

WHO IS AFRAID OF ASYLUM SEEKERS AND REFUGEES AFTER ENLARGEMENT?

MAJOR TRENDS IN ACCESSION TO THE PROTECTION

Currently, many of the countries along the eastern EU border are amending their asylum laws in line with EU policy including a Common European Asylum System¹ to harmonise asylum legislation among its member states. International legal standards and best practice should be reflected in those laws. Unfortunately, experience has shown that this is not always the case: instead, the system has often been applied in a selective manner aimed at restricting international refugee protection.² Work on transposition of EU Directives into national asylum laws is at different stages in the various countries: Slovakia's new asylum law came into force on 1 January 2007, but more amendments are on the way. The Hungarian Parliament adopted the new asylum law just before its summer break, and it became effective on 1 January 2008. In Slovenia, a Bill was submitted and discussed in Parliament in October 2007. In Poland, preparations to amend the law have been going on for many months and the draft law has been submitted to the Parliament. However, the legislative process might be halted due to the expected decision of the Parliament to hold early elections in autumn of 2007.

Lloyd Dakin, UNHCR's Regional Representative in Budapest, sees contradictory trends relating to refugees - *a strong fear of foreigners coupled with the need for growing economies with ageing populations* to open their labour markets to others, including asylum-seekers. „Through various kinds of restrictions and hurdles many states try to make it as difficult as possible for asylum seekers to obtain refugee status. But we also see in the growing need for a new workforce and an opportunity for asylum-seekers and refugees to get jobs and be productive. We hope that this will increase their acceptance and make their integration easier.” The UNHCR encourages governments to consult with its experts during the process of drafting new refugee legislation so that their knowledge may be put to good use from the very beginning.

In Slovakia, the Government consulted closely with UNHCR experts during the drafting process and incorporated some of their comments and recommendations. The introduction of a subsidiary protection status proved a useful tool to positively resolve many cases, such as those of the majority of Iraqi asylum-seekers in Slovakia. Another step forward was the opening of the labour market to persons with subsidiary protection status and for asylum-seekers after one year's stay in Slovakia. Already in 2007, many persons were able to find jobs and move out of government reception centres. However, the UNHCR expressed concern about the fact that these amendments include a number of formal reasons why an asylum claim may be rejected as inadmissibly or „manifestly unfounded”. According to the draft law, no full asylum procedures will be carried out if the claim was lodged too late or if asylum-seekers provided „disconnected, contradictory or insufficient data.” UNHCR in its comments points out that there are many reasons why someone's story might seem jumbled, such as language difficulties, trauma suffered, cultural and gender barriers or even a general fear of authorities due to past experience at home. Therefore, it is a shared responsibility between the authorities and the asylum-seeker to ascertain all relevant facts and to resolve inconsistencies and misunderstandings. “Even if a refugee story is difficult to understand, it may still be true”, said Dakin.

For persons who seek international protection in Hungary, the new law on asylum—the third in this legal field since 1989 - will bring a number of improvements. UNHCR especially welcomed the introduction of a subsidiary protection status for persons who do not qualify for asylum but still cannot be sent back to their country of origin for humanitarian or human rights reasons. Instead of being left in a legal vacuum, such persons will basically enjoy the same rights as recognised refugees when it comes to employment, health-care, social benefits and education. Another welcome change is a restriction on the detention of asylum-seekers.³ Whilst they could be kept in confinement for up to a year in previous

times, under the new law this period should be limited to a few days at the beginning of the procedure. However, under the new law, the use of false or forged documents by asylum-seekers may be a reason to withdraw protection. UNHCR urged the Government to keep in mind that refugees sometimes have no other choice but to use such documents during their flight. Asylum claims must not be automatically regarded as fraudulent just because an asylum-seeker had no access to genuine travel documents in his/her home country. Another point of concern for UNHCR is the possibility to *deny basic human needs* such as accommodation, food and clothing to asylum-seekers who seriously violate the code of conduct at a reception centre. „Misconduct” may occur for very different reasons which have to be taken into account. Problems should not be tackled by refusing to house and feed asylum-seekers.⁴ UNHCR considers such treatment as degrading and dangerous, especially when families with children or persons with special needs are involved.

In Slovenia, the new asylum law is the second major piece of refugee legislation to be proposed by the government in two years. In both cases, UNHCR was not involved in the drafting process. One of the most troubling provisions of the law from UNHCR's point of view is the unrestricted replacement of full-scale asylum procedures with *accelerated procedures*. According to international legal standards such abridged procedures are justified only in clearly abusive and fraudulent cases („manifestly unfounded”). Nonetheless the Slovene draft law foresees accelerated procedures seemingly for all but „manifestly well-founded” claims and asylum applications by separated children or persons with special needs. Hence, only a small minority of asylum-seekers would have the benefit of a complete examination of their cases. Formally, an asylum-seeker has the right to appeal against a negative decision in an accelerated procedure. However, he might already be back in the country of persecution when his appeal is decided, as the authorities are entitled to remove him from the country during that time. UNHCR was specifically concerned about this provision since experience has shown that over the years many asylum-seekers in Slovenia have only been recognized after appeal.

Another point of concern is the widespread use of detention for asylum-seekers. According to the proposal, the movements of all asylum seekers in accelerated procedures may be restricted. In combination, these two provisions may result in the detention of the vast majority of asylum-seekers, a clear breach of international legal standards. Fleeing from persecution is not a crime. Hence asylum seekers should not

be subjected to a treatment that societies normally reserve for criminals.

The collaboration between UNHCR and the Polish authorities in the transposition of Directives was good. A number of UNHCR's suggestions were included in the final draft sent to Parliament earlier in 2007 for its approval. Among the improvements is the fact that persons with subsidiary protection would be allowed to fully participate in integration programmes. They would be eligible for rental subsidies and Polish language courses. Another very encouraging point is the fact that the draft law strictly follows UNHCR's recommendations regarding detention of asylum-seekers. One point of concern, however, was the provision that some categories of asylum-seekers would be excluded from personal interviews during the asylum procedure. At the same time, an ordinance recently amended by the Ministry of Labour and Social Policy in Warsaw significantly simplifies access to the labour market for certain groups of foreigners. It would lead to more employment for asylum-seekers and persons with subsidiary protection status.

UNHCR's senior legal expert for the region, Leonard Zulu, warns of an unfortunate trend. „Governments tend to go for the lowest possible asylum standards contained in the EU Directives and justify that by saying that they are meeting EU requirements.” This convergent protection and reception at low level is a predominant trend.

There were changes in the Czech asylum law during 2004 to incorporate EU regulations into national law (including several amendments to the Asylum Act). This included above all the harmonisation of the Act with the EU minimum standards (Directive 2003/9/EC Laying down Minimum Standards for the Reception of Asylum seekers) and implementation of Dublin Regulation practice (Directive 2003/343/EC). The amendment sought to improve the social dimension of asylum system. The Asylum Act No. 325/1999 Coll. as amended is compatible with the Council Directive 2003/9/EC. It was transposed into the Czech asylum legislation by the amendment of the Asylum Act of 27 January 2005. This provides, amongst other things, that the Ministry of the Interior must inform⁵ asylum seekers of the obligations they must comply with and the benefits to which they are entitled no more than fifteen days after they have lodged their applications. According to the Directive (Article 14), the Amendment of the Act also states that applicants have the right to communicate with their legal advisors. The Organisation for Aid to Refugees welcomes new specific provisions in the Act (in order

to the Directive, Article 15(1)) for persons with special needs (namely unaccompanied minors, minors, pregnant women, disabled persons, victims of torture and violence, traumatized refugees etc.). In accordance with the Directive, unaccompanied minor detainees will be placed with legal guardians or in school accommodation centres suitable for minors. The legal guardians will represent the unaccompanied minors. The Act, as amended according to the Directive (Article 10 and also Article 18), also states that asylum seekers have the same access to education as nationals. These amendments are welcomed by the Organisation for Aid to Refugees, which has been critical of previous practice. However, the freedom of movement of applicants can be restricted to a specific area (referring back to the Directive, Art.7.) The Czech authority may decide to restrict *movement of the applicant* for reasons of public interest or public order.⁶

Beyond the visa and entry restrictions for potential asylum applicants, the absence of family unification premises and procedure would most hinder entry for members of a refugee's family. For instance, the UNHCR passed a set of recommendations to the Hungarian government in 2005 in order to urge transposition of the Directive on the Right to Family Reunification of 22 September 2003 and/or amendments to the existing rules. It contained the following steps:⁷

- the Government should consider waiving the obligation for recognised refugees to meet the qualification criteria contained in Article 14 (1) of the Aliens Act,
- it should consider a broader definition of eligible family members in line with the UNHCR Guidelines on family Reunification of 1983, but at the very least in line with the EU Directive;
- it should consider allowing persons authorised to stay in Hungary under the complementary protection regime immediate access to the right to family reunification upon status determination in the same manner as refugees;
- it should ensure that as a matter of practice in cases where the principal applicant is given refugee status or the status of person authorised to stay in Hungary, the rest of the family should have the right to opt for the same derivative legal status, without prejudice to their right to apply for refugee status or complementary protection individually based on own claim. Family members should also have access to the same socio-economic and other rights as the principal applicant;
- it should consider having a one-stop, single procedure for family reunification, so as to ensure that

the application for family reunification is submitted to, processed and approved by a central authority in a single procedure;

- it should consider issuing family members joining recognised refugees with an appropriate visa that denotes their special circumstance (e.g. “Humanitarian Visas” or “Family Reunification Visas”);
- it should review current procedures to ensure that fair and efficient procedures for processing family reunification applications in an expeditious manner are in place. The objective of such a review should also include the need to achieve family unity, and not the qualification criteria contained in Article 14 (1) of the modified Aliens Act (2001), the central focus of such procedures;
- it should, as part of the review to make family reunification procedures more fair and efficient, ensure that recognised refugees, at the point that refugee status is granted, are provided with written and oral information on their right to family reunification and the procedures which need to be followed for them to effectively exercise and realise this right, including applicable qualification waivers, details concerning travel documents and visa applications, opportunities for financial assistance for travel costs and integration assistance for the reuniting family. To this end, the authorities may wish to consider introducing an information package on family reunification, including a public place poster and a leaflet which could be given to individual principal applicants at the same time that a positive refugee status determination decision is rendered;
- it should introduce a simple and “user friendly” family reunification procedure that can easily be initiated by the recognised refugee through the completion of a standardised form which, whenever necessary, could be complemented by a personal interview;
- it should consider exploring modalities by which it would be able to assist the applicant refugee to meet the costs of reunification either through a loan or a grant. Initially, these costs could be met under the European Refugee Fund (ERF), which can be administered directly by a government entity or a partner NGO with the requisite family reunification experience;
- it should issue an administrative directive stating that when deciding on family reunification, the absence of documentary proof of the formal validity of a marriage or of the filiation of children should not *per se* be considered as an impediment;
- it should ensure that recognised refugees are aware that a negative decision on an application for family reunification should clearly and fully state the

specific reasons for the rejection of the application and the evidence relied on. It should also provide information on the principal applicant's right of appeal, any time-limits and the provisions of the appeal procedure;

- it should ensure that family reunification takes place within the shortest possible time from the time an application is made. Applications from or regarding separated children should be prioritised, with regard to the principle of the best interest of the child, in view of the potential harm caused by long periods of separation from their parents.

Summing up, the UNHCR commended and encouraged the Government of Hungary to continue applying its flexible and humane interpretation of the current legislation governing the family reunification of recognized refugees, and urged the government to extend the same standards of consideration to persons enjoying complementary protection. In this respect, it was encouraged to introduce legislative amendments that would further facilitate the family reunification of recognized refugees and those with complementary protection.

The other ever-green aspect of entry is non-refoulement.⁸ For instance, the Committee Against Torture heard the response of Bulgaria to its questions.⁹ Accordingly,

- CAT was directly applicable in domestic jurisprudence by virtue of its incorporation in the internal legal system and recognition by the Constitution;

- the rights and obligations of asylum seekers were laid down in laws on refugee status, and at every stage, protection was provided to asylum seekers until decisions were rendered;

- the State did not expel an asylum seeker to a country where his or her life could be threatened, the delegation said. Bulgaria was fully committed to combating acts of terrorism that should not derogate from the human rights and fundamental freedoms of individuals. Bulgaria believed that the root causes of terrorism should be combated and solutions should be found.

- with regard to article 3 of the Convention on refoulement, the State did not expel an asylum seeker to a country where his or her life could be at risk. However, individuals considered as a threat to national security might be prevented from entering the country, as was the case in many states. If clear evidence of danger against an individual existed in the country of destination, he might be sent to a third country where his life was not in jeopardy;

- refugee status already granted could be withdrawn in certain circumstances including if the in-

dividual obtained the nationality of a third country, or if he was granted refugee status by another country.

However, *detaining asylum applicants for illegal entry and omitted registry of asylum application* is not so rare in Bulgaria.¹⁰ Asylum seekers face unfair treatment at the immigration detention centre; they are treated as undocumented immigrants, so they are penalised and deported for violating Art. 31 and 33 of the Geneva Convention. For instance, a 16-year-old unaccompanied boy from Kosovo has been detained at the immigration detention centre in Sofia since May 2007, held under the same regime as adults. A journalist visited him twice (the second time on 14 September), and supported his first and second submission of asylum application, but in vain. There was a deportation order against him, a product of an impossible circumstance in which the boy was kept unaware of appeal deadlines and the content of the order itself. (Potential) applicants from Afghanistan, Iran, and Iraq entering Bulgaria from Turkey face the same treatment. Although the Bulgarian Penal Code exempts refugees from persecution for illegal entry, and Bulgaria has transposed the Directives regarding asylum seekers, under which minors must automatically be released from detention, the practice is far from the regulation. In Bulgaria there is no limit on the time between the submission of an asylum application and its registration, resulting in tremendous hardship for asylum seekers, given the discretionary power given to officials regarding the time taken to register an asylum application. With exception of legally entered persons, all others are detained for months until their applications are registered—if indeed they are at all.

The most dangerous consequence for asylum seekers is the risk of *deportation, and their embassies are requested to co-operate* in facilitating their return. Deportation orders are usually issued with a ruling for their immediate execution, thus appeal has no suspensive effect unless the asylum application is registered. The state agency for refugees may arrive at the detention centre to register and interview an asylum applicant only to find that s/he has already been deported as an illegal immigrant. Others, with exception of vulnerable persons (see the Directive on reception conditions), face unlimited detention. Even tortured asylum seekers are kept in detention. Such was the case of a male from Chechnya, who also submitted two written applications, in October 2006 and in May 2007; following this, he was placed in solitary confinement, in an isolation cell. Thus he was tortured first in Russia and again in Bulgaria.

UNHCR has signed an agreement with the Slovak Aliens and Border Police and the Bratislava-based Human Rights League for *monitoring activities* along Slovakia's land borders and at its airports.¹¹ The main purpose of the monitoring, which will be carried out through regular missions funded by UNHCR, is to ensure that asylum seekers have *access to EU territory and to asylum procedures*. The agreement, signed on 5 September 2007, formalizes the cooperation, roles and responsibilities as well as the working methodologies of the parties involved.

A similar agreement was signed with Hungary in late 2006 and negotiations are also currently under way with Slovenia and Poland for a similar arrangement. These arrangements represent an important element of UNHCR's activities under the recently announced Ten Point Plan of Action for Eastern and South Eastern borders of EU. The countries which make up the *EU's eastern frontier—Poland, Slovakia, Hungary and Slovenia—face significant irregular migration*, often facilitated by smuggling and trafficking networks. While the region has traditionally served as a area of transit, certain countries are increasingly becoming destinations for both migrants and asylum seekers. Monitoring of the eastern EU border, stretching over 2,610 kilometres, is one of the core activities of UNHCR in the region.

With the mix of migrants and asylum seekers, as well as the criminal elements involved in the profitable human-smuggling racket, law enforcement bodies tend to *focus on stopping illegal migration rather than assisting asylum seekers*. The new agreements, as well as those in preparation, are designed to ensure that asylum seekers receive the help and protection they are entitled to under international law.

The most likely reason for the increase in new asylum-seeking arrivals is Poland's *accession to the Schengen Area* on 21 December 2007, and fears that it will lead to stricter border controls. There have been intentionally spreading rumours among potential asylum seekers that their access to Polish territory would be hampered after the enlargement of Schengen regime, thus encouraging more people to go to Poland before it. In addition, some asylum seekers erroneously hoped that, once in Poland, they would be able to move freely throughout the Schengen Zone. Many asylum seekers are resorting to smuggling networks because of increasing restrictions on borders. According to UNHCR information some of them pay up to €7000 to be smuggled into the EU territory.¹² This increase is leading to an *overcrowding of reception facilities* in Poland. There are currently over 5,300 people staying in 20 separate reception facilities, as compared to 3,550 peo-

ple in 17 reception facilities a year ago.¹³ The current influx has forced the Polish Government to increase the number of reception facilities in order to accommodate all the new arrivals.

The other barrier in obtaining international legal protection is inadequate data bases on countries of origin. A reliable, accurate, transparent and financially sustainable country of origin information (COI) system is critical for the fairness and effectiveness of refugee status determination. Although there is some improvement in refugee status determination in CEE countries, the roundtables organised by the UNHCR have required further development in this region. For instance, in Hungary the immigration authority (OIN) has its own COI unit, and the Metropolitan Court has its own COI expert, while the Hungarian Helsinki Committee as legal representative of the applicants has its own COI expert and trainer. However, the main weakness is the lack of financial support for the establishment of a real COI unit with at least one full-time researcher and a clear profile of activities. This NGO is a leading member of the Europe-wide COI network (headed by ACCORD) and thus is committed to promoting substantive COI quality standards as elaborated by the network (relevance, reliability, balance, accuracy and transparency). For this reason, the following steps were proposed:¹⁴

- stronger co-operation in training, capacity building and structural, substantial issues is necessary between this network, the Country of Return Information project, and the consultants for UNHCR, ECRE, and others.;

- a unified COI in each country should be available for all stakeholders (including for example Border Guards, Courts, refugee authority), which should be intranet-based and led by an independent professional institute or outside the OIN would be established;

- funds should be allocated for external translation services, thus enabling professional COI researchers to focus more effectively on research and documentation tasks requiring their specific skills, and decreasing the currently very high proportion of work time spent on translation;

- COI researchers should, as a minimum requirement, have high-level English reading and comprehension skills;

- COI research should be independent from political interference and policy considerations. The personal autonomy of researchers is essential;

- users of the COI are free to interpret data and information to suit their needs but this should not influence the content or quality of COI reports and query responses.

CONCERNS IN RECEPTION AND INTEGRATION CONDITIONS

Changing rules on entry and residence for third country nationals are not always translated into efforts in capacity building, including proceedings and accommodation of applicants. For instance, Bulgaria has become much tougher in the past few months in processing the asylum claims of Iraqis, despite no apparent change in the overall profile of the arrivals, the UNHCR warned recently.¹⁵ In 2007, 533 Iraqis sought asylum in Bulgaria and more than 90 percent of them were granted protection, either full refugee status or humanitarian status to almost every Iraqi who asked for asylum after arriving, usually from Turkey. But figures released by an independent human rights organization indicate that between December 2007 and March 2008, Bulgarian immigration officials rejected 41 Iraqi asylum claims and granted refugee status to just two applicants and humanitarian status to 60. Many of the cases were under appeal, although the Government in Sofia had informed the UNHCR that it had simply become more rigorous in assessing claims and making status rulings. “But UNHCR is worried at the apparent change of policy, which the agency believes is not justified by any change of profile of the new arrivals,” it said in a news release. “Most Iraqi asylum-seekers continue to be single males, but a growing number of families and single mothers with children are also looking for protection in Bulgaria.” Before their first asylum applications were rejected in December 2007, Bulgarian authorities had expressed concern that the Iraqis were placing pressure on the country’s limited *accommodation capacity*. Catherine Hamon Sharpe, UNHCR representative in Bulgaria, said the capacity problems have to be resolved in other ways. “The individual’s need for protection is the only legitimate reason for granting or denying refugee status.” Only 533 Iraqis sought asylum in Bulgaria in 2007, compared to about 5,500 in neighbouring Greece and 3,500 in Turkey. Meanwhile, the UNHCR has issued a position document advising member states’ governments to refrain from returning asylum-seekers to Greece until further notice because the country does not have “essential procedural safeguards” throughout the refugee status determination process, despite recent efforts by authorities to improve their actions. As a result, asylum-seekers often lack the most basic entitlements, such as interpreters and legal aid to ensure that their claims receive adequate scrutiny from the asylum authorities. Moreover, reception conditions in Greece also continue to fall short of both Euro-

pean and wider international standards, and UNHCR has called on the Greek government to review its procedures and practices.

This change in Bulgaria government policy contributes to blocking land access to Europe for Iraqis fleeing violence. Iraqis held at the temporary detention centre for illegal aliens at Busmantsi, near the capital, Sofia, staged a protest by barricading themselves in one of the corridors of the building and setting a mattress on fire.¹⁶ The six persons in question had been in the detention centre for several weeks. According to the UNHCR representative in Bulgaria, the Iraqis had intended to apply for asylum, but later changed their minds and asked to go back to Iraq, „most likely because they knew there was a greater risk not to be granted status.” They were supposed to leave for Iraq on the following day by flying first to Hungary and then Syria. The Bulgarian state said it could not afford to pay for their journey, so the Iraqis paid for the plane tickets themselves. They had valid entry visas for Syria, but the Hungarian government denied them access, which meant that the trip had to be postponed and another route chosen. Until their situation is clarified, the six are stuck in the detention centre.

The condition of the six Iraqis at Busmantsi highlights a change in the attitude of Bulgarian authorities towards Iraqi refugees. Between December 2007 and March 2008, 41 applications from Iraqis were rejected. Since the beginning of December, only 2 Iraqis were given refugee status, 60 others received humanitarian status. In 2008, only 9 Iraqis have so far crossed into Bulgaria and asked for asylum at the border. This seems to be a consequence of the fact that people have learnt about the shift of attitude in Sofia, and are no longer willing to risk coming to this country. Together with Greece—where acceptance rates for asylum seekers are below one percent—Bulgaria is one of the two European Union countries bordering Turkey, making it a natural entry point for Iraqis travelling by land in search for refuge in Europe. In response to the concerns expressed by UNHCR, Bulgarian authorities claim that they have merely become more rigorous in assessing applications and making status determination rulings. „*We are looking more realistically at cases and we have refused a number of asylum claims,*” said Todor Zhivkov, director of the Reception Centre for Refugees in Sofia.

According to the UNHCR the most likely reason for the increased *refusal rate* is that there is not enough capacity in Bulgaria to host the asylum seekers. Otherwise, the profile of the applicants has not changed since 2007 in such a way as to justify

the increased rejection rate. Since 1993, 16,602 people have sought refuge in Bulgaria. The largest inflow of asylum seekers came in 2002, when Bulgarian authorities dealt with 2,888 applications, most of them from Afghans. After 2002, application numbers dropped, only to increase slightly again between 2006 and 2007, from 639 to 975—this time on account of the larger number of Iraqis looking for protection. Acceptance rates have usually been good, with around 5,500 people being granted refugee or humanitarian status since 1993. Bulgaria currently has two main reception centres for refugees, one in Sofia with a capacity of 400 and one in the village of Banya which can hold 70 people. The detention centre at Busmantsi can host around 300. Technically, once a person has filed an asylum claim, they should be moved from the detention centre to the reception points, where they have freedom of movement and better conditions. But lately, more and more asylum applicants have been held at Busmantsi. Implementing the Dublin II Regulation, the Bulgarian government passed an ordinance which allows asylum-seekers to be transferred and kept at Busmantsi, although this practice violates asylum law.

The UNHCR Representative said that although the authorities in Sofia have adopted the necessary legislation for the protection of asylum seekers, implementation remains deficient. Bulgarian authorities further argue that the current situation in Iraq permits people from the conflict zones *to seek refuge in the more stable northern regions of Iraq*. But, according to Linda Awanis, Chairperson of the Council for Refugee Women in Bulgaria, in order for Iraqis in the south to move to the Kurdish areas, they need a resident from the north to stand guarantee for them, as well as to specify the length of their stay, conditions difficult to meet. Awanis, an Iraqi refugee herself, acts as an informal link between people in the detention and reception centres and the outside world. Iraqis who arrive in Bulgaria pass to one another her telephone number and call her from the centres when they need medicines, milk for babies, clothes, even sanitary pads. Because the Bulgarian authorities often lack the money to provide basic care, Awanis searches for private donors. Most newly arrived Iraqis say that although there are good jobs in their country, the moment you get out of the house to go to work, your life is in danger. One of the Iraqis granted refugee status in Bulgaria was a young woman who used to be a teacher of Arabic and a layout designer for newspapers. „She came here after she had been kidnapped and beaten by groups—we don't even know which groups—and her family had to pay a ransom for her,” Awanis

commented. In Bulgaria, refugees who *complete a one-year programme of integration, learning Bulgarian and getting vocational training*, usually end up working in construction (the men) and as sales clerks or hairdressers (the women). But Awanis says Iraqis are happy in Bulgaria because there is peace here, unlike in Iraq.¹⁷

„It is not the children that give us problems, but rules and regulations,” said Jolanta Tyburcy, pedagogical director of a Warsaw primary school where 10 percent of the students are the children of Chechen asylum seekers. Under Polish law, all children aged from six to 18 must attend school. But according to asylum legislation, *children have to pass a Polish language test before they can be admitted to school*. Principals and staff of refugee reception centres are working together to find a compromise solution. Edyta Gluchowska, who teaches Polish to new arrivals at the Ciolka Street reception centre in Warsaw, says young asylum seekers and refugees are „*integration champions*” because they mix and pick up languages much faster than their elders. But she believes courses at the reception centres are not enough. „Children should start school as soon as possible to learn the language with Polish children,” said Gluchowska, who works with school principals to ensure that courses offered at her centre are in line with the Polish curriculum.

Despite such efforts, a UNHCR survey in 2006 found that up to 50 percent of child asylum seekers in Poland were not attending courses in the reception centres, let alone state schools.¹⁸ Some could not speak any Polish; others were offered places in classes below their age group and given little encouragement to attend, while others again were hampered by lack of transport facilities. Things have improved since the report came out, however. Jan Wegrzyn, head of the Repatriation and Aliens agency, told UNHCR that 90 percent of children in the reception centres would be enrolled in state schools this month.

In Hungary, the problems faced by young asylum seekers and refugees are more financial than linguistic. „*Schoolbooks, stationery, school uniforms and sports kits cost as much as my husband earns in a whole month*”, said Yasmen, a mother of three who was otherwise very happy with the quality of education. „The kids are happy in school and they already speak good Hungarian,” the refugee said. Refugees and asylum seekers are entitled to a free education, but the state assistance mechanism is not yet in place and so UNHCR has agreed to cover the education expenses of 71 refugees and asylum seekers—including Yasmen's children—during the

current school year. The government is also facing a new problem—stricter application of regulations, aimed at stopping asylum seekers from moving from one member nation of the European Union (EU) to another, mean *there is now more demand for places in secondary schools in countries of first asylum* like Hungary. Again, UNHCR has helped out by paying for 15 teenagers to study at the Dob utca school in Budapest. Under the pilot project, the youngsters will study a curriculum developed for foreign pupils. But Hungary will have to adapt its education system in 2008 to handle more asylum seekers and refugees in the future.

Language is also an education issue in Slovakia, where young asylum seekers and refugees must attend *a six-month course in the Slovak language*. Reception centres provide learning assistance and schools offer additional, EU-funded lectures. But Amra Saracevic, a social worker at the government's migration office, said she knew from personal experience that one of the most difficult things the young foreigners had to deal with in Slovak schools was the curiosity of the local kids. „When I first came to my new class as a refugee child, I felt like an animal in the zoo. Everybody was looking at me, everybody wanted to know about me and my history,” recalled Saracevic, a former refugee from Bosnia. She agreed that it was children who played a major role in helping families get settled. „Children pick up language very fast, and they become the first members of the refugee family to be well integrated.”

Srdan Šajin, the leader of the Roma Party in Serbia predicted in August 2007 that about 50,000 Roma would be forced to return to Serbia from various European states. Some of them tried to submit asylum application in Romania but in vain. Emil Stan belongs to the first group of Roma applying for refugee recognition in Romania in June 2007. He submitted his application because life was unbearable in Serbia. In fact he was repatriated from Germany, in spite of the fact he had been living and working there for 14 years. His application was refused by the Romanian authorities as was his request to travel to a third country. Stan intended to return to Germany because his family were still there. According to the party leader at least a hundred Roma persons have fled Serbia due to economic hardship. In the early 90s the Roma who had emigrated were sent back from Germany and despite the *agreement on re-admission* the government did nothing for their *re-integration*. Želimir Žilnik, the well-known Serbian movie director, shot a documentary film on the tragedy of the returnees in Serbia in 2003 (“Kennedy's Return”).¹⁹ Serbian NGOs also have confirmed

the forced return from Germany to Kosovo, Serbia and Montenegro and absence of re-integration assistance of returnees nowadays.

Due to new legislation which effectively came into force in 2001, Malta has established and began slowly to implement its own status determination provisions and ‘infrastructure’, in line with the principles of the 1951 Convention.²⁰ Immediately afterwards, within the first 12 months, asylum claims from illegal migrant arrivals soared from about 50 to nearly 2000. These migrants, who hailed mainly from sub-Saharan Africa, started arriving in boats, almost invariably via Libya. They landed on Maltese shores for the most part undocumented, having either lost their travel or other identity documents or been dispossessed of them by human traffickers operating mainly from Libya. In an archipelago of 246 sq km with a resident population of 400,000, between 2002 and 2007 there were over 7,000 such arrivals, if one excludes the many other asylum-seekers who typically arrived by air on tourist visas, or were given tourist visas upon arrival at Malta International Airport by the Maltese police, and then filed their applications soon afterwards. In December 2001 the Ministry of Justice and Home Affairs proudly showed an EU delegation and others around a brand new reception centre at Hal Far which would accommodate comfortably some 120 inmates (nearly three times the figure of arrivals in the previous year). Within weeks such accommodation had become grotesquely insufficient. In addition, the government quickly had to resort to former army barracks, schools, private or religious houses, even the Police HQ itself, and somehow transform these into reception and/or detention centres. In 2006 the total capacity of closed centres in which applicants can be kept up 18 months was 1600.²¹ The maximum capacity of these centres was for 1,200 persons but in an emergency, Detention Services have managed to accommodate up to 1,600 (for example in 2005, so far the record year of arrivals by boat). The open centres had up to 1,360 available places in 2006.²²

Taking into account the *EU contributions*,²³ *some improvement (in detention but not reception centres)* happened in 2007. As of the winter of 2007, the number of asylum-seekers in detention was 1,700—and to prevent further problems asylum-seekers are no longer being kept at the Police HQ in Floriana any more because of inadequate treatment. Lyster, Ta' Kandja and Hal Safi barracks are still in use as ‘closed centres’. The original Hal Far centre, which can host 120 persons, has been refurbished with EU funds. A new detention centre has been nearly com-

pleted at Ta' Kandja, which is due to be ready by the end of December 2007, and will house 400-500 inmates. Moreover, according to an official government report, since 2005 a new detention centre for 224 immigrants has been built, while various buildings in detention centres have been improved. Only some €84,000 had been spent on the setting up of a medical service, apart from what was already being provided by the health services free of charge, so that 400 patients could be examined per week. The provision of meals had been outsourced, and 100 casual detention officers were employed to assist soldiers and the police in keeping order at the centres. A preliminary information sheet listing the rights of the immigrants in English, Arabic and French began to be distributed by the Ministry but in future it is to be available in Amharic, Tigrean, Turkish, and Somali as well. EU assistance was also used to upgrade the Marsa open centre. If we include the over 1,700 individuals in detention, this would bring the total of immigrants who have sought asylum in Malta, including those who failed to obtain any kind of status, to over 3,800 in centres alone as of the end of 2007.

Malta set up an Organisation for the Integration and Welfare of Asylum Seekers (OIWAS), under the auspices of the Ministry for the Family and Social Solidarity, which started functioning in February 2007. Its mission statement, which has started to be implemented, refers to staff recruitment, institutional identity, procedures, networking, coordination of the open centre network, standardizing procedures, service agreements, identification of new centres, data collection and trends, customer care, professional teams for vulnerable groups, a project in closed centres, networking with international agencies and NGOs, fullest possible use of EU funds and addressing long-term residence in Malta. Since January 2007, the free provision of food was stopped and was replaced by an allowance ranging from Lm 1.25 to Lm 2 per day depending on status. Residents at the smaller centres were obliged to sign in at set times to ensure that those receiving benefits were entitled to them. In September 2007, this new measure was extended to the residents of the larger open centres at Marsa and Hal Far. Those who failed to sign in, presumably because they had a job, would have to pay Lm3.50 a week for a bed at an open centre. In addition, the EU provided to Malta €310,000 to carry out a pilot project aimed at upgrading reception facilities. In October 2007, in response to earlier recommendations, the Ministry for Justice and Home Affairs set up a Detention Centres Board to monitor goings-on, including the occasional accusation of maltreatment.

Summing up, despite EU financial contributions, reception conditions and accession to asylum procedure will not be necessarily improved, even though detention centres and return projects are upgraded. On the other side, all reception and integration efforts and improvements in Malta cannot compensate if the burden sharing system (resettlement, family unification by other member states) and voluntary repatriation remains so limited.

WHAT CAN BE SEEN FROM THE STATISTICS ON ASYLUM SEEKERS AND REFUGEES?

In 2006, a total of 9,900 new asylum seekers were registered in Hungary, Poland, Slovakia and Slovenia, compared with 14,600 in 2005 and 22,100 in 2004. Since July 2007, Poland has seen a sharp increase in the number of asylum seekers, particularly Chechen and Ingush from the Russian Federation. In the first 11 months of 2007, there were 4,931 new applications for asylum in Poland, of which 3,555, or roughly 70 percent, were lodged in the second half of the year. While the monthly average of new applications during the first half of the year was 250, figures increased to 335 in July, reaching 1,148 in November 2007.²⁴ The figures for 'boat people' is oscillating in Malta (1,686 in 2002, 502 in 2003, 1,388 in 2004, 1,822 in 2005, 1,780 in 2006 and, so far, 1,698 in 2007).²⁵

However, these absolute figures are not easily to compare to one another. In July 2007 the new regulation on migration and international protection statistics entered into force in the EU.²⁶ It requires the member states to provide the European Commission (Eurostat) with a standardized and comparable set of asylum data. This dataset includes all relevant statistics on asylum procedure (on asylum claims, decisions, pending cases, sex and age proportion of applicants). However this regulation has no retroactive effect, thus comparable data for the previous period are not available. In addition, it does not address the issue of repetitive and re-opened cases. According to the Eurodac Central Unit,²⁷ the verification of asylum claims in 2005 and 2006 proved that in both years, 17 percent of all asylum claims were multiple, i.e. submitted in more than one member state of the EU. For these reasons, since 2004 neither comparable nor clean statistics have been available.

Mainly due to the sharp increase in Iraqi and Russian asylum-seekers, Europe received 13% more claims in 2007 than the previous year. In the 27 member states of the EU, the rate of increase was

Table 1: Asylum applications (1st instance according to UNHCR data)

Country	2003	2004	2005	2006	2007	Last change
EU15	309 340	241 000	212 690	180 960	197 450	+9%
EU12	39 980	40 550	28 260	20 040	25 460	+27%
Bulgaria	1 550	1 130	820	640	980	+53%
Cyprus	4 410	9 860	7 750	4 550	6 790	+49%
Czech Republic	11 400	5 460	4 160	3 020	1 880	-38%
Estonia	10	10	10	10	10	0%
Hungary	2 400	1 600	1 610	2 120	3 420	+61%
Latvia	10	10	20	10	30	+200%
Lithuania	180	170	120	140	120	-14%
Malta	570	1 000	1 170	1 270	1 380	+9%
Poland	6 910	8 080	6 860	4 430	7 120	+61%
Romania	1 080	660	590	460	660	+43%
Slovakia	10 360	11 400	3 550	2 870	2 640	-8%
Slovenia	1 100	1 170	1 600	520	430	-17%

11% in comparison with 2006. The 12 new member states recorded 27% increase in 2007 while the 15 old member states registered a 9% rise.²⁸ Looking at aggregating statistics, there was a significant increase in Poland (+61%), which means about 3,000 persons, while in 2007 Hungary (+61%), Bulgaria (+53%), Cyprus (+49%), Romania (+43%) and Malta (+9%) the rise in absolute figures remained lower than that.

The eastern and southern edges of the EU play a more significant role in receiving applicants but while the general trends of dropping applications in 2005-2007 followed the direction of the EU15, there is a great dispersion in recognition rate among the new member states. There are different reasons and explanations between the new member states for this, however.

The number of immigrants living and working in the Czech Republic is growing, according to a report on migration for last year discussed by the National Security Council in early 2008.³⁰ More than 392,000 foreigners were staying legally in the Czech Republic by the end of 2007, which is 22 percent more than in 2006. It is the greatest year-on-year increase since the establishment of the Czech Republic in 1993, the report says. Ukrainians make up

the largest group of foreigners with residence permits, followed by Slovaks, Vietnamese, Poles and Russians. According to the document, more than 126,000 Ukrainians, almost 68,000 Slovaks and 50,000 Vietnamese were living in the Czech Republic in 2007. More than 204,000 of the total number of foreigners staying in the country were working legally in 2007. More than 85,000 had a valid work permit and some 144,000 foreigners do not need a work permit since they came from EU countries or Switzerland, the report says.

The remaining approximately 10,000 foreigners were a special group that has no obligation to possess a work permit. Traditionally, Slovaks were the largest group on the Czech labour market - more than 101,000 Slovaks were working in the Czech Republic last year. Of the total 68,000 foreign businessmen, Vietnamese made up the largest group (24,000), followed by Ukrainians (some 22,000). More than 85,000 foreigners held business licences last year. Czech embassies abroad also registered a growing number of visa applications last year - more than 700,000. Over 653,000 visas were granted, which is 32,000 more than the previous year. The largest number of visa applications was received

Table 2: Recognition rate including refugees and status for humanitarian grounds, and refugee population²⁹

Country	Recognition rate in 2005	2006	2007	Refugees in 2005-2006	2007
Bulgaria	11,6%	14,8%	34,3%	4 413	4 504
Hungary	12,5%	9,4%	7,3%	8 046	8 075
Poland	31,9%	55,7%	30,0%	4 604	6 790
Romania	11,4%	13,2%	24,2%	2 056	1 658
Slovakia	0,7%	0,3%	3,6%	368	248
Slovenia	1,6%	1,7%	2,1%	251	254

from the citizens of Russia and Ukraine. The number of foreigners staying illegally in the Czech Republic decreased last year compared to the previous year from 7,100 to 4,700. In total, Czech police uncovered 8,000 people who tried to illegally cross the Czech border which is 3,392 fewer than in 2006. Ukrainians traditionally make up the largest group of illegal migrants who violated the foreigner stay regime, though their number has decreased compared to the previous year.

While the number of immigrant workers is on the increase, in 2007, only 1,878 foreigners asked for asylum in the Czech Republic, compared to 3,016 in 2006. This is a 38 percent decrease—while other migrant groups are growing. In 2007 the Interior Ministry granted protection to foreigners in 382 cases, the largest number in the Czech Republic's history. Asylum was granted to 191 people, mainly citizens of Belarus and Russia. Moreover, the total number of applications for asylum lodged in 2004 was 5,459, compared to 11 400 in 2003,³¹ a decrease of 47%. This marked fall is partly due to changes in the national law after joining the EU, especially with respect to the Dublin Regulation (Directive 343/2003/EC) and partly a reflection of the general drop in the number of applicants in Europe.

Table 3: Asylum seekers by nationality in 2003–2004 in Czech Republic

Country	In 2003	In 2004	Change in %
Ukraine	2 043	1 600	-21.68
Russia	4 852	1 498	-69.13
Vietnam	566	385	-31.98
China	854	324	-62.06
Byelorussia	281	226	-19.57
Georgia	319	201	-36.99
Kyrgyzstan	80	138	+ 42.03
Slovakia	1 055	137	-87.01

Table 4: Applications by stages of procedure in 2003–2004 in Czech Republic

	2003	2004
Number applications decided	15 019	7 876
Decisions on merits	9 315	4 775
Asylum granted	208	140
Cases referred back on appeal	207	233
Obstacles to return/ tolerated stay	51	36*

* From Cuba, Republic of Belarus, Kazakhstan, Azerbaijan, Sri Lanka, Vietnam, Ukraine and stateless persons

Asylum seekers whose applications have been rejected after being substantively examined, are not sub-

ject to forced deportation. If they do not chose the option of voluntary repatriation, they have to leave the country within the validity of their exit visa, which is granted to them after the end of the asylum procedure for a period of up to 2 months. Some of these persons (it is not possible to estimate what percentage) leave the country and return to their country of origin or try to move to another EU country. The others stay illegally on the territory. If caught by the police, they are put in a detention facility for a period of up to 6 months. A decision is then made to remove them and they are deported to their country of origin. As of 1 May 2004, the Czech Republic began returning asylum seekers, in accordance with the Dublin Regulation, to the first EU country they entered. *Many Chechen asylum seekers have been returned to Poland, their first point of entry into the EU.*³²

Special attention has been paid by the press to Chechen refugees, although the number of new applications for asylum dropped significantly during 2004. Another significant group of refugees to whom NGOs have been providing assistance are politically persecuted Byelorussians. In the first half of 2005, there was also an increase in the number of refugees from Kyrgyzstan caused by the political instability in that country. The policy in respect of Chechen refugees has become „softer” as refugees from Chechnya generally get more protection in the Czech Republic (asylum granted, tolerated stay) than was the case in previous years. One of the reasons for this could be a marked drop in the number of new applicants arriving from Chechnya. The policy towards Iraqis (as noticed by NGO workers) is to extend the duration of the asylum procedure for as long as possible. This means that they have not been given any decision on their application since the beginning of the Iraq crisis. They usually stay in the Czech Republic for several years and most of them continue with the status of asylum seeker, which is unlikely to change.³³

Asylum seekers in Hungary have less chance in recent years of recognition and integration. Although the Act on Asylum adopted in 2007 conforms to the procedure in various ways, Act II of 2007 on Third Country Nationals' entry and residence creates numerous limitations on free movement. The number of applicants who are recognised refugees is decreasing, while the rate of illegal entry and non-European applicants is stable.

The case of Malta differs from that of the CEE countries. The vast majority of applicants are not in possession of a passport or an identity document, many claiming to have lost these or had them con-

fiscated *en route*. Of all the appeals received during 2006, 724 out of 732 had been undocumented; only 1% entered Malta legally. This shows a considerable increase on 2005, when 16% arrived legally were. The number of illegal entries would thus seem to be increasing. In 2006 with the exception of one-offs (Kyrgyzstan, Serbia, Senegal, Tunisia), the nationality profile of migrants seeking asylum in Malta has continued to be characterized by sub-Saharan Africans, mainly from East, Central and West Africa, travelling more or less by the same means and via the same land-and-sea routes. What is less clear is the percentage of those arriving by air, who arrange to stay on expired visas or otherwise, most of whom are from the Arab world, the Balkans, the Caucasus, South Asia or the Far East, including China. Most of these do not seem to apply for asylum, preferring other integration alternatives through networking, work permits or intermarriage.³⁵ In 2006, 93% of all appellants (678) came from Libya, a little more than in the previous year. A small percentage (falling from 12% in 2005 to 2% in 2006) flew in from Europe, North Africa or the Near East. For the rest, those not arriving by boat via Libya came from Turkey (3% in 2005), the Ivory Coast or Tunisia with isolated individual cases from Lebanon or Bulgaria. The majority of arrivals are aged between 18 and 35 years. Moreover, the great majority are males who are relatively young and single, thus Malta is increasingly under the stress of a growingly *disproportionate ratio between male and female residents*. In 2006 some 76% were illiterate or semi-literate compared to 68% the previous year. Some 10% in all had been to secondary school, high school, college or university. At first instance, Malta grants status or at least some kind of protection and assistance (including board and lodging in open centres) to well over 50% of applicants.

CONCLUSIONS

Since enlargement, rather than increasing homogeneity, there has been a growing tendency towards variations in the policy and practice of asylum among the member states of the EU. Two striking processes are at work: the hardening of soft law in the accession process due to the incorporation of non-binding third pillar instruments into the national laws of applicant states; and the sale of an outdated product to candidate states in the East through PHARE programmes to countries receiving far fewer claims and with less developed protection capacities. Exporting procedural tools and concepts of safe third country, safe country of origin, accelerated procedures for manifestly unfounded cases to (candidate and adjacent) states in which there is no properly developed judicial mechanism, civil society and social safety nets was the prelude of enlargement. The control-oriented standpoint of financial and expertise contribution is weakening access to protection, applicants' reception, family unity and integration.³⁶

In addition to this, the new member states are on the periphery and therefore the most likely point of entry to EU territory, thus there is much opportunity to send applicants to another state (e.g. 7% of total applicants were multiple in 2004 according to Eurodac data) and therefore a disproportionate burden is detected, causing delays in the processing of asylum claims which in turn works against the equitable distribution of applicants. Due to speeded up harmonisation and transposition of directives, legislation on asylum, and migration, adequate time has not been provided for public debates on asylum policy or setting up data bases on countries of origin. Being forced to fight against illegal migration and terrorism has led to the appearance of another one-sided approach in the form of short-term tactics of law enforcement and public order, instead of

Table 5: *Asylum seekers in Hungary 2002-2007*³⁴

Year	Applicants	Arrival illegally	Arrival from Europe	Recognised persons	Nationality
2002	6 412	89%	6,8%	104	Iraqi (46), Afghan (10) Serb (9), Iranian (3) Palestine (5)
2003	2 401	76%	27,4%	178	Iraqi (33), Afghan (28) Serb (19), Iranian (9) Palestine (2)
2004	1 600	71%	31,4%	149	Iraqi (13), Afghan (19) Serb (18), Iranian (20) Palestine (12)
2005	1 609	64,6%	36,3%	97	Iraqi (5), Afghan (7) Serb (7), Iranian (10) Palestine (1)
2006	2 117	72,3%	36,2%	99	Iraqi (15), Afghan (5) Serb (0), Iranian (6) Palestine (1)
1 st half of 2007	1 205	80,6%	34,1%	54	Iraqi (18), Afghan (1) Serb (0), Iranian (2) Palestine (0)

establishing a comprehensive migration, labour, reception and integration policy. In the absence of effective burden sharing and human rights (asylum) monitoring system, the originally ad hoc solutions, such as subsidiary protection instead of refugee status, spontaneous integration, pilot projects on reception, irregular migration instead of supported family unification, have spread and stabilised. Although the number of applicants is steady, introduction of the minimal standards of the EU law means a tightening of previously existing more favourable legal or social protection rules in new member states. These new rigid asylum and refugee provisions are confirmed by results of public opinion polls (Eurobarometer) showing widespread ethnic discrimination in the form of growth of intolerance and refusal in Hungary (67%) or in Malta (69%), over the average level at the EU (62%).³⁷

*Translated by the author
Proofread by John Harbord*

NOTES

1. Asylum law in the EU after the Amsterdam Treaty includes the following legal norms: Council Regulation 343/2003 establishing the criteria and mechanism for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third country national; Council Regulation 2725/2000 concerning the establishment of "Eurodac" for the comparison of fingerprints for the effective application of the Dublin Convention; Council Directive 2003/9/EC laying down minimum standards for the reception of applicants for asylum in Member States; Council Directive 2004/83/EC on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise needs international protection and the content of the protection granted; Council Directive 2005/85 on minimum standards on procedures in Member States for granting and withdrawing refugee status; Council Directive 2001/55/EC on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between the Member States in receiving such persons and bearing the consequences thereof.
2. New Asylum Laws Bringing Good and Bad News for Refugees, 6 September 2007, *UNHCR Regional Representation in Budapest*.
3. See Article 18 of Dir. 2005/85: (1) Member States shall not hold a person in detention for the sole reason that s/he is an applicant for asylum.
4. Act LXXXIII of 2007 on Asylum.
5. In accordance with the Directive, Article 5.
6. <<http://www.migrace.ecn.cz>>.
7. **Legal and Practical Considerations Concerning Family Reunification and Visa Issues Affecting Refugees and Persons Authorised to Stay in Hungary.** UNHCR Regional Representation in Hungary (28 October 2005) 1–19.
8. Judit Tóth, 'Towards a Joint Sweeper of Illegal Migrants' [2005] 19 Central European Political Science Review 89–98.
9. <<http://www2.unog.ch/news2/documents/newsencat04019e.htm> (18 May 2004)>.
10. Valeria ILAREV, 'Bulgaria's treatment of asylum seekers' (Law Faculty of Sofia University – FMR 29) 60–61 LCRI <<http://www.lcri.hit.bg>>.
11. 18 September 2007, UNHCR Briefing Notes.
12. <<http://www.voanews.com/english/archive/2007>>.
13. <<http://www.un.org/apps/news/story.asp?NewsID=25147&Cr=asylum&Cr1>>.
14. Round-table Discussion related to the Hungarian Country of Origin Information system. 12 December 2006. UNHCR Regional Representation for Hungary, Poland, Slovakia and Slovenia „The Way Forward”.
15. <<http://www.un.org/apps/news/story.asp?NewsID=26410&Cr=unhcr&Cr1=asylum>> accessed 21 April 2008.
16. Bulgaria: Two Iraqis did make it. Claudia Ciobanu, Sofia (28 April 2008).
17. <<http://ipsnews.net/news.asp?idnews=42149>> accessed 22 April 2008.
18. <<http://www.unhcr.org/cgi-bin/texis/vtx/news/open.doc.htm?tbl=NEWS&id=4506bf184>> accessed 22 April 2008.
19. **It depicts fate of the Kenedi family: the German police came for them at night and they had ten minutes to pack and leave for the airport.** They were flown to Beograd, leaving their apartment, working place and schooling in Germany. They were received by relatives living in a Roma settlement close to Novi Sad, Sangaj. Social assistance, support for reintegration was non-existent and the children had to face sub-European conditions in a poor settlement lacking electricity, water or sewers. Children born in Germany had to attend local school without knowledge of the Serbian language. Beyond some civil organisations, nobody was interested in their despair and poverty. (Radio B92, Beograd, 16 December 2007).
20. Henry FRENDO, *An updated inquiry into changing reception conditions for asylum seekers in the Maltese Islands* (University of Malta 2007).
21. In Hal Safi, Hal Far, Ta' Kandja and Police HQ in Floriana.

22. The Marsa (former) School. Indicated maximum: 500. Estimated users, including irregulars: 700. Hal Far (Appogg) Centre: Indicated maximum: 174. Registered (single persons and families with children with aseparate room to each family): 150. Estimated users, including squatters: 180. Hal Far (Tents) jointly run by Appogg and the Ministry for Family and Social Solidarity (MFSS), still being constructed and developed. Registered: 148 single males. Hal Far (Police): Registered: 40. Maximum: 115. In the process of being wound down as an 'open centre' to make way for detainees at Police HQ. Dar il-Qawsalla, Birkirkara: Maximum: 36. Registered: 39 families with children, including pregnant women. Hal Far (Peace Laboratory): Maximum: 30. Registered: 25 single males. Dar is-Sliem, Vincenzo Bugeja Foundation, Santa Venera: Maximum: 30. Registered: 14 unaccompanied minors. Kummissjoni Emigranti, Valletta: Maximum: 320. Registered: 320. Full up. Residents housed in various areas coordinated by this Catholic NGO including religious houses (especially the Bon Pastur Sisters in Hal Balzan), private houses or apartments in Floriana, Gwardamangia, Msida, Valletta.
23. It was about €200,000.
24. Steep rise in number of asylum seekers as Poland joins Schengen Zone (21 December 2007) <<http://soderkoping.org.ua/page16666.html>>.
25. FRENDO (n 20).
26. 862/2007 EC Regulation on migration statistics.
27. <http://www.ec.europa.eu/justice_home/doc_centre/asylum/identification/doc/sec_2007_1184_en.pdf>.
28. Asylum levels and trends in industrialized countries 2007 – UNHCR Statistics.
29. Refugee Statistics—Eastern EU Border States 2005-2007; 2005 UNHCR Statistical Yearbook, 2006 UNHCR Statistical Yearbook, 2007 UNHCR Statistical Trend (15 June 2007).
30. <http://www.praguemonitor.com/en/339/czech_national_news/22957> Prague, May 20 2008 (CTK).
31. Czech Statistical Office, ECRE Country Report, 2004.
32. <www.migrationinformation.org>.
33. ECRE Country Report, 2004.
34. Bevándorlási és Állampolgársági Hivatal, Kiadványfüzet 2002-2007 <<http://www.irm.hu>>.
35. FRENDO (n 20).
36. Frances NICHOLSON, 'Challenges to Forging a Common European Asylum System in Line with International Obligations' in Steve PEERS, Nicola ROGERS (eds) *EU Immigration and Asylum Law: Text and Commentary* (Martinus Nijhoff Publishers, Hague 2006) 505-537.
37. Eurobarometer, 2008 March <http://ec.europa.eu/public_opinion/archives/ebs/ebs_296_sum_en.pdf>.