



International Ombudsman Institute
Institut International de l'Ombudsman
Instituto Internacional del Ombudsman

IOI Europe discussion paper regarding integration of asylum seekers and refugees



July 2020

IOI Europe discussion paper regarding integration of asylum seekers and refugees

Adoption

During the meeting of the IOI European regional board in Athens on Wednesday 20 February 2019, this discussion paper was adopted. This paper forms the first of a series of publications on the refugee and asylum cases dealt with by ombudsman. The aim is to produce a document which will uphold the rights of the individual, based on the cases dealt with by the ombudsman of the IOI European region. The planning was to present this final document during the IOI World conference in Dublin in 2020. As a result of the outbreak of the Covid 19 virus, this conference was canceled and postponed to May 2021. This postponement has no consequences for the recommendations made in this document because they contain generally applicable principles. In other words there is no need for an update because they have lost none of their validity.

Perspective

The ombudsman perspective adds to the existing legal framework on integration. We look at what people experience during the integration process on a day to day basis. The story of the people and the individual cases form the material on which the ombudsman basis his conclusions.

The following recommendations can be made on the basis of the findings in the discussion paper. A difference is made between the basic requirements and the requirements for integration. The basic requirements are needed for everybody to feel safe. Only if these requirements are met, can an integration process be meaningful, i.e. effective.

Recommendations

Basic Requirements

Every refugee and asylum seeker has the right to the following basic requirements: 1.

1. suitable housing
2. access to medical care
3. special care for vulnerable groups
4. a basic (means of) income (benefit)

Requirements for integration

A meaningful integration process addresses at least the following topics:

1. The government looks at the individual needs of the refugee
2. The refugee should be able to follow a language course
3. The refugee should have access to education
4. There should not be any obstacles for the refugee to work

Introduction

During the European Board meeting of the IOI in Barcelona on 4 April 2017, it was decided that a discussion paper would be made of the investigations of the members into migration of asylum seekers and refugees and refugees. The Dutch National Ombudsman was asked by the board to take on this investigation and be the coordinator. He would form together with the Ombudsman of the Basque Country and the Greek ombudsman the steering group for this discussion paper. The Dutch National Ombudsman has asked two of his staff members to undertake this task, they are the authors of this discussion paper. The discussion paper has been approved by the Steering Committee.

Reason

The reason for making this discussion paper is that many ombudsman institutions have conducted investigations on this topic but it has not been explored whether the outcomes of these investigations can provide a possible set of standards on refugees and asylum seekers. If such standards could be identified, it could strengthen the outcome of the investigations of the institutions. The aim is therefore to determine whether the ombudsman institution share a common vision on the way the integration of asylum seekers and refugees should be monitored and how refugees should be treated and how to make this beneficial to the IOI members in the European region.

Refugee flows

In this discussion paper the migration of asylum seekers and refugees is understood to be the movement of a groups of migrants, who ask for asylum. If the asylum status is granted there are several scenarios possible. They will either receive a refugee status or other residence permit or the application will be denied and they will have to return to their country of origin or a third country.

There are three phases in the migration of asylum seekers and refugees that are targeted in this discussion paper: entry, passage and destination. Each phase is connected to a certain country or region. For instance Greece is clearly a country of entry and as a consequence the Greek institution has conducted several investigations on this topic. As we also want to allow for the experience of the regions, the Basque ombudsman has been invited to add his experience to the investigation. The same goes for the Flemish Ombuds service whose mandate covers the integration component in Flanders.

Plan of action

It was not possible to visit all ombudsman institutions who may carry out relevant investigations because there is not unlimited time nor the means to do so. Also there are several ombudsman institutions of whom we already know that are active in this field and have published reports. We have therefore selected the following members to actively consult for this discussion paper.

This investigation aims to find general standards for the ombudsman institutions in the European Region of the IOI, that can be used when dealing with integration problems. The investigation is for the larger part defined by the role of the country in the dealing with asylum seekers and refugees. For instance, Croatia is in most cases not a country of final destination. For this reason Croatia has no official integration policy. This in contrast to Austria, with a long history of immigration, as a result there is a very extensive integration programme.

Ombudsman institutions dealing mainly with entry issues	Ombudsman institutions dealing mainly with passage issues	Ombudsman institutions dealing mainly with destination issues
Greek Ombudsman	Croatian People's Ombudsman	Federal Ombudsman of Belgium
Ombudsman of Spain	Protector of Citizens of the Republic of Serbia	National Ombudsman of the Netherlands
	Austrian Ombudsman Board	Swedish Parliamentary Ombudsman
	Ombudsman of the Basque Country	Flemish Ombudsman Service

First meeting

On 24 and 25 July 2017 the Ombudsman of the Basque Country and the Dutch National Ombudsman met with their Greek colleague in Athens to discuss the methodology of the discussion paper. The three decided that the first focus should be on integration as this seemed to be the topic highest on the agenda of the ombudsman institutions. However, they also expressed their wish to have the discussion paper cover more than only integration. Their conclusion was that the discussion paper should, in the end be divided into four parts:

1. Admission and application
2. Integration
3. Minors
4. Returns

The first part of the discussion paper shall focus on the procedures that should be followed and the way this is organised. Questions could be: are there procedures, are they adequate, what is needed for a proper application procedure, etc.

The second part deals with integration and the investigation will investigate five topics: I.

Housing

II. Integration policy

III. Education and work

IV. Healthcare

V. Benefit and other financial support instruments

Integration is the topic of this discussion paper. The reason for this choice is explained below.

The third chapter will focus on minors and the protection of them in the whole refugee and asylum situation. Here children's ombudsman could take part and add their expertise.

The last part, returns, is a challenge as it will deal with sensitive topics like return flights, return policies and how countries are dealing with this topic.

The approval of this four part investigation was given during the November 2017 meeting in The Hague by the IOI European Board.

In order to be able to compare the different outcomes and have a controlled focus of the topic, a list of questions was drafted by the staff of the Greek ombudsman and the Dutch National Ombudsman. The

first part was concerned with general questions. For instance it was asked what the three main problems were. It was also asked if the ombudsman institution had a mandate in the area and if they had done investigations on the topic of integration.

Then followed more specific questions about housing, citizenship, education and work, health care and benefit and other financial support. The questions were not meant to be limitative but were intended as guidelines and inspiration for the meetings (for the full list of questions see annex 1).

Start up

The two staff members of the Dutch National Ombudsman, Petra van Dorst and Stephan Sjouke held the following meetings:

1. 5 and 6 October 2017 a meeting took place at the office of the Spanish ombudsman. A staff member of the Ombudsman of the Basque country came to Madrid to meet with the Dutch investigators.
2. 9 October 2017 there was a meeting at the office of the Federal Ombudsman of Belgium. On Friday 20 October 2017 there was a meeting with the Ombuds Service of Flanders.
3. 16 October 2017 there was a meeting at the office of the Ombudsman of Croatia.
4. 17 October 2017 there was a meeting at the office of the Ombudsman of Austria.
5. 11 December 2017 there was a meeting at the office of the Ombudsman of Sweden.
6. 17 January 2018 there was a meeting at the office of the Ombudsman of Greece.
7. 12 and 13 March 2018 a meeting took place at the office of the Ombudsman of Serbia.

On the suggestion of the IOI European board, the list of questions that was used for the meeting was converted into a simple yes/no survey. The questionnaire was sent to all IOI member institutions from the European Region on 6 March 2018. Twenty-nine institutions have completed the questionnaire. The outcome has provided a general impression of the state of affairs with regard to integration in the European Region.

Findings

All the meetings were very informative and thorough discussions took place with the staff in the ombudsman offices. All offices have written reports on the broader topic of asylum seekers and refugees. These reports were taken note of, but will not figure in the general findings that are presented in this paper. More on this in the conclusion in this discussion paper. The findings of each visit were made into a country file which was sent back to the institution for suggestions and corrections. These additions and corrections were then used to finalize the country file which was used for this paper. We will here give a brief impression of our findings.

Croatian People's Ombudsman

• Introduction

Prior to the refugee crisis in 2015 Croatia was clearly a country with small number of applications for asylum. In 2015 more than half a million passed through Croatian territory. Most people wanted to travel on, after they have entered the country. In the whole 2015 there were 211 applicants for international protection. However, there was an increase in 2016 as there were 2232 applicants and 98 approved applications. In 2017 entering Croatia was sometimes a challenge as people who try to cross the border as irregular migrants are sent back to Serbia by the police that keeps the border. This also happens to minors without a possibility to seek for asylum. The Croatian ombudsman has addressed the government several times.

As country of transit, there is a continuous flow of people going through the country. There are two reception centres in which asylum seekers are accommodated. In total these facilities can house around 700 people.

There is a problem with relocating people from hot spots to Croatia. It was expected that over 900 people would be relocated to Croatia. This was agreed in the EU. However, only 78 have been received until October 2017. One of the main reasons that the amount is so low, is due to the low standard of the services provided. Therefore many asylum seekers choose to relocate to other countries. As long as requirements of living conditions are not harmonised on the level of the EU, this will not change.

People whose application is denied, could not always be returned to the country of origin and so they end up as an illegal alien without being provided with housing and other necessities.

In the media asylum seekers who committed a crime are sometimes demonised. As a consequence people are sometimes distrustful of asylum seekers. In one case someone who had received refugee status could not open a bank account because he was not a Croat.

- **Mandate**

The Ombudsman of Croatia is also the National Preventive Mechanism (NPM). The preventive and reactive powers of both mandates allow the institution to conduct broad investigation on this topic. In the South Eastern European Network of NPM's, there is attention for the migration of asylum seekers and refugees. In this network Austria, Bulgaria, Croatia, Albania, Serbia, Greece, Macedonia, Montenegro and Slovenia take part.

- **Housing**

People who are accepted as asylum seeker, get housing, pocket money and food for a period of two years. After that, there is no support and as the language course is insufficient, and Croatia has high rate of unemployment, people will not find a job easily and sometime send up on the streets. It should be added that one fourth of the Croatian population lives in poverty. Most of them live in the country side, half of the Croatian population lives in Zagreb.

- **Integration measures/initiatives**

In Croatia currently there is not an official integration policy. Language courses are provided by NGO's for asylum seekers. Government provides 70 hours of language training for applicants whose asylum was approved.

- **Education and Work**

Most complaints from refugees come to the Ombudsman via NGO's. One of the many occurring complaints is the demand for diploma's before being able to start work or education. If someone cannot show a diploma, it is impossible to get a job for which this is required.

If there has not been given a decision on the application within nine months, people are allowed to look for work. But they hardly find any. They do not speak the language, cannot provide diploma's and the media sometimes do not paint a positive picture of them.

- **Health care**

Age assessment is an issue for the ombudsman as it is not established via a medical procedure, but is established on the basis of a meeting with a psychologist. The ombudsman did not conduct an investigation as this is done by the Croatian Children's ombudsman with whom they work closely. Most minors leave the country but a lot of them leave without anyone knowing where they are going. Over 10.000 minors have disappeared from Croatia in this way.

One of the key problems that asylum seekers face is similar to the problems Croatian nationals face, is the very bureaucratic registration system. Healthcare is available but you need different kinds of registration numbers for different institutions in order to make use of medical facilities. This bureaucratic system is often reason for people to complain to the ombudsman.

Ombudsman of Spain

• Introduction

Asylum Law 12/2009 devotes Chapter III to setting the standards concerning the social rights of the applicants for asylum, their reception and the possibility of being granted authorisation to work, as well as the curtailment or withdrawal of these rights. The law makes reference to a future regulation for setting out the specifics of the social and accommodation services specifically provided for the applicants for international protection. Article 31 stipulates that the reception shall be made mainly through the centres proper of the competent Ministry and those which are subsidized to nongovernmental organisations. The Spanish system for the reception of persons who apply for or are beneficiaries of international protection distinguishes, on one hand, between a network of migration centres of a public nature and, on the other, reception mechanisms and assistance programs managed by NGOs and subsidized by the Ministry for Employment and Social Security. Additional Provision One of the aforesaid law states that the framework of protection for which provision is made under said standard shall be applicable to the persons received in Spain by virtue of resettlement programs prepared by the Government in collaboration with the UNHCR and, were the case to be, other relevant organisations.

As a result of the slow pace at which measures were adopted on the part of the Administration, complaints were habitually lodged all year long in which the interested parties claimed the rights to which they were entitled as a result of their status as asylum seekers. In other cases, the interested parties complained as to their not having been assigned any lodgings whatsoever and having found themselves forced to spend the night outdoors or in shelters for the homeless. Complaints were also received telling of the searching done by these persons for places to spend the night and the response that they received on the part of the Administration.

Generally speaking, the reception programme for the applicants for and beneficiaries of international protection are structured into three phases (reception, integration and autonomy). In practice, the programme lasts up to eighteen months, although not all of the persons fully complete all of the phases or stay at the centres or resources throughout that entire length of time. The first phase consists of the reception at a reception centre or mechanism and is aimed at covering the basic needs of the person for whom provided from the point in time of their arrival in Spain, as well as to help him or her acquire the skills to facilitate their living independently on leaving the centre. Besides lodgings and upkeep, there are interventions in other areas: psychological care, training, social aspects, legal advisory and translation and interpreting, if necessary.

In the third phase, referred to as the phase of autonomy, the person for whom the programme is provided may need assistance or possible future or sporadic support in certain areas. According to the information furnished by the Office of the Secretary General for Immigration and Emigration, the

methodology explained is for the purpose of harmonising the specific procedures of intervention with the beneficiaries, assuring access to the aid and benefits under conditions of equality and at the same time making it possible to detect factors of vulnerability, as well as facilitating individualized integration, although, as is explained, the processes of acquiring autonomy are conditioned by numerous factors, meaning that one does not automatically progress from one phase to the next. The reception programme also includes measures aimed at raising awareness of the hosting society, training the NGO personnel and reinforcing asylum policies (resettlement and documental information).

- **Mandate**

Inter-administration coordination The visits which this Institution has made to the centres have revealed the need for improvements to be made in the coordination among the Directorate General of Interior Policy (Ministry of the Interior) and the (Ministry for Employment and Social Security). These shortcomings have a negative impact on the process of managing and issuing of the final decisions regarding the procedures for being granted international protection. The economic cost of the extensions of stays at the centres due to no decision having as yet been provided to an asylum case file or due to delays in notification are assumed by the Ministry for Employment and Social Security, which is that which has authority over the subject of asylum. However, the reason for such extensions is due mainly to the delay in issuing decisions concerning the applications for international protection, which comes under the authority of the Ministry of the Interior. The delay is in the issuing of the decision and in the notification thereof. This has a negative impact on the management of the resources and poses the problem of there being shortcomings in the rotation of places. The consequences are not solely monetary, but also have repercussions on the living situation at the centres where tensions are caused by the uncertain situation of the residents. Coordinating mechanisms should be implemented so that the personnel of both of these ministerial departments will avail of updated information on the status of the case file and the personal and family circumstances of each applicant. A better comprehension of the consequences which the delay in issuing a decision regarding protection would mean a major improvement in the assistance system with which the Administration provides applicants.

- **Housing**

The public network has four Refugee Reception Centres (CARs), managed directly by the Administration and assigned to the Ministry for Employment and Social Security. These centres are specialised in assisting applicants for asylum, two of these centres being located in Madrid (Alcobendas and Vallecas) and another two in Seville and Valencia. These centres were created by way of the Order of January 13, 1989 on Reception Centres for Asylum Seekers and Refugees of the Ministry for Social Services The CARs are establishments intended for the purpose of providing lodgings, upkeep and urgent and primary psychosocial assistance, as well as other social services aimed at facilitating the social coexistence and integration into the community to the persons who apply for asylum or refugee status in Spain and who lack economic means for meeting their own needs and those of their family. There are a total of 416 places at these centres. All of the CARs have been visited by this Institution for the preparation of this report.

The increase in the number of applications for international protection has not given rise to measures being taken on the order of building or refurbishing buildings for their direct management by the Administration, the option rather having been taken to increase the number of places at the reception mechanisms managed by the nongovernmental organisations.

As a result of the delays in decisions being issued concerning case files due, in turn, to the increase in the number of applications for protection lodged and other factors, the length of time the applicants are

staying at the CARs has had to be adapted taking into account the individual circumstances of each resident. In many cases, the applicants have found themselves forced to move out of the centres without a decision as yet having been issued concerning their case file. Article 5.1 of the Order on Reception Centres for Refugees and Asylum Seekers sets forth that the length of stay shall be six months, unless a decision is issued regarding the application proceedings in question prior to that time. Paragraph 2 of the aforesaid Article sets forth that, exceptionally, for reasons of proven need, the extension of the stay of the beneficiaries residing at the Refugee Reception Centres may be authorised, for one single time, it not being possible for such an extension to be any longer than that taken for processing the case file. During the visits which this Institution made to the CARs, it was learned that it was being attempted to lengthen the stay at the centre of family groups or persons in a situation of vulnerability by placing higher priority on their remaining at the centre than that of other groups such as young people travelling by themselves. The Administration recognized that due to the increase in the number of applicants for international protection, there had been an increase in the number of beneficiaries of the aforesaid resources and instructions had therefore been given to the Asylum Office Social Work Division, in charge of evaluating the applications and assigning the persons who are beneficiaries to a centre, in order for priority to be placed on access to the reception mechanisms for the most vulnerable persons. It was nevertheless specifically stated that those families comprised of a large number of members required a longer waiting time up to the point of time of their referral. Some families found themselves forced to move out of the resources before a decision had been issued regarding their applications. On moving out of the centres, these persons have sometimes not availed of support networks or other help. The amount of money which they are given when moving out under the heading of help for facilitating the autonomy of the beneficiaries on leaving the centre is insufficient for surviving if one has no other resources or does not find a job.

The reception places managed by the non-governmental organisations are awarded by way of specific administrative procedures, the supervision and control of the actions taken by these entities falling to the Administration. The functioning thereof is set out in the "Asylum, Migration and Integration Fund and European Social Fund Management Manual". The itinerary and aid for the applicants to which reference is made in the immediately preceding paragraph hereinabove also applies to the resources managed by the non-governmental organisations. The measures for the accommodation and integration of the applicants for and the beneficiaries of international protection have also been increased.

- **Integration measures/initiatives**

The integration phase begins once the interested parties end their stay at the reception mechanism but are still in need of support. In this phase, economic aid can be granted to meet basic needs including those such as renting a place to live.

After the applicant has received a refugee status, they get the same treatment as Spanish nationals. This means that just as Spanish unemployed people, they will have to stand in line for job applications. They are also expected to find housing for themselves. It is clear that in Spain there is a big difference in the way refugees are treated between the regions. The regions have to develop their own integration policy as it is not a national responsibility.

- **Education and work**

Asylum seekers are legally entitled to start working 6 months after their application for asylum is officially accepted, while their application is being examined. Once the 6-month period is over, applicants may request the renewal of their Red Card ("*tarjeta roja*"), as the first version does not state

this entitlement, in which it will appear that they are authorised to work in Spain with the term of validity of the document that has been issued.

There are no other criteria or requirements for them to obtain a work permit, which is valid for any labour sector. To facilitate their social and labour insertion, reception centres for asylum seekers organise vocational and host language training.

In addition, the 3 main NGOs that manage asylum reception centres – Accem, the Red Cross and CEAR – have created the Ariadna Network within the 4 CAR managed by the Ministry of Labour. The Ariadna Network consists of a comprehensive plan of actions that are intended to meet to the specific needs in terms of labour integration presented by asylum seekers and beneficiaries of international protection.

Labour integration supportive schemes offered to hosted asylum seekers include services like personalised guidance interviews, pre-employment training, occupational training, active job seeking support.

- **Health care**

The complaints regarding the shortcomings in inter-administrations coordination also have a bearing on such basic issues as medical care. Attention has been drawn to the difficulty which residents have regarding being provided with medical care, even for emergencies, under certain circumstances (during the period in which the applicants for asylum avail of temporary documentation prior to being given the identification card issued by the Office of the General Commissioner for Alien Affairs and Borders or during the period when said card is being renewed). Being seen by a medical specialist also involves difficulties, given that the health card is granted for a temporary period, and if the person is in need of that medical care at the end of the period stipulated on the card, he or she is not given an appointment. In that case, the applicant must wait for renewal in order to make a new request, which is not noted whether the card is in the process of being renewed but has not been delivered.

Also needing to be stated for the record are the difficulties which are being noted in those cases in which the applicant for asylum decides to request authorisation on the basis of their social integration in view of the delay in the decision being issued concerning their application for asylum. It has come to the knowledge of this Institution, by way of the complaints received, as to the fact that, in some cases, applicants are erroneously informed that they must relinquish the right to asylum. In those cases in which this irregularity has been brought to the attention of this Institution, it has been remedied. Nevertheless, on this being a recurring issue, it seems necessary for precise instructions to be given for expressly clearing up the compatibility of these two pathways.

- **Benefits, other support and health care**

Inter-administration coordination The visits which this Institution has made to the centres have revealed the need for improvements to be made in the coordination among the Directorate General of Interior Policy (Ministry of the Interior) and the (Ministry for Employment and Social Security). These shortcomings have a negative impact on the process of managing and issuing of the final decisions regarding the procedures for being granted international protection. The economic cost of the extensions of stays at the centres due to no decision having as yet been provided to an asylum case file or due to delays in notification are assumed by the Ministry for Employment and Social Security, which is that which has authority over the subject of asylum. However, the reason for such extensions is due mainly to the delay in issuing decisions concerning the applications for international protection, which comes under the authority of the Ministry of the Interior. The delay in issuing the decision and in the notification thereof has a negative impact on the management of the resources and poses the problem of there being shortcomings in the rotation of places. The consequences thereof are not

solely monetary, but also have repercussions on the living situation at the centres where tensions are caused by the uncertain situation of the residents. Coordinating mechanisms should be implemented so that the personnel of both of these ministerial departments will avail of updated information on the status of the case file and the personal and family circumstances of each applicant. A better comprehension of the consequences which the delay in issuing a decision regarding protection would mean a major improvement in the assistance system with which the Administration provides applicants.

The applicants have problems regarding collecting aid on moving out of the Asylum and Refugee Centres, even in those cases in which a favourable decision has been issued regarding the application lodged. This situation is due to different causes, which include the increased amount of red tape and the delays concerning collecting the insertion rent (around 18 months). The delay in making the payments also affects the rental contracts to be paid by the centre. They also encounter problems regarding gaining access to other public aid due to the fact of their not being adapted for this type of profile, such as is the case of scholarships, on it being required to submit documentation standing as proof of the income of the family unit. This Institution is of the opinion that whatever adaptations may be fitting must be made in order for these persons to be able to benefit from the different types of public aid. It is essential that an asylum reception procedure quality control system be set out for detecting problems in day-to-day operations and for suggesting measures for improvement, including those making it possible to supervise the measures carried out by the organisations and to rely upon interlocutors to whom the applicants can have access when their complaints go exceed the bounds of the organisations that are providing them with assistance.

- **Minors**

The specific circumstances with which the children who are asylum seekers are confronted as individuals lodging independent applications for refugee status are not generally well-comprehended, as the tendency is to think of them as part of a family and not as persons having their own rights and interests. One must bear in mind that unaccompanied third-party minors are treated differently in accordance with their age. A minor will be referred to a juvenile protection centre instead of being referred to reception resources. In conclusion to this section, reference must be made to the situation and the problems affecting accompanied and unaccompanied third-country nationals who are minors in need of international protection who have come to the Beni Enzar (Melilla) border post. Since the Beni Enzar (Melilla) border post was originally opened, the major number of families with children and the growing number of unaccompanied minors who were coming to the aforesaid border post to apply for asylum were seen as a cause for concern, as well as the inappropriateness of the facilities set up for the waiting period until the time came to officially lodge the application. Although an attempt was made to make up for such a shortcoming by way of the actions taken by the police officers, this Institution requested the Office of the Secretary General for Immigration and Emigration to have a humanitarian organisation there to support the work being done by the police from the very start, although the aforesaid agency was of the opinion that such support was not necessary, since, in its judgment, the assistance being provided by the Centre for Temporary Stay of Migrants sufficed in itself. Another visit was made by this Institution to the facilities, in which a very large number of women and minors were found to be located there, it also having been found that the process of lodging the applications was not being carried out under proper circumstances. In some cases, the minors were left alone by themselves whilst the parent lodged his or her application or, in other cases, they did not want to be separated, and the applicant found himself or herself forced to hold the interview with the minor present, although the account being given were to be absolutely inappropriate to be heard by a minor. A Recommendation was put forth to the Office of the Secretary General for Immigration and Emigration as to it providing a social protection service to the asylum seekers at the border post,

which was rejected and once again repeated due to this Institution considering it to be necessary. The aforesaid agency once again rejected the recommendation, stating that, on facilities of the Ministry of the Interior being involved, said body has no authorities. The aforesaid response is not deemed adequate, given that the social protection being called for by this Institution has been being provided for years at border control facilities located at airports, which are also managed by the Ministry of the Interior. Minors arriving at border posts alone by themselves or accompanied by adults determines different measures being taken. Depending on their individual situation, the minors were referred to the Fuerte de la Purísima juvenile protection centre; or, if they arrived accompanied by adults of whom it was clear that they were relatives, the group was referred to the Centre for Temporary Stay of Migrants DNA tests later being conducted in search of proof as to the existence of family ties. In many cases, the minors lodged at the protection centre were transferred to the CETI if it was proven that family ties existed with residents arriving before or after the same in Melilla¹¹⁷. In the course of the visits made to the aforesaid juvenile protection centre, it was possible to see that the arrival of unaccompanied minors in need of international protection, mainly Syrian nationals, was worsening the already complicated situation at the centre, and that the accommodation and assistance provided to this group at said resource, which Directive 2013/33/EU terms as vulnerable, with special reception needs, was not meeting the necessary conditions. The aforesaid standard sets forth that the Member States shall commence the search for the members of their family as soon as possible, with the assistance, wherever applicable, of the international organisations and other competent organisations, guaranteeing that the reception, treatment and communication of the information regarding these persons is carried out confidentially for the purpose of not putting their safety in jeopardy. The aforesaid standard also sets forth that the unaccompanied minors who have an application for international protection in the processing stage or who have been granted refugee status need specific assistance on the part of highly-qualified personnel. Bearing in mind the foregoing and the geographical location of the city of Melilla, as well as the systematic overcrowding at the juvenile protection centre, a Recommendation has been put forth in order for an evaluation to be made as to getting projects under way, in coordination with the Autonomous Communities and with the support of the UNHCR, for the social and employment-related integration of the unaccompanied minors who are third-country nationals in need of international protection who are located in the city of Melilla, taking in the possibility of transferring these minors to the Spanish mainland. One of the administrative bodies has stated its agreement with this recommendation and has proposed to promote these measures at an upcoming coordination meeting with the Autonomous Communities.

Ombudsman of the Basque Country

- **Introduction**

Throughout the year 2017, 1.297 persons have passed through the 418 places provided for asylum seekers in the Basque Country. These places are managed by civil society organisations under agreement with the Central State Administration.

In 2017, the number of foreigners registered in the local registries of residents of the Basque Country was 195,969 persons, 93,433 men (47,7%) and 102,536 women (52,3%) of 117 different national origins. In addition, according to the Basque Immigration Observatory, around 10 to 15% of foreigners are in an administrative irregular situation.

- **Mandate**

The Ombudsman of the Basque Country has the mandate to monitor respect of Human Rights and respect of the law by the Basque Public Administration. The Autonomous Community of the Basque Country exercises a wide variety of powers and competences, some of which directly affect the integration of immigrants, such as: social welfare, housing, education and health. On the other hand, the Spanish State has exclusive competence in the areas of immigration, foreigner issues, border

controls and examination of asylum applications. The oversight of the exercise of those powers by the Central Government falls within the competence of the Ombudsman of Spain.

The Basque Government has held many meetings with the Spanish Government with the view of improving the coordination that would enable an increase in the number of asylum seekers that could potentially be admitted to the Basque Country.

The Basque immigration and welfare policy for asylum seekers and refugees has the aim of ensuring to the largest possible extent, the enjoyment of the same rights for every person living in the Basque territory, irrespective of their national origin.

The Basque Ombudsman has not produced many reports on asylum seekers because most complaints concern the very process of granting asylum, an issue falling, as already explained, outside the Basque Ombudsman's competences. Nevertheless, the Basque Ombudsman has made recommendations in the fields of integration and the protection and promotion of foreigners' rights. A series of extraordinary reports have also been drawn up and submitted to the Basque Parliament in the area of social and educational care for minors.

- **Housing**

The assistance programmes for asylum seekers run for approximately 18 months. The main problem is that after this time limit, without having solved their accommodation issue, or being able to obtain an economic income from a job, asylum seekers no longer receive social protection.

Both for accessing subsidised public housing and for receiving financial support for housing some requirements must be fulfilled. Among other requirements, all citizens must be listed on the subsidised public housing registry for over a period of four years.

- **Integration measures/initiatives**

There are neither integration measures/initiatives nor contracts in the Basque Country. However, there are local, autonomic and social initiatives dealing specifically with migrant issues. Among other initiatives, the "Aholku-Sarea" service provides legal advice to foreigners. Local immigration staff have developed programmes and facilitated coordination with the different public, social and economic agents. The "Biltzen" service (Basque Service for Integration and Intercultural Coexistence) enables intercultural dialogue between the different communities present in the Basque society and between these communities and the Basque Administration. The Basque Immigration Observatory "Ikuspegi" provides systematic knowledge of the foreign immigration and refugee phenomena in the Basque Country.

- **Education and work**

Access to work is made dependent on administrative authorisation. Nevertheless, asylum seekers may work when a 6 month period has elapsed since their asylum application was accepted for processing without a decision having been taken. If their asylum application is finally rejected and three years have not passed since they were included in the registry of residents, they will have to quit their employment. If they have been in the Basque Country for over 3 years and have a one year work contract, they can apply for administrative authorisation to work. Participation in training courses for access to work is mandatory for beneficiaries of the Guaranteed Minimum Income and the Supplementary Housing Benefit.

Education is compulsory for all minors until they reach the age of 16, regardless of their national origin. No proof of administrative situation is required to attend training courses in centres providing primary, secondary, or higher education. Minors can attend school even after the school year has started.

Education centres have language support programmes to improve their level of knowledge of the Spanish and Basque languages.

There are problems connected to the high concentration of migrant pupils in some public schools.

- **Health care**

Asylum seekers may access the public health care system. However, since the year 2012, restrictions were established for foreigners without a resident's permit by the Spanish Government (access limited to emergency health care and care for certain groups such as minors and pregnant women). In view of this situation, the Basque Government decided to extend the subjective scope of the right to public and free health care in the Basque Country.

Access to health care by foreigners is only dependent on proof of registration in the local registry of residents for a given period and proof of lack of economic resources. However, a number of dysfunctions have been detected resulting from insufficient information provided to staff at health centres, due to the differences between the Basque and State regulations. The Basque Ombudsman has stressed the need to improve the quality of the information provided to foreigners requesting access to the Basque Health System.

- **Benefits and other financial support instruments for asylum seekers/refugees**

Asylum seekers receive social care and accommodation during the above-mentioned 18 month period. During this period, asylum seekers have their basic needs fulfilled. When the 18 months have concluded, if they do not have a job, asylum seekers receive the same benefits and care as the rest of the people living in the Basque territory, regardless of their nationality and of their administrative situation.

On the one hand, Basque law guarantees a minimum income, a supplementary housing benefit, as well as access to several instruments leading to social and labour inclusion, provided that certain requirements are fulfilled. Among those requirements, all applicants must provide evidence that they are duly registered on the local registry of residents and that they have had effective residence for the 3 previous years, as well as being over 23 years of age. Although Basque law provides for certain flexibility for asylum seekers with regard to the submission of those documents required for the recognition of this form of assistance, the basic requirements remain the same for all applicants, regardless of nationality or legal status. There are some legislative proposals aiming at facilitating asylum seekers' access to these benefits, including shorter periods of time of effective residence. On the other hand, asylum seekers have the possibility to have access to Social Emergency Subsidies or to Local Subsidies which, among other requirements, demand a shorter period of time on the registry of residents (6 months) although the amount of these later benefits is lower.

- **Minors**

There are two main problems related to the situation of unaccompanied minors and youngsters arriving in the Basque Country. Child care centres are at full capacity and some children leave without notice, resulting in complaints and concerns for the Basque Ombudsman. The other problem is the lack of social protection for young adults who grow older than 18 but younger than 23, as they are not entitled to adequate social security. These persons are mainly taken care of by NGOs until they reach the age of 23. However, unless they enter into employment, the assistance they receive is insufficient.

Belgium

- **Introduction**

Below you can read the findings of the Federal Ombudsman of Belgium and the Flemish Ombudsman Service.

In 2015, due to the asylum crisis, Belgium received 35.476 requests for international protection. In 2016 it received 18.710 requests and in 2017 19.688 requests. In 2017 the administration decided in 50.7% of the cases that protection is needed¹.

The Ombudsman did look into the long processing time of applications for international protection after the asylum crisis in the second part of 2015 and pointed out that the processing time in some cases was unreasonably long². The delay could be ascribed either to the Immigration Service responsible for the registration of the requests for international protection or to the Commissioner General for Refugees and Stateless Persons (CGRS) competent for granting international protection. Since 2017 the CGRS monthly reduces his case-load and the delays in which he takes a decision. The law stipulates since March 2018 a processing time for the treatment of an application for international protection in accordance with the “procedure directive”.

The Federal Ombudsman investigated the circumstances under which reception is granted to applicants for international protection. This investigation focusses on cases in which there was a refusal of housing and the limitation of the offered reception to medical assistance when subsequent applications are introduced.³

In 2015, the Belgian government issued a letter of information addressed only to people from Iraq and Afghanistan informing them they were not yet registered and were free to travel on to other countries. This campaign to curb applications was also conducted on Facebook. Beside this letter, general information on the asylum procedure was not in accordance with the regulation. The Federal Ombudsman concluded that the information given by the Immigration Service to the asylum seekers was not proper as the information was old and incorrect. Since the intervention of the federal Ombudsman the Immigration Service provides the common leaflet of the European Commission as stipulated in article 4 of the Regulation EU 604/2013). Such actions of discouragement might also be a topic that could be interesting for further investigation.

The Federal Ombudsman conducted a structural investigation into family reunification for family members of persons having obtained international protection.⁴ In the investigation the Federal ombudsman looked at practical problems for applicants, who for instance are sometimes not able to introduce their request for a family reunification within a year. ⁵ As a result they cannot benefit from more flexible terms to start a family reunification procedure.

- **Mandate**

Belgium is a federal state, composed of communities and regions.

The distribution of responsibilities concerning asylum seekers and refugees can be described as follows:

- Entry, reception, stay and return are within the remit of the Federal State, as well as the regulation related to work.
- Employment, housing and education are within the remit of the regional entities (communities and regions).

¹ Commissioner General for Refugees and Stateless Persons - <https://www.cgrs.be/en/figures>

² Federal Ombudsman, Annual discussion paper 2016, p. 78 and following. The delay was due to a backlog at the Immigration Service and at the CGRS.

³ Federal Ombudsman, Annual discussion paper 2015, p. 56-60.

⁴ Federal Ombudsman, Annual discussion paper 2016, p. 15-19.

⁵ Belgian law stipulates a delay of one year and is longer than the 3 months as stipulated by the directive 2003/86/EC.

The concrete outcome of this distribution of responsibilities in the matter of asylum can be summarized as follows:

- The Federal state is responsible for nearly all aspects of public service during the asylum procedure
- The regional entities are responsible for integration policies, housing and work once the refugee has been granted a residence permit, and for education from the very beginning.

Findings were collected at the institution of the Federal ombudsman and at the Flemish ombudsman service.

Complaints about the making of an application, its registration, the introduction of a request for international protection (including the so called “Dublin procedure” and detention of asylum seekers), reception (including housing during the procedure) of asylum seekers are within the remit of the Federal Ombudsman.

The Federal Ombudsman deals with individual complaints and has conducted investigations focussed on structural improvement of good governance.

- **Housing**

Someone who applies for asylum gets housing and health care, and school is provided for children. This is all provided materially. In June 2018 the reception network has a capacity of 22.152 places of which 15.866 are occupied. 12.930 of those places are located in more than 55 collective centres. The Federal Ombudsman can visit these centres. In 2008 the Federal Ombudsman conducted an extensive investigation on the functioning of the collective reception centres⁶. Besides the places in the collective centres, there are also 8.912 individual reception places (houses) mostly provided by the municipalities.

- **Integrations measures/initiatives**

Once people have acquired a status within Belgium, they fall under the responsibility of the community. The Flemish Ombudsman Service explained that refugees indeed get access to the same procedure and facilities as nationals do. However, there is an integration policy on this community level and people are obliged to learn Dutch. Refugees are also taught how people live in Flanders and how everything works. Although there is no official exam, the course must be followed completely. The Flemish Ombudsman Service has not received many complaints about integration. This has also to do with the way the Flemish Ombudsman Service works. They monitor the actions of the government closely and make sure that they work properly. As long as this is the case the Flemish Ombudsman will not take action.

The Flemish Ombudsman did make a recommendation about demonstrating professional qualifications in case no diploma can be submitted. An arrangement has now been worked out whereby people can demonstrate, on the basis of a test, in a smooth way that they have a certain diploma. The Flemish Ombudsman also makes the government aware that it is important to communicate with the target group of refugees in several languages, even though the official communication will take place in the Dutch language. Occasionally, the ombudsman must remind the

⁶ <http://www.federaalombudsman.be/sites/1070.b.fedimbo.belgium.be/files/auditOC2008-NL.pdf>
<http://www.federaalombudsman.be/sites/1070.b.fedimbo.belgium.be/files/auditCO2008-FR.pdf>

At the same time a similar investigation was conducted on the functioning of the retention centres in which rejected asylum seekers are detained awaiting their expulsion :
<http://www.federaalombudsman.be/sites/1070.b.fedimbo.belgium.be/files/auditCF2008-FR.pdf>
<http://www.federaalombudsman.be/sites/1070.b.fedimbo.belgium.be/files/auditGC2008-NL.pdf>

government that administrative formalities need to be adapted for people who have had to leave their country headlong.

- **Education and work**

After being in the application procedure for four months, an applicant for international protection is allowed to work. This is a federal law, but the implementation is the responsibility of the communities. In Flanders it is the Flemish Ombudsman Service who can handle complaints about this topic. No complaints had been received (yet) at the time our observations were made. The same applies for education and training. After four months people are allowed to follow a training. This is federal law, but implemented by the communities. The state has an obligation to provide education for minors as soon as they entered the country.

- **Health care**

During the asylum procedure the asylum seekers have access to health care. Once their application is rejected, they can only benefit from the so called “urgent medical care”.

Another topic that might be of interest to the other ombudsman institutions is the health of the person who will be returned. These persons can introduce a request for a residence permit on medical grounds if their medical situation entails a serious humanitarian risks. The request will only be accepted if the sick person is not able to receive and to have access to proper medical care in the country of origin. The Federal Ombudsman conducted a systemic investigation on this issue and pointed out problems concerning the assessment of the possibility to remove the person in order to return him/her to his/her country of origin without causing unacceptable humanitarian consequences⁷.

- **Benefits and other financial support instruments for asylum seekers/refugees**

An unemployment benefit can only be received after having worked for a certain period. This is the same for Belgian nationals. There are no specific reports on whether people with a residence permit have problems getting benefits or other support provided by the state, because once a person has a residence permit, the complaint is just registered as a complaint about the Belgian services and is not registered differently from one introduced by a Belgian national. The Flemish Ombuds Service didn't point out any specific problems for people with a residence permit in this area. What the Ombuds Service did tell was that a complaint from a refugee about the fact that she received a male instructor for a training session instead of a female one, was not maladministration as in Belgium this is not a relevant consideration when providing state training.

- **Minors**

Unaccompanied minors are immediately provided with a guardian. There is however discussion on the topic of the assessment of the age of the minor. This discussion is similar to the one in Spain, Netherland and Sweden. The Federal Ombudsman receives complaints about the age assessment in the procedure for family reunification.

⁷ Federal Ombudsman, investigation discussion paper on Medical regularization 9ter, 2016.
http://www.federaalombudsman.be/sites/1070.b.fedimbo.belgium.be/files/summary_investigation_discussion_paper_medical_regularisation_9ter_-_2016.pdf

The two Ombudsmen for children⁸ and the Federal Ombudsman conducted several investigations and initiated common actions related to the situation of minors during the asylum procedure and the return of families with children.

In 2016, the Federal Ombudsman issued a recommendation to the Parliament in order to abandon the construction of family units in retention centers and to reinforce alternative measures to avoid the detention of children⁹. This recommendation was the subject of a hearing in the Committee for Internal affairs in December 2017. Discussions are still going on in Parliament on this matter.

During 2017 the Federal ombudsman, together with the two Ombudsman for children engaged dialogue with the Secretary of State in charge of Asylum and Migration in order to initiate pilot projects to reinforce alternative measures to the detention of families with children and to introduce effective Best interest of the Child Assessment in migration procedures. .

Austrian Ombudsman Board

• **Introduction**

In 2015 Austria was confronted with a great influx of asylum seekers (90.000-100.000 persons). The government decided that in 2016 they will not be able to handle more than 35.000 asylum requests. Until now no one was refused to submit an asylum request.

• **Mandate**

Since 2012 the Austrian Ombudsman Board is also the NPM. This means that they have the mandate to visit all places of deprivation of liberty. When it comes to asylum seekers and refugees (people who have been granted asylum or subsidiary protection) the ombudsman brings forward the following problems.

• **Housing**

When people arrive in Austria they are placed in reception centres. In most cases they stay there for a few weeks. When asylum seekers are allowed to submit an asylum application they are placed in a (smaller) institution or private housing in one of the nine Bundesländer. The accommodation can be very different in quality. The ombudsman wrote several reports about the bad accommodations and food and also about the unfriendly landlords.

• **Integration measures/initiatives**

When asylum seekers are accepted as refugees they have to follow languages courses or they will get less benefits. In general there is not an overall vision on integration only some bits and pieces. There is a new policy in some Bundesländer which means that a refugee who get a residence permit will receive social benefit (600 euro) that is lower than the benefit for Austrian nationals (837 euro). In one case the Constitutional Court of Austria has approved the unequal treatment between Austrian residents and persons with subsidiary protection regarding the means-tested minimum income (Mindestsicherung).

Preparation of asylum seekers on integration is not available. Asylum seekers will receive basic care (food, housing, pocket money, health care etc.) but language course are not necessarily included. The possibility to attend language courses depends on several factors. As the asylum procedure can take

⁸ The Kinderrechtenkommissaris in Flanders and the Délégué general aux droits de l'enfant in the Frenchspeaking Communtiy

⁹ Federal Ombudsman, Annual discussion paper 2016, Recommendation RG 16/04, p. 70 and following.

a long time, a lot of people miss the opportunity to learn the local language. When an asylum seeker is accepted as refugee he/she is obliged to follow a German language course.

From 2018 also asylum seekers can follow language courses when it is likely that they will be granted a refugee status. Probably nationality is decisive. This raises the question The ombudsman is of judgement that all asylum seekers must have the opportunity to learn the language and they advise to change the law on this topic (also the annual discussion paper of 2013 pays attention to this topic).

- **Education and Work**

Education for unaccompanied minors (estimate a few thousand, most of them are older than 14 years), and also children who come with their parents, is limited. From the age of fifteen they are, like all other residents, no longer obliged to go to school. Only the ones who meet the prerequisites for secondary education and who are willing to attend school can receive secondary education. The remaining ones will receive the basic material reception conditions like food, a place to sleep etc. but no formal education. There are private initiatives that try to solve this problem.

The possibilities to work are very limited for asylum seekers. After a certain period asylum seekers can work but only seasonal work or some work in the reception centres. Under the age of 25 it is possible to get some courses/education but only about occupations where there is a shortage in Austria. Accepted refugees can work but in practise it is very difficult to get a job and a lot of refugees receive means-tested minimum income. . Work for asylum seekers and refugees is a very sensible topic because there is also a lot of unemployment among Austrian nationals.

- **Health care**

Medical care, more accurate psychological help, for minors is also a point of concern. In theory they have access but language and the distance to the doctor can be a problem. The ombudsman has addressed these issues in different reports. Another problem that was mentioned was the fact that there were not enough guardians for the unaccompanied minors.

Swedish Parliamentary Ombudsman

- **introduction**

Sweden is clearly a country of destination. In 2015, 163.000 persons applied for asylum. Because of this large number, the migration legislation became stricter and in 2016, less than 23.000 asylum seekers applied for asylum.

An example of a complaint within the area of integration is a complaint submitted to the Parliamentary ombudsman in 2013 about The Public Employment Service (Arbetsförmedlingen) for a delay of two years in relocation to a municipality after a resident permit had been issued.

- **Mandate**

There are four Parliamentary Ombudsman and they are appointed directly by Parliament. The Swedish Ombudsman Institute has the mandate to handle complaints concerning integration but they do not evaluate integration actions. They assess whether the government's and municipalities authorities have acted legally correct (follow the law) and also if their actions were decent and fair.

The ombudsman receives complaints connected to integration issues in the field of e.g. working permits, family immigration, requirements to support your family. It is noted here that at the time for the visit (December 2017), because of a vacancy, the two deputy ombudsman are upholding the portfolio of social health care, education and health care. Municipalities are responsible for social healthcare,

education, housing and benefits after asylum seekers receive a residence permit. Before they receive a permit, the Migration Agency is responsible.

- **Housing**

During the asylum procedure, people stay in asylum seekers centres. The asylum seekers are also free to arrange their own housing. In the situation, that those centres are fully occupied the asylum seekers are accommodated in flats, hotels, private rooms etc. In Sweden, a government authority handles complaints on discrimination (Diskrimineringsombudsmannen or The Equality Ombudsman). A person can file a complaint there if he or she has not been well treated in a centre for example because of their sexual orientation or gender, or ethnicity. Unaccompanied minors stay in special facilities or family homes. After receiving a residence permit people go to a municipality. From then on, the municipality may be responsible for housing.

The Public Employment Service is obliged, when necessary, to assign certain newly arrived immigrants' accommodation in a municipality. On the other hand, the Public Employment Service has no possibility of requiring a municipality to receive a specific individual or family. In this particular case (see above under the heading Mandate) it took about two years from when a woman and her daughter were granted residence permits until they were assigned a municipality to live in by the Public Employment Service. One of the reasons for this delay lay in the daughter's special needs. The Public Employment Service presented the family to 17 different municipalities before one of them finally offered the family somewhere to live. Up until that time, the family was living in one of the Swedish Migration Board's residential facilities, which was not adapted to the daughter's special needs. If the Public Employment Service had dealt with this relocation case more efficiently and the exchange of information between the public authorities concerned had functioned more effectively, the time taken to deal with it could probably have been reduced. The main reason for the length of time it took is not, however, the result of the actions of the Public Employment Service but that so many municipalities considered that they were unable to offer the family anywhere to live. This case illustrates the consequences of a solution based on voluntary agreements. A copy of the adjudication were therefore submitted to the Ministry of Employment for its awareness. Since the visit, there has been a change of the law: in July 2018 the Migration Agency has the responsibility to decide where the newly arrived immigrants should live and it is mandatory for the municipalities to receive them.

- **Benefits for asylum seekers/refugees**

When it comes to housing and benefits people with a residence permit have the same rights as Swedish nationals. The same applies to education. After receiving a residence permit, they get extra support for education. There is language training for adults and children available.

- **Education and Work**

The state authority Arbetsförmedlingen (The Public Employment Service) is also responsible for integration. If a person has been granted a residence permit as a refugee, is a person with subsidiary protection status or family member, they can take part in the Arbetsförmedlingens introduction programme. Arbetsförmedlingen give the asylum seekers support on their way to a job or studies. The authority take care of assessments, planning, benefits and discussion papering activities.

Asylum seekers can work during the asylum procedure without a working permit if they cooperate in the investigation regarding their identity. The average handling time for an asylum application were in December 2017 about 14 months. At the time, the big bottleneck is family reunification. It takes around one and a half years.

There is much unemployment among migrants with a residence permit. Probably this has to do with language skills, but there are also other explanations. Arbetsförmedlingen give the asylum seekers support on their way to a job or studies and there are many private initiatives to help people find work for example by organizing informal meetings to practice the Swedish language.

Asylum seekers has as a rule the right to legal counsel, free of charge, immediately after the application and during the asylum process. The Migration Agency appoints the counsel.

- **Health care**

During the asylum procedure, children receive the same healthcare as Swedish nationals, which means they can receive all the care they need. For adults this has recently been changed. The policy is now that only the absolute necessary medical help is available for adults during the asylum procedure. After receiving a residence permit, they will receive the same healthcare as Swedish nationals.

- **Minors**

An interesting topic that was discussed was age assessment for unaccompanied young asylum seekers. In Sweden X-rays of the knee joints and wisdom teeth are, since 2017, being made to assess if a young asylum seeker is younger or older than eighteen years of age. This examination will only take place if there is doubt about the specified age. If it is clear, at first side, that a person is an adult this medical examination will not take place. In May 2017, new legislation ensures that an asylum seeker get a temporary decision regarding his or her age that can be appealed.

Like in other countries, there is discussion about the reliability and the necessity of this medical examination. Some lawyers are against the way the age assessment now is done. On the other hand, decisions on age by the Migration Agency was found to be arbitrary in many cases, before the system with medical examinations was put in place.

Another example of an investigation that was addressed by the ombudsman was the issue of forced marriages. The recommendation was made to have a series of in-depth interviews for a longer period by the responsible government body with the girl involved to make sure that there is a clear view on the situation.

During our discussion, the Swedish Ombudsman was asked to exchange ideas with other colleague ombudsmen in Europe about this subject.

Greek Ombudsman

- **introduction**

The Greek ombudsman is very much interested in sharing best practices in the field of asylum and refugees. Also they would very much like to take part in discussing the issues relating to the age assessment of minors. There are currently at least 2-3 different speeds in integration measures, mainly in housing, and no holistic integration scheme in Greece (see also the Ombudsman's special discussion paper, Mixed flows and refugee protection, Administrative challenges and human rights, April 2017, in <https://www.synigoros.gr/?i=humanrights.en.recentinterventions.434107> .

The NGO's are very much involved in the helping of the refugees and migrants and they are very much needed. They are complementary to the state in hotspot services or in the mainland camps also on housing shelters eg for unaccompanied minors. However, the multitude of NGOs raises the question of coordination and accountability, as it is sometimes unclear who is responsible for what in the camps. There is a Registrar by the Ministry for Migration but it is incomplete. This makes the work of the Ombudsman as well of the competent authorities sometimes more difficult. In general, NGOs

are knowledgeable, but not in all cases. The Dutch embassy provided an app that could help with better managing the inflow of the refugees but the Greek police refuse to use that.

Legal assistance is for asylum only and it is not available during the application phase for international protection, only during the 2nd instance before the Appeals Authority. But a scheme with Law bar associations has just been adopted for legal aid to be provided at 1st instance. After rejecting the asylum application, almost everyone objects and from that moment legal assistance is available. Legal assistance is provided by NGO's.

The Greek Government publicized the National Strategy on Integration in January 2019. The National Strategy mentions the Ombudsman's role in combating racism and xenophobia. The relevant draft law is open to consultation in the Government official webpage (15.1.2019-15.2.2019) prior to be submitted to Parliament.

- **Housing**

The first set of measures is temporary housing for asylum seekers after the refugee influx of mid-2015 and until the entry in force of the EU-Turkey Joint Statement on 20.3.2016. Around 40.000 immigrants and asylum seekers, after the closing of the so called Western Balkan corridor, stayed in temporary camps in the mainland. Despite the EU relocation scheme of more than 22.000 Syrian applicants, there are around 20.000 asylum seekers of various national background, profiting in mid 2018 from a UNHCR/local government rental scheme (for example in Athens, Thessaloniki, and Heraklion and other cities) in parallel with a few temporary camps in the mainland.

The second speed in housing is the so called hotspot approach, after the EU-Turkey Joint Statement. Newcomers are hosted in the first reception facilities (hotspots) in 5 islands, under geographical restriction, awaiting for their asylum petition and/or appeal to be processed. The aim was a short time residence in view of readmission to Turkey, found to be a safe third country for asylum protection but this was unrealistic and the result is a double than capacity population in the hotspot camps of nearly 17.000 people, in very poor conditions. Only the vulnerable groups among them unaccompanied minors, single-parented families, pregnant women, victims of torture, and victims of human trafficking, elderly persons, disabled persons or persons suffering from a serious or chronic illness) were allowed to have their application decided on the merits in the mainland. After an application is formally registered as belonging to a vulnerable person to be decided on the merits, these groups are escorted by UNHCR in the mainland and end up to the aforementioned category of housing in apartments or else in temporary camps.

The biggest problems at the moment in the hotspots are the following:

- Vulnerable persons are supposed to be transferred to the mainland as quickly as possible. The facilities there are much better and safer. However, there are a lot of complaints about the assessment of who is a vulnerable person. It is customary that only persons with obvious vulnerability are screened by the first reception services which means that a great number of vulnerable people is not registered as so. It can now happen that vulnerability is overlooked by the asylum service and EASO, especially mental/disorder condition or even victims of torture.
- Another problem is the delays in the application procedures in the hotspots.

The reason for the delays is that the Appeal Authority and, to a lesser extent, the courts cannot deal with all the appeal cases and even before in the objection procedure there is a large backlog. Again, the influx is many times higher than was expected and the system still has not caught up with this fact. The reception camps on the islands are overcrowded and the facilities are completely inadequate. There are now about 5000 persons (at some point there were 8000 persons) in the Moria camp on the island of Lesbos while the capacity is 3.000 people. The Ombudsman provides a continuous pressure on the government to improve this and act upon the prerequisites of the EU

Directive 2013/33 (see the Ombudsman's opinion on the recent bill of law in April 2018, now Law 4540/2018.

- It was aforementioned that the readmission of people to Turkey is not in big numbers. Since the entry into force of the EU-Turkey Joint statement (20.3.2016) up to 14.3.2018 (EU Commission's factsheet "EU-Turkey statement. Two years on"), a total of 2164 third country nationals were readmitted to Turkey. So the number of persons in the hotspots is much higher than what was expected and what the centres were actually built for. The solution of the government is simple. The government wants to increase the capacity of the camps and open up new detention centres. But the local government and inhabitants on the islands are very much against this way of solving the problem as this only is focused on dealing with the symptoms while not providing a structural solution. The government gives as reason for their failure the unpredictability of inflow and the role of smugglers ("these people are always a step ahead"). The feeling is that if 200 people are transferred to the mainland, people smugglers will respond immediately by sending a boat with 200 asylum seekers directly to the islands. The Ombudsman objects on generalised detention which is an exceptional measure under the Returns Directive and ECHR and Rule of Law principles.
- Another problem is the detention of asylum seekers who have exhausted all legal remedies. This detention of irregular migrants under the Return Directive can last up to eighteen months. In practice it lasts around 6 months. A judge checks every three months whether the continuation of detention is justified. Conditions in detention centres are poor and the Ombudsman conducts regular visits to the 8 detention centres throughout the country.
- The statutory detention period for asylum applications is three months. But that is now much longer. That is a problem. The Ministry for Migration in February 2018 interpreted the relevant law in another way to make this stretching of the time limit possible. This is based on a court's order given for

the asylum application of the Turkish military personal that fled their country after the coup. Since the Minister sought the annulment of the refugee status attributed by the appeal authority to the 1st of the 8 military officers in question, while the supreme Court's decision is pending, the officer should be re-detained in the temporary status of an irregular migrant. This was an order severely criticised by the legal community. The 8 officers cannot return to Turkey because the Court of Cassation has already ruled against their extradition sought by the Turkish Government, and the extradition was rejected on the ground that they will not have a fair trial in Turkey.

Proper housing for asylum seekers is the real question. There cannot be found housing in all cases. If it concerns young men, it may happen that they themselves have to search for shelter or are put together in one house. The UNHCR is assisted in providing shelter by NGOs. The apartment rental scheme with local government is considered a good practice since housing conditions are better and it is also seen by the proprietors as a chance to earn money in times of economic recession. However sometimes people want to go back to the camps as they know people there or feel more culturally embedded there.

Interesting is that the refugees from the satellite states (former Yugoslavia), the so called "old" refugees and/or asylum seekers, are not eligible for these services. In fact, the EU funding in the aftermath of the refugee crisis resulted in temporary housing for the new asylum seekers, whereas recognised refugees are under no such benefits. So the third speed in housing is represented by recognised refugees who have no housing benefits. The current discussion is to allow for some of the new asylum seekers to maintain their apartments when they are granted refugee status.

- **Integration measures/initiatives**

Asylum seekers who have submitted an asylum application may work. For this it is necessary that they are actually registered. Until recently, there was a huge backlog in this registration. it could take a year

and a half before this was properly arranged. These problems have now been resolved. The Greek government has drafted an action plan on integration but that is not public and it is unsure when it will be announced. Until now there is no sound integration policy in Greece. There are initiatives by NGO's, for example, when giving language lessons. But that is local and not all municipalities are aware and refer people to the right address. The Greek ombudsman is very much interested in the best practices in other countries when it comes to integration and has re-instated a network with migrant communities focusing on integration. For a good integration, municipalities are very important. It is necessary that there are municipal counters where people can get help and information. That requires money from the central government. It is important to bring all parties together who are involved in integration in the integration of asylum seekers and refugees. The government must make more use of the local initiatives.

. The migrants who entered Greece before the refugee crisis feel neglected because nothing has ever been arranged for them, while there now is a lot of attention for the newcomers. The ombudsman suggests that the refugees who had already come before the current crisis should be given a task such as helping with translations or make use of other skills.

It is completely unclear how many people are going to stay in Greece. Any indication or statistics are lacking. Therefore there are no systematic measures based on an organized integration plan taken for those who do stay. There's not such a plan that would permit to talk about and watch being implemented an integration policy. Actions intended to facilitate integration take place but in a fragmentary way. In the nineties, many asylum seekers and migrants also came to Greece. Most of them from former Yugoslavia and Albania. More than 1/2 million people in Greece have an asylum or migration background. Some of them now have the Greek nationality. For them too there was no integration policy at the time. The nonexistence of any governmental vision on integration creates a group of people living in Greece who feel abandoned and lost.

- **Education and work**

The ombudsman is committed for school education at least until the age of eighteen irrespective of the status of residence and has also issued recommendations on this topic. It is clear that work is most important when it comes to integration. Work is also necessary to qualify for family reunification

Children on the islands have started enrolling to school but there are still difficulties and delays, especially in the case of minors staying in the camps. In January 2018 kindergarten started in the camps on the islands. In the first period after their arrival children who are hosted in camps, therefore in large numbers, follow separate introductory classes, taking place in regular schools, after the end of the daily program. Work has also begun on providing education for the children of asylum seekers hosted in camps at the main educational system schools following the daily program. Children hosted in shelters or in apartments with their families are enrolled at regular schools, supported by introductory courses. The plan is to have a complete educational system assuring the access of all foreign children to education in 2018.

- **Health care**

Before acceptance of asylum status, there is only emergency aid available. Not for the vulnerable groups, e.g. children, who get all the medical aid from the start. However, the help provided to refugees in emergency cases has to be paid for by the hospitals themselves as the Greek authorities do not give any extra money. Admittedly there's a special budget provided to hospitals for cases of people hospitalized without being able to cover the expenses, but this is not sufficient in order to cover the

total cost. This poses a big challenge for the hospitals and endangers the provision of proper health care.

Important is that there is no psychiatric help on the islands for the refugees who really need it. Doctors from different organizations work in the shelters. It is not clear what the quality of the given medical care is. State medical care is gradually replacing medical services on the islands, with poor results so far. After getting a residence permit refugees are entitled to the same medical care as all Greek citizens. For that it is necessary that they are properly registered and have a registration card. It is not easy to get this organised.

You need a social security number and only people who work could get this. It is the intention that this will change and that there is a medical card even if you do not have work. In the meanwhile, after the ombudsman's intervention, asylum seekers and refugees get a social security number regardless of their employment status. Remains to ensure access to social security number (or medical card) of all children irrespective of their status of residence, as dictated by the Greek law.

- **Minors**

In December 2017 there were 3.350 unaccompanied minors. Only about 1000 were accommodated in special shelters, the rest was put in special areas in camps and many just stayed among the main groups. There are also children who are detained in special police camps or police stations, deprived of their liberty. This situation is absolutely not suitable for housing children. The reason of deprivation of liberty concerning minors is mainly the limited availability in shelters. It seems an impossibility to solve this problem which, given the group concerned is quite alarming.

Protector of Citizens of the Republic of Serbia

- **Introduction**

Serbia is a country of passage. Asylum seekers and refugees enter the country mostly from Greece via the Former Yugoslav Republic of Macedonia. At the start of the crisis, most refugees left Serbia through Croatia and Hungary, but after these countries blocked their borders, Serbia was left with a large contingent of asylum seekers and refugees. Although these people would like to leave Serbia, this is not possible. It may take years before any change in their status is expected. The main reason is that Europe will not let them enter and thus a group of around 5.000 people is stuck in reception and asylum centres in Serbia. Almost all of them will stay in Serbia for at least a year before being able to move on, in most cases illegally. As a result, Serbia has the responsibility of a large group of asylum seekers and refugees that will stay on its territory for quite some time. This means that although they do not want to stay in Serbia, de facto they have to live in this country. In the end, some sort of integration will have to take place because health care, education, housing, etc. needs to be properly arranged if someone stays for a long period. The realisation of this status quo is slowly sinking in and the government, together with NGO's, is trying to cope with this challenge as quickly as possible.

- **Mandate**

The Serbian government is greatly helped by the good work from the Serbian Ombudsman office, especially the NPM section of this institution. This section forms the secretariat of the NPM and was working closely with the Belgrade Centre for Human Rights, among others. The Serbia NPM is very active in the field of refugees and asylum seekers, they have conducted 190 visits in the period 2012 – 2018. They wrote 122 reports and made 188 recommendations. In general the UNHCR, Danish Refugee Council and UNICEF play a significant role in dealing with the refugee crisis in Serbia.

In general refugees and asylum seekers are not aware of their rights, and as most want to travel on, not many will be able or will be interested in lodging a complaint with the Serbian ombudsman. There is free legal aid (provided by the UNHCR) for people who want to apply for asylum or who have applied already. If the application is refused, they can appeal but they need a lawyer for this. This too is provided for free. However, the lawyers in Serbia are now protesting this arrangement as it would take away their income. Despite the Ombudsman's recommendations, the Law on Free Legal Aid has not yet been adopted.

Not many people complaint to the ombudsman (5 or 6 complaints per year - 6 in 2016 and 10 in 2017) as this will mean that they become visible for the authorities and that they may have to stay longer in Serbia in order to await the outcome of the complaint.

The Commissariat for Refugees and Migration had an ad hoc approach in the beginning of refugee crisis, and it is not the case anymore, we can say that they now have a flexible approach. It still rely on NGO's.

- **Housing**

Once people enter Serbia they are put into a reception centre or an asylum centre. The latter you can enter if your intention is to apply for asylum. This does not necessarily mean that they will stay in Serbia. Often people travel on illegally. No one is forced to stay in either asylum or reception centre. In recent years the centres have been improved significantly, mainly due to help from NGO's.

If you leave you have to arrange for your own lodgings as there is no arrangement from the Serbian government for this. The NGO's do not provide housing either.

Unaccompanied minors and children with their parents, can stay in special areas in the centres. If possible, unaccompanied minors are put together with others of their own age. On the territory of city of Belgrade, there is a separation between minors up to the age of 15 and older minors. During the application procedure, people may live outside the centres in a private home, but they need permission to do so from the asylum office. The government provides financial support for the housing after the status be granted, for a 12 month period. After that they have to take care of themselves.

- **Integration measures/initiatives**

This part of the IOI investigation deals with integration. Officially there are not many people who need to integrate, but as so many are forced to stay on in Serbia, their situation can be compared to someone who will stay in Serbia. For example, it can happen that a family will spend years in Serbia without being able to move on. In the meantime, housing, health care, education, etc. needs to be taken care of. In this chapter we look into the situation of integration in Serbia in this way and thus will address the questions on integration also being applicable for persons who are forced to stay on in Serbia.

- **Education and Work**

Nine months after the application, asylum seekers are allowed to find a job. However, you need a working permit to be able to work in Serbia. This permit costs € 100 and given the circumstances is quite costly for most people. In general you can earn € 200 with a low paid jobs. But you can only get that job if you have a permit, etc. This vicious circle has not yet been resolved and has the attention of the ombudsman. Only a small group of people want to work in Serbia and thus this should be a

solvable problem according to the ombudsman. The Ombudsman did not receive complaints on this topic. Solving this problem would require an initiative to amend the Law.

In the past years the education of children has greatly improved. These days lessons are provided in centres and children are allowed to go to local school. However, they do not follow the programme that is applicable on Serbian children. It is an adaptation programme. The children are taught Serbian and as a result are sometimes better informed than their parents. The Cyrillic script makes it very hard for many people to learn Serbian.

- **Health care**

Asylum seekers and persons granted asylum have right to access health care for free (excluding some services like dentist). However, the problem in practice is that medical cards are not yet issued to these categories so access to public health care institutions goes through Danish Refugee Council (DRC), which assists public institutions in this regard.

Medical assistance is provided in asylum/reception centres too by either international medical organisations or public primary health centres in that town. Public primary health centres teams visit centres couple of times a week or every day depending on the agreement with the centre, need and their capacities. Most of the asylum/reception centres have infirmaries so asylum seekers get basic medical aid in the camp and for specialist examinations, they are referred to local hospitals. Urgent medical assistance is provided even for persons who didn't have any kind of papers. The necessary psychological health care is slowly starting to work.

- **Benefit and other financial support instruments for asylum seekers/refugees**

In general social benefits are very low in Serbia. The maximum is around € 200 for everyone: Serbians and asylum seekers. Although Serbian need a lot of documents in order to apply successfully for the benefit, asylum seekers need only a few documents to get it. However, the administrative labyrinth that people face is quite off putting and so it is a big challenge for people to apply for a benefit. Especially if you do not speak the language, nor are able to read it.

Since 2016 there is a legal frame work: the directive on integration. It is a reasonably good regulation, however, it is still unclear how it will work out in practice. Many topics in the regulation still need to be translated into other laws and this still has to be done. For instance refugees and asylum seekers have a right to travel documents, but this has not yet been properly arranged. This also the case where it concerns family reunion, the Serbian government has not yet had any request for this. This and several other topics, are on the agenda of the Serbian government, now that it realises it has a responsibility for the people on its territory.

- **minors**

In Serbia there is no official way in which the age of a person is determined. In most cases the officials simply ask a person about his/her age. The Deputy for Children's Rights was very interested in the discussion on the age assessment of minors. The Deputy is very active especially on the topic of unaccompanied minors who are traveling through the region. She is in close contact with her Greek colleague on this topic. Recently a recommendation made by the Serbian Ombudsman, has led to the improvement of the custody of minors.

National Ombudsman Netherlands

- **Introduction**

In 2015 more than 43.000 persons asked asylum. Almost 80% received a residence permit. Most of them come from Syria, Afghanistan, Eritrea and Iraq. In 2016 the number of asylum seekers dropped to 18.171 asylum seekers.

Family reunification can be problematic due to the lack of documents, problems with DNA test, the Dutch embassies have not enough staff to handle all the applications etc. This means that families have to wait a long time before reunited.

Another challenge is the return of rejected asylum seekers more in particularly when people can or will not identify themselves. The ombudsman wrote a discussion paper about living conditions in the detention centres where rejected asylum seekers can be held until their return to their country.

- **Minors**

In 2015 3860 unaccompanied minors arrived in the Netherlands, most of them from Syria and Eritrea. In 2016 that number dropped to 1707. In 2002 the ombudsman published the results of an investigation into the way in which the Immigration service determined the age of the asylum seeker who claims to be underage. The conclusion of the ombudsman was that the medical research (x-ray photos of the clavicle) was not valid. Until today the Immigration service keep using the same medical examination.

For unaccompanied minors there are special facilities. Special reception centres or foster families.

- **Housing**

During the asylum procedure people are staying in reception centres. When granted a residence permit people get a house assigned. This can take some time because there are not enough houses available. Every municipality is obliged to make house available but that is easier said than done. In June 2017 more than 9000 refugees who received a residence permit are still living in reception centres because of the lack of housing.

- **Benefits for asylum seekers/refugees**

During the asylum procedure asylum seekers benefits are provided materially; housing, food, medical care, pocket money. When they receive a residence permit and get a house assigned they pay the rent and their medical insurance themselves. If they do not have enough money they receive financial compensation.

About integration the ombudsman receives different complaints. Complaints about the integration exams, lack of integration, study and work opportunities for asylum seekers, housing problems after receiving a residence permit (not enough houses available). The information given by the government is very complicated and it is difficult to find a good quality language course.

- **Education and work**

Asylum seekers can do volunteer work. Asylum seekers can do paid work for max. 24 weeks per year but they need a working permit which they can get if their asylum procedure takes more than six months. When an asylum seeker receives a residence permit he can work and do not need a working permit (the same situation as Dutch citizens. More in general that person has the same rights and obligations as a Dutch national. This means the same health care, benefits, opportunities to study etc. Minors, also during the asylum procedure, have the right to education till they are 18 years old.

- **Healthcare**

Another interesting issue is the way the Immigration service treated the return of people who are seriously ill. In 2015 the ombudsman finished his investigation into that matter and concluded that the Immigration service needs to investigate better if the person will get the necessary medical help when he return to his country of origin. Another important issue when it comes to health care is the return, in the context of a Dublin claim, of asylum seekers with health problems to another European country where the health care is not accessible or of poor quality.

- **Integration measures/initiatives**

There is a very comprehensive integration policy for people after they receive a residence permit. The Netherlands was the first country in Europe where integration, since 1996, was required. Since then, various changes to the integration policy have been implemented. In short, it means that it has gone from a best-efforts obligation to a result obligation. And from a mutual responsibility of the government and refugee to since 2013 full responsibility for the refugee. People have to follow an integration measures/initiatives (reading, writing, listening, speaking Dutch, knowledge of the Dutch society and orientation on the Dutch job market) and an exam is mandatory. The penalties for not failing the integration exam can be: - a fine, -not getting a residence permit for an indefinite period or having to pay for the course yourself if you don't succeed within a period of three years. You can start with the integration measures/initiatives after obtaining a residence permit. It is possible to get a loan. If a refugee pass the exam within three years than he does not have to pay back the loan. Since 1 October 2017 the integration measures/initiatives has a new part which is called 'the participation declaration'. Under the responsibility of the municipality people learn what are the values in the Netherlands like democracy and equality.

The government now is realising that it would be better to start with integration in an earlier stage and not wait until a residence permit is granted and people have housing in an municipality. In reception centres there are now experiments with integration activities. Asylum seekers are allowed to take part in language lessons and when they receive a residence permit (and still living in the reception centres) they can participate in the extensive program "preparation for integration".

In December 2017, the new minister of social affairs announced that the integration policy must change drastically because too many refugees are dependent on benefits because they cannot find work. Since the responsibility for integration has been fully placed with the migrant, the success rate of the integration test has dropped from 80 to 39 percent. Among other things, the Minister wants to see, immediately after the arrival of a migrant, which level of education and level of experience the person concerned possesses, so that it can be determined which route is best for that person. The responsibility must lie with the municipalities. In April 2018 the ombudsman has started a research on his own initiative on integration with the focus on the perspective of the migrant who has to integrate.

Results Questionnaire

As mentioned above the list of questions used for the meetings, was converted into a questionnaire. The purpose of the questionnaire was to outline a general picture of the state of affairs regarding integration in various European countries. It was sent to all IOI European Regional members 6 March 2018. Twenty-nine¹⁰ ombudsman institutions completed the questionnaire and send it back (for details of the outcome see annex 2). Not all institutions were able to answer all questions. The reason for this is the difference in competence. For example, a regional institutes cannot answer a question concerning a topic that falls inside the competence of the national institution.

The results give a quantitative picture and is not meant to be used as a statistics on which firm general conclusions can be based. But they do give an indication of how an integration policy is used and an indication of the involvement of ombudsman institutions with the subject of integration.

Almost all ombudsman institutions have the mandate to investigate complaints concerning integration and most of them have taken action in the field of integration. In most countries shelter/housing is provided but not always is housing arranged after obtaining a residence permit. The answers on the questions about the integration measures/initiatives, show a varied picture. Just over half of the ombudsman institutions indicate that integration measures are not mandatory. When it comes to education and work NGO's play an important role. Additional comments to the questionnaire made by some of the institutions made clear that in most cases asylum seekers may work but that conditions are attached to them. For example, they may only work after six or nine months have elapsed after their asylum application or they can only perform certain activities such as seasonal work for a certain period of time.

Healthcare is available for asylum seekers but is not always of the same quality as the healthcare for nationals or admitted refugees.

In general asylum seekers and refugees often receive a social benefits. However, some institutions indicate that these benefits are lower than the benefits nationals would receive.

In general, in many countries there is a difference between asylum seekers and persons who are recognized as refugees. As far as asylum seekers are concerned, integration, especially when looking at work and education, is at a much lower level and there are far fewer possibilities than for recognized refugees.

¹⁰ Volksanwaltschaft Austria, Federal ombudsman Belgium, Flemisch ombudsman Service, Ombudsvrouw city of Antwerp, Ombudsman for the Basque Country, Ombudsfrau der Deutschsprachigen gemeinschaft Belgiens, Ombudsman of the Republic Bulgaria, Croatian People's Ombudsman, Commissioner for Administration and Human Rights Cyprus, Public Defender of Rights Czech Republic, Chancellor of Justice Estonia, Chancellor of Justice Finland, Parliamentary ombudsman Finland, Commissioner for Fundamental Rights Hungary, the Althing ombudsman Iceland, Ombudsman Ireland, Ombudsman's Office of the Republic of Latvia, Parliamentary Ombudsman's office Lithuania, Parliamentary Ombudsman Malta, National ombudsman Netherlands, Municipal and Children's Ombudsman of Rotterdam, Norwegian Parliamentary Ombudsman, Commissioner for Human Rights Poland, People's Advocate Romania, Citizens' Commissioner Schleswig- Holstein, Protector of Citizens of the Republic of Serbia, Defensor del Pueblo Spain, Parliamentary ombudsman Sweden, Ombudsman Turkey.

It is also important to realize that on paper many things are well organized but that in practice it can be a lot more complicated by, among other things, administrative obstacles and language problems.

Final consideration

The aim of this paper is to determine whether the ombudsman institution share a common vision on the way the integration of asylum seekers and refugees should be monitored and how refugees should be treated and how to make this beneficial to the IOI members in the European region. Above we have presented the practices of nine ombudsman institutions and the results of the questionnaire.

In general ombudsman institutions investigate cases where there is a possible human rights violation or where good governance may be at stake. Viewed in this way, the findings provide the following outcome.

All ombudsman institutions involved in this discussion paper write reports on integration topics. The outcome of these reports are in most cases not available in English. Although the local context differs from country to country, there is an ombudsman practice on this topic. The information gathered

makes clear that all ombudsman institutions have a general view on integration issues. This is also evident from the responses received on the questionnaire that was distributed.

Important is the observation that the ombudsman institutions all attach great importance to a good integration policy. In general, it can be said that ombudsman institutions consider it important that newcomers in society are able to participate in society and are not excluded.

Although not specifically addressed in the questionnaire, the results of the study indicates that there are some issues, as for example, interpretation of the term “vulnerable groups”, that need to be addressed/resolved in order to facilitate the integration of asylum seekers/refugees. A good integration policy contains a special procedure for vulnerable groups such as children, disabled people, the elderly, single women and people with physical and psychological problems. In the countries involved in this study, there is attention for this. However there is a difference in how the term vulnerable group is interpreted by the governments in the different countries. It also emerged that in many countries the protection of children needs improvement. Especially if these children are unaccompanied minors.

Other important factors that influence an integration policy are the political climate and the standard of living in the country concerned. In some countries it is difficult for all citizens to get the right medical help. The same applies to housing and work. Should there be made an exception for the refugees or do they follow in the (often lacking) care and services?

Ombudsman institutions also agree that during the sometimes very long asylum procedures it is important for people to remain active and develop skills that contribute to integration. The situation that asylum seekers do nothing for years and as a consequence are hospitalized, is harmful for the asylum seeker and not beneficial to society. In many countries there is therefore a movement to enable asylum seekers to work during the asylum procedure and to learn the language. But improvements are necessary to make this possible. The ombudsman concerned indicated that there are still too many barriers such as complicated administrative procedures. And of course money must be available for, for example, language courses or orientation on the labour market. In many cases the refugees are completely dependent on the goodwill of NGO's and volunteers.

The NGO's were not a specific topic in the study nor in the questionnaire, but it has become clear that they play a relevant role. In most cases the NGO's are a safety net. They provide language courses, medical assistance and assist in the housing of people etc. But NGO's are not part of the government. Although their involvement in the process is often essential, complaint mechanisms and such are not applicable to them. How than should their role in the integration process be viewed and what may be expected of them? The question was raised if the monitoring of the NGO's should be a responsibility of the government.

There is discussion in several countries about the role and tasks of the municipalities and the central government. Although this was not a specific topic in this paper it has become clear that the role these local governments play, needs to be addressed when discussing integration of asylum seekers and refugees. It is not always clear who is responsible for what, and whether there is adequate funding available for tasks mandated to the municipalities. This is worrying as in almost all countries, municipalities are at the centre of the asylum and refugee crisis. They have the closest contact and are often the ones who try to keep the promises made by the central government (or the EU). There seems to be a lack of understanding by central government about this role of municipalities, which in some cases may lead to insufficient funds and lack of support. For example the housing situation or the provision of language courses.

Annex 1

List of questions to be used as guidelines

1. Housing:

- How is housing arranged during the asylum procedure (if arranged at all)
- How is housing after obtaining a residence permit
- Is there financial compensation
- How is information about housing provided
- Are there special facilities for minors

2. Integration measures/initiatives

- Is there something like an integration policy and if so what does it look like (language, social knowledge, preparation for work, etc.) - Is integration measures/initiatives mandatory
- Is there an integration measures/initiatives exam
- What are the penalties for failing the integration measures/initiatives exam
- When does the integration measures/initiatives start (as soon as you arrive or after obtaining a residence permit)
- Do people get (financial) assistance during the integration measures/initiatives

3. Education and Work

- When are you allowed to start a job or education
- Do people get (financial) assistance during their education
- How is information about education or work provided
- Is there special attention for minors
- Do migrants/refugees receive support to learn the national language?
- Are there classes offered in the languages of their countries of origin?
- Do migrant/refugee vulnerable or disabled children have the same access as the local ones? - Do the authorities address the needs of children who miss a year of education due to their migration and often only due to prolonged placing procedures?

4. Health care

- How is health medical care organised during the asylum procedure
- How is health care arranged after obtaining a residence permit
- What is the quality and how is the access organised to health care
- How is information on medical care provided
- Is there special attention for minors

5. Benefit and other financial support instruments

- Do any benefits exist for people who are integrating
- As of when can people apply for such benefits
- How is information about benefits and other financial support instruments provided
- Do people get assistance in obtaining a benefit or other financial support instrument

Annex 2

1. Mandate	Yes	No
-------------------	-----	----

Does your mandate allow you to investigate complaints concerning integration.	28	1
Has the Ombudsman intervened in this area	21	8
Are there Ombudsman reports on integration or on complaints regarding integration?	13	16
Are there Ombudsman recommendations	16	13
Has the Ombudsman conducted special investigations or organised special events regarding integration?	14	15
Total	92	53

2. Housing	Yes	No
Is shelter provided during the asylum procedure.	28	
Is housing arranged after obtaining a residence permit	17	10
Is there financial compensation available when needed to pay the rent	23	6
Is information about housing provided	26	3
Are there facilities specifically for minors?	21	4
Total	115	23

3. Integration measures/initiatives:	Yes	No
Is an integration measures/initiatives mandatory	13	15
Does the integration measures/initiatives end in an exam	11	17
Are there penalties for failing the integration measures/initiatives exam	4	23
Do people get (financial or otherwise) assistance during the integration measures/initiatives	16	10
Is there special attention for minors	18	9
Total	62	74

4. Education and Work	Yes	No
Is it allowed to start a job or receive education during the asylum procedure	28	1
Is it allowed to start a job or education after receiving a residence permit	29	0
Do people get (financial or otherwise) assistance during their education	24	2
Is this assistance provided by an NGO	17	10
Is this assistance provided by the government	27	1
Is information available about education or work provided	25	1
Is there special attention for minors	26	2
Do migrants/refugees receive support to learn the national language?	27	
Is this support provided by an NGO	19	9
Is this support provided by the government	29	1
Total	251	27

5. Health care	Yes	No
Is health care accessible the asylum procedure	29	
Is health care accessible after obtaining a residence permit	28	1
Is the health care for asylum seekers of the same quality as the care for nationals.	20	7
Is the health care for refugees (people with a residence permit) of the same quality as the care for nationals.	26	1
Is information on medical care provided	27	
Is there special attention for minors	22	3
Total	152	12

6. Benefit and other financial support instruments for asylum seekers/refugees	Yes	No
Do any benefits exist for people who are integrating and who are financial in need	26	2
Do any benefits exist for people who are in a situation of social exclusion, regardless of their legal status?	18	8
Do any benefits exist for people who are in a situation of social exclusion and that participate in a process of social integration?	19	6
Is information available about benefits and other financial support instruments	25	1
Is assistance available in obtaining a benefit or other financial support instrument	25	
Is this assistance provided by an NGO	17	8
Is this assistance provide by the government	26	1
Total	156	26

7. Public policies that promote integration, diversity management and the fight against discrimination	Yes	No
Are there public administration strategies for promoting integration and diversity management in the different areas?	21	6
Are there public administration measures to combat discrimination and xenophobic discourse?	24	4
Are there dialogue bodies between public administrations and social organisations working on the defence of human rights?	22	3
Total	67	13