), if there are many asylum seekers applying at the same time (2 cases in 2021) or if the asylum seeker did not fulfil the obligation of presenting all the evidence and documents or attending the interview (none in 2021). Excluding accelerated procedures, the number of decisions issued within 6 months-time limit was 495 in2021. The Office stressed that there are no formal guidelines on what is considered a complicated case and the decision in this regard is taken individually.  In 2021 the average processing time for a decision on the merits was 127 days (in comparison to 207 days in 2020). The longest processing time took 531 days (in comparison to 2345 days in 2020) and the shortest 2 days. The COVID-19 pandemic in 2021 did not have much impact on the duration of the proceedings, according to the Office for Foreigners.  According to the law, if the decision is not issued within 6 months, the general provisions on inaction of the administrative authority apply, therefore the Head of the Office for Foreigners should inform the applicant in writing about the reasons of delay and the applicant can submit a complaint to the second-instance authority. In 2021 there were 858 cases in which the Office for Foreigners prolonged the proceedings under the general administrative law provisions. In practice, information about the reasons for delay is provided in a very general way and complaints to the second-instance authority hardly ever happen.  **Sweden**: The average length of the asylum procedure (i.e. for all tracks) had significantly decreased from 507 days in 2018 to 288 days 2019. In 2020 the asylum procedure increased to a total of 302 days, but decreased again to 256 days in 2021.  **Recognition rates**  **Bulgaria**: Out of a total of 2,195 decisions taken on the merits in 2021, 61% resulted in a positive decision. This represents a considerable increase compared to 2020 where recognition rates reached 37% and is mainly due to the increase of arrivals. Subsidiary protection in 2021 also increased to 57% of the cases decided on the substance compared to 32% in 2020 and 15% in 2019. However, the refugee status recognition rate continued to decrease to 4% in 2021 compared to 8% in 2020, 13% in 2019 and 15% in 2018.  **Italy**: Statistics on decisions in asylum applications in 2021 show a recognition rate of about 97% for Afghans, 95% for Somalis, 87% for Venezuelans, 79% for Iraqis, 70% for Eritreans, 57% for Sudanese nationals, 56% for Malians and 51% for people coming from El Salvador.  Tunisia is among the top ten main countries of origin of applicants for international protection in 2021 (over 7,000 applicants, representing 13% of applications lodged, with a 594% increase compared to 2020) and is the country with the highest denial rate (92% of the 4730 applications lodged by Tunisians examined in 2021 were rejected). Applications by Moroccans are also on the rise (1175 applications lodged in 2021, with a 139% increase compared to 2020) and with a high denial rate (83% of the 1428 applications examined in 2021 were rejected). In practice, some nationalities face more difficulties to access the asylum procedure, both at hotspots, at Questure and, in the context of the COVID-19 pandemic, aboard quarantine vessels. ASGI has reported in 2021 as in previous years, that people from Tunisia were notified expulsion orders despite having expressly requested international protection with the practice of the “double information paper”. Serious criticalities in access to the procedure, due to lack of information provision and legal assistance as well as de facto detention, were reported by ASGI with specific regard to Tunisians arriving in the island of Pantelleria, where landed migrants are channelled in hotspot-like procedures.  **Backlog at first instance**  **Belgium**: As in 2020, the CGRS was unable to reduce the backlog of pending cases in 2021. As a result, the total work stock - i.e. the number of files for which the CGRS has not yet taken a decision - has steadily increased to from 12,633 pending cases in 2020 to 15,685 asylum files by the end of 2021. Out of them, 11,485 of these files can be considered as backlog cases, while 4,200 files are part of the normal work stock. This results in longer waiting times for persons in the asylum procedure.  Aiming to clear the backlog in all stages of the asylum procedure, the Secretary of State announced both an audit of the asylum services (CGRS, Immigration Office, Fedasil and CALL) and the recruitment of 700 new staff members in these services. The results of the audits are expected in the summer of 2022. In June 2021, the CGRS published a vacancy for the recruitment of new protection officers.  **Bulgaria:** The backlog of pending cases significantly increased from 2,021 cases in 2020 to 7,556 cases in 2021. This seems to be mainly due to the important increase of arrivals during the second half of the year, and the fact that the SAR had to adapt its decision-making process on Afghan cases – the top nationality in the country - following the take-over of the Taliban in summer 2021. As of the end of 2021, however, no significant change in the examination of these cases was noted.  **Cyprus**: Between 2017, and 2020, the backlog of pending cases steadily increased. In 2021 for the first time in recent years the backlog was slightly reduced with 16,994 pending cases at first instance.  **Germany**: The overall number of pending applications at the BAMF was 108,064 at the end of 2021. This is twice as much compared to 2020 (52,056) and significantly higher and in previous years (57,012 in 2019 and 58,325 in 2018).Most of the pending applications are by Syrian (31.8 % ofall pending cases) and Afghan nationals (25.8 % of all pending cases). The main reasons for this increase include the de-prioritisation of applications from Afghan nationals and from Syrian nationals with a protection status in Greece.  **France**: The backlog of pending cases reached 49,500 as of the end of 2021, marking a significant decrease when compared to the 84,000 pending cases at the end of 2020.  **Poland:** As of 31 December 2021, there were 3,850 persons whose cases were pending before the Office for Foreigners.  **Personal interview**  **Belgium**: In the context of the COVID-19 sanitary measures, the CGRS has granted the refugee status on the basis of the elements in the file – without conducting a personal interview – in more than 500 cases in the course of 2020. The CGRS continued this approach throughout 2021, during which refugee status was granted without conducting a personal interview in around 1,000 cases, mostly concerning applicants from Burundi, Syria and Eritrea.  The CGRS continued organising interviews by videoconference in the closed centres in 2021, in 72 cases that were deemed to have high recognition chances. If any indications for refusal of a protection status arose, a live interview was organised. In the meantime, the CGRS has contributed to the redaction of a Royal Decree, creating a legal basis for asylum interviews by video conference in closed centres. In January 2022, the Royal Decree was ready but still being checked on its GDPR compliance before publication.  **Bulgaria**: No particular issues have been reported in 2021, except with respect to timely notification about the date of the interview, which often is issued when the interview in question has already begun.  **Cyprus**: Interviews via video conference continued in the beginning of 2021, however from then on, they were not used.  **Germany**: The updated version of the BAMF’s internal directive for asylum procedures of July 2021 foresees the possibly of video interviews for the Dublin interview, for border procedures as well as for subsequent applications and revocation procedures, but not in the regular asylum procedure. The document specifies that the directives concerning video interviews are only applicable during the COVID-19 pandemic. Video interviews still require the presence of all involved persons on BAMF premises, albeit in different rooms or locations. Consent of the applicant is not required.  **Hungary**: The quality of the asylum interviews highly depends on the personality of the case officer. Although in most cases, the interview records – especially when legal representative is not present – are vague and lack the resolution of contradictions, the HHC is also aware of an extremely punctual and detailed interview technique applied in Budapest. In 2021, the HHC reported that some of the case officers made rude comments about the applicants in Hungarian. In one interview, an officer from the CPO was present and made highly inappropriate comments regarding the Afghan applicant and his family members. The case officer conducting the interview did not intervene; instead, he also made inappropriate comments. In any case, positive practices are also worth noting. Case officers were in some cases open to adjust the interview appointment to the needs of the applicant. For example, the interviews could be arranged in the afternoon so that the applicant did not have to miss work. In one case the applicant, dependent on a wheelchair, was not required to be present in person at the announcement of the decision. Case officers often called legal representatives before making an appointment, to inform them and to make sure the appointment would be appropriate.  **Ireland**: The preliminary interview usually takes place on the day that the person attends the IPO, though due to restrictions associated with the COVID-19 outbreak and resultant delays, sometimes applicants were called back for their initial interview on a separate day following registration of their claim. In such circumstances, the time period between a claim being registered and the initial interview taking place varies on a case-to-case basis. In the experience of the Irish Refugee Council, typical waiting periods are approximately 2-4 weeks. However, the Irish Refugee Council Information and Referral Service is aware of cases whereby it has taken clients 2-3 months to complete their preliminary interview. In the experience of the Irish Refugee Council, this practice continued through much of 2021. The most recent report of practice occurred in October 2021.  Following a significant increase in the number of COVID-19 cases in December 2020, public health restrictions were re-implemented and all substantive protection interviews at the IPO were postponed, in line with government guidelines. Interviews recommenced in early May 2021 on a remote basis and continue to take place via video conference in line with public health advice. In practice, the applicant is required to attend the IPO in person and the interview conducted via video conference, with the applicant located in one room and the International Protection Officer in another room. Legal representatives could attend remotely, or in-person and interpreters were required to dial in remotely telephone. While the use of remote interviews is positive in that applications continue to be progressed, difficulties with the remote infrastructure persisted in 2021. Interpreters typically joined interviews by telephone only to the international protection officer’s interviewing room. This significantly affected the sound quality of interviews. It was also not possible for the applicant to see the interpreter. The software being used meant that calls often dropped numerous times throughout the interview and had to be reconnected. Efforts were made to address these concerns through the introduction of new software, in December 2021. As of February 2022, international protection interviews continued to take place remotely.  **Poland**: In 2021 all the interviews in detention centres were conducted remotely, with the use of Polycom and Jabber applications. Beyond detention context, in 2020 and 2021 videoconferencing was applied on a larger scale because of the pandemic, but the applicants still had to come to the Office for Foreigners. Interviewee and interviewer were sitting in separate rooms and upon the termination of the interview, the interviewee still had to sign the protocol of the interview. This practice was continued in 2021 and allowed for less delays in the duration of proceedings. According to the Office for Foreigners, protocols are mainly prepared on the computer, not handwritten.  Slovenia: There was no particular change in the way of conducting interviews as a result of COVID-19, i.e. they continued to be carried out in person while translation was occasionally conducted by videoconference. Due to the high absconding rate, the Migration Directorate changed the practice in mid-2021 and conducted personal interviews with the remaining asylum seekers within one week of the applicant lodging the application.  **Sweden**: Video interviews were being conducted even prior to COVID-19, but were then typically applied only when the applicant was residing a long distance from the Migration Agency’s designated interview office. However, as a result of COVID-19, video interviews have increased in 2020 and 2021, in particular before the interview rooms were adapted to COVID-19 with protecting equipment during the summer of 2020.  **Recording and report**  **Bulgaria**: The law provides for mandatory audio or audio-video tape-recording of all eligibility interviews as the best safeguard against corruption and for unbiased claim assessment. The positive practice in this regard persisted in 2021, as 100% of all monitored interviews were tape-recorded. However, in 24% of the procedures monitored in 2021, the interview or the registration reports were not read out to asylum seekers before being served for signature, raising concerns over compliance with EU standards.  Notwithstanding the small number of asylum seekers who presented any evidence to support their claims, caseworkers continued to omit their obligation to collect these pieces of evidence with a separate protocol, a copy of which should be served to the applicant. In 16% of the monitored cases in 2021, the evidence submission was not properly protocoled as one of the safeguards for proper credibility assessment, which is a regress in comparison to 2020 when it was made in 12% of the monitored cases.  **Safe country concepts**  **Belgium**: The Royal Decree of 14 January 2022 on Safe Countries of Origin reconfirmed the list of safe countries of origin that was adopted in 2017: Albania, Bosnia-Herzegovina, Northern-Macedonia, Kosovo, Serbia, Montenegro, India and Georgia.  In 2021, a total of 1,769 persons from safe countries of origin applied for asylum.  The application of the first country of asylum led to the inadmissibility of the asylum application in 11 cases in 2021, 10 of those concerning Tibetans, having India as the first country of asylum and one concerning a person having a status, other than the international protection status, in Greece.  **Cyprus**: In May 2021, the list of safe countries of origin was modified, and the number of countries included went from 21 to 29. Regardless, no significant increase in the use of accelerated procedures was registered.  **France**: The list of countries considered to be safe countries of origin is public. At the end of 2021 it included Albania; Armenia; Bosnia-Herzegovina; Cape Verde; Georgia; India; Kosovo; North Macedonia; Mauritius; Moldova; Mongolia; Montenegro; Serbia. In 2021, applicants from Albania and Georgia came back in the top ten countries of origin of asylum seekers in France.  Decisions to add a country to the list can be challenged before the Council of State by third parties. The Council of State has removed several countries from the list in the last years. In 2021, Benin, Senegal and Ghana were removed.  **Ireland:** In April 2018, the Minister for Justice commenced S.I. No. 121 of 2018, which updated the safe country of origin list to include Albania, Bosnia and Herzegovina, North Macedonia, Kosovo, Montenegro, Serbia, Georgia and South Africa. The safe country of origin list continues to be applied in practice. As of October 2021, Georgia and South Africa were once again amongst the top 5 countries of origin, with 215 and 87 applications respectively, accounting for 11.9% and 4.8% of the total applications.  **Malta:** The amendments of December 2021 introduced a new provision in the Procedural Regulations which currently establishes that “the concept of safe country of origin can only be applied to those countries which have been designated as safe countries by the International Protection Agency and included in the Schedule to the Act.”  **Netherlands**: Following a judgement from the Council of State from April 2021 (Council of State, ECLI:NL:RVS:2021:738, 7 April 2021), the State Secretary had to reassess the list of safe countries of origin. The Council ruled that the IND had to reassess the list every two years and that this reassessment should be carried out through the same procedure used for the designation of a country as a safe country of origin. The ‘quick reassessment’ that was normally carried out by the IND and focused only on sources from the US State Department and Freedom House – only if these sources showed significant changes in the country, the IND would carry out a ‘full reassessment’ consulting all sources stated by Article 37(3) Procedures Directive. The period of mandatory reassessment was completed on 4 November 2021, resulting in cancelling Algeria as a safe country of origin and adding some groups of exemption and groups of special attention to the designation of Mongolia, Morocco, Tunisia and Georgia as safe countries of origin. In addition, the State Secretary decided to shorten the list of safe countries of origin in order to lower the periodical efforts to reassess their situation. Twelve countries - from which an extremely limited number of asylum seekers came from - were deleted from the list: Andorra, Australia, Canada, Iceland, Japan, Liechtenstein, Monaco, New Zealand, Norway, San Marino, Vatican City and Switzerland. On 14 December 2021, the temporary suspension of India as a safe country of origin was reassessed. India has then again returned to its designation as a safe country of origin, with the exception of the union territory of Jammu and Kashmir and with the exception of religious minorities, such as Muslims and Christians, as well as Dalit women and girls and journalists. In addition, special attention has to be paid to those who have been critical of government and governmentpolicy and have encountered problems as a result, including, for example, human rights activists, academics and protesters.  **Poland**: Since the 2015 reform of the law, the safe country of origin concept is not applicable in Poland. The draft law submitted in 2017 (and updated in February 2019, yet not adopted as of February 2022.  **Sweden**: In May 2021, Sweden implemented the APD´s provision regarding safe countries of origin in its national legislation. The Swedish Migration Agency is responsible for establishing the national list of safe countries of origin that was provisionally published on 25 May 2021.  The same day the list was published, the Swedish Migration Agency also published guidelines regarding return with immediate enforcement, including the concept of safe countries of origin. The Swedish Migration Agency also published country information reports for all countries on the national list. The country information reports are relatively short and provide general information about the country in question. A description of the human rights situation and the ability to enjoy state protection in each country is also made. The reports do not provide specific information about how the Swedish Migration Agency made the actual assessment to designate the country in question as safe. No references to the criteria set out in the revised Asylum Procedure Directive are made in the reports.  The new Swedish legislation gives the Swedish Migration Agency increased possibilities to use accelerated procedures for asylum seekers from countries on the list. According to the Swedish legislation, the Swedish Migration Agency can expel an asylum seeker who has travelled from a safe country of origin with immediate enforcement, if the asylum application is considered to be manifestly unfounded after an individual assessment. In order to use immediate enforcement, it must also be clear that a residence permit cannot be granted on any other grounds, such as humanitarian reasons or family ties in Sweden. According to Swedish case law, the assessment must be clear and made without more detailed consideration.  According to a study carried out by The Swedish Refugee Law Center with support from UNHCR, 37 decisions with immediate enforcement were made regarding asylum seekers from countries on the list during the first three months after its introduction. During the period under review, decisions with immediate enforcement were made regarding asylum-seekers from four of the countries on the Swedish list of safe countries of origin. Those countries were Georgia (18 decisions), Mongolia (9 decisions), Albania (6 decisions) and Serbia (4 decisions). In the study, 12 of the decisions concerned families with children. A total of 22 children were affected by decisions with immediate enforcement.  **Slovenia**: In comparison to 2020, when 1,903 applications from applicants from a ‘safe country of origin’ were lodged, the number of these applications dropped significantly in 2021, to a total of 854. This is mostly due to the decrease of applicants from Morocco and Algeria. The number of applicants from Morocco and Algeria dropped last year after the Ministry started to detain large numbers of applicants from both countries.  In 2021 the concept of a ‘safe country of origin’ was used. However, official statistics on the number of cases is not available. If the concept is used, the application can only be rejected in the accelerated procedure as manifestly unfounded.  **Differential treatment of nationalities in asylum procedures**  **Belgium**: As the Taliban was gradually taking over the whole of Afghanistan, the Belgian government -together with Germany, Austria, the Netherlands, Greece and Norway- sent a letter to the European Commission on returns to Afghanistan. The letter indicated the will to invest in expanding reception possibilities in Afghanistan’s neighbouring countries and the need to continue forced returns of Afghan nationals. A few days later however, the Belgian government decided it would *de facto* halt forced returns to Afghanistan.  After Belgium´s evacuation operation ‘Red Kite’, Afghan evacuees who did not have a Belgian residence permit received a short-term visa valid for 15 days, after which they were able to apply for international protection. As a result of operation the number of asylum applications saw a sudden peak in August and September, which in turn had a significant impact on the reception network.  As the situation in Afghanistan deteriorated further, with little reliable information available the CGRA decided mid-August to temporarily and partially suspend decisions on Afghan applications for international protection. If possible, refugee status was still recognised. The following decisions were suspended:   * Decisions about subsidiary protection * Decisions about the non-admissibility of a subsequent application, if the new elements provided by the applicant solely relied on the changed general situation in Afghanistan * Refusal decisions   In practice, this partial suspension meant that if an Afghan citizen could not be given refugee status this person’s application would be ‘put on hold’ for an indefinite amount of time. In January 2022, the CGRA announced it would resume its decision-making on Afghan applications for international protection in February 2022. The CGRA indicated it would take more positive decisions on refugee status, due to the increase of risk profiles in Afghanistan. On the other hand, it would take fewer positive decisions on subsidiary protection based on article 15 b) of the Qualification directive due to a significant drop in internal conflict. As a result, Afghan citizens have a lowered risk of becoming victim of random violence caused by an internal conflict.  On 2 March 2022, the CGRS resumed decision-making of all kinds of decisions (subsidiary protection, non-admissibility of subsequent application and refusals) in cases of Afghan applicants. Overall, the CGRS indicates that the situation for many Afghans has clearly deteriorated. As a result, various “profiles at risk” such as journalists, human rights activists, political opponents and critics of the Taliban, people occupying certain functions under the previous government, staff members of the previous foreign military troops or foreign organisations, certain minorities, LGBT people and other people who go against the conservative of religious norms and values, isolated minors or women without a network, family members of certain profiles at risk can “count on refugee status”.  With regards to the need for subsidiary protection, the CGRS states that the amount of indiscriminate violence has decreased significantly since the takeover by the Taliban. It highlights that there still is violence, but that these attacks are acts of targeted violence. As a result, in Afghanistan, there is no longer a real risk of falling victim to indiscriminate violence. Therefore, subsidiary protection status will no longer be granted because of the security situation.  This change in policy might result in a high amount of negative decisions for Afghan applicants for international protection, especially for those groups who used to rely on the accordance of subsidiary protection in the past. This is in stark contrast with the most recent guidance note of UNHCR on the international protection needs of people fleeing Afghanistan, where the agency indicates it is not possible to determine with the requisite degree of certainty that an Afghan asylum seeker is not in need of international refugee protection. For this reason, UNHCR calls on States to suspend the issuance of decisions to individual applicants in all cases where it cannot be determined that the person in question is a refugee within the meaning of the 1951 Convention. It remains to be seen how this policy will be evaluated by the Council for Alien Law Litigation.  **Bulgaria**: Since 2016, and for five consecutive years, Afghanistan has been the top country of origin in Bulgaria. Yet, Afghan nationals are arbitrarily considered as manifestly unfounded applicants. They are predominantly considered and refused in the accelerated procedure. Out of the 1,112 asylum seekers whose cases were examined under the accelerated procedure in 2021, 66% (735 asylum seekers) were originating from Afghanistan. During the second half of 2021, Afghan cases began to gradually change with some high profile cases and increased statements for personal risk of persecution. As a result, the annual recognition rate of Afghan applicants reached a national record of 10% - but overall the rejection rate remained at 90% and it is still far below the EU recognition rate. It is yet to be seen whether the national authorities’ attitude and treatment of Afghan nationals will change in general. As of the end of 2021, most subsequent applications lodged by Afghan nationals who filed them post-August 2021 events continued to be treated by the national asylum agency as inadmissible. On the contrary, Syrians continued to be the nationality with the highest recognition rate, reaching 99% overall - out of which 3% concerned the granting of refugee status and 96% the granting of the subsidiary protection with just 1% rate of rejection. In 2021 out of 3,758 Syrian applicants, who submitted asylum claims in Bulgaria nearly 51% (1,872 individuals) had their decisions produced within the duration of the year with a 99% recognition rate (3% or 59 refugee statuses, 96% or 1,792 subsidiary protection) and only 1% rejection rate (21 refusals).  **Germany**: 27.6 % of Syrian applicants were granted asylum or refugee protection in 2021 (compared to 2018: 41.6 %, 2019: 49.5 %, 2020: 48.1 %). Conversely, the rate of Syrians being granted subsidiary protection rose from 0.1% in 2015 to 41.2% in 2016, 56% in 2017. Since then, it has decreased to 34.7 % in 2021 (compared to 39.6 % in 2020).  An increase in “upgrade appeals” and in subsequent applications occurred in 2021, following a decision by the CJEU according to which there is a “strong presumption” that refusal to perform military service in the context of the Syrian civil war relates to one of the reasons to be granted refugee status (CJEU, Case C‑238/19, Judgment of 19 November 2020).  With the outbreak of COVID-19, the Federal Ministry of Interior stopped forced removals to Afghanistan on 27 March 2020, since the Afghan authorities refused to take back Afghan nationals in light of the pandemic. Removals started again after the first wave however, with one charter flight departing from Germany on 16 December 2020. In total, 137 persons were forcibly removed to Afghanistan in 2020. Figures for 2021 were not yet available at the time of writing of this report. With the takeover of the Taliban on 15 August 2021, the German government started an evacuation operation for German nationals in Afghanistan as well as Afghan nationals who had worked for German authorities, the military and “especially endangered persons”. Between 16 and 26 August 2021, a total of 5,300 persons were evacuated, out of which 4,400 Afghan nationals. The evacuated persons have entered Germany via an emergency visa (based on Section 14 and 22 Residence Act).  Upon arrival, the BAMF then examined whether persons had already been granted permission for an admission from abroad (Section 22 Residence Act). If this was not the case, and if the Federal Ministry decided no such permission could be granted, persons were informed of this and of the possibility to apply for asylum in Germany. As of 10 December 2021, a total of 28,053 permissions for admission from abroad had been issued for former Afghan employees of the German government and their family members. However, only 8,014 persons had entered Germany as of the same date.  Over the whole year of 2021, the protection rate for Afghan nationals has only increased slightly, from 36.6% in 2020 to 42.9% in 2021. As of October 2021, the BAMF had de-prioritised decisions on asylum applications from Afghanistan due to the uncertain situation in the country except for cases in which international protection can be granted according to the guidelines in place or where the situation in Afghanistan was irrelevant for the decision. The government further declared that decisions continued to be taken on an individual, case-by-case basis. As a result, the number of pending applications by Afghan nationals has risen considerable compared to 2020, to 27,846 at the end of 2021 (2020: 6,101).  The BAMF has resumed decisions concerning Afghan nationals in December 2021, prioritising cases which involve several persons (as opposed to individual applications) and vulnerable applicants.  Appeals at Administrative Courts against such decisions had a comparably high success rate in the last years. In 2019, 8,649 Afghan nationals were being granted some form of protection in court procedures, in comparison to 9,103 rejections of appeals and 7,627 court procedures which were abandoned for formal reasons. This represents a rate of 48.7% of at least partially successful appeals in those cases, in which the substance of the matter was examined.  In 2020, 39.1% of all court decisions ended in the granting of some form of protection. If only decisions on the merits are counted, 60 % resulted in a form of protection (8,287 cases out of 21,168 court decisions). 27,002 appeals of Afghan nationals were pending at the court at the end of 2020.  **Spain**: After the withdrawal of US troops from Afghanistan in mid-August 2021, Spain started to evacuate Afghans who had worked with Spanish troops and aid workers. The plan (Operación Antígona), managed by the Ministers of Interior, Foreign Affairs and Defence, entailed their transfer from Kabul to Spain with different flights, as well as their reception and granting of either refugee status or subsidiary protection. Afghans applicants in Spain have been required to make an asylum application through the usual channels. By the end of August, the Spanish Government transferred more than 2,200 Afghans to Spain. Around 1,700 applied for international protection, and many were referred to the reception asylum system. The Asylum Office (OAR) has prioritised the first interview with Afghans applicants for the formalisation of the international protection application. It has to been underlined that interviews were carried out in a complete and detailed manner, also taking into account different characteristics (i.e. belonging to a minority group) and vulnerabilities of applicants. Additionally, the assessment phase is quicker than usual. The Minister of Inclusion, Social Security and Migration together with the Spanish Federation of Municipalities and Provinces (Federación Española de Municipios y Provincias) put in place a pilot project to involve municipalities in the integration of Afghan population arrived to Spain in the framework of the Antigona Operation. According to the collaboration agreement, the MISSM will continue to provide for the expenses connected to their reception, maintenance, social support, legal assistance, language classes, and support for their integration through the international protection programme. The Municipalities that wish to join the initiative will put municipal house facilities at disposal of the MISSM.  **Ireland**: In August 2021, in response to the emerging humanitarian crisis in Afghanistan, the Department of Justice confirmed that it would begin prioritising international protection applications from Afghan nationals in line with updated advice provided by UNHCR. Anecdotal evidence indicates that prioritisation for cases of Afghan nationals took place in practice.  The Department also confirmed that applications for family reunification made by Afghan nationals pursuant to the International Protection Act 2015 would now be prioritised and fast-tracked to completion, with full consideration given to the humanitarian context. However, in the experience of the Irish Refugee Council, this has not been the case in practice. In one case, an application for family was substantially delayed owing to difficulties in acquiring the requisite identification documents for proposed beneficiaries, as well as a refusal on the part of the Family Reunification Unit to accept copy documentation, despite the obvious issues associated with obtaining original documentation from Afghanistan at present.  **Netherlands**: The policy regarding the suspension of decisions for applications of Afghan nationals and the temporary stop on the return of Afghan nationals due to a temporary uncertain and insecure situation in Afghanistan entered into force on 26 August 2021 and was extended for six additional months as of February 2022. This policy is in accordance with Article 43 Aliens Act and Article 45 (4) 4 Aliens Act. This means that, in general, the IND has 18 months for taking a decision on new and pending asylum applications of Afghan nationals. Furthermore, rejected asylum seekers will not have to return to Afghanistan during the six months the policy applies. They will also have access to reception facilities. This policy does not apply in the following cases:  - Afghan nationals who either: fall under the scope of the Dublin Regulation; have already obtained international protection in another Member State or in a third country; fall within the concept of a safe third country; have already obtained international protection in the Netherlands; or have implicitly withdrawn or abandoned his application;  - Afghan nationals who are a threat to public order or national security;  - If Article 1F of the Refugee Convention is applicable.  Since August 2021, approximately 2000 Afghan nationals were evacuated to the Netherlands. In many cases, the evacuees used to work for the Dutch government in Afghanistan. After the Taliban takeover of the country, these people were considered at risk to be persecuted in their home country. The applications of these asylum seekers were processed in a short asylum procedure in specific emergency facilities. These emergency facilities were created to accommodate the evacuated persons. Although the policy regarding the suspension of decisions (see above) is applicable, the applications of evacuated Afghan asylum seekers will be processed and, as far as known, most of them have obtained a temporary asylum permit.  **Poland**: The total number of app. 1100 Afghans were evacuated to Poland in August 2021. According to the Office for Foreigners as of the end of October, 861 stayed in Poland. By the end of 2021 those who stayed in Poland were granted refugee status. However according to some sources, even one third of them left Poland (also after recognition) due to limited support.  The Office for Foreigners tried to prioritize issuing negative decisions towards the applicants from Iraq who irregularly crossed the border from Belarus.  Still, the most significant group of persons seeking protection in 2021 were Belarusian citizens. There were 2257 applicants in 2021, while 1148 persons were granted protection (140 refugee status and 1008 subsidiary protection) and only 3 persons were issued a negative decision. The Government introduced many policies enabling the Belarussians entering Poland as migrants – such as visa facilitations and facilitations in obtaining residence permit. According to the Office for Foreigners, Belarusians constitute the second-largest group of foreigners in Poland, with around 28,000 of them currently holding residence permits as of 2020.  As of 31 December 2021, according to the Border Guard, no returns are carried out to the following countries: Syria, Eritrea, and Venezuela.According to the Border Guard, this list is updated every quarter based on the Eurostat information on international protection and humanitarian protection rate. When the protection rate is higher than 75%, returns are suspended to those countries  **Sweden**: In 2020 there was a significant decrease in the recognition rate for Syrians as a result of a change in the Migration Agency’s assessment of the security situation in the country. In 2021, the Migration Agency continued to consider that the security situation in the internal armed conflict is not such that each and everyone is in need of international protection in accordance with Article 15(c) of the Qualifications Directive in several provinces, and that an individual assessment of the applicant’s risk therefore must be made. However, the Migration Agency considers that the improved security situation is not such that it can be considered as significant and non-temporary in nature in the context of cessation. In early 2021, the Migration Agency changed its position regarding refugee claims from Syria based on risks due to military service, as an adjustment to the CJEU case EZ v. Germany, meaning refugee status in general was granted to those who would be enrolled in military services. On 16 July 2021, The Swedish Migration Agency decided to halt all enforcement of deportations to Afghanistan and on 23 July 2021 to pause decision-making in general in asylum cases concerning Afghans, due to the take-over of the Talban regime. On 30 November 2021, the Migration Agency decided to remove the suspension of asylum decisions and stated that in general, Afghans with a deportation order would be entitled to a new examination of their protection needs. Applicants from countries with a recognition rate below 20% are presumed to have their cases treated under the accelerated procedure (“Track 4B”) even if case are individually assessed before being placed in this procedure.  **Switzerland**: Due to the events in Afghanistan in the second half of 2021, the SEM stopped enforcing deportations. According to the SEM, the "clear" cases (which would have been granted a status even before the Taliban took power) will continue to be decided. But the "unclear" cases (which would have received a return decision before the Taliban takeover, especially for persons with a social network in Kabul/Herat/Mazar-i-Sharif) are not decided at the moment. Same for re-examination requests: in cases previously classified as reasonable, no decision is currently being made. The Swiss Refugee Council finds this problematic for the persons concerned as they are in emergency assistance for months without knowing what will happen next. Decisions will continue to be on a case-by-case basis, there is no assumption of a collective prosecution. |

1. **Procedures at second instance (including organisation of the process, hearings, written procedures, timeframes, case management - including backlog management)**

|  |
| --- |
| **Appeal authorities**  **Bulgaria**: The effectiveness of the judicial system as the sole avenue for independent revision of first instance decisions remains severely undermined. In January 2020 the Supreme Administrative Court’s Chair decided to transfer asylum cases from the specialised 3rd Section to the 4th Section of the Court. Civil society and international organisations advocated against this change to prevent the loss of knowledge, experience and expertise, accumulated by the 3rd Section of the Court over the last three decades. However, the SAC’s chairperson refused to reconsider the arrangement. As a result, 82% of the asylum appeals were rejected by this highest court instance in 2021, out of which 18% overturned positive judgements of lower instances.  **Cyprus**: Since its establishment, the main challenges identified in relation to the IPAC have been the lack of comprehensive rules of procedures, infrastructure challenges, a lack of administrative and logistical support and the expected size of the backlog (consisting of rising new cases, the backlog from the Administrative Court and appeals against decisions by the Reviewing Authority).  **Slovenia**: The amendments of the IPA again introduced the right of appeal to the Supreme Court against a decision of the Administrative Court. The Supreme Court has to decide on the appeal within 30 days of receiving the appeal. The amendment applies only to those asylum seekers who lodged the application after the amendments came to force. (Applicants who lodged an application before 24 April 2016 can also appeal to the Supreme Court against a decision of the Administrative Court, based on the provisions of the IPA that were in force before that date).  Asylum seekers who lodged the application before 9 November 2021 cannot appeal against a decision of the Administrative Court, but can only challenge the decision by way of extraordinary legal remedies.  Decisions of the Supreme Court are published, with identifying information of applicants removed.  In both cases, applicants can appeal to the Constitutional Court. The appeal needs to be lodged within 15 days of the applicant being served the decision of the Administrative Court or the Supreme Court Decisions of the Constitutional Court are published, with identifying information of applicants removed.  **Second instance procedure**  **Belgium:** As of 1 March 2022, the appeal petition can no longer only be introduced by registered letter but also digitally through the digital application ‘J-BOX’. The Royal Decree of 21 November 2021, introducing this digital communication system in the procedures before the CALL, makes it possible for parties to send all procedural documents (petition, note with remarks, synthesis memoire, additional notes…) both digitally and by registered letter. In accelerated procedures and in suspension procedures in extremely urgent necessity, procedural documents can as of 1 March only be directed to the CALL through either the digital system or by deposing the documents physically at the clerk service of the CALL against receipt, excluding the previously habitual possibility of sending these documents by fax. For applicants in detention, the introduction of the petition remains possible in the hands of the director of the detention facility. Finally, the Royal Decree allows the CALL to send procedural documents (such as invitations for hearings, judgements, etc.) to the parties through J-BOX. The CALL has communicated on its website that when the applicant is assisted by a lawyer who has a J-BOX account, it will preferably send all procedural documents digitally through J-BOX.  Although the digitalisation of the procedure before the CALL is a long-awaited measure, questions are raised as to the total abandonment of fax or any other easily accessible digital application possibility, especially for applicants without lawyer, for who the J-BOX system is not accessible. In its advisory opinion, the Council of State raised the question if the abandonment of fax notifications would not deprive certain categories of applicants of a communication method they could not miss, thus violating the general principle of law of access to justice. The Council of State indicted that unless the legislator would exclude the possibility of certain applicants not being able to introduce a suspension appeal in extremely urgent necessity, it deemed the abandonment of fax to violate the right to access to justice in a discriminatory way. Notwithstanding this advisory opinion, the legislator has decided to abandon the use of fax as a communication method altogether, without providing other electronic communication means for people who do not have access to J-BOX, arguing that in the current state of jurisprudence, the introduction of a suspension appeal in extremely urgent necessity is only possible for people for who there is an imminent risk of being removed from the territory. These people can either introduce the appeal in the hands of the director of the detention facility, if they are being detained, or physically at the clerk service of the CALL against receipt. However, the limitation of the suspension procedures in extremely urgent necessity to this category of applicants is not based on legislative texts but on the latest jurisprudence of the CALL. Since the Belgian legal system is not based on precedents, this situation might evolve in time, making it possible for other people – for example persons applying for student visa and residing abroad – to introduce suspension procedures in extremely urgent necessity. The new appeal system may make it very difficult for them to get access to the appeal procedure without seeking help of a Belgian lawyer.  **Cyprus**: In 2021 there was a dramatic increase in the number of appeals registered, leading to the procedures becoming significantly slower. This marked an increase of 420% of the second instance backlog since January 2021, when 1,194 cases were pending compared to 6,406 cases by December 2021. The top 5 nationalities registering an appeal in October were: Bangladesh, India, Pakistan, Cameroon, and Nigeria.  **Germany**: In the first half of 2021, approximately 18 % of all court decisions led to the granting of a form of protection to the applicant. If formal decisions (without examination of the substance) are not taken into account, the success rate for appeals was at 35 %. This is slightly higher than in previous years (in 2020, the rates were 17 % of all appeal decisions and 31 % if formal decisions are not taken into account; the rates for 2019 were 15 % and 27 %).  **France**: In 2021, the National Court of Asylum (CNDA) registered 68,243 appeals and took 68,403 decisions, compared to 46,043 appeals and 42,025 decisions in 2020. The number of decisions taken by the Court in 2021 is the higher number ever known since its creation.  The appeal is processed by a Court panel in the regular procedure, while in the Admissibility Procedure and Accelerated Procedure only one single judge – either the President of the CNDA or the President of the section – rules on the appeal. In 2021, the CNDA took 40,438 decisions in collegial function, up to 23 149 collegial decisions in 2020. During that year, it further took 27,965 single-judge decisions following a hearing or by order, compared to 18,876 in 2020.  **Hungary**: 35 appeals were submitted against the decisions of the NDGAP in 2021. The courts issued a total of 72 decisions in asylum cases in 2021. In 32 cases, the courts rejected the appeal of the asylum seekers while in 27 cases the courts annulled the decisions of NDGAP and subsequently, in 25 cases the NDGAP was ordered to conduct a new procedure. In 12 cases, courts terminated the judicial procedure and in 7 cases rejected the appeals as inadmissible.  **Ireland**: Following the onset of the COVID-19 pandemic in March 2020, all appeals before the IPAT were suspended. Appeals recommenced for a short period in July 2020, but restrictions were re-introduced in late December 2020 and with effect from 30 December 2020, all appeals were once again cancelled until further notice. The IPAT subsequently announced that it was in a position to conduct some appeal hearings remotely by way of audio-video link. Throughout 2021, all appeals before the IPAT which were deemed suitable proceeded on a remote basis via audio-video link. In circumstances where an appeal was deemed unsuitable to proceed remotely, the appeal was postponed and subsequently rescheduled. From 4 October 2021, the Tribunal began facilitating a limited number of oral hearings on-site in situations whereby to proceed with the oral appeal hearing via audio-video link would be unfair to the appellant or would be contrary to the interests of justice. Otherwise, the Tribunal continued to conduct appeal hearings remotely via audio-video link.  The IPAT, as an essential service, continues to accept new appeals, correspondence and submissions. However, in line with COVID-19 public health advice, all correspondence and communication with the Tribunal should be made by email, where possible.  **Malta:** In 2021, 691 appeals were filed before the IPAT. This includes 479 “reviews” of applications deemed manifestly unfounded or inadmissible and 283 decisions on the merits.  For the appellant, failure to file submissions will automatically lead the IPAT to reject the case on the basis that the appellant “did not indicate on which ground the appeal was made”. The number of rejections linked to the absence of submissions filed by the appellant is substantial, amounting to 139 out of 283 decisions (49%) in 2021.NGOs report that most of these cases were handled by legal aid lawyers.  Applicants whose application is rejected as manifestly unfounded or inadmissible, are not entitled to appeal against such decision. The IPA’s decision is automatically transferred to the IPAT for the three days review. Such reviews do not allow the applicant to express his/her views or to be heard. The decision generally consists of a one-sentence document confirming the IPA’s decision. In 2021, the IPAT carried 368 reviews of manifestly unfounded applications, 366 of which were confirmed, and 114 reviews on inadmissible decisions, 112 of which were confirmed. This brings the total number of reviews carried in 2021 to 482 reviews, with 478 confirmed reviews and 4 cases remitted back to IPA. As such, a substantial number of IPAT decisions in 2021 were reviews, with 482 reviews on 765 decisions. Decisions on the normal procedure amount to 283, which includes the 139 rejections due to a failure to file submissions. This leaves 144 decisions taken on the merits of the application (including Dublin appeals), namely 18% of the decisions taken by the IPAT in 2021, all of which were rejections.  **Poland**: In 2021, the average processing time for the Refugee Board to issue a decision in appeal proceedings was 203 days for the cases which finished in 2021. The longest processing time in 2021 took 1,697 days (in 2020 it was 1355 days) and the shortest - 6 days. There were no cases (down from 5 in 2020) where the Refugee Board decided to hear the applicant (but the Refugee Board stresses that applicants were also asked for written statements), and there were no cases of hearing a witness in 2021 (just like in 2020).  In 2021, according to the Refugee Board, there were no prolonged pauses in the decision-making process, although hearings were impossible in practice.  The Refugee Board may annul the first instance decision, overturn it, or confirm it. In 2021, appeals to the Refugee Board were submitted in case of 1,142 applicants. In case of 1,007 applicants the negative decision was upheld, meaning that the chances of success of appeals are very low in practice. In 2021, refugee status was not granted at all by the appeal body and subsidiary protection was granted in case of 11 persons. As of 31 December 2021, there were 259 ongoing appeal cases before the Refugee Board.  When the negative decision or a decision on discontinuing the procedure for international protection is served, the person concerned has 30 days to leave Poland (unless they are in detention). In 2020, on the basis of the COVID Law, the time limit to leave Poland has been prolonged until 30 days after the epidemic state (or the state of epidemic threat) is finished. In 2021 the state of epidemic was still in force.  According to the statistics of the Refugee Board, in 2021 there were 285 (down from 336 in 2020) complaints submitted to the Voivodeship Administrative Court in Warsaw against all the decisions of the Refugee Board (i.e. decisions not only refusing protection). The Voivodship Administrative Court in Warsaw annulled the decision of the administrative authorities (either of the Refugee Board or both decision of the first and second instance) in 30 cases in 2021, and in 245 cases it dismissed the complaint. In 98 cases cassation complaints to the Supreme Administrative Court were lodged by the applicants in 2021 (another 3 complaints were lodged by the Refugee Board). The Supreme Administrative Court annulled the judgment of the Voivodship Administrative Court as well as the decision of the Refugee Board in 4 cases. In 28 cases in 2021 the cassation complaint was dismissed.  **Sweden:** Court rulings are publicly available. The rulings can be accessed either directly from the Court upon request, in paper or electronically, or via legal information databases (subject to a licence/subscription). In order to not reveal sensitive information about an applicant, the Court can decide that the name of the applicant and/or certain parts of the ruling shall be kept confidential.  **Length of second instance procedure**  **Belgium:** The CALL must decide on the appeal within 3 months in the regular procedure. There are no sanctions for not respecting the time limit. In practice, the appeal procedure often takes longer. In 2021, the average processing time (the total of the delays divided by the total number of files) was 177 calendar days or 6 months. The median (the delay in the middle and thus less influenced by extremely long or short delays, what makes it a more reliable indicator) of the processing time was 152 calendar days, i.e. approximately 5 months).  **Germany**: In the first half of 2021, the average processing period for appeals was 26.2 months (compared to 24.3 months in 2020). This is significantly longer than in previous years, which had already seen a rising trend. The high increase in 2020 and 2021 is likely related to the COVID-19 pandemic, as administrative courts had cancelled hearings, treated only urgent cases or did not allow public access especially during the first wave of the pandemic in spring 2020. The increase in previous years can still be traced back to a significant increase in the number of appeals filed in 2017, following a sharp increase in BAMF decisions especially in 2016 and 2017. At the end of the year 2017, 361,059 cases were pending before the Administrative Courts. It appears that courts are still trying to address this backlog, with 165,367cases pending as of August 2021 (compared to 191,110 pending cases at the end of 2020 and 252,250 at the end of 2019). According to the UNHCR, PRO ASYL as well as the spokesperson of the Higher Administrative Court of Lower Saxony, courts have been understaffed and have lacked the capacity to effectively deal with the backlog for years.  **France:** The average processing time for the CNDA to take a decision decreased to 7 months and 8 days in 2021 compared to 8 months and 8 days in 2020. In 2020 the increase of the average processing time was due to the suspension of activities during 8 weeks in the context of COVID-19. During 2021, the average processing time is 8 months and 16 days for the regular procedure; and 4 months for the accelerated procedure.  **Ireland:** Throughout most of 2021, the High Court continued to implement measures to reduce the backlog in the Asylum List, remaining fully operational throughout the COVID-19 pandemic and associatedrestrictions, albeit on a largely remote basis. However, in October, all asylum hearings due to take place over a four-week period were postponed owing to shortages of available judges to hear cases. It is understood that hearings recommenced at the end of October 2021.  **Malta**: In 2020 and 2021, applicants channelled through the regular procedure saw their waiting times seriously increase due to the COVID-19 pandemic and the related shut down of the IPAT for several months, between March and July 2020.  **Sweden**: The average processing time for the Migration Courts to adjudicate a case in 2021 was 7.9 months, which is a decrease from 8.2 months in 2020.  **Oral hearings**  **Austria:** During the first months of the COVID-19 (until Mid-April 2020), all court hearings were suspended. Court hearings started to resume in the second half of April in some cases and continuously increased in the following months. Due to the fact COVID-19 measures were considered as an interference with the independence of judges, there were no mandatory COVID-19 rules inside the Court rooms. Some judges asked persons present in the room to wear a mask and opened windows, whereas in other cases there were hardly any measures applied. In cases involving vulnerable persons, the legal representation tried to postpone the Court hearing, which often was respected in practice. In many cases, the access of the general public to court hearings was restricted in light of COVID-19. These restrictions were applied by some judges until March 2021. It should be further noted that video conferencing tools are available at a small scale at the Courts, but they are used very rarely.  **Belgium**: In some cases, the CALL can choose to apply a ‘written procedure’ if it does not consider an oral hearing necessary to render a judgement. The parties then receive a provisional decision containing the reasons why the written procedure is being applied as well as the judgement the CALL makes on the basis of the elements in the administrative file. If one of the parties does not agree with the judgment, it has 15 days to ask the CALL to be heard, in which case an oral hearing will be organised. If none of the parties asks to be heard, they are supposed to consent with the judgment, which is subsequently confirmed by a final judgment.  Since 10 December 2021, two new possibilities of applying a purely written procedure were added to the Aliens Act:   * Both parties can at all times ask to apply a purely written procedure. Both the counterparty and the judge have to agree. In that case, the judge decides a date on which the debates will be closed. Until that day, both parties can introduce pleading notes with written arguments. * in exceptional circumstances (e.g. a sanitary crisis, a natural disaster, fire in the buildings of the CALL), the Aliens Act allows for the adoption of a Royal Decree to activate an ‘emergency scenario’ in which the possibilities of applying a purely written procedure are enlarged during a (prolongable) period of six months.   In the preparatory works of this new legislation, it is explained that the expansion of the possibilities of applying the written procedure aims at clearing the backlog of cases and rendering the procedure more efficient, the organisation of oral hearings slowing down the treatment of appeals, especially given the sanitary measures and necessity of ‘social distancing’.  **France**: Out of the total of 68,403 decisions taken by the CNDA in 2021, 47,436 of them were issued following a hearing, of which 40,438 hearings were held in collegial function and 6,998 in single-judge format. The remaining 20,967 decisions were taken by order (ordonnance).  The hearing takes place at the CNDA headquarters in Montreuil, near Paris, but the use of videoconferencing for CNDA hearings is allowed. The CNDA held 165 video hearings in 2021, up to 104 in 2020.  **Sweden:** In 2021, 2,490 oral hearings were held in Migration Courts. This is a significant decrease compared to 5,194 hearings in 2019, most likely as result of the COVID-19 situation, but amounts to an increase compared to 2,317 hearings in 2020. An oral hearing may be open to the public initially but, before the proceedings start, the judge enquires about the applicant’s wishes regarding confidentiality and decides accordingly. The judge may, however, outweigh the wishes of the applicant and declare that the hearing be video recorded e.g. in cases of national security.  **Slovenia**: In 2021, the practice of the Administrative Court changed and oral hearings became more frequent due to the decision of the Supreme Court in *X Ips 22/2020* in which the court noted that an oral hearing has to be conducted if the facts of the case are disputed, and that the court has to make a decision regarding the suggested evidence at the oral hearing. In practice however, the fact that the oral hearing is conducted does not necessarily mean that the applicant will be questioned. Therefore, the oral hearings in some cases last less than 20 minutes. The practice of conducting oral hearings differs between judges based on their interpretation of the Supreme Court’s decision |

1. **Availability and use of country of origin information (including organisation, methodology, products, databases, fact-finding missions, cooperation between stakeholders)**

|  |
| --- |
| Nothing to report. |

1. **Vulnerable applicants (including definitions, special reception facilities, identification mechanisms/referrals, procedural standards, provision of information, age assessment, legal guardianship and foster care for unaccompanied and separated children)**

|  |
| --- |
| **Identification of vulnerabilities**  **Bulgaria**: In 2021, needs assessment have been conducted in 145 out of 350 cases (i.e. in 41% cases) when vulnerability or special needs were actually established. However, the needs assessment and the support plans were actually added to the asylum seeker’s personal file only in 9% of these cases (32 cases). This practice was considerably better with respect to unaccompanied asylum-seeking children where in 54% of the cases the needs assessment were found in the children’s files. However unaccompanied children’s files continued to lack the mandatory social report by the respective statutory child protection service from the Agency for Social Assistance. It has been confirmed that these reports are prepared in practice, but only a very few are shared with the case workers. The social reports, if properly prepared and communicated, could play a vital role not only in the asylum procedure, but also after it to outline the measures, which need to be taken with respect to the child depending on the outcome of the procedure – rejection or recognition. As a result many unaccompanied children often remain after their recognition for quite significant periods of time in SAR reception centres instead of being referred to child care services or facilities.  This moderate improvement of vulnerability identification mechanism in 2020 resulted in a notable increase in the absolute number of asylum seekers formally recognised to have special needs or vulnerabilities. While this concerned 179 asylum seekers in 2016, 122 asylum seekers in 2017, 99 asylum seekers in 2018, 797 asylum seekers in 2019, and, 1,259 in 2020; the number rose to 3,928 asylum seekers considered as vulnerable in 2021 (35% of all new applicants). However, it has to be noted that 3,172 of them were unaccompanied children, i.e. cases where the vulnerability identification is straightforward and almost automatic as it derives from the child’s statement about his or her age, or from the identity documents, if available.  **Cyprus**: In 2021, the system for the identification of vulnerable persons and their referral to the authorities had initially improved, however, the increase in the numbers of applicants and the high turnover among vulnerability officers, particularly during the second half of the year, had a negative impact on the quality of the assessment. Newly recruited/ assigned staff are not always adequately trained or offered guidance, and as a result, vulnerability assessments are often carried out in a non-uniformed manner. There is no system in place for quality control of the vulnerability assessments to ensure the efficacy of the findings and referrals. Furthermore, it has been observed that the findings of the vulnerability assessment primarily focus on special reception needs, whereas special procedural needs are not sufficiently explored and recorded, for instance, in the cases of LGBTI where the person may only have special procedural needs.  The vulnerability assessment is carried out approximately 2 months after a persons has arrived at the Centre. As there is no procedure for early screening of vulnerable individuals in place, time-sensitive special needs may not be adequately met, for instance in the case of SGBV survivor who wishes to terminate their pregnancy resulting from recent incident of rape. Specific vulnerabilities may be identified, especially visible signs such as heavily pregnant women or persons with physical disabilities, by Pournara’s operations personnel as well as EASO information provision or registration officers. In such cases, the vulnerability assessment coordinator is informed who then assigns these cases to the team on a priority basis.  In terms of access to mental health services, particularly psychological assistance, no system to refer cases to the state psychologists has been established. As a result, the Cyprus Refugee Council has received a large number of referrals for psychological assistance throughout 2021 which exceeded the organisation’s existing capacity for such support. In cases of severe mental health difficulties or in need to emergency attention, e.g. risks/ attempts of suicide, the person is referred to the Emergency department of the General Hospital to be seen by a psychiatrist.  **France**: On 18 December 2020, a “national plan for the reception of asylum seekers and the integration of refugees for 2021-2023" was published in a context where vulnerabilities are not fully taken into account. It includes measures aimed at identifying vulnerabilities at an early stage and strengthening the management of these vulnerabilities. This national plan mentions the publication of an "action plan for the care of the most vulnerable asylum seekers and beneficiaries of protection" in January 2021 in order to guide the actions carried out jointly by State services and operators for the coming years”. This action plan was published in May 2021. It foresees two main objectives: to better identify and better protect vulnerable people.  **Croatia**: The number of unaccompanied children applicants for international protection increased from 186 UASC in 2020 to 195 in 2021.  In June 2021, the Croatian Law Centre signed a cooperation agreement with the European Federation for Missing and Sexually Exploited Children (Missing Children Europe) related to the project on so-called Miniila application. The purpose of this application is to inform children in simplified language adapted to them about their rights and explain to them the procedures such as the procedure for granting international protection and family reunification, and also give them an overview of the organisations in the country, which they can contact for information and services they need (e.g. information on the asylum system, support in cases of trafficking and sexual violence, language learning etc.). The application is available in five languages ​​(Farsi, English, Arabic, French and Tigrinya).  **Hungary:** A medical expert opinion could be required to determine whether the asylum seeker has specific needs. Section 78/A of the amendments to the Asylum decree that entered into force on 21 December 2021 states the following:  (1) The determining authority shall inform the applicant that he or she may undergo a medical examination on his or her own initiative and at his or her own expense in order to investigate any signs of previous persecution or serious ill-treatment.  (2) The medical examination referred to in paragraph (1) may be carried out by a qualified specialist with a licence issued by the Hungarian authority and the results of the examination shall be forwarded to the determining authority without delay.  (3) The result of the medical examination pursuant to paragraph (1) shall be assessed by the determining authority together with the other elements of the application. Where appropriate, in addition to the medical service provider chosen and used by the applicant, the determining authority may call upon a State medical service provider or an expert to verify the results of the medical examinations submitted by the applicant. Failure by the applicant to attend a medical examination shall not prevent the determining authority from taking a decision on the application for recognition.  However, no criteria are set out in law or established by administrative practice indicating when a medical examination for the purpose of drafting a medical report should be carried out ex officio by the Asylum authority. According to the Asylum Act, the credibility of the asylum-seeker should not be doubted if according to an expert of forensic medicine, the inconsistent and contradictory representations made by the applicant are attributable to his/her health or mental condition.  **Ireland**: Prior to January 2021, there was no formal mechanism for the identification of vulnerable people, except for unaccompanied children under the IPA. A pilot scheme to assess applicants seeking accommodation from the State was however introduced in 2020, and was subsequently extended to all new applicants seeking international protection. The Vulnerability Assessment process begins with an initial screening interview during which the applicant is asked a standard list of assessment questions based on the various categories of vulnerability identified in Article 21 the EU Reception Conditions Directive and the Irish Regulations.  While the introduction of the programme is considered as a welcome development, the Irish Refugee Council raised a number of concerns in respect of both the process and procedure by which vulnerability assessments are currently being conducted. In particular, various inconsistencies were observed in the manner in which assessments are carried, with some applicants being required to undergo the two-stage assessment process, while others only a single assessment. The Irish Refugee Council noted that following the first assessment, a number of applicants experienced delays in awaiting their second assessment. The length of such delays varied from a couple of weeks, up to 3.5 months in one case. This often occurs in circumstances where vulnerable applicants are unable to access the reception supports they require, thus leading to further distress and traumatisation.  Another issue which arose in a number of cases was the refusal on the part of IPAS to facilitate further assessments where new information is provided by applicants in relation to their vulnerability. Additionally, for cases in which a specific vulnerability was registered, applicants were often not provided with suitable supports in line with their identified needs.  From February 2021 to January 2022, 686 vulnerability assessments were undertaken, and 438 applicants were identified as having some form of vulnerability. Of those identified as vulnerable, 30% were minors, 31% were persons who have been subjected to torture, rape or other forms of serious psychological, physical or sexual violence and 12% were persons identified as vulnerable because they had a serious illness. 9% were single parents with minor children and 8% were persons with mental health concerns. Other vulnerabilities related to being pregnant (3%), a victim of human trafficking (3%), a member of the LGBTI+ community (2%), a person with a disability (2%) or being an unaccompanied minor (0.3%).  **Netherlands**: Before the start of the General asylum procedure in Track 4, therefore not in Tracks 1 and 2, a medical examiner from MediFirst examines every asylum seeker as to whether he or she is mentally and physically able to be interviewed (see Registration). MediFirst is an independent organisation working on behalf of the IND to provide medical advice in asylum procedures. In 2021, MediFirst took over this role from the FMMU. MediFirst’s medical advices forms an important element in the decision as to how the asylum application will be handled. However, it should be noted that the organisation is not an agency that identifies vulnerable asylum seekers as such; it solely gives advice to the IND as to whether the asylum seeker can be interviewed and, if so, what special needs he or she has in order to be interviewed. MediFirst cannot be seen as a ‘product’ of the Istanbul Protocol, because its examination is solely limited to the question as to whether the asylum seeker is physically and mentally able to be interviewed based on physical and/or mental limitations. The purpose of the medical advice is to identify any functional limitations which arise from medical problems that could impede the applicant from giving accurate, coherent statements regarding their asylum story and advise the IND on these limitations in the hearing- and decision-making process on asylum applications.  Work Instructions 2021/9, on ’special procedural guarantees’ and instruction 2021/12 on the issue of ‘existing medical problems relating to the question of being able to conduct the interview and being able to take a decision’ were introduced in 2021. They mark a confirmation and continuation of the previous Work Instructions that have been into effect for several years. The Work Instruction 2021/13 on the asylum interview establish that every IND hearing and decision officer is obliged to take several EUAA training courses, such as the training on interviewing vulnerable persons.  **Sweden**: During the year, Sweden was reviewed by the UN Committee on the Elimination of Discrimination Against Women (CEDAW). On 8 March 2021 a report concerning Sweden’s compliance with CEDAW was published by the Swedish CEDAW network, consisting of 25 NGOs and coordinated by the Swedish Women’s Lobby. The CEDAW network sent a joint submission to the Committee. Regarding asylum seeking women, the network raised concerns regarding the failings in the examination of women´s grounds for asylum, for instance insufficient gender sensitive considerations when assessing the oral account and the reference to having “a male network”. The CEDAW network also raised concern over the Migration Agency´s accommodation for asylum seekers, where women have stated that they have been harassed and feel unsafe.  On 24 November 2021, the Committee published its concluding observations on the tenth periodic report of Sweden. In a general context, the Committee is concerned about the prevalence of gender-based violence against women, including domestic violence, and feminization of poverty, disproportionately affecting women and girls belonging to disadvantaged and marginalized groups and facing intersecting forms of discrimination, across the territory of Sweden. The Committee remains concerned that the provisions of the Convention, the Optional Protocol thereto and the Committee’s general recommendations are not sufficiently known in Sweden, including by women themselves. The Committee also notes with concern the continued lack of references to the Convention in court decisions in Sweden.  Questions of concern that were, *inter alia*, further highlighted by the Committee concerned the availability of specialized, inclusive and accessible shelters for women and girls who were victims of gender-based violence, taking into account their specific needs. There was also concern regarding the identification and protection of women and girls being trafficked for purposes of sexual exploitation, forced labour or forced criminal activities, and the presence of preventive measures concerning them. A further concern was the low number of investigations and prosecutions of perpetrators.  On 6 September 2021, the UN Committee on the Rights of Persons with Disabilities (CRPD) published a decision on a case litigated by the Swedish Refugee Law Centre. The criticism concerned Sweden's assessment of mental illness in the asylum process. The case concerned a man from Afghanistan with severe mental illness. The CRPD did not consider that Sweden had sufficiently investigated whether the man could actually access care in Afghanistan. Another important part of the criticism that the CRPD makes against Sweden concerns the assessment of the seriousness of the man's health condition. The Committee considered that the Swedish authorities' assessment that the risk of suicide was linked to the asylum process had become too important in the Swedish process. The CRPD found that Sweden had failed to fulfil its obligations under Article 15 of the Convention on the Rights of Persons with Disabilities.  The number of unaccompanied minors seeking asylum has plummeted from around 34,000 in 2015 to 500 in 2020 and 523 in 2021.  **Switzerland**: A working group coordinated by the Coordination Unit against the Trafficking and Smuggling of Migrants (Koordinationsstelle gegen Menschenhandel und Menschenschmuggel, KSMM), supports the implementation of action no. 19 of the National Action Plan against trafficking (NAP). The working group published a Report in May 2021. The Report sets out a list of recommendations, which aim to better detect potential victims of human trafficking and to ensure that their rights are respected in asylum procedures. In particular, the SEM formally introduced a 30-day recovery and reflection period for potential victims detected in the asylum procedure.  **Age assessment procedures**  **Belgium**: During the reception crisis in December 2021, Fedasil and the Immigration Office briefly conducted a screening of minors waiting in line at the arrival centre based on physical appearances. If it was assessed that a young male who was waiting in line did not to look like a minor, he was sent to the line of single men resulting in a denial of reception. This practice being in clear violation of the legal framework, it was promptly stopped after an intervention from the Flemish Children’s Rights Commissioner.  In 2021 4881 unaccompanied children were signalled, out of which 92% were boys, and 7% were girls.  Out of a total of 3269 doubts expressed about the minority of a declared minor, 2515 age assessments were conducted. Of these assessments, 1686 age assessments found the declared minor to be over 18 years old.  **Bulgaria:** In 2021, the SAR conducted age assessments in 46 cases, in 37 of them (80%) concluding applicants to be adults. The monitoring of the status determination procedures demonstrated that the SAR continues to conduct age assessment by means of X-ray expertise of the wrist bone structure and without any evidence of prior consent by the children’s representatives. If the children are considered to be of age they are not appointed statutory municipality representatives to assist them to contest the refusal of their asylum claims nor of their age assessments. Reports from medical organisations consider the X-ray as invasive but, more importantly, inaccurate with an approximate margin of error of 2 years.  **Cyprus:** In 2021, 659 unaccompanied asylum-seeking children (UASC) applied for asylum; 59 were referred to the Asylum Service for age assessment, out of which 40 were referred for further medical age assessment tests. Of the 59 that completed the assessment, 33 were found to be adults.    **Spain**: In 2021, the United Nations Committee on the Rights of the Child condemned Spain for how age assessment are carried out and for violating unaccompanied children rights, when obliging a girl to go under genital examination for assessing her age. The decision referred to the case of a 16-year-old Cameroonian girl who escaped forced marriage and sexual abuses.  At the beginning of 2021, the Spanish Ombudsman translated into several languages an animated video elaborated by EASO and the Council of Europe on age assessment procedures that must respect and comply with children rights standards. It was translated into Wolof, Bambara and the Moroccan Arabic. The Spanish Ombudsman shared the video with all relevant authorities involved in identifying and protecting children, and recommended its use in particular on the Canary Islands.  **France**: No statistics are available on the use of age assessment nationwide. A total of 11,315 young persons reported as unaccompanied minors were integrated in the national mechanism for childcare protection in 2021, a 19% increase compared to 9,501 in 2020.  **Hungary**: Age assessment procedures were previously conducted by the military doctor in the transit zone. Since the closure of the transit zones in 2020, the HHC is aware of only one age assessment procedure carried out in 2021. The information provided by the NDGAP confirms that there was only one asylum seeker subjected to age assessment in 2021 where the examination concluded that the asylum seeker was indeed a minor. The main method employed was a dental examination and the observation of the child’s physical appearance, e.g. weight, height etc., and the child’s sexual maturity. The primary and secondary sexual characteristics were also examined, which the HHC consider to be a violation of the child’s human dignity. In the context of age assessment, the NDGAP does not use a psychosocial assessment.  **Malta**: The Age Assessment Procedure has been improved but it is still plagued by a lack of adequate procedural guarantees, including a lack of information about the procedure. Moreover, since all people disembarked in Malta are automatically detained, minors who are not undoubtedly children are also detained pending age assessment which can be conducted months after their arrival. UNHCR confirmed that authorities failed to apply the benefit of the doubt to persons declaring to be minors upon arrival (with very few exceptions), resulting in them being treated as adults until the age assessment outcome, which entailed detention together with other adult asylum seekers. The UNHCR Representative in Malta reiterated her concerns in February 2021, stating that “children are (still) being held in closed centres”.  The ECtHR criticised the length of the age assessment procedure in *Abdullahi Elmi v. Malta*, holding that the number of alleged minors per year put forward by Malta does not justify an age assessment procedure duration of more than seven months; in this case, the applicants were detained for eight months pending the outcome of the procedure.  The duration of age assessment appeals is significant, with nearly all cases filed in 2021 still pending in January 2022. This leads to situations where the appellants abandon their appeals or simply turn 18 before any decision is issued. Lawyers reported that so far, the only decisions taken by the IAB were rejections. Hearings are not always held, and the Board will not always see the appellants in person before it gives a decision. Moreover, the Board has at times issued decisions in the absence of the appellant.  In 2021, AWAS issued 228 decisions on age assessment. 111 applicants were declared to be adults, 117 as minors and 9 were still in the procedure at the end of the year.  In January 2022, lawyers from aditus foundation secured the release of 5 UAMs from their illegal detention at Safi Barracks. They were detained for 2 months without any legal basis, waiting for the conclusion of their age assessment, which happened at about the same time as the Court case. They had arrived in November 2021 and were only seen by AWAS for the age assessment in mid-January 2022.  **Sweden**: On 11 June 2021, RMV stated that the authority sees an opportunity to further differentiate the forensic opinion on age. More studies, with an expanded scientific basis and additional statistical calculations, have meant that the authority can now deliver answers divided into more possible combinations of results in the surveys. In the future, RMV will respond in the documentation to the Migration Agency with different degrees of probability that a person is under or over 18 years of age, depending on the combination of results of the two different surveys. The national inquiry which examined the method applied by RMV for medical age assessment in the asylum process, the current underlying scientific basis for the method, and how the scientific basis and the statements of the Board have developed over time, published its first findings in an interim report on 28 October 2021, stating that in a European context, RMV’s method is unique. It is the only method to include an MRI of the knee as part of the assessment. The Inquiry concluded that there are uncertainties in RMV’s probability model. The model is based on underlying scientific data which is more or less complete and clear cut for the different elements, and other assessors draw different conclusions based on a different evaluation of the underlying scientific data. Some such uncertainties have manifested themselves over the period that the model has been in use. These changes have meant that the same examination result regarding several combinations of maturity of knee and third molars has produced different statements over time. Furthermore, RMV’s estimated percentages are subject to uncertainty.  For uncertainties, risks, and consequences to be evaluated by the Swedish Migration Agency and the Migration Courts in particular, a comprehensive account is needed. For further knowledge of how certain or uncertain the probability model is, its robustness should also be tested by RMV. The Inquiry is also tasked with ensuring that one or more research studies are conducted. The Inquiry will come back to the question of the form of RMV´s statements in its final report.TheInquiry will not publish its final findings until May 2024.  **Human trafficking victims**  **Cyprus**: Concerning the cases of potential victims of trafficking, due to lack of training and understanding among staff, during the first half of 2021, only a handful number of cases were identified and referred. Referrals to National Trafficking Mechanism for this type of cases was observed to have increased following a training on human trafficking offered by EASO to the vulnerability assessment team. The referred potential victims are interviewed by an officer of the Social Welfare Services and are informed about their rights and offered assistance- usually similar to other groups of vulnerable individuals (accommodation and emergency allowance). The referral forms are then forwarded to the Anti-trafficking Unit of the Police for the examination of trafficking claims.  **Croatia**: in 2020, as part of the project implemented by MDM-Belgique entitled: "*Empowering Women and Children in the migrant population to take ACTion against sexual and gender-based violence (We ACT)"*, guidelines for dealing with cases of sexual violence against women and children was prepared by the MDM-Belgique Team. The content of guidelines was incorporated in the Standard Operational Procedure in Cases of Sexual and Gender-Based Violence in the Reception Centres for Applicants of International Protection”. The standard operational Procedure was developed in cooperation with the Ministry of Interior, UNHCR, IOM, MDM-Belgique, the Croatian Red Cross and the Croatian Law Centre.It entered into force in April 2021.  **Netherlands**: In 2021, a new Working Instruction dealing with human trafficking in asylum cases (WI 2021/16) has been adopted. Human trafficking is considered as a serious crime and the IND contributes to tackling it. Being a victim of human trafficking can also be presented as the core of an asylum claim. In that context, in addition to signalling, IND officers also have another role to play, namely the assessment of whether that motive is grounds for granting an asylum residence permit. In addition, an ex officio test of victimization from human trafficking is carried out in asylum cases. In theory, being a victim of human trafficking can lead to recognition of a refugee status. However, for it to be the case, exploitation has to reach the (high) level of an act of persecution and be related to race, nationality, religion or political conviction of the foreign national. It is important to note that victims of human trafficking are in principle not seen as a 'social group' within the meaning of the Refugee Convention. In practise, not many asylum seekers are granted protection on the ground of being a victim of human trafficking. Victims of human trafficking may also be eligible for subsidiary protection. In that case there must be a real risk of serious harm upon return to the country of origin, combined with a lack of access to adequate protection. That might be the case when criminal trafficking networks against which the authorities cannot provide protection are active in the country of origin. Again, in practise not often will be subsidiary protection be granted in these asylum cases.  A new Work Instruction (2021/18, 12 October 2021) on the ‘assessment of the plausibility of the human trafficking account’ came into effect. The Work Instruction is a manual for the assessment of applications for a humanitarian non-temporary residence permit on the basis of special individual circumstances (after residence as a victim or victim-declarant of human trafficking).  **Legal representation of unaccompanied children**  **Bulgaria**: Since the end of 2020, the legal representation of unaccompanied children during the asylum procedure and after their recognition was handed to legal aid lawyers appointed by the National Legal Aid Bureau. The selection of these lawyers was carried out in June 2021. However, the national monitoring established that in many individual cases the asylum agency, SAR, significantly delayed the notification to the National Legal Aid Bureau of the necessity to appoint a representative, reaching a period longer than 1 month in certain cases. As a result these unaccompanied children had no access to credible information about the asylum procedure and their rights, and especially the right to be legally transferred under the Dublin III Regulation to other EU countries in order to reunite with their family members. Nearly half of all unaccompanied children abandoned their asylum procedure and continued irregularly to the countries of their final destination.  **Malta:** Significant delays in the transfer to open centres of persons found to be minors and in the issuance of ‘Care Orders’ were observed. One of the main issues in 2021, beyond the waiting time to conduct an age assessment, was the delay in appointing legal guardians.  **Reception of vulnerable applicants and specialised reception facilities**  **Austria:** Some NGOs in Vienna (Samariterbund Wien, Don Bosco Sozialwerk, SOS Kinderdorf, Caritas) and Lower Austria (e.g. NGO tralalobe) offer so-called ‘after-care places’ for children asylum seekers who have come of age during their stay in facilities, in so-called mobile supervised flats where social workers come 1-3 times a week to provide counselling and support. However, aftercare for young adults in basic care is funded at the same daily rate as for adults, even if young adults require more care in most cases. In Upper Austria, the NGO Volkshilfe has tried several times to point out the needs of young adults and has also presented concepts, but they have always been rejected by the authorities.  For 2022, there is a temporary increased daily rate foreseen in Vienna for young adults who have only been in Austria for a few months, as young men, all 17 ½ years old, came to a large institution in Vienna in December 2021. Many of them will reach their majority in 2022 and will be transferred from the minor- facility to an adult facility. The City of Vienna has recognised that this group in particular requires more care and has therefore offered a temporary increased daily rate for NGOs responsible for providing support to these young men.  **Belgium**: On 19 January 2022, there were 561 places in Orientation and Observation Centres (OOC) for unaccompanied children. In January 2022, the OOC places were occupied at around 97%, the complete saturation rate having been reached since quite some time. Because of the saturation of the reception places for non-accompanied minors, the duration of their stay in the OOC has been significantly longer during the past few months, with an average of 40 days instead of 15 days.  There are some specialised centres and specific places in regular reception facilities such as collective centres, NGO centres and LRI. There are 1,929 places in collective reception centres, occupied at around 97%.  Once a child - that is at least 16 years old and who is sufficiently mature - receives a positive decision, a transfer can be made to a specialised individual place. He or she will then have 6 months to prepare for living independently and to look for his or her own place. This stay can be prolonged until the child reaches the age of 18. There are currently 258 places in individual reception facilities.  Children with behavioural problems or minors who need some time away from their reception place can be temporarily transferred to “time-out” places: in the reception centres of Sint-Truiden, Synergie 14, Pamex-SAM asbl Liège and Oranje Huis. There were 41 of these places available in February 2022.  Additionally, there are currently 78 places for vulnerable and pregnant women in Louvranges.  **Cyprus**: The services provided at the First Reception Centre in Pournara include identification, registration, and lodging of asylum applications, as well as medical screening and vulnerability assessments. A “Safe Zone” for vulnerable applicants (specific area should be assigned to persons with special needs and vulnerable applicants) became operational in 2021 and vulnerable persons were housed in this area, however reports were received throughout 2021 indicating that many unaccompanied children were accommodated outside of ‘Safe Zone’ in tents or prefabricated housing units, often with non-related adults. Furthermore, the ‘Safe Zone’ is not properly supervised or monitored throughout the day or night. During 2021, a number of incidents of alleged sexual harassment were reported by individuals accommodated in Safe Zone.  The lack of comprehensive Standard Operating Procedures and referral pathways continues to be a serious challenge and results in persons being identified as vulnerable but not necessarily receiving the required support. The main and possibly the only support received by most vulnerable individuals is temporary accommodation and emergency allowance upon exiting Pournara by the Social Welfare Services. In many cases, the vulnerable individuals are released from Pournara prior to being assisted by an officer of the Social Welfare Services stationed at Pournara, and as a result, their access to special reception conditions are not always guaranteed.  **Germany**: A study of the Federal Association for Unaccompanied Refugee Minors, published in March 2021, shows significant disparities between regions as far as reception conditions for unaccompanied children are concerned. Around 1,000 persons working in youth welfare institutions and NGOs had participated in an online survey for this study. The authors of the report observe that reception conditions for unaccompanied children have generally improved in recent years due to a significant decrease in the number of newly arriving asylum seekers. Nevertheless, they also conclude that a good quality of accommodation and of other supportive measures for unaccompanied children is still not ensured in all parts of Germany. According to the authors, the data indicates that especially the Federal States of, Bremen, Brandenburg, Mecklenburg-Vorpommern and Saxony need to undertake systematic efforts in this regard. Disparities are especially big as regards support for young adults. Moreover, a major point of concern for them are municipalities where unaccompanied minors will primarily be housed in regular collective accommodation once they turn 18. This happens most frequently in the Federal States of Bavaria, Thuringia, North Rhine-Westphalia and Brandenburg. As an encouraging improvement, they point out that temporary housing (youth hostels, hotels, emergency shelters) have continued to decline in all forms of assistance and are now only very rarely used to accommodate young people.  **Spain:** The Canary Islands continue to lack the capacity to face the rapid increase in sea arrivals; this negatively affects also centres for unaccompanied minors that struggle to provide adequate reception conditions and services. Lack of accommodations places targeting ageing out adolescents has caused a great vulnerability of youth migrants when leaving minors protection centres when aging out.  Due to the conditions of the Melilla’s Centre of Protection of Minors in which they should live because they are under the administration’s custody, children prefer living on the city’s streets and try to reach the Spanish Peninsula hiding in boats. At the beginning of January 2021, 115 unaccompanied migrant children and 35 young adults (former UAMs who aged out in 2020) were living on the streets. In order to solve the situation affecting young adults, in April 2021 the City of Melilla and UNHCR agreed to ask the Minister of Inclusion, Social Security and Migration the transfer of former UAMs who apply for international protection to reception facilities for asylum seekers at the mainland. A COVID-19 outbreak at the UAMs’ centre in Ceuta uncovered the existing situation of overcrowding. Overcrowding and cases of children sleeping in the streets was also reported in Ceuta after the arrival in May of around 8,000 persons, including around 2,000 children. After the incident, Save the Children started to support Ceuta’s authorities in assessing individual child protection’s needs and vulnerabilities. In June, the Government of the Canary Islands started to investigate alleged cases of sexual exploitation of children in a reception facility for UAMs. In mid-September, at Lanzarote in the Canary Islands, there were no more place available to accommodate UAMs at reception facilities, due to the increase in arrivals. To face the increase in the arrival of UAMs, the Minister of Interior ceded the former prison ‘Los Rosales’ to the City of Ceuta for the construction of a reception facility for unaccompanied migrant children.  In June 2021, the Law on the protection of children against violence, an important step forward in guaranteeing children rights and protection against any form of violence, was approved. The Platform of Childhood published a guide to disseminate the content of the law to different stakeholders, as well as to identify the next steps necessary to assure the effective and practical implementation of the law. Among others, the law established the obligation for the personnel of certain centres/facilities (i.e. health centres, schools, sport and leisure centres, social services) to communicate situations of violence against children. Professionals working at protection centres for unaccompanied migrant children, asylum reception facilities and centres for the humanitarian assistance of migrants are subjected to such obligation.  **Croatia**: The Centre for Peace Studies stressed that inadequate accommodation, the right to access education, health care and family reunification are the most problematic obstacles faced by unaccompanied children in Croatia. The Croatian Red Cross reported that they have implemented two projects in 2021 aimed at supporting unaccompanied children and experts working with unaccompanied children. Since unaccompanied children are accommodated in various accommodation facilities where they often do not have services tailored to their needs and available interpreters, CRC mobile team conducted a large number of visits to those institutions to provide psychosocial support to children and provide material services (such as clothing and school supplies) in 2021. An initial needs assessment was conducted with each child involved in the projects in order to gather information about the child and determine needs and priorities. For some children who expressed a desire for further support or needed additional information, individual support continued. The CRC Tracing Service further assisted unaccompanied or separated children in finding their family members and in re-establishing contact with family members, and provided support to separated families and / or guardians in the process of reuniting with family members, in collecting relevant documentation and provided assistance in contacting institutions in countries where family members are located.  The City Red Cross Society Karlovac and Split were also taking part in some of the activities in 2021. Implemented activities included: providing psychosocial support, enabling contacts with family members, teaching the Croatian language with the help of volunteers, socialisation workshops, involvement in activities in the local community, etc.  The shortcomings observed by CRC include the following: inappropriate accommodation for unaccompanied children, insufficient number of available specialised services adapted to their age and needs, unavailability of interpreters and in most of the cases late inclusion or non-inclusion in the educational system, primarily for children aged 15-18. Additional challenges include difficulties in dealing with stress due to separation and / or loss of contact with family members, language barriers and lack of interpreters for certain languages, assessment of the child's age, lack of trained special guardians and lack of documentation as proof of identity or previous education.  During 2021, CRC held 3 trainings with the participation of 67 experts from institutions where unaccompanied children are accommodated and from the competent Centres for Social Welfare. Participants had the opportunity to acquire knowledge and skills on specific needs and mental health of unaccompanied children and psychosocial support for unaccompanied children, as well as the rights of unaccompanied children in the procedure for international protection. Two trainings were further held for CRC's volunteers in order to prepare them for activities with unaccompanied children aimed at reducing the negative effects of institutionalised accommodation, strengthening the social network and increasing the involvement and connection with the local community.  **Ireland**: In April 2021, the Ombudsman for Children (OCO) published the report of its investigation Safety and Welfare of Children in Direct Provision. The investigation was launched following a visit to a Direct Provision Centre by the Ombudsman’s Office during which a parent raised concerns regarding overcrowding, nutrition, lack of safe play areas for children and poor communication from centre management about facilities at the designated centre and how to go about making a complaint. While the investigation initially focused on one centre, the OCO subsequently decided to expand its investigation to include all accommodation centres where children were residing. This was largely owing to concerns that IPAS did not have a sufficiently robust oversight mechanism in place to ensure quality of services being provided to children. The Report called for IPAS to immediately end the use of commercial emergency hotels and put in place a well-resourced quality assurance mechanism to monitor complaints, child protection and welfare concerns and any other incidents in order to be assured about the quality of services provided to families in all centres.  **Malta:** The amendments of December 2021 (Legal Notice 487 of 2021) introduced new provisions for vulnerable applicants to the Reception Regulations, which now transposes the Directive more faithfully. The amendments include a more comprehensive implementation of provisions related to the material reception conditions of vulnerable individuals and the guardianship and care of minors. In particular, the Reception Regulations now provide that “the entity for the welfare of asylum seekers shall also ensure that support is being provided to applicants with special reception needs, taking into account their special reception needs throughout the duration of the asylum procedure, whilst conducting appropriate monitoring of their situation” and that “an unaccompanied minor shall be accommodated in centres specialised in accommodation for minors”.  The Regulations, however, still provide that unaccompanied minors aged sixteen years or over may be placed in accommodation centres for adult asylum seeker. In practice, upon arrival, alleged unaccompanied minors and other manifestly vulnerable persons are immediately de facto detained either in pursuance of the Health Regulations or most of the time without any legal basis and without any form of assessment until they are released or detained under the Reception Regulations,  **Netherlands**: Article 18a RVA refers to Article 21 of the recast Reception Conditions Directive to define asylum seekers considered vulnerable. With the exception of specialised accommodation for unaccompanied children, the COA does not provide separate reception centres for women, LGBTI persons or other categories – although there have been calls for their creation. An investigation into the treatment of LGBTI persons and of converts and apostates has been completed in 2021. The researchers conclude that COA does not pursue a target group policy, but that the organization does pay structural attention to vulnerable groups in reception. With regard to LGBTI asylum seekers, the COA has developed a policy to increase the quality of life at COA locations. Special LGBTI attention officers are available at various COA locations to assist LGBTI asylum seekers and to whom employees can appeal. In addition, COA is committed to promoting the expertise of its employees on the topic. The report concludes that, in comparison to the LGBTI policy, there is less attention in reception for converts and apostates and attention to issues connected to religious freedom is still limited. The researchers recommended opening special LGBTI units, but the COA is not willing to do separate LGBTI persons.  As for unaccompanied minors, the COA accommodated 940 by the end of 2021, more than twice as many when compared to the end of 2020. This is due to the high influx of UAMs, which has also doubled compared to 2020. The reason behind this rising number remains unclear. The COA does face particular difficulties finding places to accommodate UAMs: there is urgent need for extra reception capacity for unaccompanied minors: 500 extra reception places as of 1 January 2022 and another 100 reception places at the end of 2022.  **Poland**: Currently unaccompanied children are placed in various intervention facilities in Poland, instead of in a central institution. After the court ruling appointing the representative, they can be placed in foster care facilities or foster families. In 2021, as in the past years, unaccompanied minors were mostly placed in foster care facilities in Ketrzyn (24 persons) – due the proximity to the detention centre in Ketrzyn, from which they are released because of age - or in Warsaw (9 persons). In 2021 they were placed also in Elk (5 persons), Białystok (4 persons), Rybnik (3 persons) and Krano, Ruszkow and Bialowieza (2 persons in each). There is no information on whether the personnel speak foreign languages there, this is not one of the criteria.  Managed by the private contractor, the centre in Warsaw was designed to host exclusively single women or single women with children. It was closed in August 2021. Its residents were accommodated in Dębak reception centre (in a separate, renovated for that purpose, building within the complex – with 102 places available) or decided to live outside the reception centre. Opening of a new centre for single women and women with children is planned by the Office for Foreigners (a building for that purpose was acquired in 2021, but it needs to be renovated).  **Detention of vulnerable applicants**  **Bulgaria**: In 2021, 1,296 children were detained in pre-removal detention centres. Among them, the Bulgarian Helsinki Committee identified 883 unaccompanied children, including children detained as “attached” to an adult or wrongly recorded as adults.  **Germany**: With the exception of these short-term apprehensions, detention of minors ordered by a court seems to be exceptional. Between 2018 and the first quarter of 2021, no minors were reported to be detained during a Dublin transfer. By way of illustration, the regional government of the Federal State of Hesse informed the Parliament that detention of minors for the purpose of removals was “excluded”, and Bavaria and Hamburg equally report that minors are not detained as a rule. For the period of 2018 until the first quarter of 2021, only the Federal State of North Rhine-Westphalia reported that one minor had been detained, but he was released immediately when his minority had been established.  Between 2018 and the first quarter of 2021, only North Rhine-Westphalia reported to have detained a total of 4 vulnerable persons in 2018, two of which were elderly persons, one a person with disabilities and one person who turned out to be a minor and was subsequently released.  **Spain**: In its 2021 report on CIEs, the Jesuit Refugee Service highlighted the persistent problem of a lack of identification of unaccompanied children when already detained at CIEs. Moreover, the organisation observed that both the police and public prosecutors showed resistances in accepting identification documents (i.e. birth certificates, passports) indicating a different age from that reported in the passport of the interested person. Because of this, they usually proceeded in carrying out an age assessment in order to obtain a bigger margin to declare the majority of age the applicant.  **Italy**: Due to the temporary closure in 2021 of the women section of Rome’s CPR, which is the only present on the national territory – there has been a sharp decrease in numbers of women detained in CPRs. In 2021, as of November, only 5 women (2 Tunisian, 2 Nigerians, and 1 Romanian) were detained in the CPR, only 1 of which was returned (3 were released following non validation of the detention order by the judge and 1 as applicant for international protection). In 2020, 223 women had been detained in the CPR, representing circa 4% of the total detained persons; the most represented nationalities were China (47 women), Nigeria (33), Morocco (14), Tunisia (13), Ukraine and Georgia (12); 31 were returned, 146 were released due to non-validation of the detention by the judge, 26 were released upon reaching maximum term of detention, 9 were released as applicants for international protection. In 2019, 664 women had been detained in the CPR, representing circa 10% of the total detained persons; the most represented nationalities were China (188), Nigeria (92), Georgia (43), Morocco (41), Romania (31), Ucraina (28); 135 were returned, 409 released due to non-validation of the detention by the judge, 56 released upon reaching maximum term of detention, 30 as applicants for international protection. The enhanced vulnerability of women in detention and the many criticalities of the women’s section of Rome’s CPR have been repeatedly noted.  **Netherlands**: For the cases of applicants in need of special procedural guarantees or for whom detention at the border would be disproportionately burdensome, IND Work Instruction 2021/10 clarifies that vulnerability does not automatically mean that the applicant will not be detained at the border. The central issue remains whether the detention results into a disproportionately burdensome situation in view of the asylum seekers’ “special individual circumstances” as mentioned in the Aliens Decree. Whether there are such “special individual circumstances” must be assessed on a case-by-case basis. The IND Work Instruction provides two examples of such circumstances: where a medical situation of an asylum seeker leads to sudden hospitalisation for a longer duration, or where the asylum seeker has serious mental conditions.  **Poland**: According to the law, asylum seekers whose psychophysical state leads to believe that they are victims of violence or have a disability as well as unaccompanied minors cannot be placed in detention centres. The provisions are absolute and do not allow for any exceptions. However, the Border Guard continues to apply an internal rule allowing deprivation of liberty of foreigners who have experienced violence ("Principles of Border Guard's Procedure with Aliens Requiring Special Treatment."). According to these rules, only the foreigner who has evident symptoms suggesting that they were subjected to severe forms of violence, and in a result of which their current psychophysical condition is much below the norm, cannot be placed in detention. Practice shows that neither the Border Guard nor the courts take the initiative to assess if an asylum seeker is a victim of violence. In 2021 the court appointed only in 1 case the psychologist as an external consultant. In 2020 year, no expert was appointed in any district or regional court in a total of 777 cases. Additionally, courts do not conduct their own evidentiary proceedings.  According to the law, unaccompanied asylum-seeking children should not be detained, but in practice it happens when there are doubts as to their age or if they were placed in detention as irregular migrants (which is possible under the law) and only then applied for international protection. Asylum-seeking children who are with members of their family can be placed in detention centres together with accompanying adults.  Families with children are placed in detention centres in Białystok, Czerwony Bór, Biała Podlaska (two detention centres, one was adapted from reception centre), Przemyśl, and Kętrzyn. Families are placed in buildings and in containers. The number of containers is insufficient in detention centre in Kętrzyn and two families are placed together in one container.  Unaccompanied children are placed only in a detention centre in Kętrzyn, where adequate rooms (with 15 beds) are separated from the remaining part of the centre. In 2021 – 81 unaccompanied children were placed in that detention centre and 567 children (with/without families) in total. As for 1 February 2022, 416 children were placed in detention centres in Poland, out of a total of 1,652 detainees.  Within the framework of that policy on protection of children in detention, the employees of guarded centres were trained in the new rules and identification of a behavior which should be considered an abuse. In 2021 there were 2 (in Kętrzyn and in Biała Podlaska) cases of abuse against children.  The detention centres’ infrastructure is, in general, not adjusted to the needs of minors, for example there are no playgrounds. Moreover, not in all guarded centres there is a sport and recreation space, i.e. in Wędrzyn. It must be noted, however, that in some detention centres the open-air space is of adequate size and sufficient recreational facilities are provided (e.g. playing field for volleyball or basketball).  **Romania**: CNRR reported that in 2021, there were no accompanied children detained in Arad or Otopeni.  According to the Director of Otopeni, a pregnant woman and families without children were detained in 2021. Nevertheless, the medical doctor reported two single parent families (a father and his 17-year-old son and another father with a daughter and son both under 14 years of age) being detained in 2021. According to the Ombudman’s report, no prenatal tests were done since the woman was detained and she was not taken to a specialist consultant, since she was transferred from Arad, where pregnancy medical investigations had been performed.  The JRS representative in Bucharest reported that there were no vulnerable persons with medical and psychological issues detained in Otopenei centre in 2021. According to the medical doctor of Otopeni there were two migrants with psychological issues, who were also granted tolerated status due to their condition. Another two migrants suffering from diabetes were also released.  According to the JRS representative in Timisoara, there was an elderly man who was released from detention. She also reported several persons were suffering from depression. The director of Arad stated that 2 persons may have been released due to a medical condition. |

1. **Content of protection (including access to social security, social assistance, healthcare, housing and other basic services; integration into the labour market; measures to enhance language skills; measures to improve attainment in schooling and/or the education system and/or vocational training)**

|  |
| --- |
| **Integration**  **Belgium:** In Belgium, a ‘civic integration trajectory’ is in place for newcomers. Policies relating to integration and the trajectory are designed and implemented at the regional level. Regional differences in the integration legislation exist, for example in the fee asked for the process or the target groups of integration. Focusing in particular on Flemish legislation, a recent decree was announced and partly implemented, altering the 2013 decree on Flemish integration and civic integration policy.  Civic integration is intended for foreign nationals of 18 years and older who come to settle in Flanders or Brussels for a long time. All persons belonging to the civic integration target group are entitled to the programme, for certain it is mandatory. As to recognized refugees/subsidiary protected persons, it is almost always mandatory. Important to note is that the new decree stipulates that from 1 January 2022, applicants for international protection will not be able to follow the trajectory until they are officially recognized.  The content of the trajectory is included in a civic integration contract, which needs to be signed in order to start the process. Those who pass the social orientation course and the Dutch course will receive a certificate of integration. The integrators are then further assisted in their search for work or a diploma. In Flanders, the Flemish Agency of Integration and Civic Integration and two urban agencies, one in Antwerp (Atlas) and one in Ghent (IN-Gent), offer civic integration trajectories.  The civic integration programme consists of:   * a course on social orientation, about life, work, norms and values in Belgium (in a language that the student understands.) * Dutch language courses * individual guidance in the search for work, studies, etc., and assistance with credential evaluation.   With the new decree, a third pillar has been added to the first (social orientation) and second (Dutch language courses). This third pillar entails that non-working participants of working age will be obliged to register with the VDAB/Actiris (employment services) within 60 days after signing the integration contract. With this, the new decree aims to strengthen the economic activation of newcomers. Furthermore, a fourth pillar is added, namely: a participation- and network trajectory of 40 hours. This pillar aims at extending the social network of the newcomer as to increase its chances in society. The fourth pillar has not been implemented yet, as testing grounds are still organised until 30 June 2022.  Another change resulting from the new decree, is the fact that two fees will be asked for the social orientation course. A one-off fee of 90 euros for the course and a fee of 90 euros for the social orientation test. The latter must be paid each time a test is taken (again). Moreover, the two certifying language tests NT2 also require a reimbursement of two times 90 euros. This means that the total cost of the integration process is 360 euros per person. Exceptions are provided for people with limited resources.  **Bulgaria:** Following advocacy efforts from UNHCR, the Refugee Council and the Red Cross, supported by the State Agency for Refugees, 83 individuals (several families and two single persons) received integration support by Sofia Municipality’s Vitosha and Oborishte Districts based on 17 integration contracts. No other integration activities are planned, funded or made available to recognised refugees or subsidiary protection holders; thus marking the eighth consecutive year of the national “zero integration” policy.  **Croatia:** In 2021, the City of Zagreb prepared the draft of the ‘Action plan of the City of Zagreb for integration of beneficiaries of international protection for the period from 2021 to 2022’. The draft was under public consultation until 15 July 2021. The Conclusion on the establishment and appointment of the Commission for the development and monitoring of the implementation of the Action Plan of the City of Zagreb for the integration of applicants for international protection and persons granted international protection for 2022 was adopted in November 2021. According to the Conclusion, the tasks of the Commission include the development of the Action Plan of the City of Zagreb for the integration and implementation and monitoring of the implementation of measures from the Action Plan.  Basic information for the Integration of Foreigners can be found in an amended guide for integration which was prepared by the Croatian Governmental Office for Human Rights and the Rights of National Minorities in 2019. The guide is available in 7 languages (Croatian, English, French, Ukrainian, Arabic, Urdu and Farsi). In 2021, the Office for Human Rights and Rights of National Minorities produced informative video to raise awareness of the importance of the successful integration of persons granted international protection. The objective of the video is to promote the acceptance and inclusion in society of third-country nationals seeking international protection and those granted it through a clear and concise overview of their rights and obligations and the challenges they face along the way. On the occasion of the World Refugee Day 2021, the Croatian Law Centre prepared seven short videos in Croatian entitled “This is why they are coming”, in order to present the reasons why refugees are leaving their countries of origin to public.  The Croatian Red Cross reported that challenges in integration are more present in families than for single persons as the latter are more mobile, they find job faster, have a widespread social network and accordingly integrate more easily into Croatian society. On the contrary, women find it more difficult to work in families with children. Most of them told CRC that they prefer to take care of their children. According to CRC, the integration of women from these families is not going well as their social life takes place in the family and they do not socialise with the local community.  **Residence permits**  **Bulgaria**: During the period 1 January 2014 to 31 December 2021, the Ministry of Interior issued 9,294 refugee identity cards and 9,346 humanitarian identity cards.  **Cyprus**: From the submission of the application for the residence permit, four to five months will often elapse until the permit is issued. During 2020, there were further delays due to COVID-19; however, in early 2021, efforts were made to speed up the process by introducing a platform to book appointments.  **Hungary:** Due to the COVID-19 pandemic the government office responsible for the arrangement of official documents required a prior online appointment booking until May 2021. As the website is run exclusively in Hungarian, beneficiaries of international protection faced language barriers and necessarily needed help. Additionally, the offices were overburdened, therefore appointments were only available with quite long waiting time. During the state of danger introduced in March 2020 as a result of the COVID-19 pandemic, the regulation according to which expired ID documents and passports were deemed to be valid was not applicable to non-Hungarian (or EU) citizens amounting to a clear discriminatory situation. This restriction was not introduced again since then. Currently, expired ID documents are still valid until 30 June 2022.  Menedék Association reported that in 2021, beneficiaries of international protection who returned to Hungary from other EU Member States faced difficulties in obtaining Hungarian documents, such as ID and address cards before the government offices.  **Ireland**: In January 2022, a new Immigration Service appointment and scheduling system, which will streamline and further improve the registration process, was announced. The interim ISD Registration office Burgh Quay created a free phone number to call, so applicants resident in Dublin could book a first time registration appointment. In January 2022, a new Immigration Service appointment and scheduling system, which will streamline and further improve the registration process, was announced. The interim ISD Registration office Burgh Quay created a free phone number to call, so applicants resident in Dublin could book a first-time registration appointment. Additionally, a further temporary extension of immigration and international protection permissions was announced in December 2021 because of the COVID-19 pandemic. Those whose permission to reside in the State was due to expire between 15 January 2022 and 31 May 2022 received automatic renewal of their permission to reside in the State on the same basis as the existing permission and with the same conditions attached.  On 3 December 2021, the Minister for Justice announced the establishment of a scheme to regularise long-term undocumented migrants. The scheme opened for applications on the 31 January 2021. Applications will be accepted for six months until 31 July 2022. The scheme will be enable applicants and their eligible dependants to remain and reside in Ireland and to regularise their residence status whereby the applicant has a period of 4 years residence in the State without an immigration permission, or 3 years for applicants with minor children, immediately prior to the date on which the scheme opens for applications.  **Italy**: Following the outbreak of the pandemic several Civil Courts have partially upheld appeals lodged by applicants and granted them special protection permits due to the health emergency situation and management of COVID-19 in their countries of origin.  **Netherlands**: Because of COVID-19 the “BRP-straat” was temporarily closed on several occasions in 2020. Therefore, there is a backlog in registration, also during 2021. Because of limited capacity at the “BRP-straat” priority was given to the registration of refugees with a permit, who will be entitled to a house in a municipality. Priority was also given to family members of refugees who came to the Netherlands because of family reunification. No priority is given to asylum seekers who want to be registered, unless there is a very special reason (for example medical reasons). During 2021, there was still a backlog in registration at the “BRP-straat”, even if it registered a decrease. Family members of refugees who came to the Netherlands due to family reunification were send to a “BRP-straat” at other locations. Since summer in 2021, they are registered at the “BRP-straat” in Emmen. During the COVID-19 crisis, various delays were registered in the time needed to receive the temporary residence permit (the document itself) from the IND. This is still the case in 2021.  **Romania:** In 2021, AIDRom reported that a period of 1 to 2 months usually elapses between the form of protection being granted and the issuance of the residence permit. The issuance of a residence permit is subject to a rental contract. Many beneficiaries of international protection encounter difficulties in finding an apartment. In a very few cases, IGI-DAI accepts to accommodate them in the centre and to issue a rental agreement. According to IOM Romania, the residence permit is issued within 30 days of the date of submission of the necessary documents. The time may be exceeded if additional documents are required or due to a large volume of applications. Difficulties and delays may arise when the beneficiaries do not understand the procedure and do not bring all the required documents.  As regards the renewal of residence permit, beneficiaries of international protection do not encounter any problems. Before the expiry of the residence permit, they fill in a request of renewal and a new card is issued in the same time frame as mentioned above.  In Timisoara, 193 residence permits were issued in 2021, according to the director of the centre.  **Sweden:** A new system was introduced in July 2016 with the adoption of a temporary law, valid for three years. The law was prolonged for an additional two year-period from July 2019 to July 2021 as a result of a political agreement between four parliamentary parties. On 22 June 2021, the Swedish Parliament voted in favour of introducing the proposed changes to the Aliens Act, which came into force on 20 July 2021. According to the introduced changes temporary residence permits are the general rule for beneficiaries of international protection; while resettled refugees are granted permanent permits. Residence permits should remain limited to three years for refugees and 13 months for subsidiary protection status holders, extendable by two years subject to a new assessment, as was already the case through the temporary law.  Until 19 July 2021, persons whose removal would contravene Sweden’s international convention-based obligations and who do not qualify for Convention refugee status or subsidiary protection status could be granted an initial temporary permit of thirteen months which could be prolonged for two years if the grounds persist. The circumstances in the case must also had been considered as being particularly distressing. As of 20 July 2021, the condition that a removal would contravene Sweden’s international convention-based obligations no longer applies. A temporary residence permit may be granted when the circumstances in the case are particularly (for children) or exceptionally (for adults) distressing. The circumstances regarding the applicant’s health condition, his/her private life in Sweden, and the situation in his/her country of origin should be taken into account when assessing this ground for a residence permit. An adult who has already lived in Sweden with a temporary residence permit and has acquired a particular affiliation with Sweden will need to show particularly, and not exceptionally, distressing circumstances. The initial temporary permit is granted for thirteen months, it could be prolonged for two years if the grounds persist. 153 first time applicants were granted permits for these reasons in 2020. Temporary residence permit gives the person the right to live and work in Sweden for thirteen months. During that period they have the same right to medical care as a person with a permanent residence permit. The person’s family is eligible for residence permits to join the sponsor in Sweden only in exceptional cases.  **Civil registration**  **Hungary**: Pursuant to the Act on Civil Registration Procedure, within one day from the birth of a child, parents have the obligation to register his/her birth at the competent Registry Office, which issues the birth certificate. None of the organisations interviewed reported systemic problems as to birth registration.  Main challenges concern the establishment and registration of a new-born child’s citizenship. Hence, those children whose parents are beneficiaries of international protection are registered as unknown citizens given that Hungary does not have the competency to establish the nationality of another country. Provided that parents cannot contact the embassy of their country of origin in order to register their child, the new-born remains unknown citizen. The problem still existed in 2021.  **Italy**: Following the evolution of the legislation on the recognition of refugee status, which has entrusted the entire international protection procedure to the Ministry of Interior, UNHCR encouraged the latter to define new procedures with regard to the clearance for marriage for beneficiaries of refugee status. On 12 January 2022, the Ministry of Interior, following up on the suggestion made by the UN Agency, published a circular which introduces a new procedure for the clearance for marriage for refugees: to the request for publication of the marriage submitted to the municipality, the refugee has only to attach a substitutive declaration, pursuant to Presidential Decree no. 445 of 28 December 2000.  **Romania**: AIDRom reported some difficulties in registering a new-born. Even where the parents of the new-born child are married, many do not have the same surname. Therefore, both parents must go to the Population Registry - new-borns Service, to agree on the child's name. Another issue is that in many countries there is no difference between last name and first name. Therefore, when a Romanian document is issued (birth certificate), it is a little harder to identify which is the first name and which is the last name. Some problems start right from the maternity ward, as the birth certificate attesting the birth of the living child is issued incorrectly. The error is also related to the name / surname - they are often written in reverse, the surname instead of the given name and vice versa.  In Galati the JRS representative provided assistance for the issuance of birth certificate for a 4-year-old child. The cost of authorized interpretation was also covered by the project.  In Radauti, the NGO representative provided support for the registration of 2 new-borns. The families were accompanied by the NGO representative and interpretation was also ensured. It was reported that the authorities are not familiarized with the residence permits. The same issue was also pointed out by IOM Romania.  **Long term residence**  **Croatia**: A new Law on Foreigners entered into force on 1 January 2021. One of the novelties is the introduction of a distinction between the long-term residence and the permanent residence.  Long-term residence may be granted to a third-country national if he or she has been granted temporary residence, asylum or subsidiary protection in the Republic of Croatia for a continuous period of five years from the day of the application for international protection. A third-country national shall be deemed as having continuously resided in the Republic of Croatia even if he or she was absent from the Republic of Croatia within the five-year period for up to ten months in total for multiple absences, or up to six months for a single absence. At the time of deciding on the application for a long-term residence, the third-country national must have a granted temporary residence, asylum or subsidiary protection in the Republic of Croatia. The third-country national shall not be granted long-term residence if his or her asylum or subsidiary protection has been ceased or withdrawn.  The 5 years’ residence period required for the approval of long-term residence for asylees or foreigners with granted subsidiary protection, shall be calculated also to include the time before international protection was granted i.e. to include a half of the time from the day when the application for international protection was lodged until the day when international protection was granted, or the entire period of time if it exceeds 18 months.  **Italy**: The total number of holders of long-term residence permits as of 1 January, 2021, according to Istat, was 2,173,327. The disaggregated figure for long-stay permits issued to beneficiaries of international protection is not available.  **Romania**: In 2021, in Timișoara 26 applications for a permanent residence permit were made and the decision was issued in minimum 6 months, according to director of Timișoara Regional Centre. In Bucharest, 150 applications were lodged and it was also reported that the decision is usually issued in 6 months. In Giurgiu, 7 requests were lodged according to the director and the legal deadlines were respected. The same was reported in Galaţi. In Somcuta Mare 4 applications were submitted and all were admitted. One application was reported in Rădăuţi and it was rejected.  **Sweden**: Beneficiaries of international protection can get permanent residence permits after having temporary permit for at least three years, but need to demonstrate their ability to provide for themselves and, already as of the age of 15, so-called ‘good conduct’, i.e. can be expected to have an honest, non-criminal, lifestyle (vandelskrav). The condition to provide for oneself does not apply to children, persons who are eligible for retirement pensions, or if there are other particular reasons. According to the proposal by the above- mentioned Cross-party Committee, in a later stage new conditions to demonstrate civic education skills, and a good knowledge of Swedish language will also be required to obtain a permanent residence permit.  **Naturalisation**  **Bulgaria**: From 2014 to 2021, Bulgaria granted citizenship to 373 beneficiaries of international protection, namely 117 refugee status holders and 256 subsidiary protection holders.  **Hungary**: The naturalisation procedure is conducted by the Government Office of Budapest. The application can be submitted at any local government office, which transfers the case file to the Government Office of Budapest. HHC is aware of the practice at place in the government offices, according to which the officer requires the applicant to write down the whole curriculum vitae again or a summary of it, or to fill in the application form in front of them, thereby controlling the Hungarian language skills of the applicant. There were cases in 2021, when even minors were requested to re-write their CV on the spot. In addition, case officers use a technical language with the applicant during the procedure which makes the communication even more difficult.  The Government Office of Budapest communicates exclusively with the applicant. In the HHC’s experience in 2021, legal representatives were not allowed to be present upon the submission of an application. The reason given by the authorities was either the existence of specific measures as a consequence of the pandemic, or the need to control the language competency of the applicant in Hungarian. A paper on the wall warns clients that the government office is not able to accept applications of persons accompanied by an assistant or an interpreter. Even in the case of minors these stance led to disputes. Nevertheless, ultimately, either the legal guardian or the lawyer were allowed to assist the applicant. Apart from this issue observed by the HHC, case officers were mostly cooperative and supportive throughout the year.  Refugee children and children having been granted subsidiary protection who were born in Hungary and did not obtain their parents’ citizenship by birth might obtain Hungarian citizenship by declaration taken five years after their birth under the Citizenship Act provided that their parents had Hungarian domicile at the time of their birth. In these cases, if the Government Office of Budapest rejects the declaration the applicant has the possibility to request a judicial review. One declaration submitted in 2020 was rejected a year later. The HHC is representing the applicant child in the ongoing judicial review procedure. Two other declarations were rejected in the course of 2021. The pattern seems to show that the government office would consider eligible only the children of recognised stateless parents, even though the Citizenship Act does not mention such criteria. This raises serious problems, since contacting the authorities of the country of origin in order to prove that the child did not obtain citizenship might even result in the loss of refugee status. According to data provided by the Government Office of Budapest, no child was granted citizenship by declaration.  In 2021, 118 beneficiaries of international protection applied for Hungarian citizenship (97 refugees and 21 beneficiaries of subsidiary protection). In the same year, 20 refugees (3 Iraqis, 3 Iranians and 3 Somalian nationals, the remaining 11 of different nationalities) and 9 beneficiaries of subsidiary protection (3 Afghans, 2 Syrians and 4 of unknown nationality) obtained citizenship. Out of the 29 people, 3 former refugees (2 Iraqis and 1 unknown nationals) and 5 former beneficiaries of subsidiary protection (1 Syrian and 4 unknown nationals) were minors. The applications of beneficiaries of international protection were rejected in 113 cases. The applications of 102 refugees (breakdown by the three main nationalities was 32 Afghan, 18 unknown and 11 Syrian) and 11 beneficiaries of subsidiary protection (breakdown by the three main nationalities was 9 Afghans, 1 Somalian and 1 Iraqis). The gap between the percentage of decisions rejecting an application and granting citizenship further grew in 2021, as compared to 2020. Whereas in 2020, 24% of the total decisions granted citizenship to beneficiaries of international protection, in 2021 this number decreased and only reached a 20%. At the same time, the ratio of decisions on rejection grew since while 2020 76% of the total decisions was about rejection, in 2021 it was 80%. The number of applicants showed a 69% increase in 2021, in comparison with the previous year.  **Ireland**: As of November 2021, there were 22,721 applications for citizenship on hand and the average processing time for applications was 23 months. There were approximately 11,000 grants of citizenship throughout 2021. An exact breakdown of the number of individuals with refugee and subsidiary protection status who became naturalised was not available at the time of writing.  On 18 January 2021, it was announced that the obligation to attend citizenship ceremonies would be temporarily replaced during COVID-19 with an alternative requirement for citizenship applicants to sign an affidavit declaring loyalty to the State. Upon the return of a fully completed declaration, the Department of Justice will issue a certificate of naturalisation. This system has continued in operation as of January 2022.  **Italy**: Despite the pandemic, citizenship acquisitions increased between 2019 and 2020. The lengthy process required to assess applications (often pre-dating the acquisition by at least three years) and the digitization of procedures have clearly counteracted the effects of the pandemic and economic downturn. According to the ISTAT report published on 22 October 2021, 131,803 foreigners acquired Italian citizenship in 2020: out of these, 119,000 (90%) were non-EU citizens, with a 4% increase compared to 2019.  **Netherlands**: Since 1 January 2022, a new Civic Integration Act was introduced. The language level requested to undergo the civic integration examination was raised at a B1 level. Instead, no changes were made regarding the conditions set to evaluate ‘sufficient integration’, necessary to obtain Dutch nationality, so that the requisite in terms of language knowledge remains at an A2 level. No changes are foreseen for 2022, regardless of the introduction of the new Civic Integration Act.  **Cessation procedures**  **Belgium**: In 2021, the CGRS took 79 cessation decisions. In 44 cases it concerned the cessation of the refugee status: Albania (9), Russian Federation (7), DRC (5), other countries (23). In 35 cases, it concerned the cessation of subsidiary protection: Iraq (19), Afghanistan (15), other countries (1).  **Bulgaria**: Back in 2020, a new provision introduced an additional cessation clause, in contradiction to the Refugee Convention, and the Qualification Directive. The law permits cessation or revocation of the international protection if the status holders fail, in a period of thirty days, to renew their expired Bulgarian identity documents or to replace them if they have been lost, stolen or destroyed. The undue cessation of international protection has affected 4,364 status holders in total since then, respectively – 770 persons in 2018; 2,608 persons in 2019; 886 persons in 2020 and 100 persons in 2021.  **Germany**: Following the 2018 “BAMF scandal”, a sharp increase of “revocation examination procedures” was registered. In 2020, 187,565 revocation procedures were initiated, while the number slightly decreased in 2021, during which the number of initiated procedures amounted to 117,093.  In the vast majority of cases, the BAMF found no reason to revoke or withdraw the protection statuses. In 2020, 96.6% (244,230 cases) of procedures resulted in no revocation or withdrawal; a similar percentage (96.1%) was registered in 2021. However, due to the high number of procedures, the total number of revocation or withdrawal decisions is still significant and affected a total of 6,630 persons in 2021. 95,960 revocation tests were still pending at the end of 2021. A detailed breakdown by nationality is not available, and it is also not clear which status has been revoked in these cases (i.e. refugee status or subsidiary protection). Also important to note is that the figures provided by the BAMF cover both revocation and withdrawal procedures as national statistics do not distinguish between the two.  **Hungary**: Until August 2021, there were still cases when the NDGAP indicated Kabul as an IPA for the person concerned. However, since the seizure of power by the Taliban in August 2021, the HHC is not aware of any decision where the NDGAP would have expelled anyone to Afghanistan as a result of the withdrawal proceeding. On the contrary, even persons who had previously been expelled were granted humanitarian status on account of the general situation in Afghanistan. As to Syrian citizens, Damascus remained to be applied by the NDGAP as an IPA throughout 2021 and such decisions were even confirmed by the court in several cases.  **Netherlands**: In January 2020, the IND decided that it would no longer consider certain parts of Sudan to be in a conflict that reaches the Article 15c QD-standards. At the same time, the IND announced starting a reassessment of all subsidiary protection statuses that were granted in line with the country policy stating that there was a 15c-situation in some parts of Sudan. The IND announced that around a hundred statuses were going to be reassessed because they believed that the change of circumstances in Sudan had such a significant and non-temporary nature that the fear of persecution or the real risk of serious harm could no longer be regarded as well-founded (article 3.37g Aliens Regulation). The reassessment project terminated in 2021, resulting in 0 revocations on the ground of ceased circumstances. Most of the status holders kept their permits on other grounds as many groups were considered to be at risk in Sudan.  **Romania**: In Timișoara, in 2021, 5 cessation decisions were issued, according to the director of Timișoara Regional Centre. A lawyer reported 3 cases of cessation of subsidiary protection and 2 of refugee status, that were assited by her in the court proceedings. In Giurgiu 1 or 2 cases of cessation of international protection were reported by the director of the centre. In Şomcuta Mare, no cases of cessation were reported. In Bucharest there were also some cases of cessation, however the director was not aware of the number.  **Withdrawal procedures**  **Belgium**: In 2021, the CGRS withdrew the protection status in 136 cases. Out of them, 106 concerned the refugee status of beneficiaries originating from Iraq (21), Syria (14), Russia (11), Afghanistan (8), Eritrea (8), other countries (44). The other 30 withdrawals concerned the subsidiary protection of persons originating from Afghanistan (15) and Iraq (9), Syria (3) and other countries (3).  **Bulgaria**: The procedure for withdrawing status in the law is the same as for cessation of status. In 2021 a total of 3 withdrawals were made.  **Hungary**: The NDGAP initiated the withdrawal of international protection status of 237 persons and issued a decision on withdrawal in the case of 349 persons in 2021, which is a huge increase compared to last previous year (see AIDA report 2020 reporting about only 59 initiated withdrawal procedures). The withdrawal decisions concerned 218 refugees and 131 beneficiaries of subsidiary protection.  The HHC is aware of a case from 2021 when the NDGAP initiated the withdrawal procedure of a Palestinian beneficiary of international protection because the man obtained a Palestinian passport. Nevertheless, he clarified during the procedure that he requested the passport for administrative purposes and that he contemplate to travel to Palestine. Based on his statements and justification, the NDGAP terminated the procedure and thus, maintained his status.  HHC is also aware of the case of a Pakistani man whose status review procedure initiated for the fourth time in four years. The applicant has been living in Hungary since 2013 as a beneficiary of subsidiary protection. He had a successful status review procedure in 2018 and 2019. In 2020, however, a new one was initiated resulting in status withdrawal with reference to classified data. This decision was successfully challenged before the court and the NDGAP eventually had to leave the applicant’s status intact. In 2021, a new - still ongoing - status review procedure was initiated against him. It is worth noting that the applicant won a case against Hungary in front of the ECtHR, regarding his unlawful detention during his asylum procedure.  **Romania**: In 2021, there were 2-3 revocation cases in Bucharest, 2 in Timișoara, 4 in Galaţi and 2 in Radauti and 1 in Giurgiu.  **Family reunification**  **Bulgaria**: In 2021, a total of 203 family reunification applications were submitted to the SAR, out of which 187 were approved and 16 rejected.  **Cyprus**: In 2021 limited progress was noted with 2 family reunification applications receiving positive decisions, however the majority of applications are still pending and procedures remain lengthy.  **Germany**: The coalition programme of November 2021 underlines that the restrictions on family reunification for beneficiaries of subsidiary protection should be removed. Minors who have received a protection status should be allowed to bring their siblings, and not only their parents as is currently the case. It remains to be seen if these measures will be implemented in practice.  Ad hoc family reunification programmes were created for Syrians and Afghans. For Syrian refugees, some regional programmes for family reunification are still in place. These programmes are reserved for first- and second-degree relatives of persons living in Germany with refugee status or another legal residential status. In contrast to the “normal” family reunification procedures, the family members living in Germany have to act as sponsors by declaring that they will cover the cost of living of their relatives (either from their own resources or with the help of external sponsors). In 2020 and 2021 such programmes were in place in the Federal States of Berlin (until end of 2022), Brandenburg (until end of 2021), Bremen (until end of September 2021), Hamburg (until end of November 2021), Schleswig-Holstein (until end of 2021) and Thuringia (until end of December 2022). The programme in the Federal State of Berlin is also available to family members of Iraqi refugees.  In 2021, several Federal States (Berlin, Bremen, Schleswig-Holstein and Thuringia) decided to put similar family reunification programmes in place for family members of Afghan refugees. However, in the case of Thuringia, the Federal Minister of the Interior refused to authorise such a programme in September 2021. Decisions regarding the programmes of Berlin, Bremen and Schleswig-Holstein were still pending in January 2022.  **Hungary:** No preferential treatment is applied in case of beneficiaries of subsidiary protection who apply for family reunification. In 2021, 1 family of subsidiary protection beneficiaries (and 1 family which missed the 3 months deadline of preferential conditions) could reunite with the assistance of the HHC.  No DNA tests for the purpose of family reunification were ordered by the NDGAP in 2021.  **Ireland**: Following the onset of COVID-19 and associated restrictions, applicants experienced significant delays in the processing of applications for family reunification. DNA testing was suspended, which has further delayed a number of cases. DNA testing subsequently resumed following the easing of restrictions associated with COVID-19 in late March 2021.  **Italy**: Starting from 2020 and until July 31, 2021, the validity of the authorizations for family reunification issued by the Prefectures, which in normal circumstances have a validity of six months, was extended by law due to the pandemic and to the difficulties family members might encounter in requesting the visa or in travelling and entering Italy. No further extensions have been granted despite the ongoing pandemic.  **Poland**: Data on family reunification of beneficiaries of international protection are generally not disaggregated by the authorities. However, for 2021 the Office for Foreigners shared the number of family members who applied for family reunification with the beneficiary. There were 91 such persons. The number of decisions granting this permit was 62. The main challenges for beneficiaries of international protection to be reunited with their family members are: a narrow definition of family members (e.g. civil partners are excluded), lengthy and complicated and costly procedure (submitting and translating official documents, journey to Poland, to Polish consulate, paying several visits to the consulate).  Romania: In 2021, the following applications for family reunification were submitted per regional centre:   * In Giurgiu, according to the director of the centre 12 applications were made of which 11 were admitted and one was rejected. * According to the director of Regional Centre Timișoara, there were three cases of family reunification in 2021 and they were admitted. AIDRom was not aware of the total number of applications; however, they assisted five people within this procedure in 2021. Of the five, three were admitted and two are still pending. * In Galaţi there were many applications for family reunification, which were admitted, except the cases where the form of protection was revoked. * In Rădăuţi, around 30 requests were lodged; all of them were admitted. * In Bucharest, according to the director of Vasile Stolnicu centre, the number of family reuification increased in 2021. In general, all the applications are admitted and the average duration of the procedure was 3-4 months and one more month until the family members had arrived at the centre. * Şomcuta Mare: according to LADO/ASSOC, 11 requests for family reunification were submitted in 2021, of which 10 requests were submitted by the beneficiaries accommodated in the centre and one by a person who lives outside the centre. Of these, 6 were admitted in 2021. As for the translation fees of the documents these are covered by the NGO. It was also reported that there was one case, where the beneficiary of international protection, a Syrian national, was asked by the service within the Romanian Embassy in Syria, to provide a bank account with a certain amount of money.   **Sweden**: A Temporary law introduced new legislation in 2016 that affected persons’ ability to get a residence permit, the length of the residence permit as well as the ability to reunite with their family members. This law was in force until 19 July 2021. In 2019, a parliamentary commission of inquiry was tasked with proposing new legislation. The commission presented its proposal in September 2020. Most of the proposals were included in the changes in the Aliens Act that came into force on 20 July 2021, although some adjustments were made due to further political debate and commentary on the proposal from civil society and public authorities. The changes basically rendered most of the restrictions introduced through the Temporary law permanent. In general, the right to family reunification is limited to core family members only, although other family members may be accepted under special circumstances. It also includes requirements on incomes and housing (i.e. the size and standards of housing) that need to be met when family members apply for family reunification more than three months after the beneficiary was granted protection status. However, the right to family reunification is available to both refugees and beneficiaries of subsidiary protection.  The Migration Agency stated in October 2021 that due to the Taliban take-over in Afghanistan, Afghan citizens cannot acquire new passports. Therefore, if other conditions are met, Afghans applying for family reunification may be exempt from the obligation to prove their identity and present a passport.  Moreover, the Migration Agency adjusted its position on who should be considered as being underage, with reference to recent EUCJ jurisprudence (C 133-19). As regards beneficiaries of international protection, children who are under the age of 18 at the time of application are considered as children even if they would be over 18 years old at the time of decision.  For family members of persons with subsidiary protection, the Swedish Red Cross had partial funding available during the last six months of 2021, assisting seven families (51 individuals) to reunite in Sweden.  **Slovenia**: The new amendments of the Foreigners Act state that beneficiaries of international protection can start the family reunification process after the decision on their status becomes final. In practice, this means that if persons with subsidiary protection decide to appeal against a decision, they cannot start the family reunification procedure until the procedure is finished and the decision on status becomes final.  Persons with refugee status and subsidiary protection longer than one year can apply for family reunification immediately after the decision granting them status becomes final.  **Travel documents**  **Bulgaria**: During the period 1 January 2014 to 31 December 2021, the Ministry of Interior issued 12,655 refugee travel documents and 11,197 travel documents for subsidiary protection holders. In 2021 these figures refer to a total 330 refugee travel documents and 2,180 travel documents for subsidiary protection holders.  **Hungary:** According to the statistics of NDGAP there were 572 travel documents for refugees and 432 for beneficiaries of subsidiary protection issued in 2021.  **Housing**  **Cyprus:** There are no schemes in effect providing housing to beneficiaries of international protection. Persons will need to secure private accommodation on their own. This is often a difficult task, due to language barriers and financial constraints, related to high levels of unemployment, high rent prices and the extent of assorted allowances. In 2021, securing private accommodation remains difficult for refugees who have recently been granted protection as well as refugees living in the community. This is due to the extremely high rents that continue to increase making it harder to identify appropriate accommodation, as well as the reluctance on behalf of landlords to rent properties to refugees, including persons with a regular income. Although instances of homelessness are much more frequent among asylum seekers, beneficiaries of International Protection also face such risk and often assistance and guidance is required in order to secure shelter.  Beneficiaries of international protection have a right to apply for financial aid through the national Guaranteed Minimum Income (GMI) scheme, which may include a rent allowance. However in order to apply for the rent allowance a specific property must already have been contracted and in addition rent deposits are not covered through the GMI scheme. Furthermore throughout 2021 the period required to examine GMI applications including the rental allowance reached 12 months.  **Germany**: No recent statistics or studies on the housing situation of refugees are available. According to a representative study published in 2020, 83 % of persons with a protection status who had come to Germany as asylum seekers between 2013 and the end of January 2016 were living in “individual accommodation” (i.e. not in collective accommodation centres).  Some detailed figures are available for the Federal State of Bavaria: In 2021, 21.8% of persons living in collective accommodation centres in June 2021 were considered to be “false occupants” (Fehlbeleger), which is the bureaucratic term for persons who are allowed to leave the centres, but have not found an apartment yet. This refers to 5,177 beneficiaries of international protection (out of a total of 23,750 persons living in accommodation centres throughout Bavaria) who, in theory, were not obliged to live in this type of accommodation. Out of the 34,230 persons living in decentralised accommodation, 29.99 % are “false occupants” (i.e. 10,235 persons).  **Spain**: In March 2021, the Autonomous Community of Valencia created the Commission of Migration and Housing, with the aim of studying the problems faced by persons in situation of vulnerability, especially migrant and racialized population, to access housing in the Comunitat Valenciana.  A report published by the Municipality of Barcelona in November 2021 brought to light the problem of “property racism”; among the report’s findings, resulted that as 9 out of 10 agencies admit to deny renting houses to persons due to ethnic discrimination.  **Croatia:** In practice, despite the low number of beneficiaries of international protection, persons wait for state subsidised accommodation for several months according to AYS. This is problematic as this time is also calculated under 2 years of state subsidized accommodation.  Similarly to 2020, the Croatian Red Cross (CRC) reported that challenges were observed in securing accommodation for beneficiaries whose right to paid housing has expired in 2021.This is mainly due to high rents, discrimination and the reluctance of landlords to rent their apartments to beneficiaries of international protection. It is especially difficult to find an apartment for large families both due to the need to find a bigger apartment and the overhead costs which are much higher. In bigger families, it is also frequent that it is only the husband/father who works and there is thus only one salary that needs to bear the costs of housing, utilities and other living expenses, which is why many of them find themselves at risk of poverty. CRC often refer families who contact them due to difficult financial situations to the competent social welfare centre to exercise the right to one-time assistance.  The CPS reported that problems in finding apartments has continued in the course of 2021 as refugees continued to face prejudice  **Hungary**: The Evangelical Lutheran Church in Hungary arranged short-term crisis placement for 30 persons with international protection (together with the family members, a total of 66 people benefitted from the services, one third less than one year ago) in Budapest in 2021. Out of the 66 people, there were also one asylum seeker and one person with tolerated status. Accommodation was provided in a hostel, in the community house of the Church, and in a workers’ hostel. According to the Church, since September 2021, they could not support further people in need due to the lack of resources. The Jesuit Refugee Service provided three flats for families and single persons, as well as a total of four places to students in two dormitories belonging to the Jesuit Order in Budapest.  The Baptist Integration Centre opened its temporary home for families in June 2020. In 2021, it provided housing a total of 22 persons with international protection in three temporary homeless shelters and 6 people were hosted in the Exit Centre. The mandatory COVID-19 test was a precondition for the admittance to the homeless shelter that caused significant delays in the registration of newcomers.  Kalunba has been providing a housing programme for years. The number of beneficiaries of the Kalunba’s complex housing program decreased in 2021 due to the difficulties and restrictions the pandemic brought about.  There were four persons with international protection status accommodated by either night shelters or temporary shelters of the Budapest Methodological Centre of Social Policy and Its Institutions (BMSZKI) in 2021. One of the residents though applied soon after his admittance to be placed in the workers’ hostel where better accommodation opportunities are available (but also the costs are higher). The Temporary Family Shelter accommodated two refugee families in 2021. In addition, BMSZKI had to separate 136 places for quarantine purposes to the detriment of two-night shelters. Here, homeless people from the territory of the metropolitan are placed in case they are infected by COVID-19.  The Jesuit Refugee Service and the Lutheran Church reported that the pandemic exposed the beneficiaries of international protection with difficulties with regard to housing. The decreasing income made it troublesome to cover all the housing related costs for those living in private apartments. Since the economic backlash affected the landlords equally, beneficiaries of international protection could receive moratorium regarding the payment of the rent only in exceptional cases. In 2021, many moved to smaller flats in order to be able to pay the rent. The Jesuit Refugee Service provided financial and social support to a total of 56 persons (18 families and 8 single persons) last year in order to alleviate the difficulties people faced due to the pandemic. Among other the organization distributed food, medicine and hygienic allowances and in kind contributions.  The Hungarian Maltese Charity Service started a state-AMIF funded project that will run for one year and aims at the integration of the Afghan refugees rescued by the Hungarian Defence Forces from Afghanistan in the end of August 2021. The organization helped them to move out from the reception facilities at the end of October and provided them with a comprehensive complex assistance including housing in the metropolitan. In addition, a group of civilian volunteers started assisting the families with in kind donations, such as clothes, furniture, kitchen equipment, toys, etc. According to the Director of the NDGAP, the Afghan evacuees will be granted national permanent residence permit via the discretionary powers of the Minister of Interior. Medical assistance is also ensured for them for 18 months.  **Ireland**: The situation for beneficiaries of international protection who are finding difficulty obtaining independent accommodation is exacerbated by the concurrent lack of capacity in Direct Provision centres. As of November 2021, there were 1,640 persons with some form of protection status residing in Direct Provision.  **Malta**: In 2017, the Council of Europe Commissioner for Human Rights raised the issue of access to housing in correspondence with the Ministry for Home Affairs. This problem persisted throughout 2018, 2019, and even more in 2020 and 2021 due to the COVID-19 crisis, with NGOs working in the social sector commenting that access to private accommodation was increasingly challenging for several groups, including migrants and beneficiaries of international protection, resulting in higher numbers of homeless persons or of persons living in squalid conditions.  **Netherlands**: In 2021, reception centres registered a new shortage of places, partly due to the COVID-19 pandemic and partly to the generalised shortage of rented houses in the Netherlands. Since 1 November 2021, the so-called “Hotel- en accomodatieregeling” (Hotel- and Accommodation Arrangement) was introduced. Status holders awaiting regular housing at a municipality had the opportunity of accessing temporary accommodation at the same municipality responsible for their regular housing. A temporary accommodation might be a hotel, a holiday bungalow or a B&B, and would host the status holder for a maximum of 6 months. After that time, the municipality must have found a permanent house/accommodation; in any case, the municipality would then become financially responsible for the status holder. The arrangement is only open to single beneficiaries without children. The beneficiary also may not be vulnerable. The status holders remain entitled to the COA's basic provisions, such as a weekly allowance and access to medical care. The status holder receive an additional payment of € 75 per week from the COA. The benefits granted by the COA will stop as soon as the municipality regular housed the status holder. The municipality receives a payment (€ 8280 plus € 1000 for guidance) for every status holder participating in this arrangement.  **Poland:** The main obstacles faced by people with a refugee experience with regard to housing, as identified by a group of stakeholders (NGOs, local authorities) at the meeting in 2021 include: problems with renting in the commercial market, the Individual Integration Program that is not well adjusted to the needs of its beneficiaries, the lack of recognition of the needs of people with refugee experience in local housing policies, the lack of governmental housing and anti-refugee discourse of authorities, the lack of significant cooperation of local authorities with NGOs, as well as the lack of an efficient crisis aid system.  **Slovenia**: In line with the amendments of the IPA, beneficiaries need to sign an integration contract with the UOIM if they want to access integration services, including housing.  Beneficiaries without financial means and for whom accommodation is not provided in another way and have to sign the integration contract are entitled to financial assistance for accommodation. The time period for which they are entitled to assistance has been shortened by the amendments of the IPA from 18 months to 1 year after being granted status. If they attend at least 80% of free training in Slovenian language and culture, and visit their case worker at least once a month, the assistance can be prolonged for an additional 1 year. This time period was also shortened by the amendments - previously this was 18 months.  **Access to the labour market**  **Austria**: In July 2021, the Head of the Labour Market Service announced, that out of the 9,500 persons that were granted asylum in 2015 and subsequently registered at the Labour Market Service, more than 50% found employment. Nevertheless, refugees and beneficiaries of subsidiary protection were heavily affected by the consequences of the COVID-19 pandemic on the labour market. Especially women lost work, and the integration into the labour market has deteriorated in this aspect according to the Head of the Labour Market Service. At the end of December 2021, 36,358 beneficiaries of the Labour Market Service (AMS) were registered as unemployed, compared to 35,632 in 2020. Out of them, 21,234 were seeking work and 13,706 were completing trainings (compared to 24,026 and 11,606 in 2020 respectively).  **Cyprus**: Beneficiaries have the right to register at the Public Employment Service (PES) offices for purposes of seeking employment. Due to COVID-19 restrictions and up until September 2021, Public Employment Service was not requiring any job-seekers to attend in person, including beneficiaries of International Protection. New registrations of unemployed persons continued through email and registration of those who were already in the PES system prior to the pandemic measures was automatically renewed every month.  Beneficiaries of international protection have the right to participate in vocational trainings offered by the competent state institutions. Access to such vocational training is very limited due to language barriers since courses are taught predominately in Greek, and a lack of information and guidance. In 2021 the situation was generally improved, however the observed shift to online teaching methods still poses challenges in regards to participation of persons with low digital skills, low familiarization with online means and limited access to necessary equipment, stable internet connection and privacy.  **Spain**: In April 2021 a group of Syrian refugee journalists created the bilingual digital media Baynana (in Spanish and in Arabic) with the support of the Foundation por Causa. The NGO CEAR and the Casa Árabe (a centre promoting Arabic culture, art and language) launched in Madrid the initiative ‘Acoge un Plato Catering’ during the summer of 2021. It aims at promoting Arabic gastronomy, as well as social and labour inclusion for refugees in Spain.  **Croatia**: In 2021, Centre for Peace Studies (CPS) published a short thematic manual on how to facilitate integration into the Croatian labour market. The manual is divided in three parts, one part aimed for third-country nationals and the other two for NGOs and employers on how to help third - country nationals with integration into the labour market in Croatia.  However, the CPS reported that, since the beginning of the COVID-19 pandemic, some issues aggravated inter alia because beneficiaries often lose their jobs due to reduced business activities of their employers, which adds on to the other problems that already exist – i.e. underpaid jobs, precarious job conditions, problematic and often short-term employment contracts.  In 2021, the Rehabilitation Centre for Stress and Trauma(RCT) focused its activities on socio-economic inclusion, especially of women who were granted international protection. RCT also held workshops on socio-cultural orientation and social inclusion for 25 women who were granted international protection. Women also received employment assistance. In addition, the RCT was selected to provide group and individual psychosocial support to persons granted international protection who did a paid internship at IKEA, in a project implemented by IKEA in cooperation with UNHCR in several countries in Southeast Europe. RCT also contributed to this project by finding and motivating potential interns. The programme included 15 beneficiaries of whom 13 completed it, and 9 persons received an extension of their employment contract with IKEA.  In November, 2021, Civil Rights Project (CRP) Sisak held a workshop in Karlovac entitled Labour Law with beneficiaries of international protection who are located in the Karlovac area on the topic of labour and social rights and the institutes needed in employment.  Throughout the year, the Centre for Cultural Dialogue (CCD) team communicated on a daily basis with beneficiaries of international protection and supported them through preparation for job interviews, assisted in resume writing and interview techniques to help them develop a viable job search plan. In May 2021, CCD was part of a joint initiative in the programme of employment of beneficiaries granted international protection in the IKEA in Zagreb. In cooperation with UNHCR, CCD mediated in finding adequate staff among beneficiaries of international protection, and 15 of them completed an internship programme that lasted three months. Upon termination of the internship programme, some of them were offered a job at IKEA.  According to CES, 88 refugee status holders (of which 41 women), 8 foreigners under subsidiary protection (of which 3 women),7 members of families of persons that were granted international protection (of which 6 women) and 2 applicants for international protection (of which 1 woman) were registered in their registry as unemployed persons at the end of 2021.According to the data of the CES from January 1 until December 2021, 40 refugee status holders, 4 persons under subsidiary protection, 1 member of families of persons under international protection and 1 applicant for international protection were provided individual counselling at CES and a total of 68 individual counselling for these users were conducted, while 6 refugee status holders were included in active employment policy measures. The majority of persons registered were from Syria (40), Afghanistan (17), Iraq (13), Turkey (8) and Iran (8).  **Hungary**: In 2021, as per the Maltese Care Nonprofit Ltd., the labour market started to stabilise again, and in the end of the year, the demand for third-country national employees had grown. Menedék Association noted that, especially in the hospitality sector where many Hungarians left their position, the labour force became scarce. Therefore, international protection beneficiaries could more easily find a job. The Lutheran Church also reported that job opportunities were available primarily in the tourism and the hospitality sectors. The Jesuit Refugee Service reported that many people were forced to take up manual jobs even when offering bad contractual conditions, and to accept part-time or periodical employments.  In 2021, the Menedék Association published a policy brief on ‘Vulnerability and Discrimination in the Employment of Beneficiaries of International Protection in Hungary - Social Integration of Beneficiaries of International Protection in Hungary’, presenting the development of the employment situation from 2007 by following the analysis of the implementation of the asylum, anti-dis- crimination and employment rules through individual interviews conducted on the basis of the employment indicators of the National Integration Evaluation Mechanism project. The policy brief highlights that the legislative background onf the labour market is unfavourable for beneficiaries of international protection.  In the absence of state information provision on the legislative changes concerning labour law introduced in response to the pandemic, Menedék Association provided information and counselling to beneficiaries of international protection. In addition, Menedék Association ran a project, Skills for refugees in 2021 together with IKEA. The initiative aims at helping beneficiaries of international protection gaining new skills and work experience, so that they have a better chance of finding a job, either in IKEA stores and units or in other companies. In this way, they have better opportunities to integrate into their new host communities. The Maltese Care Nonprofit Ltd. provides services such as individual labour market counselling, labour market training and personalized help with job seeking to third-country nationals (see “Jobs for you”). Even though the program does not target specifically beneficiaries of international protection, they can also request the services of the Maltese. In 2021 the organisation could provide support for 17 people with international protection status out of which 6 people could in the end successfully undertake employment.  Kalunba has a coaching programme which, similarly to previous years, supported approximately 50 persons in 2020. The program entails job market counselling, mediation and mentoring, and was active in 2021.  **Malta**: Jobsplus indicated that in 2021 it delivered 200 work permits to refugees, 805 permits to subsidiary protection beneficiaries and 89 for beneficiaries of THP.  **Poland**: One of the key problems still emerging in 2021 regarding access to the labour market for beneficiaries of international protection is insufficient knowledge of Polish. Refugees interviewed for research often bring up that employers do not have time for explanations and translations, so provision of language courses, effective in long term, remain one of the most important factor in accessing labour market. Meanwhile the attendance of beneficiaries of international protection in the courses is very low (approx. 35 per cent) which results from either lack of the courses in some localities, inability to reconcile work with participation in a course due to the latter’s hours, or low attractiveness of the courses (i.e. their failure to meet the needs of refugees).  **Romania**: In practice, access to labour market also depends on the economic power of the city or region.  Timișoara: According to AIDRom, beneficiaries encounter difficulties in finding a job. The lack of knowledge of Romanian language is considered an impediment. Some of the employers are also reluctant to hire foreigners for various reasons, such as: employers have no knowledge of a widely spoken language and cannot communicate with their employees; employers are not knowledgeable in applicable law and believe they have to pay higher or different taxes for beneficiaries.  Bucharest: the difficulties encountered by the beneficiaries of international protection in accessing the labour market, reported by IOM Romania since 2018, still persist in 2021. Mainly for beneficiaries who do not have diplomas, certificates of studies or qualifications. Some of the employers are not aware of the conditions under which foreigners can be employed in Romania and of the status of beneficiaries of international protection. Lack of knowledge of Romanian language, at a satisfactory level was also reported as an impediment to finding a job.  Şomcuta Mare: According to the JRS representative, persons accommodated in the centre are periodically informed about available jobs in the area by AIDRom. There are a couple of companies which constantly recruit people in the unskilled labour sector. There were 2 beneficiaries of international protection legally working in Baia Mare. No problems or difficulties in accessing the labour market were reported by the JRS representative, who also mentioned that if the beneficiaries are willing to work, jobs will be found for them. Even though there are jobs available, not all beneficiaries have expressed interest in seeking employment. Beneficiaries do not intend to remain in Şomcuta Mare because it is a small city and there is no community of foreigners; they prefer to go to Bucharest.  LADO/ASSOC also mentioned that there were no obstacles to finding a job as a beneficiary. Many of the beneficiaries (with the support of ASSOC, LADO partner) were employed at various factories in the area, as well as in the public administration department of Baia Mare City Hall (SPAU) as day labourers. However, this is a short-term solution. In the long run, many beneficiaries are looking for support in cities where there are communities where they can integrate more easily or they even leave the country.  Galaţi: It was reported that several beneficiaries transferred their integration programme to Bucharest where there is a foreign community. 95% of the beneficiaries leave Galaţi and head to Cluj, Bucharest and other cities and even to other countries. There are jobs available especially in the unskilled labour sector and employment offers are received from different companies and periodically from AJOFM. Employers from the construction industry come directly to the centre. The employers require a basic or intermediary knowledge of Romanian language or English. There were beneficiaries who accepted to work for 1,200 RON / €255 and others who refused such jobs. In 2021 one beneficiary, an Afghan national, was hired as a civil engineer and worked 2 hours/day.  Rădăuţi: it was reported that even though there are available jobs, the salaries are low and as a consequence the majority of beneficiaries leave Rădăuţi and head to bigger cities such as Iasi, Cluj or Bucharest or even to other countries.  Giurgiu: According to the JRS representative, the main obstacles in finding a job are the language barrier. At the same time it was reported that they were not respecting the working hours.  **Access to education**  **Spain**: The problem of access to education for migrant children in Melilla persisted throughout the 1st semester of 2021. In June, the UN Committee on the Rights of the Child affirmed that Spain violated a child right when impeding his access to education in Melilla, and especially in taking two years before A.E.A. could access schooling in March 2021. The UN body also urged Spain to guarantee compensation to A.E.A, a boy born in Melilla on 2013 from a Moroccan citizen. Following such decision, the Spanish Ombudsman requested the Ministry of Education to provide for the means necessary to guarantee that no child residing in Melilla, independently of their origins, is excluded from education next school year.  The Spanish Commissioner against Child Poverty also accused the city of Melilla to violate children rights. At the beginning of the new academic course in September 2021, 160 children obtained access to schooling.  **Croatia**: The Croatian Red Cross reported that Croatian language courses for adults are currently provided in Zagreb, while in other cities they are only carried out if there are more than 5 people who have registered for the course. According to CRC, the Croatian language course is not adapted as all beginners are in the same group despite having different educational levels. For beneficiaries of international protection who speak English, the course is acceptable and effective, but those who do not understand English, often lose motivation and no longer come to the course. An additional reason for the low participation in language course is that beneficiaries found employment while waiting for the course to start. Women who do not work rarely attend the course, usually because they are taking care for children. In addition, most women have not been employed in their country of origin before and do not project themselves in a working environment in Croatia either.  CRC developed a network of employers with whom they cooperate and who are willing to recruit beneficiaries of international protection. During 2021, 16 beneficiaries of international protection managed to get employed with help of CRC, out of which 3 were women. CRC further drafted a leaflet for employers on the employment of applicants for international protection and beneficiaries of international protection in cooperation with UNHCR. The leaflet was presented in December 2021 at the round table "Economic Empowerment of Refugees and Employment ". Once finalised, the leaflet will be available online in Croatian and English. The Centre for Peace Studies (CPS) also reported persisting problems with Croatian language courses as they are not implemented continuously nor tailored to the specific group for which they are intended to.In addition, courses last only limited number of hours which is not enough for beneficiaries to properly learn the language well and be able to use it in their everyday life. The current language course which is held by the Public Open University Zagreb is not certified, which is an additional obstacle for those beneficiaries who need a certificate to prove the level of the Croatian language to institutions. Furthermore, this language course is organised exclusively for beginner groups, which does not always correspond to the level of knowledge of certain persons as they have a sound knowledge of the basis of the Croatian language and need more advanced courses, especially due to further regulation of their status.  The Jesuit Refugee Service (JRS) also reported problems related to Croatian language courses.From April to October 2021, JRS held two unofficial Croatian language courses at beginner level. In addition to language course, participants were provided some trainings on how to prepare CVs, job applications and individual plans.  The Ministry of Education organises language courses, but they remain at elementary level, while faculties require higher levels of language proficiency, most commonly B2 or C1. Thus, although by law they have the right to access higher education in Croatia, most beneficiaries of international protection would have to invest considerable amount of their own money to be able to apply for enrolment.  CPS reported obstacles in the access of beneficiaries granted international protection to higher education in practice in 2021.Although, they have the right to higher education similarly to Croatian citizens, there is no specific category for enrolling persons granted international protection to faculties, so they are enrolled either as other foreigners, which means they have to pay high tuition fees, or as Croatian citizens - which means that they have to take state graduation exam. There is also the problem of non-recognition of foreign educational qualifications in cases where beneficiaries have documents to prove their previous education. In addition, problems arise in the exercise of most of the rights enjoyed by full-time students, such as the right to subsidized accommodation and meals or the possibility of obtaining a scholarship.  **Hungary**: Both unaccompanied children and children staying with their families are provided on a weekly basis assistance in their integration to the education system by the Jesuit Refugee Service and cooperating volunteers. They are helped with Hungarian language skill development as well as with specific school subjects. The Jesuit Refugee Service assisted 57 unaccompanied minors, children with families and adults with their education in 2021. Kalunba also provided an afterschool program for children and young adults in 2020 and 2021 (it runs still 2009) entailing correspondence with the schools and the educational support of the children. Since the outbreak of the COVID-19 pandemic their activities have been provided online during lockdown periods and in person when possible.  The comprehensive study of the Menedék Association on ‘Opportunities for supporting the higher education studies of beneficiaries of international protection’ from 2021, identified various barriers for beneficiaries of international protection regarding access to education, namely the lack of Hungarian language skills and of state financial support programs. Additionally, the absence of ‘catch-up courses’ for beneficiaries of international protection and the low number of secondary education institutions makes it difficult for refugees to access higher education. The results of the study published by the Menedék Association as well as experiences of refugees with regard to access to education was discussed at a panel discussion organized by the She4She and the HHC on 20 June 2021.  The pandemic also affected school registrations adversely. The Lutheran Church reported difficulties with access to education of children in 2021.  In 2021, the organisation Next Step provided courses on computer skills, preparatory for the driving licence, Hungarian as a foreign language, as well as coding and programming classes for children.  The Central European University relaunched its Open Learning Initiative (OLIve) programme specifically targeting asylum seekers and refugees in the autumn semester of 2020 after it was on a pause for two years as a result of the ambiguity of the so-called “Stop Soros” legislation package, that came into force in August 2018 levying a 25% tax on financing or activities “supporting” immigration or “promoting” migration in Hungary. Courses were offered throughout 2021.  **Poland**: Data on the number of foreign children is collected through the nationwide Educational Information System. On its basis, it can be concluded that in March 2021, there were 278 children with international protection status in elementary school and 66 children in secondary schools. The analysis of this data and comparing it with other information shows that the system of collecting information on foreign students is flawed and data is incomplete. This is mainly due to the difficulties in correct determination of the legal status of pupils by the school staff.  A major challenge for the education of children with international protection status in Poland is the lack of appropriate policies – there is no formal long-term strategy involving all concerned partners (ministry, educational institutions, research institutions, expert organizations, representatives of schools and local authorities) to facilitate integration of protection beneficiaries through education. At the central level, there is no mechanism for monitoring and evaluating educational policy and the educational outcomes of children and teenagers. During the COVID-19 pandemic, remote teaching required access to technical equipment which was problematic. Also, remote education was conducted only in Polish, which was a challenge to some families of beneficiaries.  In 2021 it emerged that in Poland beneficiaries of protection are neither provided with host country language opportunities enough for mastering the language nor they have a guarantee to work according to their professions due to the difficult procedure of recognition of diplomas. Furthermore, the chances for improving skills and qualifications for refugees are very limited. One explanation of such a situation is a fragmented integration policy that is dispersed among various public institutions, without a holistic approach.  **Healthcare**  **Cyprus:** Beneficiaries of International Protection had access to the National COVID-19 Vaccination Plan. Initially, access to vaccinations was offered via appointment on the online GESY portal only, which at times was challenging for beneficiaries due to language barriers and low digital skills. NGOs provided assistance in such cases. From September 2021 onwards, vaccinations were offered at walk-in centres where no appointment is needed.  **Croatia**: Since July 2021, following the decision of the Government of the Republic of Croatia on ensuring vaccination against COVID-19, vaccination against COVID-19 is also available to persons who are not insured.  In course of 2021, AYS provided information on the scope of right to health care protection to beneficiaries of international protection, but also assisted them with enrolment procedures or when persons undertook medical examinations. AYS highlighted that shortcomings continue to be the non-recognition of the right to health care for beneficiaries of international protection AYS reported that the lack of translation during health checks remains unsolved. In addition, pharmacies are also not informed about the procedure for dispensing medicines to persons under international protection according to AYS. Therefore, beneficiaries of international protection are often rejected.  In 2021, the Rehabilitation Centre for Stress and Traumaprovided psychosocial counseling for beneficieries with chronic or acute mental health problems due to traumatic experiences.  **Hungary**: In 2021, the vaccine was made available for everyone, without a priority order and also for persons without a health insurance. Nevertheless, information provision from the Government’s side was poor, therefore many beneficiaries of international protection were not aware of the changes and of their eligibility for the vaccine. Among others, the Lutheran Church and the Menedék Association helped to transmit the official information to refugees and assisted them with interpretation, registration for a vaccination appointment and the delivery of the vaccination certificate.  **Italy**: Beneficiaries of international protection enjoy equal treatment with Italian citizens in the COVID-19 vaccination scheme.  **Poland**: The COVID vaccination in Poland is voluntary and free of charge. Since 10 May 2021, everyone could register for the vaccination, including non-Polish citizens, regardless of their legal status. According to information from the Ministry of Health, in the case of migrants, a referral for vaccination could be issued on the basis of an ID and not the national identification number (PESEL).  **Romania**: LADO/ASSOC mentioned that beneficiaries do not encounter problems in the health system if they pay for their health insurance. The only hardship is caused by the lack of knowledge of Romanian. It was emphasized that the ASSOC representative offers support to beneficiaries in finding family doctors.  IOM Romania reported the following issues faced by beneficiaries of international protection in relation to the health care system:   * Inadequate understanding of how the health insurance system works; * Lack of financial resources needed to pay for the social health insurance; * Even if they are insured, there are treatments and investigations that are not covered by the state health insurance and must be paid for by the beneficiaries; * High waiting time for certain investigations * Linguistic and cultural barriers.   IOM Romania further acknowledged the important role of NGOs implementing integration projects, in supporting beneficiaries in accessing health services.  AIDRom reported that sometimes language barriers in healthcare lead to miscommunication between the medical professional and the beneficiary of international protection. AIDRom also pointed out that family doctors are reluctant to register foreigners.  In Giurgiu, it was reported by the JRS representative that ICAR Foundation also provides medical assistance to beneficiaries. On the other hand, the director of Giurgiu the Global Help Association in partnership with AIDRom provides medical assistance to beneficiaries.  **Social welfare**  **Cyprus**: Currently, Social Welfare Services following the shift of Public Employment Services in June 2021 to perform online registrations of job-candidates through their website, require all asylum seekers to register and use this website in order to continue receiving or be able to claim material reception conditions. However, a large number of SWS beneficiaries has not succeeded to efficiently access and use the new system, for reasons related to poor familiarization with digital/online tools, poor English and Greek language skills, lack of proper equipment and difficulties receiving timely guidance and support by the Labour Officers. As SWS announced a deadline for beneficiaries to sort their online labour registrations, due in March 2021, further monitoring is required on whether MRC will be cut or disrupted for asylum-seeking beneficiaries not being able to utilize PES registration system.  **Croatia**: In 2021, a manual entitled "The role of social welfare in the integration of persons with international protection" was prepared within a project implemented by the Croatian Association of Social Workers in partnership with the Centre for Social Welfare Split and with the support of the Ministry of Labour, Pensions, Family and Social Policy, as well as the Ministry of Interior. The manual is intended for social workers and other experts and associates of social welfare centres and it would be disseminated to the Centres for Social Welfare and their branches in Croatia.  **Netherlands**: Since 1 January 2022, a new Civic Integration Act entered into force. Part of this new system entails that beneficiaries of international protection will no longer be entitled to the social benefit during the first six months of their legal stay in a Dutch municipality. Instead, the municipality will pay their costs for housing, the energy bills and the healthcare insurance, as far as the social benefits reaches. The beneficiaries will receive the rest of the amount as an allowance, besides the additional benefits, provided by the Tax Office and the Social Security Bank. The goal of this system is to support refugees by their start in the Netherlands so they can focus more on their integration in Dutch society. Municipalities are encouraged to provide trainings about Dutch financial systems and budget coaching so beneficiaries become more financially self-sufficient during the six months.  **Poland**: In the first part of 2021 590,129 PLN were spent on different social welfare measures for recognised refugees, as compared to 1,107,119 PLN in 2020 and 600,271 PLN (727,710 PLN in 2020) for beneficiaries of subsidiary protection. Social assistance was provided in the form of social assistance, psychological and legal support, assistance in local institutions, financial support, and cash benefits for learning the Polish language as part of the implementation of the individual programme of integration.  Social Welfare Centres assisted 21 families in 2021 of international protection beneficiaries.  **Romania**: In 2021, 55 beneficiaries were enrolled in the integration programme in Timisoara and 35 were excluded, according to the director. In Giurgiu, 44 beneficiaries were enrolled and 11 excluded. In Galati 283 beneficiaries were included in the integration programme and 111 were excluded. In Somcuta Mare, 104 beneficiaries were enrolled and two excluded. In Bucharest 380 beneficiaries were enrolled, of which 155 minors and 42 were excluded.  **Freedom of movement**  **Ireland:** Following the onset of the COVID-19 pandemic, the government advised against all travel outside of Ireland for non-essential purposes. In February 2021, following a significant increase in the infection rate in Ireland, new restrictions targeting non-essential travel overseas were announced by Government. These included fines for those leaving the country for non-essential purposes, as well as mandatory hotel quarantine on arrival from certain destinations. Following a reduction in the number of COVID-19 cases in summer 2021, restrictions on travel abroad were eased. Persons travelling abroad were advised to check the public health advice, document requirements and COVID-19 restrictions that are in place in the country to which they were travelling. Additionally, on return to Ireland, individuals were required to complete a passenger locator form and show proof of being fully vaccinated or having recently recovered from COVID-19. Where a passenger could not demonstrate vaccination status or proof of having recovered from COVID-19, they were required to have a PCR test taken within 72 hours of arrival. |

1. **Return of former applicants for international protection**

|  |
| --- |
| **ECRE Policy Note: In November 2021,** ECRE published the Policy Note ‘A Seamless Link?’, focusing on how linking asylum and return procedures generates serious human rights concerns while failing to meet the objectives stated by the European Commission. It draws on experience from national practice in Member States where the two procedures are combined.  See: ECRE, Policy Note 38, ECRE Policy Note: A Seamless Link?, November 2021, available at: <https://ecre.org/wp-content/uploads/2021/11/Policy-Note-38.pdf>  **Cyprus:** Pursuant to the latest amendments of the Refugees Law the Asylum Service is entitled to issue with a negative decision combined with a return decision in a single administrative act. The Asylum Service also offers the applicant the option of voluntary return to their country of origin. If no response is received by the rejected applicant about voluntary return or request for assisted voluntary return, then the return decision is referred to Aliens and Immigration Unit (AIU) who remains in charge for execution of return decisions and deportation orders.  For cases examined under the regular procedure, a return decision is automatically suspended once an appeal is submitted. However, for appeals relating to cases examined in the accelerated procedure, subsequent applications, decisions that determine the asylum application unfounded or inadmissible, decisions related to explicit or implicit withdrawal the appeal does not have automatic suspensive effect and a separate application must be submitted to the IPAC requesting the right to remain pending the examination of the appeal.  **Germany**: If an asylum application is rejected, the notice of rejection also includes a removal warning, which is equivalent to a return decision under EU law.  **Croatia**: The Assisted Voluntary Return and Reintegration Project (AVRR), implemented by IOM since 2018, was extended until 31 December 2021. According to IOM, the number of applicants for international protection and irregular migrants covered by AVVR decreased significantly in 2021. Due to the COVID-19 pandemic, access to Reception Centres for applicants of international protection in Zagreb and Kutina was limited in order to prevent the spread of the SARS-CoV-2 virus, so IOM had to adjust its activities, relying on officials working in the Centre and employees of non-governmental organisations that provide necessary services to applicants. The number of visits to the centres has been reduced to include interviews according to the expressed interest for voluntary return. Due to the planned reduced number of visits, a sufficient number of informative multilingual posters and leaflets were sent to Reception Centre so that applicants can refer to IOM in case they wish to voluntary return. Open communication channels were regularly maintained with employees of the Ministry of the Interior and NGOs working in Reception Centres.  **Malta**: In January 2021, more than two years after this announcement, dozens of Bangladeshis were returned to their country of origin. They had entered Malta irregularly by boat in 2018, 2019, and 2020. They spent the duration of their stay in Malta in detention. Their applications were processed through the accelerated procedure and declared manifestly unfounded, so they were never entitled to appeal their negative decision. Despite being the second main country of origin in Malta in 2020, the statistics of the IPA confirm that all of them were rejected and that not a single protection status was granted to them (see the statistical table at the beginning of the report), except for 1 THP status granted.  The Prime Minister himself posted on social media about this return operation stating that “Following months of intensive work, a number of migrants without an authorisation to stay have been returned home. Malta is committed to prevent irregular arrivals, share the responsibility with other EU countries and return migrants who are not truly in need of protection”.  Three more returns of Bangladeshi nationals were carried out in September, November and December 2021. Most of them had arrived in 2020 and had remained in detention for more than 16 months on average.  **Romania**: In 2021, according to the director of Arad, 475 foreigners were returned to Serbia on the basis of the readmission agreement, compared to 612 foreigners in 2020. The majority of those returned to Serbia were Afghan, Pakistani and Indian nationals. They had to be tested for COVID-19 in order to be returned. 400 persons were tested in 2021. Tests were performed in the detention centre by specialised personnel from a laboratory.  While the JRS representative from Timisoara had no knowledge of the exact number of persons retuned to Serbia, she reported that the number was high.  According to the directors of Otopeni, the detainees have to be tested for COVID-19 in order to return them. The PCR tests are performed in the detention centre and the samples sent to a laboratory. IGI has a project in place for the acquisition of PCR tests, which is also supplemented by tests covered by DSP. According to the director of Otopeni around 200 persons were returned to Serbia, of whom 180 were returned by land and 20 by air. According to the representatives of Otopeni two thirds of the detainees were returned based on readmission agreements and only one third to their countries of origin. |

1. **Resettlement and humanitarian admission programmes (including EU Joint Resettlement Programme, national resettlement programme (UNHCR), National Humanitarian Admission Programme, private sponsorship programmes/schemes and ad hoc special programmes)**

|  |
| --- |
| **Resettlement**  **Belgium:** Since 2013, Belgium has an official resettlement policy. In order to be resettled to Belgium, a third country national first has to be selected by UNHCR. After this initial selection, CGRA officials travel to the country of residence to screen the vulnerability of the person and to carry out the required security checks. If a person is eligible to be resettle to Belgium, the third country national receives a humanitarian visa. Upon arrival in Belgium, the person has the possibility of introducing an application for international protection.  Due to the current reception crisis the resettlement programme is temporarily put on hold. As a result, the number of resettled persons was lower than originally planned. Belgium plans to resettle 1250 persons in 2022, 1400 in 2023 and 1,500 in 2024. The majority of the third country nationals to be resettled will be Syrians from Turkey and Lebanon.  **Bulgaria**: As regards resettlement, the government decided to resettle 100 Syrians from Turkey on 29 March 2017, based on the arrangements outlined in the 2016 EU-Turkey deal. Up until 31 December 2021, Bulgaria has resettled a total of 85 Syrian nationals from Turkey.  **Germany**: Germany adopted its first resettlement programme in 2012 in the form of a pilot programme where 300 refugees were admitted per year. The programme was made permanent in 2015, with a quota of 500 persons. Since 2016, the German resettlement programme is part of Germany’s contribution to the EU resettlement scheme. Next to the national quota, resettlement includes admissions of Syrian refugees from Turkey in the context of the so-called EU-Turkey statement. Resettled refugees. In addition, the Federal Government can decide on humanitarian admission programmes on an ad-hoc, temporary basis. Such a temporary humanitarian admission programme was in place for 20,000 Syrian refugees between 2013 and 2015. In 2019, the German government introduced an additional private sponsorship programme in the form of a pilot scheme with 500 additional places. In the programme called “Neustart im Team (NesT)” groups of at least 5 persons commit to accompany and support resettled refugees for at least one year and to pay for their rent during two years. As of 23 November 2021, 92 persons had been resettled with the new pilot programme.  In the resettlement programme. the BAMF is responsible for the selection process together with the UNHCR. Once resettled refugees arrive in Germany, they first stay in the reception of Friedland (Lower Saxony) for up two weeks, and are then allocated to a municipality, where they are issued a residence permit which is equivalent in rights to residence permits granted to recognised refugees.  As a result of the COVID-19 pandemic, all admission to Germany were suspended in mid-March 2020. The first resettlement flight after the suspension took place on 29 September 2020, relocating Syrian refugees from Turkey.  **Spain**: in December 2021, 116 refugees from Syria, Iraq and Afghanistan were resettled to Spain by the Minister of Inclusion, Social Security and Migration within the National Resettlement Plan, and accommodated in reception facilities managed by 10 NGOs. At the end of 2021, the Government approved the National Refugees Resettlement Program for 2022, which foresee the resettlement in Spain of 1,200 refugees during the year. Two arrivals of 658 refugees from Lebanon are already scheduled during the first quarter of 2022. In occasion of the International Migrant Day, the NGO Accem urged the EU and the Spanish Government to create effective, safe and legal pathways for migrants and refugees. The same call was made by Caritas.  **Croatia**: In 2021, Croatia responded to the call of the European External Action Service (EEAS) on evacuations from Afghanistan and decided to accept 20 people whose lives and security were endangered by the arrival of the Taliban regime. In August 2021, 19 Afghan nationals arrived, namely three families with children and one single person. Other Afghan nationals came to Croatia through this channel by the end of 2021.  The Centre for Cultural Dialogue (CCD) provided assistance and support in integration of evacuated Afghan citizens who were relocated in Sisak, Rijeka, Viškovo and Zagreb.  In 2021, the Ministry of Interior created the application “Resettle in Croatia”. The application was created with the aim of providing faster and easier access to information and guidelines for persons who arrive in under a resettlement programme, and who are granted international protection upon arrival. The application was developed as part of the project "Establishment of a resettlement mechanism" co-financed by the European Union from the Asylum, Migration and Integration Fund. In addition to information on the different steps, the application offers information on the rights that persons acquire after obtaining international protection and how to exercise these rights and obligations in the Republic of Croatia. The application further offers all persons who have been granted asylum or subsidiary protection in the Republic of Croatia useful information on all important aspects of life in the Republic of Croatia from health care, education, work, housing to easier access to activities necessary for daily functioning. The application is available in Croatian, English, Arabic and Kurdish.  **Netherlands**: The Netherlands takes part to the UNHCR resettlement program, and resettles 500 refugees per year. After arriving in the Netherlands, resettled refugees formally lodge an asylum application at the application centre at Schiphol Airport. They will go through a three-day registration procedure and will be granted a temporary asylum residence permit. The new Dutch government announced in its Coalition Agreement the will to increase the number of resettled refugees from 500 to 900 per year.  **Sweden:** The Migration Agency resettled 6,400 refugees in 2021. In 2020 the Agency’s resettlement was paused in March 2020 due to COVID-19 but was resumed again in August. In total, 3,599 refugees were resettled during 2020, although the Migration Agency was tasked with resettling 5,000 that year. In 2021, the resettlement quota was therefore larger than the past years as the remaining 1,400 refugees were transferred to the 2021 quota. Among the resettled refugees 1,500 were Afghans, many of them evacuated from Afghanistan in a special evacuation operation performed by the Migration Agency and other Swedish Agencies.  **Switzerland**: The Federal Council decided to resettle 1,600 particularly vulnerable recognised refugees in Switzerland for the years 2020-2021, mainly victims of the Syrian conflict. In 2021, 512 refugees from Syria were resettled to Switzerland.  **Humanitarian Admission Programmes**  **Germany**: In 2021, the coalition agreement further announced that resettlement should be strengthened in line with needs reported by the UN Refugee Agency (UNHCR). A humanitarian admission programme will be established which should be used for Afghans.  **Ireland:** As of December 2021, approximately 510 Afghan nationals had obtained visas and visa waivers to travel to Ireland pursuant to the Irish Refugee Protection Programme (IRPP). According to most recently available statistics, 394 individuals have travelled to Ireland to-date with this figure expected to increase. The first group of evacuated refugees arriving in August 2021. Newly arrived Afghan refugees have so far been accommodated at one of three Emergency and Orientation Reception Centres in Mosney, Co. Meath, Clonea, Co. Waterford and Balaghaderren, Co. Roscommon.  In September 2021, the Irish Government also approved the introduction of the Afghan Admissions Programme with a view of admitting up to 500 Afghan nationals to Ireland. The programme opened for applications on 16 December 2021 for an eight-week period. The programme enables current or former Afghan nationals legally resident in Ireland on or before 1 September 2021 to apply to nominate up to four close family members, who are living in Afghanistan or who have recently fled to neighbouring territories, including Iran, Pakistan, Turkmenistan, Uzbekistan or Tajikistan, to apply for temporary residence in Ireland.  While the introduction of the programme is certainly a welcome development in the Government’s overall response to the evolving humanitarian situation in Afghanistan, the Irish Refugee Council raised numerous concerns regarding some aspects that may undermine the overall efficacy of the programme. The Irish Refugee submitted Joint Family Visa applications on behalf of approximately 60 Afghan sponsors in Ireland, while its pro bono partners submitted more than 30 applications. The organisation is currently working with at least 80 people currently preparing to apply for the Afghan Admission Programme. |

1. **Relocation (ad hoc, emergency relocation; developments in activities organised under national schemes or on a bilateral basis)**

|  |
| --- |
| **Belgium:** Up until 2021 Belgium had an annual relocation policy. In 2016, it relocated 200 third country nationals, 895 in 2017, 62 in 2018, 0 in 2019, 18 in 2020 and 43 in 2021. After the fire in the Moria camp, Greece on 9 September 2021, the Belgian government pledged to relocate 117 persons in 2021. Due to administrative issues in Greece and the reception crisis in Belgium, only 43 persons were relocated in 2021. The remaining 74 persons will be relocated in 2022.  No pledge was made for 2022, the Belgian government indicated it does not consider relocation to be part of a structural solution.  **Bulgaria**: In 2021, following the Taliban conquest of Kabul, the government further pledged the relocation of 70 Afghan nationals with their families who worked for the Bulgarian embassy and military deployments in Afghanistan. As of 31 December 2021, the number of relocated persons had reached 158 individuals, of whom 70 refugees from Afghanistan, 10 asylum seekers from Italy, and 78 asylum seekers transferred from Greece from countries of origin such as Syria, Afghanistan, Stateless, Pakistan, Egypt and Iraq. Out of all the relocated persons, except those relocated from Afghanistan, 55 individuals have been recognised as refugees so far, 18 individuals have been granted subsidiary protection (“humanitarian status”), 2 individuals were rejected, 1 individual accepted a voluntary return to his country of origin and 1 procedure was terminated.  Additionally, following the incidents and fire at the Greek Moria Camp, Bulgaria pledged to relocate unaccompanied children. Out of 32 children who initially consented to be relocated to Bulgaria only 17 arrived by the end of 2021 and were accommodated in a specially prepared unit in Harmanli reception centre.  **Germany**: As regards relocation, Germany also relocated a (small) number of asylum seekers from other EU Member states on the basis of temporary and ad-hoc agreements in 2020 and 2021. In March 2020, Germany agreed to admit 243 minors from Greece based on an agreement of a “coalition of the willing” at EU level. Following the fire in the Moria camp on the Greek island of Lesbos, the government agreed to admit an additional 150 unaccompanied minor refugees and 1,553 persons in family groups. A total of 210 unaccompanied minors from Greece were relocated to Germany in 2020. In total, 2,812 persons were admitted between April 2020 and the end of 2021.  **Malta**: Relocations from Malta happen on an *ad hoc* basis since 2019, involving non-binding, informal agreements with other EU Member States. In 2021, 238 people were relocated from Malta to other European Countries. |

1. **National jurisprudence on international protection in 2021 (please include a link to the relevant case law and/or submit cases to the** [**EUAA Case Law Database**](https://caselaw.easo.europa.eu/Pages/default.aspx)**)**

|  |
| --- |
| **General**  The **European Database of Asylum Law (EDAL)** is an online database, managed by the European Council on Refugees and Exiles (ECRE) and containing case law from 22 European states interpreting refugee and asylum law as well as from the CJEU and ECtHR. EDAL summarises relevant case law in English and the Member State’s national language and provides a link to, and/or pdf. of the full text of the original judgment where available**.**  EDAL is searchable in English and the original language of the decision. The website interface is available in English only. The case summaries are searchable by a free text / full text search, as well as by keyword, applicable legal provisions, country of decision, country of applicant and date.   * EDAL is available at: <https://www.asylumlawdatabase.eu/en>   Moreover, the **ELENA Weekly Legal Update (WLU)** provides information about important recent developments in international and European asylum law. The update covers the asylum-related judgments of the European Courts and domestic case law as well as asylum legal news from across Europe.   * EWLU is available at: <https://www.ecre.org/our-work/elena/weekly-legal-updates/>   Thus, the national jurisprudence which is provided below is strictly limited to selected cases documented through AIDA. For a more comprehensive, detailed and up-to date overview of national jurisprudence on international protection in 2021, **EDAL and the EWLU should be consulted**.  **Access to territory**  **Hungary**: At the end of February 2021, the Hungarian Minister of Justice requested the interpretation of the Hungarian Fundamental Law (the Constitution) by the Hungarian Constitutional Court, arguing that the implementation of the CJEU judgment regarding pushbacks would be in breach of the Fundamental Law (Minister of Justice, “Case X / 00477 /2021”, available at: <https://bit.ly/2QHXeDw>). On 7 December 2021, the Constitutional Court delivered a judgment that met only partially the government’s expectations, as it rejected directly ruling on the primacy of EU law and clearly stated that even in Hungary foreigners -including asylum-seekers - do have a right to human dignity. However, the judgement is worryingas it interprets the right to self-determination in the sense that Hungarians have a right to ‘constitutional identity’, to be interpreted as the right to live in a culturally homogeneous country, essentially associating the arrival of migrants and asylum seekers with a threat to said identity (Hungarian Constitutional Court, X/477/2021, available at: <https://bit.ly/3rlxIUB>). The Government’s response to the judgment was that it confirms the Hungarian approach to migration and that pushbacks are as such allowed to continue.  **Italy**: On 11 January 2021, the Civil Court of Appeal of Rome confirmed the decision taken on 28 November 2019 by the Court of Rome accepting the appeal lodged with the support of ASGI and Amnesty by 14 Eritrean citizens based in Israel, who were victims of a collective refoulement by Italian authorities to Libya in 2009. The Court recognized their right to access the asylum procedure in Italy and sentenced Italy to compensate the damage they suffered due to the illegal behaviour of the Italian authorities. The Court recognized the need to expand the scope of international protection to preserve the position of those who were prevented from submitting an application for international protection due to the fact that they could not access the territory of the State as a consequence of an unlawful act committed by the authority of the referring State, inhibiting the entry to the territory in the form of a collective refoulement, in violation of the Constitution and the Charter of Fundamental Rights of the European Union (Civil Court of Rome, decision 22917 of 28 November 2019, available in Italian at: <https://bit.ly/2LgCMnj>).  On 18 January 2021, the Civil Court of Rome (Civil Court of Rome, 18 January 2021, available at: <https://bit.ly/33d0VnE>) accepted the urgent appeal lodged, with the support of ASGI and Border Violence Monitoring Network, by a Pakistani man, asylum seeker, who was informally readmitted in July 2020 by the border police of Trieste to Slovenia according to the Readmission Agreement signed by the Italian and Slovenian Government in 1996. The Court observed that the readmission procedure was carried out in clear violation of the international, European and internal rules that regulate access to the asylum procedure. The concerned persons were not offered any remedies and their individual situations were not examined. The Court therefore concluded clear infringement of the right of defence and the right to an effective remedy. The Court also observed de facto detention carried out without any order from the judicial authority and It further concluded that the procedure clearly violates the obligation of non-refoulement, which prohibits exposing persons to risks of inhuman and degrading treatment, which, as documented by numerous NGOs, is a systematic practice at the Croatian border.  In direct application of art. 10 paragraph 3 of the Italian Constitution, the Court recognized the applicant's right to enter Italy immediately in order to have access to the procedure for examining his application for international protection. The applicant was allowed to enter Italy with a visa and to formalise the asylum application. However, immediately after, on 3 May 2021, the Court of Rome accepted the appeal submitted by the Ministry of Interior considering that the personal involvement of the applicant in the readmission procedure was not proved. In this decision the Court did not deny the reconstruction of the first court regarding the illegitimacy of the readmission procedures (Civil Court of Rome, decision of 3 May 2021, available at: <https://bit.ly/3oYocUq>).  **Registration**  **France**: In December 2020, 16 migrants supported by 12 NGOs have again asked the court to note that the telephone platform is, for many, inaccessible and constitutes an obstacle to access to asylum applications.In July 2021, the Council of State admitted that legal deadlines were not respected in Ile-de-France due to the telephone platform and forced the State to respect it within 4 months (Council of State, Decision 447339, 30 July 2021, available in French at: <https://bit.ly/3suMcRu>).  **Second instance procedure**  **France**: In cases where it plans to reject the appeal by order due to the absence of serious elements enabling a questioning of the OFPRA decision, the CNDA has the obligation to inform the applicants about their rights to access their file. In practice, however, the applicant is not informed that his or her appeal will be rejected by order. Courts consider that the general information provided upon registration of the appeal, which includes explaining that the applicant has the right to access the file, discharges them from their duty to inform. The Council of State has recently confirmed rejections by ordinance practiced by the Court, deciding that the CNDA can reject an appeal by ordinance even if the applicant has announced a complementary statement and even if the appeal deadline is not expired yet (Council of State, Decision n°447293 of 10 November 2021, available in French at: <https://bit.ly/3C0UTHi>).  **Dublin procedure**  **Belgium:** The CALL ruled in 2021 that a transfer of a psychologically vulnerable asylum applicant to Italy might be in violation of article 3 ECHR. It further stated that the Aliens Office did not adequately consider the applicant’s vulnerability, especially not in light of the situation in Italy where psychological support for applicants has decreased over the years (CALL, Decision No 260 417, 9 September 2021).  **Germany**: In 2019, a deviation from this general practice has been observed in AnkER centres in Bavaria. Following the issuance of the Dublin decision of the BAMF, the competent Central Aliens Office (*Zentrale Ausländerbehörde*, ZAB) notifies the applicant of the date and destination of the transfer and instructs him or her to be present in his or her room in the reception centre at a specified time for pick-up by the police, usually between 03:30 and 05:00. If the applicant is not found in his or her room at that time, the ZAB deems the person to have “absconded” and informs the BAMF accordingly in order for the extension of the transfer deadline from 6 to 18 months to be ordered under Article 29(2) of the Dublin Regulation. In August 2021, the Federal Administrative Court ruled this practice unlawful, as a sole absence at the time when the aliens’ office has ordered an applicant to be present cannot be interpreted as amounting to “absconding”. Rather, all circumstances of a case have to be taken into account (Federal Administrative Court (BVerwG), *Decision 1 C 55.20*, available in German at <https://bit.ly/3rgh2wA>).  **France:** In a decision of 28 May 2021, the Council of State indicated that protection is presumed in other EU countries and that it is up to the applicant to prove a possible violation of fundamental rights (Council of State, Order N°447956, 28 May 2021. Available in French at: <https://bit.ly/3rWle67>).    **Netherlands:** Several rulings related to the Dublin procedure were issued by Dutch Courts in 2021:   * On 23 March 2021, the ECtHR ruled in the case of M.T. v the Netherlands. The Court ruled that the Dublin transfer of a single mother and her two minor children to Italy would not pose a risk of treatment in violation of Article 3 ECHR. The Court concluded that, in view of the legislative changes made by the Italian authorities concerning the reception system, the applicants would have access to adequate reception conditions. Following this judgement, all interim measures (that had been in place since 2019) have been lifted and all complaints that were still pending were declared inadmissible by the ECtHR. Following the ECtHR judgement, the Council of State has also confirmed that the principle of mutual trust applies to Italy for particularly vulnerable applicants (Council of State, Case No. 202107185/1, 29 November 2021). Some of the applicants had applied for asylum in 2018 already. Now, almost 4 years later, it is confirmed that they should return to Italy. Some Regional Courts have held that the best interests of the minor children should be taken into account when deciding if it is reasonable to expect these families to return to Italy (Regional Court Den Bosch, NL19.9215 en NL19.9217, 6 July 2021; Regional Court Amsterdam, NL19.23471 en NL19.23472 en NL19.23476, 18 October 2021; Regional Court Zwolle, NL19.5454, 15 December 2021). * On 15 December 2021, the Council of State ruled that the principle of mutual trust no longer applies to Malta. The Council of State came to the conclusion based on recent information from the Maltese NGO (Aditus foundation), which shows that asylum seekers who are deported to Malta on the basis of the Dublin Regulation will be detained upon arrival. Several reports also show that detention conditions in Malta are very poor and that access to legal aid has deteriorated (Council of State, ECLI:NL:RVS:2021:2791, 15 December 2021). * The Regional Court of Den Bosch has prevented a Dublin-transfer of Syrian applicants from the Netherlands to Denmark (Regional Court Den Bosch, ECLI:NL:RBDHA:2021:10001, 14 September 2021). Their asylum permit has been withdrawn in Denmark and the Regional Court wants to await the prejudicial questions that were referred to the CJEU by Italian Courts, regarding indirect refoulement (C-297/21&C-254/21). The prejudicial questions regard Afghan asylum seekers who face a transfer to a different member state, but the Regional Court found they also apply to the case at hand. At the moment, all other Regional Courts have ruled that there is no risk of indirect refoulement. So far, there is no ruling by the Council of State, but there will be a hearing for the case on 1 March 2022. * According to the Regional Court Haarlem, there is a fundamental lack of independence of the courts of Poland (Regional Court Haarlem, 12 November 2020, ECLI:NL: RBDHA:2020:11769). However, according to the court it cannot be inferred that there are compelling and factual grounds for believing that every asylum seeker runs a real risk that his fundamental right to an independent court will be violated. The court finds that the principle of mutual trust regarding Poland still stands. In 2021, the Regional Courts of Amsterdam (Regional Court Amsterdam, ECLI:NL:RBDHA:2021:11115, 29 July 2021), Groningen (Regional Court Groningen, NL21.1431, 28 April 2021) and Den Bosch (Regional Court Den Bosch, NL.21.2550, 1 October 2021) have ruled that the principle of mutual trust does not apply to Dublin transfers to Poland concerning applicants who are part of the LGBTQIA+ community. The Secretary of State did not appeal these judgments, hence the Council of State has not yet ruled on this matter. * In a case regarding a Dublin transfer to Romania, the applicant stated that he was detained and mistreated by Romanian authorities. The Council of State, however, ruled that the principle of mutual trust still applies to Romania. The statements and country of origin information brought forward by the applicant did not lead the Council to conclude otherwise (Council of State, ECLI:NL:RVS:2021:1645, 29 July 2021). * The Council of State ruled that the principle of mutual trust is still upheld for transfers to Croatia. The widespread practise of pushbacks in Croatia and the fact that the applicant himself was a victim of pushbacks did not lead the Council of State to conclude otherwise, because it was not shown that the applicant would fear pushbacks as a Dublin returnee (Dutch Council of State, 19 July 2021, ECLI:NL:RVS:2021:1563).   Moreover, the Council of State referred multiple prejudicial questions about suspensive effect in Dublin cases to the CJEU. These questions concern whether the so-called ‘chain rule’ applies to Dublin III - cases C-323/21, C-324/21 and C-325/21- (Council of State, ECLI:NL:RVS:2021:983; ECLI:NL:RVS:2021:984; ECLI:NL:RVS:2021:985, 19 May 2021); whether the suspensive effect granted as a result of an application for residence in the Netherlands on regular grounds can also be regarded as suspensive effect in accordance with Article 27, third paragraph of the Dublin Regulation - case C-338/21- (Council of State, ECLI:NL:RVS:2021:1124, 26 May 2021); and whether the Secretary of State can request suspensive effect in the onward appeal stage - case C-556/21 – (Council of State, ECLI:NL:RVS:2021:1929, 1 September 2021). All cases are still pending in front of the CJEU.  **Financial allowances**  **France:** The situation in the oversea territory of Mayotte is very specific, with derogations to the legal framework applicable on the mainland. In March 2021, the Council of State ruled that the authorities had seriously breached the right to asylum by failing to provide a Burundian mother – deprived of any resources and living with her 11-year-old son in Mayotte – with adapted material reception conditions as long as her asylum application was pending (Council of State, 12 March 2021, available in French at: <https://bit.ly/3p9SiFY>). The Council of State reiterated the obligation of the State to provide adequate material reception conditions and assistance throughout the asylum procedure. At the time of the ruling, there were only 105 accommodation places in Mayotte, for about 3 000 asylum applicants. The budget law for 2022 provides a significant budget for financial support to asylum seekers in Mayotte (3.1 million €) and CADA should be opened in this territory in 2022.  **Differential treatment of nationalities in asylum procedures**  **Belgium**: After an update of the country information by the CGRS in the beginning of 2021, the CALL has rendered several decisions in the course of February and March 2021 granting the refugee status to UNRWA-registered applicants from Gaza, stating that the difficulties UNRWA was facing at that moment made the protection and assistance it is supposed to offer ineffective (For example: CALL, Decision No 249 780, 24 February 2021; Decision No 249 955, 25 February 2021). In the following months, the CGRS systematically revoked its decisions in cases from UNRWA-registered applicants from Gaza pending before the CALL, often right before the hearing. Consequently, the cases were not decided on the merits and were remitted to the CGRS, before which they are still pending. In the beginning of June, the CGRS temporarily suspended the treatment of cases of UNRWA-registered applicants from Gaza due to the unclear and rapidly changing situation in Gaza. It counted on a swift improvement of the financial situation of UNRWA. As this was not the case, the CGRS lifted the suspension mid-July and resumed decision-making, starting with the cases in which it had revoked the earlier decision of refusal with an appeal pending before the CALL. The CGRS indicated that the possibility of obtaining assistance from UNRWA would be assessed on an individual basis and the granting of refugee status would depend on personal circumstances. In practice, UNRWA-registered applicants from Gaza were granted protection in many cases in the second half of 2021. However, the CGRS also indicated that “for cases in which refugee status is granted due to the lack of assistance from the UNRWA (given its current difficult situation), it may be possible that refugee status is ended if in the future (e.g. within a year), it is established that the assistance or the financial situation of the UNRWA is guaranteed again on a permanent basis.”  **France**: The situation in Afghanistan changed in 2021 with the Taliban taking over the power in mid-August. Following these events, France evacuated more than 2,600 Afghans who entered the asylum system and obtained protection. However, this development of the situation has also changed the case-law of the CNDA. In September 2021, CNDA decided that subsidiary protection based on the existence of a generalised conflict was no longer applicable because the takeover of the Taliban had put an end to this conflict (CNDA 21 September 2021 M. A. n° 18037855 C+, available in French at: <https://bit.ly/35msMGA>). Protection under the Geneva Convention is of course still possible, but more difficult to obtain (See for example : CNDA, 5 November 2021 M. S. n°20025121 C, available in French at : <https://bit.ly/3sVOhpI>; CNDA, 8 December 2021 Mme M. n° 21022972 C, available in French at : <https://bit.ly/3se858s>). Subsequently, the CNDA took another more nuanced decision: it granted subsidiary protection, for the risk of inhuman and degrading treatment, for a vulnerable young Afghan for whom the risks in the event of return are significant (CNDA, 21 September 2021, N° 18037855, available in French at: <https://bit.ly/3LRJaiV>). However, at the end of the year, CNDA specified that the mere stay in Europe was not sufficient to justify fears in the event of return and to obtain protection (CNDA 29 November 2021 M. A. n°21025924 C+, available in French at: <https://bit.ly/3IjihCn>).  **Detention of vulnerable applicants**  **Bulgaria:** In its 29 March 2021 Decision, the Supreme Administrative Court noted that children detained as a result of the detention of their accompanying adult have their own right to appeal against the detention decision. The court also clarified that the information provided by the police on the relationship between children and accompanying adults is not binding, and that the authorities ordering the detention can further assess the relationship. (Supreme Administrative Court, General Assembly, Case No.1/2019, 29 March 2021, available in Bulgarian at: <https://bit.ly/3FMWPUm>).  **Age assessment procedures**  **Cyprus**: In 2021, the IPAC issued a decision concerning an appeal submitted by a Somali national in 2016 against the first instance rejection of his asylum application. The applicant had arrived in the RoC in March 2015 and submitted an application for international protection on 20/03/2015 as a UASC, and Dublin procedures had been initiated. Following the applicant’s placement in a shelter for UASC, the Guardian requested by the Asylum Service an assessment of the declared age following allegations by other UASC residents of the shelter that the applicant had falsely declared to be a minor in order to avoid arrest. The applicant underwent an interview for the purposes of assessing the declared age and was subsequently referred for medical examinations. The medical exams indicating that the applicant was most likely an adult. Following this, the Dublin procedures were terminated, and the applicant was requested to leave the UASC shelter. At the time of the decision on the age assessment, the applicant did not have a right to appeal the decision, regardless of adverse effect this had on him. His application for international protection was examined on the basis that the applicant was an adult and subsequently rejected. An appeal was submitted to the Administrative Court challenging the age assessment procedure and the decision to reject the application for international protection. The judge concluded that the age assessment procedure was erroneous and the principle of the best interest of the child was violated due to the fact that the age assessment was initiated by the Guardian, who by law was supposed to act on the best interest of the child; the age assessment was conducted without giving the applicant the right to a hearing but medical exams were opted for instead; the medical report indicating that the applicant was likely an adult contained an element of doubt as to its accuracy. Thus, the decision of the age assessment was void, illegal and lacking any legal basis. As a result, the procedures that followed the age assessment procedure, namely processing of the application for international protection of the applicant under the consideration that he is an adult lack any legal basis and is cancelled. As such, the appeal was successful in favour of the applicant (Case no. 601/2016, Y.D.M.O v. Asylum Service, Decision issued 31/12/2021).  **Spain**: With three decisions issued in May and June 2021, the Supreme Court (Tribunal Supremo) established the validity of the documentation of the child’s country of origin to prove his/her minority of age, also when it’s posterior to the Public Prosecutor’s decree establishing the majority, as far as the documentation is not considered forged or manipulated. (Tribunal Supremo, STS 2164/2021, 24 May 2021, available at: <https://bit.ly/3IlgT1B>; Tribunal Supremo, STS 2400/2021, 21 June 2021, available at: <https://bit.ly/3AeH8E6>; Tribunal Supremo, STS 2551/2021, 18 June 2021, available at: <https://bit.ly/3nJg2jr>).  **Netherlands**: Case law of the Dutch highest Administrative Court, the Council of State, has shown over the years that, even in cases in which an asylum seeker was registered in a Member State as both a minor and an adult, the IND may consider this asylum seeker to be an adult. In recent case law however, the Council of State adopted a more nuanced approach that might open to the possibility of evaluating whether the decision establishing the majority of age without motivating on the accuracy of age registration in another Member States harms the individual concerned (ABRvS, 4 juni 2021, 202000445/1, ECLI:NL:RVS:2021:1184).  On 14 January 2021, the CJEU published its landmark judgment in the case of T.Q. v Staatssecretaris van Justitie en Veiligheid (C-441/19). The case concerned a minor (T.Q.) who applied for asylum in the Netherlands when he was 15 years old. The IND rejected his asylum request, a decision that automatically entails a return decision in accordance with Dutch law. T.Q. appealed the decision and argued that he does not know where his family lives and that he would not be able to recognize his parents upon return to Guinea.  The CJEU ruled that a Member State must ascertain - before adopting a return decision - that an unaccompanied minor returns to adequate reception facilities. Furthermore, a Member State may not differentiate based on the age of the minor and once the Member State adopts a return decision, the return must actually be carried out. The CJEU also makes it very clear that Member States are under the obligation to apply the principle of the best interests of the child at all stages of the procedure. This ruling shows that the Dutch policy relating to unaccompanied children who receive a return decision is not in line with EU law.  The Regional Court of Den Bosch has ruled in the case of T.Q. after the CJEU’s judgement and established that T.Q. must be granted a national residence permit. The Secretary of State has appealed against the judgement (Regional Court Den Bosch, ECLI:NL:RBDHA:2021:2376, 15 March 2021); the case is still pending before the Council of State where a hearing took place on 23 September 2021. The Council of State informed that the final decision will be communicated only in the second quarter of 2022.  **Subsequent applications**  **Netherlands:** On 10 June 2021, the CJEU ruled that a document submitted by an applicant for international protection in support of a subsequent application could not automatically be excluded from being considered a ‘new element or finding’, within the meaning of Article 40 APD, provided that the authenticity of that document cannot be established or its source objectively verified. Furthermore, the CJEU ruled that according to Article 40 APD read together with Article 4(1) and (2) of the Qualification Directive, the assessment of evidence submitted in support of a subsequent application is the same as the assessment of evidence supporting a first application.  The Regional Court of Den Bosch, who referred the preliminary questions to the CJEU in the case L.H., ruled in its final decision that the threshold to establish ‘new’ elements and findings should be more easily reached. The examination whether an element or finding is ‘new’ according to Article 40 APD does not entail a substantive research. According to the Regional Court of Den Bosch an element which has not been assessed yet in a previous asylum procedure and has any relation with the asylum account is considered to be ‘new’. As the CJEU ruled, accordingly to Article 4(1) and (2) of the Qualification Directive, that the assessment must be evaluated together with the asylum seeker. The Regional Court additionally established that in every subsequent asylum procedure the asylum seeker should be interviewed (Regional Court Den Bosch, Decision No NL19.20920, 7 July 2021).  The judgment of the Regional Court of Den Bosch has been partially confirmed by the Council of State in January 2022. The Council of State ruled that its established case law of the Council of State regarding the assessment of new elements and findings, in particular concerning documents of which the authenticity cannot be established, has to be revised. In the same judgement however, the Council of State established that, according to Article 42 (2) (b) of the APD, the Secretary of State does not automatically have to interview each asylum seeker lodging a subsequent application, provided that the decision includes a justification for the exclusion of the subsequent applicant from the personal interview (Council of State, Decision No 202104524/1, 26 January 2022).  On 9 September 2021, the CJEU ruled in the case X.Y. v. Austria that if a Member State has not implemented the optional stipulation of Article 40(4) of APD, in which the culpability test is laid down, the Member State cannot bring up this objection in assessing the new elements and findings. The Netherlands did not transpose the optional stipulation laid down in Article 40(4) APD in national law. Dutch law and policy have not been adjusted in accordance with this judgment so far (Regional Court Middelburg, Decision No NL21.11983, 3 November 2021).  **Special procedural guarantees**  **Sweden**: On 17 December 2021, the Migration Court of Appeal issued another important ruling regarding the assessment of the best interest of the child (Migration Court of Appeal, Decision MIG 2021:18, 17 December 2021). The ruling concerned a three-year-old boy with a serious health condition. The ruling concerned the lower threshold for children under the provision of particularly distressing circumstances. At the time of the assessment by the SMA and the Migration Court, the Temporary Act was still applicable, and there was an additional requirement that any expulsion would also be in violation of a Swedish convention obligation. The Migration Court of Appeal in its ruling clearly set out the investigative duty of the migration authorities. In the assessment of the best interest of the child, it was concluded that it was in their best interest to stay in Sweden to receive medical care. In the proportionality assessment, the Court ruled that no other interest could be given more weight. The boy was thus granted a temporary residence permit.  **Safe country concepts**  **Austria**: In June 2021, the Constitutional Court suspended the decision of the Federal administrative court which had rejected an appeal from an Afghan woman who received asylum status in Greece in 2019 and applied for asylum in Austria in 2020. Looking at the recently updated AIDA country report on Greece, the Constitutional Court considered that the applicant may face a risk of violation of Art 3 ECHR violation and ordered further examinations on the access to food, shelter and sanitary facilities (VfGH, Decision E 599/2021, 25 June 2021, available in German at: <https://bit.ly/3HLVKxZ>). The decision set out a benchmark as it was done in plenary of the Constitutional Court. Following this decision, the BVwG reconsidered several first instance decisions based on insufficient information on the situation in Greece (BVwG, Decisions W235 2244837-1/8E, 21 September 2021 and W144 2244839-1/8E, 14 September 2021).  **France**: In a decision of 2 July 2021, the Council of State removed Benin, Senegal and Ghana from the list of safe countries of origin but maintained other countries (Council of State, Decisions N° 437141, 437142, 437365, 2 July 2021). Regarding Benin, the Council considers that the temporary suspension decided by OFPRA was insufficient in view of the political deterioration in the country. For Ghana and Senegal, the withdrawal is motivated by the persecution observed against homosexuals. Some of the requests made by the NGOs were analysed in another decision, following a referral to another court formation. The Council of State considered in November 2021 that the other countries could not be withdrawn but laid down a new principle on the assessment of the legality of these measures: the examination may be based on new circumstances subsequent to the establishment of the list (Council of State, Decision N°437141, 19 November 2021).  **Croatia**: In March 2021, the Constitutional Court issued a decision in a case concerning an Afghan family whose application for international protection was dismissed by the Ministry of Interior on the basis of the safe third country concept (Constitutional Court, Decision U-III-4865/2018, 4 March 2021, available in Croatian at: <https://bit.ly/3bQYmMZ>). The Ministry of Interior had concluded that Serbia, from which the family had entered Croatia, is a safe third country. In further proceedings before the Administrative Court in Osijek and the High Administrative Court, the family’s appeals were rejected. The applicants' main complaint before the Constitutional Court was that they would be returned to Serbia from Croatia despite clear indications that they would not have access to an appropriate asylum procedure in Serbia that could protect them from expulsion or *refoulement*.  The Constitutional court upheld the constitutional complaints and annulled the judgments of the High Administrative Court and the judgments of the Administrative Court in Osijek. The case was thus referred back to the Administrative Court in Osijek. The Constitutional Court assessed the situation in Serbia to determine the rights of applicants for international protection in that country but also to conclude whether the Afghan family would face a serious risk of deportation to a third country without due process in accordance with the requirements of Article 3 of the ECHR. The Court also pointed out that the Ministry of the Interior and administrative courts in Serbia limited themselves to the normative framework and the number of persons granted international protection in their assessment of the situation in the country, without analysing the relevant reports and determining what is the actual treatment of persons returned from Croatia to Serbia and whether they face a risk of automatic *refoulement*. The Constitutional Court thus accepted the applicant's allegations that during the procedure before the Ministry of Interior and administrative court proceedings it was not established with sufficient certainty that Serbia is a safe third country. Croatia thus failed to fulfil its procedural obligations under Article 3 of ECHR.  **Netherlands**: Regarding the first country of asylum concept, in 2021, there was only one case registered, concerning Peru. The Regional Court Amsterdam decided that the IND should further investigate the residential status of the Yemeni asylum seeker in Peru (Regional Court Amsterdam, Decision Number NL21.18983, 24 December 2021).  As for EU Member States, On 28 July 2021, the Council of State ruled that protection beneficiaries from Greece cannot be sent back without the State Secretary motivating better that there is no breach of Article 3 ECHR upon their return (Council of State, ECLI:NL:RVS:2021:1626 and ECLI:NL:RVS:2021:1627, 28 July 2021).  For what concerns the list of safe countries of origin, following the coup that took place in Tunisia in the summer of 2021, numerous Regional Courts requested the State Secretary to reassess the designation of Tunisia as a safe country of origin (e.g. Regional Court Haarlem, 26 November 2021, ECLI:NL:RBDHA:2021:14730). On 20 December 2021, the State Secretary announced that Tunisia would remain a safe country of origin because the short thematic official message of 14 December 2021 shows that the political events in Tunisia have not led to (major) changes in the security and human rights situation.  **Freedom of movement**  **Austria**: Between 2020 and 2021, many federal accommodation facilities were put under quarantine when new cases of COVID-19 were detected resulting in the deprivation of liberty of all inhabitants of the camps during this time. The Constitutional Court declared the regulation which prohibited the asylum seekers to leave the camp for several weeks as unlawful (VfGH, Decision E 3811/2020-17, E 3845/2020-17, 6 October 2021). Following a complaint of two inhabitants the Constitutional Court lifted up a decision of an Administrative Court which had rejected their complaint against a general prohibition for everyone inside the camp (regardless of whether the persons were infected or not) and found that it was disproportionate.  **Spain**: In February 2021, the Supreme Court (Tribunal Supremo) upheld its previous decisions regarding the right to free movement of asylum seekers from Melilla, in a case brought by the Jesuit Migrant Service. (Tribunal Supremo, Sala de lo Contencioso-Administrativo, Decision nº 173/2021, 10 February 2021, available in Spanish at: <https://bit.ly/3qpUOqa>.) In light of that, the NGO called the General-Commissariat for Foreigners and Borders of the National Police to fully recognise the fundamental right of asylum seekers to freely move from Ceuta and Melilla, and complained about the restrictions imposed by the Police on this right. On 14 April 2021, the same Court Again reaffirmed the right of freedom of movement for asylum seekers from the two Spanish enclaves, basing the decision on national legislation and jurisprudence, and on international law. In addition, the Court established that the words “Valid just in Ceuta” on the documentation certifying the asylum seeker’s status (tarjeta roja) should be deleted. (Tribunal Supremo, Sala de lo Contencioso-Administrativo, Decision nº 508/2021, 14 April 2021, available in Spanish at: <https://bit.ly/3q79dbQ>).  **Reduction a****nd withdrawal of material reception conditions**  **Sweden:** On 3 May 2021 the Supreme Administrative Court decided on whether a refusal to cooperate to leave the country is an act falling within the scope of Section 10 of the LMA, which states that aid can be reduced if a person without a valid reason refuses to cooperate to an action necessary in the process of enforcing a removal decision. The court ruled in the affirmative (Supreme Administrative Court, HFD 2021:4, [Mål: 4234-20 - Högsta förvaltningsdomstolen](https://www.domstol.se/hogsta-forvaltningsdomstolen/avgoranden/2020/88180/)).  **Grounds for detention**  **Cyprus:** In early 2022, the Supreme Court rejected an appeal against a negative IPAC decision on detention on the basis of article 9F(2)(d) of the Refugee Law, lodged by the detained asylum seeker (Mondeke v. RoC, MONDEKE v. ΚΥΠΡΙΑΚΗΣ ΔΗΜΟΚΡΑΤΙΑΣ ΜΕΣΩ, ΑΝ.ΔΙΕΥΘΥΝΤΗ ΤΜΗΜΑΤΟΣ ΑΡΧΕΙΟΥ ΠΛΗΘΥΣΜΟΥ ΚΑΙ ΜΕΤΑΝΑΣΤΕΥΣΗΣ, ΄Εφεση κατά απόφασης Διοικητικού Δικαστηρίου Διεθνούς Προστασίας αρ.43/2021, 20/1/2022, available at <http://www.cylaw.org/cgi-bin/open.pl?file=/apofaseis/aad/meros_3/2022/3-202201-43-21EDD.htm>). The asylum seeker had entered RoC and attempted to travel towards another EU country with fake documents. He was arrested and convicted. After his prison sentence, he was subject to deportation as a prohibited migrant and he lodged an application for asylum shortly thereafter. The authorities issued a detention order under article 9F(2)(d) and the IPAC deemed the detention order to be legal because, inter alia, the asylum seeker’s behaviour justified the conclusion that his asylum application was not ‘authentic’ and was lodged with the sole purpose of obstructing his return to DRC. The Supreme Court agreed with the IPAC and found its judgment to be ‘reasonable and desirable’. The Supreme Court did not find that the fact that the applicant’s country was not listed as safe created any presumption of an ‘authentic asylum application’ and considered that the examination of alternative measure to detention conducted by the first-instance court was sufficient and correct.  **Sweden**: On 25 January 2021 the Migration Court of Appeal found that Article 8(3)(d) of the Reception Conditions Directive does not allow the detention of asylum seekers under the Aliens Act when they are not detained as part of a return procedure covered by the Return Directive at the time of the detention decision (Migration Court of Appeal, MIG 2021:3, 25 January 2021). On 30 June 2021 the Migration Court of Appeal ruled that detention of a person with an expulsion order that gained legal force is not allowed during the time-period in which he or she has to voluntarily leave the country (Migration Court of Appeal, MIG 2021:13, 30 June 2021). On 20 December 2021 the Migration Court of Appeal found that it is allowed with detention of a person that got a subsequent application accepted. Since the Reception Conditions Directive was applicable, the detention had to be in accordance with the Directive (Migration Court of Appeal, MIG 2021:20, 20 December 2021).  **Access of NGOs to detention facilities**  **Italy**: Access to CPRs and hotspots for rights organisations and civil society remains problematic in practice and has often been contended in Courts. In December 2021, Sardinia’s Administrative Tribunal (TAR) invalidated acts by Nuoro’s Prefecture not allowing access of civil society organisations in Macomer’s CPR, acknowledging the legitimate interest of rights organisations and civil society to enter immigration detention facilities to ensure the protection of fundamental rights. Similar judgments have been issued in April 2021 by Piedmont’s TAR with regard to access to Turin’s CPR and in October 2020 by Sicilia’s TAR with regard to access to Caltanissetta’s CPR (TAR Sardegna, 838/2021, published on 24/12/2021, available in Italian at: <https://inlimine.asgi.it/wp-content/uploads/2022/01/TAR-Sardegna-CPR-Macomer-accoglimento.pdf>; TAR Piemonte, 360/2021, published on 6/4/2021, available in Italian at: <https://www.asgi.it/wp-content/uploads/2021/04/21_04_06_sentenza_TarPiemonte_360.pdf>; TAR Sicilia, 2169/2020, published on 21/10/2020, available in Italian at: <https://inlimine.asgi.it/wp-content/uploads/2022/01/Sentenza-TAR-accoglimento-CPR-Caltanissetta-1.pdf>.  **Family reunification**  **Italy**: On February 5, 2021, the Civil Court of Rome(Civil Court of Rome, Decision, 5 February 2021, <http://www.piemonteimmigrazione.it/images/news_materiali/Ordinanza_Trib_Roma_visto_motivi_umanitari_anonima.pdf>) upheld the urgent appeal lodged by an Eritrean beneficiary of refugee status who had requested to be reunited with her minor child, who was alone in Ethiopia, and for whom the result of the DNA test had confirmed the family link. In spite of this, and not taking into consideration that the applicant’s son was holding a travel document expiring on August 9, 2020 and that the application included also a declaration in lieu of affidavit concerning the son’s father unavailability, the consular authority orally informed the applicant that the office was unable to issue the visa due to the expiration of the travel document. After stating that the visa application appeared to be well-founded as the outcome of the DNA test confirmed the parental relationship and that the consular authority did not raise any impediment to the issuance of the visa other than the absence of a valid travel document, the Court, reiterating the pre-eminence of the protection of family unity, especially in the presence of a minor, ordered the immediate issuance of a visa with territorial validity limited to the granting State ex Article 25 of Regulation (EC) N. 810/09, which is directly applicable and does not require further internal implementing provisions.  On March 17, 2021, the Civil Court of Rome (Civil Court of Rome, Decision 12457/2021, 17 March 2021, <https://www.meltingpot.org/app/uploads/2021/03/accesso_ambasciata_proroga_nulla_osta_18032021_173801_1_.pdf>; see also Civil Court of Rome, Decision 39375/2021, 15 July 2021, <https://www.meltingpot.org/app/uploads/2021/08/ordinanza_n.pdf>) accepted the urgent appeal lodged by ASGI lawyers for a Sri Lankan applicant for family reunification whose wife had been unable to submit her visa application, also due to difficulties linked to the ongoing pandemic. In response to the embassy’s inertia and considering the forthcoming expiration of the authorization for reunification, the applicant’s lawyers sent several warnings and reminders to the Italian diplomatic authority in Colombo which remained unanswered. Only during the course of the proceedings, the Italian diplomatic authorities claimed that no response was given because they considered the authorization expired. It should be noted that authorizations for family reunification were extended by law until April 30, 2021 due to the pandemic. The judge ordered the immediate formalisation of the visa request, reiterating the validity of the clearance.  On December 24, 2021, the Civil Court of Rome (Civil Court of Rome, Decision 72951/2021, 24 December 2021)upheld the urgent appeal lodged by ASGI lawyers for an Afghan beneficiary of subsidiary protection who had obtained on July 2021 the authorization from the Prefecture to be reunited with his wife, an Afghan citizen who had been forced to take refuge in Pakistan since August 2021. The applicant and his wife had tried several times - both by phone and by email - to request an appointment at the Italian Embassy in Islamabad to formalize the visa application in time, without getting any response. The judge, in reaffirming the jurisdiction of the judge in matters of family reunification even in the case of silence and inertia of the public administration, considered subsistent both the *fumus boni iuris*, for the likely existence of the right to family reunification of the applicant, and the *periculum in mora*. In fact, the irreparable damage was found on the one hand in the imminent expiration of the six-month authorization and on the other hand in the dangerous situation to which the wife of the applicant was exposed, irregularly present in Pakistan and therefore at risk of repatriation to Afghanistan. The court ordered the Italian Embassy in Islamabad, Pakistan, to schedule an urgent appointment for the visa application for family reunification in favour of the wife of the applicant. |

1. **Other important developments in 2021**

|  |
| --- |
| **Digitalisation of asylum procedures**  **ECRE/AIDA - Digitalisation of asylum procedures:** In January 2022, ECRE published a comparative report providing an overview of the use of digital tools and remote working methods in 23 European countries based on ECRE’s Asylum Information Database (AIDA). It questions the risks and benefits of the use of digital tools in asylum processes and highlights several fundamental guarantees and procedural safeguards which must continue to apply to ensure that they do not infringe the existing European Union asylum acquis.  See ECRE/AIDA, Digitalisation of asylum procedures: risks and benefits, January 2022, available at: <https://asylumineurope.org/wp-content/uploads/2022/01/Digitalisation-of-asylum-procedures.pdf>  **Onward movement**  **Bulgaria**: Out of the total 10,999 asylum seekers in 2021, only 2,897 (26%) abandoned their procedures in Bulgaria. This marks a significant decrease compared to 39% in 2020 and 83% in 2019. The main reason for the asylum seekers’ stay in Bulgaria seems to be linked to the crisis with the stranded migrants in the Western Balkans following the closure of Hungarian, Croatian and Austrian land borders. Asylum seekers prefer to await the outcome of their application for international protection in Bulgaria and, depending on whether the decision is positive or negative, decide to travel to other countries either regularly or irregularly afterwards.  **Bilateral agreements with third countries**  **Spain**: In December 2020, Algeria joined Morocco and Mauritania as third countries accepting repatriations of migrants. Thus, Algerian migrants were returned from Spanish CIEs. In the same month, Spain increased the deportation of Moroccan migrants arriving to the Canary Islands. In November 2020, Spain had also reached a similar agreement with Senegal. Consequently, the Government announced in February 2021 that it would resume deportation flights to Senegal by the end of the month. The agreement also foresees the reinforcement of the Spanish monitoring mechanism in Senegal against irregular migration, through the allocation of a Guardia Civil’s patrol boat and an airplane. The flight that the Minister of Interior organised at the end of February for repatriating migrants from the Canary Islands to Senegal was finally cancelled due to a COVID-19 outbreak at the CIE of Hoya Fría. It was then rescheduled to 10 March, but it was once more suspended. Apparently, the difficulties experienced in the organisation of the deportation flights were also due to Senegal’s resistance to carry them out in practice.  Following a parliamentary request, the Government informed that between January and February 2021, 153 persons were repatriated from the Canary Islands to their countries of origin.  **Hungary**: Since 15 September 2015, Serbia was not taking back third-country nationals under the readmission agreement except for those who hold valid travel/identity documents and are exempted from Serbian visa requirements. Therefore, official returns to Serbia were not possible. Despite this fact, the inadmissibility decisions with regard to Serbia would still be issued. In 2021, Serbia did accept some third-country nationals back under the readmission agreement, but it seems that this occurred arbitrarily, and only in few cases.  **Climate refugees**  **Spain**: On February 2021, the Spanish Congress asked the Government to acknowledge “climate refugees” among those persons in need of international protection, and to put in place strategies and plans to foster the protection of persons displaced for environmental reasons. The political party Ciudadanos submitted a proposal to the plenary session of the Congress to update the Asylum Act, with the aim of including the protection of persons fleeing their countries for ground connected to the environmental change. A report published in October by the NGO CEAR and Greenpeace also urged the Spanish Government to recognise the refugee status to those persons fleeing their countries for such reason, and to grant them a residence permit for humanitarian reasons.  **Discrimination and hate crime**  **Spain**: Several developments relating to discrimination and hate crime were reported throughout 2021 and at the beginning of 2022:  - At the beginning of the year, the Director of the National Police announced that facial recognition tools will be installed at the borders during the year;  - In March, 100 organisations sent a letter to the Minister of Interior asking for the adoption of measures to eradicate racial profiling by the police;  - During the same month, different organisations and groups joined in Valencia to protest against the increase of hate speech and the criminalisation of migrants. They also asked for the closure of CIEs and the derogation of the Immigration Law, that they consider as the cornerstone of institutional racism;  - In commemoration of the International Day for the Elimination of Racial Discrimination on 21st March, the Forum for the Social Integration of Immigrants (Foro para la Integración Social de los Inmigrantes) issued a declaration expressing concern over the increase in cases of discrimination, especially during the COVID-19 pandemic. Furthermore, the Forum asked the Government to immediately adopt a new national strategy against racism, together to a plan in order to implement it;  - In September the Minister of Interior announced the creation of specialised groups within the National Police and the Guardia Civil directed at tackling hate crimes;  - After a neo-Nazi demonstration held in Madrid in September, the Public Prosecutor opened an investigation for hate crime;  - In November, the Public Prosecutor Office denounced the leader of the far-right political party Bastión Frontal for hate crimes against migrants. The facts refer to the messages she released during a concentration organised by her party in front of the Embassy of Morocco in May;  - In January 2022, a woman and her child were insulted while in a ice rink in Valencia.  Discrimination and incidents against LGBTQI+ asylum seekers have also been reported during 2021. Please refer to the AIDA report for more information on this.  **Evacuations from Afghanistan**  **ECRE overview on evacuations from Afghanistan**: in December 2021, ECRE published a document providing information on evacuation schemes available for Afghans; other pathways to protection; and the treatment of Afghan international protection applicants at the moment of compiling the data. The document compiled information collected from ECRE member organisations, the ELENA network, and open source material between August until mid-December 2021. The purpose of the document was to assist others to monitor, analyse and influence the issues covered in the document.  See: ECRE, ECRE Compilation, Afghans Seeking Protection in Europe, December 2021, available at: <https://ecre.org/wp-content/uploads/2021/12/Evacuations-pathways-to-protection-and-access-to-asylum-for-Afghans-in-Europe_FINAL.pdf>.  **Belgium**: After the fall of Kabul on 15 August, the Belgian government started an evacuation mission called ‘Red Kite’. Between 20 and 25 August, Belgium executed evacuation missions between Kabul and Islamabad. Individuals who wanted to be evacuated had to reach Kabul’s airport, and register on a list for evacuation. Belgium was able to evacuate 1,426 persons. The following categories were eligible for evacuation (in descending order of priority), and could be registered on the list:   1. Belgian citizens and their nuclear family 2. Afghan citizens who worked for Belgium or for international organisations, and their nuclear family 3. Afghan citizens who were in danger due to their professional activities in Afghanistan 4. Afghan citizens with a Belgian residence permit   Upon arrival in Islamabad, the evacuees had to undergo an extensive security screening, after which they were transferred to Belgium.  **Hungary**: Following the Taliban take-over in Afghanistan in August 2021, almost 500 former NATO co-workers and their families were flown to Hungary in the rescue operation. The rescued Afghan citizens were not subject to the asylum procedure, but were instead channelled in the alien policing procedure (residence permit for other purposes, i.e. humanitarian purposes).  Afghan evacuees rescued by the Hungarian Defense Forces were accommodated in the reception centres of Vámosszabadi and Balassagyarmat, leading to the overcrowding of the facilities. Nevertheless, since they were directed to a residence permit procedure, they were not registered as asylum seekers and therefore do not appear in the asylum statistics. Their residence in the reception centres was temporary, lasting for a short period between the end of August and the end of October 2021.  The responsible authority in Hungary failed its obligation to regularly provide information on the procedure and with the help of translators. During the legal counselling sessions held by HHC, the Afghan citizens shared that they were not sure what documents they signed and what procedure they were in. Both the HHC and the Menedék Association shared that although the families signed a paper confirming the reception of information on the procedure and their stay in reception facilities, they were not even aware of the fact that their application for a residence permit had been submitted. They did not know about their rights and obligations attached to the residence permit once they obtained that either. The Afghans could stay in the reception facilities until the end of October when they were moved to Budapest by the assistance of the Hungarian Maltese Charity Service (Maltese Charity).  Information on the move-out, their future legal status in Hungary and the assistance available in Budapest was also rather scarce and left many families in uncertainty. The lack of information and this uncertainty most likely contributed to the fact that a significant proportion of the families decided to leave Hungary.  **Netherlands**: The Dutch government committed to assisting certain groups of Afghan nationals in being repatriated or transferred from Afghanistan to the Netherlands. This includes the following categories of Afghan nationals and their core family members (spouse and children up to the age of 25 who are unmarried and living in the house of their parents):  (1) interpreters who worked for the Netherlands in the context of an international military or police mission;  (2) persons belonging to risk groups (such as NGO personnel, journalists and human rights defenders) who were previously included in evacuation lists, but did not manage to reach the airport during the evacuation operation carried out in August;  (3) employees of NGOs working in projects directly financed by the Dutch government and were working since January 1, 2018, who contributed structurally and substantially to the projects for at least one year in a public and visible position;  (4) people who have worked for at least one year in a structural and substantial way in a public and visible position.  The Dutch government left Afghanistan on Thursday 26 August 2021 and since that moment, the evacuation flights with military aircraft stopped. Since 9 September 2021, charter flights with planes from other countries (Qatar, Pakistan) departed from Kabul with people who were on the Dutch evacuation list. From 9 September 2021 until the end of December 2021, 573 people, who were on the Dutch evacuation list, have been repatriated or transferred to the Netherlands. So far, only people holding a Dutch passport or an (expired) Afghan passport have been were repatriated or transferred on evacuation flights. Evacuations from Afghanistan of people without passports remain very difficult. On 20 January 2022, this has been successful once with the help of Pakistan’s support, when 35 people were made to cross the land border to Pakistan. They will receive a visa and plane ticket for the Netherlands at the Dutch embassy in Pakistan, but this was a rare exception. The Dutch government stated it was looking into ways to facilitate evacuations for people not provided with passport, but it is unclear which measures will be taken and whether they will have practical results in the short term. The most recent evacuation flight destined to the Netherlands was on 3 December 2021. On 12 December 2021, the Taliban suspended cooperation on evacuation flights. Regardless, on 27 January 2022 evacuation flights to Qatar were resumed.  **United Kingdom**: Shortly after the Taliban took control of Afghanistan the UK government undertook an evacuation exercise for its citizens, some of their family members, Afghan citizens who had been working with the UK military and other people identified as at particular risk. The wider government response to those evacuated was named operation Warm Welcome and a Minister for Afghan Refugees appointed. An initial policy statement gave an outline of the plans for those who were not UK citizens; namely that evacuees would fall under two cohorts; those who had assisted UK military would join an expanded existing scheme (ARAP); others would qualify under a specific resettlement scheme for Afghans. The latter scheme finally opened in January 2022 with the first cohort being those evacuated and not eligible to come to the UK under the Afghan Relocation and Assistance Policy (ARAP). Since September 2021 those brought to the UK under ARAP are granted Indefinite Leave to Remain. Eligibility rules for the ARAP were also changed in December 2021 to limit relocation to ‘those who furthered the UK’s military and national security objectives’.  **Mandatory COVID-19 tests**  **Switzerland**: On 15 September 2021 federal Parliament agreed on the introduction of mandatory COVID-19 tests, by amending the Foreign Nationals and Integration Act. COVID-19 tests can be carried out even against a persons will for persons obliged to leave the country, if host countries and airlines require a negative test result for their deportation. Medical experts, doctors and NGOs. The compulsory test is criticised as legally and medically irresponsible, it is further seen as a disproportionate instrumental intervention in the human body and thus violates the right to physical integrity. |

References and sources

1. **Please provide links to references and sources and/or upload the related material in PDF format**

|  |
| --- |
| **ECRE Policy Notes**   * ECRE, Policy Note 31: [Moving on with the EU Asylum Agency](https://ecre.org/wp-content/uploads/2021/01/ECRE-Policy-Note-Moving-on-with-the-EU-Asylum-Agency-January-2021.pdf), January 2021 * ECRE, Policy Note 33: [Alleviating or Exacerbating Crises? The Regulation on Crisis and Force Majeure](https://ecre.org/wp-content/uploads/2021/03/ECRE-Policy-Note-32-Crisis-February-2021.pdf), February 2021 * ECRE, Policy Note 33: [The regulation on Asylum and Migration Management: Giving with One Hand, Taking Back with the Other](https://ecre.org/wp-content/uploads/2021/02/Policy-Note-33-Ramm-February-2021.pdf), February 2021 * ECRE, Policy Note 34, [Tightening the Screw: Use of EU External Policies and Funding for Asylum and Migration](https://ecre.org/wp-content/uploads/2021/03/Policy-Note-34.pdf), March 2021 * ECRE, Policy Note 35, [The JDMC: Deporting People to the World’s Least Peaceful Country](https://ecre.org/wp-content/uploads/2021/03/Policy-Note-35.pdf), March 2021 * ECRE, Policy Note 33 (Spanish version), [The regulation on Asylum and Migration Management: Giving with One Hand, Taking Back with the Other (ESP)](https://ecre.org/wp-content/uploads/2021/05/Policy-Note-33-es.pdf), May 2021 * ECRE, Policy Note 36, [Playing the Visa Card Assessment of the EU’S Plans to Use Visa Leverage to Increase Readmission to Third Countries](https://ecre.org/wp-content/uploads/2021/06/Policy-Note-36-Playing-the-Visa-Card-June-2021.pdf), June 2021 * ECRE, Policy Note 35 (Dari version), [The JDMC: Deporting People to the World’s Least Peaceful Country (Dari)](https://ecre.org/wp-content/uploads/2021/06/Policy-Note-37.pdf), July 2021 * ECRE, Policy Note 37, [ECRE Policy Note: Boosting Asylum in Spain – Making the Most out of AMIF Funding](https://ecre.org/wp-content/uploads/2021/07/Policy-Note-37.pdf), July 2021 * ECRE, Policy Note 37 (Spanish version), [ECRE Policy Note: Boosting Asylum in Spain – Making the Most out of AMIF Funding (ESP)](https://ecre.org/wp-content/uploads/2021/07/Policy-Note-37-ES-.pdf), July 2021 * ECRE, Policy Note 38, [ECRE Policy Note: A Seamless Link?](https://ecre.org/wp-content/uploads/2021/11/Policy-Note-38.pdf), November 2021 * ECRE, Policy Note 39, [ECRE Policy Note: EU Support to Afghanistan: Scoring High on Humanitarian Assistance and Low on Protection in Europe?](https://ecre.org/wp-content/uploads/2021/12/Policy-Note-39.pdf), December 2021   **ECRE Policy Papers**   * ECRE, Policy Paper 7, [Holding Frontex to Account](https://ecre.org/wp-content/uploads/2021/05/Policy-Papers-07.pdf), May 2021   **ECRE Legal Notes and interventions**   * ECRE Legal Note 7: [On the Cessation of International Protection and Review of Protection Statuses in Europe](https://ecre.org/wp-content/uploads/2021/02/Legal-Note-7-Cessation-February-2021.pdf), February 2021 * ECRE/ELENA Legal Note 8, [On Asylum and the UN Treaty System Securing and Advancing Access to Asylum Through the Individual Communications Procedures of the UN Treaty Bodies](https://ecre.org/wp-content/uploads/2021/03/Legal-Note-8.pdf), March 2021 * ECRE Legal Note 9, [On Asylum in Greece: A Situation Beyond Judicial Control](https://ecre.org/wp-content/uploads/2021/06/ECRE-Legal-Note-9-on-Asylum-in-Greece-A-Situation-Beyond-Judicial-Control-June-2021.pdf), June 2021 * ECRE/ELENA Legal Note 10, [Across Borders: The Impact of N.D. and N.T. in Europe](https://ecre.org/wp-content/uploads/2021/07/Legal-Note-10.pdf), July 2021 * ECRE Legal Note 11, [Extraordinary Responses: Legislative Changes in Lithuania, 2021](https://ecre.org/wp-content/uploads/2021/09/Legal-Note-11.pdf), September 2021 * ECRE/ELENA, [Expert Opinion Concerning the lawfulness of Greek legislation regulating the registration of NGOs](https://ecre.org/wp-content/uploads/2021/12/Expert-opinion-NGO-Registry-final.pdf), December 2021 * ECRE Information Sheet, [Access to territory, asylum procedures and reception conditions for Ukrainian nationals in European countries](https://ecre.org/wp-content/uploads/2022/03/Information-Sheet-%E2%80%93-Access-to-territory-asylum-procedures-and-reception-conditions-for-Ukrainian-nationals-in-European-countries.pdf), March 2022 * ECRE intervened in following cases:   + Alaa ASAAD and Others v. The Netherlands, Application No. 31007/20 (not publicly available yet)   + A.R. and Others v. Greece, Application Nos. 59841/19 and 7 other applications (not publicly available yet)   + L.B. v. France, Application No. 67839/17 (not publicly available yet)   + Ilias and Ahmed, Application no. 47287/15, Execution of judgment communication (not publicly available yet)   **ECRE Comments Papers**   * ECRE Comment Paper, [ECRE Comments on the Commission Proposal for a Regulation on Asylum and Migration Management COM (2020) 610 2020/0279 (COD)](https://ecre.org/wp-content/uploads/2021/03/ECRE-Comments-RAMM.pdf), February 2021 * ECRE Comment Paper, [ECRE Comments on the Commission Proposal for a Regulation Addressing Situations of Crisis and Force Majeure in the Field of Migration and Asylum COM (2020) 613](https://ecre.org/wp-content/uploads/2021/03/ECRE-Comments-COM2020-613-V2-2.pdf), February 2021 * ECRE Comment Paper, [ECRE Comments on the Commission Proposal for a Council Decision on provisional emergency measures for the benefit of Latvia, Lithuania and Poland COM (2021)752](https://ecre.org/wp-content/uploads/2021/12/ECRE-Comments-COM_FINAL.pdf), December 2021 * ECRE Comment Paper, [ECRE Comments on the Commission Proposal for a Regulation of the European Parliament and of the Council Addressing Situations of Instrumentalisation in the Field of Migration and Asylum, COM(2021) 890,](https://ecre.org/wp-content/uploads/2022/01/ECRE-Comments-Instrumentalisation-January-2022.pdf) January 2022 * ECRE Comment Paper, [ECRE Comments on the Commission Proposal for a Regulation Amending Regulation (EU) 2016/399 on A Union Code on the Rules Governing the Movement of Persons Across Borders COM(2021) 891](https://ecre.org/wp-content/uploads/2022/03/ECRE-Comments-SBC.pdf), March 2022 * ECRE Comment Paper, [ECRE Comments on the Commission Proposal to Amend the Schengen Borders Code](https://ecre.org/wp-content/uploads/2022/03/ECRE-Comments-SBC.pdf), March 2022   **ECRE Working Papers**   * ECRE Working paper 13, [Transforming Eurodac from 2016 to the New Pact From the Dublin System’s Sidekick to a Database in Support of EU Policies on Asylum, Resettlement and Irregular Migration](https://ecre.org/wp-content/uploads/2021/01/ECRE-Working-Paper-Transforming-Eurodac-from-2016-to-the-New-Pact-January-2021.pdf), January 2021 * ECRE Working paper 14, [EU External Expenditure on Asylum, Forced Displacement and Migration 2014-2019](https://ecre.org/wp-content/uploads/2021/03/Working-Paper-14.pdf), March 2021 * ECRE Working paper 15, [National Recovery and Resilience Programmes](https://ecre.org/wp-content/uploads/2021/12/Working-Paper-15.pdf), December 2021   **ECRE compilations**   * ECRE Compilation, [Afghans Seeking Protection in Europe](https://ecre.org/wp-content/uploads/2021/12/Evacuations-pathways-to-protection-and-access-to-asylum-for-Afghans-in-Europe_FINAL.pdf), December 2021   **ECRE statements**   * NGO Letter [Croatia Border Monitoring Mechanism](https://ecre.org/wp-content/uploads/2021/05/NGO-Letter-Croatia-Border-Monitoring-Mechanism-March-2021.pdf), March 2021 * Plan of Action: [Twenty Steps to Protect People on the Move Along the Central Mediterranean Route](https://ecre.org/wp-content/uploads/2021/06/Central-Med-Plan-of-Action-June-2021.pdf), June 2021 * Joint Statement: [Time to Get Resettlement Moving!](https://ecre.org/wp-content/uploads/2021/07/Joint-NGO-Statement-Time-to-Get-Resettlement-Moving.pdf), July 2021 * Joint Statement: [European countries should immediately cease all deportations to Afghanistan](https://ecre.org/wp-content/uploads/2021/07/NGO-joint-statement-Afghanistan-JULY-2021.pdf), July 2021 * Joint Statement: [Greece: landmark European Committee on Social Rights decision upholds rights of migrant children](https://ecre.org/greece-landmark-european-committee-on-social-rights-decision-upholds-rights-of-migrant-children/), July 2021 * Joint Statement: [Current priorities for an EU response to the situation in Afghanistan](https://ecre.org/joint-statement-current-priorities-for-an-eu-response-to-the-situation-in-afghanistan/), August 2021 * Joint Statement: [Call on the EU: Restore Rights and Values at Europe’s Borders](https://ecre.org/joint-statement-call-on-the-eu-restore-rights-and-values-at-europes-borders/), November 2021 * ECRE Statement: [EU response to displacement from and within Ukraine](https://ecre.org/wp-content/uploads/2022/03/ECRE-Ukraine-messages-final.pdf), March 2022   **ECRE flowcharts**   * ECRE Flowchart, [Procedures Irregular Arrivals European Pact Proposal](https://ecre.org/wp-content/uploads/2021/05/APR-Scenario-2-Borders.pdf), May 2021 * ECRE Flowchart, [Procedures Regular Arrivals European Pact Proposal](https://ecre.org/wp-content/uploads/2021/05/APR-Scenario-1-Territory.pdf), May 2021 * ECRE Flowchart, [Procedures Regular Arrivals European Pact Proposal](https://ecre.org/wp-content/uploads/2021/06/APR-Scenario-1-Territory_IT.pdf), June 2021 (ITA) * ECRE Flowchart, [Procedures Irregular Arrivals European Pact Proposal](https://ecre.org/wp-content/uploads/2021/06/APR-Scenario-2-Borders_IT.pdf), June 2021 (ITA)   **Other publications**   * ECRE, Heinrich Böll Stiftung: [Reception, Detention and Restriction of Movement at EU External Borders](https://ecre.org/wp-content/uploads/2021/07/ECRE-Heinrich-Boll-StiftungReception-Detention-and-Restriction-of-Movement-at-EU-External-Borders-July-2021.pdf), July 2021   **AIDA Country reports**   * [Austria](https://asylumineurope.org/wp-content/uploads/2021/04/AIDA-AT_2020update.pdf), April 2021 * [Belgium](https://asylumineurope.org/wp-content/uploads/2021/04/AIDA-BE_2020update.pdf), April 2021 * [Bulgaria](https://asylumineurope.org/wp-content/uploads/2021/02/AIDA-BG_2020update.pdf), February 2021 * [Cyprus](https://asylumineurope.org/wp-content/uploads/2021/04/AIDA-CY_2020update.pdf), April 2021 * [Spain](https://asylumineurope.org/wp-content/uploads/2021/03/AIDA-ES_2020update.pdf), March 2021 * [France](https://asylumineurope.org/wp-content/uploads/2021/03/AIDA-FR_2020update.pdf), March 2021 * [Greece](https://asylumineurope.org/wp-content/uploads/2021/06/AIDA-GR_2020update.pdf), June 2021 * [Croatia](https://asylumineurope.org/wp-content/uploads/2021/05/AIDA-HR_2020update.pdf), May 2021 * [Hungary](https://asylumineurope.org/wp-content/uploads/2021/04/AIDA-HU_2020update.pdf), April 2021 * [Ireland](https://asylumineurope.org/wp-content/uploads/2021/04/AIDA-IE_2020update.pdf), April 2021 * [Italy](https://asylumineurope.org/wp-content/uploads/2021/06/AIDA-IT_2020update.pdf), June 2021 * [Malta](https://asylumineurope.org/wp-content/uploads/2021/05/AIDA-MT_2020update.pdf), May 2021 * [Netherlands](https://asylumineurope.org/wp-content/uploads/2021/03/AIDA-NL_2020update.pdf), March 2021 * [Poland](https://asylumineurope.org/wp-content/uploads/2021/04/AIDA-PL_2020update.pdf), April 2021 * [Portugal](https://asylumineurope.org/wp-content/uploads/2021/05/AIDA-PT_2020update.pdf), May 2021 * [Romania](https://asylumineurope.org/wp-content/uploads/2021/04/AIDA-RO_2020update.pdf), April 2021 * [Sweden](https://asylumineurope.org/wp-content/uploads/2021/04/AIDA-SE_2020update.pdf), April 2021 * [Slovenia](https://asylumineurope.org/wp-content/uploads/2021/03/AIDA-SI_2020update.pdf), March 2021 * [United Kingdom](https://asylumineurope.org/wp-content/uploads/2021/03/AIDA-UK_2020update.pdf), March 2021 * [Switzerland](https://asylumineurope.org/wp-content/uploads/2021/05/AIDA-CH_2020update.pdf), May 2021 * [Serbia](https://asylumineurope.org/wp-content/uploads/2021/03/AIDA-SR_2020update.pdf), March 2021 * [Turkey](https://asylumineurope.org/wp-content/uploads/2021/05/AIDA-TR_2020update.pdf), May 2021   **AIDA statistical updates**   * [The implementation of the Dublin III Regulation in 2020](https://asylumineurope.org/wp-content/uploads/2021/09/AIDA_Dublin-Update-2020.pdf): September 2021   **Comparative reports**   * [Digitalisation of asylum procedures: risks and benefits](https://asylumineurope.org/wp-content/uploads/2022/01/Digitalisation-of-asylum-procedures.pdf), January 2022 |

1. **Feedback or suggestions about the process or format for submissions to the Asylum Report**

# Contact details

**Name of Organisation: European Council on Refugees and Exiles (ECRE)**

**Name and title of contact person: Jean-David Ott (Senior Legal Officer)**

**Email:** [**jdott@ecre.org**](mailto:jdott@ecre.org)

**I accept the provisions of the EUAA** [**Legal and Privacy Statements**](https://euaa.europa.eu/legal-notice)