



Ad-Hoc Query on Systematic knowledge about the experience of failed asylum seekers who are returned by force

Requested by NO EMN NCP on 10th April 2014

Compilation produced on 28th May 2014

Responses from: Austria, Belgium, Czech Republic, Estonia, Finland, Germany, Hungary, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Romania, Slovak Republic, Slovenia, Spain, Sweden, United Kingdom plus Norway (19 in Total)

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1. Background Information and questions

When a former asylum applicant is being forcibly returned to his/her country of origin, following a careful consideration of the merits of the applicant's need for protection, this is because the competent authorities are convinced that the individual can return without risk of being harmed by his/her national authorities or other parties. This is often despite claims by the person and/or other parties that there are credible risks that s/he will be

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harmed upon return. Anecdotal reports appear from time to time that this has happened, but this *ad hoc* query concerns the existence of credible reports from any systematic investigations concerning the experience of individuals who have been forcibly returned following a rejected asylum application.

Do you know about any such investigations/reports? ___Yes ___No

If 'yes':

Which country/countries of origin is/are covered?

Why do you consider the investigation/reports as credible?

Who is/are the primary source/s in the country/ies of return?

Who has provided the report/investigation?

Has the information been confirmed by other (credible) sources?

During which time periods were the persons returned?

For what period (how long) was the individuals' situation observed?

Were any of the following possible outcomes/issues covered/reported?

- If 'Yes':
 - Persecution by authorities ___Yes ___No
 - Arrested ___Yes ___No
 - Convicted ___Yes ___No
 - Imprisoned ___Yes ___No
 - Released from prison ? ___Yes ___No

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○ Other sanctions? ___Yes ___No

Describe briefly: _____

Persecution by other parties ___Yes ___No







Problematic re-integration ___Yes ___No

Successful re-integration ___Yes ___No






Re-emigration ___Yes ___No

We would very much appreciate your responses by **14 May 2014 (extended to 22 May 2014)**








2. Responses

		Wider Dissemination?	
	Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	Belgium	Yes	Do you know about any such investigations/reports? No
	Czech Republic	No	There is no such routine comprehensive investigation. The Department for Asylum and Migration Policy, however, asks the Ministry of the Foreign Affairs on one-time basis for information on general situation of returned former asylum seekers (i.e. not in individual cases) in concrete countries of origin.
	Estonia	Yes	Do you know about any such investigations/reports? No
	Finland	Yes	Finland has not undertaken any systematic public investigations on this issue. The police are the authority responsible for carrying out forced returns and report on them internally. The Ombudsman for Minorities has been given the task, beginning in 2014, to monitor the process regarding forced return. At this point, there is no knowledge how the Ombudsman for Minorities will monitor or report on the issue.
	Germany	Yes	Do you know about any such investigations/reports? No

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	Hungary	Yes	<p>Do you know about any such investigations/reports? No</p> <p><i>Supplementary information on forced return monitoring in Hungary:</i> The prosecutor is informed of upcoming return operations by the police or the competent organ of the Office of Immigration and Nationality, since the Office is responsible for forced return monitoring. The Office is independent from the government; and it decides on its own to take an action aiming at legal supervision. In the pre-return phase the supervising prosecutor checks the enforcement of the statutory instruments concerning foreigners deprived of freedom twice a month in an onsite inspection. In the pre-departure phase, the supervising prosecutor checks compliance with stipulations on forced return and makes sure, all the necessary documents are provided for. In the operation and transit phase, the prosecutor carries out the inspection by examining:</p> <ul style="list-style-type: none"> • the returnee is allowed to have his personal belongings with him (with the exception of lethal military equipment, or equipment, otherwise endangering public security), or in case of forced return by air, objects endangering flight security; • the returnee is supplied with food if the duration of the execution of the forced return exceeds 6 hours, or 2 hours in case of a minor under the age of 14; • the returnee received drinking water every hour from the beginning of the coercive measure; • there is a female escorting person if there are women and minors among the returnees; • all the necessary documents (resolutions) are provided for; • the returnees have been properly informed on the circumstances of their forced return. <p>Monitoring activity includes the examination of regulations according to which it is forbidden</p> <ul style="list-style-type: none"> • to restrict the breathing of the returned person in any way, to plaster his mouth or gag him in any other way; • to force him in spite of his will to take a sedative, or to administer him any medicine without the prescription of the doctor; • that the escorting personnel wear a mask or a hood. <p>In the arrival and reception, the prosecutor watches the course of reception – or in case of road transport the takeover – of the returnee.</p>
	Latvia	Yes	In Latvia there are no such investigations/reports. All facts concerning safe return of rejected asylum seekers to their origin country are assessed during the asylum procedure and included in the rejection decision of the asylum application.
	Lithuania	Yes	Lithuania hasn't carried any investigations of such kind.
	Luxembourg	Yes	Do you know about any such investigations/reports? No
	Malta	Yes	Malta has no such experiences.

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	Netherlands	Yes	Do you know about any such investigations/reports? No.
	Romania	Yes	Romanian authorities competent to implement the measure of forced return do not know about the existence of credible reports from any systematic investigations concerning the post-return experience of individuals who have been forcibly removed from the territory following a rejected asylum application.
	Slovak Republic	Yes	According to the Bureau of Border and Alien Police of the Slovak Republic, Slovak Republic has no experience with this kind of reports .
	Slovenia	Yes	We have no experience in this regard and no knowledge regarding existence of such investigations or reports.
	Spain	Yes	No
	Sweden	Yes	Do you know about any such investigations/reports? No To the best of our knowledge there has not been conducted any such investigations/reports.
	United Kingdom	Yes	Do you know about any such investigations/reports? No We have been able to find a report entitled 'Refused - the experiences of women denied asylum in the UK' available at: http://www.refugeewomen.com/images/refused.pdf . It discusses the experiences of 72 female asylum seekers using mainly closed questionnaires (with an opportunity to elaborate if desired). 93% of the women interviewed had been refused asylum at some point in their asylum process. The women were from the following 22 countries: Algeria, Angola, Bangladesh, Benin, Burundi, Cameroon, Democratic Republic of Congo, Eritrea, Ethiopia, Gambia, Iran, Ivory Coast, Malawi, Mali, Nigeria, Pakistan, Somalia, Sri Lanka, Sudan, Trinidad & Tobago, Uganda, and Zimbabwe. All interviews were carried out in the UK. This report was prepared by an NGO called 'Women for Refugee Women'. They worked in partnership with other organisations to get the experiences and compare possible variations in the experiences of women across the UK. As far as we can tell from the report, respondents were interviewed only once and not observed over time. The report states that at the

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			time of the completion of the report respondents were at different stages of their asylum process.
	Norway	Yes	<p>Do you know about any such investigations/reports? No</p> <p>From the PREMIG project (see http://www.prio.no/Projects/Project/?x=920), which concerns voluntary and assisted return, it has been reported that during the field work in Iraq and Afghanistan many comments on forced return were also made by informants. It is unclear, however, whether these will be subject to systematic analysis.</p>
