

# DELIVERABLE D.T1.1.3

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Analysis of the refugee reception and integration  
policy framework in all Central European regions

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## INTRODUCTION

The deliverable provides the analysis of refugee reception and integration policy framework for all Central European regions.

Refugee integration policies are a national competence; for this reason, this deliverable addresses the issue of the specific national legislative frameworks which define the limits and decisional autonomy of actors active at subnational level (e.g. policy makers, regional government, municipalities, private actors, associations) in the nine INTERREG countries. The collection of relevant statistical national data provides a visual map of the migration flows which have been of concern to Central European regions over the last decade.

The deliverable offers the necessary background to the following steps of the SiforREF project:

- 1) Co- creation of a transnational methodology for a common social innovative approach in refugee policy;
- 2) Creation of a set of indicators for measuring social innovation capacity.

The deliverable is structured in two parts. The first part provides the analysis of refugee reception and integration policy sheets; the second part collects relevant national statistical information.

For each national case, the deliverable provides:

- An overview of the national legislative framework, including constitutional laws and supra-national provisions;
- A brief analysis of how EU directives and Geneva Convention have been received and integrated in national legislation over the last decade;
- Some insights on how asylum policies and national political debate on immigration and asylum have changed in the last decade in each of the nine INTERREG countries.

In addition, the deliverable collects policy sheets on:

- Conditions relating to access to territory, to the processing of applications, and to the determination of status, with a special focus on the main rules, practices, and actors involved;
- Conditions relating to the welfare of asylum seekers (i.e. *before* granting international protection);
- Contents of international protection (i.e. *after* the status is granted).

The final part of each national report focuses on the multilevel governance of asylum, aiming at shedding light on the specific responsibilities of national and subnational authorities in refugee reception and integration.

The sources of the deliverable are - when available - AIDA country reports (2018) integrated with national scientific literature and official documentation from both public institutions and private organizations.



The second part of the deliverable collects national statistical data on migration flows which in the last decade have been of concern to Central European regions. Relevant indicators and sources of the data are listed in table 1 and 2.

*Table 1*

<i>Indicator</i>	<i>Possible sources</i>	<i>Years</i>
Foreign population (documented immigrants)	<a href="#">Eurostat</a>	2018
Foreign population (documented immigrants) as a quota of the total population	<a href="#">Eurostat</a>	2018
Number of undocumented migrants	“Clandestino” project National sources (e.g. <a href="#">ISMU</a> )	2018

*Table 2*

<i>Indicator</i>	<i>Possible sources</i>	<i>Years</i>
Number of asylum applicants per year	<a href="#">UNHCR</a>	2010-2017
Number of asylum applicants (total and ten main nationalities)	<a href="#">UNHCR</a>	2018
Number of refugees recognized, conventional protection (total and ten main nationalities)	<a href="#">UNHCR</a>	2018
Number of refugees recognized, other types of protection (total and ten main nationalities)	<a href="#">UNHCR</a>	2018
Rejected applications <b>[A]</b> (total and ten main nationalities)	<a href="#">UNHCR</a>	2018
Applications otherwise closed (total and ten main nationalities)	<a href="#">UNHCR</a>	2018
Total decisions <b>[B]</b> (total and ten main nationalities)	<a href="#">UNHCR</a>	2018
Rejection rate <b>[A/B]</b> (total and ten main nationalities)	<a href="#">UNHCR</a>	2018
Pending asylum application at the end of the year	<a href="#">UNHCR</a>	2018
Resettlements	<a href="#">UNHCR</a>	2018
Relocations from Italy and Greece (Implementation of the EU Relocation Mechanism)	<a href="#">European Commission</a>	30/10/2018
Third country nationals found to be illegally present	<a href="#">Eurostat</a>	2018
Third country nationals ordered to leave <b>[C]</b>	<a href="#">Eurostat</a>	2018
Third-country nationals effectively returned <b>[D]</b>	<a href="#">Eurostat</a>	2018
Expulsion rate <b>[D/C]</b>	<a href="#">Eurostat</a>	2018
Effects of asylum policies	Cf. <a href="#">IMPIC</a> and <a href="#">MIPEX</a>	



**PART 1**  
**COUNTRY REPORTS**



## AUSTRIA

### **1. *Brief overview of the national legislative framework***

Austria adopted international agreements on migration and asylum, namely the Geneva Refugee Convention (1973), European Convention on Human Rights (1958). Adopted EU regulations are the Dublin Regulation (1990), the Schengen Convention (1990), the Safe Third Countries Regulation (1998) and the Charter of Fundamental Human Rights of the European Union (2009).

The legislative competence lies with the Austrian National Government, which also ratified the Asylum Act (AsylG) in 1991, replacing the old Asylum Act from 1968. The Integration Agreement (Integrationsvereinbarung) from 2002 shifted the responsibility of providing welfare benefits for migrants from the nation state to the federal states, in return the migrants commit to integrate with e.g. learning German. The aim of the Integration Act is to protect the state from asylum and welfare abuse. The Aliens Law regulates the legal status, the entrance and reception, deportation, voluntary return, accommodation and Basic Welfare Support during the whole asylum process. The main aim of the national asylum policies – like in other EU member countries – is the quick integration into the domestic labour market.

### **2. *Main changes of the last decade***

In the 1990s, policies regarding asylum and migration became stricter, when Austria transformed into a country of destination rather than transition as it used to be. The then introduced Asylum Act should help reduce asylum applications due to long procedures. In the last decade asylum policies became even stricter under the (ÖVP and FPÖ) right-wing coalition, which was in government from 2000-2005 and 2017-2019. Immigration is a major topic, especially among the parties of the right-wing coalition and during election time. Topics like security and national identity emerged in the political discourse particularly since the “migration crisis” of 2015. Concerns about the integration of newcomers have arisen by the vocabulary used for them by the right-wing FPÖ party, such as “bogus asylum seekers”, “poverty migrants” and “criminal foreigners”. Initially, a welcoming approach was provided by the civil society and NGOs by providing help and services when refugees arrived in Vienna in 2015. Quickly, hostility towards refugees was driven by the conservative political parties and supported by the Austrian tabloid newspapers. Since 2016, more restrictive policies, border controls, the shutdown of the “Balkan route” and limits to the share of refugees were introduced. In contrast to the nation level stands the regional level (city of Vienna) with an “integration-oriented diversity policy” (“Integration from Day 1” of arrival) stemming from the Red Vienna tradition of social cohesion and a socio-democratic party (SPÖ) in office since the end of WWII.





### ***3. Conditions relating to access to territory, to the processing of applications, and to the determination of status***

At federal level, the granting of the legal status, the entrance and reception, deportation and voluntary return, as well as accommodation and Basic Welfare Support during the whole process are regulated by the immigration and asylum legislation (Aliens Law, Law on Settlement and Residence, Asylum Law). State actors responsible for asylum, migration and integration include the Federal Ministry of the Interior (Bundesministerium für Inneres, BM.I) and the Federal Office for Immigration and Asylum (Bundesamt für Fremdenwesen und Asyl, BFA). They hold the main responsibilities in the policy fields of migration and asylum and are responsible for border protection, migration, return migration, citizenship and asylum. The Federal Ministry for Europe, Integration and Foreign Affairs (Bundesministerium für Europa, Integration und Äußeres, BMEIA) processes visa and the Red-White-Red-Card (an income-dependent residence permit). Since 2014, the integration agenda is assigned to the Austrian Integration Fund (ÖIF) (Österreichischer Integrationsfonds), which was outsourced from the Federal Ministry of the Interior. The ÖIF is “a fund of the Republic of Austria and a partner of the Federal Ministry for Europe, Integration and Foreign Affairs along with many responsible authorities on integration and migration in Austria”. The ÖIF finances and manages integration projects on behalf of the BMEIA and was responsible for the Integration Agreement. Other state actors are the Federal Ministry of Labour, Social Affairs, Health and Consumer Protection (BMSGK), which issues work permits and help refugees with attending qualification courses (free of charge) in cooperation with the Public Employment Service (Arbeitsmarktservice, AMS) which is an affiliated partner of ÖIF.

### ***4. Conditions relating to the welfare of asylum seekers***

Reception: The federal states (Bundesländer, e.g. Lower Austria or Vienna), where applicants are registered, are responsible for the Basic Welfare Support (2004) (accommodation, food, clothing, health care and insurance, travel costs for school attendance, sometimes spending money) or social aid (e.g. Needs-Based-Minimum Benefit) for asylum applicants, in case they do not have any private income or financial support. Asylum seekers are distributed among the federal states according to quota system, where the federal states have to take in and provide accommodation according to their population size. The capital, Vienna, is exceeding its quota, while other federal states are not providing the number of places required from the quota. At the ratio 60:40 the funding for asylum seekers is divided between the nation state and the federal states.

Housing: for asylum seekers is provided in inns, boarding houses or reception centres. For refugees, it is also possible to rent a flat, which is the most common form of accommodation for refugees, especially in Vienna. Access to social housing, for instance in Vienna, is restricted and depends on a distinct duration of main residency at one (not changing) registered address, but waiting lists are long. Persons with subsidiary protection have no access to municipal housing. Refugees are only entitled to the Basic Care (Mindestsicherung) and therefore accommodation provided by NGOs for another four months after being granted



asylum. Instead, asylum seekers granted subsidiary protection have no time limit on the Basic Care support. In 2016, the right to reside in Austria has been restricted for recognized refugees, from permanent residence to three years, thus decreasing the number of asylum seekers and hindering family reunifications.

Employment: During the asylum procedure, asylum seekers have no access to the formal labour market in Austria. However, they can only engage in voluntary work, seasonal work (although a work permit is required; can be obtained three months after the asylum application is admitted) in tourism, agriculture or forestry for maximum 6 months. Such voluntary work is subject to quotas and internships, and it is allowed whenever labour shortage is evident, the refugee/asylum seeker is under 25. Additionally, asylum seekers can work in private households. The sectorial restrictions are based on a labour market test (Ersatzkraftverfahren), which evaluates if there are enough Austrians and other EU citizens who could do the same job. Skill checks are mainly provided by the public employment service (AMS). After being granted asylum or subsidiary protection, there is free access to the Austrian labour market. The AMS shall help the refugees to find work with so called Competence Checks (on “language proficiency, educational level, professional experience, personal interests and motivations” OECD, 2018, p. 47). Self-employment is another option for migrants to access the Austrian labour market, however, self-employed migrants may find themselves in problematic situations, e.g. self-exploitation, and those who choose this path are mostly driven by the lack of opportunities.

After asylum is granted, the Needs-Based Minimum Benefit (bedarfsorientierte Mindestsicherung; which varies across federal states) is available for refugees; however, since 2017, integration courses (language courses and value and orientation courses (Wertekurse)) are compulsory to receive this benefit.

Since 2012, the Ministry of Labour, Social Affairs, Health and Consumer Protection (BMASKG) and the Secretary of State of Integration have strived to accredit skills obtained abroad to ensure easier labour market integration for immigrants. The Counselling Centre for Migrants, for example, assesses and recognizes refugees’ skills via the Recognition and Assessment of Qualifications Obtained Abroad (AST).

Detention and deportation: As for asylum seeking, the legal framework of deportation and expulsion changed over time. Before the changes in policies in the 1990s, deportations were only possible when there was a violation of the rights or if a migrant was considered as a danger to public safety. Additionally, expulsions (Ausweisungen) and deportations were possible on grounds of illegal entry. However, new possibilities for a right to stay for rejected asylum seekers have evolved on a federal level, even though they are restricted to, for instance, humanitarian residence permit or subsidiary protection. In 2018, the Federal Office for Immigration and Asylum (Bundesamt für Fremdenwesen und Asyl, BFA) introduced the programme “Voluntary return – a new start with prospect”, which provides financial incentives to encourage the assisted return to the countries of origin.

## ***5. Contents of international protection***



In 2002, the Integration Agreement (Integrationsvereinbarung) placed the responsibility to provide welfare benefits to migrants onto the federal state. At the same time, migrants commit to integrate, for instance by advancing their language skills. The Integration Agreement clarifies rights and responsibilities of both the public actors and the recipients of benefits and services. This quasi-legal tool had the twofold merit of introducing a contract of “goodwill”, committing the service provider and the end-users, and placing integration on the political agenda as self-standing policy field. The value and orientation courses go into the same direction, trying to make integration smoother.

Since 2017, language and value and orientation courses (Wertekurse) funded by the Austrian Integration Fund (ÖIF) are compulsory after asylum is granted to receive the Needs-Based Minimum Benefit (bedarfsorientierte Mindestsicherung; which varies across federal states). Migrants who want to settle in Austria permanently, have to participate in language course (CEFR levels A1 and A2) and value courses and successfully complete them within two years. The courses cover key topics of everyday life in Austria, including values like democracy and equality.

## ***6. Multilevel governance of asylum***

### Vertical dimension

In Austria, five administrative levels share competencies in the field of migration and asylum policies: international, EU, national, federal, and municipal. In the realm of migration policy, the multi-level structure of governance is particularly evident when it comes to the sharing of responsibilities in social policies, e.g. payments or distribution of refugees, between the federal state and the Austrian provincial states. The so-called Art. 15a B-VG agreements regulate the shared responsibilities between the federal and the provincial level. Since 2010, the National Action Plan for Integration (NAP.I) tries to bring all levels of government together, e.g. with meetings. The nation state (Republic of Austria) and federal states (e.g. Lower Austria) cooperate on funding opportunities, also for refugees. In 2015, the “50 Points Action – Plan for the Integration of Persons entitled to Asylum or Subsidiary Protection in Austria” promotes elements of integration in regard to the labour market, language skills, cultural values etc.

Refugee policy-making in Vienna is based on a long experience that developed over time into a process with shared competences at regional and local levels. The multi-level dimension of refugee policy-making in Vienna is based on a very strong network of actors being involved in service provision and initiatives for labour market and social integration. These long-term cooperative relations are crucial for quick response from the main public actors to devise solutions for disruptive moments such as in autumn 2015 when the number of arriving refugees during a very short time period exceeded the expectations. While overlaps in coordination, service provision and funding availabilities are inevitable in a multi-level governance system, the robust system of service provision might be seen as a strength and weakness at the same time. The network of public and private actors (consisting of mostly long-established NGOs and social partnerships), create a system in service provision that



might be interpreted as ‘paternalistic’ with very low permeability to integrate migrants and refugees in the society. The Austrian migration policy is characterized by a dichotomy between a well-established multi-level governance system and a strong dependency on access to financial means at the local level. The redistribution of funding from the regional level to local level creates a strong dependency on financial support for public and private actors.

A relevant feature of the multi-level governance in Austria is the so-called “social partnership” (Sozialpartnerschaft), which strives to reconcile all interests from the employers and employees association (Trade Unions, Chamber of Labour, Economic Chamber, Federation of Austrian Industry), the Chamber of Labour (Arbeiterkammer) and the Austrian Federal Chamber Economic Chamber (Wirtschaftskammer Österreich) in a cooperative manner. The system of social service provision and refugee policymaking in Vienna is unique in international comparison, thanks to the social partnerships (Sozialpartnerschaften).

From an administrative viewpoint, the Municipal Department 17 of the City of Vienna: Integration and Diversity (MA 17) belongs to the Administrative Group for Education, Integration, Youth and Personnel headed by the Executive City Councillor (Amtsführender Stadtrat). The MA17 is a special body responsible for issues related to migration, integration policies, research, and implementation of respective programmes at the federal provincial level. Additionally, the MA 17 holds offices in the city districts, which organize stakeholder meetings, including NGOs, city administration, or the Urban Renewal Offices (Gebietsbetreuung Stadterneuerung), especially in those Viennese districts with high shares of migrants, where matters related to migration and asylum are discussed with the people living in the neighborhoods.

#### Horizontal dimension:

Many small initiatives organized by civic associations emerged during the changing climate against refugees and asylum seekers in the 1990s. NGOs and NPOs are for instance: Caritas, Diakonie, Volkshilfe, SOS Menschenrechte, Asyl in Not, Asylkoordination Österreich, Forum Asyl, Integrationshaus, Counselling Center for Migrants, UNHCR, Amnesty International, etc.

### ***7. Main References***

AIDA, 2018. Country Report: Austria. Vienna.

Biffl, G., 2017. Migration and Labour Integration in Austria SOPEMI Report on Labour Migration Austria 2016-17

Monograph Series Migration and Globalisation. Report of the Austrian SOPEMI correspondent to the OECD, Krems (Edition Donau-Universität Krems)

BMEIA, 2015. 50 Action Points. A Plan for the Integration of Persons entitled to Asylum or Subsidiary Protection in Austria. Vienna.

EMN, 2017. Austria Annual Policy Report 2017. Vienna.

EMN, 2015. The Organization of Asylum and Migration Policies in Austria.



Eurofund, 2019. Role of public services in integrating refugees and asylum seekers. Publications Office of the European Union, Luxembourg.

FSW, 2019. Flüchtlinge, Asyl und Grundversorgung. Grafiken und Daten zu Wien, Österreich und der EU. Stadt Wien, Vienna.

Gruber, O., 2017. Refugees (no longer) welcome. Asylum discourse and policy in Austria in the wake of the 2015 refugee crisis, in: Barlai, M., Fähnrich, B., Griessler, C., Rhomberg, M. (Eds.), *The Migrant Crisis: European*

*Perspectives and National Discourses*, Studien Zur Politischen Kommunikation. pp. 39–57.

ICMPD, 2018. Public attitudes on migration: rethinking how people perceive migration An analysis of existing opinion polls in the Euro-Mediterranean region. European Union.

Josipovic, I., Reeger, U., 2018. RESPOND: Global Migration: Consequences and Responses. Country Report – Austria. *Legal & Policy Framework of Migration Governance*.

Kraler, A., 2011. The case of Austria, in: Zincone, G., Penninx, R., Borkert, M. (Eds.), *Migration Policymaking in Europe The Dynamics of Actors and Contexts in Past and Present*. pp. 21–60.

Merhaut, N., Stern, V., 2018. Asylum Policies and Protests in Austria, in: Rosenberger, S., Stern, V., Merhaut, N. (Eds.), *Protest Movements in Asylum and Deportation*. Springer International Publishing, Cham, pp. 29–47.

[https://doi.org/10.1007/978-3-319-74696-8\\_2](https://doi.org/10.1007/978-3-319-74696-8_2)

OECD, 2018. Working Together for Local Integration of Migrants and Refugees in Vienna. OECD Publishing, Paris.

Rheindorf, M., Wodak, R., 2018. Borders, Fences, and Limits—Protecting Austria From Refugees: Metadiscursive

*Negotiation of Meaning in the Current Refugee Crisis*. *Journal of Immigrant & Refugee Studies* 16, 15–38.

<https://doi.org/10.1080/15562948.2017.1302032>

The Expert Council for Integration, 2018. *Integration Report 2018*. Vienna.



## CROATIA

### ***1. Brief overview of the national legislative framework***

The asylum procedure in Croatia is an administrative procedure regulated by the Law on International and Temporary Protection (LITP, 2015, amended 2017). By this law Croatia has transposed relevant EU directives such as Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection.

The draft of Act has been opened for a public discussion where more than a half of the comments were proposed by the NGOs, lawyers and International organisations and have been officially accepted. Additionally, the Law on General Administrative Procedure (2009) is applied in the asylum procedure. Other laws relevant to asylum procedures are: Law on Administrative Disputes (Official Gazette 20/2010); Law on Foreigners (Official Gazette 130/2011) Law on Mandatory Health Insurance and Health Care for Foreigners in the Republic of Croatia (Official Gazette 80/2013 *Amended*: Official Gazette 15/2018) and Law on Free Legal Aid (Official Gazette 143/2013).

### ***2. Main changes of the last decade***

Until 2015, Croatia was not an important destination or a major transit country for migrants and Croatia's asylum system was not designed for dealing with a significant number of asylum claims. Between September 2015 and March 2016, 658,068 ca migrants transited through Croatia with the intention to apply for asylum in another EU country. During the crisis, Croatian authorities did not apply the Schengen Borders Code and the Dublin rules. Since 2016, however, the Court of Justice of the European Union has ruled for a stricter interpretation of the Dublin and Schengen Borders code. This puts under pressure the Croatian asylum system, which need to be significantly improved to enable a human-rights compliant and efficient processing in case of another large influx of asylum claims. The political and social attitude towards asylum seekers is diffident, and xenophobic political tendencies are increasing; observers signal pushbacks at the borders, rejections of applications, and migrant' difficulties in integrating themselves.

### ***3. Conditions relating to access to territory, to the processing of applications, and to the determination of status***

The main body responsible for the implementation of asylum policy in Croatia is the Ministry of Interior, which is the competent authority in the first instance procedures. All asylum matters are under the responsibility of the Administrative and Inspection Affairs Directorate, within which is the Service for Aliens and Asylum. This includes the Asylum Department and the Reception Centre for Asylum Seekers.



Border Police and Police Administration are responsible to collect the intention to apply at the border or on the territory while the Asylum Department is responsible of the refugee status determination, first instance procedure, and the application of the Dublin procedure. Administrative Court and High Administrative Court are responsible for the Appeal. Police officers register the applicant in the records of the Ministry of Interior no later than 3 working days from the day after the applicant expressed the intention to apply for international protection; they issue a certificate of registration and set a time limit in which the applicant must report to the Reception Centre for Applicants for International Protection to lodge the application. The Asylum Department of the Ministry of Interior arranges the personal interview with the applicant and shall issue a decision within 6 months. The law requires the presence of an interpreter and the draft of verbatim minutes of the interview. The Asylum Department is responsible for examining the Dublin criteria and carrying out Dublin transfers to another Member State. The asylum procedure is a single procedure, which covers both request for asylum and subsidiary protection; the Asylum Department determines *ex officio* the existence of conditions for granting subsidiary protection status where the conditions for granting refugee status are not met.

An application may also be processed under an accelerated procedure and border procedure. Negative decisions may be appealed before the Administrative Court within 30 days in the regular procedure, and 8 days in the case of Dublin decisions, inadmissibility decisions or the accelerated procedure. Appeals have automatic suspensive effect. As regards onward appeals, there is also a possibility to lodge a complaint before the Constitutional Court in case the applicant claims a violation of a right guaranteed by the Croatian Constitution.

In Croatia, safe country concepts started being applied in 2016 under the LITP. In 2016 a Decision on the list of safe countries of origin was adopted.

Observers notice that Free state-funded legal aid is often not available at first instance, but it is provided by organisations or by contracted attorneys. Access to registration is often denied at the Croatian borders with Serbia and Bosnia and Herzegovina and use of violence by police has been reported. Professional interpreters are often not available.

#### *4. Conditions relating to the welfare of asylum seekers*

Detention: is possible under all types of asylum procedures but not common. It can be ordered by Police stations, police administrations, the Reception Centre for Asylum Seekers or the Asylum Department. Croatia has three detention centres: The Reception Centre for Foreigners in Ježevo (95 places); the Transit Reception Centres in Trilj and Tovarnik. There are alternatives to detention (reporting duties, surrendering documents, financial guarantee, residence restrictions). The LITP allows for the detention of vulnerable applicants, if compatible with their special needs. Detention of unaccompanied children is possible only for limited time. Maximum detention time is 3 months (plus 3 months).

Reception: Material reception conditions include accommodation, food and clothing, remuneration of the cost of public transport for the purpose of the procedure for the approval



international protection, and financial aid. This is very low, 100 HRK per month (€13.50 ca). Only asylum seekers accommodated in the RCAS are entitled to financial support. Asylum seekers detained are not allowed financial support. Applicants can freely move within the country no restrictions are applied with regards to the area of residence.

Housing: Applicants are entitled to accommodation at the Reception Centres for Asylum Seekers, but they can stay at any address in Croatia, subject to prior approval by the Ministry of Interior, at their own cost. There are two reception centres, directly managed by the Ministry of Interior, with a total capacity of 700: Hotel Porin in Zagreb and the Centre of Kutina, primarily used for the accommodation of vulnerable groups. Applicants can stay in the Reception Centre until the completion of the procedure and a final decision is taken on their case. When a final negative decision on the asylum application has been taken, the right to receiving reception conditions ends.

Employment: Applicants have the right to work after 9 months from the day of lodging the application, if the procedure has not been completed due to no fault of the applicant. At the request of the applicant, the Ministry of Interior issues a document to certify that the applicant has acquired the right to work. Asylum seekers have difficulties in finding a job, due to their poor language skills, to the limited professional background, as well as to the high national rates of unemployment.

Education: the right to primary and secondary education is granted to child applicants under the same conditions as for Croatian nationals. Children can access education within 30 days of lodging an application. Education and vocational training schemes are not accessible to adults; the procedure for enrolment of asylum-seeking children in pre-school, elementary or high school is performed by the Reception Centre for Asylum Seekers or by their guardians. Child applicants are entitled to preparatory and supplementary classes to learn Croatian and to make up for the knowledge they might lack in some school subjects.

Healthcare: Applicants are entitled to healthcare which includes emergency care and treatment of illnesses and serious mental disorders. It is provided by special healthcare institutions in Zagreb and Kutina designated by the Ministry of Health. A specialist ambulance for vulnerable groups is available. Access to health care remain an issue for asylum seekers (language and poor organization).

Provisions for vulnerable groups: Although the LITP provides special procedural and reception guarantees, the Ministry of Interior do not have a special unit dealing with vulnerable groups. No system for early identification of victims of torture or other forms of ill-treatment by competent authorities and professionals is present. Separate premises are provided in the Reception Centre in Kutina for women and vulnerable groups, but there are violations. Unaccompanied children under 14 years of age are accommodated in children's homes, while children above the age of 14 are accommodated in Residential Child Care Institutions. These facilities are not adapted to the specific needs of these children.





## ***5. Contents of international protection***

The duration of residence permit for asylees is 5 years, beneficiaries of subsidiary protection receive a 3 years residence permit. The request should be submitted to the competent police administration, and the residence permit should be issued within 30 days from submitting the request. Permanent residence is granted to a foreigner who, before the submission of the application for permanent residence in the Republic of Croatia, had legal residence uninterruptedly for 5 years.

Family Reunification: Asylum and subsidiary protection beneficiaries are granted family reunification. There are no requirements in relation to waiting periods before a beneficiary can apply for family reunification nor is there a minimum income requirement.

Freedom of movement: Beneficiaries of international protection have freedom of movement within the State and are not allocated to specific geographic regions within the country.

Social welfare: asylees and beneficiaries of subsidiary protection have the right to social welfare pursuant to the regulations governing the domain of social welfare of Croatian citizens. However, some rights from the social welfare system can vary depending on local self-administration and regional self-administration.

## ***6. Multilevel governance of asylum***

### Vertical dimension

EU directives are at the basis of Croatia law on asylum: Law on International and Temporary Protection (LITP, 2015, amended 2017). According LITP, the Ministry of Interior is responsible for the implementation of asylum policy in Croatia. The Administrative and Inspection Affairs Directorate has the responsibility of all asylum matters, and, in particular, within which is the Service for Aliens and Asylum. This includes the Asylum Department and the Reception Centre for Asylum Seekers, responsible of the refugee status determination, first instance procedure, and the application of the Dublin procedure. Border Police and Police Administration are responsible to collect the intention to apply at the border or on the territory. Administrative Court and High Administrative Court are responsible for the Appeal.

Once the international protection has been granted, some rights concerning social welfare depend on local self-administration and regional self-administration.

### Horizontal dimension

NGOs, other private actors, associations, etc. (e.g. service outsourcing) are very active in providing legal assistance and information to refugees, health care and educational services.



## 7. *Main References*

Asylum Information Database (AIDA). Country Report: Croatia; update March 2018, 2019;  
Author: Lana Tučkorić, Croatian Law Centre.

<https://www.asylumineurope.org/reports/country/croatia>

European Commission. Annual Report 2018 on Migration and Asylum in Croatia. National  
Report, part. 2.

[https://ec.europa.eu/home-affairs/sites/homeaffairs/files/04a\\_croatia\\_arm2018\\_part2\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/04a_croatia_arm2018_part2_en.pdf)

Iris Goldner Lang, “Croatia and EU Asylum Law: Playing on the Sidelines or at the Centre  
of Events?” In Vladislava Stoyanova and Eleni Karageorgiou, *The New Asylum and Transit  
Countries in Europe during and in the Aftermath of the 2015/2016 Crisis*. International  
Refugee Law Series, Vol. 13, Brill, 2019, pp 93-112.



## CZECH REPUBLIC

### *1. Brief overview of the national legislative framework*

Resolution No. 621 of the Government of the Czech Republic defines the Country's Migration Policy Strategy and was adopted on 29 July 2015. It defines the Government's priorities concerning integration of foreign nationals, illegal migration and return policy, international protection, external dimension of migration, free movement of persons within the EU and the Schengen Area, legal migration and international obligations of the Czech Republic regarding migration. The main law regulating Czech immigration legislation is the Foreigners Act (Act No. 326/1999) on the Residence of Foreign Nationals in the Territory of the Czech Republic. The act regulates the conditions of entry and exit for non-citizens, including provisions on immigration detention and conditions of residence. It also defines the responsibilities of the police, the Interior Ministry, and the Ministry of Foreign Affairs. The Asylum Act, AA (Act No. 325/1999) regulates asylum procedures, conditions of stay for asylum seekers in the Czech Republic, and rights and obligations. Importantly, the AA provides for the detention of applicants for international protection. Both these laws are amended frequently. This legislation deals primarily with migration administrative and control functions as well as border and entry control and combating irregular migration. However, many of the provisions in 'migration governance' conventions on human and labour rights applicable to migrants, on access to social protection, and regarding integration-related measures do not feature fully or at all in national legislation. In contrast, the Interior Ministry has elaborated a non-legislative executive policy. The key relevant strategic documents are the Strategy of Czech Migration Policy (Ministry of Interior 2015) and the regularly updated Policy of Foreigner Integration (Ministry of Interior 2018), with inputs from stakeholders including civil society.

### *2. Main changes of the last decade*

The Czech Republic is not an important destination country for asylum-seekers coming to Europe. Unlike many other EU countries, the Czech Republic did not experience a spike in asylum applications at the height of the so-called "refugee crisis" in 2015-2016. The reasons for this include the absence of an external Schengen land border, the low attractiveness for asylum-seekers, as well as repressive policies including the broad use of administrative detention for transiting migrants (OHCHR 2015). Although the numbers of asylum applicants have increased slightly, it remains considerably low. The Czech Republic does not take part in any EU scheme for the relocation of asylum seekers and has halted its national scheme for the resettlement of refugees. It had joined the EU countries, Poland and Hungary that declined to sign the Global Compact for Migration, active from December 2018. The 2015 amendment to the Asylum Act, designed to transpose the EU Reception Conditions Directive expanded the list of grounds justifying the detention of asylum seekers. In August 2017, an amendment to the Foreign National Act provided additional grounds for extending detention (inc. families) and limiting family reunification.



### ***3. Conditions relating to access to territory***

The Ministry of the Interior is the main body responsible for the asylum and migration policy in the Czech Republic through its Department for Asylum and Migration Policy. The Ministry is also responsible for the Refugee Facilities Administration, which oversees reception, accommodation and integration of asylum seekers. The Coordination Body for Managing the Protection of the State Borders of the Czech Republic and Migration has the authority to take the necessary measures in the fields of migration and the protection of state borders. In addition, there are the Analytic Centre for Border Protection and Migration, a permanent body controlled by the Ministry of the Interior, and the Alien Police Service, a specialized unit of the Police, which performs tasks related to detection of illegal migration.

Regular Procedure: The procedure starts when the asylum seeker declares his intention to apply for international protection. The asylum seeker needs to present himself at a reception centre within twenty-four hours from his declaration and file an application for international protection. The Alien Police will perform identification processes. The asylum seeker will undergo a medical examination at the reception centre and will be transferred to an accommodation centre, where he/she awaits the first instance decision and will be interviewed to verify the reasons at the basis of his/her application for international protection. The Ministry needs to issue a decision within 90 days. The decision becomes effective when it is delivered to the applicant. In case of negative decision, the Alien Police will issue a departure order to the asylum seeker. In case of rejection, it is possible to file an action against the ministry's decision with the Regional Court. The action must be filed within a period of fifteen days and has a dilatory effect. An asylum seeker has the right to file a cassation complaint with the Supreme Administrative Court in Brno. Fast-track procedure and inadmissibility procedure are also in use.

### ***4. Conditions relating to the welfare of asylum seekers***

Asylum facilities include reception centres, accommodation centres, detention centres and integration asylum centres. Facilities are differentiated based on the purposes they serve; they are established by the Ministry of the Interior and managed by the Refugee Facility Administration.

Detention: there are special detention facilities designed for migrants whose application was rejected and who have received the departure order from the Immigration Police. These centres are in Balková, Bělá-Jezová, and Vyšni Lhoty. Observers from UN and NGOs criticize living conditions in detention centres as “inhuman and degrading”, they denounce excessive use of force, unnecessary hand-cuffing and various abuses.

Reception conditions and housing: asylum seekers are obliged to stay in Reception Centres for the time necessary, according to the law up to 120 days, to perform the elementary entry procedures (identification, medical examination, filling application for international protection). Reception centres provide accommodation, food, basic hygienic needs, health care, social and psychological services. Breach of the obligation to remain at a reception



center is considered criminal offence. Reception centres (Přijímací střediska) are located in Zastávka u Brna and in the transit area of Prague Ruzyně (Vaclav Havel) Airport. The Global Detention Project classifies both reception centres as “secure” reception centres, indicating that they are sites of deprivation of liberty even if the language used to designate them does not specifically indicate this fact. Both reception centres are secure, guarded facilities. The rooms in the airport facility are barred, while in Zastavka asylum seekers can walk freely between buildings, as only the external exit is guarded. According to official sources, Czech police guarantees external security, while a private security agency guarantees internal security. Reception centres compounds are also surrounded by a fence and are under CCTV surveillance. Facilities are divided into standard and protected zones—the latter are reserved for vulnerable categories such as children and single women.

After termination of entry procedures, applicants are transferred to accommodation centres where they reside until the asylum decision is taken and becomes legally effective. Accommodation centres are located in Kostelec nad Orlicí and Havířov. Here, asylum seekers receive accommodation, meals and other services, they participate to the expenses for meals and accommodation only if their financial resources exceed the subsistence minimum. The applicant has the right to live in private accommodation only if certain conditions are met and with the authorization of the Ministry and Police. In the accommodation centres, according to official sources, “clients” can access services of social workers, legal and psychological assistance, and “a variety of leisure time activities, and voluntary Czech language courses”.

Education: according to official sources, educational programs are provided for detained children in the detention centre: since 2015, teachers from the local elementary school have delivered schooling. According to the Interior Ministry, children aged six to 15 may also attend catch-up classes at the local school itself in Bělá-Jezová, although in practice this does not appear to take place and teachers provide classes in the centre instead.

Accommodation centres do not provide information about education, employment and health-care services that should be provided internally.

Provisions for vulnerable groups: Observers noticed absence of standard operating procedures for identifying and protecting vulnerable persons, including victims of torture and ill-treatment (UN CAT 2018). There is also poor information about detention of children under age of 15 and of unaccompanied minors between the ages of 15 and 18. Reportedly, children in the 15 to 18 age group are rarely detained. However, if they are detained, unaccompanied children are placed in the Bělá-Jezová centre, which does not have a specific section for minors. According to the Forum for Human Rights and Organization for Aid to Refugees, non-custodial measures are rarely made available to migrant families who arrive in the Czech Republic and are often subject to the Dublin rules.



## ***5. Contents of international protection***

The integration of persons who are granted international protection is governed by the State Integration Programme (SIP), approved in November 2015 and entered into force on 1 January 2016. Since January 2017, the entity with overall responsibility for integration activities has been the Refugee Facilities Administration (SUZ), which is also the operator of integration asylum centres. Four Integration asylum centres provide temporary accommodation for recognized refugees. They located in: Brno – Židenice, Česká Lípa, Jaroměř, Předlice.

Housing: According to SIP, people granted international protection might be helped to search for a flat, to move there. The initial costs to have a flat and to furnish it may be paid by the programme.

Employment: the “SIP clients” have the same rights on the labour market as the Czech citizens. They can work with no need to have a work permit or to register at public labour office, search for and pass through the vocational or other educational courses. They can find a job from community service activities, through temporary/part-time jobs or work traineeships and interns until proceeding to more skilled jobs.

Education: SIP offers a basic intensive Czech language course under the Ministry of Education and helps to find the additional or Czech language follow-up courses. Children are registered in kindergartens, elementary and high schools.

Healthcare: people granted international protection have access to the public health insurance system. SIP helps in communicating with a health insurance company and provide interpreters. Citizenship and family reunification are ruled by the Act on the residence of foreign nationals (amended in 2017)

## ***6. Multilevel governance of asylum***

### Vertical dimension

The Ministry of the Interior is the main body responsible for the asylum and migration policy in the Czech Republic on a legislative and implementation level. Its unit, the Department for Asylum and Migration Policy (AMDP MOI), is responsible for exercising the powers assigned to the Ministry in the fields of international protection, refugees and for managing the governmental organization of the Refugee Facilities Administration (RFA MOI) in charge of reception, accommodation and integration of asylum seekers. Refugee Facility Administration was established on January 1, 1996 as a detachment of the Refugee Section (now the Department for Asylum and Migration Policy – AMPD MOI). The reason was to separate the authority of the state administration in the area of asylum policy and administration process of granting asylum, from providing services to applicants for asylum, or international protection. RFA MOI has become a practical implementer of a part of the national migration and integration policy.



## Horizontal dimension

NGOs, other private actors, associations, etc. (e.g. service outsourcing) are present. UNHCR participated in the development of the country's Concept of the State Integration Program (SIP) and monitors it. UNHCR programs have been implemented in co-operation with Czech NGOs.

### **7. Main References**

European Commission. Annual Report 2018 on Migration and Asylum in Czech Republic. National Report, part. 2.

[https://ec.europa.eu/home-affairs/sites/homeaffairs/files/06a\\_czech\\_republic\\_arm\\_part2\\_final\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/06a_czech_republic_arm_part2_final_en.pdf)

Global Detention Project, Czech Republic Immigration Detention. Updated December 2018. Accessed on 07.11.2019 at <https://www.globaldetentionproject.org/countries/europe/czech-republic>

Krystina Brozona, Adela, Jureckova, Anna Pacovska, *The Wages of Fear: Attitudes Towards Refugees and Migrants in Czech Republic*, Institute for Public Affair, 2018.

<https://www.clovekvtisni.cz/media/publications/954/file/czech-pop.pdf>

Caritas, Czech Republic, Pathways to Prosperity. Migration and Development in the Czech Republic, Common Home Series, 2019

Accessed on 07.11.2019 at

<https://www.charita.cz/res/archive/025/002832.pdf?seek=1557957569>

Websites of Czech Ministry of Internal Affair (MVCR and SUZ)

<https://www.mvcr.cz/mvcren/article/course-of-administrative-proceedings-for-granting-international-protection.aspx>

Refugee Facilities Administration

<http://www.suz.cz/en/>

State Integration Programme (SIP)

<http://www.integracniprogram.cz/en/#nas-tym>

Patrick Weil et Pierre Auriel, « Political asylum and the European Union. Proposals to overcome the impasse », *La Revue des droits de l'homme* [En ligne], Actualités Droits-Libertés, mis en ligne le 15 septembre 2018, consulté le 30 juillet 2019. URL: <http://journals.openedition.org/revdh/4743>; DOI: 10.4000/revdh.4743.



## GERMANY

### *1. Brief overview of the national legislative framework, including constitutional laws and supra-national provisions*

Germany's Constitutional Law (Basic Law) was issued in 1949. It was developed under the auspices of the Western Allies. Article 16 defines the right to asylum. It also protects citizens from being expelled from Germany. Both provisions are direct responses to the practices of the Nazi regime between 1933 to 1945. The West German State also adopted the regulations of international law (Geneva Convention, EU directives etc). With unification in 1990 the New Länder (former GDR and East Berlin) accepted the Basic Law. A general understanding prevailed that a constitutional right to asylum would go beyond and include the regulations of international law (Nicolaus 1988). Main legislative acts relevant to asylum procedures are the Asylum Act, the Residence Act, The Asylum Seekers' Benefits' Act, Procedures in Family Matters and Matters of Voluntary Jurisdiction Acts. These cover reception conditions, detention and the nature of protection. The Regulation on Residence and the Regulation on Employment are the main decrees that determine the administrative guidelines, the implementation of asylum procedures, reception, detention and the nature of protection conditions.

### *2. Main changes of the last decade*

Preceding 2000, rights to asylum were contested at different points in time. It first began as the numbers of applications increased from 1976 onwards. As a reaction to a peak after 1989 the Basic Law was amended in 1993. Between 2009-2014 debates on immigration focused on changes to the Immigration Act of 2005. And, there was a growing awareness of demographic decline, an increased demand for skilled labor and a need for workers with fluent German. Asylum seekers with a "tolerated" status continued to be an issue. Their access to the labor market gradually improved after 2007. Mounting numbers of asylum seekers entered from 2014 onwards – decisively, since Summer 2015 until the first quarter of 2016. Then the rising numbers of new arrivals became the dominant domestic issue. On September 4th, 2015, Chancellor Angela Merkel, after consultation with the Austrian Chancellor Werner Faymann, dispensed with the "Safe-Third Country" regulation allowing refugees to enter the country without any data processing. Many thousands were accepted for humanitarian reasons. The Bavarian government under the guidance of Horst Lorenz Seehofer contested the Schengen Agreements for free movement during this period. This led to conflict between the two sister parties (CDU/CSU). The public discourse split: pro-refugee welcoming networks vs. a new right-wing party orientation (AfD). This weakened as well the former conservative party (CDU). Major asylum legislation has not changed, but more restrictive measures for refugees who do not gain full protection in court have been adopted.





### ***3. Conditions relating to access to territory, to the processing of applications, and to the determination of status***

Access to German territory is based on the Schengen accord. This and the “Safe-Third Country” feature of the Dublin regulations kept the number of asylum seekers low until 2012. EU regulations are in force with respect to asylum: “The law states that asylum seekers shall apply for asylum at the border.... entry to the territory is to be refused if the migrant reports to the border without the necessary documents for legal entry. .... if an immediate removal to the neighbouring (as a “Safe Third Country”) is possible. Since 2013, Germany did not return asylum seekers to neighbouring countries, but first registered them....” .

The BAMF (Bundesamt für Migration und Flüchtlinge- Federal Office for Migration and Refugees) is the administrative authority under the jurisdiction of the Federal Ministry of the Interior. It is responsible for all procedures involved in examining, granting, refusing and withdrawing protection, also in case of Dublin procedures (subsequent application). The BAMF has decentralized Arrival centres (Ankunftszentrum) and offices throughout Germany. In three federal states (Bavaria, Saxony, Saarland) exist also the AnKERZ Centres, initial reception centres may host asylum seekers for a period of up to 24 months. The Arrival Centres are generally the initial entry for the asylum procedure. All administrative steps which are necessary for the asylum procedure are carried out under one roof: the medical examination by the Länder, the recording of the personal data and the identity check, the application, the interview and the Federal Office’s decision on the asylum application, as well as the initial counseling on access to the labor market by the local Employment Agency. Decision-making centres decide on those applicants who have already been interviewed. The BAMF and its regional offices have normally 6 months, currently it takes less time, a number of weeks, to examine conditions to grant refugee status and subsidiary protection, in special circumstances.

### ***4. Conditions relating to the welfare of asylum seekers***

The national government regulates this issue; decisions are taken in accordance with the Länder governments. Livelihood costs are paid at the communal level. The states reimburse these to the communes and the federal government reimburses the states. Decisions on the amount to be reimbursed are agreed upon between the federal government and the Prime Ministers of the Länder. Since Berlin is a city-state, financial responsibilities are assumed by Land Berlin. The local districts do not have any financial liability. During the application process, the welfare of refugees is organised by a state agency (Landesamt für Flüchtlingsangelegenheiten, LAF) which operates under the auspices of the Senate (Minister) for Social Affairs.

Detention and Deportation: they are primarily in accord with the Dublin procedure, in AnKERZ Centres and the airport procedure. Berlin does not usually practice detention before deportation.



Reception: “Asylum seekers are entitled to reception conditions as defined in the Asylum Seekers' Benefits Act (Asylbewerberleistungsgesetz) from their registration at the reception centre [...] where they are issued an “arrival certificate”. They remain entitled to these reception conditions as long as they have the status of an asylum seeker and are entitled to a permission to stay (Aufenthaltsgestattung)”. Asylum seekers from Safe Countries of Origin are subject to special reception conditions, are obliged to stay in initial reception centres for the duration of their procedure. They are barred from access to the labour market as long as they are obliged to stay in an initial reception centre. This means “that these groups are effectively excluded from employment for the duration of their stay in these centres” (AIDA 2019: 58).

Housing: Three types of accommodation for asylum seekers can be distinguished: - Initial reception centres, - Collective accommodation centres, - De-central accommodations. Emergency shelters were used more frequent in 2015 and 2016 but have been generally closed in 2017 (in Berlin later than in other Länder). In Berlin, reception and housing is organised by the LAF. Since 2018 there exist Quality Standards and an independent Complaint system (TUV) for communal housing in Berlin.

Education: The right and the obligation to attend school is a principle that extends to all children who reside in Germany, regardless of their legal status. The educational system in Germany is within the responsibility of the Federal States. Education from pre-school to the end of secondary education is organised by the Ministry for Education and Youth. School and pre-school education are generally offered to asylum seekers. Schooling is initially organized in “Welcome Classes” that focus on language training. The transfer into regular classes may take longer than desirable.

Employment: Non-access to the labour market is generally limited to 3 months but 9 months if required to live in a reception centre. Asylum seekers are barred from access to employment as long as they restricted to stay in Initial Reception Centres, which is in the case of asylum seekers from safe countries of origin for the whole duration of their asylum procedures. The maximum stay for most asylum seekers is at present 18 months. Asylum seekers may not become self-employed during the asylum procedure, since permission to pursue self-employment is dependent on a regular residence title. The main actors regarding employment are the Job Centres, which are communally managed by the Federal Employment Office (national agency under the Federal Ministry for Labour) and the Länder.

Vulnerable categories: Berlin applies a wide definition of vulnerability. Berlin adheres to EU criteria and equally protects the sexual orientation of refugees. In Berlin, the reporting on welfare and norms for vulnerability are under the auspices of the Commissioner for Integration and Migration.

*Conditions for international protection after the status is granted*



Access to rights and benefits depends on the nature of the protective status granted. Both refugees and subsidiary protection beneficiaries are entitled to a residence permit. The duration of residence permits differs for the various groups:

- Three years for persons with refugee status;
- One year for beneficiaries of subsidiary protection, renewable for an additional two years;
- At least one year for beneficiaries of humanitarian protection.

A permanent residence permit (Niederlassungserlaubnis) can be granted after five years residency. Persons with refugee status can receive a “Niederlassungserlaubnis” after three years, if they are recognized as “outstandingly integrated” (e.g. language competence, income, housing).

Administrative responsibility for refugees is generally transferred from the LAF to the districts after the application procedure. This refers to housing, welfare payments and health coverage, pre-school education and employment.

### ***5. Contents of international protection after the status is granted***

Recognition of refugee status grants privileges with respect to family-reunification; refugee status grants the potential access to the cost of living for themselves and their families. Since August 2018, the rights to family unification are restricted to beneficiaries of subsidiary protection. This right has been replaced with a provision which limits the number of family members to 1,000 relatives of refugees who may be granted a visa to enter Germany each month.

No restrictions on the freedom of movement within Germany exist for refugees and beneficiaries of subsidiary protection. They can travel at any time to any destination within Germany, without having to ask for permission by the authorities. Since August 2016, refugees and beneficiaries of subsidiary protection – if dependent on welfare – are generally obliged to reside for up to three years within the Federal State in which their asylum status was granted. Exceptions are possible for certain reasons.

Social welfare: if refugees or beneficiaries of subsidiary protection cannot provide their living expenses, these are covered at an adequate level (according to federal government and court decisions) by the local social welfare office or job centre.

### ***6. Multilevel governance of asylum***

Asylum policies were developed from the 1950s onwards; since then the division of responsibilities between the government levels evolved. The multi-level dimension refers primarily to the hierarchical structure within the nation state. The federal level is dominant in the first phase. Regional and local policies gain importance in the long-term.

#### Vertical dimension



The EU plays a minor role in the application, integration and participation processes of refugees, since integration policies are not the same within the Union. The main role of the EU lies with the external border control. The national government is responsible for access to the country and it has the authority to issue asylum laws. Due to its federal structure, most asylum and integration issues in Germany are dealt with and agreed upon with the States (the Länder). Any practical measures of integration and participation, including welfare issues, rest with the states. This includes any legal status issues after the first phase decision.

The local-level: the districts need to cooperate, in the initial phase by providing locations for housing. Once the legal status of the asylum seeker has been decided the districts are responsible.

### Horizontal dimension

Private actors play important roles at all steps within the process. Most welfare services are outsourced to other actors. Sub-contracting also occurs with respect to language training. In the last 10 years migrant organisations appear as new actors. Most recently, welcoming networks and supporting NGOs have assumed a new importance. Civil society has two major functions: as critics of bad practices of the administration; as well as supporting decisions in favour of refugees. Civil society has been a valuable counterpart against anti-refugee parties like the nationalist AfD (Alternative for Germany). (279/150)

## ***7. Main References***

### **Nicolaus 1988**

Asylum Information Database (AIDA). Country Report: Germany; update April 2018; Author: Michael Kalkmann, Coordinator of Informationsverbund Asyl und Migration.

<https://www.asylumineurope.org/reports/country/germany>

BAMF <http://www.bamf.de/EN/Startseite/startseite-node.html> and AIDA 2019, 13-48



## HUNGARY

### *1. Brief overview of the national legislative framework*

Under the oversight of Ministry of Interior, Act XXXIX of 2001 established the Office of Immigration and Nationality (OIN), now Immigration and Asylum Office (IAO), as the only competent authority dealing with administrative duties related to visa, residence permits, asylum, and citizenship. Hungary entered the EU in 2004 and developed an immigration system in line with all the relevant EU instruments by the adoption of the Schengen acquis in 2007.

Act LXXX of 2007 sets the rules for asylum (Asylum Act). The Asylum Act was amended in March 2017 (Act XX of 2017 on the amendment of certain acts to tighten the procedures conducted on the border); in January 2018 (Act CXLIII of 2017 amending certain acts relating to migration); in July 2018 (Act VI of 2018 amending certain laws relating to measures to combat illegal migration), in January 2019 (*Act CXXXIII of 2018* amending certain acts relating to migration and others).

The rules of implementation of these Acts are laid down in the corresponding government decrees.

### *2. Main changes of the last decade*

In September 2015 two barbed-wire fences along the borders with Serbia and Croatia were built. Transit zones were established as parts of the fence. On March 2017, the Act “On the amendment of certain acts related to increasing the strictness of procedures carried out in the areas of border management” entered into force; it requires that all asylum-seekers must submit their application in the transit zones established at the border, where they will remain in detention for the entire asylum procedure without a detention order and therefore without the right to judicial remedies. The safe third country concept was introduced into Hungarian law by an amendment to the Asylum Act in November 2010 in relation to Serbia, though Serbia cannot be regarded as safe third country, due to its poor recognition rate.

In addition, a “state of crisis due to mass migration” has been in effect since March 2016 in Hungary. Special rules apply to third-country nationals unlawfully entering and/or staying in Hungary and to those seeking asylum, including:

- 1) Police is authorised to pushback across the border fence irregularly staying migrants who wish to seek asylum in Hungary, with no legal procedure to challenge this measure.
- 2) Asylum applications can only be submitted in the transit zones at the border. Asylum seekers are to be held in the transit zones for the entire asylum procedure without any legal basis for detention or judicial remedies.
- 3) All vulnerable persons and unaccompanied asylum-seeking children over 14 years of age are also automatically detained in the transit zones.



- 4) The deadlines to seek judicial review against inadmissibility decisions and rejections of asylum applications decided in accelerated procedures are drastically shortened to 3 days.

The Hungarian government and Fidesz party stand in opposition to the quota system and run an anti-immigrant campaign. Anti-immigrant views are on the rise and anti-immigrant protests took place in the country. However, civil society organisations and volunteers are active in supporting refugees arriving in the country despite criminalization of the activities aiming at helping asylum seekers.

### ***3. Conditions relating to access to territory, to the processing of applications, and to the determination of status***

The main body responsible for the implementation of asylum policy in Hungary is the Immigration and Asylum Office (IAO), a government agency depending on the Ministry of Interior, which is in charge of the asylum procedure through its Directorate of Refugee Affairs. The IAO is also in charge of operating the transit zones, open reception centres and closed asylum detention facilities for asylum seekers. The Dublin Coordination Unit within OIN is responsible for fulfilling the obligations arising under the Dublin III Regulation. Regional Administrative and Labour Court -not specialised in asylum -are in charge of the second instance. Procedures can be: regular, Dublin, accelerated and admissibility.

Registration: Due to mass migration emergency, asylum may only be sought at the border, inside the transit zone and only by individuals who entered the country legally. The application should be lodged in writing or orally and in person by the person seeking protection at the IAO. Asylum seekers are required to remain in these transit zones, with the exception of unaccompanied children below the age of 14, who are placed in a childcare facility. Immediately upon the entry into the transit zone, the asylum seeker has a first compulsory interview at the presence of an IAO official and an interpreter (often not professionally trained). Biometric data are taken. On this basis, within 60 days, a decision whether to grant the refugee status or the subsidiary protection has to be taken by so-called eligibility officers within the Refugee Directorate of the IAO.

Appeal: The applicant may challenge the negative IAO decision by requesting judicial review from the regional Administrative and Labour Court. The deadline for lodging a request for judicial review is only 8 days. The court should take a decision in 60 days in the normal procedure and in 8 days in case of inadmissibility and in the accelerated procedure. The court may uphold the IAO decision or may annul the IAO decision and order a new procedure. In practice, the average length of an asylum procedure, including both the first-instance procedure conducted by the IAO and the judicial review procedure, is 3-6 months.

Guarantees for vulnerable groups: there is no specific identification mechanism in place to systematically identify vulnerable asylum seekers and the law does not provide for an identification mechanism for unaccompanied children. There is a specialised unit within the IAO, which deals with asylum applications of vulnerable groups (unaccompanied children)



the Regional Directorate of Budapest and Pest County Asylum Unit. The employees of the unit have special knowledge on unaccompanied minors, which enables them to conduct the hearings and make the decision in accordance with their special situation.

Denied access to registration: regular entry through transit zones is granted only to a limited number of persons and after long waiting periods. There are waiting lists. Asylum seekers are waiting outside in pre-transit zones without any services (food, shelter, etc.). Illegal entry is a criminal offence. The criteria that determine who is allowed access to the transit zone are: time of arrival and extent of vulnerability, but the procedure is often unclear. State of crisis legalizes *push backs* of asylum seekers who were apprehended within 8 km of the Serbian-Hungarian or Croatian- Hungarian border to the external side of the border fence, without registering their data or allowing them to submit an asylum claim.

#### ***4. Conditions relating to the welfare of asylum seekers***

Reception: According to the Asylum act, asylum seekers are entitled to material reception conditions and other aid to ensure a standard of living adequate for the health of persons seeking asylum until the asylum procedure ends. Since 28 March 2017, and in “state of crisis due to mass migration”, first-time asylum seekers have been accommodated exclusively in one of the transit zones immediately after claiming asylum.

Detention: in 2018 the 94% of asylum seekers were *de facto* detained in the transit zones of Röszke and Tompa, although the Hungarian authorities refuse to recognise that this is detention. The only immigration detention centre outside of the transit zone is the one in Nyírbátor, which holds persons waiting to be deported, has a capacity of 105 places and is currently empty. The two transit zones can accommodate 755 persons. They are in remote locations, made out of containers built into the border fence. There are different sectors: offices, a sector for families, one for unaccompanied minors, one for single men and one for single women. Containers are about 13 sq. meters in size, they can accommodate up to 5 persons but in this case there is almost no moving space left. Each asylum-seeker has a bed and a closable wardrobe. There is a dining, a community shower container and an Ecumenical prayer room. The containers are placed in a square and in the middle, there is a courtyard with a playground for children and a ping pong table. The entire transit zone is surrounded by a razor-wire fence and is patrolled by police officers and armed security guards. There are cameras in every corner; there is no privacy or silence. In the transit zones, asylum seekers are entitled only to reduced material conditions.

Education: Since September 2017, education in Tompa is organised by the Szeged Educational District and in Röszke by the Kiskőrös Educational District. These forms of education are reported as not effective.

Healthcare: Each transit zone has a medical unit capable of accommodating 10 persons. Where specialist care is needed, the asylum seeker is taken to the district specialised medical institution.



Detention of vulnerable groups: From 28 March 2017, all unaccompanied children above age of 14 are detained in the transit zones for the whole duration of asylum procedure. No category of vulnerable asylum seekers is excluded from detention. *De facto* detention in the transit zones has no maximum time limit. As of March 2017, asylum seekers who are detained in the transit zone remain there until the end of their asylum procedure. Unaccompanied children were held there in 2017 for an average of 47 days.

The following paragraphs concern only a few asylum seekers, who reside lawfully in Hungary or who had procedures already in course in March 2017. Due to the “state of crisis due to mass migration”, material reception conditions are limited to accommodation and food provided in reception facilities; costs of subsistence of asylum applicants and basic healthcare. Other services have been halted.

Housing: On 31 December 2018, there were 2 open reception centres (Balassagyarmat and Vámoszabadi) with a capacity is 350, hosting only 3 asylum seekers. Unaccompanied asylum-seeking children below the age of 14 are placed in special homes in Fót, designated specifically for unaccompanied children, where social and psychological services are available.

Employment: As a result of the March 2017 amendments, in the current state of crisis due to mass migration 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 workplace.

Education: Children have access to kindergarten and school education under the same conditions as Hungarian children until the age of 16. This depends on the availability of places in schools accepting migrant children and the willingness of guardians and the Children’s Home staff to ensure the speedy enrolment of children. Asylum-seeking children above the age of 16 may not be offered the possibility to attend school, until they receive a protection status. Refugee children are often enrolled in special preparatory classes. Only a few institutions accept such children and can provide programs appropriate to their specific needs, education level and language knowledge.

Education opportunities and vocational training for adults is only offered once they have a protection status under the same conditions as Hungarian citizens.

Healthcare: In reception centres, general medical services are available. Healthcare covers essential medical services and corresponds to free medical services provided to legally residing third-country nationals. Asylum seekers have a right to examinations and treatment by general practitioners, but all specialised treatment conducted in polyclinics and hospitals is free only in case of emergency and upon referral by a general practitioner.

Provisions for vulnerable groups: The Asylum Act provides that in case of persons requiring special treatment, due consideration shall be given to their specific needs (healthcare services, rehabilitation, psychological and clinical psychological care or psychotherapeutic treatment). However, there is no protocol for identifying vulnerable asylum seekers and, since March 2017, only in exceptional cases asylum seekers were accommodated in open reception facilities.





Single women, female-headed families, and victims of torture and rape, as well as gay, lesbian or transgender asylum seekers are accommodated in the same facilities as others, with no specific attention, while there are no protected corridors or houses. Medical assistance for seriously mentally challenged persons is unresolved. Similarly, residents with drug or other type of addiction have no access to mainstream health care services.

Asylum seekers who are not detained (either in asylum detention or in the transit zones) can move freely within the country but can leave the reception centre only for less than 24 hours.

Outcome: Until 2017, the Hungarian system was similar to the ones of the other Central European countries. Since then, most of the services destined to asylum seekers have been halted and the asylum seekers are de facto detained in the transit zones. Different forms of abuses of asylum seekers rights have been denounced.

- Poor free legal aid: Under the Asylum Act, asylum seekers in need have access to free legal aid, this is not always possible at first instance and during the interview. Although asylum seekers in the transit zone are informed about the possibility to request legal assistance from state legal aid lawyers, this assistance has been reported as not effective. HCC- Hungarian Helsinki Committee lawyers do not have access to transit zones.
- Criminalization of illegal entry and of any activities aimed at assisting asylum seekers since 2018.
- No identification mechanism for vulnerable groups.
- Poor information: The IAO is obliged to provide written information to the asylum seeker upon submission of the application. The information concerns the applicant's rights and obligations in the procedure and the consequences of violating these obligations. However, access to information is difficult since it is not provided in a user-friendly language and NGOs/HHC are not allowed to help asylum seekers. The same happens concerning information about the status of the application.

### ***5. Contents of international protection***

Since June 2016, the Hungarian state has withdrawn integration services provided to beneficiaries of international protection, thus leaving recognised refugees and beneficiaries of subsidiary protection to destitution and homelessness. It is only non-governmental and church-based organisations that provide the needed services aimed at integration such as housing, assistance with finding an employment, learning Hungarian language or family reunification.

Since June 2016, the duration of the status for both refugees and persons with subsidiary protection has been reduced to 3 years. Refugee and subsidiary protection statuses are reviewed at least every 3 years.

Long-term residence status could be granted to those refugees or beneficiaries of subsidiary protection who have lawfully resided in the territory of Hungary continuously for at least the



preceding three years before the application was submitted. The waiting period for obtaining citizenship for refugees is 3 years, for subsidiary protection beneficiaries 8 years.

Family Reunification: the applicants for family reunification are the family members of the refugee in Hungary, not the refugees themselves. The family members have to apply at the Hungarian consulate. According to the law, applicants for family reunification shall lawfully reside in the country where they submit the claim. In most cases, the family members are unable to obtain a legal status there that would be considered as “lawful stay” in the sense of Hungarian law.

Freedom of movement: Refugees and beneficiaries of subsidiary protection have freedom of movement within the territory of the State.

## ***6. Multilevel governance of asylum***

### Vertical dimension

Many EU directives on refugees and asylum seekers have been transposed into national legislation between 2004 and 2015. In term of respect of the right to political asylum, EU member states are united by the same rule of law, the 1951 Geneva Convention. On the basis of Article 78(3) of the Treaty on the Functioning of the European Union, temporary emergency relocation programs were established by two European Council Decisions adopted in September 2015 to relieve Greece and Italy. Poland, Hungary and Czech Republic refused to apply these decisions and brought an action before the Court of Justice of the European Union, which has proven them wrong. However, they refused to apply the Court's decision, by highlighting their lack of effectiveness in matters related to sovereignty. The Commission launched an infringement procedure against these three Member States on 13 June 2017. Since March 2016, due to the “state of crisis due to mass migration” since March 2017, due to the Act “On the amendment of certain acts related to increasing the strictness of procedures carried out in the areas of border management”, a series of discrepancies in transposition and gaps in implementation emerged. They concern mainly detention in the transit zones, length of detention. As a result, Hungary was referred to the European Court of Justice in July 2018 and July 2019.

### Horizontal dimension

NGOs, other private actors, associations, etc. (e.g. service outsourcing) were active in providing legal assistance and information in many languages (HHC), healthcare and educational services but access of NGOs to the transit zone is hindered and their activities criminalized.

## ***7. Main References***

Asylum Information Database (AIDA). Country Report: Hungary; update March 2019; Authors: Márta Pardavi, Gruša Matevžič, Júlia Iván and Anikó Bakonyi of the Hungarian Helsinki Committee (HHC)



<https://www.asylumineurope.org/reports/country/hungary>

Daniel Gyollai, Hungary – Country Report Working Papers Global Migration: Consequences and Responses Paper 2018/05, May 2018 Legal & Policy Framework of Migration Governance. RESPOND Working Papers Global Migration: Consequences and Responses Paper 2018/05, May 2018

<http://uu.diva-portal.org/smash/get/diva2:1248319/FULLTEXT01.pdf>

M. T. Gil-Bazo, The End of the Right to Asylum in Hungary?

Accessed on 07/11/2019 at <https://www.asylumlawdatabase.eu/en/journal/end-right-asylum-hungary>

Patrick Weil et Pierre Auriel, «Political asylum and the European Union. Proposals to overcome the impasse», *La Revue des droits de l'homme* [En ligne], Actualités Droits-Libertés, mis en ligne le 15 Septembre 2018, consulté le 30 Juillet 2019. URL: <http://journals.openedition.org/revdh/4743>; DOI: 10.4000/revdh.4743



## ITALY

### *1. Overview of national asylum policies*

Although the 1948 Constitution recognizes the right of asylum, international protection played a minor role within the Italian legislative context for a long time. After decades of inaction, some marginal policy changes were enacted in the 2000s, foremost upon the input of the European Union. Three EU Directives concerning the reception of asylum-seekers and the conditions for granting international protection were indeed transposed into national laws in the 2005-2008 period. For instance, the ‘typical’ refugee status – shaped on the 1954 Geneva Convention – was deemed insufficient to ensure sanctuary to all individuals fleeing wars and persecutions. Subsidiary and humanitarian protection were then introduced as additional forms of asylum. As for integration policies, the SPRAR (Sistema di Protezione Richiedenti Asilo e Rifugiati – Protection System for Asylum-Seekers and Refugees) was first enacted in 2002, but on a very limited scale. Within this rudimentary framework, undocumented immigrants often opted to settle by “overstaying” and waiting for mass amnesties, rather than seeking asylum.

### *2. Main changes of the last decade*

Following the political upheavals that erupted in Northern Africa and the Middle East in late 2010 (the “Arab Spring”), vast numbers of migrants landed in Europe or lost their lives trying to. Italy received 646.117 migrants between 2014 and 2018. International protection thus gained importance as a potential door to entry and the administrative system in place rapidly showed its deficiencies. In face of these dynamics, the politicization of immigration skyrocketed in Italy. The central government, while being led by centre-left coalitions in the 2013-18 period, embraced a restrictive discourse on asylum. With far-right forces on the rise, national incumbents partly conformed to the security-oriented discourse of their opponents as a defensive strategy. Anti-immigration politics reached a new peak with the 2018 general elections, which gave rise to the Cabinet Conte I (2018-19), supported by a coalition between the ideologically eclectic Five Star Movement and the far-right League. As newly appointed Minister of Interior, Matteo Salvini enacted a hard-line policy agenda, especially by adopting the “Security Decree” and the “Security Decree II”, in fact aimed at restricting asylum rights and criminalizing migrants and their supporters — as the next sections will show in greater detail.

### *3. Conditions relating to access to territory, to the processing of applications, and to the determination of status*

Italian law provides three forms of international protection, namely the refugee status (five years), subsidiary protection (five years), and special protection (one year). The latter was introduced by the “Security Decree” in late 2018 as a replacement of humanitarian protection and marked a significant tightening of asylum rights. While humanitarian protection



guaranteed a longer residence permit (two years) and covered a broad range of cases, the new form of protection is granted on the grounds of extremely specific conditions — including the urgent need of medical treatments, the accomplishment of acts of exceptional civil values, and risks related to natural disasters. Moreover, while allowing to access the labour market, the special protection status cannot be converted into a work-related residence permit, with major implications in terms of integration prospects.

Approximately 70.000 migrants are expected to be illegalized by 2020 as a direct consequence of the ‘Security Decree’. The relative majority of “successful” asylum applicants were indeed entitled with a humanitarian permit (e.g. ~25% in 2017) — a figure that is going to decrease drastically due to the more restrictive criteria of the newly-introduced special protection. Also, already issued humanitarian permits cannot be renovated.

Other significant flaws in the Italian asylum governance are related to the evaluation of asylum applications. As reported by Campomori, the verdict on asylum requests takes 307 days on average, with additional ten months in the case an appeal is filed. The main authorities in charge of these procedures – the Commissioni territoriali per il riconoscimento della protezione internazionale (Territorial Commissions for the Recognition of International Protection) – are chronically overloaded due to their limited administrative capacities. This is testified, for instance, by the difference between the annual number of asylum requests and the annual number of decisions. 105.571 applications were indeed pending the end of 2018 (see the statistical section). The saturation of Commissioni is also due to the establishment of the EU Hotspot System in 2015, as migrants can more hardly reach their preferred destinations in northern Europe before submitting their asylum requests.

In February 2017, as alleged remedy to these lacunae, the left-leaning Cabinet Gentiloni adopted the so-called “Orlando-Minniti” Decree, which reduced the rooms for filing an appeal and thus the workload of convening authorities. It should be noted that the number of “bogus” asylum-seekers is much lower than rejection rates would suggest. For instance, in 2016, roughly half of rejected asylum-seekers that filed an appeal succeed in having their verdict overturned (cf. SPRAR 2016). This means that the “Orlando-Minniti” Decree, by making asylum procedures more efficient, de facto denied the right of international protection to numerous eligible applicants.

#### ***4. Conditions relating to the welfare of asylum seeker***

In the 2014-15 period, Italian authorities made some steps toward a stable and far-reaching reception system. This reform process culminated with the so-called ‘Reception Decree’, crafted on the basis of a previous agreement between national, regional, and local authorities, as well as asylum-related EU Directives. The new law clarified the jurisdictional ecology of asylum-seekers reception, i.e. by allocating competencies to different actors and levels of government (see below the section on multi-level governance) and dividing the reception process into three stages:



1. First aid and assistance. These operations concern the access to the national territory and are normally carried out where disembarkations occur. The main facilities in charge of these tasks are the CPSA (Centri di Primo Soccorso e Accoglienza – First Aid and Reception Centres), which also execute identification procedures by formally working as EU ‘Hotspots’. As reported by the AIDA report, four CPSA were operational at the end of 2018, all located in southern Italy. Asylum-seekers normally stay in such centres for several days or weeks before moving to the second stage of reception;
2. First reception. This stage is managed by national authorities through three kinds of facilities, namely the CARA (Centri di Accoglienza per Richiedenti Asilo – Reception Centres for Asylum-Seekers), the CDA (Centri di Accoglienza – Reception Centres), and the CAS (Centri di Accoglienza Straordinaria – Emergency Accommodation Centres). The latter were supposed to work as an exceptional, short-term solution to complement the ordinary system in cases of its temporary saturation. However, they have eventually covered the lion’s share of migrant reception. This ‘ad hoc’ measure shows shortcomings concerning the quality of reception. CAS centres are often large-sized, hosting hundreds of guests, and located in urban outskirts or other peripheral areas. Beside basic provisions, more sophisticated services are largely absent. The CAS model is characterized by several pitfalls, including low standards of service provision, scarce transparency in decisional procedures, and persistent criminal infiltrations;
3. Second-line reception. As mentioned above, the ordinary instrument for integration is the SPRAR. These facilities – normally small-scale reception centres tied to local communities – provide a holistic set of services for tackling multiple vulnerabilities. In addition to the immediate needs to be met, the SPRAR aims at individual empowerment in the longer-term through ‘Individualised Training Programmes’. For such reasons, it is widely recognised as a valuable policy instrument.

The ‘Security Decree’ dismantled many of these governance arrangements. Except for unaccompanied minors, only successful asylum applicants can now access the SPRAR system – then renamed SIPROIMI – meaning that the second-line reception of asylum-seekers has been cancelled. By drawing a line of demarcation between asylum-seekers with pending applications and beneficiaries of international protection, first-line and second-line reception de facto became two parallel, unconnected reception systems. Relatedly, as only a minority of asylum applications are successful (e.g. the rejection rate was 68% in 2018, see the statistical section), the ‘Security Decree’ drastically curtailed the most ‘virtuous’ component of the Italian asylum system—the SPRAR.

In addition, the ‘Security Decree’ further deteriorated the already deficient quality standards of the first reception system. Following the introduction of new tender specifications (capitolato d’appalto), the financial resources allocated per each asylum-seeker were drastically curtailed (from €35 to €21). This forced providers to opt for large-scale reception facilities and diminish the range of available services. As compared to the 2017 capitolato,



services related to the orientation to local services, Italian language courses, professional training, leisure, psychological assistance, and support for vulnerable individuals became non-eligible costs. Also, resources devoted to legal support and cultural mediation were reduced and the opportunity of engaging in voluntary activities in favour of local communities was eliminated.

As for detention and expulsions, migrants receiving a rejection of their asylum request have no right to stay on the Italian territory and can be notified with an expulsion order – unless they have the chance to access a voluntary return program. Migrants with an illegal status who do not comply with expulsion orders are susceptible of being detained in immigrant detention centres (CPR) before being subject to forced repatriation.

### ***5. Contents of international protection***

As mentioned above, beneficiaries of international protection are granted with a residence permit (from 1 to 5 years, depending on the form of protection) and can benefit from integration services within the framework of the SPRAR/SIPROIMI system. Also, they can register in the municipal census (registrazione anagrafica), which is a pre-condition for accessing assorted welfare services, including healthcare through the National Health System (Sistema Sanitario Nazionale). Both refugees and beneficiaries of subsidiary protection can apply for family reunification procedures and – contrary to foreign-born residents entitled with different statuses – do not need to prove the adequacy of their housing conditions and a minimum income. Moreover, they are free to circulate within the Italian territory, but – when hosted in governmental centres – they can be requested to return to their accommodation at certain times of the day. Moreover, once being admitted into the SPRAR system, beneficiaries must accept to move to another municipality if requested, otherwise they lose their entitlement.

### ***6. Multilevel governance of asylum***

#### Vertical dimensions

By dividing the reception system into three stages, the 2015 “Reception Decree” also attributed different competencies to institutional actors at different levels of governance:

- The first two stages of reception (first aid and assistance and first reception) are under the jurisdiction of the central government. The Ministry of Interior and its local branches, the prefectures (prefettura), manage implementation centrally and then outsource services to private actors, usually NGOs and hotels. The role of local institutions is thus very limited.
- Differently, second-line reception – basically consisting of the SPRAR/SIPROIMI system – is enacted by local governments, which design and realize integration programs in cooperation with civil society organisations. The main flaw of this governance arrangement is its voluntary implementation mechanism. Municipalities may decide whether to apply for the Ministry of the Interior’s public calls. This



encourages free-riding by reluctant mayors and an uneven settlement of migrants across the country. Although the Italian government allocated growing financial resources to second-line reception in the 2015-17 period, only 1.200 municipalities (out of almost 8.000) joined the scheme.

As the 2018 “Security Decree” significantly narrowed the scope of the SPRAR/SIPROIMI system, the role of local governments in asylum governance has been limited too. All asylum-seekers – except for unaccompanied minors – are indeed hosted in centrally-managed reception centres. Paradoxically, however, local governments now shoulder a greater burden of migrant integration. As both the quality and the variety of services for asylum-seekers was lowered, local governments are often forced to respond to social needs of which they are neither competent nor funded for. The same holds for undocumented migrants, whose number is expected to significantly increase due to the more restrictive criteria of special protection as compared to humanitarian one. Finally, as the ‘Security Decree’ prohibited the registration of asylum-seekers in the municipal census (*registrazione anagrafica*), the identification of competent municipalities in the realm of welfare services is now more complicated. All these aspects are breeding further conflicts among institutions and levels of government—as the case of “rebel mayors” in January 2019 clearly illustrated.

#### Horizontal dimension

Reception and integration services are normally contracted-out to both for-profit and non-profit organisations. The latter also intervene at the stage of policy formulation in the case of the SPRAR/SIPROIMI system (see above). Moreover, amid growing local contestation over asylum issues, social initiatives by, in solidarity with, and against migrants proliferated in recent years. Pro-migrant actors often engage in both social volunteering and political activism, meaning that welfare services are both provided and advocated by civil society organizations — either in cooperation with or on behalf of the state. Non-state actors, in fact, enact practices of ‘welfare from below’ as a response to state failures or tightening policies. Anti-immigrant groups also staged intense mobilisations, for instance in order to prevent the placement of reception centres. The relationship of local governments with such groups ranged from cooperation to obstruction, also depending on ideological considerations. The ‘battleground’ metaphor well-depicts multi-level governance of asylum as a site of contrasting forces that seek to either expand or restrict the rights of forced migrants.

### **7. Main References**

AIDA (2019). Country Report: Italy. Available online at: <https://www.asylumineurope.org/reports/country/italy>

Ambrosini, M. (2018). *Irregular immigration in Southern Europe: Actors, dynamics and governance*. Springer.

Bazurli, R. (2019). Local Governments and Social Movements in the ‘Refugee Crisis’: Milan and Barcelona as ‘Cities of Welcome’. *South European Society and Politics Online* First:1-28.





- Campomori, F. (2018). Criticità e contraddizioni delle politiche di ricezione dei richiedenti asilo in Italia. *Social Policies*, (3), 429-436.
- Campomori, F. (2019). La governance multilivello delle politiche di accoglienza dei richiedenti asilo e rifugiati in Italia. *Istituzioni del Federalismo* (1), 5-20.
- Caponio, T., & Cappiali, T. M. (2018). Italian migration policies in times of crisis: the policy gap reconsidered. *South European Society and Politics*, 23(1), 115-132.
- Castelli Gattinara, P. (2017a). Mobilizing against ‘the invasion’: Far right protest and the “refugee crisis” in Italy. *Mondi Migranti*.
- Castelli Gattinara, P. (2017b). The “refugee crisis” in Italy as a crisis of legitimacy. *Contemporary Italian Politics*, 9(3), 318-331.
- Cittadinanza Attiva (2016). Iniziative civiche sulla gestione dei centri di accoglienza straordinaria per richiedenti asilo. Available online at: <https://www.cittadinanzattiva.it/primo-piano/giustizia/8671-cittadinanzattiva-libera-e-lasciatecentrare-presentano-il-report-incastrati.html>
- MEDU (2016). Rapporto Asilo Precario – I Centri di Accoglienza Straordinaria e l’esperienza di Ragusa. Available online at: <https://mediciperidirittiumani.org/centri-accoglienza-straordinaria-lesperienza-ragusa/>
- SPRAR (2016). Atlante SPRAR – Rapporto Annuale. Available online at: <https://www.sprar.it/pubblicazioni/atlante-sprar-2016>
- Zamponi, L. (2017). Practices of solidarity: Direct social action, politicisation and refugee solidarity activism in Italy. *Mondi Migranti*.



## POLAND

### *1. Brief overview of the national legislative framework*

Poland acceded the 1951 Geneva Convention and the 1967 New York Protocol on September 27, 1991 and subsequently introduced the refugee definition into its national legislation. The constitution of the Republic of Poland of 1997 provides for the protection of asylum seekers and refugees.

In 2003, the comprehensive Act on Granting Protection to Foreigners within the Territory of the Republic of Poland was adopted. This provides for the four forms of protection that may be granted to foreigners: Refugee status, subsidiary protection, temporary protection, and the asylum *sui generis* (a distinct legal institution in Polish Constitution). The permit to remain for humanitarian reasons (the humanitarian permit) and the permit for tolerated stay (the tolerated stay permit) may be granted to foreigners within the return procedure under the Foreigners Act adopted in 2013. Different ordinances of the Minister of Interior define the regulation on amount of assistance for foreigners seeking international protection (2016), on Rules of stay in the centre for foreigners (2015), on detention centres (2015) and on the application form (2015).

### *2. Main changes of the last decade*

In Central and Eastern Europe (CEE) international refugee law has become an issue only since the 1990s. In Poland the first comprehensive legislative regulation on granting international protection to foreigners was adopted in 1997.

The UNHCR played an active role in supporting the CEE countries in the creation of national legislative and institutional refugee legal framework. Two additional aspects gradually grew to influence the development of national refugee laws in Poland: the increasing role of the European Court of Human Rights (the ECtHR), which since the late 1990s and the early 2000s has been perceived as a *de facto* asylum court; and the accession process to the EU, which coincided with the intensive development of the EU migration and asylum policy.

As far as the changes in Polish migration and refugee regulations are concerned, there is continuous reform. The direct effect of the 2016 refugee crisis is the legislative initiative to introduce the list of safe countries and the border procedure (still not contemplated by Polish legislation). In May 2018 the Supreme Administrative Court dismissed Border Guard practice of issuing a memo instead of a full protocol on interviews to establish the purpose of stay. However, Polish authorities ignore this judgement. Push backs at the Terespol borders are common.



### ***3. Conditions relating to access to territory, to the processing of applications, and to the determination of status***

The main actors involved in the reception and integration of Asylum seekers are the Border Guard (SG) and the Head of the Office for Foreigners. The Office for Foreigners depends on the Ministry of Interior and is the state administrative authority which is responsible for examining, granting, refusing and withdrawing protection, also in case of Dublin procedures (subsequent application). The Refugees Board is a second-instance administrative body competent to handle appeals against first instance negative decisions in all types of procedures, including Dublin. Finally, the Voivodeship Administrative Court in Warsaw and Supreme Administrative Court deal with Cassation Complaint.

Registration: According to the regular procedure, the asylum application may be lodged on the territory, at the border or from a detention centre through a Border Guard officer who transfers the request to the Head of the Office for Foreigners.

First instance procedure: A single procedure applies and includes the examination of conditions to grant refugee status and subsidiary protection. The Head of the Office for Foreigners has 6 months to decide. It conducts mandatory personal interviews. A copy of the report of the interview should be read in an understandable language to the applicant before signing it. The report is in Polish, it is not a verbatim transcript and it is handwritten.

Appeal: The Refugee Board handles appeals against first instance negative decisions. Appeals have suspensive effect and must be lodged within 14 days after the decision has been notified to the applicant; the procedure is not adversarial and there is no hearing. The time limit set in law for the appeal procedure is 1 month. There is a legal aid system since 2015 and covers legal information and legal aid provided by advocates and NGOs in the second instance. There is the possibility of an onward appeal before the Voivodeship Administrative Court in Warsaw within 30 days. Only points of law can be litigated. The court procedure is adversarial, and both the Refugee Board and the asylum seeker are parties before the court. The ruling of the Voivodeship Administrative Court in Warsaw can be appealed to the Supreme Administrative Court by lodging a cassation complaint, based exclusively on the legal conditions foreseen in the law.

Guarantees for vulnerable groups and unaccompanied child: The Head of the Office for Foreigners is obliged to make an assessment whether these persons need special treatment in the proceedings regarding granting international protection or regarding social assistance. The authority arranges for a medical or psychological examination of the applicant, funded by the state. Once the person is considered as requiring special treatment, all actions in the proceedings regarding granting international protection are performed. The Law on Protection provides for the appointment of a legal representative to an unaccompanied child - special guardian. There are no exceptions; each child must have a legal representative and all unaccompanied children get one in practice.

Outcomes: Observers signal many violations of the law and of the asylum seekers' right, as the following:



- Poor legal information - by the Border guard, no awareness of the importance of the interviews, backlogs first and second instance, difficult to obtain legal assistance in practice at both first instance and appeal (cuts to NGOs funding)
- Denied access to registration and territory: push back in Terespol – deterioration of situation in 2017,
- Ineffective Identification of vulnerable groups: serious tensions between the Polish Minister of Interior and the commissioner of Human Rights and for the Right of the Child

#### *4. Conditions relating to the welfare of asylum seekers*

Detention: of an asylum seeker is issued by a district court, upon the motion of the Border Guard. The maximum total period of detention is 6 months for asylum seekers and 12 to 18 months for persons facing removal. Asylum seekers are unlikely to spend the whole status determination procedure in detention, but it might be possible in special circumstances and they are frequently detained during both regular procedure and Dublin procedure.

There are two types of detention centres: Rigorous detention centres and Guarded Centres. The Border Guard oversees their management. Observers signal no major issues and a general improvement of conditions, but centres are *de facto* prisons (bars, detail checks, even at night, guards have electric rifles). NGOs and UNHCR can have access to detention centres and detained asylum seekers should have access to free legal assistance. However, this does not happen in practice. There are alternatives to detention as reporting duties, financial guarantee and residence restrictions.

Reception: Asylum seekers are entitled to material reception conditions after claiming asylum, from the moment they register in one of the first reception centres. Reception conditions are provided up until 2 months after the decision on the asylum application becomes final (either positive or negative). The amount of social assistance that asylum seekers receive is generally not enough to ensure an adequate standard of living in Poland.

Housing: most applicants reside in reception centres or private housing. As the amount of financial allowance is not enough to rent separate accommodation, asylum seekers often live in overcrowded and insecure places and work illegally to maintain and pay the rent.

Employment: The law allows for access to the labour market for asylum seekers after six months from the date of submission of an asylum application if a first instance decision has not been taken within this time and if the delay is not attributed to any fault of the asylum seeker. The Head of the Office for Foreigners upon the asylum seeker's request, issues a certificate, which entitles the asylum seeker to work. The certificate is valid until the day the decision concerning international protection becomes final.

Education: All children staying in Poland have a constitutional right to education. Asylum seekers benefit from education in public schools under the same conditions as Polish citizens until the age of 18 or the completion of higher school. There are obstacles to accessing education in practice: the language and cultural barrier; compensatory classes are granted for



a maximum of twelve months. Compensatory lessons and additional Polish language classes can last for a maximum of five hours per week for one child. Schools admitting foreign children often must cope with a lack of sufficient financial means to organise proper education for this special group of pupils. Teachers working with foreign children are not receiving enough support. Preparatory classes present significant problems (not welcome classes, too many kids, no integration in Polish society). There is no access to vocational training for asylum seekers. The only educational activities that adults have constant access to are courses of Polish language organised in all centres.

Healthcare: Access to health care for asylum seekers is guaranteed in the law under the same conditions as for Polish nationals who have health insurance. It is publicly funded. Basic health care is organised in medical offices within each of the reception centres. It includes treatment for persons suffering from mental health problems. The lack of intercultural competence and knowledge of foreign languages amongst doctors and nurses is a problem. Another challenge is the fact that some hospitals providing medical assistance to asylum seekers are located far away from the centres, so an asylum seeker cannot be assisted by the closest medical facility, except for emergency situations.

Provisions for vulnerable groups: the identification of persons in need of special procedural guarantees remains problematic.

An asylum seeker who needs special treatment should be accommodated in the reception centre by considering his special needs. The Border Guard ensures transport to the reception centre after claiming for asylum to disabled or elderly people, single parents and pregnant women. The same groups can benefit from this transport after the Dublin transfer and release from a detention centre. However, there is no information on the practical application of these provisions. There are no separate accommodation centres for traumatised asylum seekers, or other vulnerable persons. There is only one centre designed to host single women or single women with children in Warsaw. In 2017 and 2018, the Office for Foreigners in partnership with NGOs implemented a comprehensive system of child protection against violence in the centres. The only safeguards related to special reception needs of unaccompanied children are those referring to their place of stay. Unaccompanied children are accommodated in youth care facilities or in professional foster family functioning as emergency shelter. Vulnerable applicants cannot be placed in detention centres, but it happens because they are not identified by courts or Border Guard. Unaccompanied children are placed only in the detention centre in Ketrzyn, in separated rooms. Asylum-seeking children who are with members of their family can be placed in detention centres together with accompanying adults.

### ***5. Contents of international protection***

Subsidiary protection and Refugee status are granted for an unlimited period of time. Polish law requires presenting – as a condition to issue or renew the residence card – recent photographs and fingerprints. In order to receive the EU long term residence, they need to prove knowledge of the Polish language (B2). Residence cards should have the annotation “access to the labour market” if the foreigner is entitled to work.



Family reunification: There is no waiting period for family reunification in Poland, nor is there a time limit. Foreigners who have obtained refugee status or subsidiary protection are eligible for a simplified family reunification procedure. In case of a minor beneficiary of international protection, family members who can reunite with them are not only parents but also grandparents or other responsible adult under Polish law (e.g. legal guardians).

Freedom of movement: Refugees and subsidiary protection beneficiaries have full freedom of movement in Poland. The state does not provide housing. Refugees and beneficiaries of subsidiary protection have access to labour market, social welfare and healthcare as nationals.

Beneficiaries of international protection are also entitled to the Individual Integration Programme (IPI) provided by the Poviats Family Support Centres (Powiatowe Centra Pomocy Rodzinie, PCPR). The Programme takes 12 months during which integration assistance is provided.

## ***6. Multilevel governance of asylum***

### Vertical dimension

The statutory legal framework for granting protection to foreigners in Poland has been created under the dominant influence of EU legislation and policies. As in other Member States of the EU, the influence of both Court of Justice and European Court of Human Rights (ECtHR) is growing as far as asylum governance is concerned.

Because of Article 78(3) of the Treaty on the Functioning of the European Union, temporary emergency relocation programs were established by two European Council Decisions adopted in September 2015 to relieve Greece and Italy. Poland, Hungary and Czech Republic refused to apply these decisions and take parts in resettlement programs. Consequently, in 2017 The Commission launched an infringement procedure against them.

### Horizontal dimension

NGOs (among them: Association for Legal Intervention (LIA), The Rule of Law Institute and Halina Niec Legal Aid Centre) are key actors in providing legal assistance, educational services to refugee children in schools and reception centres and vocational training for adults. They organize anti-discrimination and violence services for women and vulnerable groups and psychological consultations and treatment. However, since mid-2015, the capacity of NGOs to provide assistance to asylum seekers has been reduced to limitations in distribution of AMIF (Asylum, Integration and Migration Fund).



## 7. *Main references*

Asylum Information Database (AIDA). Country Report: Poland; update March 2019; Authors: Karolina Rusiłowicz, in collaboration with Ewa Ostaszewska-Żuk, lawyers at the Helsinki Foundation for Human Rights (HFHR), and Maja Łysienia (legal counsel - radca prawny)

<https://www.asylumineurope.org/reports/country/poland>

Michał Kowalski, “From a Different Angle—Poland and the Mediterranean Refugee Crisis”, *German Law Journal*, Vol. 17 No. 06 (2016)

Patrick Weil et Pierre Auriel, « Political asylum and the European Union. Proposals to overcome the impasse », *La Revue des droits de l’homme* [En ligne], Actualités Droits-Libertés, mis en ligne le 15 septembre 2018, consulté le 30 juillet 2019. URL: <http://journals.openedition.org/revdh/4743>; DOI: 10.4000/revdh.4743



## SLOVAKIA

### *1. Brief overview of the national legislative framework*

The Act on Asylum (No. 480/2002 Coll.) was adopted in June 20<sup>th</sup>, 2002 (Asylum Act) in order to meet the requirements for the accession to the European Union. Subsequently, the Asylum Act was amended many times in order to transpose the European Union directives, i.e. Temporary Protection Directive, Reception Directive, Qualification Directive, and Directive on Asylum Procedures. The Asylum Act regulates asylum proceedings, the rights and obligations of asylum applicants, refugees and foreigners granted subsidiary protection, stays in asylum facilities, the competences of the public authorities and the integration of refugees into society.

Since January 2012, the new Act on Residence of Aliens and Amendment and Supplementation of Certain Acts regulates Slovakia's migration policy, including entry requirements, visas, expulsion and migrants' detention. The 2011 Act on Stay of Aliens transposed the EU return directive into Slovakia's legislation, and was amended in 2014, introducing explicit ground for the detention of asylum seekers.

### *2. Main changes of the last decade*

Slovakia has pursued restrictive immigration policies and employed anti-migrant rhetoric since the onset of the "refugee crisis" in 2015. Slovakia has witnessed a surge in Islamophobic discourse and hate crimes. Extremist groups have established paramilitary groups called "Slovak Reserves" to protect the country from "enemies", including refugees.

Slovakia did not agree with the system of mandatory quotas for the relocation of refugees, which the European Commission presented in May 2015 (ended in 2017) and filed a lawsuit at the Court of Justice of the European Union challenging the EU's mandatory relocation scheme, eventually dismissed by the Court. However, the EC June 2018 summit stated that relocation should take place exclusively on a basis of voluntary decision by receiving states — thus, there would be no compulsory redistribution. Recently, the Slovak Republic, decided not to participate to the vote for the Global Compact for Migration but supported the second UN document, the Global Compact on Refugees.

### *3. Conditions relating to access to territory, to the processing of applications, and to the determination of status*

The main actors involved in immigration and reception policies in Slovakia are: the Migration Office of the Ministry of Interior of the Slovak Republic (MOMISR); the Bureau of Border and Aliens Police (BBAP PFP) of the Interior Ministry; Regional Court in Bratislava and the Regional Court in Košice; Supreme Court of the Slovak Republic.





According to the regular procedure, the asylum application process starts after the asylum seeker provides the Police unit in the place of the border crossing or in the transit area of an international airport or, on the territory of the Slovak Republic with a statement in which he requests asylum or subsidiary protection on the territory of the Slovak Republic. The police unit takes applicants' fingerprints, records the statement on an official form, and sends it to the MOMISR. During asylum proceedings, the applicant must remain on territory of the Slovak Republic.

First Instance: The applicant must arrive at a reception centre within 24 hours of making the statement. After the applicant's arrival in the reception centre, he is registered and receives the Asylum Seeker ID Card. MOMISR arranges a health examination. The applicant must remain in the reception centre until the results of the health examination are reported (at least a month).

MOMISR officials conduct an admission interview with the applicant. On request of the MOMISR or of the applicant, a supplementary interview may be conducted. The information provided shall be recorded on an official form. An interpreter should be present. An asylum applicant may appoint a lawyer or other representative of his choice who may be a natural person of full legal capacity or a Legal Aid Centre. MOMISR issues a decision within 90 days of the start of asylum proceedings. As a rule, the applicant is moved to an accommodation centre within one month from lodging an application for international protection. Decisions take long time.

Appeal: MOMISR decision may be reviewed by a court if an asylum applicant exercises his right to file an appeal. The courts review non-final decisions of the MOMISR within the framework of administrative justice. The Legal Aid Centre- a state-funded organization- provides asylum applicants with legal assistance free of charge only in proceedings before a court, i.e. in appeal. With effect from 1.1.2013, the legal advisers of non-governmental organizations can no longer represent asylum applicants in proceedings before a court. Local competence rests with the Regional Court in Bratislava and the Regional Court in Košice. Appeals must be filed with the competent court within 30 days of the date of delivery of the MOMISR decision. The Regional Courts decide on appeals within 90 days of the date of delivery of the appeal. The Regional Court may uphold the asylum decision or set aside the decision and refer the case back to the MOMISR. The court has no jurisdiction to decide on the merits of the case and cannot grant asylum directly to the appellant.

In the appeal proceedings, the Supreme Court of the Slovak Republic reviews, within the bounds of the appeal, the judgment of the Regional Court as well as the proceedings that preceded it. The Supreme Court decides on appeals within 60 days of the submission of a case by the Regional Court.



#### *4. Conditions relating to the welfare of asylum seekers*

Reception conditions and housing: MOMISR manages one reception centre located in Humenne, close to the external Schengen border with Ukraine and two accommodation centres in Opatovska Nova Ves and Rohovce. The first is designed for families with children and vulnerable persons. The second is intended mainly for adult male individuals. Upon request, the MOMISR can permit the asylum seeker to stay outside the accommodation centre, at his/her own costs. Reception conditions are provided in kind and differ from the general system of social aid for nationals or foreigners and asylum seekers do not have access to the general system of social aid during the asylum procedure.

Healthcare and education: According to official sources, asylum seekers are provided with accommodation, meals and urgent medical care; they are offered Slovak language courses, social and legal advisory services, as well as psychological guidance (one psychologist, non-specialized in PTSD, working 10 hours a week) and leisure activities (organized by NGOs volunteers and social workers). Children do not go to kindergarten; there is no training for teachers dealing with asylum seekers children. They do attend normal schools.

Freedom of Movement: The applicant may request a pass from the MOMISR to leave an asylum facility for more than 24 hours and up to seven days only after the interview have been conducted; in the request, the applicant must state the place where he will be staying.

Employment: Until a final decision is reached in asylum proceedings, an applicant may not enter employment or undertake another legal relationship of a similar nature. He shall, however, be entitled to work if a final decision is not taken on his asylum request within one year of the start of proceedings.

Detention: Slovakia has two long-term dedicated immigration detention centres, which are in Medved'ov and Sečovce, they are operated by the Bureau of Border and Aliens Police (BBAP PFP) of the Interior Ministry. Women, families with children, and other vulnerable groups are detained in the Sečovce facility. Both detention centres have prison-like characteristics, are surrounded by barbed wire and are under strict surveillance by uniformed police officers. Detainees are also supervised during visits. The layout of the facilities is compounded by systematic and excessive use of handcuffing in both detention centres.

Healthcare in detention: both centres are equipped with full-time nurses and doctors coming two to three times per week. Detainees must pay for some treatments. Only one social worker is present in each centre. Social and psychological counselling, as well as leisure and education activities, are organized by NGOs and financed through EU funds. The Act of residence of the Aliens provides that non-citizens should pay the costs of their own detention, food and transport. The provision is used systematically, and non-citizens are charged with these costs upon release.



Vulnerable Groups: according to official sources, MOMISIR secures appropriate healthcare for minors and victims of violence and abuse. Children and victims of trafficking who are included in the Interior Ministry's support and protection program and are not to be detained but other vulnerable people are not excluded from detention. Often unaccompanied children are considered adults until there is no evidence of the contrary and are thus detained; stringent conditions concerning the eligibility for noncustodial alternatives to detention result in infrequent granting of alternatives. Families with children are frequently detained, sometimes for several months.

### ***5. Contents of international protection***

Asylum is granted for an indefinite period or, in the case of asylum for the purpose of family reunification, for a period of 3 years, with the possibility of extension for an indefinite period. Asylum seekers who have been granted asylum receive a residence document under the title of "refugee" by the Police Unit. Subsidiary protection is provided for one year and it is extended on request for another year, until the conditions for provision of such protection are met. Recognized refugees enjoy the same rights as citizens, subject to certain exceptions, such as the right to vote and to perform military service. Refugees do not require a work permit and have the same access as citizens to public relief, social security and state healthcare, as well as to primary, secondary and tertiary education. MOMISR manages one integration asylum center in Zvolen, which provide temporary accommodation for recognized refugees. The purpose of the centre is to assist persons who have been granted asylum with their integration into the Slovak society. The facility comprises twelve apartments, with housing capacity of 25 persons and potential expansion up to 35 persons.

### ***6. Multilevel governance of asylum***

#### Vertical dimension

Slovak migration policies were formed by international treaties (UN, Council of Europe, and ILO) and were shaped by the EU accession in 2004 and the entry into the Schengen area in 2007. The 'migration crisis' contributed to the latest developments. Relations with EC is rather conflictual. The Slovak Republic did not comply with the system of mandatory quotas for the relocation of refugees and did not participate to the vote for the UN Global Compact for Migration. The Ministry of Interior through the Migration Office and Bureau of Border and Aliens Police oversees the Asylum process. Regional Courts and the Supreme Court of the Slovak Republic have a role in the second instance procedure, but they cannot grant Asylum.

#### Horizontal dimension

According to unofficial sources, NGOs, social workers, volunteers take care of refugees in the Reception centres, but their action is hindered by excessive bureaucratic requirements: NGOs have to send a request for everything they need and wait for at least 3 months for an answer from government. Even they have money from EU funds, each time they must wait for permission to use it.



## 7. *Main References*

Lucia Hurná, 'Asylum Legal Framework and Policy of the Slovak Republic', *Jurisprudence*, 19:4 (December 2007), pp. 1383-1504.

European Commission. Annual Report 2017 on Migration and Asylum in Slovak Republic in 2017. National Report, part. 2, authors Simona Mészárosová, Sona Obonová  
Accessed on 07.11.2019 at

[https://ec.europa.eu/home-affairs/sites/homeaffairs/files/24a\\_slovak\\_arm\\_part2\\_2017\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/24a_slovak_arm_part2_2017_en.pdf)

Global Detention Project, Slovakia Immigration Detention. Updated December 2018.  
Accessed on 07.11.2019 at  
<https://www.globaldetentionproject.org/countries/europe/slovakia>

European Database of Asylum Law. Country Report: Slovakia, 2013

Accessed on 07.11.2019 at <https://www.asylumlawdatabase.eu/en/content/country-profile-slovakia#Asylum%20Act%202>

Nina Galasza, Zuza Boselova, *The Wages of Fear: Attitudes Towards Refugees and Migrants in Slovakia*, Institute for Public Affair, 2018.

Accessed on 07.11.2019 at [https://www.britishcouncil.pl/sites/default/files/slovakia\\_pop.pdf](https://www.britishcouncil.pl/sites/default/files/slovakia_pop.pdf)

DG Employment, Social Affairs and Inclusion, Peer Review on "Integration of Refugees into the Labor Market" Berlin (Germany), 11-12 October 2017

<http://aid.com.gr/wp-content/uploads/2018/05/refugee-situation-in-Slovakia.pdf>



## SLOVENIA

### ***1. Overview of national asylum policies***

The national legislative framework consists of acts on asylum procedures, reception conditions, detention and content of international protection. The basis for this framework lies in the Universal Declaration of Human Rights (e. g. The Geneva Convention) and the EU Charter of Fundamental Rights.

The mentioned acts are: International Protection Act (IPA); Aliens Act; General Administrative Procedure Act (GAPA); Administrative Dispute Act.

There are also several decrees, guidelines and regulations that implement procedures regarding international protection, reception and detention conditions, as well as the content of international protection. These legal bodies set out rules of conduct during these procedures, while also ensure the methods and conditions for ensuring rights of asylum applicants, detainees and other persons regarded under the Aliens Act.

### ***2. Main changes of the last decade***

After almost two decades of no changes to the Slovenian Asylum procedures, the increase of asylum seekers since 2015 affected and in some ways challenged the asylum system in all areas. In early 2017, Slovenia adopted amendments to the Aliens Act, allowing future restrictions on access to asylum procedures. The amendments were put forward by the right-wing and central-right parties, which indicated a discord in the parliamentary coalition. The amendments to the Aliens acts allow the Parliament to vote on suspending the right to international protection in cases when they recognise that migration might pose “a threat to public order and internal safety in the Republic of Slovenia”. The changes to the law are to be enforced in extraordinary cases and events, such as the “Refugee Crisis” of 2015–2016 that initiated these amendments.

With the support of several NGOs and civil initiatives, the Slovenian Human Rights Ombudsman called for a review of the adopted amendments, which are currently still under review by the Constitutional Court. The court’s decision is still pending.

### ***3. Conditions relating to access to territory, to the processing of applications, and to the determination of status***

Article 43 to the International Protection Act regulates asylum application procedures with the access to territory, by indicating that all applications are processed by the “competent authority”. Third-country nationals can express their intention before any state or local authority, which has the duty to inform the Police.



Despite this regulation, such procedures are not used in practice at the state border, airport or ports. Applicants to international protection are first processed by the Police in the preliminary procedure: they establish the identity and travel route of the individual and complete the registration form. During the procedure the police must provide an interpreter. The Police also obtains a short statement as regards to reasons for applying for international protection. The latter is a part of ordinary procedure.

The individuals are then transferred to the Reception Centre (Asylum Home) in Ljubljana, where they start the second phase of the procedure – they lodge the application for international protection. Before lodging the application, the personnel at the Asylum Home conduct a medical examination and take a photograph and fingerprints which are run through the Eurodac database after the lodging of the asylum application. The International Protection Act does state any provision of a free legal representation for applicants in the first instance procedure. Legal representation is implemented instead by the non-governmental organisation Legal-Informational Centre (PIC). In the case of an unaccompanied minor, the personnel appoint a legal guardian, before the procedure begins.

The competent authority that processes an application for international protection is the Migration Office (Ministry of Interior), which carries out first instant level international protection procedure: first in-merit interviews, Dublin decisions, Refugee status determinations and Subsequent applications, providing that first application is not successful. The Administrative Court reviews judicial reviews of asylum applications appeals that are rejected or inadmissible. Further on, the Migration Office also carries out two types of procedures, based on the first-merit interview: regular procedures (6-months) and accelerated procedures (2-months).

#### ***4. Conditions relating to the welfare of asylum seekers***

Detention: Asylum seekers can be detained in the regular, accelerated or Dublin procedure. They can only be detained in the Aliens Centre or the Asylum Home, and there are no legal provisions for detention at the border. In practice most asylum seekers are detained in the Aliens Centre pending a Dublin transfer. Free legal assistance and representation are provided by refugee counsellors under the same conditions as in other cases of judicial review. No additional condition to access free legal assistance is imposed in detention cases.

Deportation: From the moment someone has expressed an intention to apply for international protection, he or she cannot be deported from the country. However, following the amendments to the International Protection Act, which allow for a future restriction on access to international protection procedures by measures adopted by the Parliament. Should these measures be adopted, the Police is instructed by law to reject all intentions to apply for international protection as inadmissible as long as the persons wishing to apply entered Slovenia from a neighbouring EU Member State in which there are no systemic deficiencies of asylum procedure and reception conditions which could lead to torture, inhuman or degrading treatment. The Police then deports the person back to this neighbouring country.



Housing: Upon arrival in the Reception Centre (Ljubljana), applicants are held in the reception area of the building without free access to its other parts. Before 2017, applicants were detained in that part for short periods, rarely exceeding one day. Post 2017, due to organisational difficulties such as the unavailability of interpreters and doctors, there have been cases of persons, including families and unaccompanied children, held in the reception area for 5-7 days on average, while waiting to lodge their application. The Reception Centre in Ljubljana (Asylum Home) has 3 branch facilities: 1 also in Ljubljana (branch facility Kotnikova), 1 in Logatec (branch facility) and 1 in Postojna (student dormitory). The total capacity of all facilities is 429. The Ljubljana Reception Centre accommodates mostly single men and some families, the branch facility Kotnikova in Ljubljana exclusively single men, the branch facility Logatec mostly families and couples, and the student dormitory in Postojna unaccompanied children. Applicants can also request to reside in private accommodation.

Employment and education: Asylum seekers acquire the right to free access to the labour market 9 months after they have lodged their application if the decision in their procedure has not yet been taken by the Migration Office and the delay cannot be attributed to the asylum seeker. Once asylum seekers have the right to free access to the labour market, they can access self-employment, employment and work without meeting other requirements such as consent to the single residence permit and work permit or EU Blue Card or seasonal work permit. The Ministry of Interior only issues them a notice stating that they meet the abovementioned conditions. The establishment of the Government Office for the Support and Integration of Migrants (UOIM) anticipated that this government body to take on the responsibility of integration of asylum seekers into the labour market. In practice NGOs also help asylum seekers find employment. After 9 months, applicants are also allowed access to vocational training.

The law provides that the right to elementary education has to be ensured to asylum seekers no longer than in 3 months since they lodged their application. There is no age limit attached to this provision. Underage asylum seekers are ensured access to education in vocational and secondary schools under the same conditions as Slovenian citizens; adult asylum seekers are also allowed such access. Furthermore, asylum seekers are allowed access to post-secondary and higher education programmes and programmes designed for the education of adults.

Healthcare: Asylum seekers have the right to urgent medical care which includes emergency medical assistance and emergency rescue services based on the decision of the doctor, the right to emergency dental service, emergency treatment based on the decision of the treating physician and health care for women. Asylum-seeking children and students up to the age of 26 are entitled to health care to the same extent as other children in Slovenia who are insured as family members, which means they enjoy full medical coverage. The Ljubljana Reception Centre employs a nurse who is present in the facility daily. A psychiatrist visits the Reception Centre weekly. Seekers of international protection accommodated in branch facilities can also make an appointment and visit the psychiatrist in the Reception Centre.

Provisions for vulnerable groups: According to Article 14 of IPA material reception conditions, health services, psychological counselling and overall treatment needs to be



adapted for applicants with special needs regarding their reception. Their vulnerability can be identified during different stages of asylum procedure: at the first or second phase of the application procedure, during their lodging of application, during first or later medical check-up etc. Vulnerable persons with special needs are entitled to additional health services, including psychotherapeutic assistance, following approval from a special committee comprising of a representative of the UOIM, a nurse or medical technician employed in the Reception Centre, a representative of NGOs working in the field of international protection and a representative of the Ministry of Health.

### ***5. Contents of international protection***

Refugee status is recognised with no time limitation on the status – a positive decision serves as a permanent residence permit. Beneficiaries of international protection are given a residence permit with the decision granting them international protection; this is expressly stated in the operative part of the decision. With the help of integration staff of the UOIM, they are then issued an identity card, usually within five days at the latest. The card certifies their residence permit and is required for accessing most rights. The procedure is free of charge for beneficiaries. Access to social welfare and integration rights for beneficiaries of international protection, as well as their reunited family members, do not depend on civil registration.

Subsidiary protection status is recognised for a limited period with the possibility of extension (1–5 years). Beneficiaries with subsidiary protection are issued a temporary residence permit with the duration of the status.

### ***6. Multilevel governance of asylum***

In Slovenia, only mono-level governance of international protection exists.

National authorities work following the national legislation – in certain cases leaning on EU directives.

NGOs and other civil associations provide outsourcing of integration and inclusion practices under the legislation regulations and collaboration/cooperation with UIOM, Ministry of Interior, Police etc.





## 7. *Main References*

- A, Š (2018): 15 let je od referendumu za vstop v EU in Nato. Delo of 23. 3. 2018. URL: <https://www.delo.si/novice/politika/15-let-je-od-referenduma-za-vstop-v-eu-in-nato.html> [23.6.2019]
- Balibar, Etienne (2002): *Politics and the Other Scene*. London.
- Bayat, Asef (2010): *Life as Politics: How Ordinary People Change the Middle East*. Stanford.
- Beznec, Barbara (2017): Od Mreže za stalni obisk do Nevidnih delavcev sveta. Kratka zgodovina migrantskih gibanj v Rogu, 2006–2011. In *Časopis za kritiko znanosti, domišljijo in novo antropologijo* 270. 60–73.
- Bojadžijev, Manuela / Karakali, Serhat (2010): *Recuperating the Sideshows of Capitalism: The Authonomy of Migration Today*. In *e-flux journal* 17. 1–9
- Büscher, Monika / Urry John / Witchger, Katian (2011): Introduction. In: Büscher, Monika / Urry John / Witchger, Katian (Eds.): *Mobile Methods*. Abington. 1–19.
- De Genova, Nicolas (2002): Migrant “Illegality” and Deportability in Everyday life. In *Annual Review of Anthropology* 31. 419–47.
- Gombač, Jure (2016): “Ogromno del, uspešno, vzorno!”. “Upravljanje” meja v Sloveniji v času povečanega prihoda migrantov 2015/2016. In *Časopis za kritiko znanosti, domišljijo in novo antropologijo* 264. 72–83.
- Hess, Sabine (2016): “Citizens on the road”: Migration, borders and the reconstruction of citizenship in Europe. In: *Zeitschrift für Volkskunde* 112 (1). 3–18.
- Hess Sabine (2012): De-naturalising Transit Migration. Theory and Methods of An Ethnographic Regime Analysis. In *Population, Space and Place* 18. 428–440.
- Hess Sabine (2017): Border Crossing as Act of Resistance the Autonomy of Migration as Theoretical Intervention into Border Studies. In Butler Martin / Mecheril Paul / Brenningmeyer, Lea (Eds.): *Resistance. Subjects, Representations, Contexts*. Bielefeld/London. 87–100.
- Kasperek, Bernd (2016): Routes, Corridors, and Spaces of Exception: Governing Migration and Europe. *Near Futures Online* 1 »Europe at a Crossroads« of March 2016. URL: <http://nearfuturesonline.org/routes-corridors-and-spaces-of-exception-govern-ing-migration-and-europe/>
- Khosravi, Shahram (2007): »Illegal« Traveller: An Auto-Ethnography of Borders. In *Social Anthropology/Anthropologie Sociale* 15 (3). 321–334.
- Kogovšek Šalamun, Neža (2016): »Humanitarni koridor: stanje izjeme v času globalnih migracij. In *Časopis za kritiko znanosti, domišljijo in novo antropologijo* 264. 61–72.



Kozinc, Nina (2015): Dehumanizacija za rezalno žico. In: Časopis za kritiko znanosti, domišljijo in novo antropologijo 262. 245–249.

Ladić, M., Bajt, V., Jalušič, V., Kogovšek Šalamon, N. (2018): A national report on the implementation of the policy for the integration of beneficiaries for international protection in different areas of Slovenia. Available at: <http://www.forintegration.eu/pl/pu>

Nyers, Peter (2010): No One is Illegal Between City and Nation. In *Studies in Social Justice* 4 (2). 127-143.

NIEM project: <http://www.forintegration.eu/>

Petrovčić, Duško (2016): Humanitarna oblast. Nacionalna azilna politika v humanitarnem (biopolitičnem) okviru. In *Časopis za kritiko znanosti, domišljijo in novo antropologijo* 264. 46–60.

Pistotnik, Sara / Lipovec Cebren, Uršula / Kozinc, Nina (2016): Ta prostor je postal je postal naš, skupen prostor. To je zame cilj Fronte. Intervju. In *Časopis za kritiko znanosti, domišljijo in novo antropologijo* 262. 99–118.

Martun, Urška / Hakimova, Aigul / Ploštajner, Klemen / Zorn, Jelka / Potočnik, Andreja / Durić, Jasna / Ladić, Maja / Juhart, Iva / Brecljnik, Špela / Žunič Fabijančič Maja / Jakovljević, Nina / Vučko, Katarina / Kozinc, Nina / Lunaček, Sarah / Hrzenjak, Majda / Mrak, Katja / Završki, Tanja / Čičić, Petra / Furlan Jež, Jedrt / Plut, Jadranka / Korun, Barbara (2015): Poročila z meje in begunskih taborišč. In *Časopis za kritiko znanosti, domišljijo in novo antropologijo* 262. 250–319.

Ministry of Interior of Republic of Slovenija (2016): Vlada sprejela načrt izvedbe premestitve in preselitve oseb. 10. 3. 2016. URL: [http://www.mnz.gov.si/si/novinarsko\\_sredisce/novica/9674/](http://www.mnz.gov.si/si/novinarsko_sredisce/novica/9674/) [23.6.2019]

Multiple Unknown Authors (2001): Action based research methods. Action based research methods. URL: <https://activistresearchmethods.wordpress.com/about/> [23.6.2019]

Second, Home (2017) Radosti in pripetije migrantskega samoorganiziranja v Avtonomni tovarni Rog. In *Časopis za kritiko znanosti, domišljijo in novo antropologijo* 270. 74–90.

Shell, Stephan (2013): Autonomy of Migration Despite Its Securitisation? Facing the Terms and Conditions of Biometric Rebordering. In *Millennium: Journal of International Studies* 41 (3). 575–600.

Vezovnik, Andreja (2017): Otherness and Victimhood in the Tabloid Press: The Case of the Refugee Crisis in “Slovenske Novice”. In: *Dve domovini/Two Homelands* 45. 121–135.A

Žagar, I., Kogovšek Šalamon, N., Marina Lukšič Hacin (eds) (2018). *The Disaster of European Refugee Policy Perspectives from the “Balkan Route”*. Newcastle: Cambridge Scholars Publishing.

Sengupta, E., Blessing, P. (2018). *Refugee Education: Integration and Acceptance of Refugees. Mainstream Societies*. Bingley: Emerald



Council of Europe (2019). Human rights aspects of immigrant and refugee integration policies. A comparative assessment in selected Council of Europe member states. Available at: <https://rm.coe.int/168093de2c>

Hynie, M. (2018). Refugee integration: Research and policy. *Peace and Conflict: Journal of Peace Psychology*, 24(3), 265–276.



**PART TWO**  
**COLLECTION OF STATISTICAL DATA**



## AUSTRIA

Indicator		Years	Source
Number of asylum applicants per year (applied during year)	11012	2010	UNHCR
	14416	2011	
	17413	2012	
	17503	2013	
	28064	2014	
	89900	2015	
	39905	2016	
	22471	2017	
Number of asylum applicants (total and ten main nationalities)	<b>13686</b>	<b>2018</b>	UNHCR
	3329	Syrian Arab Rep.	
	2120	Afghanistan	
	1107	Iran (Islamic Rep. of)	
	969	Russian Federation	
	762	Iraq	
	679	Nigeria	
	523	Somalia	
	457	Georgia	
	438	Various/Unknown	
	272	India	
Number of refugees recognized, conventional protection (total and ten main nationalities)	<b>14636</b>	<b>2018</b>	UNHCR
	4979	Afghanistan	
	4951	Syrian Arab Rep.	
	1370	Iran (Islamic Rep. of)	
	768	Somalia	
	731	Iraq	
	656	Various/Unknown	
	526	Russian Federation	
	83	Turkey	
	81	China	
	68	Yemen	
Number of refugees recognized, other types of protection (total and ten main nationalities)	<b>4157</b>	<b>2018</b>	UNHCR
	2062	Afghanistan	
	665	Somalia	
	536	Iraq	
	414	Syrian Arab Rep.	
	109	Russian Federation	
	56	Various/Unknown	
	51	Iran (Islamic Rep. of)	
	30	Georgia	
	29	Nigeria	
	28	Yemen	
Rejected applications (total and ten main nationalities)	<b>6804</b>	<b>2018</b>	
	1825	Afghanistan	
	602	Russian Federation	



	567	Nigeria	
	525	Iraq	
	411	Georgia	
	411	Pakistan	
	304	India	
	260	Ukraine	
	180	Serbia and Kosovo (S/RES/1244 (1999))	
	169	Armenia	
	<b>3184</b>	<b>2018</b>	
Applications otherwise closed (total and ten main nationalities)	914	Afghanistan	UNHCR
	609	Iraq	
	249	Pakistan	
	172	Iran (Islamic Rep. of)	
	161	Russian Federation	
	102	Syrian Arab Rep.	
	87	Nigeria	
	85	Georgia	
	79	India	
	74	Ukraine	
		<b>28959</b>	
Total decisions (total and ten main nationalities)	9780	Afghanistan	UNHCR
	5560	Syrian Arab Rep.	
	2401	Iraq	
	1733	Iran (Islamic Rep. of)	
	1551	Somalia	
	1398	Russian Federation	
	803	Various/Unknown	
	704	Pakistan	
	701	Nigeria	
	529	Georgia	
		<b>23%</b>	
Rejection rate (total and ten main nationalities)	19%	Afghanistan	
	43%	Russian Federation	
	81%	Nigeria	
	22%	Iraq	
	78%	Georgia	
	58%	Pakistan	
	79%	India	
	19%	Ukraine	
	68%	Serbia and Kosovo (S/RES/1244 (1999))	
	78%	Armenia	
	Pending asylum application at the end of the year (2018)	37317	
Resettlements	0		UNHCR
Relocations from Italy and Greece	45		EC
Third Country Nationals found to be illegally present	18.840		Eurostat



Third Country Nationals ordered to leave	10690		Eurostat
Third Country Nationals effectively returned	7405		Eurostat
Expulsion rate	69%		
Effect of Asylum Policies	48		Mipex 2014
Foreign population (documented immigrants):	1.7 million	2017	<a href="https://migrationdataportal.org/data?i=stock_abs_&amp;t=2017">https://migrationdataportal.org/data?i=stock_abs_&amp;t=2017</a>
Foreign population (documented immigrants) as a quota of the total population:	19% (1.7 million/8.8 million)	2017	

Approximately 10.000 – 20.000 asylum applications per year were filed since the 2000s in Austria. Most recently, the asylum applications in Austria peaked in 2015 with 89.900 applications, which is known as “refugee crisis.” After 2015, the asylum applications started to decrease again with 39.905 applications in 2016, 22.471 in 2017 and 13.686 in 2018 filed. Asylum policies became stricter under the (ÖVP and FPÖ) right-wing coalition, which was in government 2017-2019. The nationality of most asylum-seekers, recognized refugees (incl. conventional protection and others) are Syria, Afghanistan, Iran, Russian Federation, Iraq and Somalia.

The overall expulsion rate can be estimated with 23% in 2018. According to UNHCR, the rejection rate is the highest for Nigerian nationals (81%), whereas migrants from e.g. 19% from Afghanistan, 22% from Iraq or 43% from the Russian Federation were rejected.

From 10.690 third country nationals who were ordered to leave, only 7.405 effectively returned to their home countries in 2018. In the same year, 18.840 third country nationals found to be illegally present in Austria.

In 2008 about 15% (approx. 1.2 M people) and in 2018 about 19% (approx. 1.7 M people) of the Austrian population was foreign born. This steady trend of continuing immigration will continue. Population projections predict that immigration to Austria will continue to be an important factor for the population dynamics and composition. Possible migrations flows might come from candidate countries for future membership of the European Union, e.g. Montenegro.



## CROATIA

<i>Indicator</i>		<i>Years</i>	<i>Source</i>
Number of asylum applicants per year	356	2010	UNHCR
	858	2011	
	1241	2012	
	1191	2013	
	581	2014	
	312	2015	
	2060	2016	
	1367	2017	
Number of asylum applicants ( <i>total and ten main nationalities</i> )	<b>867</b>	<b>2018</b>	UNHCR
	200	Afghanistan	
	196	Syrian Arab Rep.	
	143	Iran (Islamic Rep. of)	
	74	Algeria	
	74	Iraq	
	32	Tunisia	
	24	Morocco	
	23	Pakistan	
	21	Turkey	
	14	India	
Number of refugees recognized, conventional protection ( <i>total and ten main nationalities</i> )	<b>211</b>	<b>2018</b>	UNHCR
	166	Syrian Arab Rep.	
	34	Iraq	
	6	Iran (Islamic Rep. of)	
	5	Afghanistan	
Number of refugees recognized, other types of protection ( <i>total and ten main nationalities</i> )	<b>19</b>	<b>2018</b>	UNHCR
	19	Syrian Arab Rep.	
Rejected applications ( <i>total and ten main nationalities</i> )	<b>216</b>	<b>2018</b>	UNHCR
	55	Afghanistan	
	44	Algeria	
	30	Iran (Islamic Rep. of)	
	25	Tunisia	
	21	Syrian Arab Rep.	
	16	Morocco	
	19	Iraq	
	6	Serbia and Kosovo (S/RES/1244 (1999))	
Applications otherwise closed ( <i>total and ten main nationalities</i> )	<b>571</b>	<b>2018</b>	UNHCR
	210	Afghanistan	
	109	Iran (Islamic Rep. of)	
	47	Pakistan	
	31	Algeria	
	31	Syrian Arab Rep.	
	21	India	
	18	Libya	
	18	Tunisia	
	17	Iraq	





	16	Turkey	
	<b>1066</b>	<b>2018</b>	
Total decisions ( <i>total and ten main nationalities</i> )	272	Afghanistan	UNHCR
	244	Syrian Arab Rep.	
	147	Iran (Islamic Rep. of)	
	75	Algeria	
	70	Iraq	
	51	Pakistan	
	43	Tunisia	
	32	Morocco	
	21	Libya	
	21	India	
		<b>20%</b>	
Rejection rate ( <i>total and ten main nationalities</i> )	20%	Afghanistan	UNHCR
	59%	Algeria	
	20%	Iran (Islamic Rep. of)	
	58%	Tunisia	
	9%	Syrian Arab Rep.	
	50%	Morocco	
	27%	Iraq	
	75%	Serbia and Kosovo (S/RES/1244 (1999))	
Pending asylum application at the end of the year	168	<b>2018</b>	UNHCR
Resettlements	110	<b>2018</b>	UNHCR
Relocations from Italy and Greece	82	<b>2018</b>	EC
Third country nationals found to be illegally present	5580	<b>2018</b>	Eurostat
Third country nationals ordered to leave	6350	<b>2018</b>	Eurostat
Third country nationals effectively returned	2210	<b>2018</b>	Eurostat
Expulsion rate	35%	<b>2018</b>	
Effects of asylum policies	44		Mipex 2014
Foreign population (documented immigrants):	560.5 thousand	2017	<a href="https://migrationdataportal.org/data?i=stock_abs_&amp;t=2017">https://migrationdataportal.org/data?i=stock_abs_&amp;t=2017</a>
Foreign population (documented immigrants) as a quota of the total population:	13.4% (560.5 thousand/4.1 million)	2017	

The size of the foreign population in **Croatia** in 2017 was estimated to be 13.4% of the resident population.

In the years which preceded the accession to the EU (2013), the country experienced an increasing trend in asylum applications, although numbers remained small (356 in 2010; 1241 in 2012; and 1100 in 2013). In the years between 2010 and 2018, only 8833 asylum applications were submitted, with more than 2000 at the peak of the European migration crisis (2016). In 2012 and 2013, the largest number of asylum applications was lodged by persons who had fled from Afghanistan and Somalia.



The accession of Croatia to the EU in 2013, led to a sharp decline in the number of asylum applications which dropped from 1100 in 2013 to 581 in 2014 and 312 in 2015. The decline of asylum applications depended on Croatia being a transit country for migrants aiming at reaching other European Countries, and to the application of the Dublin II and Dublin III Regulations (2013). With the European refugee crisis, between September 2015 and March 2016, more than 550000 people passed through the country - which was on the Western Balkans Route. Its closure, in March 2016, led to a sharp rise in asylum applications in Croatia: in 2016, there were 2060 applications but in 2017, they dropped again to 1367 in 2017 and 867 in 2018.

In 2018, most asylum applications came from citizens of Afghanistan, Syria and Iran. Statistics show that for these nationalities the rejection rate remained under or in the national average (20%), 9% for Syrian citizens, and 20% for Afghans and Iranians. The Republic of Croatia fulfilled its resettlement quota by resettling 110 Syrians in 2018 and accepting 82 relocations of individuals from Greece and Italy.



## CZECH REPUBLIC

<i>Indicator</i>		<i>Years</i>	<i>Source</i>
Number of asylum applicants per year (applied during year)	1401	2010	UNHCR
	756	2011	
	753	2012	
	707	2013	
	1156	2014	
	1525	2015	
	1478	2016	
	1450	2017	
Number of asylum applicants ( <i>total and ten main nationalities</i> )	<b>2855</b>	<b>2018</b>	UNHCR
	1255	Various/Unknown	
	418	Ukraine	
	170	Georgia	
	154	Cuba	
	117	Armenia	
	100	Viet Nam	
	98	Uzbekistan	
	90	Russian Federation	
	65	Iraq	
	37	Syrian Arab Rep.	
Number of refugees recognized, conventional protection ( <i>total and ten main nationalities</i> )	<b>25</b>	<b>2018</b>	UNHCR
	8	China	
	6	Ukraine	
	6	Syrian Arab Rep.	
	5	Myanmar	
Number of refugees recognized, other types of protection ( <i>total and ten main nationalities</i> )	<b>103</b>	<b>2018</b>	UNHCR
	52	Syrian Arab Rep.	
	32	Iraq	
	12	Ukraine	
	7	Stateless	
Rejected applications ( <i>total and ten main nationalities</i> )	<b>1537</b>	<b>2018</b>	UNHCR
	820	Various/Unknown	
	222	Ukraine	
	73	Viet Nam	
	71	China	
	56	Azerbaijan	
	47	Georgia	
	45	Armenia	
	38	Uzbekistan	
	31	Cuba	
	27	Russian Federation	
Applications otherwise closed ( <i>total and ten main nationalities</i> )	<b>870</b>	<b>2018</b>	UNHCR
	148	Cuba	
	137	Ukraine	
	114	Georgia	
	111	Various/Unknown	
	75	Armenia	
	39	Russian Federation	
	35	Azerbaijan	



	33	Iraq			
	29	Viet Nam			
	20	Uzbekistan			
Total decisions ( <i>total and ten main nationalities</i> )	<b>2601</b>	<b>2018</b>	UNHCR		
	931	Various/Unknown			
	377	Ukraine			
	181	Cuba			
	163	Georgia			
	123	Armenia			
	103	Vietnam			
	92	Azerbaijan			
	85	China			
	80	Iraq			
	70	Russian Federation			
	Rejection rate ( <i>total and ten main nationalities</i> )	<b>59%</b>		<b>2018</b>	UNHCR
		88%		Various/Unknown	
59%		Ukraine			
71%		Viet Nam			
84%		China			
61%		Azerbaijan			
41%		Georgia			
37%		Armenia			
66%		Uzbekistan			
17%		Cuba			
39%		Russian Federation			
Pending asylum application at the end of the year	1890	<b>2018</b>	UNHCR		
Resettlements		<b>2018</b>	UNHCR		
Relocations from Italy and Greece	12	<b>2018</b>	EC		
Third country nationals found to be illegally present	4505	<b>2018</b>	Eurostat		
Third country nationals ordered to leave	3445	<b>2018</b>	Eurostat		
Third country nationals effectively removed	820	<b>2018</b>	Eurostat		
Expulsion rate	24%	<b>2018</b>			
Effects of the Asylum Policies	45		Mipex 2014		
Foreign population (documented immigrants):	433.3 thousand	2017	<a href="https://migrationdataportal.org/data?i=stock_abs_&amp;t=2017">https://migrationdataportal.org/data?i=stock_abs_&amp;t=2017</a>		
Foreign population (documented immigrants) as a quota of the total population:	4.1% (433.3 thousand/10.6 million)	2017			

The numbers of asylum applicants to **Czech Republic** remained more or less constant between 2010 and 2013 (700 applications per year) and have showed a small increase after 2014; however, in the last decade, they never exceeded 1500 per year and overall from 2010 to 2018 only 9226 individuals applied for asylum in the Czech Republic.

During the refugee crisis, the Czech Republic did not experience a spike in asylum applications. According to a recent Caritas' report, the reasons for this include the absence of an external Schengen land border, the low attractiveness for asylum-seekers, as well as repressive policies including the broad use of administrative detention for transiting migrants.



The geographical origins of most asylum-seekers are Ukraine, Armenia, Georgia and Russia. Only recently has the Czech Republic witnessed a rise in applications filed by Syrian (37 in 2018) or Iraqi nationals (65 in 2018). In 2018, 1255 applications have been submitted by individuals of “various or unknown origins”.

However, while recognition rates (asylum + subsidiary protection) have traditionally stood at around 30 %, in 2018, only 25 asylum statuses (China, Ukraine, Syria) and 103 subsidiary protections (Syrians, Iraqis, Ukrainians) were granted. The Government attitude is increasingly restrictive. The rejection rate is 59%.

In 2017, the EC has referred the Czech Republic, together with Hungary and Poland, to the Court of Justice (ECJ) of the EU for non-compliance with its legal obligations on relocation (2015). In fact, The Czech Republic accepted only 12 asylum-seekers out of the 2,691 it had been assigned under the 2015 EU Emergency Relocation Scheme – which aimed to relocate refugees from EU member states such as Greece and Italy – by the end of the year.

The Czech Republic does not take part in any resettlement scheme and refuses to participate in the EU mandatory refugee relocation quotas.



## GERMANY

Indicator		Years	Source
Number of asylum applicants per year (applied during year)	48589	2010	UNHCR
	53247	2011	
	77651	2012	
	127023	2013	
	202834	2014	
	476649	2015	
	745545	2016	
	222683	2017	
Number of asylum applicants ( <i>total and ten main nationalities</i> )	<b>318936</b>	<b>2018</b>	UNHCR
	60399	Syrian Arab Rep.	
	31799	Iraq	
	25053	Afghanistan	
	22339	Nigeria	
	20385	Iran (Islamic Rep. of)	
	15695	Turkey	
	12251	Russian Federation	
	10575	Somalia	
	8791	Eritrea	
	8095	Various/Unknown	
Number of refugees recognized, conventional protection ( <i>total and ten main nationalities</i> )	<b>56427</b>	<b>2018</b>	UNHCR
	27122	Syrian Arab Rep.	
	4955	Iraq	
	3953	Afghanistan	
	3786	Turkey	
	3707	Iran (Islamic Rep. of)	
	2446	Eritrea	
	2040	Somalia	
	2224	Various/Unknown	
	1052	Stateless	
	856	Nigeria	
	Number of refugees recognized, other types of protection ( <i>total and ten main nationalities</i> )	<b>48806</b>	
18772		Syrian Arab Rep.	
14289		Afghanistan	
3100		Iraq	
2969		Eritrea	
1678		Somalia	
1193		Nigeria	
813		Various/Unknown	
504		Yemen	
363		Iran (Islamic Rep. of)	
296		Guinea	
<b>139981</b>		<b>2018</b>	UNHCR



Rejected applications ( <i>total and ten main nationalities</i> )	16144	Syrian Arab Rep.	
	15214	Iraq	
	14680	Afghanistan	
	8744	Nigeria	
	6843	Iran (Islamic Rep. of)	
	6816	Pakistan	
	6150	Russian Federation	
	5377	Georgia	
	5166	Turkey	
	3623	Gambia	
Applications otherwise closed ( <i>total and ten main nationalities</i> )	<b>142932</b>	<b>2018</b>	UNHCR
	16691	Syrian Arab Rep.	
	13955	Afghanistan	
	12802	Iraq	
	9372	Nigeria	
	7880	Russian Federation	
	5714	Iran (Islamic Rep. of)	
	4940	Somalia	
	4540	Serbia and Kosovo (S/RES/1244 (1999))	
	4186	Pakistan	
3275	Various/Unknown		
Total decisions ( <i>total and ten main nationalities</i> )	<b>388589</b>	<b>2018</b>	UNHCR
	78720	Syrian Arab Rep.	
	46877	Afghanistan	
	34082	Iraq	
	19986	Nigeria	
	16284	Iran (Islamic Rep. of)	
	8619	Turkey	
	11420	Pakistan	
	7195	Eritrea	
	13439	Russian Federation	
10821	Somalia		
Rejection rate ( <i>total and ten main nationalities</i> )	<b>36%</b>	<b>2018</b>	UNHCR
	21%	Syrian Arab Rep.	
	45%	Iraq	
	31%	Afghanistan	
	44%	Nigeria	
	42%	Iran (Islamic Rep. of)	
	60%	Pakistan	
	46%	Russian Federation	
	6%	Georgia	
	60%	Turkey	
4%	Gambia		
Pending asylum application at the end of the year	369124	<b>2018</b>	UNHCR



Resettlements	3216	2018	UNHCR
Relocations from Italy and Greece	10837	2018	EC
Third country nationals found to be illegally present	134125	2018	Eurostat
Third country nationals ordered to leave	52930	2018	Eurostat
Third country nationals effectively returned	32140	2018	Eurostat
Expulsion rate	61%	2018	
Effects of asylum policies	63		Mipex 2014
Foreign population (documented immigrants)	12.2 million	2017	<a href="https://migrationdataportal.org/data?i=stock_abs&amp;t=2017">https://migrationdataportal.org/data?i=stock_abs&amp;t=2017</a>
Foreign population (documented immigrants) as a quota of the total population	14.8% (12.2 million /82.7 million)	2017	

The size of the foreign population in **Germany** in 2017 was estimated to be 14,8% of the resident population in 2017. From 2010 until 2016 numbers of asylum applications continued to rise sharply (from 48589 in 2010 to 745545 in 2016). The increase in numbers of newly arriving asylum seekers was massive between 2015 and 2016. According to Aida country report, the number of newly arriving asylum seekers dropped by about 69% in 2016. However, the number of asylum applications increased significantly (a 56% rise compare to 2015). Most applications were filed by applicants who had already arrived in 2015, but authorities did not manage to register them. The backlog of non-registered asylum applications was cleared in 2016. In 2017 the number of asylum applications dropped to 222683. In 2018 about 35% of decisions resulted in a protection status for applicants, both conventional and other types of protection. However, more than 350000 decisions were still pending at the end of the year and the numbers of applications rejected (139981) and otherwise closed (142932) were also very high. In 2018, most asylum applications came from citizens of Afghanistan, Syria and Iran.

The overall expulsion rate can be estimated 36% in 2018. According to UNHCR, the rejection rate is the highest for Turkish and Pakistani nationals (81%). In 2018, 134125 third country nationals were found to be illegally present in Germany. Germany fulfilled its resettlement quota by resettling 3216 applicants in 2018 and accepting 10837 relocations of individuals from Greece and Italy.





## HUNGARY

<i>Indicator</i>		<i>Years</i>	<i>Source</i>
Number of asylum applicants per year (applied during year)	2104	2010	UNHCR
	1693	2011	
	2157	2012	
	18900	2013	
	42778	2014	
	177340	2015	
	29432	2016	
	3397	2017	
Number of asylum applicants ( <i>total and ten main nationalities</i> )	<b>638</b>	<b>2018</b>	UNHCR
	271	Afghanistan	
	239	Iraq	
	48	Syrian Arab Rep.	
	30	Pakistan	
	29	Iran (Islamic Rep. of)	
	16	Various/Unknown	
	5	Somalia	
Number of refugees recognized, conventional protection ( <i>total and ten main nationalities</i> )	<b>56</b>	<b>2018</b>	UNHCR
	24	Iran (Islamic Rep. of)	
	12	Afghanistan	
	8	Various/Unknown	
	7	Cameroon	
	5	Pakistan	
Number of refugees recognized, other types of protection ( <i>total and ten main nationalities</i> )	<b>272</b>	<b>2018</b>	UNHCR
	128	Afghanistan	
	74	Iraq	
	46	Syrian Arab Rep.	
	10	Iran (Islamic Rep. of)	
	9	Various/Unknown	
	5	Palestinian	
Rejected applications ( <i>total and ten main nationalities</i> )	<b>562</b>	<b>2018</b>	UNHCR
	257	Iraq	
	230	Afghanistan	
	28	Iran (Islamic Rep. of)	
	21	Pakistan	
	16	Syrian Arab Rep.	
	5	Turkey	
	5	Georgia	
Applications otherwise closed ( <i>total and ten main nationalities</i> )	<b>139</b>	<b>2018</b>	UNHCR
	48	Afghanistan	
	28	Iraq	
	21	Serbia and Kosovo (S/RES/1244 (1999))	
	21	Pakistan	
	21	Syrian Arab Rep.	
Total decisions ( <i>total and ten main nationalities</i> )	<b>1057</b>	<b>2018</b>	UNHCR
	418	Afghanistan	
	359	Iraq	
	83	Syrian Arab Rep.	
	65	Iran (Islamic Rep. of)	
	47	Pakistan	



	22	Serbia and Kosovo (S/RES/1244 (1999))	
	21	Various/Unknown	
	9	Palestinian	
	8	Somalia	
	8	Cameroon	
Rejection rate ( <i>total and ten main nationalities</i> )	53%	2018	UNHCR
	72%	Iraq	
	55%	Afghanistan	
	43%	Iran (Islamic Rep. of)	
	45%	Pakistan	
	19%	Syrian Arab Rep.	
	83%	Turkey	
	23%	Georgia	
Pending asylum application at the end of the year	110	2018	UNHCR
Resettlements			
Relocations from Italy and Greece	0	2018	EC
Third country nationals found to be illegally present	18915	2018	Eurostat
Third country nationals ordered to leave	8650	2018	Eurostat
Third country nationals effectively returned	1310	2018	Eurostat
Expulsion rate	15%	2018	
Effects of asylum policies	46		Mipex 2014
Foreign population (documented immigrants)	503.8 thousand	2017	<a href="https://migrationdataportal.org/data?i=stock_abs_&amp;t=2017">https://migrationdataportal.org/data?i=stock_abs_&amp;t=2017</a>
Foreign population (documented immigrants) as a quota of the total population	5.2% (503.8 thousand/9.8 million)	2017	

The size of the foreign population in **Hungary** in 2017 was estimated to be 5,2% of the resident population.

According to UNHCR data, asylum applications were on the rise in 2013 and 2014 but peaked in 2015. Until 2015, the role of Hungary was the one of a major transit country. Both the Eastern and South-Eastern migration routes pass through Hungary, as well as the Western Balkan route.

In 2015, during the European “refugee crisis”, Hungary was the second European Union country, behind Greece, to apprehend irregular migrants at its external borders with 411515 recorded crossings and 177340 asylum applications – four times more than in 2014 (42778).

Asylum applications dropped in 2016 (29432), following the construction of the fences at the Southern borders with Serbia and Croatia in September and October 2015, and the amendments to the Asylum Law which made trespassing a criminal offence and allowed push backs at the borders. The decreasing trend was confirmed in 2017, when the Hungarian Government completed the construction of the double fence system and the setting up of the transit zones where migrants and asylum seekers are detained. In 2018, Hungary received only 638 asylum applications vs the 3976 applications of 2017.



Data show changes in the origins of asylum seekers: in 2014 most asylum applications came from Kosovars, Afghans and Syrians. In 2015, applications by Syrians and Afghans nationals surged as well as the number of applications from Pakistan and Iraqi citizens. Since 2016, applications from these nationalities have drastically decreased as an effect of fences, changes in Hungarian legislation and the EU- Turkey agreement signed in March 2016. However, data on 2018, show that the few asylum applications were submitted by Afghans (271), Iraqis (239), Syrians (48), Iranians (29) and Pakistanis (30).

The rejection rate in 2018 was 53%, and the expulsion rate was 15%.

IN 2017, the EC has referred Hungary to the Court of Justice (ECJ) of the EU for non-compliance with its legal obligations on relocation (2015). Hungary did not take part in any resettlement scheme.



## ITALY

<i>Indicator</i>		<i>Years</i>	<i>Source</i>
Number of asylum applicants per year	10052	2010	UNHCR
	40356	2011	
	17352	2012	
	26620	2013	
	64623	2014	
	83243	2015	
	122972	2016	
	126466	2017	
Number of asylum applicants ( <i>total and ten main nationalities</i> )	<b>48391</b>	<b>2018</b>	UNHCR
	7316	Pakistan	
	5141	Nigeria	
	4162	Bangladesh	
	2483	Ukraine	
	2444	Senegal	
	2018	Mali	
	1729	Morocco	
	1692	El Salvador	
	1632	Gambia	
	1630	Côte d'Ivoire	
Number of refugees recognized, conventional protection ( <i>total and ten main nationalities</i> )	<b>6438</b>	<b>2018</b>	UNHCR
	1335	Nigeria	
	622	Somalia	
	437	Pakistan	
	367	Syrian Arab Rep.	
	341	Iraq	
	307	Afghanistan	
	293	El Salvador	
	249	Eritrea	
	235	Côte d'Ivoire	
	223	Cameroon	
Number of refugees recognized, other types of protection ( <i>total and ten main nationalities</i> )	<b>24116</b>	<b>2018</b>	UNHCR
	3365	Nigeria	
	2669	Bangladesh	
	2181	Gambia	
	2000	Pakistan	
	1714	Mali	
	1366	Senegal	
	1200	Guinea	
	1085	Côte d'Ivoire	
	933	Ghana	
	890	Iraq	
Rejected applications ( <i>total and ten main nationalities</i> )	<b>64464</b>	<b>2018</b>	UNHCR
	15152	Nigeria	
	7710	Bangladesh	



	7320	Pakistan	
	5063	Senegal	
	4654	Gambia	
	3952	Côte d'Ivoire	
	3812	Mali	
	3473	Guinea	
	2992	Ghana	
	1054	Morocco	
Applications otherwise closed ( <i>total and ten main nationalities</i> )	<b>151</b>	<b>2018</b>	UNHCR
	45	Afghanistan	
	38	Pakistan	
	20	Mali	
	16	Nigeria	
	13	Liberia	
	8	Iraq	
	6	Côte d'Ivoire	
	5	Turkey	
Total decisions ( <i>total and ten main nationalities</i> )	<b>95305</b>	<b>2018</b>	UNHCR
	19868	Nigeria	
	10539	Bangladesh	
	9795	Pakistan	
	6972	Gambia	
	6540	Senegal	
	5660	Mali	
	5278	Côte d'Ivoire	
	4805	Guinea	
	3987	Ghana	
	1949	Ukraine	
Rejection rate ( <i>total and ten main nationalities</i> )	<b>68%</b>	<b>2018</b>	
	76%	Nigeria	
	73%	Bangladesh	
	75%	Pakistan	
	77%	Senegal	
	67%	Gambia	
	75%	Côte d'Ivoire	
	67%	Mali	
	72%	Guinea	
	75%	Ghana	
	258%	Morocco	
Pending asylum application at the end of the year	105571	<b>2018</b>	
Resettlements	397	<b>2018</b>	UNHCR
Relocations from Italy and Greece	0	<b>2018</b>	EC
Third country nationals found to be illegally present	26780	<b>2018</b>	Eurostat
Third country nationals ordered to leave	27070	<b>2018</b>	Eurostat
Third country nationals effectively returned	5615	<b>2018</b>	Eurostat
Expulsion rate	21%	<b>2018</b>	



Effects of asylum policies	58		Mipex 2014
Foreign population (documented immigrants)	5.9 million	2017	<a href="https://migrationdataportal.org/data?i=stock_abs_&amp;t=2017">https://migrationdataportal.org/data?i=stock_abs_&amp;t=2017</a>
Foreign population (documented immigrants) as a quota of the total population	5.9 million/ 60.6 million (10%)	2017	

The size of the foreign population in **Italy** was estimated to be, in 2017, 10% of the resident population. From 2012 until 2017, the numbers of asylum applications continued to rise (from 17352 in 2012 to 126466 in 2017). The increase in numbers of newly arriving asylum seekers was massive starting from 2014, and in particular between 2016 and 2017. In 2018 the number of asylum applications dropped to 48391. At the end of the same year, 105571 decisions were still pending, and the number of applications rejected (64467) was also very high.

In 2018, most asylum applications came from citizens of Pakistan, Nigeria and Bangladesh. In the same year, the rejection rate was 68%, but it arrives at 250% in case of Moroccans and 77% in case of asylum seekers from Senegal or 76% from Nigeria.

The overall expulsion rate can be estimated 21% in 2018.



## POLAND

<i>Indicator</i>		<i>Years</i>	<i>Source</i>
Number of asylum applicants per year (applied during year)	6534	2010	UNHCR
	6887	2011	
	12266	2012	
	14976	2013	
	7379	2014	
	12242	2015	
	11039	2016	
	5637	2017	
Number of asylum applicants ( <i>applied during year and ten main nationalities</i> )	<b>4236</b>	<b>2018</b>	UNHCR
	2760	Russian Federation	
	586	Ukraine	
	89	Tajikistan	
	80	Armenia	
	72	Iraq	
	69	Turkey	
	58	Georgia	
	53	Azerbaijan	
	52	Pakistan	
	51	Belarus	
Number of refugees recognized, conventional protection ( <i>total and ten main nationalities</i> )	<b>169</b>	<b>2018</b>	UNHCR
	26	Turkey	
	19	Iraq	
	16	Syrian Arab Rep.	
	14	Pakistan	
	11	Ukraine	
	10	Tajikistan	
	10	Turkmenistan	
	9	Egypt	
	9	Russian Federation	
	9	Iran (Islamic Rep. of)	
Number of refugees recognized, other types of protection ( <i>total and ten main nationalities</i> )	<b>194</b>	<b>2018</b>	UNHCR
	84	Ukraine	
	70	Russian Federation	
	14	Tajikistan	
	8	Libya	
	8	Iraq	
	5	Belarus	
	5	Uzbekistan	
Rejected applications ( <i>total and ten main nationalities</i> )	<b>3737</b>	<b>2018</b>	UNHCR
	2251	Russian Federation	
	720	Ukraine	
	183	Tajikistan	
	96	Armenia	
	80	Georgia	



	80	Kyrgyzstan	
	39	Azerbaijan	
	37	Pakistan	
	37	Belarus	
	35	Bangladesh	
Applications otherwise closed ( <i>total and ten main nationalities</i> )	<b>1972</b>	<b>2018</b>	UNHCR
	1633	Russian Federation	
	102	Ukraine	
	36	Armenia	
	34	Tajikistan	
	23	Iraq	
	20	Afghanistan	
	15	Turkey	
	14	Pakistan	
	12	Georgia	
	10	Viet Nam	
Total decisions ( <i>total and ten main nationalities</i> )	<b>6167</b>	<b>2018</b>	UNHCR
	3963	Russian Federation	
	917	Ukraine	
	244	Tajikistan	
	132	Armenia	
	99	Kyrgyzstan	
	96	Georgia	
	73	Turkey	
	65	Pakistan	
	61	Iraq	
	41	Afghanistan	
Rejection rate ( <i>total and ten main nationalities</i> )	<b>61%</b>	<b>2018</b>	
	57%	Russian Federation	
	79%	Ukraine	
	75%	Tajikistan	
	73%	Armenia	
	83%	Georgia	
	81%	Kyrgyzstan	
	2%	Azerbaijan	
	57%	Pakistan	
	2%	Belarus	
	2%	Bangladesh	
Pending asylum application at the end of the year	3024	<b>2018</b>	UNHCR
Resettlements		<b>2018</b>	UNHCR
Relocations from Italy and Greece	0	<b>2018</b>	EC
Third country nationals found to be illegally present	31245	<b>2018</b>	Eurostat
Third country nationals ordered to leave	29375	<b>2018</b>	Eurostat
Third country nationals effectively returned	25715	<b>2018</b>	Eurostat
Expulsion rate	88%	<b>2018</b>	





Effects of asylum policies	43		Mipex 2014
Foreign population (documented immigrants)	640.9 thousand	2017	<a href="https://migrationdataportal.org/data?i=stock_abs_&amp;t=2017">https://migrationdataportal.org/data?i=stock_abs_&amp;t=2017</a>
Foreign population (documented immigrants) as a quota of the total population	1.7% (640.9 thousand/38 million)	2017	

The size of the foreign population in **Poland** in 2017 was less than 2% of the resident population.

Between 2010 and 2013, the number of asylum applications to Poland increased significantly. The largest number of asylum applications came from citizens from the Russian Federation (of whom many declared themselves Chechens), Georgia and Armenia (UNHCR migration data).

This trend was reinforced in the following years due to the conflict in Eastern Ukraine and the number of asylum application from Ukrainian citizens (2013-2014). According to UNHCR data, since 2014 the number of Ukrainian asylum seekers has increased so that in 2014, they constituted the 22% of all asylum claims (there were 7379 asylum applications, out of which 2109 were citizens of Ukraine). In the first six months of 2015, 1,591 citizens from Ukraine applied for asylum in Poland. They constituted almost 1/3 of all asylum applicants (AIDA report, November 2015). In 2016, asylum seekers from Russian Federation topped at 7858, more than 50% of asylum applications.

Since 2017, the number of applications has dropped. The origins of the asylum seekers are still predominantly the Russian Federation (65%), Ukraine and Tajikistan. The reasons of the decrease might be the following:

- 1) Push backs at the Terespol crossing station - which at the border between Poland and Belarus was the station where most asylum seekers submitted their applications.
- 2) High rejection rate (61% overall: in 2018, the 79% of applications from Ukrainian citizens, 83% from Tajiks and 57% from Russian citizens were rejected); in 2018, only 169 asylum seekers were recognized conventional protection; the majority of them came from Turkey (26), Iraq (19) and Syria (16)); only 194 asylum seekers obtained subsidiary protection. Most of them came from Russia (84), Ukraine (70) and Tajikistan (14).
- 3) Poor welfare conditions offered to asylum seekers and scant possibility to integrate themselves into Polish society (Aida, 2018).



## SLOVAKIA

<i>Indicator</i>		<i>Years</i>	<i>Source</i>
Number of asylum applicants per year (applied during year)	541	2010	UNHCR
	491	2011	
	732	2012	
	438	2013	
	331	2014	
	329	2015	
	146	2016	
	179	2017	
Number of asylum applicants ( <i>total and ten main nationalities</i> )	<b>146</b>	<b>2018</b>	UNHCR
	31	Afghanistan	
	24	Iraq	
	20	Yemen	
	16	Azerbaijan	
	15	Iran	
	14	Pakistan	
	8	Vietnam	
	7	Georgia	
	6	Ukraine	
	5	India	
Number of refugees recognized, conventional protection ( <i>total and ten main nationalities</i> )	0	<b>2018</b>	UNHCR
Number of refugees recognized, other types of protection ( <i>total and ten main nationalities</i> )	30	<b>2018</b>	
	19	Yemen	
	11	Afghanistan	
Rejected applications ( <i>total and ten main nationalities</i> )	45	<b>2018</b>	UNHCR
	9	Afghanistan	
	9	Iran (Islamic Rep. of)	
	9	Viet Nam	
	7	Russian Federation	
	6	Iraq	
	5	Pakistan	
Applications otherwise closed ( <i>total and ten main nationalities</i> )	48	<b>2018</b>	UNHCR
	15	Iraq	
	12	Azerbaijan	
	9	Afghanistan	
	7	Pakistan	
	5	Georgia	
Total decisions ( <i>total and ten main nationalities</i> )	<b>160</b>	<b>2018</b>	UNHCR
	32	Afghanistan	
	25	Iraq	
	19	Yemen	
	13	Iran (Islamic Rep. of)	
	12	Azerbaijan	
	12	Pakistan	
	11	Viet Nam	



	10	Russian Federation	
	6	Georgia	
	5	Algeria	
Rejection rate ( <i>total and ten main nationalities</i> )	<b>28%</b>	<b>2018</b>	UNHCR
	28%	Afghanistan	
	69%	Iran (Islamic Rep. of)	
	82%	Viet Nam	
	70%	Russian Federation	
	24%	Iraq	
	42%	Pakistan	
Pending asylum application at the end of the year	17	<b>2018</b>	
Resettlements		<b>2018</b>	
Relocations from Italy and Greece	16	<b>2018</b>	EC
Third country nationals found to be illegally present	2635	<b>2018</b>	Eurostat
Third country nationals ordered to leave	2500	<b>2018</b>	Eurostat
Third country nationals effectively returned	2115	<b>2018</b>	Eurostat
Expulsion rate	85%	<b>2018</b>	
Effects of asylum policies	38		Mipex2014
Foreign population (documented immigrants):	184.600	2017	<a href="https://migrationdataportal.org/data?i=stock_abs_&amp;t=2017">https://migrationdataportal.org/data?i=stock_abs_&amp;t=2017</a>
Foreign population (documented immigrants) as a quota of the total population:	3.4% (184.6 thousand/5.4 million)	2017	

At the end of 2018, foreigners residing in **Slovakia** were the 3.4% of the entire population. In the last decade, the annual flows of asylum seekers have been rather negligible. UNHCR data show that between 2010 and 2018, Slovakia recorded 3330 asylum applications overall.

Since 2012, the number of asylum applicants to Slovakia has decreased further, from the 732 applications submitted in 2012 to 146 applications submitted in 2018. The decline has been caused by a rather strict government asylum policy which came into force in 2012 and stricter controls at the borders with Ukraine.

In 2018, asylum seekers who submitted their applications in Slovakia came mainly from Afghanistan, Iraq, Yemen, Azerbaijan and Iran. Only 30 individuals were granted the status of refugee (refugees recognized other types of protection): 19 from Yemen and the rest from Afghanistan. In 2018, the rejection rate was 28% but it arrives at 82% in case of Vietnamese and 70% in case of asylum seekers from Russia or 69% from Iran.

The Slovak Republic did not comply with the system of mandatory quotas for the relocation of refugees, but in 2018 accepted 16 refugees relocated from Greece.



## SLOVENIA

<i>Indicator</i>		<i>Years</i>	<i>Source</i>
Number of asylum applicants per year (applied during year)	246	2010	UNHCR
	373	2011	
	305	2012	
	274	2013	
	389	2014	
	280	2015	
	1308	2016	
	1488	2017	
Number of asylum applicants ( <i>total and ten main nationalities</i> )	<b>2799</b>	<b>2018</b>	UNHCR
	780	Pakistan	
	493	Algeria	
	474	Afghanistan	
	179	Morocco	
	171	Iran (Islamic Rep. of)	
	158	Morocco	
	164	Syrian Arab Rep.	
	93	Iraq	
	67	Turkey	
60	Bangladesh		
Number of refugees recognized, conventional protection ( <i>total and ten main nationalities</i> )	<b>90</b>	<b>2018</b>	UNHCR
	41	Syrian Arab Rep.	
	26	Eritrea	
	12	Turkey	
	6	Iran (Islamic Rep. of)	
	5	Afghanistan	
Number of refugees recognized, other types of protection ( <i>total and ten main nationalities</i> )	<b>0</b>	<b>2018</b>	UNHCR
Rejected applications ( <i>total and ten main nationalities</i> )	<b>374</b>	<b>2018</b>	UNHCR
	105	Afghanistan	
	102	Algeria	
	35	Morocco	
	27	Iran (Islamic Rep. of)	
	21	Syrian Arab Rep.	
	17	Tunisia	
	16	Iraq	
	16	Pakistan	
	15	Turkey	
	11	Serbia and Kosovo (S/RES/1244 (1999))	
Applications otherwise closed ( <i>total and ten main nationalities</i> )	<b>2332</b>	<b>2018</b>	UNHCR
	782	Pakistan	
	420	Algeria	
	369	Afghanistan	
	145	Morocco	
	121	Iran (Islamic Rep. of)	
	88	Syrian Arab Rep.	



	64	Iraq	
	62	Turkey	
	60	Bangladesh	
	32	India	
Total decisions ( <i>total and ten main nationalities</i> )	<b>2824</b>	<b>2018</b>	UNHCR
	798	Pakistan	
	522	Algeria	
	481	Afghanistan	
	180	Morocco	
	154	Iran (Islamic Rep. of)	
	150	Syrian Arab Rep.	
	89	Turkey	
	83	Iraq	
	60	Bangladesh	
	47	Eritrea	
Rejection rate ( <i>total and ten main nationalities</i> )	<b>13%</b>	<b>2018</b>	UNHCR
	22%	Afghanistan	
	20%	Algeria	
	19%	Morocco	
	18%	Iran (Islamic Rep. of)	
	14%	Syrian Arab Rep.	
	36%	Tunisia	
	19%	Iraq	
	2%	Pakistan	
	17%	Turkey	
	6%	Serbia and Kosovo (S/RES/1244 (1999))	
Pending asylum application at the end of the year	216	<b>2018</b>	UNHCR
Resettlements		<b>2018</b>	UNHCR
Relocations from Italy and Greece	253	<b>2018</b>	EC
Third country nationals found to be illegally present	4345	<b>2018</b>	Eurostat
Third country nationals ordered to leave	1290	<b>2018</b>	Eurostat
Third country nationals effectively returned	4445	<b>2018</b>	Eurostat
Expulsion rate	345%	<b>2018</b>	
Effects of asylum policies	48		Mipex 2014
Foreign population (documented immigrants)	244.8 thousand	2017	<a href="https://migrationdataportal.org/data?i=stock_abs_t=2017">https://migrationdataportal.org/data?i=stock_abs_t=2017</a>
Foreign population (documented immigrants) as a quota of the total population	244.8 thousand/2.1 million (11.8%)	2017	

The size of the foreign population in **Slovenia** in 2017 was estimated to be 11,8% of the resident population in 2017. From 2016 until 2018 numbers of asylum applications raised (from 280 in 2015 to 2799 in 2018). The number of newly arriving asylum seekers spiked 2018. At the end of the same year, 2332 decisions were still pending, and the numbers of applications rejected was 374.



In 2018, most asylum applications came from citizens of Pakistan, Algeria and Afghanistan. In the same year, the rejection rate was 13% but it arrives at 36% in case of Tunisians and 22% in case of asylum seekers from Afghanistan or 20% from Algeria.

The overall expulsion rate can be estimated 345% in 2018.



## CONCLUSION

The deliverable collects statistical data and national policy sheets and allows us to provide a broad picture on the refugee reception and integration policy framework in the Central European Region and of how individual countries have dealt with the migration challenges in the last decade.

Since the early 2000s, the Refugee reception and integration policy framework in the Central European region has been shaped by the enlargement process of the European Union. In order to access EU, the former socialist countries (Czech Republic, Slovakia, Hungary, Poland, Croatia and Slovenia) had to adapt their legislation to EU regulations. Likewise, in the same years, Austrian and Italian asylum systems were redesigned to deal with an increasing number of asylum applications as they moved from being countries of transit and/or emigration to countries of reception.

The Balkan Wars, the Ukrainian conflict, and the so called “migration crisis” of 2015-2016, challenged the sustainability of the national asylum systems, the “Balkan” and “Mediterranean” routes crossed the Central European region and created internal tensions among different countries and among each country and the EU. The closure of the Balkan Route in 2016, the stricter application of the Dublin regulation, the Hungarian, Czech and Slovak decision not to partake to EU refugees’ redistribution programs did not simplify relations among EU members and increased pressures on countries at the external borders of the EU.

This determined significant diversity in the number of asylum applications received by different countries and in the implementation of refugee integration and reception national policies in the Central European region.

Data show that since 2016 the number of asylum applicants has collapsed in most central European countries, while the percentage of rejected applications has increased: in 2018, it has been, in most cases, well above 50%. Significant differences concern also the origins of refugees, with Poland and Czech Republic welcoming mainly refugees coming from Russia, Ukraine and Vietnam; and the other countries welcoming asylum applications from Middle Eastern citizens (Syria).

Observers notice that, in most Central European regions, xenophobic attitudes are on the rise and political debate on migration and refugees has become an instrument of far-right political parties. Often, NGOs and supranational organizations denounce poor implementation of national legislation, and consequent violations of refugee rights.

Intervention by the EU concerns mainly border control although, recent decisions by the European Court of Justice might have consequences on national refugee integration and reception policies. In most countries, the main body in charge of deciding and managing refugee reception and integration policies is the Ministry of Internal Affairs and some dedicated offices of the State administration depending on and answering to the Ministry of Internal Affairs. Even in Federal states, as Germany, regional and provincial administrations



have a subordinate role, although they are often required to implement and fund with their own budget some measures and practices. In most countries, Regional and local Courts oversee appeals in the Asylum regular procedure.

Private actors are sometimes in charge of managing Asylum seekers' reception centres; NGOs and actors from the civic society play a substantial role in the implementation of reception and integration policies although in most countries their action is more and more criminalized in media discourse and their action often obstructed by governments.

The spectrum of refugee reception and integration policies in the Central European region is very broad and varied. It depends on national governments' decisions. Delays, bottlenecks in policies implementation, as well as substantial violation of refugee rights - including pushbacks at the borders and violence by police - are reported by external observers in all the regions. Major weaknesses in the Asylum systems concern identification and treatments of vulnerable groups as well as integration in the labour markets. Poor housing and reception conditions tend represent a deterrent to asylum applicants.