

# In Dialogue with the Other

Best Cross Cultural Practices of Refugee Integration



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In-Dialogue

# Cross-cultural Practices of Refugees Integration



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# Preface

According to the UNHCR, there were 59,5 millions of forcibly displaced people worldwide at the end of 2014, the highest number since the 672,000 applications received in 1992. Out of these 59.5 million, 19.5 million were refugees (14.4 million under UNHCR's mandate, plus 5.1 million Palestinian refugees under UNRWA's mandate), and 1.8 million were asylum-seekers. The rest were persons displaced within their own countries (internally displaced persons). The 14.4 million refugees under UNHCR's mandate were around 2.7 million more than at the end of 2013 (+23%), the highest level since 1995. Among them, Syrian refugees became the largest refugee group in 2014 (3.9 million), overtaking Afghan refugees (2.6 million). However, the largest countries of origin of refugees are African: Somalia, Sudan, South Sudan, DRC, CAR and Eritrea.

In fact, developing countries still host the largest share of refugees (86%) and in 2014 the least developed countries alone provided asylum to 25% of refugees worldwide. Even though most Syrian refugees were hosted by neighbouring countries such as Turkey, Lebanon and Jordan, the number of asylum applications lodged by Syrian refugees in Europe steadily increased between 2011 and 2015, totalling 813,599 in 37 European countries (including EU's partners). 57% of them applied for asylum in Germany (country of choice) or Serbia (where the majority is firstly processed and fingerprinted). The largest single recipient of new asylum seekers worldwide in 2014 was the Russian Federation, with 274,700 asylum requests, 99% of them lodged by Ukrainians fleeing from the war in Donbass.

The European refugee crisis officially began in 2011 and intensified in 2014. According to Eurostat, EU member states received over 1.2 million first-time asylum applications (not granted) in 2015. Four states (Germany, Hungary, Sweden, and Austria) received around two-thirds of the EU's asylum applications in 2015.

Since April 2015, the European Union has struggled to cope with the crisis, increasing funding for border patrol operations in the Mediterranean, devising plans to fight migrant smuggling and human traffickers, starting Operation Sophia and proposing a new quota system both to relocate asylum seekers among EU states to alleviate the burden on some countries and to internally resettle refugees. On a national level, individual countries have at times reintroduced border controls within the Schengen Area, and rifts have emerged between countries willing to allow entry of asylum-seekers for processing refugee claims, with other countries trying to discourage their entry and asylum claims .

According to the United Nations High Commission for Refugees (UNHCR), the top three nationalities of entrants of the over one million Mediterranean Sea arrivals between January 2015 and March 2016 were Syrian (46.7%), Afghan (20.9%) and Iraqi (9.4%). Clearly the majority of asylum seekers trying to reach Europe are originating from those areas of the Middle East, where international conflicts are still ongoing and the level of militarization and conflicts are still dramatically high. The Syrian conflict and the so called Arab Spring, officially started between 2010-2011 with a predictable impact on the fluxes of asylum seekers trying to reach Europe. However, since its beginning, the EU struggled to coordinate, process and manage all the people fleeing from middle east and sub-Saharan countries involved in different conflicts. In fact, legislations, polices and guidelines regarding international protection in Europe, have already changed many times during the last years and months. For example, the system regulating the Mediterranean's Sea borders is under constant ongoing review and modification, creating sometimes confusion and operational dilemmas; FRONTEX, Mare Nostrum, Operation Triton, Operation Poseidon, Operation Sophia and others, all refer to different operations\systems of search and rescue developed, applied and eventually abandoned from time to time by the EU Council. This is just an example to show how the EU appears to be inconstant in dealing with the last 5-6 years' greater arrivals.

It is important to remember that even if this refugee crisis is not the first one of such dimensions, Europe is still struggling to find a widely shared approach to organise operations and set up common laws. The main causes of this uncertain situation are, on the one side the fact that migration and refugees are always an appealing topic for politicians and election runners to attire consent, playing on fears and social suffering; on the other side, national governments, after voting and signing common resolution inside the Council of Europe, turn those policies; or refuse to apply those laws inside their national borders. A clear example of this breach is the famous "Quota system", which, after being voted and praised within the EU Council to alleviate the burden of countries such as Italy, Greece or Hungary, it had been strongly refused by almost the totality of the other EU governments within their national territory. For example, Spain accepted to take 15,000 asylum seekers but finally accepted only 1,300 from the total. In the United Kingdom, the government agreed to relocate 3,000 refugee children within its borders; however, in February 2017 the Home Office abandoned the scheme after accepting only 350 out from the total.

From the general picture, considering and comparing all the member countries, the situation appears to be uneven and unequal, requiring to address multiple issues on different grounds (application process, housing, basic needs, children and so on..).

However, we must consider governments' behaviours and choices within their national political context and the ideological climate present at the moment in their countries and in all Europe. Unfortunately, many political parties and groups have often used the migration topic in instrumental and propaganda ways. In each European country there is at least one politician or political group that periodically generates and spreads hate speeches on migrants and refugees, often accusing them for the absence of job places, lack of security and welfare.

In fact, refugees have often been used as goats' capes and accused of causing any kind of socio-economic issue. One of the most alarming point is that these actors, who use fear and insecurity to attire consent and people's votes, in any countries are not punished for their racist rhetoric and allegations. The most negative impact of these kind of speeches is the fact that they make impossible to face the topic of migration in a logical and functional way. They push on unreliable

sources of information, spreading data in contrast with the ones possessed by International Agencies or governments, circulating inaccurate information and eventually generate chaos and confusion among the public; who cannot make an independent idea and choices. Politicians and policy-makers are always careful with the public's point of view and, fearing to lose their consent, often give up on needed reforms or positive policies. To address the problems on migration and asylum in Europe, it is absolutely essential to be able to discuss policies and solutions outside from xenophobic rhetoric and propaganda intents. Moreover, Hate speeches against migrants and refugees have a dramatic impact mainly on their lives. People are put in danger and many violent attacks have been reported in each member country against refugees.

Hate speeches make migrants feel unwelcome and guilty for something (such as international conflicts) that they are not responsible for. This can jeopardize the long and complicate process that one has to face when starting a new life to become citizen of a new country. The most dangerous effect is that migrants or refugees can develop an acute sense of resentment and social exclusion that can result in radicalisation or support to anti-western or terroristic ideologies.

# Introduction

This guide represents an excellent tool to understand the discordant and uncoordinated state of things regarding asylum in the EU, as it presents six countries particularly different from each other; not only geographically talking, but also politically and economically. Especially Spain, Italy and Turkey, have different needs and issues to deal with when compared with Sweden, Germany or the UK; which on their side, have different methodologies and approaches. With this guide we intend to provide multiple analysis and answers generated by different nations and governments, to deal with the current international humanitarian and refugee crisis.

The content of this guide will be of particular interest for practitioners and professionals working directly with asylum seekers and refugees, since provides complete information about housing, legal procedure, job guidance, health access and so on, in all the 6 different countries exposed. Who works with migrants and refugees knows that those are people who travel continuously within the EU borders, often without any trustworthy information about the different conditions and policies ruling in each country. That is why the material here collected has a relevant practical impact on workers and the people assisted. Moreover, the data presented has been collected from different sources, governmental and nongovernmental as well, compared and analysed independently to give a clearer point of view as possible about the current situation.

Also, the practical examples and case studies here included provide an idea about how different actions have been taken in different contexts, giving the possibilities to generate programs and initiatives starting from others' good practices.

# 1. State of Asylum per Nations

## 1.1. The right of Asylum in Germany

Around 1.1 million asylum-seekers entered the country throughout the last year. The government unilaterally decided for a period of time not to return Syrian asylum seekers to their first country of entry in the EU. It also expanded the list of safe countries of origin and introduced severe cuts to benefits for certain categories of asylum-seekers. However, the authorities' failure to effectively investigate alleged human rights violations by police persisted. Also hate crimes against refugees, asylum-seekers and migrants increased sharply.



# Refugees and asylum-seekers

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The influx of asylum-seekers, mostly from Syria, Iraq and Afghanistan, increased considerably in the second half of the year, from already high levels. By the end of the year Germany had received around 1.1 million asylum-seekers. The Prime Minister highlighted the necessity to address the needs of incoming refugees; invited other European leaders to share responsibility for people seeking protection in Europe; and decided to consider asylum applications submitted by tens of thousands of Syrians arriving in Germany through countries such as Hungary and Austria, rather than seeking their return to the first EU country they entered – a measure that was enforced for about three months. By the end of the year, 476,649 asylum applications had been submitted. Germany contributed to the EU schemes for resettlement and relocation by pledging respectively 1,600 and 27,555 places.

In July, a new law improved the legal status of resettled refugees, including by facilitating family reunification, but increased powers to detain asylum-seekers under the Dublin Regulation and those whose asylum application had been rejected. The amended Asylum Seekers Benefits Act, in force since April, fell short of human rights standards, particularly regarding access to health care. A new law passed in October expanded the list of safe countries of origin to include Kosovo, Albania and Montenegro, thus limiting the opportunity to nationals of these countries to seek protection. The law also introduced severe cuts to benefits set out of the Asylum Seekers Benefits Act for rejected asylum-seekers remaining in Germany in breach of an order to leave the country – or anyway remaining without legal status – and for asylum-seekers who moved to Germany despite having been relocated to another European country.





The 2015 Migration Report, drawn up by the Federal Office for Migration and Refugees, was presented by Federal Ministry of the Interior on 14 December 2016. In addition to comprehensive data on migration regarding Germany, the Report contains a European comparison on migration-related events and on asylum-related immigration. It addresses the phenomenon of irregular migration and provides information on the structure and development of the population with a migration background.



# Major Result

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2015 was characterized by the highest level of individuals seeking protection migration. 476,649 asylum applications (first and subsequent asylum applications) were registered in 2015 (in comparison to 202,834 asylum applications in 2014). This amounts to an increase of 135.0 per cent in comparison to the preceding year.

According to the EASY quota system (Initial Distribution of Asylum-Seekers) initially as many as 1,091,900 arrivals of asylum seekers were registered. However, errors in counting and double counting, as well as onward- or return travels could not be excluded when registering in the EASY quota system, since no personal data is recorded in EASY. Only after the completion of the post- registration in September 2016 it became clear, that the number of arrivals was indeed 890.000.

2015 witnessed the highest level of immigration and the highest positive migration balance since 1992. In comparison to the previous year, immigration increased by 46 per cent to 2.14 million arrivals. The number of those moving away rose by 9 per cent (approx. 1 million); the migration surplus is 1.14 million persons.

The number of asylum-seekers reached a historical record in 2015. In this context, an increase of the indicators of irregular migration has been observed. In the year 2015, Syria was the main country of origin of immigrants with 326,900 Syrians arriving in Germany, which was by far the largest group of immigrants. This is due to the disproportionate increase in asylum-related immigration within this group of persons. This also applies to the strong immigration from Afghanistan, Iraq and Pakistan.

Internal EU migration remains strong, as it constitutes 39.6 per cent of the whole immigration to Germany. Although Germany has registered an increase in the arrival of Union citizens, the share of the internal EU migration within the entire immigration is declining due to the disproportionate increase in asylum-related immigrations

With 99.100 students the highest number of young people who received their entry qualification in a country other than the country they are currently studying in started studying in Germany. Family reunification increased by 44 per cent in comparison to the preceding year.

Germany remains the main destination country for migrants in European comparison. One fifth of the population has a migration background. Among children under the age of ten, about one-third has a migration background. In 2016 immigration to Germany declined. This is mainly due to the decline in asylum- related immigration since early 2016. The Federal Government's Migration Report is published on an annual basis by the Federal Office for Migration and Refugees.



# EASY- The quota system for fair distribution

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The EASY quota system (Initial Distribution of Asylum-Seekers) is orientated in line with the "Königstein Key". The distribution quota is calculated on an annual basis by the Federation-Länder Commission, and determines what shares of asylum-seekers are received by each Federal Land.

This ensures suitable, fair distribution among the Federal Länder.

Family members of persons entitled to protection also receive asylum. The following are regarded as family members for the purposes of family asylum:

- Spouses and registered partners;
- Minor, unmarried children;
- The parents of minor, unmarried persons for the purpose of care and custody;
- Other adults who have personal custody of minor, unmarried persons;
- The minor, unmarried siblings of minors.

A precondition applying to spouses is for a valid marriage to have already existed in the country of origin, for the asylum application to have been filed prior to or at the same time as that of the person entitled to protection, and at the latest promptly after entry into the country, and for the entitlement to protection not to have been revoked. This arrangement applies to persons entitled to protection to whom refugee protection or entitlement to asylum has been granted or who have received subsidiary protection. Persons are ruled out with regard to whom a national ban on deportation was found to exist during the asylum procedure.



If a child is born in Germany after the parents have filed an asylum application, the legislature provides for the possibility of a separate asylum procedure in order to protect the children. For this purpose, the parents or the immigration authority inform the Federal Office that the birth has taken place. The asylum application is hence automatically regarded as having been filed in the interest of the new-born child. The parents can submit separate grounds for asylum for their child. If they do not do so, the same grounds apply as to the parents. Here too, appeals are available should the decision of the Federal Office be negative. Should the application be turned down, minor children will not be and may not be returned separately from their parents, also in the interest of child protection.

# Sharp increase in the number of asylum applications

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Considerable increases were observed in the number of asylum applications.

In 2015, the number of first asylum applications reached a historical peak with 441,900 persons (compared to 438,200 applications in 92') and increased by 155% in comparison to 2014 (173,100). Germany is thus the Member State of the European Union which received the largest number of applications. However, the number of asylum-seekers was significantly higher than the number of asylum applications. According to the EASY quota system (Initial Distribution of Asylum-Seekers) as many as 1,091,900 arrivals of asylum seekers were registered. However, errors in counting and double counting, as well as onward or return travels, could not be excluded when registering in the EASY quota system, since no personal data is recorded. Only after the completion of the post-registration in September 2016 it became clear that the number of arrivals was indeed 890.000.



The main countries of origin were Syria, Albania, Kosovo and Afghanistan. From 2011 to 2015, the largest numbers of asylum seekers were from Syria (26%), Afghanistan and Albania (both 8%). The total asylum grant rate was noticeably higher in 2015 (50%) than in the preceding year (2014: 32%). Above-average asylum grant rates were registered for asylum-seekers from Syria (96%), Eritrea (92%), Iraq (89%) and Afghanistan.



# Family reunification increase

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72,700 visas for the purpose of spousal and family reunification were issued in 2015. As a result, the total number increased by 44% compared to the preceding year, as family reunification of third country nationals had been at a relatively constant level between 2007 and 2013. Turkey still remains the country where most of the visas for the purpose of spousal and family reunification are issued. However, both, the absolute number (since 2002) as well as the share (since 2005) of visas for the purpose of spousal and family reunification, issued in German diplomatic representations in Turkey, has declined until 2014. In 2015 however, the figure rose by 102% from 7,900 to 15,900 visas. The country with the second largest number of visas issued to Turkey was Lebanon with 10,700 visas in 2015. In 2014 the proportion was still 5%. Overall, the number of visas issued from Lebanon has increased by 317%. Both for the German diplomatic representations in Turkey and in Lebanon, there is a growing number of Syrian nationals applying for visas for the purpose of spousal and family reunification.



The analysis of third-country nationals by purpose of residence shows that roughly 7% moved to Germany for family reasons in 2015. 3% of third country nationals were given a residence permit for the purpose of employment, whilst 6% moved to Germany in order to study, to attend school or a language course and for other training related purposes. Especially because of the reception of Syrian refugees, immigration for humanitarian reasons has increased significantly (share of 8%), as well as the number of residence permits issued in order to conduct asylum procedures (share of 24%).

## Unaccompanied minors

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When underage asylum seekers enter a Member State of the EU without being accompanied by an adult who is responsible for them, or if they are left there unaccompanied, they are regarded as unaccompanied minors.



# Initial talking into care and initial screening

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Unaccompanied minors who entered Germany after 1 November 2015 are first of all taken into care by the youth welfare office that has local responsibility. This ensures that they are accommodated with a suitable person or in a suitable facility.

Suitable persons can be relatives or foster families, whilst suitable facilities are as a rule "clearing houses" specialising in caring for unaccompanied minors, or youth welfare facilities. They are to ensure that the young people can grow up in a stable situation.

Initial screening" is also carried out when such minors are provisionally taken into care. As well as the general examination of the state of health, the age of the minors is established. The methods that are used for this range from simply estimating age through physical examinations to X-ray tests of the wrist, jaw or collar bone. The responsible youth welfare office also estimates whether the implementation of the subsequent distribution procedure might endanger the child's best interests in physical or psychological terms. The possibility of family reunification with relatives living in Germany is also examined in this context. If close social ties exist with other unaccompanied minors, the youth welfare office examines whether it makes sense to accommodate them together.





# The interview and the decision in the asylum procedure

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Since unaccompanied minors are regarded as a particularly vulnerable group of individuals enjoying special guarantees for their asylum procedure, their asylum applications are taken care of by specially-commissioned case-officers who have been specially trained to take a sensitive approach. The persecution which they have endured and their displacement experience require particular consideration.

Their procedural guarantees include, for instance, the determination that the interviews do not take place until after a guardian has been appointed and are held as a matter of principle in the presence of the latter. Additionally, an advisor, such as a carer, can attend the interviews. The latter may also make statements on the individual case during the interviews or address questions to the unaccompanied minors which are relevant to the asylum application.

Particular emphasis is placed during the interviews on ascertaining whether there are indications of child-specific grounds for flight. Child-specific grounds for flight are for instance genital mutilation, forced marriage, domestic violence, trafficking in human beings, as well as forced recruitment as a child soldier. A decision is taken on the respective asylum application on the basis of the interview. This notice is then served on the guardian or lawyer.

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**Federal Ministry of the Interior**

**Amnesty International**

**Forschungszentrum Migration, Integration und Asyl**

## 1.2. The right of Asylum in Italy

The data and analysis available today about asylum in Italy mainly refer to the period 2014-2015 and 2015-2016, since Frontex and Eurostat agencies release annual reports every 12 months.

However, we can surely state that the most of the asylum seekers in Italy arrive from Nigeria, Pakistan, Gambia, Senegal and Bangladesh.

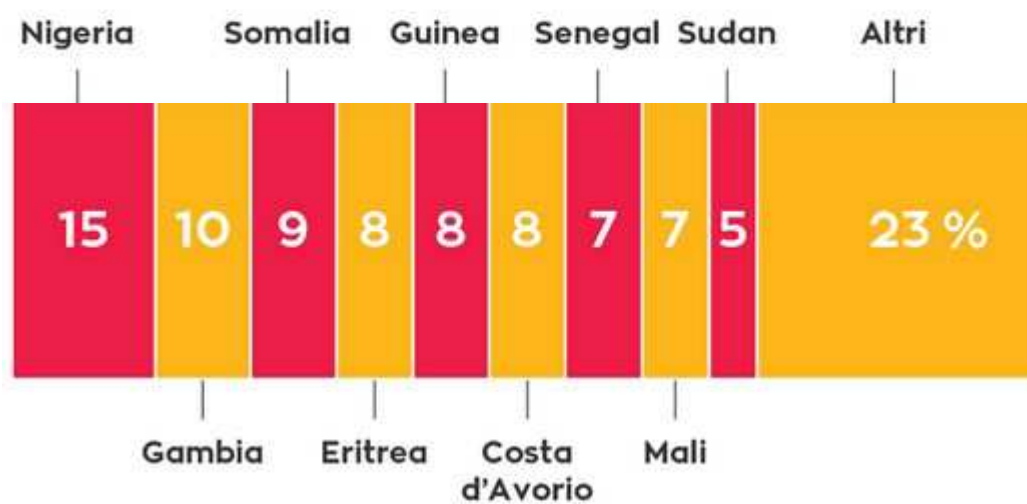
In the first 10 months of 2016 159,432 people arrived in Italy with an increase of 13% with the previous year. Also, the claims for asylum have risen of the 60% from 2015, due to the partial closure of the Schengen area. In fact, Italy is no more a “transit country” but a “country of destination”. It is the only one EU member that is not experiencing a decrease in new arrivals.

However, the number of requests rejected has increased as well. The Italian Town halls Association (ANCI), in their report published in October 2016, states that the number of refusals increased by the 20% and today the 60% of applications has been denied, in line with the European average. While in 2014, Italy recognized protection to 60% of the asylum seekers interviewed, compared with 45% of the EU average.

Moreover, the absence of legal ways to enter (both for asylum seekers and for economic migrants) or humanitarian corridors and the difficulty of regularizing their status once arrived, have increased pressure on the asylum system, generating what the ANCI's report calls "a State's factory of illegal's": the mechanism by which an asylum seeker is assisted for years, but his integration process can culminate with a denial that pushes the person in illegal status. Italy is trying in these first months of 2017 to regulate and improve the legislation about international protection. However, on the one hand the government is trying to protect the tradition of protection and respect of the fundamental human rights guaranteed by the constitution, while on the other hand, it seeks to fulfil and implement the new restrictive European directives on asylum. Unfortunately, as we will analyse, these two exigencies often do not present many common points.

## Origine degli arrivi in Italia nel 2016

Paesi di origine di migranti e rifugiati giunti in Italia via mare  
Gennaio-marzo 2016, %



Fonte: UNHCR

# Italy Recognises Three Different Kinds of Protection

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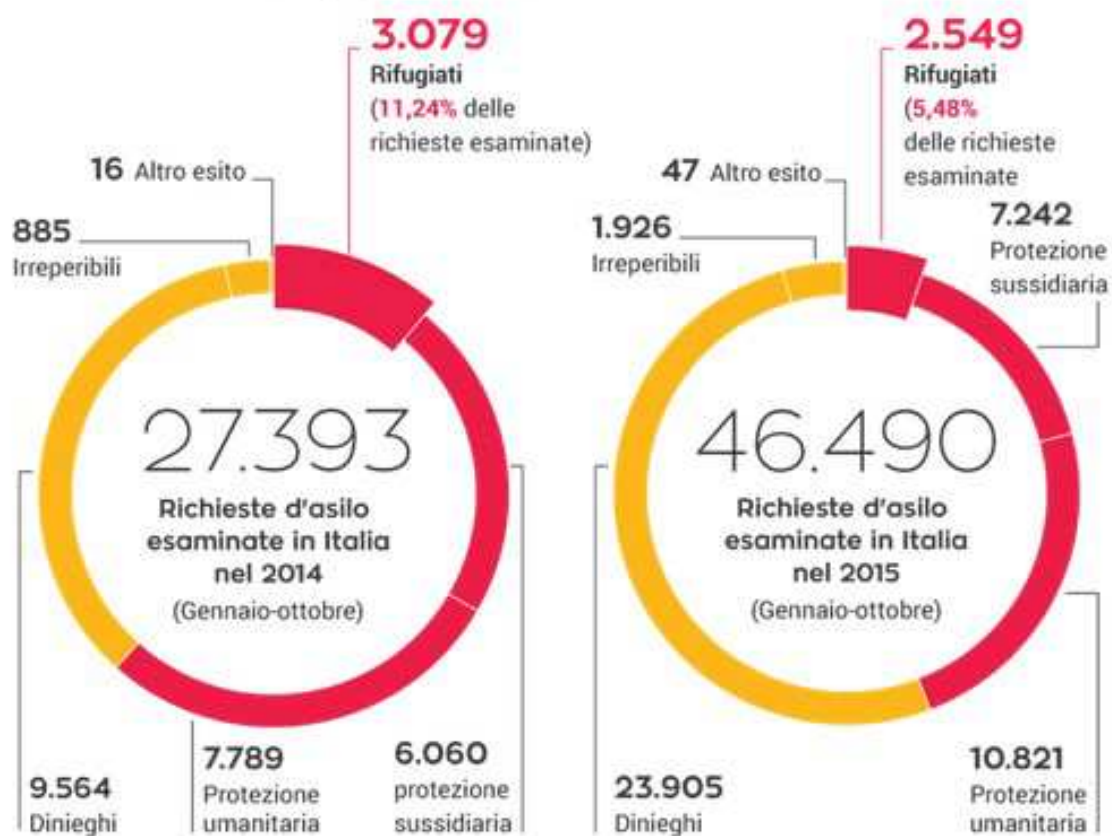
**I. The Refugee Status:** protects those forced to leave their country because persecuted, according to the Geneva Convention.

**II. The Subsidiary Protection:** recognized for those likely to suffer serious harm if returning in the home-country.

**III. The Humanitarian Protection:** granted when there are serious humanitarian reasons that could have consequences for the person if repatriated, such as natural disasters.

From 2015, Italy has increased the number of Territorial Commissions to accelerate the evaluation's process, however, the actual procedure still does not respect the limit of 35 days prescribed by the law, when the average duration per applicant is one year or more. This span time will apparently be reduced with the recent introduction of a new law, Decree Ministeriale, that will speed up the identification and evaluation process of the requests, even if it is not clear how they will guarantee fairness and equality. Until now, asylum seekers had the possibility to present their case in court and appeal for two times the final verdict. However, with the new migration law they will have only one chance to appeal the final decision. This new procedure represents an alarming depletion in matters of human rights and jurisprudence.

## Il vero numero di rifugiati che arrivano in Italia



Fonte: Ministero dell'Interno

 [openmigration.org](http://openmigration.org)

# Reception and Accommodation: Cara, SPRAR and CIE

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**I. Centres for the Identification and Expulsion, CIE:** instituted to detain migrants waiting for repatriation or for their identity to be confirmed. Illegal migrants can be detained up to 18 months. There are 11 CIE operating in Italy, for a total capability of 1,791 places. However, due to several revolts occurred, in many CIE there are ongoing renovations reducing the number of actual places to 849.

**II. The Accommodation Centres for Asylum Seekers, CARA:** made to host asylum seekers waiting for the result of their application. In these centres, in theory, migrants are free to go out. In practice, this possibility is denied. The stay in these centres should not exceed 35 days. Due to the delays in the evaluation process, the time exceeds 6 months and residence permits are not released. Due to the lack of places in the CARAs, migrants are often moved and detained in CIEs with a significant worsening of their living conditions.

**III. The System of Protection for Refugees and Asylum Seekers, SPRAR:** small centres spread on the national territory ensuring temporary accommodation and services to promote integration, as job counselling or language classes. In the SPRAR system there are about 20.000 places available and after the protection is recognised, one can remain around 6 months.

**IV. Emergency Reception Centres (Cas)** has been increased; those are temporary structures with different standards than the PRAR system and their conditions, both material and of services, are very difficult to monitor.

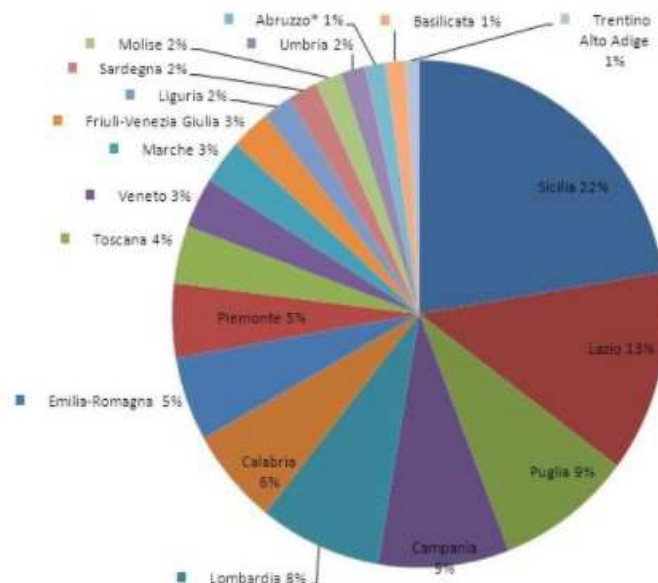
In 2015 the number of asylum seekers hosted in different centres was 114.400. Asylum seekers often complain about the deficiency of basic services in these centres, from the lack of legal advice (essential to assist people in their asylum request), to undignified material standards.

Migrants stay in the centres for the duration of their asylum procedure, and, once the protection is recognized they have to leave. Consequently, refugees find themselves living in poverty and homeless just after Italy actually recognise their need of protection. The new law introduced, Decreto Minniti, initially proposed to halve the number of the centre while, at the end, they will substantially enhance.

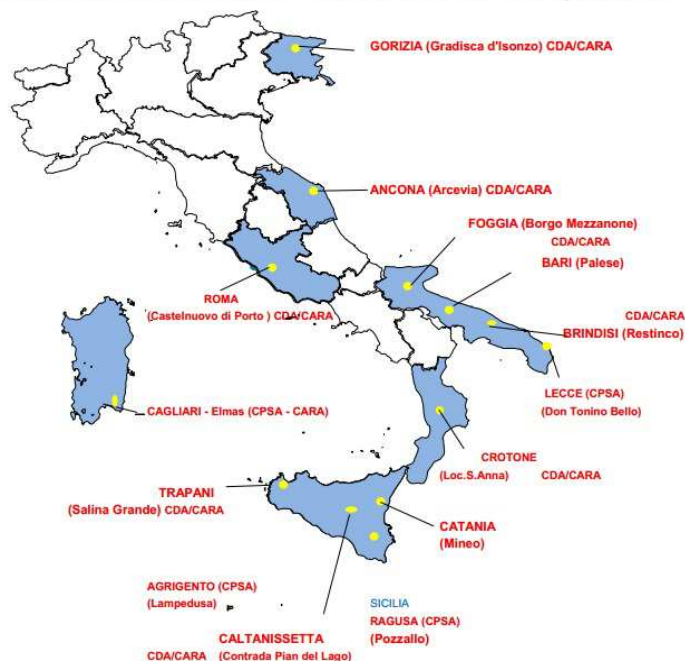
## ANNO 2014

*Distribuzione generale dei migranti nelle strutture temporanee + CARA + SPRAR*

TOTALE: 66066



### 14 CENTRI GOVERNATIVI PER RICHIEDENTI ASILO (CARA-CPSA-CDA)





# The Emergency and Hotspot Approach

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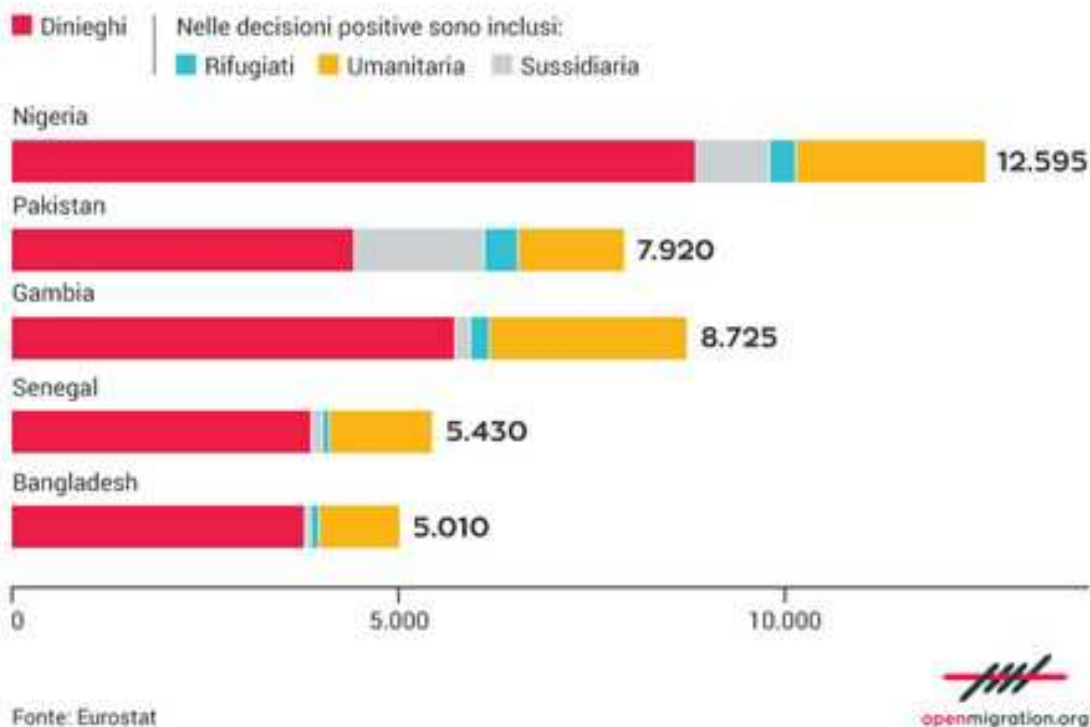
Today, the 80% of the asylum seekers are accommodated in Emergency Reception Centres (Cas). Designed to address the emergency following the Arab Spring in 2011, these centres are now a parallel system predominant over the SPRAR. In August 2016 the Government has announced a new law decree that will upgrade the ordinary program SPRAR and limit the use of Cas, distributing asylum seekers and refugees in different towns and regions. However, the actual approved decree enhances the number of these centres not respecting the foresaw announced measures, since on 8000 Town halls only 2,600 have welcomed the suggested quota of refugees, one out of four. This situation is deeply discouraging: it has been proven several times that local reception solutions, of small or medium size (such as the case of Riace), are much more efficient than refugee camps or detention centres. Small local solutions provide greater control capabilities for the institutions and communities around the hosted individuals; smaller economic impact for the state's resources; more social security; less cases of infringement of the fundamental human rights of the asylum seekers; and promote sustainable long term interventions of inclusion and integration.

Until 2014, half of the migrants arrived in Italy evaded the migration control to reach northern European countries. From 2015, new EU's migration policies (as the reintroduction of border controls in the Schengen area), made more difficult to leave Italy after being registered. Consequently, in 2015, the applications for asylum have increased, also thanks to the Hotspot Approach: the forced mass identification of migrants at their arrival in hot-spot centres and the allocation of asylum seekers on quotas basis. However, in one year only 1,549 people have been relocated outside Italy, out of a total of 160,000 planned.



## Protezione internazionale in Italia nel 2015

Pochi rifugiati, molti no per le prime 5 nazionalità di richiedenti asilo



Agreements with Turkey and other “border countries”, have led to a decrease in arrivals of Syrians and Eritreans and an increase of people from the sub-Saharan Africa. However, asylum seekers from these countries, 60% of the total, have very little chances of being entitled of any relocation in other EU countries and they are often rejected following the new quota policy and selections on provenience basis coming from the Migration Department and the EU Council. Also the new Minniti decree on migration, foreseen collaborations with countries in the Maghreb areas to stop refugees reaching the Italian coast. In this way, on one side persecuted persons are de facto denied to rightfully claim protection at the EU borders. And on the other side, their destiny is paradoxically in the hands of governments that have been accused several times of serious infringement of the fundamental human rights.

# Amnesty International: The Hotspot Report

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Through a report published in November 2016, Amnesty International condemns Italy for mistreatment and torture against migrants. Amnesty has recorded a consistent number of arbitrary arrests, excessive use of physical force and intimidation by the police in the hotspot centres to force men, women and even children to be fingerprinted. Many asylum seekers have reported beatings, being shocked with electric tools, sexual humiliation and other tortures.

Under the new procedures, rather than asking if they wish to seek asylum, police officers ask newcomers to explain why they came in Italy. Because the refugee status is not determined by the reason why the person has arrived in a country, but by the situation which would face if returned, this approach is fundamentally flawed.

Based on extremely short interviews, police officers, with no appropriate training, are called to take quick decisions on the protection of vulnerable people. Those who are rejected, receive a refuse or expulsion order, which can expose them to serious human rights violations.

Amnesty denounces that, under the EU pressure, Italy is increasing the number of rejections and forced repatriations, also negotiating agreements with countries whose authorities have committed atrocities. In August 24th 2016, 40 Sudanese citizens were illegally sent by plane from Italy to Sudan.

# Children and Underage

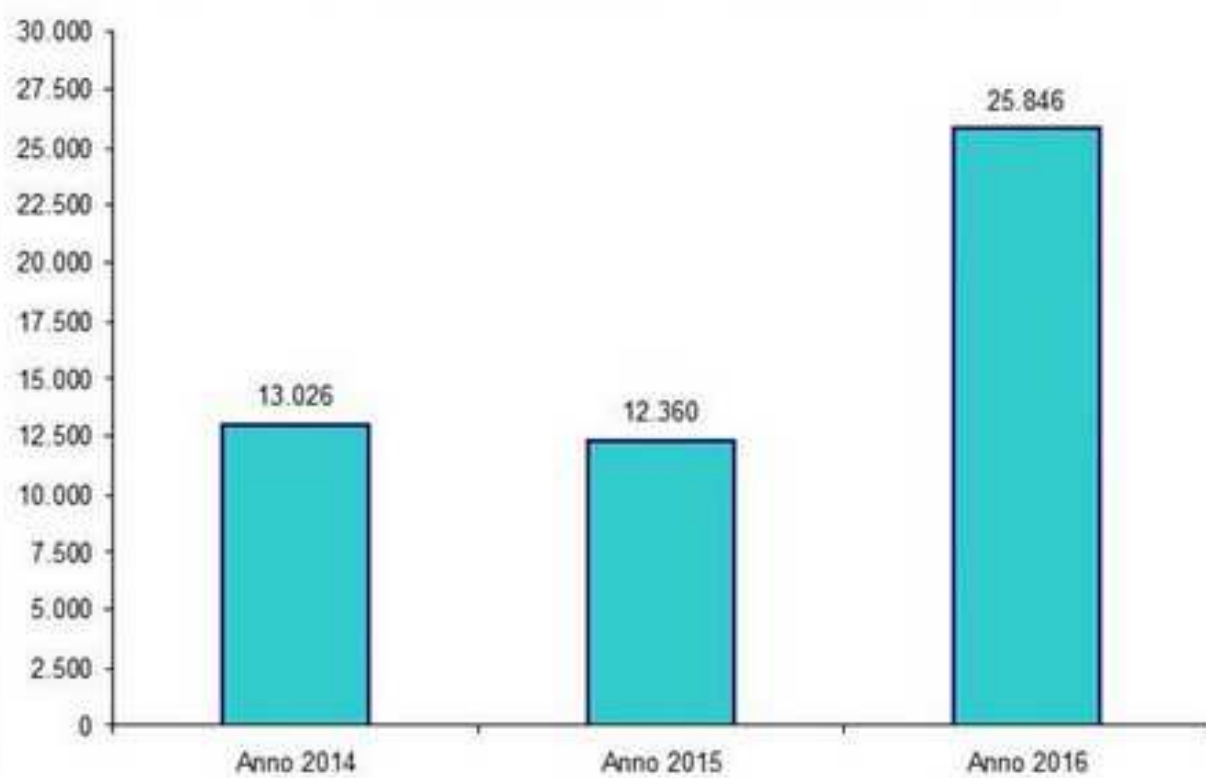
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In September 2016 Oxfam Italia published a report stating that during the first six months of the same year Italy have lost track of 5,222 minors. Most of the children who arrive alone come from Egypt, Gambia, Eritrea, Nigeria and Somalia. These children disappear because they try to reach other countries where they have connections or where they believe the socio-economic situation is better. Patrols and controls in Italy are so ineffective that apparently 28 unaccompanied children disappear every day. The Italian reception system appeared as inadequate to protect them: Cas and Hotspot Centres are in a chronic state of overcrowding and do not offer services nor basic hygienic conditions. While the maximum stay in the hotspot for minors should last 48-72 hours, many alone children have to wait there for several weeks, often without being able to change their clothes, to call their families at home or relatives in Europe. In practice, children are detained with no reason and no protection. Just recently (March 2017) the Italian Senate and Parliament, approved a new law about unaccompanied migrant children which should address some of the concerning problems that we have exposed above. With the new law:

- It is illegal the refoulment of minors claiming asylum at the borders
- A limit of 10 days is fixed to complete the identity checks needed
- The health and school access will be guaranteed nationally
- Family reunification is prioritised
- A special Commission will manage training and selection of the personnel taking care of lonely children

This is the first law of its kind in the EU re-stating fundamental international children rights and introducing new tools to guarantee their application. NGOs and associations welcomed the new law, but also hope that it will be evenly applied in the whole national territory.

**Minori stranieri non accompagnati sbarcati in Italia. Anni 2014-2016**



Fonte: Elaborazioni ISMU su dati UNHCR e Ministero dell'Interno

# Health



The Italian legislation guarantees full access for all migrants to the healthcare system, irregulars included. This right is in fact stated by the Constitutional Court, "as inviolable scope of human dignity". However, this principle is often not respected as non-EU citizens without a residence permit, or who do not meet certain requirements, are frequently excluded, with a negative impact on their health. Inside the hospitals doctors and clinics take decisions arbitrary from case to case.



# The Mediterranean Sea

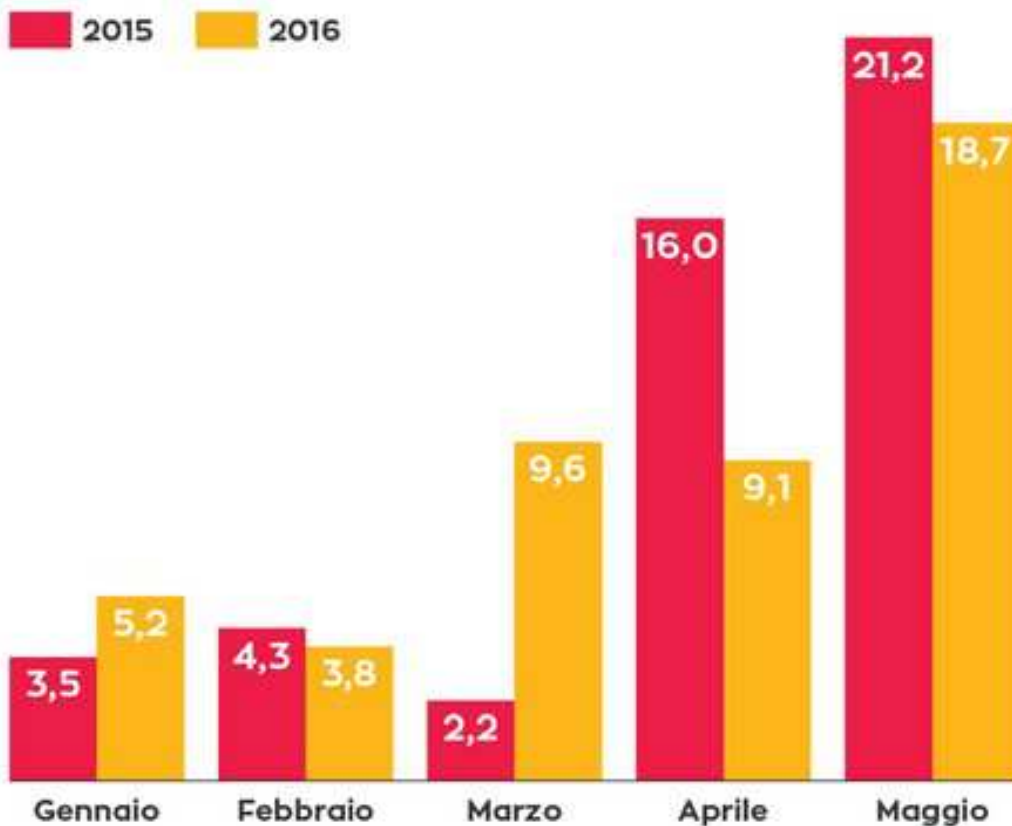
From 2008 to 2016 there has been a progressive increase in the number of arrivals on the Italian coasts. During the first 10 months of 2016, 3654 migrants lost their lives trying to cross the Mediterranean Sea.

In 2014, the 71% of migrants arrived in Sicily, while between 2014 and 2015, the region of Calabria has registered an increase of over 700%, and Puglia of over 400%.

The recent changes of the FRONTEX system patrolling the EU borders, have reduced the distance from the Italian coast within which the Italian Marine is obliged to intervene in case of sinking and drowning episodes. At the moment only boats from Doctors Without Borders (MsF) and other private initiatives, are operating even outside this prescribed area.

## Arrivi mensili via mare in Italia

2015 e 2016 a confronto, migliaia di persone



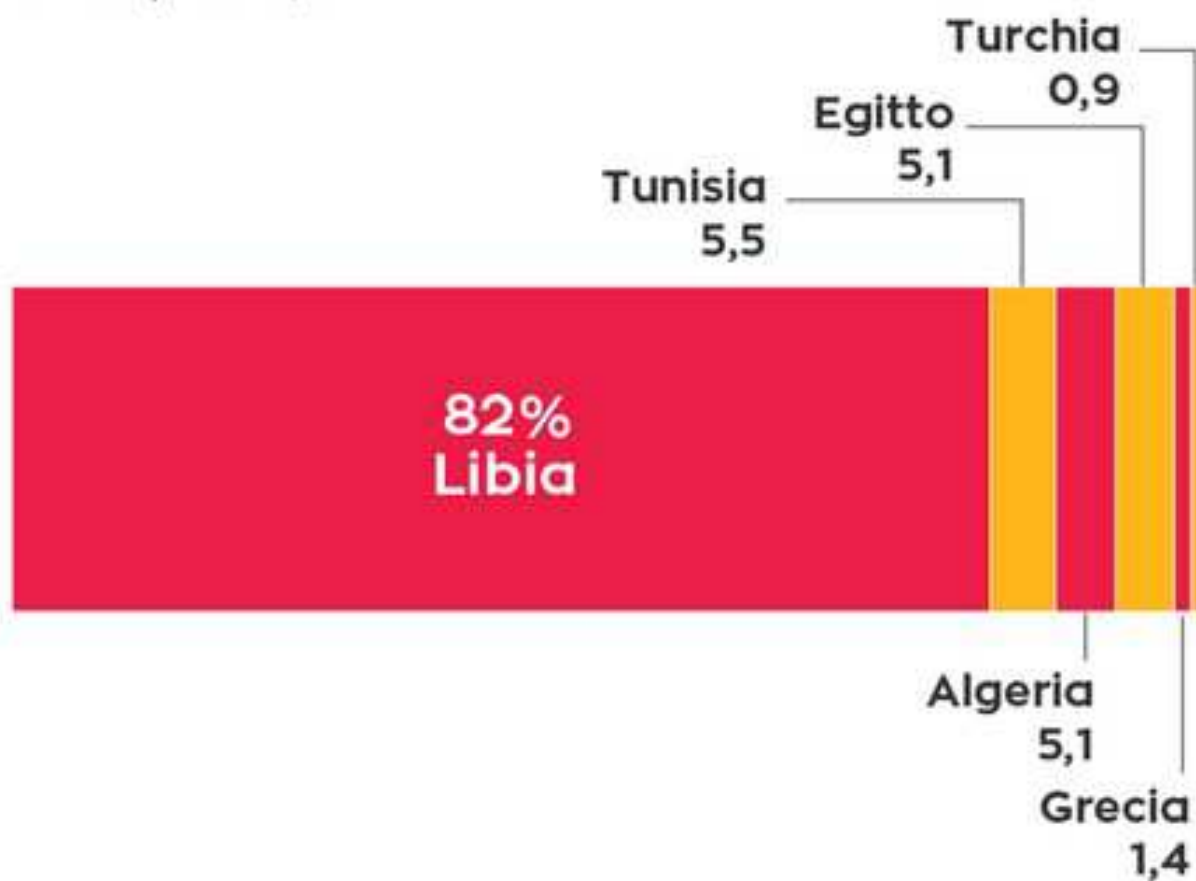
Fonte: UNHCR

  
openmigration.org



## Origine delle imbarcazioni in arrivo in Italia nel 2016

Paesi di partenza delle imbarcazioni di migranti e rifugiati giunti in Italia  
Gennaio-aprile 2016, %



FONTE: UNHCR

# Migration and organized crime

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When legislative and procedural gaps are persistent, legal procedures are changed continuously and applied unevenly on the territory, the legal length of proceedings are not met, or the rights and needs of the most fragile are not secured, a mass of invisible individuals for the State, is generated. For example, often asylum seekers are bureaucratically stuck for indefinite periods of time, waiting for new European or national directives to arrive. Especially, when the State does not guarantee their basic needs, such as sleeping and nutrition, the importance of having the right papers quickly vanishes and asylum seekers become ghosts scattered throughout the national territory. This problem concerns not only Italy but also many other European countries. For who find himself in this situation, often the only chance to find a job and survive is to turn to criminal organisations or to be employed in the black labour market. Migrants of any kind are employed in the agricultural industry, together with most disadvantaged classes of Italians or other EU citizens as well.





They work harvesting tomatoes or oranges for a few euros a day few months a year, housed in dilapidated illegal camps that often catch fire, or where diseases spread because of the precarious conditions inside. Sometimes they are locked up inside with no way to escape, becoming actual slaves. Other times they are left to organise the camp by themselves, but there are no services and conditions inside are particularly dangerous. For example, in Reggio Calabria, near the village of Rosarno, Gioia Tauro, there are around 2,500 migrants inside and around a camp with no sanitary provisions, health services or waste collection. While prostitution and drug abuse spread, many people that are actually entitled to have a kind of visa or paper, do not have any legal support and are mostly not aware about their legal status. Caporalato is the common term in Italian to describe who take advantage of workers in agriculture, developing modern forms of slavery. Just recently the parliament has produced a new law to address this problem that clearly state that caporalato is an illegal criminal activity. Still, we are waiting for practical actions to be placed on the territory.



## LA MAPPA DEL CAPORALATO

- Piemonte
- Lombardia
- Toscana
- Lazio
- Campania
- Puglia
- Calabria
- Sicilia



TG2000  
18:41

# The Voluntary System and The Private Sector

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Inside CIEs and hotspots, the police or the army are the ones dealing with the registration and initial reception of migrants. Agents often don't have adequate psychological, legal or social care training to assist these vulnerable people.

Only in some centres, civil workers are granted access and are able to provide services. While the management of the SPRAR and CARAs, is often subcontracted mostly to religious charities.

Smaller NGOs or associations usually choose to provide independent services, such as legal assistance, without concessions by the institutions. In most cases, officers and workers in these centres are volunteers and their training level varies depending on the organisation who provides it.

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## 1.3. The rights of Asylum in Spain

Even if migration to Spain is a phenomenon that always existed, it was in 1990 that it started increasing, acquiring more importance at demographic and economic level. Although immigration in Spain is not homogeneous, it is mainly dominated by precedence of regions with similar culture or that traditionally have been connected to Spain through political (ex-colonialist) relationships – European Union, Latin America and North Africa.

The economic crisis has seriously affected Spain; the country has an unemployment rate of 24.63 per cent. This rate has affected productive sectors such as services and construction which employ migrants, resulting in a high unemployment rate.

Considering this situation, Spain is currently focusing on voluntary assisted return of migrants and reintegration programmes for those in social exclusion situations.

Spain has a strong commitment to persons entitled to international protection. It is dedicated to the highest-level commitment, being enshrined in the Spanish Constitution, article 13.4, which governs the right of asylum, and being part of the Convention relating to the Status of Refugees and the Protocol relating to the Status of Refugees.

The launch of the national system of reception and integration of asylum seekers and refugees started working three decades ago.

Due to the recent refugees' crisis, a number of institutional, legislative and policy developments have been taking place, in the context of the Common European Asylum System (CEAS), throughout 2015. Among them:



I. An Inter-Ministerial Commission was set up on September 2015 to approach asylum and immigration issues from a global perspective. The Inter-Ministerial Commission consists of: Interior, Foreign Affairs and International Cooperation Ministries; Employment and Social Security Ministries; Health, Social Services and Equality Ministries; Education, Culture and Sport and Defence Ministries.

II. Implement of directives of Asylum Procedures Directive (2013/32/EU) and Reception Conditions Directive (2013/33/EU).

III. An Action Plan was launched to speed up the registration of applications for international protection and the asylum interviews. In parallel, an assessment was undertaken of over 2,600 reception places to evaluate their maintenance conditions, availability and proximity to basic services. More professional and financial resources have been allocated for asylum policy.



Policies have been implemented by the joint effort of autonomous communities, the municipalities, the social partners and non-governmental organisations (NGOs).



# Spain's Law Regulating the Right of Asylum and Subsidiary Protection provides three types of international protection

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- Conventional Asylum for Refugees
- Subsidiary Protection
- Exceptional Protection for Humanitarian Reasons.

Application procedures differ depending on the profiles of people requesting protection.

While the state has authority international protection and refugee resettlement, the autonomous communities and local authorities are in charge of the implementation of social policies on employment, education, culture, health, welfare, and housing.

The legal framework applicable to refugees and stateless people is composed of a set of both international and national convention and agreements.

The protection granted to refugees and beneficiaries of subsidiary protection includes their non-refoulement and the right to stay in Spanish territories.

Refugees as subsidiary protection's beneficiaries are also entitled to:

- Access to information on the rights and obligations
- Be issued an identity card and travel documents
- Have legal residence and work permits
- The access to Social Service benefits and Social Integration Programs
- Freely circulate and move
- Apply for Family Reunification

The government is responsible of implementing policies for refugees under equal opportunity and non-discrimination standards.

Spain has demonstrated its willingness to contribute to the joint action of the European Union face the current refugee's crisis, both commitments relocation and resettlement.



The Spanish government sets up an annual national resettlement program (NRP) to establish the annual quota of resettled individuals in Spain. The 2015 NRP was foreseen to resettle only 854 persons in 2016, including particularly vulnerable families, women, and children.

As to relocation, under a quota system agreed in 2015 with other European countries, Spain pledged to take in around 16,000 asylum seekers, but only 1,100 people resettled so far. From November to December 2015, Spain participated in a relocation pilot project from Italy through which a few dozens of asylum seekers were transferred.

On a broader level, in a total of 1.3 million asylum applications presented in Europe, only 13,000 requests went to Spain but again, the actual number of approved asylum requests is very small. More interestingly, in comparison to countries such as Germany or France, the numbers of refugees taken from Spain are from nine to five times smaller. This led to large protest across Barcelona where people marched urging the Spanish government to meet the quota of migrants it agreed to welcome.

# Children and Underage

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The number of unaccompanied minors (UAMs) seeking asylum in the EU has increased steadily since 2010, reaching a total of 24,075 minors in 2014 according to Euro stat.

On 22 July 2014, an agreement was signed approving the Framework Protocol for Unaccompanied Foreign Minors (UAMs) by the departments of Employment and Social Security, of Justice, of Health, Social Services and Equality and others.

The Protocol sets the bases for the coordination of the various administrations and institution concerning all the actions on Unaccompanied Foreign Minors: from the identification of minor or presumed minor, determination of his or her age, social services, etc.

As to non-asylum seeking UAMs a distinction can be made between:

- Member States' national legislation under which all third country nationals who do not fulfil the entry conditions, including non-asylum seeking UAMs can be refused entry, e.g. Austria, Belgium, Croatia, Czech Republic, Estonia, Germany, Greece, Finland, France, Ireland, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovenia, Slovak Republic, Sweden, United Kingdom, Norway.
- Member States' national legislation under which UAMs cannot be refused entry on the basis of humanitarian grounds, regardless of whether they fulfil the entry conditions, e.g. Bulgaria, Hungary, Italy and Spain.

On these last premises, Spanish policies proved to be quite committed in ensuring the safeguard of minor's right, at largest extent. That is also demonstrated by the fact that in Spain, any public procedures relative to underage, regardless their administrative situation, is oriented by the principle of the Best Interests of the Child.



Each UAM in Spain is placed the safeguard of the Minors Protection public services (as for Spanish underage citizens).

In 2015 the legal framework for the protection of childhood and adolescence was upgraded providing a more comprehensive and integrated approach towards the protection of children.

From July same year, the law introduces specific provisions concerning unaccompanied minors, such as:

- The principle of the priority of the family of origin
- The right of minors cared by the authorities to obtain the residence permit if return is not possible
- The presumption of underage until the result of the age testing.

# Family reunification

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The family reunification is temporary residences permit that relatives of foreigners with residence card in Spain may be provided. The beneficiaries of family reunification have to belong to one of the following categories:

The spouse (only one) not separated de facto or de jure, and provided that the marriage has not been entered into fraudulently.

The person who is in a relationship with the applicant, similar to that of marriage (recorded in a public registry or proven by the applicant).

Dependants:

- The resident's unmarried children or those of the spouse or partner, including adopted children.
- Direct descendants over 18 with disabilities
- Children or other persons over 18 with disabilities whom the resident is legal guardian or representative
- Parents of the resident, or those of the spouse or partner, over 65. Exceptionally on humanitarian ground a residence permit might be granted for parents under 65.



# Integration policies

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The General Directorate of Migration allocates financial resources to fund NGOs organizations' programs aiming at promoting social and labour integration. The Government also set up Strategic and national plans to foster social cohesion and inclusion, among them:

- 2013-2016 National Action Plan for Social Inclusion, that identifies the immigrant population as one of the most vulnerable groups, mostly affected by the crisis and the highest poverty rates. It establishes that additional efforts towards social inclusion must be concentrated on this group.
- 2015-2016 Strategic Plan on Coexistence in Schools: a set of measures to promote school attendance by migrant children and prevent exclusion. Actions were based on pillars of community learning and coexistence, inclusive education, participation, prevention of violence (including gender violence) and use of information and communication technologies (ICT). The Plan was coordinated by the Ministry of Education, Culture and Sport, through the National Centre for Innovation and Education Investigation.





Several programs have been developed. Among them:

Promote of inclusion

- “Fighting Discrimination”, implementing trainings and programs in working environments to raise awareness about equality.
- Programs providing basic assistance, orientation and counselling, health and prevention, fostering participation etc.
- Programs of intervention in areas with a high presence of migrants, promoting citizenship, social cohesion and cultural diversity.

## Integration through participation

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Spain has been implementing several mechanisms to ensure the participation of migrants in the public sphere; among them:

- The Forum for Social Integration of Migrants is the state body which channels participation and dialogue about solutions required.
- The Council for the Promotion of Equal Treatment and Non-Discrimination of Persons on the grounds of Racial or Ethnic Origin promotes non-discrimination of persons on the grounds of racial or ethnic origin.



# Rejections and Voluntary Return

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From 2015 Spain has reinforced its Automated Border Controls (ABC), installing them in Airports like of Girona, Alicante and Palma de Mallorca, as well as at the Algeciras harbour and at all of the Border Crossing Points (BCP). The Integrated System of Border Monitoring (SIVE) was modernised and reinforced in 2015. The system was also integrated with its Portuguese equivalent, the SIVIC, with which information is exchanged through the European External Border Surveillance System (FRONTEX). The Voluntary Return programs allocates financial resources and economic-social reintegration actions for immigrants of third countries to facilitate their return to the country of origin. Immigrants can become beneficiaries, as long as they met the requirement established by the NGOs in charge.



# Ceuta and Melilla

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Ceuta and Melilla are two Spanish enclaves in North Africa. Despite their geographical position which locates them on Moroccan soil, they are de facto part of Spain and of Europe. For thousands of migrants, coming from sub-Saharan African countries and increasingly from South East Asia, reaching Melilla or Ceuta is an easy way to arrive in Europe.

In theory, once there, they can start the procedures to claim asylum in accordance to the Dublin Regulation. However, the so called 'fortress Europe' is not easy to penetrate for certain categories of migrants. This is particularly true for those who try to enter through the Western Mediterranean route because classified as economic migrants, coming from sub-Saharan Africa and South East Asia. The consequence is that many people who are actually fleeing extreme poverty or political, religious, sexual orientation and gender-based persecutions, are sent back to their countries of origin with great danger to their lives; which constitutes a breach of the 1951 Geneva Convention. Ceuta and Melilla are almost impossible to enter. Melilla is surrounded by a 10,5 km double border fence. The outer fence is 3.5 meters high and the second one reaches 6 meters in some points, both topped with barbed wire to prevent migrants from climbing it. In addition to this, 106 cameras are installed together with microphone cable and infrared surveillance. All this is enforced by a 24-hour ready response from the Guardia Civil and helicopter surveillance as additional support to those on the ground. The same occurs at Ceuta's border. People trying to climb and cross the fences present cuts, scratches and deep wounds, they were often shot at with rubber bullets from both the Spanish and the Moroccan police and security forces as denounced by Médecins Sans Frontières.



But also legs and heads had broken by the brutality of the border security forces on both sides. Even when migrants manage to get through the fences and enter one of the two cities, this still does not mean being able to present the asylum request. People end up spending months in the Centro de Estancia Temporal de Inmigrantes (Short-stay Immigrant Centre - CETI) hoping they will be able to apply for documents and most often their requests are rejected and sent back behind the fence. Some people, aware of this, avoid CETIs and end up in the streets of Ceuta and Melilla stranded. Many of them try to reach mainland Spain via sea and often die while crossing the Mediterranean. In addition, migrants are often hiding in the forests adjacent to the two towns, waiting for the best moment to organize an assault to the protection barrier. Amnesty International published a report which shows a 50% increase of the number of migrants who died trying to cross the border in 2014 reaching a total of 195.

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**Insert answers to most common questions as part of your story.**

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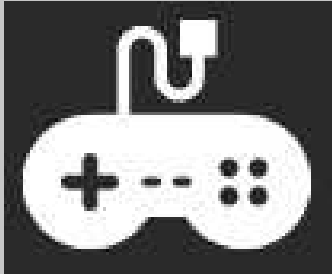
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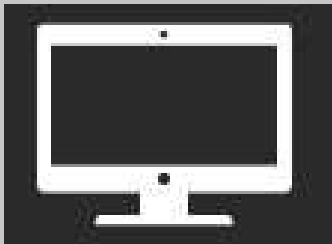
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## 1.4. The rights of Asylum in Sweden

The year 2015 was characterised by very strongly increasing numbers of people seeking protection. In total, Sweden registered almost 163,000 new asylum applicants, taking 44,590 decisions of which 32,631 received a positive decision and 12,375 were negative, following the data of the Swedish Migration Agency. Sweden received 51,310 asylum applications from Syrians or 13.93% of all asylum applications lodged by Syrians in EU in 2015. These are some of the highest numbers in Europe, along with Germany, Austria and Italy.

On 12th November 2015, Sweden reintroduced border controls at its internal borders. However, asylum seekers were allowed to apply for international protection at the border. In addition, new legislation (effective since 4 January 2016) was prepared, according to which identity controls are carried out of all persons crossing the Swedish border by bus, train or boat. This means that persons without any ID-documents have not been able to travel to Sweden by such means of transport since early January 2016. After the introduction of these measures, the migratory influx decreased significantly.

The government also announced a temporary law in 2016, restricting the grounds to issue a residence permit for international protection and the rights derived from the status of international protection. The proposal aims to temporarily adapt the Swedish asylum regulations to the standards required by the EU-acquit on asylum. Among the introduced changes, refugees and persons eligible for subsidiary protection are now granted temporary, instead of permanent, residence permits for 13 months at a time, and refugees for three years.

The Government applied temporary simplified operations primarily to Syrians, and Eritreans. This meant that no initial interviews were held with adult asylum seekers or families. However, the asylum seekers had to leave their fingerprints and had their photographs taken.



The Swedish Migration Agency developed a new process for asylum cases; each case will be categorized into one of six different tracks. The aim is to be able to adjust the handling of an asylum application according to the needs of the particular case.

The Agency has also developed a standard for dealing with asylum applications where chances of exclusion from international protection are higher. A national coordinator dealing with exclusion cases and several trained decision-makers in each region have been appointed.



During 2015 Sweden also made efforts to offer asylum seekers organised activities to spend their time meaningfully while awaiting a decision on their asylum claims. These organised activities consist of courses in Swedish, apprenticeships, community information and organised venues where asylum seekers engage together with the local community. The aims of such activities are to prepare quicker access to the job market and to enable asylum seekers to integrate more easily into the host society as soon as they are granted protection.

39 asylum seekers were relocated from Italy with the support of EASO. As in previous years, Sweden also allocated 1,900 places for the United Nations High Commissioner for Refugees (UNHCR) resettlement operations from Kenya, Iran, Sudan, Uganda, Somalia, Yemen, and other countries

# Policies and Procedures

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**1.** The Migration Agency register the applications and who applies has to immediately describe who is he\she, the reason to apply and how travelled to Sweden.

**2.** Once photographed and fingerprinted the applicant will meet with an investigator. He\she will have to answer about identity and origins, reasons why is asking for asylum, their family, their state of health and so on. The person will also receive information about practical issues such as accommodation, financial support, health care and education for your children.

The aim of the Government is to immediately promote the integration of the refugees into the labour market and make them self sufficient. However, the Agency provides financial support when needed.

**3.** Later on the applicant will be summoned to an asylum investigation in which tell more about why fled and possible harms if returned.

If it is obvious that there are no grounds for granting asylum, the investigator will explain that the Migration Agency does not consider any reasons for asylum, and that a decision will be issued within a few weeks. If you no valid reasons at all for asylum will be considered, the applicant will receive a decision on refusal of entry with immediate effect.



# Different types of applications granted in Sweden

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## I. Subsidiary protection

Person in need of protection because:

- Is at risk of being sentenced to death
- Is at risk of being subjected to corporal punishment, torture or other

inhumane or degrading treatment or punishment, or

- As a civilian, is at serious risk of injury due to armed conflict.

A person granted a residence permit as a person in need of subsidiary protection may receive a subsidiary protection status declaration based on EU regulations.

## II. Other protection

In exceptional cases asylum seekers may be granted a residence permit, even if they do not need protection from persecution. This requires extraordinary circumstances directly linked to their personal situation implying that a decision to deny residence permit would conflict with Sweden's international obligations.

If your application for asylum is approved you will receive a residence permit and you will have the right to live and work in Sweden. If you are able to support yourself by the time your residence permit expires you can be granted a permanent residence permit.

III. There is a third type of protection status, as a person otherwise in need of protection. This status only applies in Sweden and is not being used, as a general rule, after 20 July 2016 as a result of a law that came into force. This protection status can only be given to children and families with children who applied for asylum on or before 24 November 2015.

# Support System and Services

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In 2015 the government raised the funding for integration activities to civil society and local authorities aimed at creating better conditions for insertion in society. Funded activities include study circles, support to language learning, mentorship and sports associations.

Also, 'fast tracks' into the labour market were opened for shortage professions such as: cooks, butchers, teachers and health care sector workers such as doctors, nurses and dentists.

In August 2015, the Government also introduced the new scheme 'Swedish from day one'.



The scheme funds study circles run by civil society organisation to provide, for instance, courses in Swedish to asylum seekers and people who have been granted a residence permit but still live in temporary accommodation.

## **1. Accommodation**

The Migration Agency offers a temporary accommodation based on availability while waiting for the decision.

The agency's accommodation is only for asylum seekers. The accommodation is often a flat which is shared with others. A family always gets a separate room.

The right of accommodation expires if the applicant have received a denial or an enforced repatriation.

## **2. Daily expenses compensation**

Daily expenses compensation varies in amount depending on whether living in a Migration Agency accommodation with food included, or in an accommodation with no food included.

If the daily expenses compensation is granted, a banking card will be given, linked to the account in which the money is deposited. The applicant will receive between € 2,5 and € 7 per day.

## **3. Health**

When one seeks asylum in Sweden has the right to acute health and dental care and to health care, which cannot wait. The county council/region decides which type of health to assign. Other services granted by the state are childbirth care, abortion care, contraception advice, maternity care and vaccines.

All asylum seekers are offered a health assessment.

It is possible to apply for special allowance from the Migration Agency when health care and expenses for medicines are needed.

# Denials Appeals and Detention

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The Swedish Migration Agency has prioritised manifestly unfounded asylum applications in order to reduce the processing times for these applicants and accelerate returns. According to the Agency, the return cooperation with the embassies of the Western Balkan countries functioned during 2015 and returns have been carried out.





## Appeal

1. The Migration Agency will the appeal to see whether the decision should be changed. If the Migration Agency does not find any reason to change the decision, the appeal will be referred to the Migration Court. The court can either change the decision or agree with the Migration Agency.

2. The Migration Court of Appeal will only examine certain cases, either because there are no precedents (and thus no guidance) for them or because they have been incorrectly handled by the Migration Court. Most appeals referred to the Migration Court of Appeal are turned down.

The Swedish Migration Agency issues an order for refusal of entry with immediate effect if it is obvious that you neither have a need for protection nor other grounds for a residence permit. If you receive such an order, you must leave Sweden immediately.

If you do not cooperate by leaving Sweden, the Migration Agency may decide to keep you under supervision or keep you in detention. Supervision means that you have to sign in at the Migration Agency or with the Police regularly. If are kept in detention, you will have to stay in a locked facility while awaiting departure.

Detention means that you live in a locked facility (a detention centre) which you cannot leave. The Migration Agency is responsible for these facilities.

Due to secrecy, the staff of the Migration Agency cannot reveal who is being detained and where they are being held. Thus the Migration Agency cannot tell to families and friends where the persons are.

Asylum seekers, in theory, can stay in detention from 48 up to 2 months depending on the reasons. The decision concerning detention can be renewed and in some cases one may be kept in detention for twelve months or longer.

Decisions to keep children in detention are almost never made, and children must not be separated from both their guardians. A child may be detained for 72 hours at the most, never for longer than six days.

# Minors, Families and Vulnerable Groups

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According to Swedish law, the Migration Agency has to specifically consider a child's best interests. A child's reasons for seeking asylum are to be examined individually, as they may have other reasons for seeking asylum than the parents. When the reasons for seeking asylum are examined, the case officer must adapt the investigation as much as possible to the child's age, health, and maturity.

The number of unaccompanied minors (UAM) applying for asylum in Sweden reached an unprecedented high in 2015, with more than 35,000 new cases.

A new standard on registration of age at the time of application foresees that the age that a child states should generally be registered in the system.



However, if it is obvious that the person is not a child, the Agency can register the person as above 18 years. Another standard, on medical age assessment, means that the Migration Agency no longer initiates any medical age assessments, but is obliged to inform the UAM about the option to undergo a medical age assessment.

No fingerprint check is carried out for children under the age of 14.

Asylums seeking children and youths under 18 years have the same right to free health and dental care as the other children who live in Sweden.

### Health assessment

The temporary law announced in November 2015 will restrict the access to family reunification for third-country nationals granted international protection. Those granted subsidiary protection will not have a right to family reunification if their asylum application was submitted after the 24th November 2015. Refugees will still have access to family reunification with their spouse, cohabitant or minor children.

Heroin use is rampant amongst the unaccompanied child refugees who have come to Sweden over the past two years, an article from the UNHCR reveals. The agency claimed that rehabilitation centres began treating more and more young child refugees, most of them from Afghanistan, in the second half of 2015, with the number checking into the centre rising throughout 2016.

According to Christoffer Bohman, head of the police in Järva in northern Stockholm, said that nine out of the ten cases where heroin use is suspected involved unaccompanied child migrants.

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## 1.5. The rights of Asylum in Turkey

Most of the refugees and asylum seekers hosted in Turkey come from Syria, Iraq, Iran, Afghanistan and Somalia.

The number of new applicants, combined with other pre-existing populations and new-comers not yet registered, come to a total of approximately 240,000 individuals in late 2015. These figures do not include Syrians. Today there are 2.8 millions Syrian refugees registered in the country.

Turkey was one of the original signatories to the 1951 Refugee Convention. However, adopted the Convention with a "geographical-limitation":

- Turkey assumes responsibility for refugees coming from countries that are members of the Council of Europe, while, for those coming from outside of this zone, may grant limited protection in the form of temporary statuses. This means that asylum seekers may be granted to stay in Turkey, but must ultimately find a long-term solution outside Turkey.

The Turkish Parliament passed new landmark legislation, the Law on Foreigners and International Protection (LRIP), went into effect in April 2014; nevertheless, the transition to the new legal system is still ongoing and the geographical limitation remains in place.

Asylum-seekers in Turkey apply to the Turkish government (to the Directorate General for Migration Management) for international protection. Depending on their circumstances and country of origin, they may be eligible to apply to the UNHCR. UNHCR assumes a key role in Turkey as a "complementary" protection actor.



# Turkey recognises different kinds of protection

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## **Temporary Refugee Status:**

- Persons who fall within the refugee definition in Article of the 1951 Convention and come from a 'European country of origin' qualify for "refugee" status under LFIP, in full acknowledgment of Turkey's obligations under the 1951 Convention.
- The new Turkish legal status of "refugee" under LFIP should afford rights and entitlements in accordance with the requirements of the 1951 Convention and will include the prospect of long-term legal integration in Turkey.

## **Conditional Refugee Status:**

- If not a citizen of neither Council of Europe nor a Syrian national, the applicant can apply for international protection but will not get refugee status in Turkey. However, the asylum seeker is eligible to apply to the UNHCR. The UNHCR carries out the refugee status determination (RSD) procedures. If recognized as a refugee the UNHCR will attempt to resettle that individual or family to a third country.
- This process is lengthy. UNHCR's operation is not equipped for the amount of asylum-seekers currently applying in Turkey and the quota for resettlement is low. Individuals generally wait years for the RSD procedure to be completed.
- While refugees wait they can ask access to services. They do not generally have the right to work.



### **Subsidiary Protection Status:**

- Persons who do not fulfil the eligibility criteria for either “refugee” status or “conditional refugee” status under LFIP, who would however be subjected to death penalty or torture in country of origin if returned, or would be at “personalized risk of indiscriminate violence” due to situations of war or internal armed conflict, qualify for “subsidiary protection” status.
- The Turkish legal status of “subsidiary protection” fully replicates the subsidiary protection eligibility definition provided by the EU Qualification Directive. Similar to the “conditional refugee” status holders, “subsidiary protection” beneficiaries receive a lesser set of rights and entitlements as compared to “refugee” status holders and are barred from long-term legal integration in Turkey. Notably however, unlike “conditional refugee” status holders, “subsidiary protection” beneficiaries are granted family unification rights.



## **"Temporary Protection" Regime for Refugees from Syria**

- In 2016 the number refugees from Syria with “temporary protection” was listed at 2.8 million: about 263,000 are accommodated in 25 large-scale refugee camps spread across 10 provinces in the south of Turkey, whereas the remaining majority live in residential areas in private accommodation on their own resources all over Turkey, including the big cities.
- Turkey’s Disaster and Relief Agency (AFAD) is in charge of the camps. It also coordinating the provision of rights and services to the non-camp population of “temporary protection” beneficiaries. All nationals of Syria and stateless Palestinians originating from Syria are eligible for “temporary protection” in Turkey.
- Persons benefitting from “temporary protection” are barred from making a separate individual “international protection” request.
- The TPR precludes any prospect of long term legal integration for “temporary protection” beneficiaries. However, it does create a framework for addressing the immediate and short-term protection and humanitarian needs of beneficiaries.

# Application Procedure

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- International protection applicants cannot live in the city they prefer. They are usually directed to one of the 62 satellite cities which are designated cities for international protection applicants. Satellite cities are fairly small cities. The big cities such as Istanbul are not one of them.
- Officially the person has to demonstrate his presence with daily to sign in at the police station. Missing the mandatory sign 3 times, the PDMM has the right to close the case put the person in deportation lists. One can only change the satellite city if has a family member in another city or if has health problems which cannot be treated in the city you are living.
- After the registration with the PDMM, the applicant will receive an international protection card which contains a foreigner's ID number which starts with 99. With this card one can have access to education and health services.
- If the PDMM or the UHNCRC rejects the asylum claim, one has the right to appeal and apply for free legal aid.



# Transition to the new "International Protection"

## Procedure, some considerations

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The LFIP is Turkey's first national law governing matters of asylum. As such, it represents a historic step forward in the evolution of the protection space in Turkey for refugees.

At present, the process for the institutionalisation of DGMM and transition to the new legal and administrative framework laid down by the LFIP are still ongoing.

The LFIP, in addition to laying down the above summarized new eligibility grounds for asylum in Turkey, also provides a full-fledged new "international protection" application and determination procedure, complete with basic procedural safeguards, including guarantees on access to legal representatives and to UNHCR and new legal ways that secure applicants' right to stay in Turkey until the full exhaustion of the procedure.

In terms of asylum procedures, the LFIP will make no distinction based on the "geographical limitation" policy. All applicants for "international protection", regardless of nationality, will be subject to the same application and determination procedure and benefit from the same procedural safeguards and reception rights.



Under the LFIP, the regular “international protection” procedure will aim to issue first instance decisions in 6 months. This time frame is however not binding and may be extended by DGMM if deemed necessary.

Under the accelerated procedure, the status determination interview has to be conducted within 3 days of the date of application, and a decision must be issued within 5 days of the interview.

Judicial appeals against negative status decisions under accelerated procedure and inadmissibility decisions, have to be filed within 15 days. Negative decisions under regular procedure, and other unfavourable decisions, can be challenged at the newly established International Protection Evaluation Commission within 10 days or directly at the competent administrative court within 30 days.

The LFIP does not commit to providing shelter to “international protection” applicants as a right as such, but it envisions the launch of “Reception and Accommodation Centres” to accommodate particularly vulnerable applicants.

It is important to emphasise that the “geographical limitation” policy does not mean that Turkey does not undertake any legal obligations towards refugees from ‘non-European’ countries of origin. It means that Turkey considers itself bound by the 1951 Convention obligations per se only in regards to such ‘European’ refugees. However, Turkey’s current domestic law framework for asylum, and specifically the LFIP does create a set of binding protection obligations towards all persons seeking international protection in Turkey regardless of country of origin. However, as presented above, the LFIP offers a lesser set of rights and entitlements to ‘non-European’ “international protection” status holders.

### **Transition to the new "International Protection" Procedure**

As observed above, the new procedure is very recently established and is still in the process of establishing full command on the asylum case load and building institutional capacities, while at the same time also struggling to cope with duties pertaining to the mass influx population of refugees from Syria under “temporary protection”. Therefore, the design of the new “international protection” procedure does not yet fully reflect the reality on the ground.



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## 1.6. The rights of Asylum in UK

The UK has received around 3% of all asylum claims made in the EU during the first nine months of 2016. The majority of the applications came from nationals of Iran, Eritrea, Iraq, Sudan, Pakistan and Syria. The asylum applications increased by 38% in the year ending March 2016.

The British asylum system is extremely tough. Just 28% of initial decisions made so far in 2016 have been grants of protection (asylum or humanitarian protection). Many refugees had to rely on the courts rather than the Government to provide them with the protection they need. The proportion of asylum appeals allowed so far this year increased to 43% compared with 33% for the same period last year.

Grant rates often vary between nationalities; for example, the grant rate for Iranian nationals was 46%, compared with 14% for Iraqi nationals.



In March 2016, 26,492 applications (received since April 2006) were pending a decision, 22% more than at the previous year.

In 2016, there were 2,811 enforced removals of people who had sought asylum. This figure is lower than the peak in 2004 and this long-term decrease reflects the lower number of asylum applications since 2002.



In 2015, European countries agreed to relocate 160,000 refugees away from Greece and Italy. In 2016, fewer than 8,000 refugees have been relocated. Britain has refused to help and has actually been sending people seeking asylum back to countries on Europe's borders, further adding to the chaos.

Today's statistics show that 650,000 people arrived in Britain in the year to June 2016 – but just 7% of them were seeking asylum in the UK.

Earlier this summer, the UN accused the Eritrean regime of committing crimes against humanity. It also clearly stated that Eritreans fleeing the country should be granted international protection. Yet the UK Government has consistently been failing to recognise Eritreans as refugees. This means that many are being forced to rely on the courts. In 2016 a startling 87% of refusals on Eritrean claims which are appealed are overturned by the courts. In October, a court forced the Government to update its guidance on Eritrea.

In 2016 1,667 people were granted humanitarian protection under the Syrian Vulnerable Persons Resettlement Scheme (VPRS). The number of Syrians who have sought asylum in Britain since the conflict began, stands at 10,247. That's just 0.2% of Syria's refugees.

Like most of the world's refugees, very few Syrians come to Britain in their search for safety.

Preventive detention of refugees in Immigration Detention Centres is a largely utilised procedure in the UK and it can happen for any reason, such as to not be present at an appointment with a case worker. In the year ending September 2016, 29,762 people were staying in immigration detention centres; many of them were asylum seekers just waiting for their decision. The 43% were released back into the community after less than a month, rendering their detention pointless.

# Policies and Procedures

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The UK Border Agency receives and evaluates the protection claims made in the UK. Once a person has passed through the immigration control he or she must claim asylum at the offices of the Border Agency. If an asylum application is not made as soon as an asylum seeker enters, the person may be denied support and accommodation.

**1. Screening and registration:** The person seeking asylum firstly meet an immigration officer to tell about her\his case. The person will be photographed, have the fingerprints taken, have identity and origins checked and asked about the reasons to ask for asylum.

**2. First reporting event and Caseworker Assignment:** after the Screening and Registration, the application will be assigned to a Caseworker and the person seeking asylum will:

a) Be given an application registration card or standard acknowledgment letter valid 2 months.

b) Be detained.



**3. Asylum interview:** a second meeting with the assigned caseworker will be performed to make a first decision about the application. Other regular reporting meetings can be requested. It is possible to bring a legal representative but the interview will take place even if the applicant has no legal advisor. The applicant may be detained if failing to be present; or be imprisoned just to wait for a decision.

**4. Decision:** the decisions taken by a case worker must be compatible with the guidance in the Home Office's published Asylum Policy Instructions. Officially the process is completed in less than 6 months maximum, in practice, this may take also years.

**5. Appeal:** There are three level of legal appeal in case of failure:

**I.** The First Tie Tribunal evaluates the appealing claims within 2 months. An independent Immigration Judge hears the appeal and decide firstly if to allow this procedure; this may simply mean the Home Office has to reconsider its decision.

If the appeal is allowed, a hearing can be asked and a new decision will be taken.

**II.** The Home Office may reconsider the entire application if the circumstances have changed since the first appeal.

**III.** If the appeal is lost and there's the possibility of legal mistakes with the tribunal's decision, it is possible to ask for an administrative appeal to the Upper Tribunal (Immigration and Asylum Chamber).

The UK recognises three different permissions to stay in the country:

**1.** Permission to stay as a refugee: permission to stay in the UK for 5 years. This is known as 'leave to remain'. After 5 years, one can apply to settle in the UK.

**2.** Permission to stay for humanitarian reasons: even if not qualified for asylum, this permission recognises the need to stay in the UK for protection (valid for 5 years).

**3.** Permission to stay for other reasons: when not qualified for the first two permissions. How long this permission lasts is decided from case to case.

**4.** No reason to stay: when not qualified for asylum and the caseworker decide there's no reason to stay. The person will have to leave if doesn't appeal in the time allowed, or if the appeal is unsuccessful. The person can:

**a)** Leave by himself and get help with returning home

**b)** Be forced to leave – the person may be detained without warning at an immigration removal centre and then removed from the UK.

# The Asylum Support System

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Asylum seekers that are homeless or not able to buy food, can apply to the UK Border Agency for the Asylum Support, providing money or housing while they are waiting for a decision. At the end of 2016, 43,716 asylum seekers and their dependants were being supported by the Government. This figure has risen since 2012, but is still below the figure of 2003 when 80,123 asylum seekers were supported. The Asylum Support System can provide:

- 1. Accommodation:** is provided on a no-choice basis. This could be in a flat, house, hostel or bed and breakfast. Financial support alone can be provided if the person does not need accommodation. Several NGOs reported that in the last years many asylum seekers and refugees have been resettled in poor and isolated areas. If the person refuses to be resettled, will lose the accommodation right.
- 2. Money:** asylum seekers can collect money from a local post office each week. This is intended to pay for basic things only, like food, and toiletries. The amount is £36.95 for each person, around £5 a day.
- 3. Refused cases:** asylum seekers do not continue to receive support after their application has been refused and their appeal rights exhausted. However, they can apply for a basic support package known as “hard case” or “Section 4” to receive accommodation and £35.39 on a payment card (the ‘Azure card’) which can only be used to buy basic products in specific supermarkets. In order to receive this support, the applicant must agree to return to their country of origin.
- 4. Mothers and Children:** pregnant women or a mother of a child under 3 receive extra financial support: £300 maternity payment if the baby is due in 8 weeks or less, or if the baby is under 6 weeks; £250 if the person has been refused asylum. Children aged 5 to 17 must attend school.



5. Health Care: It is possible for an asylum seeker to get access to the National Health Service. The person can also ask for: free prescriptions, free dentist, free eyesight test and help to buy glasses. Data regarding the number of refugees and asylum seekers under the NHS is still not available.

## Detention

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The UK Government has the power to detain people who are seeking refuge. In the year ending September 2016, 29,762 people were imprisoned; among them many people just seeking asylum. Some nationalities are nearly always released from detention: 92% of Iranians were released. Asylum seekers can be detained for many reasons (as to verify their identity) or for no reasons (to place them waiting for a decision). The Home Office, in theory, excludes certain categories of asylum seekers from detention: children and their family, elderly, pregnant women, victims of trafficking, anyone able to provide evidence of torture, who is suffering from a mental or physical condition.

# Children and Underage

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Despite the Home Office excludes children from detention, the Government has locked up 68 children in 2016 despite its promise in 2010 to end the practice. Three quarters of the children were released, rendering their detention not only harmful but futile.



Unaccompanied children, when not detained, are often held in facilities even less well equipped than detention to care for them, as reported in a recent parliamentary investigation.

Although there is a specific procedure for family reunification (which reduces the number of unaccompanied minors) called “the Mandate Scheme”, the Government has rarely used this route and just 4 people have arrived through it in 2016. Just 36 since the beginning of 2014.

Of the children who arrived in Britain alone, just 29% (443) have been granted asylum in 2016. Instead, many separated children are granted short term leave to remain, which expires after just 2.5 years, leaving them with anxiety and uncertainty about their future.



It is common practice for UK local authorities to ask tribunal's permissions to rely on dental x-rays as a way to assess the age of children claiming asylum. However, a court has recently warned judges against over reliance on dental x-rays; in fact, there is not sufficient evidence that this method is a reliable way of determining a child's age and should not be used. The court found that it could be potentially useful with younger children, but could not verify whether or not someone is over or under the age of 18. The British Dental Association stated that testing young people's teeth to establish their age is immoral and ineffective.

The British Government ensure basic support to the majority of the asylum seekers and refugees in the UK. However, it does not cover integration or educational projects such as language classes, IT learning or help to integrate within the new hosting society. These kinds of activities are provided by charities, NGOs and other associations that deal with refugees and migrants. These realities are able to pursue their aim thanks to both private and public funding. They are often the last hope for those who lost all their appeals and benefits, but are still in the UK.

Also, charities and NGOs are fundamental to provide legal assistance to those asylum seekers that cannot pay to be represented in court.

# The Emergency Response

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Britain, as the other European countries, has coped with the refugee crisis of the last years (started with the Arab Spring and the Syrian civil war) in a discordant manner, often not following the common guidelines on International Protection. Within its borders, Britain has increased the use of restrictive methods such as detention and expulsion. Outside its borders, it raised actions and interventions to avoid new arrivals, such as building refugee camps in other countries, enhancing the border patrols with France, or sending British officers in Greece to help rejecting more people.



Moreover, the UK (and other European countries), has stipulated accords with some nations that represent migratory channels to enter in EU (such as Turkey, Sudan or Egypt); leaving the complex management of numbers of vulnerable people to those governments which have often proved to violate fundamental human rights. Consequently, asylum seekers are rejected before they can actually arrive in Europe.

These collaborations between governments are actually in line with the EU directives to enhance the percentage of denials before and after they have arrived in Europe.

# Scotland, Wales and Northern Ireland

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At present, Scotland has a specific population growth policy relying on immigration. The Scotland 'shortage occupation list' gives employers greater scope to recruit non-EU migrants for some specific roles in Scotland. If Scotland votes for independence, it will have the opportunity to define and extend its own immigration policy.

Wales has the oldest population in the UK, so it is likely that migrants will be particularly important for the provision of social care for this group. Despite initiatives by the authorities to provide effective information, migrants continue to rely mainly on informal networks for information or advice.

Northern Ireland: The Home Office does not collect figures specifically for Northern Ireland but the statistics from charities and some statutory organisations give a general picture. Most estimates put the number of asylum seekers in Northern Ireland at the moment at between 400 and 500. Concerns have been raised in terms of asylum seekers and refugees: disaggregated data on the refugee population are not reliable to better organise services; there are complications with the asylum process due the specific situation of Northern Ireland; there is limited access to health care for unsuccessful asylum applicants; Treatment and safety of child asylum seekers is not granted; there's oversight of detention and removal facilities; integration of refugees in Northern Ireland in the absence of a Refugee Integration Strategy is not in process.

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