



Input by civil society to the EASO Annual Report 2017

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

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

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

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

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

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

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

You are kindly requested to make sure that your input falls within each section's scope. Please, refrain from including information that goes beyond the thematic focus of each section or is not related to recent

developments. Feel free to use Section 16 to share information on developments you consider important that may have not been covered in previous sections.

Name of the contributing stakeholder: European Council on Refugees and Exiles (ECRE)

[Contact details]

1) Access to territory and access to asylum procedure

1.1 Access to territory

New/remaining matters of concern

Hungary – On 28 March 2017, a new law ‘On the amendment of certain acts related to increasing the strictness of procedures carried out in the areas of border management’ entered into force. This provides that when the ‘state of crisis due to mass migration’ is in effect, unlawfully staying migrants found anywhere in the entire territory of Hungary are to be escorted to the external side of the border fence with Serbia. The ‘state of crisis’ has been in effect since September 2015 and will remain so until at least September 2018. In 2017, 9,136 migrants were pushed back from the territory of Hungary to the external side of the border fence with Serbia. This includes migrants who have never even been to Serbia before and who entered Hungary through Ukraine or Romania. In addition, 10,964 migrants were blocked from entry at the border fence. For those who are pushed back in this manner, no registration or individual documentation is carried out, and neither are protection needs assessed. Migrants affected by this push back measure are not given access to seek asylum or to challenge their removal from the country, an action that makes the otherwise prohibited collective expulsion the norm, and breaches the ECHR and the EU Returns Directive.

Source: AIDA, Country Report Hungary, 2017 Update, <http://bit.ly/2Fnqu8V>.

Bulgaria - The Ministry of Interior reported 2,985 apprehensions in 2017, down from 18,659 the year before. Although zero push backs were officially reported, media sources refer to continued large-scale push backs. The government has also acknowledged that migrants continued to enter through the border fence with Turkey by using ladders and that corruption among the staff of the Bulgarian border authorities contributed to continued human smuggling and trafficking.

Source: AIDA, Country Report Bulgaria, 2017 Update, <http://bit.ly/2ErP7Qz>.

France - Massive and unlawful push backs of migrants have taken place at the Italian border throughout 2017 and led to condemnation by courts on different occasions. To circumvent the controls set up in Menton, migratory routes have shifted towards riskier journeys through the Alps, near Briançon. Once again police checks and unlawful collective returns have been documented.

Source: AIDA, Country Report France, 2017 Update, <http://bit.ly/2BsOFmB>.

Spain - There have been several reported cases concerning refusal of entry, *refoulement*, collective expulsions and push backs, including incidents involving up to a thousand persons during 2017. The main obstacles regarding access to the Spanish territory are faced mostly at the Ceuta and Melilla borders and checkpoints, due to the impossibility of asylum seekers to cross the border and exit Morocco. In September 2017, almost 9,000 migrants attempted to enter the Spanish enclaves by jumping the border fences in Ceuta and Melilla.

Source: AIDA, Country Report Spain, 2017 Update, forthcoming.

Romania – There have been increasing reports of pushbacks at the Serbian border in 2017. Reports from UNHCR Serbia show an increased number of push backs and collective expulsions from Romania in September and October 2017. UNHCR Serbia reported 338 collective expulsions from Romania in September 2017, in

addition to others from Hungary and Croatia, “with many alleging to have been denied due access to asylum procedures and some to have been maltreated.” The UNHCR Serbia Update of 2-8 October 2017 highlights that “UNHCR and partners collected testimonies of 180 collective expulsions from Romania, more than from the other neighbouring countries (113 from Croatia and 98 from Hungary), with many alleging to have been denied due access to asylum procedures there.” The UNHCR Serbia Update of 9-15 October 2017 reports 104 collective expulsions from Romania, more than from the other countries (98 from Hungary and 73 from Croatia), with many alleging to have been denied due access to asylum procedures there and some maltreatment by authorities of these Member States.

Source: AIDA, Country Report Romania, forthcoming.

Poland – There are persisting cases of persons denied access to the territory at the border-crossing point in Terespol on the Belarusian border, which is the main entry point in Poland for asylum seekers. In 2017 the total number of persons who were refused entry was 72,700 – out of which 31,636 concerned Terespol.

Source: AIDA, Country Report Poland, 2017 Update, <http://bit.ly/2ozUJm5>.

Greece – A standard practice of push backs on the land border with Turkey seems to have increased in 2017, attracting reaction inter alia from the Greek Ombudsman and the Council of Europe Commissioner for Human Rights. The Greek Council for Refugees has released several testimonies of asylum seekers, including families, pregnant women and survivors of torture, referring to violence and arbitrary detention under squalid conditions suffered at the hands of the Greek authorities before being transported in vans and being placed in overcrowded dinghies on the Evros river. The different cases reveal a standard pattern in the conduct of the Greek authorities: persons entering the country are arrested and transported (often) in police vehicles to places of detention guarded by officials dressed in police or army attire, or even dressed in black with their faces covered. People’s belongings are seized while in detention. After a period ranging from a couple of hours to a few days, they are transported to the Evros river and handed over to armed officials who place them on dinghies and direct them to Turkey. Asylum seekers report abuse and use of force throughout the entire process.

Source: GCR, ‘Αναφορές για συστηματικές επαναπροθήσεις στον Έβρο από εξυπηρετούμενους του ΕΣΠ’, <http://bit.ly/2HE16MS>.

Relevant jurisprudence

Spain - One case before the European Court of Human Rights (ECtHR) concerned two men – from Mali and the Ivory Coast respectively – who alleged to having been summarily and collectively expelled from Spanish territory on 13 August 2014 as part of a group of over 75 individuals. On 3 October 2017, the ECtHR held unanimously that there had been a violation of the prohibition of collective expulsions of the right to an effective remedy in conjunction with said prohibition under Article 4 Protocol 4 and Article 13 ECHR. Spain has appealed the ruling before the Grand Chamber.

Source: AIDA, Country Report Spain, 2017 Update, forthcoming.

Poland - Currently, there are four cases pending before the ECtHR concerning the pushbacks at Terespol, which have been communicated to the Polish government. Three cases concern Chechen nationals and the fourth (*D.A. v. Poland*) Syrian nationals who travelled to the Terespol border crossing in order to seek asylum in Poland. In all cases the Court granted interim measures under Rule 39 of the Rules of the Court, indicating to the Government that the applicants should not be removed to Belarus. According to Warsaw Bar Council, HFHR and Association for Legal Intervention, Poland did not comply with the measures and returned the applicant to Belarus. The Ministry of Foreign Affairs stated that the person was not returned

since he had not been admitted in the first place. In its statement, the Ministry noted that the foreigner had not crossed the Polish border and was hence not expelled and had not filed an application for international protection during a border check. The Ombudsman has also intervened in the cases of non-compliance with the measures issued by the ECtHR.

Source: AIDA, Country Report Poland, 2017 Update, <http://bit.ly/2ozUJm5>.

France – The Administrative Court of Nice has ordered the Prefecture of Alpes-Maritimes to register asylum applications of persons entering via Italy *inter alia* in two decisions: Order No 1701211, 31 March 2017; Order No 1800195, 22 January 2018.

Source: AIDA, Country Report France, 2017 Update, <http://bit.ly/2BsOFmB>.

Slovenia – Border monitoring activities conducted by UNHCR and NGOs were terminated in 2017.

Source: AIDA, Country Report Slovenia, forthcoming.

1.2 Access to the asylum procedure

New/remaining matters of concern

Hungary - Asylum applications can only be submitted in the transit zones at the border with Serbia unless the applicant is already residing lawfully in the territory of Hungary. Asylum seekers (except unaccompanied minors below 14 years of age) have to stay in the transit zone for the whole duration of their asylum procedure. From 23 January 2018 only one person is let in each transit zone per day.

Source: AIDA, Country Report Hungary, 2017 Update, <http://bit.ly/2Fnqu8V>.

France - While the introduction of the 'single desk' by the 2015 asylum reform aimed at reducing delays relating to registration, this additional step has led to more complexity and delays in accessing the procedure in practice. Problems in the registration of asylum applications at the "single desks" have not improved from 2016. In most areas, the Prefectures have been unable to register claims within the 3 working day deadline set by the law. In some parts of France, namely in Paris, it takes several months to obtain an appointment at the orientation platforms (PADA), followed by several weeks of delay for an appointment at the 'single desk'. In other areas, the average waiting time for appointments at the PADA was 28 days in Clermont-Ferrand, 24 days in Lyon and Nice, and 16 days in Toulouse at the end of 2017. Beyond the mainland, in the Prefecture of Guyane, delays are particularly long and can last up to 4 months before a person obtains an appointment at the PADA, followed by a few more months to obtain an appointment at the 'single desk'. Similar difficulties are encountered in Mayotte. To restore the 3-day time limit, the Minister of Interior published a Circular on 12 January 2018 which plans to increase the staff in Prefectures and the French Office for Immigration and Integration (OFII) and to reorganise services. This plan envisages fully open "single desks" every day of the week, as well as overbooking to compensate for 'no show' appointments.

Source: AIDA, Country Report France, 2017 Update, <http://bit.ly/2BsOFmB>.

Bulgaria – The delays in the release and registration of asylum seekers applying while in pre-removal detention centres exacerbated, rising from 9 days in 2016 to 19 days in 2017, despite the substantial decrease in new arrivals and asylum applications.

Source: AIDA, Country Report Bulgaria, 2017 Update, <http://bit.ly/2ErP7Qz>.

Italy – Several Police Headquarters (*Questure*) have denied access to the asylum procedure in 2017. In Campania the Questura of Napoli only allowed asylum applications on Monday morning for a limited number of applicants during 2017. Following intervention from NGOs, the Questura has introduced an online appointment procedure since January 2018, which is only available once a week and allows around 40-45 people to apply; this means that within a few minutes access to the procedure through that system is closed. In Rome, NGOs have documented limited access to the asylum procedure, with numbers varying from one day to another. In some cases, access is prevented for some nationalities due to a large number of people from the same region present in the Questura on the same day. In Bari, Puglia, the Questura has introduced specific obstacles to access vis-à-vis Iraqi nationals, who were only allowed to seek asylum if they presented a passport to certify their identity.

Source: AIDA, Country Report Italy, 2017 Update, forthcoming.

Italy – Following the registration of an application (*fotosegnalamento*), several Questure have arbitrarily prevented individuals from lodging (*verbalizzazione*) their applications by making assessment on these persons' protection needs. The Questura of Milan submits a questionnaire to asylum seekers pretending 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 to access the asylum procedure and notified of an expulsion order. For persons who spontaneously appear before the Questura of Milan to seek asylum, there is a very high frequency of expulsion measures. In Basilicata, the Questura of Potenza has started in November 2017 a pre-selection process for asylum seekers, whereby it interviews foreigners seeking protection and sets lodging appointments only to those it believes are in need of international protection. In Friuli-Venezia Giulia, since the end of 2017, Questure in Udine and Caserta have refused to lodge asylum applications for asylum seekers falling under the Dublin procedure.

Source: AIDA, Country Report Italy, 2017 Update, forthcoming.

2) Access to information and legal assistance

Positive developments

Bulgaria - At the end of 2017 the National Legal Aid Bureau received AMIF funding to commence for the first time the provision of legal aid to asylum seekers at first instance. The legal aid pilot project will be limited to vulnerable categories, however, and is expected to commence in February to March 2018.

Source: AIDA, Country Report Bulgaria, 2017 Update, <http://bit.ly/2ErP7Qz>

New/remaining matters of concern

Poland - In 2017, 415 asylum seekers benefited from the system of free legal aid. Taking into account the overall number of appeals (2,785) in 2017, this is definitely not sufficient. In 49 cases the aid was granted by an advocate or legal counsellor and in 366 cases by an NGO lawyer. There are also NGOs providing legal assistance through Asylum, Migration and Integration Fund (AMIF)-funded projects, which have also provided this assistance under European Refugee Fund (ERF)-funded projects. However, AMIF funding is very unstable and practically has been suspended. In February 2016 one AMIF call for proposals was cancelled, after the announcement of the results had been postponed three times. There was a call for proposals to be submitted by September 2016 on projects offering legal counselling for individuals applying for asylum and returns, but still no results have been given. On 19 December 2016 19 NGOs sent letters to the Ministry of the Interior and to the European Commission Representation in Poland about this issue. The situation did not change in 2017. In September 2017 two NGOs (the HFHR and LIA) prepared a report where the history of (not) funding and its consequences for NGOs have been presented.

Source: AIDA, Country Report Poland, 2017 Update, <http://bit.ly/2ozUJm5>.

Netherlands - The Coalition Agreement of the new Dutch administration announces that free legal assistance at first instance will be limited to the moment when an asylum seeker has to submit his or her views against the IND written intention to reject the application. As a result, the applicant will not be able to discuss his or her case before the start of the actual asylum procedure. At the time of writing, the system of free legal assistance at first instance has not changed yet

Source: AIDA, Country Report Netherlands, 2017 Update, forthcoming.

3) Providing interpretation services

New/remaining matters of concern

Bulgaria - Interpretation and appropriate communication in the language preferred by the applicant are not secured during registration and eligibility interviews to all applicants. With respect to those who speak languages without interpreters available in Bulgaria, communication takes place in a language chosen by the decision-maker, without the applicant's consent or evidence that he or she is able to communicate clearly in that language.

Source: AIDA, Country Report Bulgaria, 2017 Update, <http://bit.ly/2ErP7Qz>.

4) Dublin procedure

4.1. Authorities

Positive development

Malta – Responsibility for the Dublin procedure has not been transferred to the Office of the Refugee Commissioner. Following an amendment in 2017, appeals against Dublin decisions are processed by the Refugee Appeals Board.

Source: AIDA, Country Report Malta, 2017 Update, <http://bit.ly/2FoMoIW>.

4.2. Application of the Dublin criteria / procedure

Relevant national jurisprudence

Source: Case Law Note on the Dublin Regulation and Family Unity, <http://bit.ly/2Gci0AH>.

New matters of concern

Italy – Since the end of 2017, a specific Dublin procedure is applied in the region of Friuli-Venezia Giulia given that, according to the Ministry of Interior, all asylum seekers arriving there have come through Nordic countries or the Balkan route. Applicants are notified of a transfer decision within one or two months of arrival and fingerprinting in Italy. In many cases the Questure notify the transfer decision without even proceeding with the lodging (*verbalizzazione*) of the asylum application, as they set the *verbalizzazione* appointment at a distant date to be able to obtain replies from the Dublin State concerned beforehand. Subsequently, they cancel the lodging appointments, as a result of which people have no authorisation to stay in Italy. Asylum seekers are not informed about the procedure or given the possibility to highlight any family links or vulnerabilities.

Source: AIDA, Country Report Italy, 2017 Update, forthcoming.

4.3. Suspension of transfers to Hungary to prevent *refoulement*

Relevant national jurisprudence

Hungary - In 2017 Germany joined 15 other European countries which have ruled against Dublin transfers to Hungary on account of risks of inhuman or degrading treatment and/or indirect *refoulement*. At least 6 countries (Czech Republic, Italy, Finland, Netherlands, Slovakia, United Kingdom) have suspended transfers to Hungary as a matter of policy. Formerly, Germany was the country that sent the highest number of Dublin transfer requests to Hungary – 11,843 of the 26,698 Dublin requests received by Hungary in 2016 were from Germany.

Source: AIDA, Country Report Hungary, 2017 Update, <http://bit.ly/2Fnqu8V>.

Bulgaria - In 2016, the courts in some Dublin States ruled 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. Similar practice has followed in 2017, inter alia in the following cases:

Suspensions of Dublin transfers to Bulgaria in 2017			
Country	Judicial authority	Case	Date of decision
Austria	Administrative High Court	Ra 2017/18/0036	30 August 2017
		Ra 2017/19/0100	13 December 2017
	Constitutional Court	E484/2017	9 June 2017
		E86/2017	24 November 2017
Belgium	Council of Alien Law Litigation	No 184 126	21 March 2017
		No 186 492	6 May 2017
Germany	Administrative Court Hannover	15 B 2468/17	8 April 2017
	Federal Constitutional Court	2 BvR 863/17	29 August 2017
Czech Rep.	Regional Court Usti nad Labem	41A 10/2016-31	23 January 2017
	Regional Court Brno	32A 15/2017-22	11 April 2017
Italy	Council of State	5085/2017	3 November 2017
Netherlands	Council of State	201704656/1/V3	20 November 2017
Romania	Regional Court Bucharest	4865/2017	12 April 2017
		11681/2017	27 September 2017
	Regional Court Galați	5362/2017	30 June 2017
	Regional Court Baia Mare	9685/2017	4 December 2017
Slovenia	Administrative Court Slovenia	IU 166/2017	6 February 2017
Switzerland	Federal Administrative Court	E-305/2017	5 September 2017

Source: AIDA, Country Report Bulgaria, 2017 Update, <http://bit.ly/2ErP7Qz>

5) Specific procedures (border, accelerated, admissibility)

5.1. Border procedure

Poland - on 30 January 2017, the Minister of the Interior and Administration presented a draft amendment to the Law on Protection. These proposals introduce, among other things, a border procedure for granting international protection during which applicants could be detained. The Ombudsman, as well as the main

NGOs in Poland, have criticised the draft law for failing to provide sufficient safeguards such as access to effective remedies. The draft is still under discussion at the time of writing.

Source: AIDA, Country Report Poland, 2017 Update, <http://bit.ly/2ozUJm5>.

5.2. Admissibility / Safe third country

Hungary – The Immigration and Asylum Office has stopped issuing safe third country decisions for Serbia in 2017. The reasons for this change of practice are not known.

Source: AIDA, Country Report Hungary, 2017 Update, <http://bit.ly/2Fnqu8V>.

5.3. Accelerated procedure

Switzerland - As part of the restructuring of the asylum procedure, the SEM confirmed the implementation of another pilot phase in the federal centres of Boudry (canton of Neuchâtel) and Chevrières (canton of Fribourg), both located in the French-speaking part of the country. This new pilot project, also based on the accelerated procedure, will start in April 2018.

Source: AIDA, Country Report Switzerland, 2017 Update, <http://bit.ly/2suwR7E>.

6) Reception of applicants for international protection

6.1. Legal framework

Positive developments

Ireland – Until 2017, Ireland had chosen not to opt in to either version of the EU Reception Conditions Directive. The rationale provided for this decision was that transposing the right to work, as contained within the RCD, would generate a ‘pull-factor’, resulting in an increase in asylum applications in the State. The Irish Supreme Court dealt with Ireland’s prohibition on employment for asylum seekers in the case of *N.V.H v Minister for Justice & Equality and ors*, 30 May 2017, which in its judgment declared the existing prohibition on employment to be unconstitutional. The State was provided with six months to respond to the Court with a solution, which it did in November 2017 by announcing that it would provide a legislative framework for employment for asylum seekers by opting in to the EU (recast) Reception Conditions Directive (2013/33/EU). Opt-in is not actually envisaged until at least June 2018, provided the EU Commission is satisfied that Ireland has met the compliance standards for opt-in. This will also be the first time that Ireland has put accommodation of asylum seekers on a legislative footing, which is likely to have a profound impact on the quality of reception conditions in Ireland generally.

Source: AIDA, Country Report Ireland, Update 2017, forthcoming.

6.2. Freedom of movement

New/remaining matters of concern

Italy - Asylum seekers are often moved from one CAS (temporary asylum centre) to another, in order to try to balance their presence on the territories. These transfers are decided by Prefectures with criteria of choice of people to move variables from place to place. Transfers cannot be appealed.

In October 2017, local organisations and asylum seekers hosted in the CAS set up in the former Montello barracks in Milan, whose closure was scheduled for 31 December 2017, organised a protest in the city centre to denounce the ways in which transfers were taking place, without taking into account asylum seekers’ integration prospects and often advising residents to collect their personal effects only a few hours before being moved to another facility.

In some regions, during 2017, asylum seekers and beneficiaries of international protection had to be moved due to the discontent of the local population. In some cases, the protest of the inhabitants entirely prevented their reception. In Gorino, Ferrara, 20 asylum seekers, including 12 women and 8 children, were blocked on

arrival on 24 October 2016, obliging the Prefecture to find temporary accommodation in a nearby town. In Sinagra and Castell'Umberto, Messina, the mayors and other residents blocked access roads to the hotel – placed in the border area between the two villages – where 50 unaccompanied children were to arrive on 15 July 2017. The next day they blocked the supply of electricity and one mayor posted comments against the Prefecture on social media. The Children were nevertheless accommodated but 25 of them were soon transferred elsewhere.

In other cases, even the news of imminent transfers have sparked protests among the resident population. In Pistoia, the inhabitants protested and collected 400 signatures against the imminent opening of a reception centre in July 2017. The same happened in San Salvo, Chieti, where some mayors from Abruzzo Region gathered to protest against the opening of a reception centre that would accommodate a hundred migrants. In Breno, Piacenza, in August 2017, 15 children were greeted by the writing on the walls: “no to blacks and to invasion”.

Source: AIDA, Country Report Italy, 2017 Update, forthcoming

Hungary - 94% of asylum-seekers are detained either in the transit zones or in asylum detention. Open reception centres are almost empty. Subsequent applicants are not entitled to food and other material support (hygienic package, clothes, etc). Asylum seekers in the transit zones are entitled only to reduced material conditions. Asylum seekers no longer have access to the labour market. They are neither entitled to work in the premises of the reception centres nor at any other work place. Education in the transit zone started to be provided only since September 2017, but it can hardly be perceived as effective education.

Source: AIDA, Country Report Hungary, 2017 Update, <http://bit.ly/2Fnqu8V>.

Austria - A residence restriction applies from 1 November 2017 onwards. Asylum seekers who have been admitted to the regular procedure are only allowed to reside in the federal province assigned to them. Consecutive breaches of the residence restriction are punishable by an administrative fine of up to €5,000 or a three-week non-custodial sentence. Asylum seekers can be arrested and detained for 24 hours to secure this administrative fine.

Source: AIDA, Country Report Austria, 2017 Update, forthcoming.

Netherlands - Extra Guidance and Supervision Locations (Extra begeleiding en toezichtlocaties, EBTL) were installed as a special reception centre for asylum seekers who have caused tension or any form of nuisance at an Asylum Seeker Centre (AZC), for example by bullying other inhabitants, destroying materials, exhibiting aggressive behaviour or violating the COA house rules. The rules in these centres are stricter than regular AZC; inhabitants are obliged to report whenever they leave or return to the centre. There is one EBTL in Amsterdam, which opened in November 2017, and one in Hoogeveen, which opened in December 2017. Both EBTL have a capacity of 50 places each.

Source: AIDA, Country Report Netherlands, 2017 Update, forthcoming

6.3. Reception capacity

Portugal – The Portuguese Refugee Council suspended new arrivals for a two-month period between April and June 2017 due to overcrowding, as a measure to ensure adequate living standards for asylum seekers accommodated at its Centre for Asylum Seekers (CAR).

Source: AIDA, Country Report Poland, 2017 Update, <http://bit.ly/2ozUJm5>.

Spain - Since the 2015 increase of available places for refugees' reception, the Spanish government has reformed the system regarding financing for NGOs service providers for asylum seekers and refugees. Five

more NGOs entered the reception system in 2016 and many more in 2017. The reception system now counts 20 organisations.

Source: AIDA, Country Report Spain, 2017 Update, forthcoming

7) Detention of applicants for international protection

7.1. Automatic detention / Grounds for detention

New/remaining matters of concern

Hungary - All asylum seekers (including unaccompanied asylum-seeking children over 14 years of age and other vulnerable persons) are automatically detained in the transit zones (without any legal basis for detention or judicial remedies) for the whole duration of the asylum procedure. Out of 3 asylum detention facilities only Nyírbator remains in operation and only very few people are kept there. In October 2017, the Authorities terminated cooperation agreements with the Hungarian Helsinki Committee and denied access to police detention, prisons and immigration detention after two decades of cooperation and 2000+ visits. The HHC can no longer monitor human rights in closed institutions. No other organisation is conducting monitoring visits in the closed facilities (including the transit zones) that would result in public reports.

Source: AIDA, Country Report Hungary, 2017 Update, <http://bit.ly/2Fnqu8V>.

Cyprus - In late 2017, the first detention orders under the Refugee Law were published since the article was introduced in October 2016. These are administrative orders and not judicial orders. All detention orders reviewed include only the relevant legal provision, namely detention based on the presumption that the person applied merely to frustrate return procedures, and although it is stated that an individual assessment has been carried out, there are no individual facts or reasons for detention or any other reference, justification or findings of an individual assessment. Furthermore the detention order refers to “objective criteria” but there is no mention or analysis on what the objective criteria are and how they are applied or justified in the individual case.

Source: AIDA, Country Report Cyprus, 2017 Update, <http://bit.ly/2CPFFVt>.

Spain – Following an increase in sea arrivals in 2017, due to the increase in arrivals by sea, there was a rise in automatic detention at police stations in Almería, Tarifa, Motril and Algeciras. Where the authorities have not been able to carry out removal within 72 hours, individuals have been transferred to Foreigner Detention Centres (CIE). Many persons have been detained in violation of fundamental procedural guarantees, namely an individualised assessment of the necessity and proportionality of detention. In Motril, collective detention orders have been issued to groups of newly arrived migrants for the purpose of removal, which have been upheld by the Provincial Court of Granada.

Source: AIDA, Country Report Spain, 2017 Update, forthcoming.

Greece - The number of asylum seekers and other third-country nationals detained in pre-removal detention facilities in Greece increased considerably throughout 2017. According to police statistics, 25,810 persons were placed in detention, including 9,534 asylum seekers. Applicants continue to be detained after applying at liberty (contrary to the law) and based on a systematic application of public order / enforcement of return grounds without adequate individualised assessment.

Source: AIDA, Country Report Greece, 2017 Update, forthcoming.

Relevant ECtHR jurisprudence

Hungary - On 14 March 2017, the ECtHR issued a long-awaited judgment in the *Ilias and Ahmed v. Hungary* case. The Court confirmed its established jurisprudence that confinement in the transit zones in Hungary amounts to unlawful detention and established the violation of Article 5(1), a violation of Article 5(4) and a violation of Article 13 in conjunction with Article 3 of the Convention due to the lack of effective remedy to complain about the conditions of detention in the transit zone. The government's appeal against the judgment is currently pending at the Grand Chamber of the ECtHR.

Transposition of legislation

Belgium - In 2017 a new law was adopted amending the Aliens Act with the aim of transposing the recast Reception Conditions Directive and Asylum Procedures Directive. The new law introduces grounds for detaining asylum seekers during the procedure as set out by Article 8(3) of the recast Reception Conditions Directive. According to the proposal, an asylum seeker may be detained where he or she does not cooperate in the establishment of his or her identity, where there is a risk of absconding, where the application is made with a deliberate purpose of delaying or hindering return, or for reasons of public order and national security. The maximum duration of such detention is 2 months, except for cases related to public order and national security where it may be prolonged.

In line with the clarification brought by the Court of Justice of the European Union in the *Al Chodor* case, the proposed bill lays down objective criteria for the definition of the "risk of absconding". However, the definition refers to overly broad criteria such as the making of an application more than 8 days after arrival or non-cooperation with the authorities. Moreover, since there is no definition in the proposal of 'non-cooperation' with the authorities, this provision is open for wide interpretation and possible abuse. In total the proposal sets out no less than 11 criteria for the risk of absconding. Civil society fears that a larger number of asylum seekers will be detained.

Source: AIDA, Country Report Belgium, 2017 Update, forthcoming.

Ireland - Ireland will opt-in to the Reception Conditions Directive (2013) in mid-2018. The Directive sets out more extensive provisions on detention of persons in the asylum process than are currently contained in the IPA – which could lead to an increase in detention in practice.

Source: AIDA, Country Report Ireland, 2017 Update, forthcoming.

Positive development

Malta – The Initial Reception Centre, where asylum seekers were detained without formal order upon arrival for a period of 7 days to conduct medical checks and identification, has now been opened following a change in policy.

Source: AIDA, Country Report Malta, 2017 Update, <http://bit.ly/2FoMoIW>.

Relevant national jurisprudence

France - the Court of Cassation clarified on 27 September 2017 that the absence of a legislative provision setting out the objective criteria for determining the existence of a "significant risk of absconding", specific to the Dublin system, precluded the applicability of detention for the purpose of carrying out a Dublin transfer. However, some Prefectures continue to detain asylum seekers despite the Court of Cassation ruling.

Source: Source: AIDA, Country Report France, 2017 Update, <http://bit.ly/2BsOFmB>.

Switzerland - Detention of families: In a Dublin case concerning an Afghan family, the Federal Court ruled that the order of administrative detention pronounced by the canton of Zoug against parents whose three young children were simultaneously subject to a placement in a foster care, constituted a violation of the

right to family life. In this judgment of 28 April 2017, the Federal Court recalled that such a measure is only admissible as an ultima ratio and after a thorough examination of other less coercive measures.

Source: AIDA Country Report Switzerland, 2017 Update, <http://bit.ly/2suwR7E>.

United Kingdom - The UK High Court ruled that the definition of ‘torture’ in the latest Home Office policy on detention of “Adults At Risk” was unlawful. The Home Office had issued new policy guidance following the “Shaw Review” of January 2016 on the treatment of vulnerable people in detention, calling on the Government to reduce the number of people placed in detention. However, the “Adults At Risk” guidance published in December 2016 made it more difficult to secure release based for example on their experiences of torture or of their deteriorating mental health. The High Court found that the concept of ‘torture’ in the policy would require medical practitioners to “reach conclusions on political issues which they cannot rationally be asked to reach”. It ruled that the narrowing down of the definition by the Home Office lacked “rational or evidence base”.

Source: ECRE, *UK detention policy on victims of torture unlawful, High Court rules*, <http://bit.ly/2yHCx0d>.

7.2. Detention conditions

New/remaining matters of concern

Spain – CIE have been the object of high public, media and NGO attention during 2017 due to several episodes that took place throughout the year. In March 2017, the police alerted about the existence of an outbreak of tuberculosis in the CIE of Barcelona. In July 2017, fifty detainees in the CIE of Barcelona begun a hunger strike to protest against the unsuitable conditions of the facilities and against the procedures for their expulsion from Spain and two months later, 30 detainees of the same CIE tried to escape, before being stopped by the police. In October 2017, more than 50 people escaped from the CIE of Aluche in Madrid. A few days later, several detainees denounced in a letter sent to the court “racist treatment, shoving, insults and threats”. These complaints are frequent in the CIE of Aluche, where last year 8 court orders have been accumulated for irregularities that are committed by the management of the centre. A total of 26 migrants escaped from the CIE Sangonera La Verde in Murcia in November 2017 after rioting at dinner time. In the riot, there was a confrontation with the policemen who were guarding the building. 15 people were wounded; nine policemen and six migrants. Riots in the prison of Archidona in Málaga have been a constant phenomenon since its conditioning as CIE in November 2017. On several occasions, the inmates have thrown all kinds of objects through the windows of their cells: sheets, bins, plastics and even mattresses, in order to protest against the lack of food and the beginning of deportations. Outside the centre, NGOs and civil society have also staged protests to ask for migrants to be released. Riots have intensified after the death of an Algerian immigrant in his cell.

Source: AIDA, Country Report Spain, 2017 Update, forthcoming

Greece – GCR regularly visits the Tavros (Petrou Ralli), Amygdaleza, Corinth, Paranesti (Drama) and Xanthi pre-removal facilities depending on needs and availability of resources. According to GCR findings, as corroborated by national and international bodies, conditions in pre-removal detention facilities remain substandard and are not in line with national and international law. In February 2017, GCR found that the amount of living space in Corinth is less than 3m² per person and that people are accommodated in dormitories each measuring 35m², with six sets of bunk beds for 12 persons. Families with children and unaccompanied children have been detained throughout 2017 in Amygdaleza, a security facility without any specialised infrastructure to address the needs of families with children and unaccompanied children.

Source: AIDA, Country Report Greece, 2017 Update, forthcoming.

Poland – The Ombudsman has recently published reports of monitoring visits to the guarded centres of Przemyśl and Krosno Odrzańskie. The report on Przemyśl expresses concerns about the state of the facility and the standard practice of Border Guard officers equipped with electric rifles. As regards Krosno Odrzańskie, the Ombudsman has criticised searches in undignified conditions, restrictions on foreigners’ access to the internet, as well as limitations on access to psychological assistance and ineffective identification of special needs. In the guarded centre for foreigners in Przemyśl, compulsory schooling is implemented as of January 2018.

Source: AIDA, Country Report Poland, 2017 Update, <http://bit.ly/2ozUJm5>.

7.3. Access to detention facilities

New/remaining matters of concern

Hungary - In October 2017, the Hungarian authorities terminated cooperation agreements with the Hungarian Helsinki Committee and denied access to police detention, prisons and immigration detention after two decades of cooperation and 2000+ visits. The HHC can no longer monitor human rights in closed institutions. No other organisation is conducting monitoring visits in the closed facilities (including the transit zones) that would result in public reports.

Source: AIDA, Country Report Hungary, 2017 Update, <http://bit.ly/2Fnqu8V>.

7.4. Judicial review of detention

New / remaining matters of concern

France – In 2017, NGOs have reported Dublin transfers of asylum seekers de facto without any judicial scrutiny. In several Prefectures, including Ile de France and Rhône, the asylum seeker is placed in detention on a Friday, to avoid the possibility for him to access legal assistance during the weekend, and to carry out the transfer within 48 hours. In these frequent cases, there is no effective appeal for those people. This method of Prefectures circumvents the prohibition placed by the Court of Cassation on detaining asylum seekers in Dublin cases for want of a definition of the criteria for the existence of a “significant risk of absconding” in legislation.

Source: AIDA, Country Report France, 2017 Update, <http://bit.ly/2BsOFmB>.

Bulgaria – After an amendment in 2017, the law no longer provides for automatic judicial review of detention orders, following the abolition of judicial review upon prolongation of detention. This reform took place against a backdrop of lack of legal aid ensured to detainees to challenge their detention.

Source: AIDA, Country Report Bulgaria, 2017 Update, <http://bit.ly/2ErP7Qz>.

8) Procedures at First instance

8.1. Differential treatment

New matters of concern

Bulgaria – Applications from nationals of countries such as Algeria, Bangladesh, Pakistan, Sri Lanka, Turkey and Ukraine are discriminated against and treated as manifestly unfounded, with 0% recognition rates. The same approach is applied to asylum seekers from Afghanistan who were subject to a 1.5% recognition rate in 2017. These applications are also processed in pre-removal detention, contrary to the law.

Source: AIDA, Country Report Bulgaria, 2017 Update, <http://bit.ly/2ErP7Qz>.

8.2. Processing times

New / remaining matters of concern

Ireland - With the entry into force of the International Protection Act 2015 (IPA) on 31st December 2016, Ireland adopted a single application procedure with the aim of streamlining the asylum process. With the rollout of the new procedures under the IPA, the newly-instated International Protection Office (IPO) announced transitional arrangements whereby all persons who had lodged an application under the old procedure and had not received a final decision on their case, would be brought back into the IPO for another interview under the single procedure. The IPO, in consultation with UNHCR Ireland, developed prioritisation guidelines setting out how cases would be scheduled during this transitional period. As of December 2017, on the basis of information received at a meeting between IPO and stakeholders working with people in the asylum process, the IPO was still processing many of the transitional cases, resulting in substantial delays for anyone who makes a new application under the IPA. The IPO indicated to stakeholders that new applicants could be waiting at least 20 months before being scheduled for a substantive interview.

Source: AIDA, Country Report Ireland, 2017 Update, forthcoming.

Austria - Many asylum seekers in 2017 waited more than 10 months for an appointment for the first interview. The Austrian Ombudsman has received over 2,000 complaints concerning the duration of the asylum procedure in 2017, in addition to about 1,500 complaints in 2016. Whereas the procedure for Syrians and Iraqis seems to be concluded within the 15-month time limit, other nationalities face longer delays for a decision.

Source: AIDA, Country Report Austria, 2017 Update, forthcoming.

Sweden - The average handling time for cases at first instance rose 328 days or 10.5 months as of December 2016 to 496 days or 16.5 months. Applications from unaccompanied children have been processed more slowly than previously: the average processing time was 578 days or 19.3 months as of December 2017, compared to 353 days as of December 2016. For other categories of asylum seekers, it takes on average 343 days for a first decision. For appeal cases, it was 5.6 months or 169 days in 2016.

Source: AIDA, Country Report Sweden, 2017 Update, forthcoming.

9) Procedures at Second Instance

9.1. Time limits for appeal

Relevant national jurisprudence

Austria – On 26 September 2017, the Constitutional Court ruled that even for rejection decisions accompanied by a residence-ending measure affecting the legal position of the applicant, the constitutional guarantees before the Federal Administrative Court are of considerable importance. Against that backdrop, the shorter deadline of 2 weeks instead of 4 for appealing a decision in cases such as Dublin or inadmissibility was deemed unconstitutional. Following the ruling, the time limit for appeals is 4 weeks for all cases.

Source: AIDA, Country Report Austria, 2017 Update, forthcoming.

9.2 Appeal bodies

New/remaining matters of concern

Cyprus - Following the 2015 establishment of the Administrative Court, the intention has been to abolish the Refugee Reviewing Authority (RRA), which has been the second instance administrative authority, and in view of this the recent amendment to the Refugee Law in October 2016 has removed all articles that concern the operations of the RRA. However, the Refugee Law also states that the termination of operations of the RRA will enter into force on a date that is to be defined by the Council of Ministers and published in the Gazette, yet to date no such decision has been issued. Furthermore, in view of the intention to abolish the RRA in recent years, most officers of the RRA have been transferred to other authorities, leaving only five examining

officers for a large backlog of cases, many of which have been pending for several years. In 2017, the RRA still continues to operate and examine asylum applications at second instance. In view of the reduction in staff in recent years due to the prospect of the Authority terminating operations, the backlog is ever increasing and has doubled since last year, from 650 to 1,123 cases at the end of 2017. During 2017 the RRA decided that all subsequent applications or new elements or findings on a claim must be submitted to the Asylum Service and transferred all its pending cases to the Asylum Service to be examined at first instance. It is not clear if the Asylum Service has agreed to receive and examine these. All such cases are on hold for the moment.

Source: AIDA, Country Report Cyprus, 2017 Update, <http://bit.ly/2CPFFVt>.

9.3. Procedural requirements

Relevant national jurisprudence

Switzerland - In October 2017, The Federal Court ordered the Federal Administrative Court (the only asylum appeal body) to waive the requirement of an advance payment for unaccompanied asylum-seeking children in appeal procedures. According to the Court, the present practice of the Federal Administrative Court in requiring an advance payment in such situations constitutes a measure that disproportionately restricts access to justice for unaccompanied asylum-seeking children.

Source: AIDA Country Report Switzerland, 2017 Update, <http://bit.ly/2suwR7E>.

10) Availability and use of Country of Origin Information

11) Vulnerable applicants

11.1. Reception of vulnerable groups

New / remaining matters of concern

Italy - In Ventimiglia, construction works for a centre for unaccompanied children were interrupted on 9 August 2017 following protest from several citizens. As a result, as reported by several NGOs including ASGI, many unaccompanied children were accommodated in the Parco Roja reception centre for adults for several months or even not accommodated and abandoned to stay on the banks of the Roja river, in makeshift shelters without heating, toilets or access to drinking water and food. As of 11 December 2017, the centre hosted 24 unaccompanied children together with 426 adults, 9 single women and 30 families. ASGI and other NGOs sent an official letter to the Prefecture of Imperia in December 2017, urging an end to these unlawful practices and the preparation of the necessary measures for these children to be accommodated and placed in appropriate reception centres, possibly on the territory of Ventimiglia or nearby.

In January 2017, at least 30 minors were reported to be in the CAS of Cona, Venice, which is not authorised to host unaccompanied minors. This was the subject of appeals by ASGI and other NGOs to the ECtHR on overcrowding and the degrading conditions in which people are accommodated. The CAS of Cona has a capacity of around 500 people but housed around 1,400 people at the time of the disputed facts. The applicants' dormitory was 360 m² and accommodated 250 people in total. The Strasbourg Court ordered five interim measures pursuant to Rule 39 of the Court's Rules of Procedure, ordering the Italian Government to "transfer the applicants to appropriate structures, ensuring reception conditions that comply with the rules of domestic and international law regarding the protection of unaccompanied minors." In the case of *Darboe and Camara v. Italy*, the Court decided under Rule 41 to examine the applications by way of priority. Following the measures ordered by the ECtHR, the Prefecture of Venice activated temporary accommodation facilities for the children in order to guarantee reception in adequate centres and avoid condemnation by the Court against Italy. In the case of *Sadio v. Italy* and two other applications, related to 4 children accommodated in Cona, before the Court could examine the request for interim measures the children had been transferred to centres for unaccompanied children.

These cases follow on from reports of children accommodated in inadequate structures in 2016. This happened in Como, where from 14 July to 23 August 2016, 454 unaccompanied minors readmitted in Italy from Switzerland were entrusted by the Italian police to the Head of Caritas in Como and then placed in a structure at the Parish of Rebbio, not authorised for the reception of minors. Costs incurred for the reception of these children they were not covered by any institution.

Source: AIDA, Country Report Italy, 2017 Update, forthcoming.

11.2. Detention of vulnerable groups

New / remaining matters of concern

Portugal - In 2017, the Portuguese Refugee Council continued to observe long waiting periods between asylum applications filed by unaccompanied children and families with children at border points, and their entry into the national territory and referral to the reception centres. According to the information available to CPR, a total of 17 unaccompanied children were detained at the border for periods ranging from 4 to 50 days, while a total of 40 families were detained at the border from 3 to 60 days.

The detention of an asylum-seeking family with children at the Lisbon Airport detention facility drew criticism from the Ombudsman, particularly regarding the inadequate detention conditions offered to a child with special health needs.

Source: AIDA, Country Report Portugal, 2017 Update, forthcoming.

Belgium - In his policy note of late 2017 the Secretary of State announced the opening of closed centres for families close to the 127bis repatriation centre near the Brussels National Airport at the beginning of 2018, with a view to carrying out returns. These are set to open in spring 2018. In a letter addressed to the Secretary of State, Council of Europe Commissioner for Human Rights Muižnieks warns against resuming the practice of detaining migrant families with children. The Commissioner for Human Rights states that Immigration detention, even as a measure of last resort and for a short period of time, should never apply to children because it is a disproportionate measure which may have serious detrimental effects on them.

Source: AIDA, Country Report Belgium, 2017 Update, forthcoming.

11.3. Identification

New / remaining matters of concern

Poland - Under the current asylum application form, apart from the self-identification mechanism including questions concerning medical conditions, disability, pregnancy, a SG officer registering the application assesses whether an applicant (or any person covered by the application) may belong to one of these two groups: victims of trafficking in human beings or persons subject to torture. The SG Headquarters applies an algorithm prepared in 2014 on how to handle vulnerable applicants. It defines aims, ways and rules for the SG actions in case of identifying a vulnerable person. The objective is to ensure optimal conditions guaranteeing the assistance of medical personnel and psychologists whenever needed. NGOs point out that this preliminary identification is conducted at the time of lodging asylum application, so often at the border, where the conditions are difficult. Some are of the opinion that the questions from the application for international protection cannot be considered an early identification at all. Clear evidence that vulnerable persons are not identified correctly is the fact that victims of violence are still placed in detention, while the law prohibits their detention. NGOs generally confirm that the system of identification envisaged in the law does not work in practice.

In September 2017 the Ombudsman published a report within the National Mechanism for the Prevention of Torture, in which it is clearly confirmed that there is an ongoing problem with the system of identification of vulnerable groups in Poland. The Ombudsman notices that psychologists employed in detention centres are

charged with many tasks relating to the recruitment, psychological support and training of border guard officers, and care provided to migrants is merely one of them. Moreover, pursuant to the Border Guard internal document cited in the report, psychologists may render psychological aid in the case of traumatic events at the written request of the doctor examining the applicant. Thus, applicants themselves may not initiate a psychological evaluation which could result in an official psychological opinion. According to the report, this restriction impedes identification of potential victims of torture.

Source: AIDA, Country Report Poland, 2017 Update, <http://bit.ly/2ozUJm5>.

Sweden – The National Board of Forensic Medicine (RMV) has introduced a new system in March 2017 whereby age assessment tests can be carried out rapidly throughout the country, based on X-rays of wisdom teeth and knee joints. Both the Pediatric Medical Association and several of the RMV doctors, as well as international experts on age assessment, have distanced themselves from the method of measuring the knee joint.

Source: AIDA, Country Report Sweden, 2017 Update, forthcoming

Positive developments

Sweden – The Quality Assurance Unit of the Migration Agency issued a standard on 25 September 2017 on the identification of vulnerabilities. All Migration Agency staff are required to report vulnerabilities in an official note that is fed into a common database, mentioning at which stage in the procedure vulnerability is observed and what measures this has led to. It is stressed that a vulnerability assessment must always be made in the initial process. Examples of adequate support measures taken include: prolonging the procedure to allow time for the applicant to put forward his or her claims; choosing a suitable residence for the applicant; flagging medical care needs to the health authorities.

Source: AIDA, Country Report Sweden, 2017 Update, forthcoming

11.4 Use of medical reports

Romania – The assessment of medical reports on harm suffered in the country of origin has varied from one court to another in 2017. The practice of the Regional Court of Timișoara regarding the admissibility and assessment of psychological reports submitted by ICAR is not uniform, although these have been admitted in onward appeals before the Administrative County Court of Timișoara. In Șomcuta Mare, only one medical report prepared by ICAR was submitted to the Regional Court in a case concerning the Dublin procedure. Yet the ruling of the Regional Court does not mention the ICAR report or the fact that it was submitted.

Source: AIDA, Country Report Romania, forthcoming.

12) Content of protection – situation of beneficiaries of protection

12.1 Upgrade appeal

Cyprus - At the end of 2017 two cases were identified where beneficiaries of subsidiary protection were notified by the authorities that due to the submission of an appeal before the RRA, against the decision that rejected their application for refugee status, the decision granting them subsidiary protection is suspended and they are asylum seekers until a decision on the appeal is issued. In one case the beneficiary was granted subsidiary protection in 2014 and was notified of the suspension of the status in 2017 and requested to return state benefits he had received as a beneficiary of subsidiary protection. More such cases have been reported in 2018, confirming this practice.

Source: AIDA, Country Report Cyprus, 2017 Update, <http://bit.ly/2CPFFVt>.

12.2. Social assistance

New/remaining matters of concern

Netherlands - The Coalition Agreement of October 2017 has announced restrictions to social assistance for beneficiaries of protection. Beneficiaries will no longer be eligible for the social benefit, rent benefit and health care benefit during the first 2 years of their legal stay in the Netherlands. Instead they will receive services by the municipalities such as housing, a healthcare insurance and assistance in the integration process in kind. In addition, beneficiaries of international protection will receive an allowance. It remains to be seen whether this agreement is actually going to be converted into law.

Source: AIDA, Country Report Netherlands, 2017 Update, forthcoming.

12.3 Health care

Relevant national jurisprudence

Italy - Similar to asylum seekers after their right to work is provided, in some regions – such as Lazio and Toscana, beneficiaries of international protection are no longer exempted from contribution to health spending (*partecipazione alla spesa sanitaria*), also known as “sanitary ticket”, because they are considered inactive and not unemployed. ASGI lawyers have lodged an appeal against the refusal to exempt an Iraqi female refugee from contribution to health spending on the ground that she was inactive and not unemployed, since she was entitled to access the labour market. The Civil Court of Rome upheld the appeal and stated that, after the entry into force of the LD 150/2015, the distinction between unemployed and inactive persons is no longer valid. Therefore even beneficiaries of international protection are entitled to the aforementioned exemption.

Source: AIDA, Country Report Italy, 2017 Update, forthcoming.

12.4 Travel documents

Relevant national jurisprudence

Italy - Acting against the widespread practice of some Questure not to respond to applications for travel documents submitted by holders of subsidiary protection, ASGI has lodged an appeal against the administrative silence of the Questura of Torino. The case concerned a Senegalese holder of humanitarian protection but the rules applied and referred to by the Administrative Court of Piemonte which upheld the appeal are the same as for subsidiary protection holders (Article 24 (2) LD 251/2007). The Court accepted the appeal and ordered the Questura to adopt a reasoned decision on the request within 30 days.

Source: AIDA, Country Report Italy, 2017 Update, forthcoming.

13) Return of former applicants for international protection

New/remaining matters of concern (not necessarily for former applicants)

Belgium - Over the summer of 2017, there was an increase of migrants from Sudan staying in and around the Gare du Nord area in Brussels, where the Aliens Office is located. Many of these Sudanese migrants did not apply for asylum. Between 4 September and 4 October 2017, the police conducted 30 round-ups in the area, leading to the apprehension of 653 people considered to be irregularly present in the country, 215 of whom claimed to be Sudanese. 99 of the Sudanese were placed in closed centres pending deportation. The Belgian government aimed to return 47 of them to their country of origin, and the remaining 52 to the EU country where they had been first registered. Between 18 and 27 September 2017, a three-person delegation travelling from Sudan, together with representatives from the Sudanese embassy in Belgium, interviewed 61 individuals in different Belgian detention centres. Media reported that members of the delegation were agents of Sudan’s National Intelligence and Security Service (NISS), a state agency that Amnesty International considers responsible for serious and widespread human rights violations. Nine of the individuals identified

by the Sudanese delegation were forcibly returned to Khartoum. On 20 December 2017, the Tahrir Institute for Middle East Policy published information and extracts from interviews with individuals who had been returned from Belgium, alleging that shortly after their arrival in Khartoum they were detained in a police station nearby and beaten by Sudanese authorities.

In returning Sudanese nationals to Sudan without first carefully assessing risks they may incur upon repatriation, Belgium showed disregard for both substantive and procedural obligations under the principle of non-refoulement. Courts have also held that the government has not proceeded to an in-depth examination. On 4 January 2018, the Court of Appeal of Brussels found that the authorities had failed to assess the risks that the appellant would face if returned to Sudan, in violation of Article 3 ECHR. The Belgian government had claimed that, since the third-country national had not expressed his wish to apply for asylum in Belgium, assessing the risk of a violation of Article 3 ECHR would be premature. The Court of Appeal rejected the argument and recalled that, based on the country of origin information available and the incidents concerning Sudanese who have been ill-treated upon return, the Secretary of State could not have envisaged the return of the Sudanese concerned without verifying all necessary information to dismiss any risk of an Article 3 ECHR violation. Finally, the Court of Appeal highlighted that the national authorities had failed to grant the Sudanese national the opportunity to be heard about his concerns to be sent back to Sudan before issuing a return decision.

Source: AIDA, Country Report Belgium, 2017 Update, forthcoming.

14) Resettlement and humanitarian admission programmes

Positive developments

United Kingdom - Resettled refugees to all receive refugee status (from 1st July 2017) – previously those on the Syrian Resettlement Scheme and Vulnerable Children’s Resettlement Scheme received Humanitarian Protection.

Source: AIDA, Country Report United Kingdom, 2017 Update, forthcoming.

15) Relocation

Slovenia - One considerable problem facing relocation beneficiaries in 2017 concerns Family Reunification for relocated Eritreans. All family reunification applications by relocated Eritreans granted international protection in Slovenia have so far been rejected. This is because they are unable to provide documents not issued by the Eritrean State, such as church documents which considered by Slovenia to be less credible. This poses a serious limitation on their well-being and integration prospects, as they are forced to live separated from their spouses and children, and it is questionable whether they would have agreed to be relocated to Slovenia if they were aware of this in advance.

Source: AIDA, Country Report Slovenia, forthcoming.

Cyprus - Many of the relocated asylum seekers have expressed their disappointment regarding the reception conditions in Cyprus as well as the limitations in rights under the status of asylum seekers (restriction of access to labour market). They were reportedly told in Greece or Italy that they would be received as refugees in Cyprus and be afforded full refugee rights upon arrival and unrestricted access to the labour market. As regards to accommodation, they did not expect to be housed in a remote collective centre for asylum applicants but rather be afforded independent accommodation with private hygiene facilities, in an urban area. However in certain cases relocated asylum seekers expressed relief to be in Cyprus and in the reception centre as they reported the conditions in Italy to be worse. Overall it is clear that they are not provided with sufficient information prior to their arrival and they are encouraged often with false information to agree to the relocation. Riots broke in the Kofinou Reception Centre in early 2018.

Source: AIDA, Country Report Cyprus, 2017 Update, <http://bit.ly/2CPFFVt>.

16) Other relevant developments

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