

Input by civil society to the EASO Annual Report 2017

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

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

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

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

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

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

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

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

Name of the contributing stakeholder: Refugee Rights Europe (RRE)

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1) Access to territory and access to asylum procedure

2) Access to information and legal assistance

Across research locations¹ visited by RRE in 2017, we found that many refugees and displaced people lacked access to information about their rights and opportunities, as well as information about European asylum law and immigration policies.

In Calais, France, October 2017²:

- 84.7% of respondents reported that they did not have access to legal information about their rights and opportunities to change their situation.
- 82.4% of minors also did not have access to this information.
- In addition, 88.5% of respondents did not have access to information about European immigration and asylum rules.
- 91.1% of minors in the area did not have access to this information.

In Italy, on the French-Italian border town of Ventimiglia, August 2017³:

- 92.1% of displaced people we spoke to in the area did not have access to information about their rights and opportunities.
- 86.9% did not have access to information about European asylum law and immigration rules.
- This rose to a higher number among minors, with 92% telling researchers that they did not have access to information about their rights.
- 83.3% told researchers that they didn't have access to information about European asylum law.

Similarly, on the Greek island of Chios in May 2017⁴:

- 86% of the people we spoke to did not have access to information about their rights and opportunities.
- 78.3% stated that they lacked information about European asylum law and immigration rules.
- 76.7% of minors lacked information about their rights.
- 66.7% did not have access to information about European asylum law and immigration rules.

3) Providing interpretation services

4) Dublin procedure

RRE found that a number of unaccompanied minors reported having family members in another European country, meaning they might be eligible for family reunification under the Dublin procedure. Worryingly, a number of these minors had not yet applied through Dublin, or whose cases had been refused.

In Calais, October 2017:

- 40.7% said they were minors, with the youngest respondent being as young as 12 years old.

¹ All reports can be found on our website, refugeerights.org.uk/reports. Please see individual reports for full methodology of how the research was carried out. Further details can be supplied upon request.

² http://refugeerights.org.uk/wp-content/uploads/2017/11/RRDP_TwelveMonthsOn.pdf

³ http://refugeerights.org.uk/wp-content/uploads/2017/10/RRDP_InDangerousTransit.pdf

⁴ http://refugeerights.org.uk/wp-content/uploads/2017/07/RRDP_AnIslandAtBreakingPoint.pdf

- 98.9% of minors were unaccompanied at the time of our study.
- 39.12% of minors stated they had family in Europe.
- 29.7% of minors stated that they believed the UK was the best country for them because they had family there.
- 83.33% of minors reported that they had not applied for family reunification, 13.89% applied but had not received a result and 2.78% had applied and were refused.
- 97.78% of minors said that they could not go back to their country of origin.

In Ventimiglia, on the French-Italian border, in August 2017:

- 17.36% were aged 17 or under.
- 91.67% of minors were unaccompanied.
- 25% of minors stated that they have family in Europe.

In Chios, May 2017:

- 10% were aged 17 or under.
- 50% of the minors we interviewed were unaccompanied.
- 72.4% reported having family somewhere in Europe.
- 96.6% said they cannot go back to their country of origin.

5) Specific procedures (border, accelerated, admissibility)

6) Reception of applicants for international protection

In 2017, RRE research suggests that there is an urgent need to address the living situation for those arriving in Europe, including reception centres, asylum accommodation, and the provision of shelter more generally. Respondents reported feeling unsafe, as well as incidents of violence carried out by police and citizens, alongside a number of health problems. Respondents also raised concerns about the living environment, which displaced people generally referred to as dirty or unclean.

In Calais, France, October 2017:

- 90.04% of respondents said they 'didn't feel safe' or 'didn't feel safe at all'.
- 40.04% of respondents had experienced citizen violence in Calais. Of these, 82.42% reported verbal abuse and 36.26% physical abuse by citizens.
- 91.8% had experienced some form of police violence in France⁵. This included verbal abuse (23.11%), physical abuse (50.47%) or tear gas (90.09%).
- Some 84.3% of respondents had been told by police to move from where they were sleeping, while 84.90% describe this incident as violent.
- 52% of respondents told researchers that they have experienced health problems in France. The sustained use of tear gas and pepper spray is demonstrably bringing on additional health problems for displaced people in the area. Several respondents demonstrated skin conditions, including rashes, burns and peeling, whilst others said they had developed problems with their eyesight.
- Worryingly, 38.7% of respondents did not have access to medical care in France.
- 7.3% of respondents had previously stayed in a French accommodation centre. The main reason respondents gave for having left the centre was the poor treatment they received. Respondents

⁵ Please also see Human Rights Watch, 'Like Living in Hell' (2017),

<https://www.hrw.org/report/2017/07/26/living-hell/police-abuses-against-child-and-adult-migrants-calais>.

And Bar Human Rights Committee, 'Camps at Calais and Grande-Synthe (France): Policing and Access to Justice (2016), <http://www.bahrumanrights.org.uk/bhrc-publishes-report-on-police-violence-and-access-to-justice-in-calais-migrant-camps/>

explained that they felt mistreated in the centres and felt stressed due to the curfew imposed upon them. A number of Sudanese respondents cited the obligation to leave their fingerprints as a reason for having left the centre. Others expressed having felt isolated and lonely. Many respondents also cited the lack of information given to them about their asylum-claims as a reason for leaving.

- 16.13% of minors had stayed in the French accommodation centre for minors in Saint-Omer but were now living in the surrounding woodland or on the streets of Calais.

In Italy, on the French-Italian border town of Ventimiglia, based on research conducted in August 2017:

- 71.03% of respondents said that they 'very unsafe'; 17.24% felt 'quite unsafe'. The vast majority (74.8%) cited dangers related to border-crossings as the biggest risks faced by people. This was followed by the risk of not having access to sufficient food and water (63%) or medical help (51.9%). Some 7.4% feared being robbed or attacked by other displaced people due to the precarious context, while an alarming 8.8% cited the risk of violence or sexual abuse by police or Europeans.
- 40.4% of respondents had experienced violence by the Italian police; 47.5% reported verbal abuse, 33.9% had been exposed to tear gas and 23.7% had experienced physical violence. Several respondents described the police violence as sexual abuse but did not disclose any further information.
- 53.1% had experienced violence by the French police. One 18-year-old Sudanese man told us: "My right shoulder was broken and my neck was injured by French police at the border. There was French army deporting people as well. In Ventimiglia my nose was broken by Italian police at the train station. I was sent back many times to Taranto. I don't feel safe in Italy at all"
- 82.4% of respondents reported sleeping rough by the river.
- 82.1% of displaced people we spoke to reported not having enough water to drink. 58.6% told researchers they did not have access to food every day.
- Worryingly, 85.2% of respondents reported that they wash themselves in the river, while 13.4% wash in the Red Cross camp.
- 60.1% of respondents had experienced health issues while in Ventimiglia, while 17.1% described their health problem as a mental health issue. 85.5% stated that they did not have access to medical care in Ventimiglia.
- Only 33% of those Red Cross camp residents with a health issue said they had been able to access medical help.

7) Detention of applicants for international protection

The detention of those seeking asylum appears to be widespread throughout Europe, with many reporting that detention often took arbitrary or punitive forms.

In Calais, France, in October 2017:

- 71.9% of respondent had been arrested or detained in Calais.
- 72% of minors had been arrested or detained during their time in France.
- According to respondents displaced people in Calais are detained for a period of time ranging from a few hours to up to 45 days.
- A number of respondents explained that they had been physically abused in the detention centre in Calais, whilst having access to very little water and food.
- A number of respondents reported in separate interviews that they had been held in a cell without a toilet. They had no choice but to relieve themselves on the floor next to their sleeping spot and felt humiliated.

- A 17-year old Eritrean girl explained that the police had detained her and then drove her to a remote location where they left her at around 6pm. She then walked back to Calais for some three hours. She told researchers she felt scared as it was dark and she didn't know the directions.

In Italy, Ventimiglia, August 2017:

- 73.8% of respondents had been arrested in Italy or France.
- The research findings suggest a certain correlation between detentions and police violence, indicating that arrests and detentions are likely to have been accompanied by violence.
- Respondents explained they tended to be released from detention several hours' walk away from Ventimiglia. Some were sent further afield and spent several days walking or riding trains back to Ventimiglia in the hope of trying to cross the border again.

8) Procedures at First instance

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9) Procedures at Second Instance

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10) Availability and use of Country of Origin Information

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11) Vulnerable applicants

Our research captures the lived experience for several vulnerable applications of international protection, mainly the human rights situation facing minors and women in displacement.

In Calais, October 2017:

- 78.72% of minors reported to be alone in Calais; 20.21% with friends
- 94.56% of minors "didn't feel safe" or "don't feel safe at all".
- 93.6% of minors had experienced some form of police violence. This includes verbal abuse (25.00%), physical abuse (59.09%) and tear gas (86.36%).
- 72% of minors have been arrested or detained in Calais.
- 93.48% of minors described police treatment as either bad or very bad.

In Italy, Ventimiglia, researchers were made aware of specific security issues facing women and girls through interviews with male camp residents and conversations with NGO staff:

- One Ethiopian Red Cross camp resident told our researchers that women and girls are at constant risk of abuse within the camp due to the lack of security measures.
- NGO staff, who wished to remain anonymous, corroborated this view, and explained that the camp was not adequately designed to safeguard women and children.
- Gender-specific toilets and washroom facilities were unprotected and unsupervised, and the lack of security staff meant that any camp resident could enter women's shelters at any time.

In addition, the research noted that the situation for minors in the area remained precarious:

- 48% of minors had experienced health problems in Italy, while 83.3% did not have access to medical care.
- 52.0% had experienced violence by the Italian police, while the same number had also experienced violence by the French police.

- One 14-year-old Sudanese boy told us: “The police beat me with a baton and they hit my legs to make us get down the mountain. Then they put me in jail for 24 hours without food, water or medical attention”.
- By the same token, 100% of the child respondents had been forced back on a train from France to Italy by French police. It is Refugee Rights Europe’s understanding that these constituted illegal push-backs; minors arriving on French soil should become the concern of French authorities.

12) Content of protection – situation of beneficiaries of protection

13) Return of former applicants for international protection

14) Resettlement and humanitarian admission programmes

15) Relocation

16) Other relevant developments