



Ad-Hoc Query on public opposition against the enforcement of returns

Requested by AT EMN NCP on 1st July 2013

Compilation produced on 14th August 2013

Responses from Austria, Belgium, Bulgaria, Estonia, Finland, France, Hungary, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Portugal, Slovak Republic, Slovenia, Sweden plus Norway

(18 in Total)

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1. Background Information

A significant number of Member States to some extent experience public opposition against the enforcement of returns; either by organized civil society protests or by some parts of the general public. Therefore Austria is interested in the practice of national authorities towards such opposition regarding forced returns. In particular which strategies are used in Member States?

1. Do Member States in general experience opposition and protests against forced returns of individual aliens or families?
2. If yes, how do the Member States react to the public protests against forced returns? Are there standardised strategies?
3. Do you provide the public with information on the individual case?

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4. Any other remarks on the issue

2. Responses

| | | Wider Dissemination? | |
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|  | 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 | <p>1. Belgium regularly experiences signs of opposition and protests against forced returns, applying both to isolated persons and to families. Such actions especially occur when the concerned persons have been staying in Belgium for a while and / or have gone through several procedures. They are more frequent when:</p> <ul style="list-style-type: none"> • Children are going to school (petition/demonstration from school/community) • Persons are more or less integrated within the society (although irregularly staying) • Persons are to be repatriated with a secure flight (“special flight”/JRO) • Psychological/medical problems are put forward (proved or not proved) <p>2. As demonstrations are authorized in Belgium (right to protest), the police doesn’t react to protests unless there are public order related concerns (for example when protesters try to enter by force or other unlawful means in a closed centre). However when protests are subject to media coverage, the Immigration Office, while protecting the returnees’ privacy, responds to questions raised by the media. In this regard, untrustworthy reports and errors relayed to the media are corrected and cases are presented in context. The Immigration Office also responds to complaint letters (addressed by third parties to the Immigration Office or the State Secretary for Migration & Asylum Policy, Social Integration & the Fight against Poverty), always ensuring respect for privacy of persons concerned.</p> <p>Since each case is different and each action too, Belgium doesn’t implement standardized strategies and rather develops a case-by-case approach. Still, depending on the case, standard answers are being used such as “the concerned person has had the opportunity to introduce an appeal against the detention / removal order”, “procedures are being followed”, “the asylum application has been handled by an independent authority and the decision has been taken according to international conventions”, “the applicant has had the opportunity to leave voluntarily but has decided not to do so” etc.</p> <p>3. No, questions from the media are answered ensuring respect for the concerned persons’ privacy. General answers as mentioned above (see answer to question 2) are therefore used. In this regard, if an incorrect information is relayed by a third party (who don’t necessarily know the content of the case), the Immigration Office limits itself to saying that the said information is incorrect but that, with due regard for respect for the concerned person’s privacy, it is not possible to disclose the details of the case. However, if an incorrect information is disclosed by the concerned person his/herself or his/her representative, it is possible that personal information be disclosed.</p> <p>4./.</p> |

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|  | Bulgaria | Yes | <p>1. No.</p> <p>3. Yes, in individual cases when information is requested.</p> |
|  | Estonia | Yes | <p>1. Protests are usually information based with application for legal action to stop forced return in the case in question – newspaper articles, appeals to the Ministry of Interior and Ombudsman, human rights protection organizations. There have not been any demonstrations of physical action from the third parties.</p> <p>2. Police and Border Guard Board have a duty to explain if addressed. Usually newspapers also take Police and Border Guard Board's comment if there will be an article concerning forced return.</p> <p>3. Due to data protection issues the authorities are unable to provide the public with details of the individual cases.</p> <p>4. No</p> |
|  | Finland | Yes | <p>1. Yes, forced return of rejected asylum seekers (both families and individual aliens) are often protested in Finland. Protests usually take place in the capital area where most of the NGO's operate and immigrants have settled.</p> <p>2+3. Immigration authorities may publish general statements but will not provide exact information on individual case concerned (due to data protection issues).</p> <p>4. No.</p> |
|  | France | Yes | <p>1. France faces opposition from a part of the civil society, organised in associations. These associations can be present during questioning prior to the return, or, for example, organise public protests such as silent demonstrations in front of detention centres. They regularly protest in front of the prefectures and sometimes lead to a failure of the removal.</p> <p>2. There is no standardised strategy, France deals with public protests against forced returns on a case by case basis.</p> <p>3. No.</p> <p>4. The pressure exerted by the media and the civil society can be really strong, since they work hand in hand on that issue. In France, only an active minority protests against forced returns and states its views in different media, which relays the information to the public. However, the impact of these actions on public opinion cannot be fully observed.</p> |
|  | Hungary | Yes | <p><u>According to the correspondence of the Office of Immigration of Nationality, please find the answers below.</u></p> <p>1. In the past years the Office experienced no opposition or protests in relation to forced returns of individual aliens or families from the public.</p> <p>2. With regard to the answer for the first question, we have no experience with opposition against forced returns, so that we don't have</p> |

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| | | | <p>standard strategies of them.</p> <p>3. According to forced returns (even in individual cases) the domestic law does not oblige the responsible authority to inform the public about forced returns. In case of any interest coming from the general public in relation to an individual case, the authority shall act with special attention to the applicable privacy and immigration rules.</p> <p>-</p> |
|  | Italy | Yes | <p>1. Italy has experienced protests against forced returns of irregular migrants led by migrants themselves as well as by civil society members engaged in the migration field. Anyway, protests usually concern more general aspects of migration policy rather than individual cases.</p> <p>2. No standardised strategies are in force to react to public protests against forced returns.</p> <p>3. Due to data protection reasons, no information on the individual case can be provided to the public. This does not mean that, in the case of very special situation, the Ministry of Interior can launch ad hoc press notes in order to explain its work or can be called to answer to ad hoc Parliamentary hearings.</p> <p>4. Nothing to report.</p> |
|  | Latvia | Yes | <p>1. No. Latvia doesn't face public opposition and protests against forced return.</p> <p>2.-</p> <p>3. No. According to Personal Data Protection Law it is prohibited to provide the public with information of the individual cases.</p> <p>4. Competent authorities explain the provisions of Immigration Law, including the issues related to forced return, where appropriate.</p> |
|  | Lithuania | Yes | <p>1. No</p> <p>2. N/A</p> <p>3. No</p> <p>4. No</p> |
|  | Luxembourg | No | This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further. |
|  | Netherlands | Yes | 1. Yes. The Netherlands faces public opposition against forced returns of aliens on an incidental basis. Most cases are linked to minors |

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| | | | <p>(unaccompanied or with their families) whose asylum applications have been rejected and aliens who are on hungerstrike. Most protests take place in smaller villages where the minor/family has been able to integrate into social life.</p> <p>2. The reaction of the authorities mostly includes general statements on the policy, procedures in general and explanations on the legal situation without going into detail of the individual case concerned. In most cases, the public opposition is accompanied by a letter to the State Secretary of Security and Justice (e.g. from the town mayor or school director) requesting a revision of the asylum decision. In a procedure for special (humanitarian) cases the Immigration and Naturalisation Service together with the Repatriation and Departure Service advises the State Secretary on whether or not to use his discretionary power to grant a residence permit by exception.</p> <p>3. No. Due to data protection issues the authorities are unable to provide the public with details of the individual cases.</p> <p>4. No.</p> |
|  | Portugal | Yes | <p>1.No.</p> <p>2.N.a.</p> <p>3.No. In Portugal, as well due to data protection issues the authorities are unable to provide the public with details of the individual cases. In Portugal it may be existed some case in which there was an opposition but in recent years there have been no cases that had a great impact on civil society or in media.</p> |
|  | Slovak Republic | Yes | <p>1. We have no experience as regards the public opposition against the forced returns of individual aliens or families. However we have experiences with the opposition against the forced returns from the returnees themselves who are to be returned from Slovakia to third country. The persons who are to be returned are trying to avoid this procedure by escaping, by hunger strike or self-harming.</p> <p>2. In case of the above mentioned forms of protests on the side of returnees the detention facility where are the foreigners placed calls in the doctor, psychologist or the foreigner is taken to the hospital or he/she is guarded. For these purposes the following strategy is prepared: Plan for the crisis situation solution (in case of the protest on the side of the foreigner). For the situation of larger protests of the detainees the following strategy is in place: The plan of the police intervention in the detention facility (this concerns cooperation with other police services).</p> <p>3. In case of need the Communication Department of the Ministry of Interior of the Slovak Republic will provide the necessary information.</p> <p>4. NA</p> |
|  | Slovenia | Yes | <p>We have no experience regarding public protests against forced returns. No special strategy has been developed therefore.</p> |

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| | | | No such information is publically available, because it is protected by personal data protection legislation. |
|  | Sweden | Yes | <p>1. The forms of protests that an expulsion can cause vary. Media has a relatively large impact on the scale of protests. Autonomous groups have often acted in cases of joint return operations, i.e. larger charters for example Iraq.</p> <p>2. Ahead of major joint return operations an analysis of whether protests may be expected is often made. On the basis of this analysis, the operation is planned. Each police authority has its own policy regarding the planning of enforcements. These are confidential.</p> <p>3. The acting authority is not allowed to comment on individual cases. The legal counsel of the deportee may do so with permission from the deportee.</p> |
|  | United Kingdom | Yes | <p>Response from our immigration press officer:</p> <ol style="list-style-type: none"> 1. We do experience some opposition and protest to forced returns, although this is on a case-by-case basis and depends entirely on the background of the individuals involved. Certain regions are more active in this area and we are aware of it from a press perspective and adjust our handling strategies accordingly. 2. Not really for Press Office but obviously we tie in with officials if we become aware of potential protests and may draft lines accordingly. 3. No, we do not routinely comment on individual cases. In some cases, we may choose to guide a journalist if there are factual inaccuracies in what they are reporting, but this is usually only when the individual in question has placed their case in the public domain. 4. None <p>From UK Enforcement Teams</p> <ol style="list-style-type: none"> 1. Do Member States in general experience opposition and protests against forced returns of individual aliens or families? <p>Yes.</p> <p>In the United Kingdom opposition to forced returns can take the form of concerted and organised campaigns conducted either through direct correspondence on individual cases or through representations from Members of Parliament and the House of Lords on individual cases and in the press.</p> <p>There are also organised general protests against particular aspects of enforced returns such as protests, outside immigration removal centres or the pre-departure accommodation for families, at departure times where attempts can be made to either delay or obstruct the departure of traffic to the airport. Charter companies and other commercial partners have also been the subject of campaigns and actions to delay or obstruct their service including threats or campaigns to boycott their services.</p> |

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| | | | <p>2. If yes, how do the Member States react to the public protests against forced returns? Are there standardised strategies?</p> <p>Representations and letter campaigns are managed through the normal channels for official correspondence and for replies to Members of Parliament and the House of Lords. Proactive and reactive press lines are provided to respond on general issues.</p> <p>Immigration removal centres and the escorting service provider all have contingency plans, which include arrangements with local police forces, to deal with protests depending on their individual circumstances. The management of protestors on the public highway is a matter for the appropriate police force and is managed in accordance with the laws relating to public order.</p> <p>3. Do you provide the public with information on the individual case?</p> <p>No. We do not respond directly on the detail of individual cases in order to comply with the requirements of the Data Protection Act.</p> <p>4. Any other remarks on the issue</p> <p>No</p> |
|  | <p>Norway</p> | <p align="center">Yes</p> | <p>1. Yes. Public protests are regularly expressed by politicians and in media on a national level against forced returns, especially when families with children are involved. These protests often originate and are expressed in the community where the returned individuals have lived, but also in the bigger cities in Norway, cf. e.g. http://www.newsinenglish.no/2013/06/12/protests-fly-over-familys-deportation/</p> <p>2. The strategy is to publicly inform of the regulations and procedures concerning forced returns. In some cases, the Ministry of Justice and Public Security will issue a statement.</p> <p>3.No</p> <p>4.No</p> |
