

# BALKAN REFUGEE TRAIL – A PATHWAY FOR EUROPEAN SOLIDARITY

**CRISIS OF SOLIDARITY AND RESPONSIBILITY?**  
A MULTINATIONAL ANALYSIS OF CIVIL SOCIETY CONTRIBUTION  
2015 – 2017



## IMPRINT

**PUBLISHER:** Interkulturelles Zentrum, Dresdner Straße 82/12, 1200 Vienna, Austria  
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**PHOTOS:** © p.8: Driton Maliqi; Greece, p.12: Achilleas Zavallis/AFP/Getty Images; Macedonia, p.28: Fidan Elezi; Serbia, p.36: Asylum Protection Center; Hungary, p.48: Bodey Janons; Croatia, p.54: Tea Vidović; Slovenia, p.62: Milan Vidaković, Austria, p.70: Mafalda Rakoš

**PRINTED BY:** [druck.at](http://druck.at)

July 2017

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Asylum Protection Center (APC/CZA), [www.apc-cza.org](http://www.apc-cza.org) | asylkoordination österreich, [www.asyl.at](http://www.asyl.at) | Center for Peace Studies (CMS), [www.cms.hr](http://www.cms.hr) | Greek Council for Refugees, [www.gcr.gr](http://www.gcr.gr) | Interkulturelles Zentrum, [www.iz.or.at](http://www.iz.or.at) | Legis, [www.legis.mk](http://www.legis.mk) | Hungarian Helsinki Committee, [www.helsinki.hu](http://www.helsinki.hu) | PIC – Legal-Informational Centre for NGOs, [www.pic.si](http://www.pic.si)



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## ACKNOWLEDGEMENT

Many different people have contributed to the development of this joined project report. Special thanks to the interviewees from the listed civil society initiatives and aid organizations as well as to all those who prefer to remain anonymous for their insightful and report-shaping narratives:

Border Crossing Spielfeld (AUT)

Care (GRC)

Catholic Church of Körmend (HUN)

Center for Peace Studies Volunteers (HRV)

Center Osijek Volunteers (HRV)

Center Zagreb Volunteers (HRV)

Community of the Social Sisters (HUN)

Cordelia Foundation (HUN)

Croatian Red Cross (HRV)

Deutsch ohne Grenzen (AUT)

FAROS (GRC)

Flüchtlinge Willkommen Österreich (AUT)

GRC Legal and Interpretation Department (GRC)

Happy Thank You More Please! (AUT)

Hellenic Red Cross (GRC)

I am Gleisdorf (AUT)

Initiative Are You Syrious? (HRV)

Initiative Welcome (HRV) + Volunteers

IntegRADsion (AUT)

Jesuite Refugee Service (HRV)

MOSAİK Eichgraben (AUT)

MSF – Doctors Without Borders (GRC)

PROSA – Projekt Schule für Alle! (AUT)

SLOGA – Slovenian NGO Platform for Development, Global Education and Humanitarian Aid (SLO)

Save the Children (GRC)

Safe Passage UK (GRC)

Scouts of Greece (GRC)

Society for Psychological Support (HRV)

UNHCR – The UN Refugee Agency

Vielmehr für Alle! – Verein für Bildung, Wohnen und Teilhabe (AUT)

Willkommen Mensch in Maria Anzbach (AUT)

## AUTHORS' NOTE

For the extent of this project analysis, 38 interviews were conducted and three focus groups with government and CS representatives were established. The authors are fully aware of the existence of a much broader civil society landscape, which the authors are not able to fully display in this report. The aforementioned still hope that the insights gained by means of the conducted interviews in combination with extended research paint an insightful picture, nevertheless serving as a general overview.

This report is solely a collection of country reports with the objective to portray the findings and arguments gathered by civil society representatives of the CSOs involved in the “BALKAN REFUGEE TRAIL” project. This report was created to the best of their knowledge and conscience, but on the basis of restricted resources and capacities, therefore, it does not make the claim to be exhaustive.

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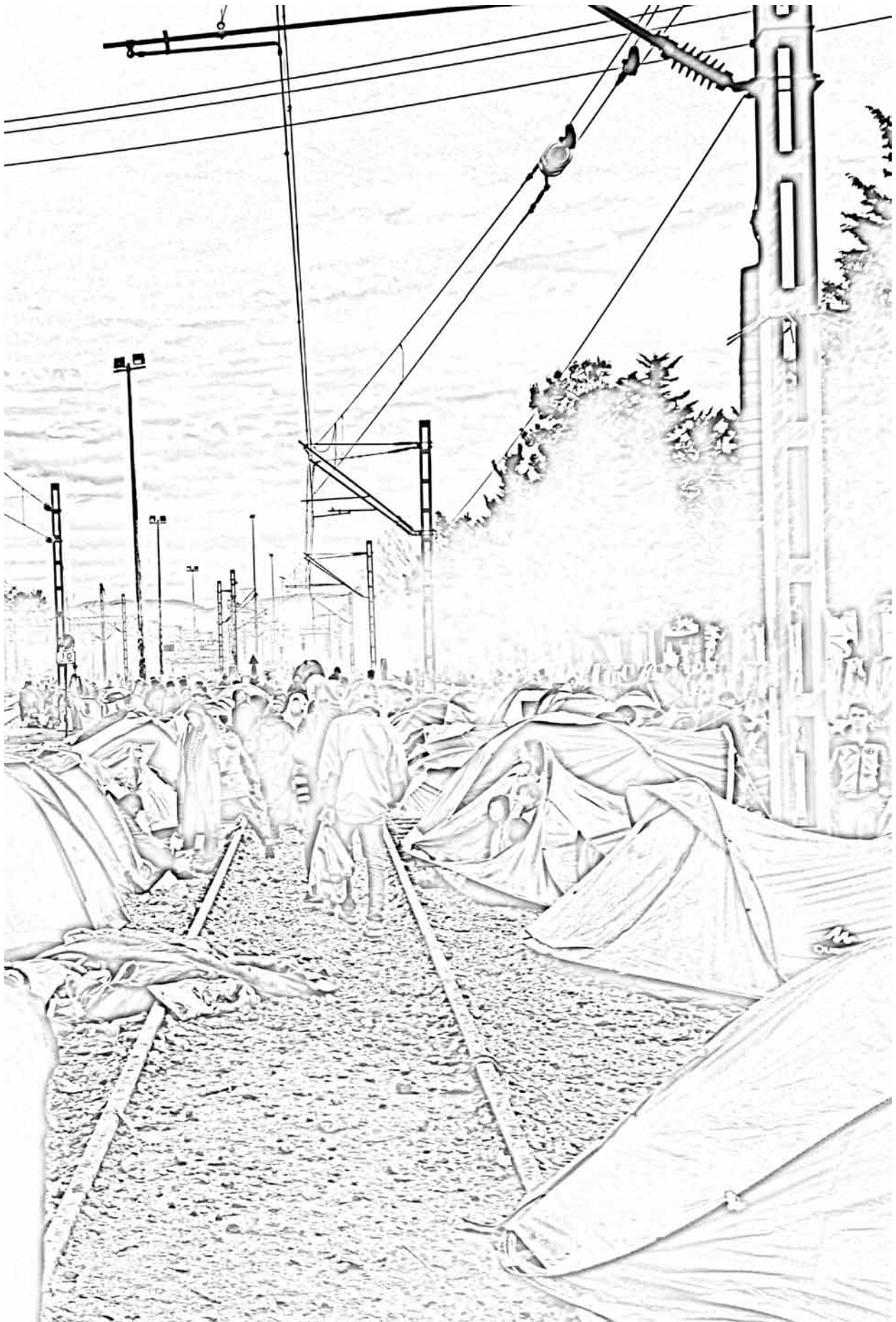
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## LIST OF ABBREVIATIONS AND ACRONYMS

|                   |   |
|-------------------|---|
| AsylG             | Asylum Act   Asylgesetz   |
| AuslBG            | Aliens Employment Act   |
| Basic Care        | Material reception conditions offered to asylum seekers                       |
| BFA               | Feder Office for Immigration and Asylum   Bundesamt für Fremdenwesen und Asyl |
| BM.I              | Federal Ministry of Interior Affairs  |
| BKA               | Federal Chancellery   |
| BMVLS             | Federal Ministry of National Defense and Sport                                |
| BMEIA             | Federal Ministry of European and International Affairs                        |
| BMVIT             | Federal Ministry of Transport, Innovation and Technology                      |
| BMG               | Federal Ministry of Health  |
| CEAS              | Common European Asylum System   |
| CSOs              | Civil Society Organizations   |
| CUK               | Crisis Management Centre (Macedonia)  |
| DUI               | Democratic Union for Integration (Macedonia)                                  |
| EASO              | European Asylum Support Office  |
| EC                | European Commission   |
| ECtHR/ECHR        | European Court of Human Rights  |
| EU                | European Union  |
| FrÄG 2016         | Aliens Law Amendment Act 2016   |
| FrÄG 2017 Entwurf | Aliens Law Amendment Act 2017 (draft)   |
| IOM               | International Organization for Migration                                      |
| LATP              | Law on Asylum and Temporary Protection  |
| MLSP              | Ministry of Labor and Social Policy (Macedonia)                               |
| MYLA              | Macedonian Young Lawyers Association  |
| NFI               | Non-food Item   |
| ÖRK               | Austrian Red Cross  |
| ÖBB               | Austrian Federal Rail Company   |
| NAG               | Settlement and Residence Act  |
| RAOs              | Regional Asylum Offices, Greece   |
| StbG              | Citizenship Act   |
| UNDP              | United Nations Development Programme  |
| UNHCR             | United Nations High Commissioner for Refugees                                 |





# INTRODUCTION

In the framework of the transnational project *Balkan Refugee Trail – A Pathway for European Solidarity*, representatives of eight partner NGOs – *asylkoordination österreich*, *Asylum Protection Center (APC/CZA)*, *Center for Peace Studies (CMS)*, *Greek Council for Refugees*, *Hungarian Helsinki Committee*, *Interkulturelles Zentrum (IZ)*, *Legis* and the *Legal-Informational Centre for NGOs (PIC)* – from seven countries<sup>1</sup> along the so-called “Western Balkan route” conducted research and interviews or established focus groups in order to gain a deeper knowledge and to gather insights into the current situation of refugees and civil society’s role and activities in the field of asylum, refugees, and integration during the period from mid-2015 until mid-2017. In this report, the preliminary outcomes are portrayed.

During the large-scale influx of refugees, coined by many as “refugee crisis”, in the months between August 2015 and March 2016, before the Balkan route was officially closed, governments made unprecedented political arrangements to allow transit from Greece to Germany along the so-called Western Balkan route. Then, as well as during the following crisis – one that could be referred to as a political crisis and a “*crisis of responsibility and solidarity*” – civil society not only across Europe, but worldwide rose and showed its support for those fleeing war-torn, insecure, and hostile regions. At that time, it felt that especially the months between mid-August 2015 and early 2016 would have been simply unmanageable without the intervention and active presence of the so-called plural sector – from longstanding NGOs and grassroots initiatives to activist groups and volunteers – from day one onwards who assumed responsibility and advocated and stood up for refugees’ rights – a feeling which was also retrospectively ascertained by many scholars and experts.

National country reports were gathered and comparisons with regard to differences were drawn. Thereby, the authors attempt to provide an overall perspective on the current situation of refugees as well as on the outcomes, changes, discrepancies, trends, and consequences result-

ing from the large-scale influx of refugees. Moreover, the report strives to shed light on civil society’s role and impact as well as the challenges encountered during the so-called “refugee crisis” as well as during the time after the official closure of the Balkan route. The examination at hand is accompanied by voices of representatives of civil society initiatives – voices that are often not heard by the public, especially those voices of smaller, but essential initiatives and/or volunteers, who have been socially engaged and dedicated.

In order to come closer to those voices, the project partners conducted narrative problem-centered interviews with NGO and civil society initiative representatives and/or refugees or respectively applied the method of focus groups with representatives of state bodies or civil society organizations of different sizes and spectrums. As the capacity of this compiled overall report is limited, the outcomes, inputs, and expertise gained from these interviews are only accompanying this examination, which is, nevertheless, primarily based upon conducted research and gained experiences. To this end, the authors attempt to provide overview answers to the following questions:

- What were the most incisive measures, the positive approaches, the changes, and the restrictions within the respective national asylum systems between mid-2015 and mid-2017?
- How did civil society respond to the large-scale influx of refugees in 2015/2016?
- What forms of coordination and cooperation mechanisms were used among civil society as well as with state institutions and representatives?
- Which kinds of services, activities, and care were provided to those arriving or transiting, in general to those who were seeking protection, during the so-called “refugee crisis” of 2015/2016?
- What forms of advocacy and public opinion activities have been undertaken by civil society actors?
- In what way did the activities and the role of civil society change after the closure of the “Balkan route”? How did measures of cooperation, coordination, and civil society initiative continue, evolve or discontinue?
- How is European solidarity perceived by civil society along the “Balkan route”?

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1 Greece, Macedonia, Serbia, Croatia, Slovenia, Hungary and Austria

## METHODOLOGY

Besides supplementing the research with a literature review on asylum developments in the last two years in the seven involved countries along the “Balkan route”, a central part of the research methodology are interviews with civil society actors on the topics of cooperation, coordination, and solidarity. In the case of Macedonia, interviews with refugees were consulted additionally, and in the case of Serbia, interviews as well as focus groups were conducted with governmental as well as with CSO actors. In Greece, the Greek Council for Refugees conducted ten interviews. In Hungary Hungarian Helsinki Committee conducted three interviews and in Macedonia two interviews were conducted by Legis. The APC/CZA in Serbia realized three focus groups in Subotica, Presevo, and Lajkovac, whereby 17 government representatives and eleven CSO actors took part in the discussion. In Croatia, Center for Peace Studies conducted twelve interviews. The Legal-Informational Center for NGOs (PIC) conducted one in-depth interview in Slovenia and Intercultural Center (IZ) and asylkoodination österreich conducted ten interviews in Austria.

In all cases, the interviews were narrative and problem-centered and the questions were semi-structured in order to allow participants to engage more deeply with a topic and in the case of the focus groups also among each other. Some of the encountered limitations consisted in difficulties in the organization of representatives of vari-

ous institutions attending interviews and/or focus groups or were due to the fact that participants went off on a tangent and did not directly answer the presented questions. Engagements like this do carry risks, since problem-centered interviewees, but especially focus group participants tend to shy away and/or give diplomatic answers to the questions asked.

The media analysis seeks to examine public sentiments on the current situation of refugees in the involved countries as well as to evaluate the behavior of main non-governmental and governmental stakeholders. After an initial investigation of the media coverage, the abovementioned timeframe was split into two time periods, the first one starting with the events in August 2015 until March 2016, when the Balkan route was officially closed, and the second period from March 2016 until spring 2017. Excluded thereof is the Serbian country report in which the timeframe was divided into three time periods – (1) from the Hungarian border closure in September 2015 until the beginning of February, (2) from February until October 2016, and (3) from November 2016 until April 2017. The three suggested time periods constitute times with the highest inflow of migrants into Serbia starting in September 2015, the lowest inflow of migrants into Serbia in the beginning of 2016, and the period from the moment of the closure of the Balkan route in March 2016 until 2017.

# COUNTRY REPORTS

- 1 GREECE
- 2 MACEDONIA
- 3 SERBIA
- 4 HUNGARY
- 5 CROATIA
- 6 SLOVENIA
- 7 AUSTRIA



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*“THE EASTERN AEGEAN ISLANDS, AND ESPECIALLY LESVOS, WHICH SAW MORE THAN 500,000 PEOPLE ARRIVING AT ITS SHORES THROUGHOUT 2015, TRANSFORMED INTO THE MAIN ENTRY POINTS DURING THE RECENT ‘REFUGEE CRISIS.’”*

## INTRODUCTION

During the summer of 2015 and while the effects of the ongoing world financial crisis of 2008 were yet again at a seemingly crucial impasse, Greece found itself at the epicentre of yet another crisis. With its geostrategic position at the EU's external (Schengen) borders, which have for years constituted it a de facto transit zone for people on the move towards the rest of Europe, Greece – and Italy – witnessed the full effects of the so-called “refugee crisis”. Due to the state's inability to handle the enormous number of undocumented arrivals or to provide basic support to people on the move, during the early stages of this crisis, a grassroots-driven mass solidarity movement set in and, to an extent, counterbalanced the state's deficiencies by means of persistent and generous initiatives undertaken by the local population and NGOs.

For sure, both conceptually as well as practically, the manifestation of this “solidarity” changed as the crisis unfolded, no less due to the ever-changing needs of refugees, the changing practices that accompanied the transition from mainly grassroots volunteerism to the increased engagement of professional humanitarian actors, or the legal developments in the national asylum policy, which significantly limited civil society's potential field of intervention.

For the purpose of better examining this evolution, the present report is divided into four parts. Following a brief chronicle of the refugee crisis in Greece, which aims to provide the quantitative background for the subsequent (qualitative) analysis, from p.15 reviews the Greek national policy – and especially the developments pertaining to asylum that took place during recent years – by means of a review of recent literature, reports, public data, and field work. Subsequently, from p.18 aims to proceed with an original contribution on the topic of civil society's response to the crisis, by “giving voice” to the actors that witnessed, managed, and were otherwise engaged in this response. This endeavor will comprise a parallel examination of the data collected by means of ten, in-depth interviews with members of national and international NGOs and grassroots initiatives. Arguably, this is a very limited sample, when recognizing the immense mobilization that occurred throughout the duration of the crisis. However, by identifying and interviewing key organizations of diverse sizes, specializations, and backgrounds, this report aspires to convey an as thorough and as accurate as possible image of the situation. The final chapter provides a summary of the findings and offers some concluding remarks.

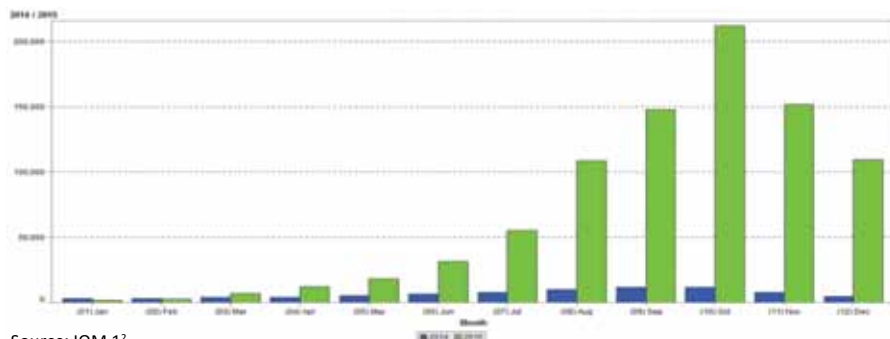
## A QUANTITATIVE CHRONICLE OF THE “REFUGEE CRISIS”

As is well known by now, the vast majority of undocumented third-country nationals/non-nationals that entered Europe during 2015 did so via Greece. As per IOM (International Organization for Migration) estimates, out of 1,046,599 new such arrivals, approximately 82 % (857,363) arrived by crossing the Greek-Turkish border, with most of them (853,650) arriving by sea – leading to a 1,075.3 % increase of island arrivals compared to 2014 (72,632) – and some 3,713 arriving by land.<sup>1</sup>

At this time, those who managed to reach the Greek islands, would undergo an elementary screening procedure (e.g. identification, fingerprinting), after which – without the geographical restriction that is in place today – they would quickly travel on to Athens (via boat/ferries), from where most would continue their journey onwards towards FYROMacedonia, Serbia, Hungary, and Central Europe. As a consequence, the Greek capital soon became the main transit hub towards the northern border – the “access point” that connected Greece to the rest of Europe – and a network of contingent and improvised



“roadside stations” soon sprang up in parks, city squares, and former sports stadiums, which were turned to official “hospitality centers” overnight, or empty military bases.



Source: IOM 1<sup>2</sup>

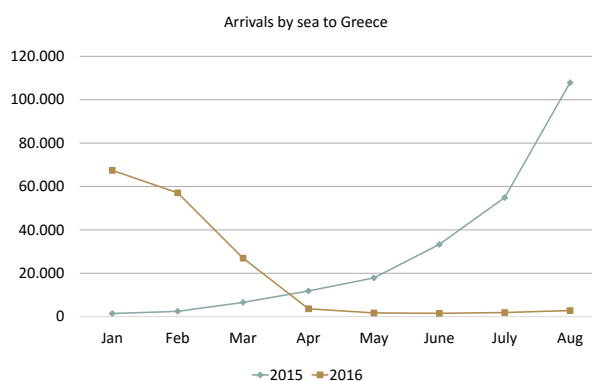
As for their nationalities, most of the undocumented persons were Syrians (56.1 %), followed by nationals of Afghanistan (24.3 %), Iraq (10.3 %), Pakistan (2.7 %), and Iran (2.6 %).<sup>3</sup> Although the majority coming from so-called “high refugee profile” countries (i.e. an average refugee recognition rate of 75 % in Europe), only 13,195 asylum claims were lodged throughout 2015 in Greece; that is a relatively small increase (39.9 %) compared to 2014.<sup>4</sup> The reason for this was that, as already mentioned, most refugees would opt to continue their journey towards northern Europe in order to apply for asylum in their countries of preference (usually Germany).

The situation started changing in October 2015, when the number of new arrivals started to decrease gradually, and especially as of March 2016, when numbers were drastically curbed, it completely changed. Throughout 2016, a total of 176,906 persons arrived in Greece, amounting to a 79 % decrease compared to 2015.<sup>5</sup> One reason for this was the gradual imposition of border restrictions along the Western “Balkan route”, which resulted in the entrapment of thousands of refugees who had yet to cross the borders of Greece. Namely, on November 18<sup>th</sup>, 2015, Slovenia closed its borders to all but those refugees that could demonstrate they were either from Syria, Afghanistan, or Iraq. This in turn led to a domino effect of border closures in Croatia, Serbia, and FYROMacedonia, with each state imposing some form of segregating restriction or other. From then on, at least officially, only Syrian, Afghan, and Iraqi nationals holding official papers – acquired during their registration in Greece – that could prove their nationality were allowed to pass the northern Greek borders at Idomeni, which functioned as the entrance point to the Balkan corridor.<sup>6</sup> Mid-February saw the beginning of a similar unfolding of

events for Syrians, Iraqis, and Afghans. On February 19<sup>th</sup>, 2016, Austria imposed a daily cap for people entering the country (3,200/day) while simultaneously restricting the daily numbers of asylum applications to 80. Four Balkan countries (Slovenia, Croatia, Serbia and Macedonia) soon followed this example and announced a daily cap of 580 arrivals.<sup>7</sup> Afghans were subsequently the next national group to be prevented from crossing the Greek-FYROMacedonian borders, while, finally, on March 8<sup>th</sup>, officials of the “Balkan route” states announced that they would be reintroducing Schengen restriction and accordingly close the humanitarian corridor.

The closure of the “Balkan route” left 42,688 people stranded in Greece and laid the grounds for yet another humanitarian crisis.<sup>8</sup> From their part, the Greek authorities increased their efforts to have refugees moved from Idomeni to government-organized – and military-run – camps that were hastily set up throughout the Greek mainland. They also started preventing people from reaching the North (by bus), so as to avoid a further deterioration of the situation at Idomeni. This resulted in thousands remaining stranded at the Piraeus port for several months, until an adequate number of sites were turned into camps that could host them.

More importantly, within a few days of the border closure, on March 20<sup>th</sup>, 2016, the EU-Turkey statement, based on which Turkey would be responsible for preventing people from “irregularly” crossing its borders towards Greece and agree to accept back those that would nevertheless manage to do so, was enforced. This was a major altering point, which, leaving aside the criticism that

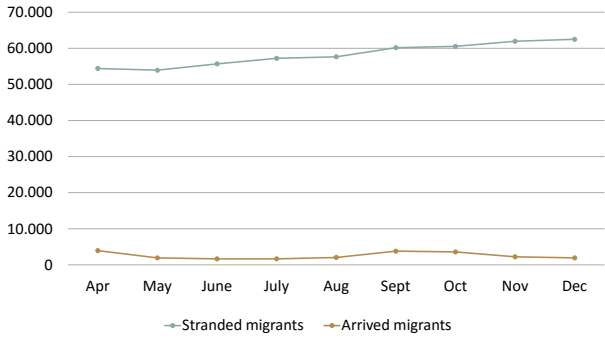


Source: IOM 2<sup>10</sup>

it raised from human rights organizations, led to an exponential decrease of undocumented arrivals in Greece.<sup>9</sup>

This decrease, however, did not lead to the resolution of the crisis, on the contrary. And considering that the needs of stranded people – as opposed to people on the move – require long-term planning and are thus more complex, their immobilization in Greece merely led to a transformation of the crisis. New problems and challenges now had to be overcome, most prominently amongst which the huge and sudden overloading of the Greek asylum system, as a consequence of the new geographical confinement of persons previously on the move. Having lost their option to continue onwards towards other EU member states and with many now faced with the alternative of being returned to Turkey, third country nationals/non-nationals started applying for asylum in Greece, which led to a 287.2 % increase of applications within a year (from 13,195 in 2015 to 51,092 in 2016).<sup>11</sup> And though the number of new arrivals would henceforth have been “manageable”, the number of stranded people kept growing. Within a year, the number of those stranded in Greece increased by 46 %, reportedly amounting to 62,313 cases.<sup>12</sup>

As for the results, the most obvious one was a seemingly indefinite entrapment and a concomitant shattering



Source: IOM<sup>13</sup>

of hopes for persons in search of a safe haven, which at times led to difficulties to deal with the situation. Many “hospitality centers” became (and remained) overcrowded, leading to tensions both between asylum seekers as well as between the latter and parts of the local population. Under these conditions, violent incidents and accidents started occurring, with some of the most tragic ones being the death of a woman and a child in their tent following the explosion of a portable cooking gas stove at the Moria hotspot (in Lesbos) and several deaths due to the failure to make proper winterization arrangements on the islands of Lesbos and Samos in January 2017.<sup>14</sup>

## CURRENT TRENDS AND DEVELOPMENTS IN GREEK NATIONAL POLICY AND PRACTICE

### THE IMPACT OF THE EU “HOTSPOT APPROACH” AND THE RELOCATION SCHEMES

In May 2015, as part of a package of “immediate actions” aimed at managing the unfolding crisis, the European Commission announced that a series of measures, amongst which the so-called “hotspot approach” as well as “relocation measures” for Greece and Italy, would be implemented.<sup>15</sup>

“Hotspots” were introduced as a means to assist frontline member states in swiftly identifying, registering, and fingerprinting incoming arrivals, processing asylum claims, and managing returns through, amongst others, the deployment of and subsequent collaboration between EU agencies – namely EASO, FRONTEX, Europol, and Eurojust – and the Greek authorities.<sup>16</sup> With an estimated capacity of 7,450 places, five hotspots were inaugurated on the islands of Lesbos (October 2015), Chios (February 2016), Samos, Leros (both, March 2016), and with some delay – due to local reactions – Kos (June

2016), where many asylum seekers have since lived under substandard conditions.<sup>17</sup>

With regard to the “relocation scheme”, which was aimed at assisting Greece and Italy in managing the crisis, in September 2015 and following the Commission’s proposal, the Justice and Home Affairs Council adopted two decisions on the relocation of 160,000 high-recognition-rate asylum seekers (i.e. nationals whose asylum applications were on average approved at a rate of more than 75 % in the EU). In this context, following their screening, fingerprinting, and request for international protection in one of the frontline states (i.e. Greece or Italy), asylum seekers would be relocated to another member state where their application would be processed.<sup>18</sup> Importantly, however, the applicants themselves would have no right to choose or to refuse their relocation destination, even though, in practice, in Greece they would be allowed to withdraw from the scheme and ask for protection in the country.

Based on initial plans, relocations were to be carried out over a two-year period until September 2017 in addition to the initial relocation of 105,900 applicants (66,400 from Greece and 39,500 from Italy) to other member states. Subject to the Council's Decision amendment, the remaining 54,000 could either be relocated from Greece and Italy, or, in the case of Syrians refugees, admitted directly from Turkey.<sup>19</sup> That being said, as of July 31<sup>st</sup>, 2017, just two months before the envisioned end-date, only 17,021 persons had been relocated from Greece and 7,935 from Italy. That is a total 24,956 out of the 160,000.<sup>20</sup>

### THE GREEK ASYLUM SYSTEM BEFORE AND AFTER THE REFUGEE CRISIS

With the support of the European Commission, the European Asylum Support Office (EASO) and the United Nations High Commissioner for Refugees (UNHCR) and in order to address the deficiencies, which, amongst others, had led to the ECtHR's (European Court of Human Rights) *M.S.S. v. Greece and Belgium* judgment,<sup>21</sup> Greece undertook a complex reform of its asylum system, which was based on the Greek Action Plan for Migration Management and Asylum.<sup>22</sup> This reform was enacted with the Law (L.) 3907/2011 and led to the establishment of the Greek Asylum Service (GAS), the First Reception Service, and the Appeals Authority, with the first (GAS) replacing the police as the competent body for the registration and assessment of asylum applications authority, as of the start of its operations on June 7<sup>th</sup>, 2013.

The Asylum Service is an autonomous body under the direct jurisdiction of the Minister of Migration Policy (MoMP). It comprises of the Central Asylum Service, which supervises the Regional Asylum Offices (RAOs) and Units around Greece, and monitors and supports the registration and processing of applications for international protection.<sup>23</sup> It is also the competent authority for applications for family reunification (Dublin) as well as for the implementation of the relocation scheme. During the crisis, the Asylum Service saw an escalating growth. Whilst at the end of 2014, it comprised of 218 employees, two years later, on January 1<sup>st</sup>, 2017, the number of staff had nearly tripled (650). Similarly, from operating at nine locations until 2015, in 2016, it was operating at no less than 17 locations within the Greek territory.<sup>24</sup> Despite this growth, however, issues still remain to be resolved, not least amongst which the issue of relocations which, based on a January 2017 press release,<sup>25</sup> still stumbled upon the

lack of pledges made by other EU member states and administrative delays.

Specifically, as of December 27<sup>th</sup>, 2016, GAS had registered 21,431 applications eligible for the two procedures (Dublin and Relocation), while the numbers pledged by receiving states amounted to 13,634 places. This meant that more than 8,000 ready-to-relocate persons had to keep waiting for an already slow process, which, in practice, takes up to six months to be completed. Adding to that, the at times insufficient reception spaces of states that had accepted relocation requests – most having been accepted by France, the Netherlands, Finland, Romania, Portugal, and Germany, with Hungary and Poland having accepted none – led to further delays due to the temporary postponement of the relocation date. In turn, these cumulative delays placed additional pressure on the already insufficient and substandard Greek reception facilities, further exasperating the asylum seekers already tired from the wait.

In what regards administrative deficiencies pertaining to the problematic (at times not existing) access to asylum and the delays in the assessment of applications, several methods have aimed to address them. For instance, since September 23<sup>rd</sup>, 2014, a fast-track procedure for the examination of applications lodged by Syrian nationals and/or stateless persons with a former habitual residence in Syria has been in place, and, in 2016, a total of 1,000 applications have been examined under its framework, of which 913 resulted in positive decisions.<sup>26</sup> However, compared to the total number of 2016 applications (51,091), this procedure's effects remain highly limited, having addressed less than 2 % of the total caseload.

Additional measures have entailed the use of Skype for setting up the registration date of asylum applications, which has been in place since July 2014 and which a year later, on May 25<sup>th</sup>, 2015, became the only means of getting access to asylum at the largest Greek RAO (in Attica) due to understaffing.<sup>27</sup> As a result, asylum seekers, who could not have their applications registered in Athens for a while remained at risk of detention and/or deportation. A risk which was further multiplied by what many organizations have recorded as significant and concerning issues in the use of Skype (e.g. it requires technical knowledge and access to a computer and internet), which, as stated, should have never replaced the right to claim asylum in person as per article 4(1) of P.D. 113/2013.<sup>28</sup>



## THE IMPACT OF THE CLOSURE OF THE BALKAN ROUTE AND THE EU-TURKEY STATEMENT

As already mentioned, the combined effects of the Balkan route closure and the EU-Turkey statement led to a significant increase in the number of asylum applications in Greece. In 2016, the Asylum Service reported a four-fold increase in asylum applications compared to 2015, and in the third quarter of 2016, Greece had the largest per capita number of asylum seekers after Germany.<sup>29</sup> As a result and in order to facilitate the now stranded persons' access to asylum, in June 2016, a large-scale pre-registration operation was launched. Specifically between June and July 2016, a number of pre-registration centers were temporarily set up by the GAS – with the aid of EASO and UNHCR – across the Greek mainland in order to register the number of asylum requests of people staying in reception centers. This led to the rudimentary registration of 27,592 applications, of which approximately half (12,905) had been fully registered (lodged) by the end of the year (2016), with those pre-registered gaining access to basic services provisions while waiting for the full registration and the subsequent examination of their asylum application.<sup>30</sup>

That being said, the EU-Turkey statement had a tremendous influence on asylum procedures in Greece. As per the statement individuals arriving from Turkey and submitting asylum claims in Greece are subject to a case-by-case admissibility examination, based on which if, in their case, Turkey is considered as a “first country of asylum” or a “safe third country – i.e. they could have claimed asylum or would have been protected there (including against *refoulement*) – their application is deemed inadmissible and they are to be returned to Turkey. This, in turn, has led to a great deal of debate as to whether Turkey meets the criteria for being designated a safe third country/first country of asylum as per the statement's implications.<sup>32</sup> Serious concerns, for instance, have been raised inter alia by the Parliamentary Assembly of the Council of Europe (PACE), the Greek National Commission for Human Rights (NCHR) as well as organizations active in the field of refugee law and human rights with regard to the statement's compliance with international and European law. Despite this, the statement's implementation drove forth the implementation of further asylum reforms, such as the L.4375/2016, which was adopted in April 2016 and subsequently amended twice in June 2016 and March 2017 and which transposed the Recast Asylum Procedures Directive into Greek law.<sup>33</sup>

Amongst the primary effects has been the *de facto* establishment of a divide in the Greek asylum process, subject to which all third country nationals/non-nationals that arrived on the Greek islands before March 20th (the date the Statement was put into force) could be transferred to the Greek mainland, while those arriving after were prohibited from doing so. In essence, the EU-Turkey statement signaled the establishment of blanket detention (up to 25 days) of all newly arrived third country nationals after March 20<sup>th</sup>, 2016, followed by the imposition of an obligation to remain on the island, known as “geographical restriction” (unless they are deemed vulnerable, in which case they are transferred to the mainland). Thus, from an initial “open doors” policy until March, during the post-EU-Turkey statement period the hotspot facilities on Lesbos, Chios, Samos, Leros, and Kos, where as well fast-track border procedures are examined, have been turned into initial detention centers. Under the fast-track border procedure, EASO staff as well conducted interviews, while the entire procedure at first and second instance has to be completed within the very short period of 14 days.<sup>34</sup>

The procedure has predominantly taken the form of an admissibility procedure in order to examine whether applications may be dismissed on the grounds that Turkey is a “safe third country” or a “first country of asylum”. The admissibility procedure started being applied for Syrian nationals in April 2016 and has only been applied to other nationalities with a rate of more than 25 % (e.g. Afghans, Iraqis) since the beginning of 2017. In the meantime, for other nationalities – with a rate below 25 % –, as of July 2016 the procedure entails an examination of the application on the merits without prior admissibility assessment.<sup>35</sup> In practice, since the lodging and examination of the applications was prioritized based on nationality, an important number of those persons stranded on the islands and wishing to apply for asylum had to wait for periods which, at times, could last more than the six months. This practice also raises serious concerns of conformity with the non-discrimination principle.<sup>36</sup> It is important to note that Dublin family cases and vulnerable cases are exempted from the fast-track border procedure.<sup>37</sup> However, a Joint Action Plan of the EU Coordinator on the implementation of certain provisions of the EU-Turkey statement recommends that Dublin family reunification cases should be included in the fast-track border procedure and vulnerable cases should be examined under an admissibility procedure<sup>38</sup>. Asylum seekers who were exempted

from the statement as well as those whose application was considered to be admissible because the “safe third country” or “first country of asylum” concepts did not apply in their case were referred to the regular procedure and were allowed to move to the Greek mainland.

The impact of the EU-Turkey statement was further reflected in the national asylum policy. The composition of the appeals committees responsible for examining appeals was modified by means of a June 2016 amendment of the April 2016 law that followed reported EU pressure on Greece to respond to an overwhelming majority of decisions that deemed Turkey neither a “safe third country” nor a “first country of asylum” for the asylum seekers concerned (including Syrians). The June 2016 reform also annulled the previous possibility for the appellant

to obtain an oral hearing before the appeals committees upon request. Applications for annulment have been submitted to the Council of State, invoking, inter alia, issues with regard to the constitutionality of the amendment. A recent reform in March 2017 enabled EASO staff to assist the appeals committees in the examination of appeals, despite criticism on the part of civil society organizations. Since the establishment of the (new) appeals committees on July 21<sup>st</sup>, until December 31<sup>st</sup>, 2016, the recognition rate of international protection was no more than 0.4 %. This may be an alarming finding with regard to the operation of an efficient and fair asylum procedure in Greece. Respectively, by February 19<sup>th</sup>, 2017, the new appeals committees had issued 21 decisions on admissibility. All these 21 decisions have confirmed the first-instance inadmissibility decision.<sup>39</sup>

## CIVIL SOCIETY RESPONSE TO THE MOVEMENTS OF REFUGEES IN 2015/2016

### CIVIL SOCIETY RESPONSE TO THE MOVEMENTS OF REFUGEES IN 2015/2016

During the first months of the refugee crisis, both the Greek government as well as the EU bodies were unprepared for the massive scale of undocumented arrivals. Available resources (e.g. infrastructure, human resources, etc.) were inadequate for both rescue and registration operations as well as for the provision of housing, transportation, and other basic services to people in need. Thus, it is widely acknowledged that without the combined efforts of the local population, whose quick reflexes helped to fill the gaps during the early stages of the crisis, and the humanitarian community’s subsequent emergency response human loss and suffering would have been much graver. Especially at the Eastern Aegean islands, these *ad hoc* initiatives helped to fill vital governmental gaps, with Lesbos being the most exemplary case of the development of frontline responses during these early months. The situation is vividly described by one of the interviewees who witnessed the unfolding of the crisis on the island, first as a journalist, then as a volunteer, and later on as an aid worker:

*“In July and August, the only people operating were local volunteers ... Back then, there was only one policeman conducting registrations ... By September, some small volunteer groups started arriving ... That was also [the time] when INGOs started sending people to as-*

*sess the situation ... I really think that up to the end of December 2015, the response was 100 % civil society-led; everything came from [the civil society] and I think it was from January that the NGOs started operating [in a concise manner] ... Even food distribution was done by volunteer groups between October [2016] to about February [2016] in Moria [the most populated official camp in Greece, now a ‘hotspot’]. Everything was civil society-led. It was quite remarkable, really.”*

Through their efforts, volunteers and local residents sought to address the urgent needs at hand. At this early stage, the humanitarian response consisted in the provision of basic services and focused on rescue and relief operations. Dozens of volunteers of all ages and backgrounds gathered at the northern coastline of Lesbos – where the boats would arrive – to offer their help. Amongst the numerous and ever-changing tasks that volunteers would undertake were rescues on land and at sea, the management of communications, the overall distribution of food (including its preparation) and other goods (e.g. blankets and dry clothes) as well as the provision of basic information and advice in a multiplicity of languages, to name only a few.<sup>40</sup> Especially after the worldwide sensitization that followed the publication of Aylan Kurdi’s image – the three-year old Syrian boy whose lifeless body washed ashore – Lesbos experienced an unprecedented proliferation of all kinds of initiatives, ranging from activist and

solidarity groups to local and international NGOs. At the peak of the crisis, approximately 100 organizations were registered as providing assistance to refugees on Lesvos. Though some may by now have ceased, changed, or even increased their activities due to the decrease in the number of arrivals and the change in needs, for the purpose of a better contextualization of the situation, a sample list of those that, at one point or another, were engaged in refugee aid in Lesvos is provided below.<sup>41</sup>

and each municipality’s political willingness to accept and/or foster civil society initiatives. Though apparent and indispensable, volunteer and NGO mobilization differed in its materialization based on such factors. Thus, in some cases, such as Lesvos, volunteers and local residents assumed and maintained a leading role in the humanitarian response, while in other cases, NGOs and institutional actors were the main humanitarian actors right from the start. Indicative is the example of Kos, which, despite its

| Organization                        | Description of Activities   |
|-------------------------------------|---|
| Advocates Abroad                    | Legal and non-legal aid   |
| Art Angels Relief Team              | Health Support, sharing knowledge and skills through art  |
| Because We Carry                    | Kids’ programs in Kara Tepe   |
| Lifeguard Hellas                    | Land and maritime rescue  |
| Locals of Molyvos                   | Cleaning shores   |
| Doctors without Borders             | Medical care, search and rescue operations  |
| Zainabiyya Alliance for Refugees    | Protection and legal monitoring at Moria  |
| CAMPFIRE Innovation                 | Administration, coordination, support for small NGOs and volunteers                             |
| O Allos Anthropos                   | Social kitchen  |
| Marhacar                            | Shuttle service delivering supplies (from the warehouses to camps)                              |
| METAdrasi                           | Translators and child protection  |
| Praksis                             | Medical and humanitarian intervention   |
| Office of Displaced Designers (ODD) | Skill sharing and the co-production of knowledge for designers who have been forcibly displaced |
| The Hope Project                    | Supporting boat arrivals, receiving and distributing aid  |
| Dirty Girls of Lesvos               | Washing blankets and clothing for re-use  |
| Movement on the Ground              | Green infrastructure development  |
| Caritas                             | Shelter provision on the isle of Lesvos   |

During the fall of 2015, the July/August volunteer-led response to the crisis steadily formalized, with a number of volunteer-based organizations being established (by volunteers) for the purpose of enhancing capacity and overall credibility.<sup>42</sup> While increasingly robust volunteer groups continued to play an important role, however, the organization and infrastructure provided by international NGOs and the UNHCR – which, as time progressed, started assuming major responsibilities and a coordinating role – was crucial in establishing a more comprehensive, properly funded, and resilient humanitarian operation.

That being said, the situation on the isle of Lesvos represents only one – and a rather unique – case. At national level, the civil society’s response varied greatly from place to place and island to island, depending, amongst others, on the scale of arrivals, the local tradition of volunteerism, the public opinion towards refugees and migrants, the island’s economic dependence on tourism,

close proximity to the Turkish coastline, is also an island traditionally characterized by limited irregular arrivals. The General Secretary of Population and Social Cohesion – which at the time functioned under the competency of the Ministry of Migration Policy – described the situation on the isle of Kos as follows:

*“The only ‘reception centers’ in Kos were the two to three cells at the [local] police station, [which had a] 20-25 people maximum [capacity]. The situation ... got completely derailed in the summer of 2015. A volunteer movement was created from scratch. Before that there were no volunteer groups [assisting] migrants because there were no migrants and refugees ... It is at this point where we have the concentration of 1,000, 2,000, 3,000 people. We also have the first racist phenomena ... In the summer of 2015, when there were no other [such phenomena] in the country, we had them in Kos ... The Ministry did not have a single person in Kos, due*

to the administrative deficiencies of the time ... Then the army, the Red Cross and NGOs, such as Médecins Sans Frontières, [got involved, and] settled there from the first moment. At least they offered medical services and set up some tents, while another, large-scale, foreign NGO implemented some completely new, for Greek standards, systems. Hotel rentals, catering vouchers to local restaurants were first implemented in Kos under a private initiative that was tolerated by the state because [the latter] could not monitor and control it. The local municipality was very uncooperative. It only cooperated with the police. They simply tolerated the activity of some NGOs.”

Civil society’s reaction-based model of intervention, however, was effective on the mainland as well. Wherever there was a large concentration of people in need of immediate support, humanitarian initiatives soon sprung up. For instance, as Athens was gradually transformed into the main transit station for people on the move, public spaces, such as the “Pedion tou Areos” park or, more so, the central Victoria square, were hastily transformed into informal settlements, where temporary “residents” got daily assistance from volunteer groups and NGOs. As the representative of “Faros”, an Athens-based organization, observed:

“In the summer of 2015 – during which the Greek financial crisis was also underway – everything was very difficult; the international organizations hadn’t yet arrived. [At the time] We were based in the Exarchia area and we were impressed by the solidarity displayed by the local population ... especially considering the sheer number of refugees staying in Pedion tou Areos ... how many groups, you know, would come and would feed these hundreds of people; breakfast, lunch, dinner.”

This is further corroborated by testimonies, such as the one given by a translator that has been working with the Greek Council for Refugees (GCR) and the Hellenic Red Cross since the 1990s. His testimony adds an additional element to the Greek society’s astounding response to the crisis. It needs to be noted in this context that Greece has historically been an emigration country; which facilitated the locals’ identification with the predicament of the persons on the move and which helps to highlight some of the underlying factors that led to the mobilization of the Greek diaspora, which, as the following statement makes perfectly clear, was instrumental in civil society’s overall effort to manage the crisis:

“Here, in Athens, people were coming and requesting to host refugees in their homes. If you recall, there were also TV announcements, encouraging people to offer material help, etc. While managing the Greek Red Cross emergency phone line, I was receiving up to 400 calls per day from 8 am to 8 pm. And [phone calls] were not only coming from within Greece, but from abroad as well. Most of them were from Greek[s] living abroad – in Switzerland, Germany, US, Canada – and who were [interested in helping]. If they could ... provide food or items, they could make a donation ... Others were even interested in adopting children that had lost their parents, which, of course, is another matter altogether.

One of the humanitarian response’s most noteworthy features has been the coexistence and collaboration of different types of organizations and groups. INGOs and Greek NGOs with more formal and structured rules and procedures were working alongside more spontaneously-driven and less structured newly founded NGOs, grassroots groups, and individual volunteers from diverse backgrounds. Indeed, the way these actors operated was oftentimes complementary: What one lacked in resources, organizational capacities, or professional training, it made up with flexibility, personal commitment, or knowledge of the local context. This heterogeneity served to address the diverse needs of refugees and proved to be (relatively) functional, if one is to consider both this exceptional configuration and the extraordinary situational pressure. Amongst the positive effects of this spontaneous cooperation is the improvement of conditions at the camp of Kara Tepe (on the isle of Lesbos) and the emergency mobilization in response to the situation at Idomeni and the Piraeus port a few months later. However, there were downsides as well, such as, for instance, tensions between volunteers, who occasionally felt that they were shunted by the larger NGOs, and the professional actors, who were at times skeptical of the volunteers’ unfamiliarity with standard operating procedures.<sup>43</sup> As a result, parallel coordination meetings would at times be held, which as vividly highlighted by one interviewee, were rather ineffective:

“There were different forms of coordination. [At first] Much of the volunteer and civil society-based response was made possible through WhatsApp, Facebook and other, such, technologies. Later on, UNHCR took a coordinating role, but the volunteer groups weren’t really part of that coordination effort, which I guess is a failure on both parts ... So, even if you did have volunteer

*NGO coordination meetings ... it took a very long time for actual standard procedures [to be implemented] for anything ... you could coordinate ... but if there was no streamlined process, what was the point, anyway?*

Other concerns with respect to the management of the crisis raised during the interviews were related to certain managerial and operational failures, the lack of specialization and skills including an inability to identify vulnerable people and to provide them with tailored support, the absence of referral pathways, and the provision of short-term solutions, which resulted in unnecessary costs. A UNHCR employee explained this as follows:

*“We [could not know] from the outset what the most economic and direct way to respond to all needs [would have been]. So I do not think there has been mismanagement in terms of money being wasted ... But there were things that could have been different from the beginning. For example, it was a cost to put up tents and then ... replace them with containers ... things like that entailed additional costs, but I do not think they could have been done in any other way.”*

### **CIVIL SOCIETY’S ACTIVITIES AND ROLE BEFORE THE “BALKAN ROUTE” CLOSURE**

As the first border restrictions were imposed, volunteers and NGOs were faced with an extremely challenging situation. The Idomeni settlement at the Greek-Macedonian border and the port of Piraeus, where around 11,000 respectively 5,000 people stayed respectively were stranded are perhaps the most notable cases. As pointed out by some of the interviewees, there was an evident lack of pro-active response and no systematic or concise information about the new borders situation or the relocation scheme was provided at entry points. False expectations and misinformation as to the potential reopening of the borders meant that people would continue their journey towards the northern Greek borders, only to see their plans crossed.

Under these conditions and due to a lack of any state provisions, civil society actors, now skilled and knowledgeable from their experience during the past months, were able to provide vital services. As a representative of Doctors without Borders notes with respect to the situation at the Piraeus port, the responsiveness, commitment, and organizational capacities of the volunteers astonished even professional and experienced aid workers:

*“It was extraordinary and surprising how this [response] came out of nothing ... volunteers had things under control ... we had to go to Piraeus to offer services ourselves and at one point we just ended up helping volunteers. That is, we offered services that they could not provide, such as medical ... people were telling us what they lacked ... we helped them, and they also helped us to do things in a proper way and to work there. Indeed, the volunteer movement was very big and powerful and very organized, and it still is.”*

Following the closure of the “Balkan route”, the biggest challenge for both state and non-state actors was the accommodation for the approximately 60,000 asylum seekers that were stranded in Greece. Parallel to the official reception system managed by the National Centre for Social Solidarity (EKKA) – the authority responsible for sheltering asylum seekers – and in order to address the dire needs of those stuck at Idomeni, a number of temporary camps was put in place on the mainland, at Piraeus and other makeshift settlements. Often, the Hellenic Army assisted by UNHCR and IOM undertook the conversion of unused facilities into camps. The camps were usually isolated and built outside of urban areas, meaning that their inhabitants were almost completely dependent upon humanitarian aid to survive. Interviewees suggested that military-run camps were frequently more organized and functional than the ones, which were under the administration of the Ministry of Migration. In the latter case, site managers were appointed with great delays and their administration skills, priorities, and practices greatly varied from camp to camp.

In the meantime, both the numbers of volunteers and those of donations gradually started decreasing, while the camps’ remoteness made the engagement of individual volunteers and groups unsustainable. This was the case as winter started making life even harder for camp-dwellers and, despite the efforts of the remaining NGOs and volunteers to adapt and deal with the new obstacles, it quickly became apparent that without the support of established humanitarian aid organizations and a greater infrastructure, their efforts could not but fall short of meeting the growing and more complicated needs of the stranded asylum seekers.

Another development that significantly influenced the kinds of humanitarian and civil society interventions was the change in needs – from emergency responses, such as search and rescue operations, to legal and psychoso-



cial support, education, support in case of gender based and sexual violence, to name just a few. That meant that issues requiring the intervention of skilled, professional actors were outsourced to larger NGOs. Within the RICs (Reception and Identification Centers), for instance, medical and psychosocial care was outsourced to Médecins du Monde (Mdm), PRAKSIS and Medical Intervention (MedIn), information was provided by UNHCR and IOM, and interpretation services were provided by IOM and Metadras. The Hellenic Police was responsible for guarding the external area of the hotspot facilities, as well as for the identification and verification of the newcomers' nationalities.<sup>44</sup>

The more systematic involvement of professional humanitarian actors in all aspects of the crisis management was also enabled by a significant change in funding. On April 19<sup>th</sup>, 2016, the European Commission announced that it would be granting 83 million euros in order to improve living conditions for refugees in Greece. This was made possible through the emergency support mechanism, which was activated for an EU member state for the first time and under which 700 million euros would be allocated to eight organizations of the DG ECHO between 2016 to 2018. Organizations to which funds were allocated include UNHCR, the International Federation of Red Cross, the International Rescue Committee (IRC), the Danish Refugee Council (DRC), Médecins du Monde (Mdm), OXFAM, the German Arbeiter-Samariter-Bund (ASB), and Save the Children. All the aforementioned organizations delivered their work either directly or through partnerships with other NGOs. Coordination took place through a multiplicity of working groups, mostly organized by UNHCR, and they were addressing matters from education and protection, to health and sexual and gendered-based violence. Finally, regular meeting of the actors based or offering services in the camp would also take place within the camps. The importance of collaborations between INGOs and local partners is conveyed sharply in the words of a representative of Save the Children:

*“Basically we wouldn't have been able to deliver so much without partners ... [They] knew the [local] context ... it was really beneficial for both sides. There was a lot of exchange of good practices, a lot of collaboration. I mean, its really true that we wouldn't have been able to deliver so much for children without partners ... One other thing about partnerships ... is also capacity building ... not just from a technical point of view ... but also from an organizational point of view ... for example*

*finance, logistics, monitoring evaluation ... I've seen the relationship with the partners growing, developing, and ... it's really rewarding ... It's a shared achievement.*

Due to the very limited capacity of the Greek reception system, many of the emergency resources have been channeled to provide accommodation. According to the EKKA, the total number of requests for accommodation received in 2016 was 14,873, compared to 4,087 requests submitted in the respective period of 2015. This represents an increase in accommodation demand of 264 %. As of January 2017, a total of 1,896 places were available at 64 reception facilities mainly run by NGOs, out of which 1,312 were dedicated to unaccompanied children. As of January 13<sup>th</sup>, 2017, 1,312 unaccompanied children were accommodated in long-term and transit shelters, while 1,301 unaccompanied children were waiting for a place. Of the unaccompanied children on the waitlist, 277 were in closed reception facilities (RIC) and 18 were detained in police stations under “protective custody”.<sup>46</sup> In light of the problems of the national accommodation referral system of shelters and apartments and the substandard conditions of large-scale encampments, UNHCR inaugurated the Accommodation and Services Scheme, which aimed to establish 22,000 accommodation places by the end of 2017, primarily dedicated to asylum seekers eligible for relocation including Dublin family reunification candidates and particularly vulnerable asylum seekers. Accommodation provided by UNHCR can be in apartments, hotels, or in other buildings, with a host family or in a site setting. All asylum seekers under the scheme are provided with cash cards that cover their daily needs such as food and hygiene items.<sup>47</sup> As of August 1<sup>st</sup>, 2017, the total number of places provided by UNHCR and operational partners (Care, Norwegian Council for Refugees, Terre des Hommes) reached 18,791.<sup>48</sup>

Efforts to move people out of the camps and into hotels and apartments also shifted the focus of several NGOs towards the urban population. Many NGOs, such as Care, IRC, or Save the Children, employed mobile units consisting of small and flexible teams of qualified social scientists, psychologists, and interpreters that were able to intervene in urban areas, provide information, identify vulnerable individuals, or refer them to their case-management teams or to suitable partner organizations. Several other NGOs, such as Caritas, MSF, Jesuit Refugee Service, Praxis, and Mercy Corps, have opened centers around the central Victoria Square in Athens, where they are offering a multiplicity of services and activities which aim not just

## OVERVIEW OF FUNDING AND SERVICES OFFERED<sup>45</sup>

| EU Humanitarian Partner                   | Funding Amount | Duration  | Type of Action  |
|---|----------------|-----------|---|
| UNHCR                                     | € 25 million   | 9 months  | 50,000 refugees at 15 sites will benefit from (1) technical and material assistance (such as sleeping mats, blankets, clothing, hygiene kits, rain poncho, socks, kitchen sets, soaps, solar lamps), (2) water, sanitation, and hygiene assistance in temporary accommodations, (3) protection assistance with emphasis on unaccompanied or separated children. Additional component: humanitarian coordination support to the humanitarian community in Greece   |
| International Federation of the Red Cross | € 15 million   | 10 months | 44,000 refugees at 15 sites will benefit of (1) basic health care, (2) food parcels and non-food items, such as sleeping mats, blankets, clothing, hygiene kits (including for women), kitchen sets, soaps, (3) water, sanitation, and hygiene assistance, (4) psychosocial support, (5) assistance to re-establish family links thanks to the world-wide Red Cross network.  |
| Danish Refugee Council                    | € 8 million    | 9 months  | 7,500 beneficiaries at five sites will benefit from a multi-sectoral approach, which includes site management support, protection, water, sanitation, and hygiene assistance as well as shelter and the provision of core relief items to cover the needs.  |
| International Rescue Committee            | € 10 million   | 10 months | Multi-sectoral assistance including protection, psychosocial support, safe spaces for women, safe learning and healing spaces for children, water, sanitation, and hygiene, and food assistance for 16,000 beneficiaries  |
| Save the Children                         | € 7 million    | 12 months | Delivery of child protection activities to vulnerable, at-risk children and their families stranded in mainland Greece. Activities include the provision of child friendly spaces, non-formal education classes, psychosocial support, and nutrition. In partnership with the Greek national authorities, unaccompanied minors and children separated from their families will also receive targeted interventions.   |
| OXFAM                                     | € 6 million    | 12 months | Assistance for water, sanitation, and hygiene, food, protection and improvement of shelter (winterization), and other essential items. Improvement of shower and toilet facilities for 3,000 people and increased access to services, better consideration of protection site design/management for 2,750 people. Activities are both focused in the West, an area where there are few partners active. Food for 3,000 people, mainly via vouchers, is provided in the North. Essential items for 3,000 people will include 600 shelter winterization kits. |
| Arbeiter-Samariter-Bund                   | € 5 million    | 12 months | Provision of shelter and basic services, including health and psychosocial support, non-food items, child-friendly spaces, legal support and interpretation for 1,500 beneficiaries in Thessaloniki.  |
| Médecins Du Monde                         | € 7 million    | 12 months | Primary health care, referrals for specialized medical care, psychosocial support for migrants and refugees. The project aims at reducing health risks and providing health care (including specialized health) to 18,000 refugees and migrants stranded in Greece, through fixed and mobile medical units. It respects national curricula and referral mechanisms.   |

at covering basic needs, but to also at offering long-term psychosocial care and creating opportunities for successful integration. The organization Faros is an illustrative example:

*“We are based in the center of Athens, where we have a day center and a shelter for unaccompanied children between ten to sixteen years of age. We provide different activities in the day center ... non-formal educational classes, vocational training ... recreational activities, and we also house twenty children. Then we have*

*another center, at Victoria Square, which is one of the Blue Dot Centers. There we have a CFS, we have a social worker, a mother-baby area, we provide legal information and we have people coming in ... UNHCR comes in and does legal trainings and UNICEF ... provides information on health, with Mercy Corps we do awareness classes ... and now, we have showers, toilets ...”*

As part of this process, instead of providing humanitarian aid directly to asylum seekers and recognized refugees, several organizations opt to support and guide

them through the bureaucratic processes that will allow them to get access to health care services, education, and other programs aimed at the general population. This operational choice is not only necessary due to the integration needs of the beneficiaries, but also due to the phasing out process that many organizations have entered recently. A UNHCR employee explains it as follows:

*“Since December 13<sup>th</sup>, 2016, Greece is not considered an emergency mission any longer. There is therefore a gradual faze out which may entail reducing the partners or minimizing the role of UNHCR in the field ... or curtailing the physical presence of UNHCR while increasing the presence of partners in the field. This is something that often happens, UNHCR pulling its staff from the field and leaving partners to take up tasks while UNHCR retains the protection monitoring. Its main role ... at the moment is to do protection monitoring and care maintenance. That is to deal with the technical functioning of the sites and to have the protection monitoring, which at the same time means monitoring the work of the partners.”*

Moreover, the representative of Save the Children indicates the downsizing and phasing out process entails some mindful steps, so as to avoid creating operational gaps that might have an impact on the quality of the services provided.

*“It was decided to phase out for health and nutrition. We selected or we are in the process of selecting partners who can take over, and so, basically, in the last month we are training these partners in order for them to be able to take over all these cases. And we are also planning donations, for example we have a lot of material in stock that we will not need any more.”*

It cannot be doubted that the closure of the Balkan corridor and the EU-Turkey deal changed the landscape of civil society responses to the refugee crisis in Greece. As elaborated, there were various factors that contributed to that shift.

First of all, the needs of stranded asylum seekers required a different form of intervention, which in turn required a more institutional and professional approach to service provision. Legal, administrative as well as geographical restrictions partially undermined the continuation of the volunteer-led response in the previous forms. Still, even though there was less space for spontaneous

initiatives, volunteers, small groups, and organizations continued to be active in various areas of refugee support.

Almost all interviewees sanctioned the border restrictions and especially the EU-Turkey deal for the impact they had on stranded migrants, and they particularly stressed the damaging effects of the subsequent geographical restrictions for those arriving in Greece after March 20<sup>th</sup>, 2016. At the same time, they also marked the improvements with regard to the organizational, operational, and coordination capacities compared to the previous year, without failing to mention the still existing problems of a response, which happens still quite decentralized, as well. One aid worker on the island of Lesvos concludes:

*“I think people know what they are doing a bit more. The organizations know what they are doing in terms of their roles and their functions ... they are trained and have a bit more experience now ... I still don't think we have the final list of all the camps functioning, but we are now at a point where we know about most camps ... who is in psychosocial provision, who is the legal aid provider etc. That's a step, that's a big step, considering how decentralized this entire response is and how fractured everything is. You have 60.000 people across 50 different camps with different service providers for all the different needs. It's hard to manage.”*

Other significant issues that were raised during the interviews regarding the challenges of crisis management at this stage were the duplication of tasks by different NGOs within the same camps, the difficulty of large INGOs to operate in European territory that have been acquainted only to the context of weak and failing states lacking a rigid set of laws, rules, and routines, the discontinuation of funding for projects, which led to severe operational gaps, the ongoing bureaucratic obstacles for enrolling asylum seekers and refugees in national registries, which would allow them to legally claim their rights to services intended for the general population, and the future uncertainty with regard to the lack of proper transitioning processes to a more centralized state model of refugee support.



## CONCLUSION

Civil society's response to the large-scale influx of refugees in 2015/16 to Greece was surprisingly high, enduring, and efficient. During the first phase of the humanitarian response, between May and late August 2015, it were mostly local volunteers, activist groups, and small initiatives that offered humanitarian assistance to those arriving on the islands or the mainland, thereby filling the void created by the absence of national and/or EU responses. At this stage, the main focus of the humanitarian response were rescue and relief operations and the provision of basic material support and healthcare. From September 2015 to mid-January 2016, there was a gradual professionalization of the humanitarian response on the islands, which was characterized by the increased involvement of national and international NGOs. This resulted in an increased capacity and effectiveness of addressing the needs of new arrivals, the establishment of referral pathways, and the establishment of a mechanism to deal with vulnerable cases.

From mid-January to March 2016, when the Balkan route was closed and the EU-Turkey statement had been implemented, the state attempted to make its role and presence more noticeable in the context of humanitarian response, and along with major international and national NGOs it took the lead, as the role of minor civil society actors was steadily curtailed. This was a result of both a conscious effort by state and EU bodies to gain control and overview over the situation but also a logical implication of the emergence of more complex needs of stranded asylum seekers. Accommodation, cash assistance, psychosocial care, legal protection, education, medical care for people with chronic illnesses, mental disorders, and disabilities, social integration, long-term support for unaccompanied minors and single or new mothers, protection of victims of sexual and gendered violence became some of the chief concerns of service providers. The most

recent development of the humanitarian response can be seen in the effort to transition from large camps in the mainland to smaller housing units in urban areas and to give asylum seekers and recognized refugees access to the national social, health and education system as well as to the labor market. The transition towards a centralized state model of governance, which coincides with a phasing out of operations of large-scale professional humanitarian actors, faces various administrative, bureaucratic, funding related, and organizational obstacles. Moreover, after the EU-Turkey deal was implemented, there are serious concerns regarding the situation on the islands, which are governed by a separate security logic as they simultaneously serve as EU external borders. Public advocacy activities, which had remained in the background due to other priorities and pressing needs are now gaining renewed importance and constantly raise the aforementioned issues to the attention of relevant authorities. At this transitioning stage, civil society actors can play a fundamental role by sharing their invaluable knowledge and experience of the past by means of training and workshops to partners and public servants that will follow up their work. Moreover, by monitoring the quality of services, they can provide a necessary supervision of the system, while contributing to the harmonization and improvement of national policy by means of their remarks and recommendations. This requires the fostering of the channels of communication and coordination among CSOs, policy makers, the competent ministries, intergovernmental actors, and EU bodies. Finally, the experiences and skills gained by volunteers and smaller civil society initiatives through their active involvement in the refugee crisis response should not be left to fade out. Instead, fostering interactive activities between local communities and asylum seekers and refugees may prove crucial to building social cohesion and a sense of home that is so necessary to violently uprooted people.

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1 >>> [https://www.iom.int/sites/default/files/situation\\_reports/file/Mixed-Flows-Mediterranean-and-Beyond-Compilation-Overview-2015.pdf](https://www.iom.int/sites/default/files/situation_reports/file/Mixed-Flows-Mediterranean-and-Beyond-Compilation-Overview-2015.pdf); It is to be noted that the matter of higher arrivals by sea is not a new phenomenon. Rather, it traces back to the 2012 erection of a barbed-wire fence along the Greek-Turkish land borders, which effectively meant the transformation of the Eastern Aegean islands (mainly Lesbos, Kos, Samos, Chios, and Leros), and especially Lesbos, which saw more than 500,000

people arriving at its shores throughout 2015, into the main entry points during the recent refugee crisis.

2 >>> [https://www.iom.int/sites/default/files/situation\\_reports/file/Mixed-Flows-Mediterranean-and-Beyond-Compilation-Overview-2015.pdf](https://www.iom.int/sites/default/files/situation_reports/file/Mixed-Flows-Mediterranean-and-Beyond-Compilation-Overview-2015.pdf)

3 >>> [https://www.iom.int/sites/default/files/situation\\_reports/file/Mixed-Flows-Mediterranean-and-Beyond-Compilation-Overview-2015.pdf](https://www.iom.int/sites/default/files/situation_reports/file/Mixed-Flows-Mediterranean-and-Beyond-Compilation-Overview-2015.pdf)

- 4 >>> [http://asylo.gov.gr/wp-content/uploads/2017/07/Greek\\_Asylym\\_Service\\_Statistical\\_Data\\_GR.pdf](http://asylo.gov.gr/wp-content/uploads/2017/07/Greek_Asylym_Service_Statistical_Data_GR.pdf)
- 5 >>> [https://www.iom.int/sites/default/files/situation\\_reports/file/Mixed-Flows-Mediterranean-and-Beyond-Compilation-Overview-2015.pdf](https://www.iom.int/sites/default/files/situation_reports/file/Mixed-Flows-Mediterranean-and-Beyond-Compilation-Overview-2015.pdf)
- 6 Importantly, the decisions to partially close the borders led to the first scenes of tension at the northern Greek border. On December 9th, 2016, Greek riot police were deployed there with the aim of evicting the people stranded at Idomeni, by putting them on buses towards Athens. When 300 people refused, protests and several arrests soon followed, with media and independent observers being denied access to the camp. >>> <http://moving-europe.org/the-balkan-corridor-a-retrospective-on-migration-struggles-and-state-repression/>
- 7 >>> <https://www.theguardian.com/world/2016/feb/27/thousands-of-refugees-stranded-at-greece-macedonia-border>
- 8 >>> [https://www.iom.int/sites/default/files/situation\\_reports/file/Mixed-Flows-Mediterranean-and-Beyond-Compilation-Overview-2015.pdf](https://www.iom.int/sites/default/files/situation_reports/file/Mixed-Flows-Mediterranean-and-Beyond-Compilation-Overview-2015.pdf)
- 9 For instance, from 27,123 arrivals in March, within a month's time, the number had dropped to 3,934 >>> [https://www.iom.int/sites/default/files/situation\\_reports/file/Mixed-Flows-Mediterranean-and-Beyond-Compilation-Overview-2015.pdf](https://www.iom.int/sites/default/files/situation_reports/file/Mixed-Flows-Mediterranean-and-Beyond-Compilation-Overview-2015.pdf)
- 10 >>> <https://www.iom.int/news/migrant-arrivals-mediterranean-reach-272070-deaths-sea-3165>
- 11 >>> [http://asylo.gov.gr/wp-content/uploads/2017/07/Greek\\_Asylym\\_Service\\_Statistical\\_Data\\_GR.pdf](http://asylo.gov.gr/wp-content/uploads/2017/07/Greek_Asylym_Service_Statistical_Data_GR.pdf)
- 12 >>> [https://www.iom.int/sites/default/files/situation\\_reports/file/Mixed-Flows-Mediterranean-and-Beyond-Compilation-Overview-2015.pdf](https://www.iom.int/sites/default/files/situation_reports/file/Mixed-Flows-Mediterranean-and-Beyond-Compilation-Overview-2015.pdf)
- 13 >>> [https://www.iom.int/sites/default/files/situation\\_reports/file/Mixed-Flows-Mediterranean-and-Beyond-Compilation-Overview-2015.pdf](https://www.iom.int/sites/default/files/situation_reports/file/Mixed-Flows-Mediterranean-and-Beyond-Compilation-Overview-2015.pdf)
- 14 >>> [https://www.proasyl.de/wp-content/uploads/2015/12/2017-06-14-RSA-Policy-Paper\\_Greek-Hotspots\\_Deaths-not-to-be-forgotten.pdf](https://www.proasyl.de/wp-content/uploads/2015/12/2017-06-14-RSA-Policy-Paper_Greek-Hotspots_Deaths-not-to-be-forgotten.pdf)
- 15 As per the Commission's official definition, a "hotspot" is an external borders' section characterized by "specific and disproportionate migratory pressure, consisting of mixed migratory flows". >>> <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52015DC0240>
- 16 >>> [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/background-information/docs/2\\_hotspots\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/background-information/docs/2_hotspots_en.pdf); >>> <http://www.statewatch.org/news/2015/jul/eu-com-hotspots.pdf>; >>> <http://eumigrationlawblog.eu/hotspots-and-relocation-schemes-the-right-therapy-for-the-common-european-asylum-system/>
- 17 As reported, island hotspot facilities are not only overcrowded, but are also characterized by substandard material conditions in terms of sanitation, hygiene, and access to essential services (e.g. health care), in particular for vulnerable groups. >>> <http://www.asylumineurope.org/reports/country/greece>
- 18 >>> <http://eumigrationlawblog.eu/hotspots-and-relocation-schemes-the-right-therapy-for-the-common-european-asylum-system/>
- 19 >>> <http://eea.iom.int/index.php/what-we-do/eu-relocation>
- 20 >>> <http://migration.iom.int/europe/>
- 21 >>> <http://www.asylumlawdatabase.eu/en/content/ecthr-mss-v-belgium-and-greece-gc-application-no-3069609>
- 22 >>> [http://www.europarl.europa.eu/meetdocs/2009\\_2014/documents/libe/dv/p4\\_exec\\_summary\\_/p4\\_exec\\_summary\\_en.pdf](http://www.europarl.europa.eu/meetdocs/2009_2014/documents/libe/dv/p4_exec_summary_/p4_exec_summary_en.pdf)
- 23 Until recently, it was also comprised of the Appeals Authority, which is the body competent for examining second instance administrative (quasi-judicial) appeals lodged against negative first-instance decisions issued by the Asylum Service, but pursuant to L.4375/2016 (amended by L.4399/2016), the new Appeals Authority gained its autonomy and is now similarly under the jurisdiction of the MoMP. >>> [http://asylo.gov.gr/en/?page\\_id=42](http://asylo.gov.gr/en/?page_id=42)
- 24 >>> <http://asylo.gov.gr/en/wp-content/uploads/2017/01/Press-Release-17.1.2017.pdf>
- 25 >>> <http://asylo.gov.gr/en/wp-content/uploads/2017/01/Press-Release-17.1.2017.pdf>
- 26 >>> <http://www.asylumineurope.org/reports/country/greece/asylum-procedure/differential-treatment-specific-nationalities-procedure>
- 27 >>> <http://www.asylumineurope.org/news/26-05-2015/greece-asylum-service-reduces-operations-athens-due-staff-shortage>
- 28 >>> <http://www.gcr.gr/index.php/el/news/press-releases-announcements/item/554-adyndamia-prosvasis-sto-asylo>
- 29 >>> <http://asylo.gov.gr/en/wp-content/uploads/2017/01/Press-Release-17.1.2017.pdf>
- 30 >>> [http://www.asylumineurope.org/sites/default/files/report-download/aida\\_gr\\_2016update.pdf](http://www.asylumineurope.org/sites/default/files/report-download/aida_gr_2016update.pdf)
- 31 >>> <http://www.consilium.europa.eu/en/press/press-releases/2016/03/18-eu-turkey-statement/>
- 32 >>> <http://www.asylumineurope.org/sites/default/files/resources/no-283-why-turkey-is-not-a-safe-country.pdf>
- 33 >>> <http://www.asylumineurope.org/news/28-03-2017/aida-2016-update-greece>
- 34 >>> <http://www.asylumineurope.org/news/28-03-2017/aida-2016-update-greece>
- 35 >>> <http://www.asylumineurope.org/news/28-03-2017/aida-2016-update-greece>
- 36 >>> <http://www.asylumineurope.org/news/28-03-2017/aida-2016-update-greece>
- 37 LLD 142/2015 describes the following groups as vulnerable: minors, unaccompanied minors, pregnant women, single parents with minor children, victims of trafficking, disabled and elderly people, persons affected by serious illness or mental disorders; persons for whom has been proved that they have experienced torture, rape, or other serious forms of psychological, physical, or sexual violence; victims of genital mutilation.
- 38 >>> [https://ec.europa.eu/commission/sites/beta-political/files/december2016-action-plan-migration-crisis-management\\_en.pdf](https://ec.europa.eu/commission/sites/beta-political/files/december2016-action-plan-migration-crisis-management_en.pdf)
- 39 >>> <http://www.asylumineurope.org/news/28-03-2017/aida-2016-update-greece>
- 40 >>> <http://www.atha.se/blog/humanitarianism-without-humanitarians-refugee-relief-lesvos-greece>
- 41 >>> <http://www.greecevol.info/orgs.list.php?tag%5B12%5D=1&filter=set&mysearch=&sort=name>
- 42 >>> <http://www.migrationpolicy.org/article/refugee-flows-lesvos-evolution-humanitarian-response>
- 43 >>> <http://www.migrationpolicy.org/article/refugee-flows-lesvos-evolution-humanitarian-response>
- 44 >>> <http://www.asylumineurope.org/news/28-03-2017/aida-2016-update-greece>
- 45 >>> [http://europa.eu/rapid/press-release\\_IP-16-1447\\_en.htm](http://europa.eu/rapid/press-release_IP-16-1447_en.htm)
- 46 >>> <http://www.asylumineurope.org/reports/country/greece/reception-conditions/housing/types-accommodation>
- 47 >>> [http://donors.unhcr.gr/relocation/en/home\\_en/](http://donors.unhcr.gr/relocation/en/home_en/)
- 48 >>> <http://donors.unhcr.gr/relocation/en/2017/08/01/accommodation-programme-weekly-update-1-august-2017/>

## INTRODUCTION

In order to provide an overall perspective on the current situation of refugees living in countries along the so-called “Western Balkan route”<sup>1</sup>, this report seeks to outline the scope of change, particular outcomes, routine trends, and the general aftermath of the large-scale influx of refugees in 2015, coined by many as a “refugee crisis”, by means of the application of cross country analysis.

At the time of the refugee crisis, here instead referred to as “political crisis”, “crisis of responsibility”, and/or “crisis of solidarity”, governments made unprecedented political arrangements to allow for an orderly and facilitated transit from Greece to Germany along the Western Balkan route. Civil society not only across Europe, but the wider world emerged to show its support for those fleeing from war-torn, insecure, and hostile regions, despite domestic tensions in the respective transit and destination countries. At that time, it felt that those months between mid-August 2015 and the beginning of 2016 would have been more or less unmanageable without the pro-activeness of the plural sector, activists, grassroots initiatives, and NGOs and the willingness of local and international volunteers – a feeling which was retrospectively verified by scholars and experts<sup>2</sup>. Veton Latifi (2017, 167) discusses the role of international organizations along the Balkan route stating that they “have shaped many innovative dimensions, including their advising orientation and support for refugees and local authorities (mainly through providing help on legal issues)”. In his article, Ryan Heath notes that the NGO and private sector had to take matters into their own hands in order to cope with the refugee and migration crises, since the EU governments’ efforts and solutions fell short.<sup>3</sup>

Due to Macedonia’s geographical location at the entrance of the Western Balkan route, it is considered strictly a transit country. The refugee movements resulted in the building of fences along the transit country borders, including Macedonia, which eventually led to the closure of the route, at which time Donald Tusk, President of the European Council, claimed that “irregular flows of migrants along the Balkan routes have come to an end”.<sup>4</sup> In reality, this closure obviously did not end the civil war in Syria, the bombings and terror attacks in Afghanistan or other atrocities in the region, nor did it end hardship around the world. The refugees’ necessity to flee their countries still exists, they are making their ways via alternative, often more dangerous routes and are left to fend for themselves when leaving their former homes behind.

This report focuses on civil society’s role and the situation of refugees in Macedonia during the so-called “crisis” and its aftermath.

## THE MACEDONIAN NATIONAL ASYLUM SYSTEM – POLICIES, CURRENT TRENDS, AND DEVELOPMENTS

It should be noted that Macedonia is almost exclusively a transit country, rather than a destination country. Generally, the people in the two transit centers are either undocumented migrants with no legal status or refugees who later requested to seek asylum. These undocumented migrants are almost all those who were in Macedonia when the Balkan route closed and who have not yet declared their wish to seek asylum; this includes some that are seeking family reunification with family members in the EU.

According to the law on asylum, refugees who enter Macedonia must either immediately apply for asylum or register, when registered they have 72 hours (three days) in which time they must apply for asylum, otherwise, they are considered to be unlawfully present in the country and are subject



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*“GEVGELIJA AND TABANOVCE, WHILE BOTH STILL DESIGNATED TRANSIT CENTERS, IN REALITY ARE CAMPS NOW.”*

to deportation. They can ask for asylum or register with any police officer or any police station as well as in the transit centers Tabanovce and Vinojug (Gevgelija) and the asylum center Vizbegovo. In reality, the authorities may deny access to this right, with excuses<sup>5</sup> such as the asylum center being overcrowded, or by deporting them back to Greece or Serbia.

Asylum seekers are provided with free legal advice and translators for the process, and the undocumented migrants in the transit centers also have access to free legal advice and translators.

The agency for asylum claims within the Ministry of Interior is responsible for decisions, which are made based upon several criteria, including whether the applicant can be sent back to his/her original country or a safe third country<sup>6</sup>. With respect to the safe third country, “the asylum request, submitted by an asylum seeker requiring to enter or has unlawfully entered into the territory of the Macedonia from a safe third country, a member state of the EU, NATO or EFTA, will be rejected as obviously unfounded. The Sector for Asylum will set a time limit within which the person is obliged to leave the territory of Republic of Macedonia, which cannot be shorter than five days as of the day on which the decision becomes effective. The Sector for Asylum shall issue the asylum seeker a certificate in the language of the safe third country, the member state of the EU, NATO or EFTA he/she comes from, informing the state bodies of the third country that the request is not thoroughly reviewed in Macedonia.”<sup>7</sup>

The decision for asylum is to be made within six months of the submission of the asylum claim, but in reality, it is a lengthier process. If the decision based upon the facts presented in the case is positive, the claimant is granted protections available under the LATP (Law on Asylum and Temporary Protection), e.g. subsidiary protection or temporary protection.<sup>8</sup> If the decision is negative (application rejected), the asylum seeker has the right to initiate a dispute in court within 30 days of the decision, at which

point he/she is considered to still being in the asylum procedure. The Sector for Asylum conducts the regular asylum procedure at first instance and is obliged to adopt the decision within six months from the day of submission of the request. If the decision is negative, the asylum seeker has the right to challenge the decision before court, and if that is the case, the person is considered to still being in a procedure for asylum.<sup>9</sup>

#### **ACCOMMODATION, EDUCATION, WORK, AND FINANCIAL ASSISTANCE**

Asylum seekers have the right to accommodation provided for and paid by the Ministry of Labor and Social Policy (MLSP). If they wish to be accommodated elsewhere at their own cost, they must request approval of the MLSP. If granted, they do have the right to request accommodation again of the MLSP, with the ministry providing the allocation of accommodation.

Those granted asylum in the country are also provided with accommodation – that is they are given a flat to use or granted the financial assistance necessary for the provision of housing facilities. This applies for a maximum period of two years, or once they have means of existence, whichever happens first.

“Asylum seekers and grantees have the right to education<sup>10</sup> under the laws on education; this includes both adults and children.” As for work, asylum seekers have limited options (reception centers or other places of accommodation assigned by the MLSP), but if their asylum request is not decided within a period of one year, they have the right to work<sup>11</sup>. Once asylum is granted, refugees have the right to work<sup>12</sup>. This includes the right to employment, healthcare, pension, and disability insurance.

In terms of financial assistance, none is available for asylum seekers, those with asylum status have the right to social financial assistance, just as Macedonian citizens do. The assistance currently amounts to 2,334 MKD/month (approx. 50 €/month)<sup>13</sup>.

## **GENERAL TIMELINE – CIVIL SOCIETY RESPONSE TO THE MOVEMENT OF REFUGEES IN 2015/2016**

In 2015, after the death of 14 refugees, who were hit by a train, an initiative to change the law for asylum was officially announced. This was done on April 24<sup>th</sup>, the day

of the killed refugees’ funeral. The advocacy initiative included lobbying in the media and advocacy through public engagement by Jasmin Redjepi and Mersiha Smailović



as well as encouraging the parliament, first with the commission responsible for changing the law, then through discussions with the members of parliament (MPs) of both the opposition and the DUI (the Albanian political party in coalition with VMRO-DPMNE).

As a result of these efforts, the law on asylum was amended and passed on June 18<sup>th</sup>, 2015<sup>14</sup>, thus, allowing migrants to stay in Macedonia for 72 hours, given that they state the intention to apply for asylum. Once approved by a police officer, this statement would also provide access to public transport, as before refugees would have to travel by foot or bicycle.

Shortly after the passage of the amendment, food and water was provided to those on the train in Skopje; this was organized and coordinated by Legis and individuals from the Facebook group “Help the Refugees in Macedonia” (at that time “Help the Migrants in Macedonia”). Shortly thereafter, permission was granted to provide humanitarian aid directly at the train stop in Tabanovce, which resulted in a shift of events from both Kumanovo and Skopje to Tabanovce. At that point, the main areas of interaction were the train station in Gevgelija in the south and Tabanovce in the north; initially, the volunteers were mainly locals and internationals residing in Macedonia.

Under the law, refugees were required to have the “72-hours document” with them in order to use public transport. As the police was not able to keep up with the demand, they were often also allowed/instructed to use the train without this document, while other forms of transit still required it.

As numbers grew, so did tensions, and on August 22<sup>nd</sup>, 2015, Macedonia closed the unofficial border crossing (stone 59) for two days. After heavy press coverage and thousands trying to break through, refugees were once again allowed to cross into Macedonia only two days after the border closing. The next day, August 25<sup>th</sup>, 2015, marked the establishment of the Vinojug transit center in Gevgelija. From then on, refugees were placed on trains from this location, rather than from the train station and sent directly to Tabanovce with no right to exit along the route. Some still used buses and taxis, but it was typically at the direction of the police which form of transit refugees could use.

After some time, refugees were only allowed to use trains, and as a result of exploitation, prices were raised from ten to 25 Euros per person<sup>15</sup>. There were specific

instances in which other forms of public transportation were allowed, typically when the number of people was so high that the trains could not accommodate everyone. This continued until the closure of the so-called Balkan route.

When the Balkan route closed in March 2016, the overwhelming majority of refugees in Macedonia were stuck in Tabanovce or trapped between Tabanovce and the Serbian border. In the end, approximately 100 persons were transferred to Gevgelija, and while both are still designated transit centers, in reality they are camps now. Initially there were approx. 1,500<sup>16</sup> refugees in Tabanovce, but that number dwindled down as, even though the camp was closed, refugees managed to leave and proceeded to Serbia. In Gevgelija, the number also slowly dropped, mainly due to asylum requests and requests to return to Greece.

## TREATMENT OF VOLUNTEERS

At a certain point, anyone helping refugees was required to be registered with an NGO or a government organization. While not strictly enforced at first, this requirement had the effect of forcing individuals to find an NGO with which they could be registered. As a result, this had the effect of restricting and discouraging those individuals who either could not find an NGO or did not wish to be registered with an NGO.

Upon the opening of the transit centers in Gevgelija and Tabanovce, this registration requirement was enforced; it was strictly enforced in Gevgelija, but haphazardly, if at all, in Tabanovce. Shortly thereafter, this requirement transitioned into the requirement for a badge issued by the CUK (Center for Crisis Management). Again, this requirement was strictly enforced in Gevgelija, but haphazardly in Tabanovce. In addition, under the law, one must have residency in Macedonia in order to provide help, which also applies to volunteers – they needed to obtain a volunteer visa and residency based upon it. However, there were some exceptions to this, such as the ability “to strictly observe” if they were listed as donors.

Because of these rules and their enforcement, there was a much higher presence of international and local volunteers in Tabanovce compared to Gevgelija. To a certain extent, international volunteers were listed as donors for NGOs in order to obtain the badge from the CUK and to evade the visa/residency requirements.

### THE REALITY

One Czech individual who had been volunteering from early on was detained and then expelled, with a five-year re-entry ban to Macedonia, on the basis that he lacked the proper (volunteer) visa.

Some internationals faced scrutiny and criticism on the part of the authorities, ranging from questions and comments that they should go back home to police questioning.

### COORDINATION AND COOPERATION

After the opening of the transit centers (Tabanovce and Vinojug), Legis was no longer the only organization active in the field, but services expanded to include UNICEF (La Strada), IOM, and MYLA (Macedonian Young Lawyers Association), amongst others.

UNHCR helped to coordinate the food distribution schedule, as several organizations were providing food. UNHCR and the Centre for Crisis Management (CUK) held weekly coordination meetings, which members from the various organizations present in the transit centers were allowed to attend; this helped to increase coordination between everyone. In terms of responsibility, the CUK was and remains responsible for the transit camps, while the Ministry of Labour and Social Policy (MLSP) is responsible for the integration process of asylum seekers and for the management of the asylum center Vizbegovo.

As previously mentioned, there were schedules for the distribution of food. During an NGO's time slot, this NGO was the main body distributing food, but it was common for individuals from other NGOs and the Red Cross to help as well. The coordination at Tabanovce was carried out by Legis, at Vinojug UNHCR was responsible for coordination.

While the route was open, the various organizations generally knew each other's resources in the camps, and when something was needed for a refugee, someone from the organization would either come directly to request the item or refer the refugee to the organization providing the respective item. For example in Vinojug, there was a food container, a clothing container ("the boutique"), and a container for other goods, in addition to containers for various organizations. Donations would come in from various individuals, groups, etc. and be dropped in the appropriate container, and then individu-

als from certain NGOs, and at times even UNHCR, would sort and organize them. While most of the time the containers were manned by individuals from the NGOs, again, it was quite normal that someone from UNHCR, UNICEF, Helsinki Committee, etc. went in to help with distribution or to find specific items for refugees.

In Vinojug, while incoming items (food, clothing, etc.) could arrive unexpected, donors were constrained by the strict requirement for a badge to enter. Conversely, in Tabanovce, due to the lax badge enforcement, food and other donations were much more arbitrary and arrived frequently unannounced, which led to schedules being thrown off course, which required further coordination between the regulars at the camp to ensure that organization and order were maintained. This is why Legis coordinated most of the donors and volunteers, especially the international volunteers, individuals, and NGOs. From December 2015 onwards, the MLSP assumed the responsibility of managing the coordination.

Overall, there was coordination between those along the Balkan route; for example, activists in Macedonia would communicate/meet with those in Greece to exchange information regarding the current situation, expected refugee numbers, and any special cases. This was the case along the entire route. Within Macedonia, there was coordination between the transit centers of Gevgelija and Tabanovce, such as the passing on of information about when trains left Gevgelija and about the numbers of refugees on board, so that the organisations in Tabanovce were prepared before their arrival.

Now that the Balkan route is closed, coordination assistance is available for refugees at Lojane, and they are referred to the MYLA or the Red Cross if the need arises.

### ASSISTANCE PROVIDED TO REFUGEES

In October 2014, the NGO Legis established the first mobile humanitarian aid team consisting of four people; it should be noted that, at this time, it was illegal for migrants arriving or passing through Macedonia to use public transport, so most refugees were either walking or buying bikes and cycling onwards. Some of Legis' actions included advocating with the police on behalf of refugees in order to assist with bike problems. In Veles, Lence Zdravkin, a local, who lives by the railway and whose house even today serves as a hotspot for migrants, had noticed people walking near the tracks in front of her flat,

and she provided food, water, and clothing with strong support from Legis. In the north, a mosque in Kumanovo was a popular stop, and a number of people (including non-Muslims) came and participated in the aid effort.

Notably, the Ombudsman's office<sup>17</sup> and Legis exerted pressure on the Ministry of Interior and the Public Prosecutor's office to speed up proceedings and to release those detained in the center for foreigners in Gazi Baba, one of Skopje's municipalities.

After the amendment to the Law on Asylum (LAMP) came into force, various organizations and individuals present in Gevgelija and Tabanovce provided information to refugees about where they were going and the transit options available to them. They also supplied food, water, hygienic supplies, clothing, medical supplies, and care

and helped to keep order during the loading of trains. During the period of Ramadan, additional supplies were provided.

#### **ADVOCACY AND PUBLIC OPINION ACTIVITIES**

After June 20th, 2016 (International Day of the Refugee), there were campaigns and advocacy activities. The argued concerns included the freedom of movement for those at the transit centers (camps). Furthermore, MYLA is conducting awareness-raising campaigns in various cities throughout Macedonia. In Gevgelija, there was an artist, whose work has been supported and exhibited in Skopje, Bitola, Ohrid, and Prague, everything coordinated by Legis and volunteers.

## **THE ACTIVITIES AND ROLE OF CIVIL SOCIETY AFTER THE CLOSURE OF THE "BALKAN ROUTE"**

Immediately upon the closure of the "Balkan route", various groups were providing food along with basic necessities such as tents for those stranded between Tabanovce and the Serbian border. Later that month, approx. 100 refugees were moved to Vinojug (Gevgelija)<sup>18</sup>, and all of the stranded refugees were brought either to Tabanovce or to Vinojug.

Shortly after that, services were somewhat consolidated. All items to be given to refugees were first approved by the MLSP and then by the Red Cross of Macedonia and finally placed in a general container and dispensed from there. Food distribution was taken over by the government, while NGOs provided fruit and other additional products, but no hot meals. While existing groups such as the Macedonian Red Cross, MYLA, and UNHCR continued to provide their services, other NGOs stopped their activities with regards to food and NFI distribution. Legis transitioned its focus to psychosocial services. This was partially due to policy changes on food distribution, but the main reason was the shift from transit to long-term stay coupled with the fact that refugees were denied the freedom of movement. Legis' psychosocial and sport services included badminton and ping-pong (including tournaments), movie screenings, the provision of physical fitness facilities, and generally the offering of a large variety of workshops for both adults and children on hygienic promotion, painting, handworks, etc.

#### **ILLEGAL TRANSIT AND SERVICES**

Even when the Balkan route was still open, there were some refugees that were transiting with the help of human traffickers. Upon the closure of the Balkan route, their number jumped – this became evident in Lojane, a village on the border to Serbia. Only Legis and the Red Cross are present there and are providing medical, legal, and human rights protection while additionally gathering data by means of interviews.

Due to the securitization of borders along the Western Balkan route and the closure of the unofficial humanitarian corridor for migration towards Western Europe in March 2016, the region has been facing an overcrowding of the existing irregular migration channels. Irregular movement of vulnerable population was noted in all of the countries in the region. The securitization of the borders has contributed to the dispersal of irregular movements and an increase of the risks to the population using the irregular transit channels.

Due to a lack of regular and legal ways of transit towards Western Europe, the increased demand of trip facilitators has reinforced organized crime groups along the route. Irregular migration is becoming more and more organized and serious with criminal groups closely cooperating, regardless of their nationalities and ethnicities, and the "smuggling of migrants" assuming transnational char-



acter. When planning their route, the refugees/migrants consult criminals and become potential victims of human traffickers. Moreover, this method of operation poses serious risks to the life and health of the refugees/migrants.

Legis has been monitoring the flow of people fleeing towards Western European countries due to political or economic reasons who were crossing the territory of Macedonia via irregular transit channels during the past two years with a focus on the area of Lipkovo in the northeastern part of Macedonia. We have observed an increase in the numbers of refugees and migrants using this channel, which is also due to the legal changes made by the Macedonian government that restrict the availability of safe and legal means of transit through the country. When on November 19th, 2015, the Macedonian authorities started profiling refugees based on their nationality and country of origin, declining entrance and transit to people of non-SIA nationalities, an increase in the number of people using this channel to transit towards Western Europe was observed. From March 2016 onwards, when borders were shut and a complete restriction of onward movement was established by the Western Balkan countries, starting with Macedonia, the area of Lipkovo was once again overcrowded with people fleeing war or socio-economic deprivation from the Middle East, South Asia, and North Africa.

The municipality of Lipkovo is situated in the northeastern part of Macedonia and has 22 villages under its authority. For many years, two of these villages, Vaksince and Lojane, situated in close proximity to the Serbian border, have been a main stopping point for irregular migration in transit and a hub for organized crime groups that facilitate irregular migration across the so called Western Balkan route. In these villages, refugees and migrants in irregular transit are provided with accommodation and rest, before they continue their journey. Some of them are accommodated in private houses, while others sleep in the surrounding hillside forests. The people in irregular transit are transported to Lipkovo with passenger vehicles and vans as well as with public transport means like trains and busses, while some cross Macedonia on foot to reach the border villages and to cross into Serbia.

Legis established official daily operations in the area of Lipkovo in August 2016 with a field office in the village of Lojane. The purpose of the operations is to provide humanitarian aid to the population in transit, to aid protection by means of presence, to establish a supply with

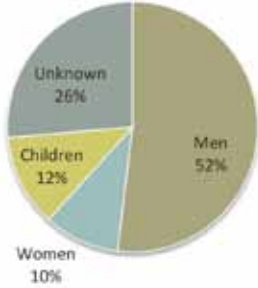
medical and other referrals as well as to monitor human rights abuses and other violations of vulnerable population by state and non-state actors.

During the period from **August 25<sup>th</sup>, 2016 to January 31<sup>st</sup>, 2017**, Legis field teams managed to reach out and provide assistance to **3,486** people in transit in the area of Lipkovo. The total number of so-called “migrant population” reached varies per month, the highest outreach has taken place in November 2016 with 773 refugees/migrants assisted by Legis teams.

**DEMOGRAPHICS OF THE POPULATION IN IRREGULAR TRANSIT**

The age and gender breakdown of the population in transit documented by Legis teams shows that **22 % of the people in transit were women and children**, and 52 % were men, while 26 % remain unknown (that is, they were not profiled upon assistance).

Age and gender Breakdown of refugee/migrant population in transit reached in Lipkovo (25th August-31st January 2017)



From August 25th 2016 to January 31<sup>st</sup>, 2017, Legis profiled the age and gender of a total of **2,564** persons. 332 of those were women, and 416 were children. **Most of the children, 342, were younger than 13 years of age.**

**AGE AND GENDER BREAKDOWN OF REFUGEE/ MIGRANT POPULATION IN TRANSIT REACHED IN LIPKOVO (AUGUST 25<sup>TH</sup>, 2016 – JANUARY 31<sup>ST</sup>, 2017)**

| Men  | Women | Children (0–12yrs) | Children (13–18) | Total Children | Total profiled |
|------|-------|--------------------|------------------|----------------|----------------|
| 1816 | 332   | 342                | 74               | 416            | 2564           |

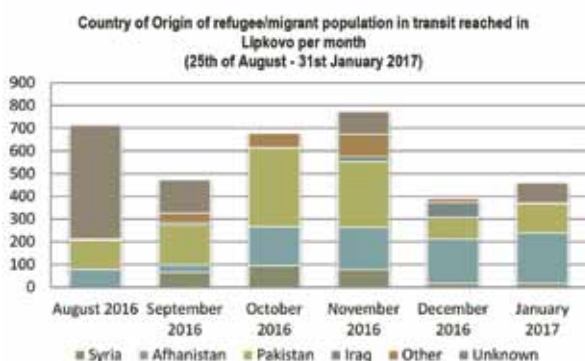
The women and children encountered were often accompanied by family members or people presented as family members. The impossibility to confirm these family connections due to a lack of documentation, fear, and only short times of encounter entails the possibility of abuses and violations of vulnerable population in transit. Based on the age and gender distribution per month of

the population reached in Lipkovo, one can conclude that the highest number of women was reached and assisted in September 2016, while the highest number of children was reached and assisted in October 2016. The number of children encountered per month has been relatively stable since September 2016, fluctuating from 81 to 91 children per month. However, in January 2017, we noticed a minor decline in the number of children reached, leaving a total of 57 children encountered, all of them being younger than 13 years of age and apparently accompanied by at least one close family member.

From the August 25th, 2016 to January 31st, 2017, of a total of **3,486** persons reached in irregular transit in Lipkovo, Legis has profiled **2,647** persons by country of origin: 33 % were from Pakistan, 25 % from Afghanistan, 8 % from Syria, 3 % from Iraq, 8 % from other countries, and 24 % were not profiled by country of origin.

Based on the country of origin breakdown by month, a slight decrease of the number of population in transit coming from Pakistan can be noticed in December 2016 and January 2017, while since October 2016, a gradual increase of the number of people in transit coming from Afghanistan can be observed. The number of people in transit from Syria peaked in October 2016 and decreased in December 2016 and January 2017. The number of people in transit from Iraq remains low during the whole monitoring period.

Regarding other countries of origin, the population in transit comes from North and East African countries, Gaza, Iran, Bangladesh, and Nepal.



One of the reasons for these demographics of the population in transit is their respective access to regular and safe channels of migration. The Syrian population residing in Greece has access to shelter, food, and various services offered by the humanitarian SCOs and INGOs as well as

**access to the EU relocation programme.** The population coming from Afghanistan, even though having access to shelter and various services in Greece, is not allowed access to the EU relocation programme, while the population coming from Pakistan has no access to shelter and services at all.

### GENERAL RISKS CONNECTED TO IRREGULAR MIGRATION

**General risks** are often considered to be inevitable during the irregular transit of individuals or groups, they are connected with long travels on foot or by other means of transport, the long exposure to drastic atmospheric influences, such as very low or very high temperatures, a lack of access to proper nutrition or clean water during the time of the transit, a lack of access to medical aid, etc. Many of the children encountered reside often for days in the wild camps with their families and suffer from diarrhea due to the poor hygienic conditions and the polluted water they drink from local streams. Besides other pollutants, the water in Lojane is polluted with arsenic due to the natural arsenic richness of the surrounding hills and the exposed arsenic wasteland near the arsenic mine between the villages of Vaksince and Lojane.

Attacks by local criminal groups are also a risk that is often experienced by refugees in irregular transit, and often those groups are armed with knives and sometimes even firearms. The noted attacks by local criminal groups are usually aimed at robbing refugee groups, and usually the assailants take their phones and/or other valuable belongings, including the money they carry with them. According to the testimonies of the victims, the groups were usually armed with knives or firearms.

*“We walked four nights from Greece to Lojan. We tried to go to Serbia many times and we were deported by police four times. We were robbed in Miratoc by six Albanians with knives. They wanted money and broke our phones. I was pushed and I fell, I hit my face and nose. Now I will take the train to go back to Greece.”*  
(anonymous refugee)

### RISKS OF ENGAGING WITH STATE AUTHORITIES

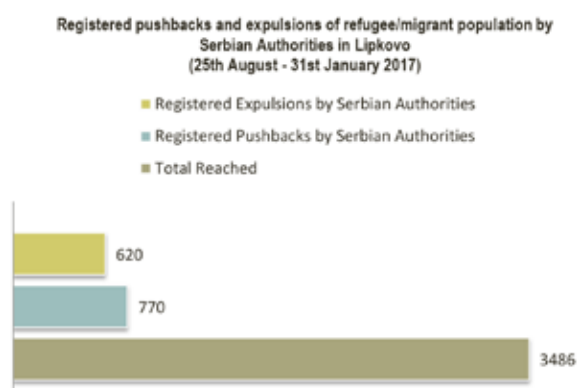
State authorities, especially border police, are the first instances that ensure access to asylum procedures and protection. Refugees in irregular transit in Macedonia are often **denied access to the asylum procedure** by police officers with various excuses. One of the most common excuses is that the asylum seekers reception center

is overcrowded and that, therefore, asylum applications cannot be accepted any more. Another constraint for the filing of asylum applications is the latest amendment to the Law on Asylum and Temporary Protection of the Republic of Macedonia, whereby the institute of the third safe country of entrance is clearly defined as any country member of EU, NATO, or EFTA. This means that asylum applications filed by refugees entering from all neighboring countries, including Greece, are considered unsubstantial, and that those asylum seekers are returned to the third safe country they came from.

*“Somehow I arrived to Vranje (Serbia) and I wanted to ask for asylum there because I wasn’t in condition to continue my journey, but the answer that I got from Serbian police was: ‘Go back, we won’t give you asylum here.’” (anonymous refugee)*

According to our database, from August 25<sup>th</sup>, 2016 to January 31<sup>st</sup>, 2017, Legis has registered **770 push-backs** and **620 expulsions**, or a total of **1,390** people sent away.

The highest number of push-backs was registered in November 2016, with 176 refugees who on one or several occasions were denied entrance to Serbian territory. The highest number of expulsions from Serbian territory of refugees, who have been staying three days to five months in Serbia and were registered in camps in Sid, Subotica, Belgrade, Presevo, etc., was registered in November 2016, namely 304 registered expulsions.



Many of them were at first rounded up in reception and accommodation centers in Serbia and then transferred to the reception center in Presevo by bus or directly taken to the border area with Macedonia and expelled via the green border zone in the middle of the night. Many stated that Serbian police forcefully took their registration documents of the reception centers they were residing in, although many managed to keep their food and NFI distribution cards.



Many of the refugees that were pushed back or expelled by Serbian authorities stated that they were not informed about where they were to be taken and that violence was used on part of the authorities. Some stated that they have been robbed and threatened and that they were not allowed the possibility to file a claim for asylum.

*“Serbian police caught us while we tried to pass the border to Serbia and they said to us go back and they took from us two phones and all the money we had.” (anonymous refugee)*

Some of the people that were expelled from Serbia to Macedonia previously entered Serbia via Bulgaria and found themselves in unknown territory. In October, November, and December 2016, Legis teams encountered refugees who were requesting protection by the Macedonian police, despite the possibility of detention in Macedonia and deportation to Greece, out of fear of local gangs and groups of smugglers, who threatened or physically attacked them.

Irregular migration is a problem faced by all Balkan countries, including Macedonia, and it is directly connected with the overall policy of these countries towards migration and/or the non-applicability of procedures aimed at protecting population in irregular transit.

Restrictive admission policies based on nationality or other factors, which are irrelevant to requests of international protection, result in states rather inclining towards human rights violations, instead of protecting the rights and freedoms of all humanity.

Restrictive admission policies and the securitization of borders do not lead to the cessation of irregular migration, but rather to a boost and fuelling of smuggling, trafficking, and organized crime channels, thus, increasing the risks that vulnerable population faces while in irregular transit.

Vulnerable population in irregular transit unaware of the possibility of protection and in fear of detention and

deportation from the authorities hastens due to various reasons to reach their final destination in Western Europe and withstands threats, violations, and abuses without

reporting the violators to the authorities or when the violators are certain authorities, lacks the will or the information about means to pursue justice at higher instances.

## CONCLUSION

Additional advocacy and public support campaigns would be beneficial, especially when considering that there are still refugees with extremely restricted freedom of movement at the camps. Coordination both within the country and transnationally on the route was critical (and remains so) in order to maximize readiness and service

optimization and to keep everything as seamless and clear as possible for refugees. The government and professional structures need to fulfill their duties and responsibilities, while volunteers and NGOs complement them, rather than filling their role(s); this requires open dialog and coordination.

- 1 According to the European Border and Coast Guard Agency the route became a popular passageway in 2012 when Schengen visa restrictions were loosened for five Balkan countries, namely Albania, Bosnia and Herzegovina, Montenegro, Serbia, and the former Yugoslav Republic of Macedonia.
- 2 Veton Latifi, The International Humanitarian Response to the Refugee Crisis Along the Balkan Route In View of the Strategies of International Organisations. Available at >>> <https://www.degruyter.com/downloadpdf/j/seeur.2016.12.issue-1/seeur-2017-0012/seeur-2017-0012.pdf>.
- 3 Ryan Heath, Private sector tries to fill EU void on refugees. Available at >>> <http://www.politico.eu/article/private-sector-fill-eu-void-refugees-ngos-activists-migration-crisis-solutions/>
- 4 Kingsley, P. 2016. Balkan countries shut borders as attention turns to new refugee route. The Guardian. [Online]. 9 March. [Accessed June 2nd, 2017]. Available at >>> <https://www.theguardian.com/world/2016/mar/09/balkans-refugee-route-closed-say-european-leaders>.
- 5 In an interview for Radio Slobodna Evropa (Radio Free Europe), Jasmin Redjepi discusses push-back and deportation practices that prevent refugees and migrants from seeking asylum in detail. The article also draws on a monthly report carried out by the Helsinki Committee for Human Rights of the Republic of Macedonia. Available at >>> <https://www.slobodnaevropa.mk/a/28595265.html>
- 6 The safe third country principle, LATP, article 10, is the notion that member states may send applicants to third countries with which the applicant has a connection; furthermore, it must be possible to obtain protection in accordance with the 1951 convention.
- 7 Law on Asylum and Temporary Protection (LATP), Article 10a
- 8 >>> <http://mvr.gov.mk/Upload/Documents/precisten%20so%20izmenata%2026.06.2015.pdf>
- 9 LATP, Article 32: Right to Appeal and Taking of Decision
- 10 Law on Primary Education, Article 8 ("Children of foreign citizenship or children without citizenship, who are residing in the Republic of Macedonia, have the right to primary education under equal conditions as the children citizens of the R. of Macedonia"), Law on Adult Education, and Law on Secondary Education, art. 5 ("Foreign citizens and individuals without citizenship shall obtain secondary education under conditions stipulated by the law.")
- 11 LATP, Article 48: Rights of asylum seekers as well as the right to free access to the labor market for asylum seekers whose request for the recognition of the right to asylum is not decided upon within a period of one year after this period.
- 12 LATP, Article 56: Labour Legislation and Social Security Rights, as per the regulations on employment and work of foreigners
- 13 Per MYLA (Macedonian Young Lawyers Association) response #4.
- 14 Macedonian Information Agency. 2015. Parliament passes amendments to Law on Asylum. [Online]. [June 7th, 2017]. Available at >>> <http://www.mia.mk/EN/Inside/RenderSingleNews/289/132688981>
- 15 Marusic, S. 2015. Macedonia Railways 'Exploiting Refugees' by Hiking Fares, Balkan Insight. [Online]. 15 September. [Online]. Available at >>> <http://www.balkaninsight.com/en/article/macedonian-railways-accused-of-exploiting-refugee-ordeal-09-15-2015>
- 16 UNHCR. 2016. Inter-Agency Operational Update. March 4th, 2016, UNHCR 47427. Unable to source online.
- 17 Human Rights Watch. 2015. As Though We Are Not Human Beings. 2015. United States. Human Rights Watch Publishing. Available at >>> <https://www.hrw.org/report/2015/09/21/though-we-are-not-human-beings/police-brutality-against-migrants-and-asylum>
- 18 UNHCR. 2016. Inter-Agency Operational Update. March 4th, 2016, UNHCR 47427. Unable to source online.

## INTRODUCTION

Situated on the so-called “Western Balkan refugee route” and being mainly a transit country for refugees from Asia and Africa, the political and geographical position of the Republic of Serbia is somewhat complex. Considering that, at its northern borders, Serbia is surrounded by EU member states, Romania, Croatia, and Hungary, it represents the last country on the refugee route, which is not subject to Dublin procedures and which is not included in the EURODAC database. In that regard, it is important to emphasize that two “streams” of migration converge in Serbia – one from Macedonia and one from Bulgaria. Such convergence led to large inflows of refugees to Serbian territory during 2015, which ended abruptly within a matter of months due to the implementation of the EU-Turkey deal in March 2016.

During the peak of the crisis in 2015, the government of Serbia along with a vibrant civil society poured a lot of effort into ensuring the seamless functioning of its transit centers, the provision of humanitarian help, decent reception conditions and the transportation of asylum seekers from the southern to the northern border. Most of the energy and attention was directed towards those asylum seekers whose primary goal was to transit through Serbia, rather than towards those who wanted to initiate asylum procedures, thereby reaffirming Serbia’s role as a transit state during the “crisis”. Civil society played a detrimental role in filling the humanitarian, technical, and operational gaps in the provision of all the necessary support to those in need. The crisis gave life to many new initiatives and organizations, whose main goal was to assist asylum seekers throughout Serbia, to advocate for their well-being, and to inspire compassion and solidarity in action.

Since the conclusion of the EU-Turkey deal in March 2016 and with the closure of borders along the Western Balkan route, very few asylum seekers have initiated their asylum procedure in Serbia. In 2016, there were in total 19 asylum seekers who obtained refugee protection and 20 asylum seekers who obtained subsidiary protection in the Republic of Serbia.<sup>1</sup> That being said, with borders closed and more than 8,000 refugees dispersed around Serbia in refugee and transit centers as well as in open areas in Belgrade and at the northern border, which resulted in a low submission of asylum applications, the civil society and the government of Serbia are faced with a moral and political conundrum with regard to the question of how to properly coordinate the situation of asylum seekers in Serbia.

This aim of this report is to portray the current state of play of solidarity among civil society and other governmental and nongovernmental actors in Serbia by means of an understanding of the Serbian asylum system and information on how policy and media developments shape the relationship between these actors. Considering that the flow of the “crisis” has changed during the last two years, this report aims to map how civil society has adjusted to such changes, how its activities changed over time, and in what way solidarity among various actors has been strengthened or weakened due to such changes.

The first part of the research paper contains an outline of the Serbian asylum system, statistics with regard to the number of refugees with asylum intentions and the number of people having obtained refugee/subsidiary protection in Serbia in 2016, and an overview of the involvement of NGOs in asylum procedures. It further describes the political climate and the public sentiment and how the changes in the aforementioned have influenced recent policy developments and activities of various governmental and nongovernmental actors in Serbia. It is important to outline the Serbian asylum system as well as the political and media climate in order to set the working stage in which actors in Serbia operate and to show how the developments in these fields further influence activities and support provided by CSO actors for asylum seekers, refugees, and other migrants in need of protection.





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*“IN 2016, THE CSO ACTIVITIES EXPANDED FROM THE PROVISION OF HUMANITARIAN AID, MEDICAL SUPPORT, AND PSYCHOSOCIAL AND LEGAL ASSISTANCE, INTO ADVOCACY AND MEDIA AND SOCIAL CAMPAIGNS TARGETING LOCAL COMMUNITIES AND PROMOTING SOLIDARITY AND COMPASSION.”*

Consequently, the second section describes the response of CSOs to the refugee crisis during its peak in 2015 and onwards until 2016 in detail. More so, this section presents a critical analysis of governmental and CSO activities in Serbia and shows how these organizations and initiatives were able to organize and adjust to the

changing pace of the refugee crisis. More so, it will focus on an evaluation of the coordination and the solidarity in action between various actors in Serbia with regards to the refugee crisis, and further provides a breakdown of EU and/or government support to CSOs, available funding, and means of cooperation.

## THE SERBIAN NATIONAL ASYLUM SYSTEM – POLICY DEVELOPMENTS AND CURRENT MEDIA TRENDS

The asylum system in Serbia is regulated by the constitution, by international conventions, and by various laws and bylaws. Besides many international human rights protocols, declarations, and treaties, Serbia has also ratified the Geneva Convention on the Status of Refugees from 1951 and the New York Protocol from 1967, which represent two of the major sources of international protection for refugees. In that regard, every foreign person who finds him-/herself on the territory of Serbia has the right to seek asylum and to receive all the necessary and by law ensured protection and support, including health services, education, and social assistance.

The asylum system in Serbia was officially established in 2008, when the authorities began with the implementation of the law on asylum, which regulates measures, conditions, and the asylum procedure as well as the rights and responsibilities of persons seeking asylum and persons who received refugee status or subsidiary protection in Serbia. As such, the law on asylum is based on principles of non-discrimination, human rights, solidarity, the equal enjoyment of social, economic, and cultural rights, and the protection of vulnerable and marginalized groups. Overall, the asylum law in Serbia is in line with the international standards, however, there are deficiencies in the asylum procedures stemming from a lack of capacities, inadequately trained staff unfamiliar with asylum matters, and the slow and inefficient implementation of existing asylum procedures. Overall, out of 878 people who lodged asylum applications in Serbia in 2016, only ten asylum seekers obtained protection, out of whom five obtained refugee protection and the other five subsidiary protection.<sup>2</sup>

With that in mind, in light of the EU membership negotiations and the opening of Chapter 24 of the EU accession talks concerning migration and asylum in 2015, the Serbian government is obliged to reform the current asy-

**TABLE 1: ASYLUM APPLICATIONS LODGED IN SERBIA IN 2016 BY NATIONALITY (PLUS JANUARY 2017)<sup>3</sup>**

| Nationality                           | 2016 | January 2017 |
|---------------------------------------|------|--------------|
| Afghanistan                           | 409  | 28           |
| Albania                               | 1    |              |
| Algeria                               | 2    |              |
| Burundi                               | 1    |              |
| Bangladesh                            | 2    |              |
| Bosnia and Herzegovina                | 3    |              |
| Bulgaria                              | 2    |              |
| Cameroon                              | 5    |              |
| Dem. Rep. of the Congo                | 1    |              |
| Cuba                                  | 10   |              |
| Palestinian                           | 13   |              |
| Croatia                               | 4    |              |
| Iran (Islamic Rep. of)                | 25   |              |
| Pakistan                              | 60   |              |
| Russian Federation                    | 4    | 2            |
| Iraq                                  | 147  | 4            |
| Libya                                 | 8    |              |
| Lebanon                               | 1    |              |
| The former Yugoslav Rep. of Macedonia | 3    |              |
| Stateless                             | 3    |              |
| Rep. of Moldova                       | 1    |              |
| Mexico                                | 1    |              |
| Montenegro                            | 1    |              |
| Morocco                               | 3    |              |
| Sudan                                 | 1    |              |
| Syrian Arab Rep.                      | 164  |              |
| Turkey                                | 1    |              |
| Ukraine                               | 1    |              |
| Yemen                                 | 1    |              |
| Total # of asylum applications lodged | 878  | 34           |

**TABLE 2: NUMBER OF SUCCESSFUL ASYLUM PROTECTION CLAIMS IN 2016, ACCOMPANIED BY ASYLUM PROTECTION CENTER (APC)<sup>4</sup>**

|     | Country of Origin | Decision                  |
|-----|-------------------|---------------------------|
| 1.  | Ukraine           | Subsidiary protection     |
| 2.  | Somalia           | Subsidiary protection x 2 |
| 3.  | Syria             | Subsidiary protection     |
| 4.  | Afghanistan       | Refugee protection        |
| 5.  | Sudan             | Refugee protection        |
| 6.  | Sudan             | Refugee protection        |
| 7.  | Sudan             | Refugee protection        |
| 8.  | Sudan             | Refugee protection        |
| 9.  | Syria             | Subsidiary protection     |
| 10. | Libya             | Subsidiary protection x 5 |

lum law and to adopt the new Asylum Act. The adoption of the new Asylum Act was foreseen for 2016, but has been postponed due to the Serbian parliamentary elections. During the drafting process, civil society representatives had the opportunity to discuss relevant provisions, share comments, and provide input to the creation of the new Asylum Act. Considering the overburdened Asylum Office as well as its lack of capacities, trained professionals, and expertise, the new law would introduce new and accelerated procedures and regulate the mechanisms and the technical and operational inner workings of the Asylum Office. In that regard, considering the state of the EU accession talks, Serbia will have to harmonize its laws with European acquis, which includes the adoption of the new Asylum Act and other bylaws regulating asylum and migration. Additionally, with concern to the changes in the Serbian national asylum system, in December 2016 Serbia adopted the *Decree on the Manner of Involving Persons Recognized as Refugees in Social, Cultural and Economic Life* (Integration Decree), which officially entered into force in January 2017. The Integration Decree foresees the provision of support, such as access to accommodation, labor market, education, and language courses, and the recognition of diplomas to those asylum seekers that obtain refugee protection. The decree only refers to those asylum seekers who receive refugee protection, while it omits those that receive subsidiary protection. Since the decree was recently enacted, it remains to be seen how it will be realized in practice and whether it will indeed fulfill its duties and responsibilities.

The Asylum Office, the first-instance body in asylum procedures under the authority of the Ministry of Interior, has been facing serious drawbacks in terms of its

**TABLE 3: COUNTRY OF ORIGIN AND NUMBER OF PEOPLE WITH THE INTENTION TO APPLY FOR ASYLUM IN 2016 IN SERBIA<sup>5</sup>**

|     | Country of Origin | People with the Intention to Apply for Asylum |
|-----|-------------------|---|
| 1.  | Afghanistan       | 5,591   |
| 2.  | Iraq              | 2,700   |
| 3.  | Syria             | 2,313   |
| 4.  | Pakistan          | 1,001   |
| 5.  | Iran              | 278   |
| 6.  | Algeria           | 173   |
| 7.  | Somalia           | 162   |
| 8.  | Morocco           | 141   |
| 9.  | Cuba              | 92  |
| 10. | Bangladesh        | 46  |
|     | TOTAL             | 12,821  |

staff's knowledge and competence to carry out the asylum procedures. In that regard, the asylum procedure is slow and inefficient, and thus discouraging asylum seekers to follow up with their asylum procedures.<sup>6</sup> During the past two years of the refugee "crisis", there have been instances of limited access to asylum procedures, which include reoccurring push-backs, due to the understaffing of the Asylum Office, even more so were observable in 2016 after the closure of the Balkan route, as reported by Human Rights Watch and many Serbian NGOs working in the field. The push-backs were executed from Serbia to Macedonia and Bulgaria, without allowing people to get the certificate of intention to seek asylum, with the denial of access to asylum procedures for those expelled from Hungary, and without due consideration of each individual case.<sup>7</sup> Besides political and security reasons for arbitrary expulsions and the denial of rights, such behavior can also be traced back to a lack of knowledge of international human rights and/or refugee law.<sup>8</sup>

Complementary to such expulsions, the government of Serbia decided to adopt a decision to form mixed patrols of army and police at the border with Macedonia and Bulgaria in July 2016.<sup>9</sup> This decision was motivated by frequent expulsions and the inability of asylum seekers in Serbia to cross into Croatia or Hungary – in that regard, the government decided to strengthen its presence at the borders in order to cut the flows into Serbia and to thereby prevent other people from crossing through Serbia or from being expelled from Croatia. Such decisions, with the aim to control inflows, are controversial, since they go against the principle of non-refoulement



**TABLE 4: NUMBER OF ACCOMMODATION FACILITIES AND OCCUPANCY AS OF FEBRUARY 2017<sup>10</sup>**

|     | Name of Accommodation Facility      | Capacity         | Currently Accommodating |
|-----|-------------------------------------|------------------|-------------------------|
| 1.  | Permanent Asylum Centre in Preševo  | 1,100            | 824                     |
| 2.  | Subotica                            | 150              | 163                     |
| 3.  | Bujanovac Reception Center          | 250              | 214                     |
| 4.  | Šid (Centre, Principovac, Adasevci) | 1,100            | 2,070                   |
| 5.  | Dimitrovgrad                        | 70               | 91                      |
| 6.  | Krnjaca                             | 500              | 1,117                   |
| 7.  | Obrenovac Reception Center          | 750              | 574                     |
| 8.  | Pirot                               | 250              | 241                     |
| 9.  | Divljana                            | 150              | 150                     |
| 10. | Bosilegrad                          | 60               | 57                      |
| 11. | Sombor                              | 120              | 110                     |
| 12. | Banja Koviljaca                     | 100              | 115                     |
| 13. | Sjenica                             | 250              | 425                     |
| 14. | Tutin                               | 150              | 122                     |
| 15. | Bogovadja                           | 200              | 250                     |
| 16. | Horgos Transit Site                 | n/a              | 5                       |
| 17. | Kelebija Transit Site               | n/a              | 19                      |
|     | Total                               | Minimum of 5,200 | 6,547                   |

and more so since such collective expulsions suggest that cases are not individually examined and/or people are not provided with the necessary legal and translation assistance.<sup>11</sup>

Considering the many flaws with regards to the access to asylum procedures in Serbia and the lack of asylum law that would regulate such procedures, e.g. forced returns and the disregard of the principle of non-refoulement, it is important to exert pressure on the government to introduce mechanisms for monitoring human rights violations.

Currently there are six asylum centers in Serbia and eleven temporary reception centers in the territory of Serbia. Around 8,000 asylum seekers are living in Serbia, 80 % of those being accommodated in asylum centers. Those not accommodated in asylum centers live in the outskirts of Belgrade in makeshift camps, barracks, and abandoned buildings. Based on data provided by UNHCR 43 % are children, 16 % women, and 41 % men. 54 % originate from Afghanistan, 18 % from Iraq, 8 % from Syria, 12 % from Pakistan, and 8 % from other countries.<sup>12</sup> Table #4 portrays the number and names of the present facilities, their accommodation capacity, and their current occupancy.

With regards to the asylum procedure in Serbia, NGOs play an extremely important role, since they are the only ones providing access to information and other forms of assistance for asylum seekers. Currently, there are only two organizations providing legal support and legal counseling and representation in Serbia, of which the Asylum Protection Center is one and the leading organization. In addition, there is a lack of interpreters able to assist during asylum procedures in Serbia. The Asylum Office is still missing interpreters for some languages such as Pashtu, and there are no hired interpreters in police stations or in any of the reception and transit centers, therefore, NGOs play an increasingly important role in providing free interpretation services during asylum procedures, visits to the reception centers, doctors, police stations, etc.

Consequently, CSO actors in Serbia have played a significant role in advocating for a non-discriminative access to

human rights for asylum seekers, refugees, and other migrants in need by engaging in media campaigns, by taking part in draft negotiations for the new Asylum Act, by addressing misconduct of asylum center managers, and by shedding attention on illegal push-backs and detentions.

#### **MEDIA DEVELOPMENTS IN SERBIA WITH REGARDS TO THE REFUGEE CRISIS**

With regard to media developments since September 2015, when the “crisis” escalated in Serbia, several media frames on the influx of migrants have developed. During the first time period from September 2015 until the end of January 2016, migrants were mostly portrayed as victims. The APC played a significant role in mobilizing media attention by inviting several television stations and newspapers to cover the news and to inform the wider public about this issue. With slight deviations in language, refugees in Serbia were mostly portrayed as in need of help and as destitute victims of the war in the Middle East. Striking stories and images of refugees had influence on the media reporting and in turn mobilized the Serbian public to assist NGOs and IGOs in the provision of humanitarian aid. One of the more prominent reports in 2015 was the Ombudsman’s yearly report, which evaluated the

sentiment of media reporting on the current migration crisis in Serbia.<sup>13</sup> The Ombudsman's report states that the majority of media in Serbia reacted positively to the pressure of migration during the year of 2015.<sup>14</sup> Images of a *Policeman with a kind heart*, showing a Serbian policeman gently hugging a Syrian boy, have appeared all over the world. At first, the media in Serbia wrote about the numbers and figures of people who were migrating through Serbia, later they started publishing personal stories about refugees in order to raise awareness for this issue and to encourage tolerance among the local population. Another prominent report is a study on the public sentiment towards the current migration crisis done by Ninamedia in 2015, which clearly reiterates the positive attitude and empathy of the Serbian public towards refugees.<sup>15</sup> The study was done with a sample of a 1,050 people, whereby more than 80 % responded that Serbia should not raise a fence like its Hungarian neighbors.<sup>16</sup> In addition, almost 60 % expressed their satisfaction with the open border policy.

During this time period, the media statements given by NGOs towards refugees were well-mannered. The media presented NGO activities and projects that addressed discriminatory behavior, the provision of humanitarian help, and the mobilization of volunteers. During the heat of the crisis between September and December 2015, NGOs and citizens of Serbia were first responders, and as such, their communication with the media revolved around keeping the open border policy and cooperating with other NGOs to mitigate the situation.

At the beginning of the crisis in 2015, the Serbian Commissioner for Equality Brankica Jankovic urged other government officials not to wait for EU guidance on the matter of migration, but rather to take matters into their own hands, to open new refugee centers, and to provide the necessary help. In addition, statements by the Serbian Prime Minister Aleksandar Vučić were very prominent during the fall of 2015. He emphasized several times that the security and well-being of Serbian citizens was not going to be endangered as the crisis escalated and that Serbia would not close its borders to people in need. In that regard, one observation needs to be pointed out. The geopolitical situation is often changing, and, as noticed in the section below, as the security and policy measures change across the Western Balkan region, so do the statements by prominent people.

During the second period from February 2016 until October 2016, many newspapers began to report inten-

sively on incidents, such as thefts or attacks on underage girls, caused by migrant population, thus, the portrayal became more negative, and refugees were presented as threatening. There were two public opinion polls in Serbia, one in March 2016 and another one in June 2016, on the public sentiment towards migrants. The first public opinion poll from March 2016 was conducted by the Medium Gallup Group for the United Nations Development Programme in Serbia (UNDP), which conducted its research in the 20 Serbian municipalities most heavily exposed to migrant inflows and outflows.<sup>17</sup> The conclusions from the poll were mostly negative, with more than 63 % of people opting against the opening of new reception centers and more than 50 % being generally against integrating new migrants.<sup>18</sup> In addition, the majority of people felt threatened by terrorist upheavals within the migrant population.<sup>19</sup> The second opinion poll was conducted by the ProPositive group hired on behalf of the Foundation Ana and Vlade Divac in June 2016. The sample for the study comprised 3,082 interviewees, and it was conducted in Belgrade and eight other municipalities.<sup>20</sup> The conclusion was that more than 50 % of people had a negative or ambivalent stance towards migrants.<sup>21</sup> In addition, more than 60 % of people stated that they feared terrorist attacks or a health epidemic, and more than 70 % feared possible physical aggression on the part of the migrant population.<sup>22</sup>

The NGO response to the crisis remained relatively consistent. With a slightly reduced presence in the media, NGOs have continued to call for humanitarian assistance. This time around, the presence of migrants in Serbia is reduced, and NGO activities are heavily focused on providing continuous assistance to those in refugee reception centers. There were several media reports on reduced funding for NGOs dealing with the crisis, which might be due to the decreased number of arrivals. At this point in time, many media outlets report on a possible breach of the EU-Turkey deal, which could lead to Serbia becoming a bottleneck for refugees. The slightest possibility of such an event taking place indicates the need for a continuous NGO presence, strong community engagement, and ethical media reporting.

With several policy changes and the uncertainty of regional responses along the Balkan transit route during this period, the government officials in Serbia, for example the Serbian Prime Minister Aleksandar Vučić, gave statements like "Serbia will not be a parking lot for all the unwanted migrants", the most recent one coming from

the President of Serbia Tomislav Nikolić who asked for a complete border closure. The public sentiment has been changing steadily. From an open arms policy to statements from government officials about how Viktor Orbán handled the refugee situation much more proficiently.

During the third period, from November 2016 until March 2017, the polarization of the media and the public with regards to the refugee crisis became evident. On the one hand, certain media outlets have continued sensational reporting about refugee smuggling, prostitution, and misconduct, while others have switched their focus to a more humane, sensitized reporting on the impoverished living situations of refugees and especially refugee children. Due to the more than 8,000 asylum seekers living in Serbia, the government of Serbia had begun the realization of several funding opportunities for asylum seekers and refugees in Serbia, which caused a public outcry accusing the government of spending money on asylum seekers, rather than investing in the destitute Serbian economy and the welfare system. The government kept their response on the low by ensuring that asylum seekers in Serbia are not given tremendous financial opportunities, but that they rather are provided with basic and guaranteed human rights under the constitution with no consequences for the well-being of Serbian citizens.

Influenced by the run-down and gloomy images and media reports of refugee women and children, the other half of the Serbian society has assumed a more compassionate and kindhearted reaction to the refugee situation in Serbia. Many people continuously approach the APC with the intention to donate and/or buy various items for asylum seekers and refugees, always quoting articles they read, news reports they saw, or refugees/people granted or seeking asylum they met in the streets. Although the

living situation is difficult for many Serbian citizens as well, people continue to empathize. Nonetheless, it is important to note that in most cities in Serbia, except for Belgrade, asylum seekers and refugees are accommodated in semi-closed refugee camps, thus, a certain mechanical as well as psychological partition is created between the local population and refugees. Except for the civil society involvement, which is committed to engage local communities and asylum seekers/refugees in workshops, events, and trainings, there are no sustainable government-realized integration activities for the two groups.

As such, CSO involvement and exposure in the media plays a significant role, since it provides an additional source of information and evidence as to what is the state of play in Serbia. During this third period, from November 2016 until March 2017, NGOs have continued their engagement in the media by giving interviews and realizing media and social campaigns, however, much less than in previous, more active periods of refugee influx.

Overall, in relation to the other two periods, the third period of media activity followed the same decreasing trend, with people being more ambivalent, rather than tremendously positive or negative with regards to the issues concerning refugees. Considering that the EU's reliability depends on the development of the geopolitical situation in the Middle East and in the region, all the countries along the so-called Western Balkan route correspondingly depend on the EU and are patiently awaiting its each and every move. For these reasons, it is safe to assume that developments are yet to take place, and when they do, Western Balkan countries, and especially Serbia, will have a significant role to play.

## CIVIL SOCIETY RESPONSE TO THE LARGE-SCALE INFLUX OF REFUGEES AND ITS CONSEQUENCES FROM 2015/2016 UNTIL SPRING 2017

As an urgent response to the rising influx of asylum seekers and refugees into Serbia, the government along with major international organizations and NGOs created humanitarian entry points and transit centers in order to cater to all the people in need. Along with the organization of entry points, the government established registration procedures and transportation for those asylum seekers moving forward. New facilities and additional

asylum centers were instituted, thus making CSO actors and their presence in the field of great relevance in covering the wide area of activities and in providing support to asylum seekers and refugees.

As the route, administrative asylum capacities, and policies changed, so did CSOs' activities and presence in the field. While in 2015 most of the activities were focused

on the provision of humanitarian aid, medical support, and psychosocial and legal assistance, in 2016, the CSO activities correspondingly expanded to advocacy and media and social campaigns targeting local communities and promoting solidarity and compassion. From a small number of CSO actors at the time of the onset of the crisis, civil society in Serbia exploded to dozens more providing humanitarian support and other forms of assistance as the emergency progressed in 2015. Civil society indeed played an integral role in the immediate response to the increased flows of asylum seekers and refugees. They have portrayed a great deal of solidarity on the ground by mobilizing volunteers, activists, and ordinary citizens. However, as it was noted by many CSO actors, the implementation of activities and the provision of humanitarian support was in many cases hampered by a lack of coordination and a duplication of delivered aid, overburdening some asylum centers with more aid than needed, while others were in deficiency. Such coordination is necessary in order to ensure a seamless work flow and delivery of aid and in order to leave no man, woman, and child asylum seeker and refugee behind.

## COORDINATION AND COOPERATION

In order to create a concise portrayal of the scope of coordination and cooperation between various CSO and governmental actors in Serbia from 2015 until 2017, this research analyzed data collected by means of three focus groups with CSO and governmental actors conducted in Lajkovac, Presevo, and Subotica, whereby 17 government representatives and eleven CSO actors were interviewed. In addition to these focus groups, the findings also draw on general observations and desk research. The interview questions were semi-structured in order to allow focus group participants to engage in an open discussion, through mutual engagement possibly opening new topics and relevant discussions.

### a) Positive Aspects and Challenges

All CSO representatives present in the focus groups were heavily engaged and continue to being engaged in the provision of humanitarian, legal, and psychosocial aid for asylum seekers, refugees and other migrants in need. In contrast to a few organizations, which provide psychosocial and legal aid, most of the organizations are engaged in the provision of humanitarian aid. With that in mind, the situation during the beginning of the crisis in 2015 differs significantly from the state of the refugee crisis in 2017. Most of the NGOs agreed that from 2015 until

the closure of the Western Balkan route in March 2016, a higher influx of asylum seekers meant the continuous delivery of humanitarian aid. The CSO actors, among them NGOs as well as volunteers and activists, filled many gaps, which the government was not able to address, thus, representing a central pillar which kept the crisis in Serbia under control. However, basic humanitarian aid is not sufficient to address all the needs of asylum seekers and refugees – proper reception conditions were and continue to be an issue, and these cannot be addressed without government involvement.

Coordination in the form of CSO groups or consortiums as such did not occur, however, the upsurge in asylum seekers crossing Serbian borders led to a spontaneous self-organization of aid delivery between those CSO actors who provided basic needs and those providing transport and legal aid. In addition, some of the coordination between different CSO actors, which did take place, was short-lived and occurred mostly due to personal connections and with those CSO actors which were funded by the same donor. As emphasized during focus groups, the biggest problem in the distribution of aid during the largest influx of refugees in 2015 was the overlap in the distribution of aid. Due to a lack of coordination among the actors, aid was distributed asymmetrically, or, in many cases, there was a surplus of one type of service and a deficit of others, thus, causing discrepancies. Unfortunately, such discrepancies continue to be a problem today, not only with regards to the provision of humanitarian aid, but as well with regard to the provision of legal and psychosocial assistance. While in some camps, CSO actors provide psychosocial and/or legal assistance, there is a lack of such support in other camps, which indicates that many asylum seekers and refugees remain without proper support due to the inability of many actors in the field to coordinate properly.

The CSO participants indicated that due to many organizations being project funded, there is a strong responsibility to follow up with what was promised to the donors and a lack of flexibility in donor/beneficiary relations. In many cases, the CSO actors are constrained and unable to adjust to the new fast-changing state of play, in most cases due to their dependence on project funding and inflexible relations with the donor.

With the development of the refugee situation and with several policy changes along the route, such as border closures in the Balkan region and the EU-Turkey deal, the

influx of refugees was reduced and along with it the aid. The borders were closed, and the asylum seekers, refugees, and other migrants were accommodated in asylum and transit centers across Serbia. Due to such changes, many NGOs withdrew from Serbia and left for Greece or other places – some due to the inability to gain access to refugee camps and others because the center of action at this point of the crisis was Greece. This meant several issues for asylum seekers and refugees stuck in Serbia: (a) a lack of continuity in assistance and (b) a lack of follow-up with specific asylum cases.

### **b) Advocacy Efforts**

CSO advocacy efforts in the Serbian asylum system are mostly constrained by a lack of capacity and a lack of government engagement on refugee matters. However, since Serbia is on its path to becoming a EU member state, it is obligated to follow EU *acquis communautaire* and to abide by the set of terms and conditions set in EU accession chapters. In the last couple of years, the Serbian government has been drafting a new law on asylum, however, due to the ongoing accession process and with the opening of chapters 23 and 24 of the EU, Serbia will need to speed up the implementation of the new law on asylum and to enact several other measures regarding asylum issues, such as integration measures in order to synchronize its laws with the EU. In that regard, many NGOs are part of the working group for the abovementioned law on asylum, thus, enabling them to have a voice when it comes to bringing certain laws into action.

### **c) Volunteer Engagement**

Throughout the crisis in 2015 and continuing into 2017, volunteers played a great role in distributing humanitarian aid and providing all the necessary information to asylum seekers and refugees in Serbia. During the “peak of the crisis”, many volunteers and activists self-organized in order to help asylum seekers and refugees passing through Serbia. In that regard, there was no formal initiative of volunteers – volunteerism operated on an ad hoc basis with spontaneous self-organization of activists and local citizens. Nonetheless, since there was no formal coordination of volunteer activities, many problems arose, which inhibited the work of NGOs and especially governmental institutions. Many cases occurred, in which a volunteer would give incorrect information to a group of asylum seekers, e.g. directing them to a wrong asylum center or providing incorrect information as to which borders are open. Such acts of misinformation are detrimental to both NGOs and governmental actors, but especially

to asylum seekers and refugees. For these reasons, it is vital to coordinate the provision and jurisdiction of support by all actors in the field in order to deliver proper assistance and to provide correct information.

Nowadays, with the closure of the Western Balkan route and the reduction in the number of asylum seekers entering Serbia, although equally needed, the number of volunteers decreased significantly. Some of the factors influencing such changes are a lack of media reporting and motivation of local citizens and the inability of volunteers to enter refugee camps. Since asylum seekers were relocated from open spaces to asylum and transit centers around Serbia, the camp management would arbitrarily prevent volunteers from entering asylum centers, which in turn impacts their motivation to help the cause.

### **d) Relationship with Government Institutions**

Government participants represented local health institutions, schools, centers for social work, the National Employment Office, and KIRS, and they all have indicated several important things. Firstly, all of them have acknowledged the indispensable help provided by the Serbian CSO community during the peak of the crisis and onwards. As indicated during the focus groups, in most places, except in the city of Subotica and Presevo, there are no coordination meetings between CSO and government institutions. Besides, only in Presevo, both groups of providers meet regularly on a weekly basis to coordinate the distribution of aid and to discuss important matters in the camp. In Subotica, there is a local municipality organized Council on Migration, which meets once a month, however, the presence of NGOs or other CSO actors is not allowed. Such practice is frowned upon by the NGOs working in the refugee camps and transit centers at the northern border. During the focus groups, they have suggested that the Council of Migration should be a regular practice organized in all major refugee receiving cities in Serbia, however, these meetings should include both service providers, since both are necessary and vital in filling all the gaps.

Government representatives coming from local health institutions emphasized that their cooperation with the CSO actors, especially with NGOs, was and continues to be productive. Both groups of providers cannot manage specific asylum cases without one another, meaning that the involvement of NGOs in recognizing asylum seekers and refugees in need of medical assistance, in providing interpretation, and in explaining their human rights to both medical professionals and the patients was tre-



mendously helpful. On the other hand, the health professionals were always quick to react to NGO requests and in providing help without discrimination or prejudice. More so, due to government austerity measures and an employment ban in the public sector, in many cases NGOs would pay health professionals to work in refugee camps and to always be of service.

Social workers taking part in the focus groups equally praised their cooperation with the NGO sector. As with the health professionals, NGOs would in many cases pay salaries to social workers engaged in the work with asylum seekers, especially unaccompanied minors. The biggest problem, as indicated, is the lack of capacity and staff in the field as well as the lack of funding, since the government did not increase local municipality budgets in light of the crisis.

Representatives of local schools have indicated that there is a lack of enrolment of youth asylum seekers into schools, which is due to a lack of integration measures or special procedures outlining how to behave in emergency situations, such as the present situation with a great number of youth asylum seekers currently staying in Serbia who are missing out on education. In most cases in which children asylum seekers managed to get enrolled into a school, it was an NGO, which exerted pressure on

local government institutions to make this possible. In most other cases youth asylum seekers in Serbia are inhibited from going to school due to austerity measures and the employment ban in the public sector as well as due to a lack of integration measures, mechanisms, and special procedures. However, as indicated during the focus groups, besides technical and administrative barriers to school enrolment, the lack of willpower to plan and implement concrete measures is exceedingly responsible for the current situation.

All government institutions present during focus groups emphasized that the lack of funding and strategies is inhibiting their work. Also, they have complained about local media reporting, which at the beginning of the crisis was sensationalist and afterwards negative, while now there is a lack of local reporting on what is happening in the communities, which in turn also turns the local population against the asylum community.

Cross-border cooperation during the peak of the crisis was mostly happening during the coordination of transit zones and by NGOs helping with family reunification cases. Nowadays, cross border cooperation between governments functions by cooperating with FRONTEX and by means of NGO engagement in form of taking part in conferences and projects.

## CONCLUSION

Since the closure of the Balkan route and the implementation of the EU-Turkey deal in 2016, the Republic of Serbia acquired a new role – serving as a buffer zone, a political and legal limbo for more than 8,000 asylum seekers whose inability to move forward to their desired countries of destination has triggered severe isolation and deprivation. During the transition from a country of transit to a buffer zone, new roles have emerged for civil society in Serbia – from strict humanitarian support, civil society transitioned to providing long-term support by means of psychosocial assistance, various workshops for men, women, and children asylum seekers, legal representation before national courts, advocacy for changes in the asylum system, monitoring of detention and push-backs, etc.

Such long-term engagement requires government institutions to adjust as well – to legislate new policies, strategies, and measures, which will in turn harmonize the pro-

vision of assistance by both governmental and CSO actors to the asylum and refugee community in Serbia. As emphasized during the focus groups, the lack of coordination between various actors along with the lack of a clear government strategy and financial constraints inhibit governmental institutions and CSO actors from doing their best work.

The role of the civil society is by no means small and insignificant – as it was shown in the case of Serbia, CSO actors have taken upon themselves the implementation of many activities and have conducted work originally intended to be delivered by the government institutions, such as enrolling asylum seekers and refugees into school or paying health professionals and social workers to assist when needed. With no integration policy in place, it is the task of NGOs to conduct and realize integration/interaction activities and training and/or workshops for



the local population and asylum seekers. Such initiatives are essential to build social cohesion, and they carry a lot of weight by filling the humanitarian, social, and cultural gaps, which the state cannot fill. CSO actors have acknowledged their wholehearted commitment to the cause, however, the harmonization of activities between NGOs as well as between NGOs and government institu-

tions is indispensable for a long-lasting and sustainable provision of aid for refugees. More importantly, such dedication of the civil society needs to be translated into policies and measures of integration and human rights protection in order to ensure the seamless coordination of a wide area of assistance provided to asylum seekers and refugees in Serbia.

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*“UNTIL THE LEGAL AND PHYSICAL CLOSURE OF THE BORDERS IN 2016, VOLUNTEER ORGANIZATIONS DOMINATED THE FIELD OF CARE AND AID FOR REFUGEES.”*

## INTRODUCTION

Issues concerning migration and refugees are among the most discussed and the most divisive topics in European society today. However, up until 2015, the topic was rarely brought up in Hungary, since only a small number of immigrants live in the country, the majority of whom are of European ancestry and citizens of neighboring countries. There has been no significant influx of refugees to Hungary since the Yugoslavian conflicts in the early 90s; therefore, for years Hungary's stance on refugees and asylum seekers has only been discussed in professional circles. For most Hungarian citizens, up until 2015, issues on migration and refugees seemed like some unfamiliar topic that had minimal impact on their everyday lives.

The 2015 large-scale influx of refugees and the government campaign that used the "crisis" to its advantage changed this situation in its entirety. Not only did the Hungarian society show a never before seen level of rejection towards the issues concerning migration or refugees, but the discussion on the topic was also moved from the calm and focused professional circles and became the center of a heated political debate. Meanwhile, in an in Europe unprecedented manner, the Hungarian government basically dismantled a previously well-functioning asylum system, making it impossible to have an actual, professional discussion.

As a direct consequence to this, by the end of 2016, the Hungarian asylum system reached a point of considerable crisis, caused partially by the large-scale influx of refugees to Hungary in 2015 and partially by the government's response to the situation in question. The Hungarian government's answer to the increased number of refugees – which reached a two-decade-high during this period – was to consciously dismantle the refugee system and, furthermore, to completely utilize the "refugee crisis" to its political advantage. The measures taken clearly outline the government's intentions: First, refugees should not be able to enter the country; second, those who were able to enter, should be discouraged from seeking asylum; third, those who completed the first two steps – entering the country and asking for asylum – should be encouraged to continue their journey to Western Europe as soon as possible.

These measures are not only inhumane, but, to a considerable extent, also decidedly unlawful. Furthermore, they ignore the fact that, due to being a member of the European Union and the Schengen Area, no step taken solely by the Hungarian government can result in a real and long-lasting solution for such a challenge.

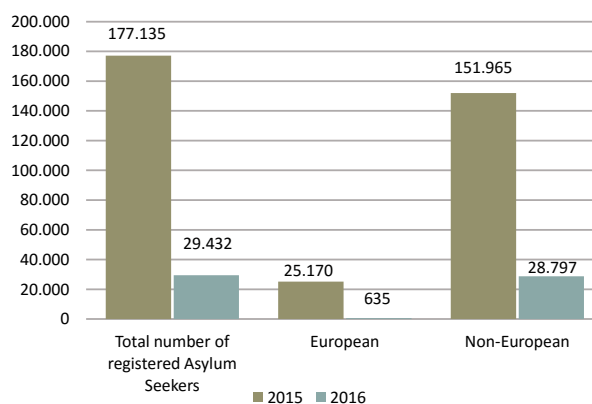
## THE REFUGEE MOVEMENTS IN NUMBERS

### CHANGES IN THE NUMBERS OF THE ASYLUM SEEKERS ARRIVING IN HUNGARY 2015–2016

|  | 2015    | 2016   | Change   | Change in % |
|--|---------|--------|----------|-------------|
| Total Number of Registered Asylum Seekers                                    | 177,135 | 29,432 | -147,703 | -83.38%     |
| European   | 25,170  | 635    | -24,535  | -97.48%     |
| Non-European   | 151,965 | 28,797 | -123,168 | -81.05%     |
| Share of Europeans of the Total Number of Registered Asylum Seekers in %     | 14.21%  | 14.21% |          |             |
| Share of non-Europeans of the Total Number of Registered Asylum Seekers in % | 85.79%  | 85.79% |          |             |

## NUMBER OF ASYLUM APPLICATION BY NATIONALITY IN 2016

| Citizenship | 2016   |
|-------------|--------|
| Afghanistan | 11.052 |
| Syria       | 4.979  |
| Pakistan    | 3.873  |
| Iraq        | 3.452  |
| Iran        | 1.286  |
| Morocco     | 1.033  |
| Algeria     | 710    |
| Turkey      | 425    |
| Somalia     | 331    |
| Bangladesh  | 279    |



## THE HUNGARIAN NATIONAL ASYLUM SYSTEM – POLICIES, CURRENT TRENDS, AND DEVELOPMENTS<sup>1</sup>

The Immigration and Asylum Office (IAO), a government agency reporting to the Ministry of Interior, is in charge of the asylum procedure by courtesy of the Director of Refugee Affairs. The IAO is also in charge of operating open reception centers and closed asylum detention facilities for asylum seekers.

There is one asylum procedure, by which all claims for international protection are considered. The procedure consists of two instances. The first instance is an administrative procedure carried out by the IAO. The second instance is a judicial review procedure carried out by regional administrative and labor courts, which are not specialized in asylum issues. There is also a special border procedure, which is kind of an accelerated procedure for asylum seekers entering Hungary via the transit zones.

Asylum may be sought at the border or in the country. If a foreigner expresses the wish to seek asylum at the border or to the police, the police authorities must contact the IAO accordingly. The asylum procedure starts with the submission of an application for asylum in person before the asylum authority.

The asylum application starts with an interview by an asylum officer and an interpreter, which takes place usually within a few days after arrival. At that point, biometric data is taken and questions regarding personal data, the

route to Hungary, and the main reasons for asking for international protection are asked. The IAO will decide on the placement of the asylum seeker in an open center, or it will order asylum detention. Sometimes, the IAO will conduct more than one interview with the applicant.

The asylum authority will then consider if the applicant should be recognized as a refugee or granted subsidiary protection or a tolerated stay under non-refoulement considerations. A personal interview is compulsory, unless the applicant is not fit for being heard or submitted a subsequent application and, in the application, failed to state facts or provide proof that would allow his/her recognition as a refugee or beneficiary of subsidiary protection.

The applicant may challenge any negative IAO decision by requesting judicial review at the regional administrative and labor court within eight calendar days or within seven calendar days in case of inadmissibility or accelerated procedure.

The court is required to make a decision within 60 days in case of the normal procedure and within eight days in cases of inadmissibility or accelerated procedures. A personal hearing is not compulsory. The court may uphold or annul the IAO decision and, in the case of the latter, order a new procedure.

## CIVIL SOCIETY RESPONSE TO THE MOVEMENTS OF REFUGEES IN 2015/2016

As widely known, the events in summer and autumn 2015 in Hungary and the movements of refugees were unprecedented and proved to be an exceptional challenge for the country, especially since the majority of the Hungarian population as well as the government shows signs of xenophobia and rejects any form of otherness; furthermore, the level of civil activity and trust among people is generally low. However, despite of all this, new forms of solidarity have emerged, so that the large number of refugees arriving in the country could receive basic humanitarian help.

The development of the activities incited to help refugees is closely tied to the European, Hungarian, and local societal-political context of summer/autumn 2015; the developments adhere to the context and, at the same time, actively forge it. While the leadership of the European Union reacted to the events with a pro-refugee rhetoric, but took no active steps to help, the Hungarian government, alone in the area, proposed an anti-immigration rhetoric, which was frowned upon by the leaders of most European countries.

The process started with Prime Minister Viktor Orbán's statement following the attack on Charlie Hebdo in Paris in January 2015 according to which immigrants "can only bring trouble to Europe". This anti-immigration rhetoric continued with the referendum of 2015 and culminated in the following poster campaign. The country's left-wing opposition was unable to react to the situation, while the extreme right was paralyzed because the government took away their anti-refugee rhetoric.

According to governmental communication, the national and conventional aid organizations showed **non-activity** regarding refugee issues. The latter, traditionally civil or ecclesiastical organizations, are typically tied to the government and receive significant governmental funds.

**Paradoxically, the non-activity of these traditional civil organizations prompted the sudden appearance of voluntary civil society initiatives.** Therefore, in addition to the need and readiness to help people in vulnerable positions, the passivity of big aid organizations and the volunteers' pro-opposition political motivations con-

tributed substantially to the general civil participation. Those are the new volunteer civil society organizations/initiatives that emerged within a country that uses anti-refugee rhetoric in the first place, where there is a lack of trust and social capital, and where civil activity generally lacks strength.

The unprecedented application of new communication technologies and the use of internet-based technologies during the events in 2015 constituted a novelty. Amongst those, the use of Facebook and other social media platforms has been the most prominent, both with regard to the informational flow as well as with regard to the organization through groups. This was supplemented by an intensive presence of the national and commercial media, which influences opinions and events at the same time and which is now more important than ever.

### THE BASIS OF HELPING: HUMANITARIAN AID VS. RESPECTING LAWS

In an ideal situation, humanitarian aid and lawfulness align with each other. However, during the "transit crisis" new active volunteers were often forced to choose between the two. The reason for this was the different understanding of laws by national and civil aid organizations as well as the uncertainty of the law caused by the unprecedented large-scale influx of refugees. Therefore, the activity of certain aid organizations could have been interpreted as human trafficking or as aiding human trafficking, while elsewhere the cause of the problem was to adhere to the governmental regulations regarding food distribution.

This uncertainty affected the new volunteer organizations the most, as while the older organizations were able to build on their previous experiences, the new ones had to form their own stance amidst the crisis. The number of tasks kept growing along with the number of asylum seekers in need, which made it necessary to provide legal counseling, medical care, and help in finding lost family members, in addition to food supply.

All of this had to be provided in an atmosphere, where professionalism was overridden by politics. The political discourse with regard to asylum seekers became an ev-

eryday occurrence, while the extreme right’s stance was based on anti-Islam rhetoric and the framing of the so-called “refugee crisis” by connecting it to terrorism and issues of security. The importance of the national security issues was placed on the “national” side of the discourse, while helping refugees was placed on the other, the “anti-national” side.

The events of 2015/2016 and the readiness of new volunteers point out several interesting points with regard to Hungarian civil activity. It showed how large-scale charity work can be done on a purely voluntary basis with no organizational history, and that it can be done in a way that the structure for the mentioned charity work is built during the events. Furthermore, it showed how refugees can be helped by leaning mostly on novices’ commitment to the cause and, finally, how professional aid organizations and national institutions can be replaced solely by the work of volunteers and the donations of civilians and companies.

However, one question remains: Can the civil solidarity brought up by the “refugee crisis” give birth to a civil

movement to help people in need in Hungary by means of conscious development or is the volunteer movement of 2015/2016 only viable in the case of a migrating population with no intentions of settling, with people in need only needing care and aid for a couple of days, instead of integration measures in the long run?

#### NEW AND LONGSTANDING HUNGARIAN CIVIL SOCIETY ORGANISATIONS PROVIDING AID FOR REFUGEES

| Type of Organisation   | Name of Organisation                 |
|--|--------------------------------------|
| New volunteer organisations  | Migration Aid                        |
|  | Segítsünk Együtt a Menekülteken      |
|  | MigSzol Szeged                       |
| Longstanding CS organisations working in the field of migration and refugees | Magyar Helsinki Bizottság            |
|  | Menedék Migránsokat Segítő Egyesület |
|  | MigSzol Migráns Szolidaritás         |
|  | Menhely Alapítvány                   |
|  | Oltalom Egyesület                    |
| Aid organizations  | Hungarian Red Cross                  |

### THE ACTIVITIES AND ROLE OF CIVIL SOCIETY AFTER THE CLOSURE OF THE “BALKAN ROUTE”

Until the legal and physical closure of borders in 2016, volunteer organizations dominated the field of care and aid for refugees. However, following the closure of the borders, the large-scale transit movements suddenly turned from the closed Serbian-Hungarian border towards Croatia. Parallel to this, following the government’s targeted referral and significant financial help, some of the big aid organizations took action and remained active until the physical closure of the Croatian-Hungarian border.

Meanwhile, the new volunteer groups lost their significance along the Croatian border, as they did not take part in the events on-site. However, at the Austrian border, at the crossing point of Hegyeshalom, volunteer groups, which worked alongside big aid organizations in distributing goods funded by the government, could be found. This loss of impact is due to the fact that, starting

from this period, the refugees crossing through Hungary avoided the public squares of big cities, which were the main sites of aid activity beforehand. Following the shift of the new refugees’ path that bypassed Hungary, a small and committed “hard core” of the new and old aid organizations continued its charity work in the neighboring countries, always following the current focal points of the transit wave.

The caring for the refugees arriving in Hungary after the closure of the borders – this time in significantly smaller numbers – was taken on by one aid organization in Budapest and Szeged as well as by other aid organizations and older civil groups.

However, due to the lower numbers of arriving refugees, the completely changed legal environment, and the restructuring of border security, this situation differs greatly from the situation in 2015.



## CONCLUSION

Based on what has been described above, the following conclusions arise:

**1. The human rights** laid down in international law and in the constitution and other laws of Hungary cannot be avoided, ignored, or relativized. The international asylum laws have been evolving and reacting to the challenges of history and social and other changes for decades, proving that its cornerstone, the Geneva Convention, is still valid today. Providing asylum to those who flee from war, death, torture, and abuse is the cornerstone of the European civilization, and insofar it is the legal, moral, and historical obligation of every member of the European Union. The mere existence of the European Union's harmonizing – but nowhere near perfect – asylum system is a historical achievement, which provides the sole possible framework for the members' answers to the refugee question on national level.

**2. Meanwhile,** the real and effective protection of refugees can only be realized by means of a system that works quickly and effectively and that, additionally, provides order and safety in the recipient countries, while treating human rights with the outmost respect, instead of going against them. Not every asylum seeker qualifies for international protection which is due in the case of refugee status, however, the distinction between those who qualify for protection and those who do not should happen in fair, lawful, and also effective ways. The stigmatization, rejection, and abuse of refugees only lead to unnecessary tension and violence. Therefore, we need to establish a calm and collected discourse free from political influence

in the field of refugee law, which allows the alignment of knowledge and viewpoints from different fields of study.

**3. For most refugees,** Hungary is not a destination country, but most refugees look for the first safe country. However, some refugees attempt to reach a specific country, which is most often where their relatives or friends live, where they face no language barrier, and where they stand a good chance of finding work. Hungary cannot be considered an attractive country of destination, neither from the viewpoint of the language situation, nor with regard to the job market, and, furthermore, because there are no considerable diaspora communities living in the country, either. Therefore, the asylum policy has been drawing on the idea that “sooner or later everyone will go on towards the West”. The government often uses this all-encompassing country-of-transit-idea as an argument against the development of reception centers, refugee camps, and social integration strategies. As such, the country-of-transit-idea becomes a self-fulfilling prophecy, since the developments that would ensure the stay of certain refugee groups in the future are again and again delayed. However, every sound and forward-thinking policy concept should aim at at least lowering the ratio of refugees who quickly move onto the next country, since without this we cannot speak of real international security, but only of a system that lets people advance without posing minimal questions. In this regard, we cannot forget about Hungary's long-standing demographic crisis, the hundreds of thousands of people who have left the country in the last few years, and the more and more pressing lack of workforce.

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1 >>> [http://www.bmbah.hu/index.php?option=com\\_k2&view=item&layout=item&id=177&Itemid=1232&lang=hu](http://www.bmbah.hu/index.php?option=com_k2&view=item&layout=item&id=177&Itemid=1232&lang=hu)



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*“DURING THE FIRST FEW DAYS AFTER THE CLOSURE OF THE HUNGARIAN-SERBIAN BORDER, IN TOVARNIK, REFUGEES WERE NOT PROVIDED WITH ADEQUATE ACCOMMODATION AND THEREFORE REMAINED OUTSIDE IN THE OPEN AREA AROUND THE TOVARNIK RAILWAY STATION.”*

## INTRODUCTION

This report outlines the national context and developments of the asylum and migration system in Croatia, focusing on the period from September 2015 until March 2016, but also on some legal developments during the period afterwards. It gives an overview of the national system, with emphasis on recent trends and developments. Further on, it focuses on the civil society response to the movements of refugees in 2015/2016 – namely on how national NGOs, INGOs, volunteers, activists, universities, and other independent institutions reacted to the situation. It explains how coordination and cooperation was established, what types of assistance were provided to refugees, and what kind of advocacy and public opinion activities were performed. Croatia is a Western Balkan country, a EU member state, and an external EU border, which puts enormous pressure on the country, since the border itself is around 300 km long. According to information provided by the Ministry of Interior and the Croatian police, the border is protected by FRONTEX forces (the European Agency for protecting external EU borders). In the past, during the 1990's, Croatia has experienced a war that affected former Yugoslavian countries and has thereby great experience in accommodating refugees from neighboring countries like Bosnia and Herzegovina and Serbia. During the 1990's, approx. one million refugees were accommodated in different parts of Croatia and given the chance to start a new life. In today's context, Croatia is lacking in receiving refugees with the most common excuse that refugees perceive Croatia only as a transit country. However, practice and policies show that it is actually the political strategy of Croatia that is making it a transit country, since integration measures are poor and integration for refugees is difficult.

## THE CROATIAN ASYLUM SYSTEM – POLICIES, CURRENT TRENDS, AND DEVELOPMENTS

The Croatian asylum and migration system is defined by the **Act on International and Temporary Protection** and the **Aliens Act**. The Act on International and Temporary Protection defines the procedure of applying for international protection, the rights that asylum seekers and persons under international protection have, and the integration of the mentioned groups into Croatian society. The act is the basis for the according **Action Plan on Integration of Persons that have been granted International Protection** for the period from 2017 until 2019 – which was approved by the government in June 2017. The previous Action Plan on Integration (2013–2015) was focused on all foreigners living in Croatia and not only directed towards persons that have been granted international protection.

Many Croatian NGOs have advocated that the new action plan should follow the previous one, but such opinions were not taken into consideration by the government. The new proposal for the Action Plan 2017–2019 shows discrepancies between goals and measures, as the proposed measures do not achieve set goals. The action plan measures include a list of regular and non-ambitious tasks, whereby the state establishes minimum practices of its own action, while the integration of persons with international protection is neglected. The action plan as such lacks a strategic view of integration that would include aspects of socio-economic empowerment of persons granted international protection. The direction the action plan sets is almost entirely focused on social rights and puts high expectations in terms of integration on the persons who have been granted international protection.

The introductory part of the text states that integration is a two-way process involving both parties, but the document focuses mainly on action and expectations. Persons who have been granted interna-

tional protection cannot be treated as “social cases”, and the state should, in their developmental perspective, regard them as a priority in integration with a view to their inclusion in the learning of the Croatian language, the education system, and the labor market. Realizing rights established through the social welfare system should only be a short-term support on this path, and not the focus of their treatment in Croatia. The key direction of the state should be the one in which state administration bodies provide for protection and support of refugees in the form of support to overcome trauma, social inclusion, and participation in the new socio-economic context.

In March 2016, the legislative procedure for amending the **Aliens Act** was initiated under emergency procedure. Although in May 2016 the final draft of the Act on Amendments to the Aliens Act was adopted, the Croatian parliament did not decide on it by the end of 2016. However, in December 2016, the final text of the bill was decided upon again during the session of the government. The final text of the proposal of the Act on Amendments to the Aliens Act brings many changes to existing legal institutes and introduces some new ones. Some of these institutes, such as the institute of alternative detention that follows the international legal standards and the principle of detention only as the ultimate measure, are positive. The proclaimed task of the assumption of these legislative changes is the alignment with the EU directive.

When analyzing concrete provisions and measures, the proposal of the law is only partially successful in fulfilling this task. Some changes do not align with the directive (e.g. the abolishment of the possibility to issue travel documents for aliens with temporary or permanent residence) and some are stricter and more repressive than the provisions of the directive. The most alarming one is the institute of “criminalizing solidarity” (criminalization of providing aid for refugees). Measures that foresee the criminalization of solidarity are scattered throughout the whole proposal of the act. They do not represent individual isolated measures, but an entire system of measures that outline the political and legal attitude of not only the country towards refugees, but also the desired attitude of society towards these groups, except for the narrowly defined exceptions “life saving, prevention of injuries, provision of emergency medical aid and humanitarian aid in accordance with a special regulation”. The proposal practically provides non-threatening punishments for anyone who assists a refugee with the “illegal” passage, stay, or transit through the Republic of Croatia. In 2015 and 2016,

not only individuals, but also the state as well as other member states and recently also the Vatican proactively assisted with the transition and stay of refugees. Today, the Republic of Croatia demands a complete turnaround from institutions and societies, which is not only immoral, but also illegal.

Therefore, it is necessary to define “helping” in such a way that assistance for humanitarian reasons is not punishable. Helping on the basis of humanitarian reasons means that the support does not result in any material or financial benefit for the facilitator, but is guided by a moral and humanitarian principle in situations of necessary assistance to protect the life or integrity of a person, who illegally crosses or illegally resides in the territory of the Republic of Croatia – helping not only means to “rescue life, prevent injuries, provide emergency medical assistance, and provide humanitarian assistance in accordance with a special regulation”. In the territory of the Republic of Croatia, there are numerous people who are unable to return to their country of origin due to various subjective and/or objective reasons (inability to obtain travel documents, insecurity of return, uncertainty in the country of origin, lack of financial means to cover travel expenses), and they remain in the Republic of Croatia with unregulated status. They often live in extremely difficult conditions, and the police and other state government institutions are aware of the existence of such cases – to which they often do not respond, except for the occasional detention of those persons for the period of time permitted by law.

In such cases, it is necessary to annul the misdemeanor and other responsibilities of the citizens who, for humanitarian reasons, assist those persons. Directive 2002/90/EC lays down punishment for the attempt to support, but only for the purpose of “... combating illegal immigration, illegal employment, trafficking of human beings and sexual exploitation of children”. Sanctioning attempts in this sense applies primarily to the abovementioned criminal offenses, it should not lead to the equalization of illegal migrants with refugees, thereby enabling the criminalization of refugees, or to the denial of the status of refugees, because this would distort the purpose of the directive. It refers to the precise definition of the offenses referred to in cases of exemption and to the Framework Decision 2002/946/PUP, which states that it applies without prejudice to the protection of refugees and asylum-seekers in accordance with international law which refers to refugees or other international instruments in the field of hu-

man rights protection, and in particular to the respect of international obligations by the Member States in accordance with the provisions of the Convention on the Status of Refugees, as amended by the New York Protocol of 1967.

To conclude this section, a short statistical overview, drawn from UNHCR Croatia<sup>1</sup>, will be provided here. The highest numbers of asylum seekers and persons granted international protection in the past decade were persons originally from Afghanistan, Syria, Algeria, Somalia, Pakistan and Iraq. In total, from 2006 to 2016, 6,966 persons sought asylum and were granted International

Protection, 1,780 persons of whom were from Afghanistan, 689 persons from Syria, 526 persons from Algeria, 513 persons from Somalia, 420 persons from Pakistan and 391 persons from Iraq.<sup>2</sup> Inevitably, a distinction needs to be made between those persons who were recognized as refugees and those who were granted subsidiary protection. Between 2006 and 2016, 192 persons were recognized as refugees in the Republic of Croatia, 30 of whom were of Afghan nationality, 29 persons of Iraqi and 24 of Syrian origin. In total, between 2006 and 2016, 83 people were granted subsidiary protection, 37 of whom were persons from Syria, 16 persons from Somalia and nine persons from Afghanistan.

## CIVIL SOCIETY RESPONSE TO THE MOVEMENTS OF REFUGEES IN 2015/2016

### COORDINATION AND ASSISTANCE TO REFUGEES

The first refugees arrived in Croatia during September 2015. The government neglected that the route would turn from Hungary to Croatia, but since Hungary closed the border, most of the refugees were directed to Croatia. On September 15<sup>th</sup>, 2015, the Ministry of the Interior organized a meeting with representatives of aid and civil society organizations that have been actively involved in providing refugee support for many years: the Croatian Red Cross, the Jesuit Refugee Service, the Croatian Center for Legal Assistance, the Center for Peace Studies, UNHCR, IOM, and Caritas. At the meeting, it was agreed that the Croatian Red Cross would be the coordinator of the organizations, and that it would inform all other organizations about the decisions of the Croatian Crisis Staff. On September 17<sup>th</sup>, 2015, the Crisis Staff of the Government of the Republic of Croatia, which should coordinate the work of competent state institutions in providing humanitarian aid and refugee care, was established.

Due to the closure of the Hungarian-Serbian border, the route refugees were taking in order to enter the European Union turned towards Croatia – which was unprepared. During the first few days, in Tovarnik, a municipality at the Croatian-Serbian border, refugees were not provided with adequate accommodation and therefore remained outside in the open area around the Tovarnik railway station – in the surroundings of the railway, in the fields, and on the streets. Independent international volunteers pitched tents on the fields in order to help refugees to escape the rain. Local authorities from Tovarnik

set up several large tents along the train station railway. Humanitarian aid was provided by the Croatian Red Cross, UNHCR, Save the Children, and independent volunteers from different parts of the world, who had previously lent support at the Hungarian-Serbian border and came to Tovarnik after its closure.

### REFUGEES ENTERED AT SEVERAL BORDER-CROSSINGS

**Tovarnik** – from there they were transported by bus to Zagreb, Sisak, and Ježevo. In **Zagreb**, refugees arrived at the Reception Center for Asylum Seekers Porin, which became an open center for foreigners on September 16<sup>th</sup>, 2015 (originally refugees were not allowed to leave this facility, but after self-organized protests they were released), where the registration was conducted; afterwards they went to Zagreb Fair, a space provided by the City of Zagreb, where they could receive humanitarian aid – namely food, water and shelter. After the registration, they were transported to the border crossings of Harmica and Bregana by local buses of the City of Zagreb, while some of them departed from the main train station on the regular train line to Harmica. In **Sisak**, refugees were accommodated in former military facilities. Humanitarian support was organized by the Croatian Red Cross and the Merhamet Islamic Community, which were supported by local volunteers. In **Ježevo**, refugees were accommodated in the center for foreigners (detention and deportation center), where they stayed briefly for registration, and then they were brought to the border crossings with Slovenia.



**Batina** – from there they were transported by bus to Beli Manastir. This border crossing was only active for several days in September 2015. There, approx. 6,000 refugees were accommodated in former military facilities. The local community organized to provide humanitarian support. After registration, the refugees were transported by bus (organized by state) to border crossings with Hungary.

During the first days, refugees were brought to Slovenia – to the border crossings of Harmica and Bregana – and to Hungary – to the border crossings of Terezino polje, Botovo, and Baranjsko Petrovo selo. During several days in September, Slovenia blocked the transition of refugees – there were blockades at the border crossings of Harmica and Bregana. At both border crossings, refugees were supported by volunteers: the initiative “Welcome”, Remar, the Croatian Red Cross, independent volunteers, and others.

On September 20<sup>th</sup>, 2015, the Croatian Army in cooperation with the Ministry of Interior built a **refugee camp** in the village **Opatovac**. The construction of the camp lasted for several days, although the preparation itself was not accessible as public information. The ministry of Interior partially organized the transportation of refugees from the border crossing to the camp for registration by buses. From the camp, they were brought to Tovarnik, from where they travelled to Hungary and Slovenia by train (and sometimes by bus directly from Opatovac). After the opening of the camp at Opatovac, refugees also came to the border crossing of Bapska – from where they were further escorted to the camp in Opatovac by bus. On some days, buses did not drive from Bapska to Opatovac during the night, therefore, many refugees walked the distance of 11 km to the camp.

On November 2<sup>nd</sup>, 2015 refugees who stayed at the camp at Opatovac were brought to the new Winter Reception Transit Center Slavonski Brod. From that day onwards, all refugees arriving at the Serbo-Croatian border crossing were directly transported to the camp by train from the Serbian town Šid. Officially, it was confirmed that around 5,000 people could be accommodated at the camp, although the camp was visibly accessed with much more resources that were often not used.

The conditions in the Winter Reception Transit Center were much better than those in the camp at Opatovac, and, additionally, the center had much larger capacity. The people who arrived at the camp were directly transferred to the registration tent, afterwards they received humanitarian aid, and several hours later they were transported to Slovenia. Humanitarian support was pro-

vided by international and civil society organizations that were coordinated by the Croatian Red Cross. At the camp, refugees were entitled to medical help – minor assistance was performed in the clinic located next to the registration tent. For major health assistance, people were referred to the infirmary at the center or to a hospital in Slavonski Brod.

## ADVOCACY AND PUBLIC OPINION ACTIVITIES

Many civil society organizations united within the “Welcome” initiative, which gathers individuals and civil society organizations with the aim to support refugees on the ground, but also in order to exert political pressure on Croatian and EU institutions to change restrictive migration policies. The initiative comprises more than 60 civil society organizations, one football club, and more than 400 volunteers who lend support to refugees on the ground on an everyday basis – from humanitarian support to coordination with local organizations – and at the same time they are providing information for refugees with regard to current procedures regarding entering and leaving Croatia. On the ground, the initiative is also working in coordination with the Croatian Red Cross, the Coordination for asylum, and other institutions. In addition to that, in order to establish a better communication with the public, a website – [welcome.cms.hr](http://welcome.cms.hr) – went online, which displays news from the ground and which publishes useful information for refugees, for example transport timetables or dictionaries.

## ADVOCACY ACTIVITIES THAT WERE IMPLEMENTED AS A RESPONSE TO THE ACTIONS OF EU AND CROATIAN INSTITUTIONS:

- The EU must secure safe and protected corridors for traveling refugees, including sea, land, and air travel routes, in order to minimize human rights violations, the exposure to illegal traffickers and the number of accidents resulting in rising death tolls of refugees exposed to unsafe means of travel.
- The EU has to initiate negotiations with international institutions in order to establish safe corridors leading to the outside borders of the EU.
- The EU has to remind the UN and the Security Council of their important role in sustaining peace and in initiating the activation of all mechanisms available for the proclamation of an international humanitarian crisis. Coordinated action is the only efficient response to this large-scale influx of refugees, which, due to the complexity of its causes and the inability of the interna-



tional community to provide any solution to the Middle East and North Africa conflict crises, will not end in the near future.

- The EU should consider the introduction of further mechanisms in order to secure the safe travel and reception of refugees, such as resettlement programs, abandoning visa regimes in some cases, issuing humanitarian visas in diplomatic representation offices, and, most importantly, the introduction of temporary protection mechanisms and the lifting of sanctions against transport companies.
- In order to minimize local humanitarian crises, such as those in Macedonia, Serbia, Croatia, and along the Hungarian border, EU leaders should agree on abandoning unilateral state policies regarding border closures and other methods that prevent refugees from entering the EU, which directly result in significant humanitarian crisis at the EU periphery and EU border countries. These types of unilateral actions result in serious violations of non-refoulement principles and the family unification principle.
- Member states should agree on a temporary suspension of the Dublin Regulation, which has proven to be inadequate for the large-scale movements of refugees and the subsequent “crisis”. The EU should establish mechanisms, which should be based on international humanitarian law, UN human rights treaties, and the European Convention on Human Rights and Fundamental Freedoms. The Dublin Regulation is not only endangering the position of refugees, but also common EU asylum policy, the solidarity principle, and other basic values on which the EU is founded.
- It is obvious that certain member states do not have the capacity to provide for an adequate reception of arriving refugees. Equally so, it is neither just nor sustainable to convey such responsibility upon only a few member

states. The proposed measures of relocation and the number of refugees subject to these measures should be binding to all member states, the numbers should be significantly increased and expressed in shares, rather than in absolute numbers, since the influx of refugees will continue until the wars that set it off end.

- When applying relocation measures, it is necessary to take into account the family and social relationships of individual refugees with their desired destination countries as well as the knowledge of the language and culture and other factors relevant for the successful social integration in their new environment, to the extent possible.
- Furthermore, the EU must invest considerable efforts in the development of asylum procedures and integration systems in member states, which have difficulty with the reception of refugees, in order to reduce the pressure on these member states and to allow for a dignified and appropriate reception of each individual refugee.
- In the event of failure of ad hoc solutions that would include equitable relocation and safe routes for refugees, Croatia should propose to the Commission the activation of mechanism of temporary protection applicable to all persons coming from conflict zones, with the purpose of timely protection against violence, trafficking, and existential endangerment. The European Union, together with its member states, bears the responsibility for any failure to regulate such situations of mass influx of refugees with the view of protecting lives and dignity of refugees and implementing the principle of solidarity. EU citizens have the right to know why the existing mechanisms aimed at respecting dignity, human rights, and the principle of solidarity have not been applied so far and whether the values on which the EU lies have become dead letter.

## THE ACTIVITIES AND ROLE OF CIVIL SOCIETY AFTER THE CLOSURE OF THE “BALKAN ROUTE”

In March 2016, the European Union officially adopted the closure of the Balkan route and the re-introduction of the border control regime. In cooperation with the initiative “Are You Syrious?”, the initiative “Welcome”, organized a protest action at Markov Square in Zagreb, where a number of organizations’ representatives warned about

the dangerous consequences that this decision entailed. With this move, the EU announced the fight against smugglers transporting refugees, but what happened was the opposite – because of the closure of legitimate and safe passages, refugees had nothing left but relying on smuggling services that are unsafe and often very expensive.

In addition, this decision brought refugees into a very precarious position and led to inhumane conditions of residence in areas where they “stumbled”. In Croatia, the “space of stumbling” became Sector 3 at the Winter Reception Transit Center Slavonski Brod, where refugees were “detained” for days without access to doctors, hot meals, or communication with civil society organizations.

Activists of the initiatives “Welcome” and “Are you Syrious?” established contact with people detained in Sector 3 through social networks and gathered their testimonies in a report that was presented to the public. Following the publication of the report, civil society organizations were granted the right to enter the closed Sector 3 in the Winter Reception Transit Center Slavonski Brod. The refugees in Sector 3 stayed until April 15<sup>th</sup>, 2016, when the camp was officially closed. During their stay, they were not allowed to move freely, which is why the Center for Peace Studies argued that the Ministry of the Interior should establish alternatives to detention. The Ministry of Interior has partially adopted this recommendation and moved refugees (mostly families and

vulnerable groups) to the Reception Centre for Asylum Seekers Porin at Zagreb – where one part of the facility was converted into an open-type accommodation for persons who resided in the Republic of Croatia in a non-regulated manner and did not request international protection. On the other hand, some of the men from Sector 3 were brought to the center for foreigners in Ježevo, where some sought asylum and were then moved to the Reception Centre for Asylum Seekers Porin, while others that did not seek asylum were voluntarily returned to their country of origin, mainly Iraq.

In 2016, there was an increase in the number of organizations active in the field of asylum and migration, and a large number of NGOs, which were active in ZPTC Slavonski Brod, moved their work to the reception centers for asylum seekers in Zagreb and Kutina. As a result, asylum seekers were provided with a greater number of activities on a daily basis, which improved their everyday life. However, the development of integration practices and policies in Croatia is still very weak.

## CONCLUSIONS

The events that took place in Croatia from September 2015 until March 2016 have brought about a new perception with regard to the issue of refugees and migration. Before that time, actors in Croatia were informed about the situation in Italy and Greece, countries, which have been dealing with large numbers of refugees arriving at their coasts for years now. But apparently, until it does not happen in “one’s own backyard”, one does not perceive the reality. During the summer of 2015, Croatian politicians still stated that they did not believe that the “refugees’ route” would shift to Croatia as the country was not targeted by refugees. However, the country did become an entry point for refugees directed towards other EU countries. It also became a target country for refugees that did not want to risk further travels, which became obvious in the UNHCR statistics for 2016, which stated that 1,985 people sought international protection in Croatia, and 99 people were granted protection.

However, national integration policies did not change, instead they remained very passive, short-term oriented, and burdened by the lack of finances. The “refugee path” through Croatia was stopped by the European policy by means of the EU-Turkey agreement in March 2016 – since then, Croatia has been choosing restrictive directions when it comes to managing migration and international protection.

Experiences gained through managing, coordinating, and cooperating during the time when refugees passed through Croatia are highly important and will be applied in future events that could occur in the country. However, volunteers and CSOs will be the ones to implement them recurrently due to the repeatedly changing governmental structures as well as the clear direction that Croatia is taking in international protection policy: the securitization of and the prevention of migration at the external EU borders.

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1 see >>> <http://www.unhcr.hr/>

2 see >>> [http://popstats.unhcr.org/en/asylum\\_seekers\\_monthly](http://popstats.unhcr.org/en/asylum_seekers_monthly)

## INTRODUCTION

The research report below outlines the situation of refugees and the state of the international protection system and policy in Slovenia, with special focus on the role and cooperation of the Slovenian civil society. The paper presents a summary of the events and developments that took place during the period of the large-scale influx of refugees in 2015/2016 and the attempts to analyze, how they affected the collaboration of various national organizations involved in this sphere as well as their collaboration with other stakeholders, including government authorities. Both good practices of NGO cooperation as well as shortcomings that were observed during that period are identified throughout the paper. The establishment of a loose alliance of NGOs with semi-formalized modes of cooperation and productive collaboration with the authorities can be pointed out as specific positive aspects of the response to the large-scale movements of refugees in 2015/2016 in Slovenia.

## THE SLOVENIAN NATIONAL ASYLUM SYSTEM – POLICIES, CURRENT TRENDS, AND DEVELOPMENTS

The main piece of asylum legislation in Slovenia transposing the EU asylum acquis is the **International Protection Act**<sup>1</sup>. It is complemented by the **Aliens Act**<sup>2</sup>, which contains rules on return procedures, residency rights, other provisions pertaining to non-asylum-seeking migrants as well as some provisions on refugee rights, including family reunification. Since May 2017, the responsibility for international protection has been split between the civilian body of the Ministry of the Interior, which covers policy, legislation, and decisions on asylum procedures, and the newly established government office (organizationally independent, not a part of any ministry) responsible for care, accommodation, and integration of asylum applicants and beneficiaries of international protection.

Only a relatively small number of asylum applications are filed in Slovenia every year, and even with a considerable increase of applications in 2016, Slovenia remains below the EU average in terms of the number of applications per capita<sup>3</sup>. Most people express their intent for international protection and enter the asylum system after being apprehended by the police in connection with irregular crossings at the border with Croatia. Other methods of arrival include irregular crossings from other neighboring states (Hungary, Austria, and Italy) and arrivals through the Ljubljana international airport.

In addition, since 2016, asylum seekers have been arriving to Slovenia from Italy and Greece through the EU relocation scheme – altogether 217 persons by July 2017.<sup>4</sup> Contrary to the disturbing trends in the region in terms of violent push-backs and other widespread systemic irregularities at borders<sup>5</sup>, violations of access to territory and asylum procedure have so far not been observed in Slovenia. However, in February 2017, Slovenia enacted amendments to the Aliens Act, which allow the National Assembly (parliament) to vote on the suspension of the right to asylum in case migration begins to pose “a threat to public order and internal safety in the Republic of Slovenia”<sup>6</sup>.

The Slovenian authorities are relatively strict when it comes to the assessment of grounds for asylum, and the rate of granted statuses is generally lower than the Common European Asylum System (CEAS) average. In practice, Syrian nationals are issued at least subsidiary protection status and may be issued refugee status if additional criteria are met. Iraqi nationals may be issued international protection, however, many claims are rejected, usually due to supposed safe internal flight alternatives. As



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*“SLOVENIA REMAINED A TRANSIT COUNTRY DURING THE PERIOD OF THE 2015/2016 LARGE-SCALE MOVEMENTS OF REFUGEES, AND MOST PEOPLE DID NOT STAY IN THE COUNTRY FOR MORE THAN ONE OR TWO DAYS.”*

for Afghan nationals, in recent years only unaccompanied minors without the prospect of returning to their parents in Afghanistan have been granted international protection, and nearly all applications filed by single adults and families have been rejected. Applications of Iranian applicants persecuted by the government (most commonly on the grounds of apostasy, but also sexual orientation, political activity, and other grounds) have been successful in a considerable number of cases, however, as of 2017, the Slovenian asylum authorities seem to be adopting a much stricter attitude and the majority of Iranian cases have been rejected.

One of the greatest shortcomings of the Slovenian asylum system, despite the relatively low number of asylum applications, is the duration of procedures. This became particularly evident with the relative increase of the number of applications in 2016, in the aftermath of which the procedures for most applicants exceeded the legal limit of six months and many took more than one year and longer.

Slovenia generally provides an acceptable standard of reception conditions for asylum applicants and protection of vulnerable groups in comparison to many other EU member states.

## CIVIL SOCIETY RESPONSE TO THE MOVEMENT OF REFUGEES IN 2015/2016

### COORDINATION AND COOPERATION

While Slovenian asylum and migration NGOs already regularly worked together on individual cases as well as on systemic issues prior to the large-scale arrival of refugees in 2015/2016, the events that ensued brought about unfamiliar and greater challenges as well as a much larger number of involved organizations and other stakeholders. These circumstances prompted the involved actors to strengthen and expand their existing cooperation and to eventually establish a loose alliance of civil society organizations involved with asylum and migration. This enabled them to provide better assistance to refugees in the field, to develop stronger systemic initiatives, to conduct their work jointly or in synergy with each other and without duplication, and to have a stronger influence on the development of the government's response and policy.

The formation of the NGO coordination can be traced back to July 2015, when representatives of Slovenian civil society met to discuss the developing "refugee crisis" in the region. The involved organizations that were concerned with the strengthening of the Balkan migratory route and the arbitrary and inappropriate responses from the governments in the region prepared a plan of activities. At that time, Slovenia has not yet been a part of the arising large-scale migratory route, however, the involved NGOs agreed there was a likelihood that this would change in the near future. (The large-scale arrival of refugees in October 2015 eventually far outstripped these early expectations.)

Following the meeting in July 2015, a letter on the "common position of Slovene NGOs and humanitarian or-

ganizations" was prepared and sent to the Slovenian government. It pointed out the urgency of the situation and called for an action plan for the reception and integration of refugees in Slovenia, among other things. As a result of this organized pressure, the government organized a meeting with civil society representatives in August 2015, which was attended by state representatives, including the Prime Minister, the Minister of the Interior, and the Minister of Foreign Affairs. The take-away from this event – the government contingency plan for the eventuality of a large-scale arrival of refugees to Slovenia – was not sufficient, so the civil society organizations could contribute to the preparations and response, and that the authorities are receptive to such cooperation.

During further internal NGO meetings, the involved organizations agreed on what needed to be done in preparation for the arrival of refugees and how to divide various activities. SLOGA, the Slovenian NGO Platform for Development, Global Education and Humanitarian Aid, was entrusted with the coordination activities, which it carried out throughout the period of the 2015/2016 arrival of refugees – and beyond, as described on p.65<sup>7</sup>. The designation of one organization for this role proved to be crucial for the effective and sustainable work of civil society organizations during this period, considering its chaotic and challenging circumstances. Coordination activities carried out by SLOGA included:

- **the organization of weekly meetings of NGO representatives (usually every Thursday),**
- **the facilitation and moderation of communication lines through the NGO mailing lists,**



- the organization of trainings and workshops for stakeholders,
- the coordination of joint responses, including letters to and meetings with the authorities.

The asylum organizations began to refer to themselves jointly as “**NGO Coordination**”<sup>8</sup> and used this designation in their communication with authorities and other stakeholders. Nevertheless, it should be pointed out that the organizations remained independent and free to participate in any individual activities and initiatives carried out in the framework of the Coordination or otherwise. The organizations participating in these activities are listed below.

Apart from the coordination mechanisms described above, organizations that provided humanitarian assistance to refugees in the field (Slovenian Red Cross, Caritas Slovenia, ADRA Slovenia, Slovene Philanthropy, EHO Podpornica, UNICEF, UNHCR, IOM, Zavod KROG, WAHA International, Doctors of the World and others) also participated in weekly meetings, which were organized and coordinated by the Civil Protection Office<sup>9</sup> (usually every Monday).

In addition, during the later months of the 2015/2016 large-scale movements of refugees, there were attempts by the UNHCR to take on a stronger coordination role, however, considering the already established NGO Coordination, this proved to be an unnecessary duplication from the point of view of most involved actors.

## ASSISTANCE PROVIDED TO REFUGEES

Slovenia was involved in the large-scale organized movements of refugees from **September 2015 to March 2016**. During the first weeks of arrivals, the situation was chaotic, and for many refugees the conditions were dangerous and inhumane. Many of them were left stranded and were prevented of continuing their travels for extended periods of time without their basic human needs being met. Eventually, the authorities established transit centers at the Croatian and Austrian border and organized the transport of refugees via busses and trains. The conditions gradually improved during the following months, also with regard to the provision of humanitarian aid, the protection of vulnerable groups, and the coordination between Slovenian, Croatian, and Austrian authorities. By the closure of the corridor in early March 2016,

around **500,000 asylum seekers** had transited Slovenia – typically several thousand per day.

Slovenia remained a transit country during the period of the 2015/2016 large-scale movements of refugees, and most people did not stay in the country for more than one or two days. Most refugees were registered and temporarily accommodated in the transit camps at the border with Croatia – at **Reception Centre Brežice** and later at **Reception Centre Dobova** – and at the border with Austria – at the **Accommodation Centre Šentilj**. Furthermore, the government operated and sporadically used several secondary facilities for registration and reception at Lendava, Dolga vas, Petišovci, Gruškovje, Gornja Radgona, Središče ob Dravi, Postojna, Logatec, Vrhnika, and other locations. Organizations of the NGO Coordination provided direct assistance to refugees and were, at least to some extent, involved at all of the listed locations.

The mapping was used to facilitate the cooperation between organizations and was also shared with the government authorities to strengthen the collaboration with them.

During the initial stages of the 2015/2016 large-scale movements of refugees, it became clear that rather than a lack of material and human resources, the main challenge of the humanitarian response would be the coordination between various actors involved (including the police, civil protection and other government institutions, the UNHCR and other international organizations, and the NGOs and humanitarian organizations). Therefore, the mapping of NGO competencies, the weekly NGO meetings, the exchange of information via a NGO mailing list, and the joint NGO communication with authorities proved to be an important and indispensable part of gradually establishing a relatively well-functioning and robust system of protection and care of refugees transiting Slovenia. Coordination also ensured the basic distribution of work strands, where one or more organizations took over the coordination among interested NGOs according to experience and available capacity in the following fields:

- humanitarian aid/support,
- monitoring,
- legal support,
- advocacy and communication,
- volunteers.



**AT THE INITIAL STAGES OF THE LARGE-SCALE ARRIVAL OF REFUGEES, THE ORGANIZATIONS ACTIVE IN THE NGO COORDINATION PREPARED THE FOLLOWING MAPPING OF THEIR KEY COMPETENCIES**

| English Name of Organization  | Type of Activities   |
|---|--|
| Amnesty International Slovenia <sup>10</sup>                            | Provision of volunteers, human rights monitoring, advocacy, campaigning, public relations, awareness raising   |
| The Humanitarian Charity Society UP Jesenice <sup>11</sup>              | Humanitarian aid, psychosocial support, religious care, provision of volunteers, human rights monitoring, language interpretation, cultural mediation, provision of information for refugees, legal aid, campaigning, public relations, awareness raising      |
| HUMANITAS, Society for Human Rights and Supportive Action <sup>12</sup> | Provision of volunteers, human rights monitoring, cultural mediation, campaigning, public relations, awareness raising   |
| Association for Developing Voluntary Work Novo Mesto                    | Psychosocial support, provision of volunteers, language interpretation, cultural mediation, legal aid, awareness raising   |
| ADRA Slovenia <sup>13</sup>   | Humanitarian aid, religious care, provision of information for refugees, public relations  |
| Food For Life Slovenia <sup>14</sup>                                    | Humanitarian aid   |
| Institute for African Studies <sup>15</sup>                             | Humanitarian aid, psychosocial support, provision of volunteers, human rights monitoring, language interpretation, cultural mediation, provision of information for refugees, legal aid, advocacy, campaigning, public relations, awareness raising, logistics |
| International Organization For Migration – IOM Slovenia <sup>16</sup>   | Provision of information, logistics  |
| Jesuit Association for Refugees Slovenia <sup>17</sup>                  | Psychosocial support, religious care, provision of information for refugees  |
| International African Forum <sup>18</sup>                               | Humanitarian aid, language interpretation, cultural mediation, public relations  |
| The Peace Institute <sup>19</sup>                                       | Human rights monitoring, provision of information for refugees, legal aid, advocacy, public relations, awareness raising   |
| Legal-Informational Centre for NGOs – PIC <sup>20</sup>                 | Human rights monitoring, provision of information for refugees, legal aid, advocacy  |
| Slovenian Red Cross <sup>21</sup>                                       | Humanitarian aid, psychosocial support, provision of volunteers, search for missing persons, public relations  |
| SLOGA <sup>22</sup>   | Advocacy, public relations, NGO coordination   |
| Slovene Philanthropy <sup>23</sup>                                      | Humanitarian aid, psychosocial support, provision of volunteers, human rights monitoring, language interpretation, cultural mediation, provision of information for refugees, legal aid, advocacy, campaigning, public relations, awareness raising            |
| Caritas Slovenia <sup>24</sup>  | Humanitarian aid, psychosocial support, provision of volunteers, language interpretation, provision of information for refugees, legal aid, advocacy, public relations, awareness raising, logistics   |
| UNICEF Slovenia <sup>25</sup>   | Psychosocial support, human rights monitoring, advocacy, public relations, awareness raising   |
| Zavod GLOBAL <sup>26</sup>  | Cultural mediation, public relations, awareness raising  |
| Zavod KROG <sup>27</sup>  | Humanitarian aid, psychosocial support, religious care, provision of volunteers  |
| The ODNOS Association <sup>28</sup>                                     | Humanitarian aid, psychosocial support, provision of volunteers, language interpretation, cultural mediation, provision of information for refugees, advocacy, campaigning, public relations, awareness raising  |
| Slovenian Association of Friends of Youth <sup>29</sup>                 | Humanitarian aid, provision of volunteers, advocacy, public relations, awareness raising   |

The regular and facilitated exchange of information among the organizations working in the field – in the framework of the NGO Coordination as well as by means of meetings of organizations providing humanitarian aid organized by the civil protection – ensured that basic material goods and services were provided at all, sometimes numerous government facilities with refugees present. Lacks of certain types of assistance or special and ex-

traordinary needs were quickly detected and responded to. The duplication of activities and surpluses of material goods at particular locations were avoided.

On the other hand, NGO representatives working in the field observed that arrangements at the top level did not always translate into cooperation in the field. While the representatives of organizations may have agreed on certain aspects of cooperation at the NGO Coordination's

weekly meetings, volunteers and employees of organizations in the field sometimes were not aware of such agreements and, faced with pressing situations in reality, coordinated their work autonomously.

Apart from the organizations listed in the table above, government institutions, the UNHCR, individuals, and various Slovenian and international activist groups also provided assistance to refugees. The role of **activists** (in this case meaning informally organized groups with an “anti-establishment ethos”), who were not directly affiliated with the NGO Coordination, proved to be particularly crucial **during the first weeks of the arrival of refugees**, when the government apparatus as well as most NGOs found themselves overwhelmed by the sudden chaotic circumstances. Conversely, the activist groups, which were able to operate with less constraints than other actors, proved to be best equipped to provide assistance and emergency humanitarian aid at critical points of transit across Slovenia, before these problems were solved systemically.

It should be noted that the formation of the NGO Coordination also allowed for the civil society to carry out a substantial **monitoring role** throughout the period of the 2015/2016 arrival of refugees. Conditions in the registration and reception centers, particularly material conditions, and the treatment of refugees by authorities and other actors, were examined routinely by NGOs present on-site. The access to asylum procedures was monitored as well; this became especially relevant during February and March 2016, when entry to Austria was increasingly restricted and people started applying for asylum in Slovenia. The news from the field was gathered and daily reports were prepared by designated organizations and shared with relevant stakeholders. This was the basis for many of the activities described below.

## ADVOCACY AND PUBLIC OPINION ACTIVITIES

Apart from the assistance to refugees provided in the field, the NGO Coordination was also highly active in the **advocacy on behalf of refugees**. Shortcomings and problems were continuously identified through monitoring, discussed at weekly meetings, and communicated to the authorities.

Civil society criticism of what had been observed in the field and suggestions for improvements were usually communicated through **joint letters** sent to the responsible authorities. This was facilitated by the Coordination mail-

ing list: One or more appointed persons would prepare a draft, which was commented on and co-signed by other organizations. The representatives of the Coordination also participated in several **meetings** with top government officials in charge of the national response to the refugee crisis (including representatives of the police, the Ministry of the Interior, the Ministry of Defense, and the Government Communication Office). The issues discussed with the authorities ranged from lists of material goods and services that were lacking at individual locations to allegations of incidents involving the police and criticism of government rhetoric in the communication of the refugee crisis to the public.

Generally speaking, the collaboration between the civil society and the government was carried out in a cooperative spirit. Many ideas and suggestions presented by the NGO Coordination were eventually adopted.

The NGO Coordination was also involved in the **communication with the media and public awareness raising**. In September 2015, before the refugee movements reached Slovenia, the NGO Coordination organized a training event for representatives of the press to help them understand fundamental facts about migration and international protection as well as the related terminology. However, later during the period of the arrival of refugees, the communication activities were not developed as well as the assistance to refugees and advocacy due to limited capacities and constantly pressing needs in the field.

Another area that was identified as important, but which was not organized systematically due to capacity constraints, was the communication with NGOs abroad, especially with colleagues in Croatia and Austria – the exchange of information took place on a more individual basis (from organization to organization) and probably not as regularly as required.

Lastly, the collaboration of civil society actors through the NGO Coordination facilitated their **internal capacity building**. During the period of the 2015/2016 arrival of refugees, several workshops and meetings with other stakeholder and experts were organized for involved NGOs in order to help them acquire necessary skills and information, including a “crisis communication” workshop in October 2015 and meetings with the “Regional Refugee And Migrant Response Plan” led by the UNHCR and IOM (November 2016) and the European Economic and Social Committee mission (January 2016).

## THE ACTIVITIES AND ROLE OF CIVIL SOCIETY AFTER THE CLOSURE OF THE “BALKAN ROUTE”

With the gradual closure of the Balkan refugee corridor in February and March 2016, several hundreds of asylum seekers got stranded in Slovenia without any option to continue their journey towards Austria. Many of them eventually applied for asylum in Slovenia<sup>30</sup>. The relatively high influx of asylum seekers continued throughout 2016 and, as described on p.61, the total number of asylum applications in Slovenia ended up being four to five times higher than in previous years. In light of these developments, the focus of the NGO Coordination shifted to the reception, processing, and integration of newly arrived people. With the “closure” of the Balkan route in early

March 2016, there was no more need for the organizations involved in the Coordination to meet every week, and meetings have since been organized on a monthly basis. The mailing list continues to be used effectively.

The organizations involved continue to be active with joint advocacy and other systemic work, awareness raising, capacity building, and the exchange of information. Since the closure of the Balkan route, the Coordination’s most notable and publicized advocacy initiative has been its opposition to the controversial Aliens Act amendments, mentioned on p.61.

## CONCLUSION

The large-scale influx of refugees in 2015/2016 presented challenges that neither the Slovenian civil society nor the government authorities had prior experience of dealing with. Under such circumstances, one of the main obstacles to a quick and adequate assistance to refugees turned out to be the initial lack of coordination among various stakeholders involved. In order to bridge this gap, the Slovenian civil society further developed its prior cooperation and formed a coordination structure, which established informal rules on internal meetings and communication as well as a general division of roles. Apart from the positive effect this had on the internal cooperation, the established NGO Coordination also served as the key civil society counterpart in the dialogue with the government, international organizations, and other stakeholders.

These civil society efforts to work in coordination with each other proved to be crucial for moving from the initial chaotic circumstances to the development of a stable and adequate system of assistance to refugees arriving in Slovenia. Furthermore, the formation of the NGO Coordination enabled better cooperation with the gov-

ernment authorities, both in terms of collaboration in the field as well as in terms of the involvement of civil society in the development of public policies. The formation of a relatively informal structure, which allowed the involved organizations to participate freely in individual initiatives and activities, proved to be the correct course of action in these times of crisis, when any system too rigid could have posed an obstacle to the effective and successful work of the involved organizations.

Areas such as the communication with the media and public awareness raising were identified as important, however, they came second after the provision of assistance to refugees and advocacy on behalf of them in front of the authorities. The same applies to the communication with NGO counterparts abroad, which suffered from the same reality of limited capacities in an emergency situation. All of those activities have received more attention since the conclusion of the 2015/2016 large-scale movements of refugees and will need to be fully developed in the future to bring about a higher level of solidarity with refugees and between civil society actors of Slovenia and other countries in the region.

- 1 Official Gazette RS, No. 22/2016 with subsequent amendments
- 2 Official Gazette RS, No. 50/2011 with subsequent amendments
- 3 The numbers are as follows: 2012 – 304 applications, 2013 – 272 applications, 2014 – 385 applications, 2015 – 277 applications, 2016 – 1308 applications.
- 4 Altogether, the Slovenian Government pledged to relocate 567 persons from Greece and Italy and to resettle 20 persons from Turkey by the end of 2017.
- 5 See: “Pushed Back at the Door: Denial of Access to Asylum in Eastern EU Member States”, Hungarian Helsinki Committee, 2017, >>> <http://www.refworld.org/docid/5888b5234.html> and “A Dangerous ‘Game’, The pushback of migrants, including refugees, at Europe’s borders”, OXFAM, April 2017, >>> [https://www.oxfam.org/sites/www.oxfam.org/files/file\\_attachments/bp-dangerous-game-pushback-migrants-refugees-060417-en\\_0.pdf](https://www.oxfam.org/sites/www.oxfam.org/files/file_attachments/bp-dangerous-game-pushback-migrants-refugees-060417-en_0.pdf).
- 6 For more on this controversial legislation, which has been facing heavy criticism from both Slovenian civil society and the international community, see: “Slovenia: Amendments to the Aliens Act Enable the State to Activate Closure of the Border for Asylum Seekers”, dr. Saša Zagorc and dr. Neža Kogovšek Šalomon, March 2017, >>> <http://eumigrationlawblog.eu/slovenia-amendments-to-the-aliens-act-enable-the-state-to-activate-closure-of-the-border-for-asylum-seekers/>.
- 7 In November 2015, SLOGA received a grant from the US Embassy in Ljubljana to strengthen the cooperation and capacity of the NGOs, which helped to finance the coordination.
- 8 Strictly speaking, some of the involved actors (see table below) were not non-governmental organizations, however, this designation ended up being used most commonly for all actors involved.
- 9 An office under the Slovenian Ministry of Defense and the main state authority in charge of humanitarian response during the period of the large-scale arrival of refugees in 2015/2016.
- 10 >>> <https://www.amnesty.si/>
- 11 >>> <http://www.up-jesenice.org/en>
- 12 >>> <http://www.humanitas.si/index.php?lang=en>
- 13 >>> <http://www.adra.si/>
- 14 >>> <https://www.facebook.com/ffl.si/>
- 15 >>> <http://www.africanstudy.org/en/>
- 16 >>> <http://www.slovenia.iom.int/>
- 17 >>> <http://www.rkc.si/jrs/>
- 18 >>> <http://afriskiforum.com/>
- 19 >>> <http://www.mirovni-institut.si/en/>
- 20 >>> <http://pic.si/>
- 21 >>> <http://www.rks.si/>
- 22 >>> <http://www.sloga-platform.org/>
- 23 >>> <http://www.filantropija.org/en/>
- 24 >>> <http://www.karitas.si/>
- 25 >>> <http://www.unicef.si/>
- 26 >>> <http://www.zavodglobal.org/en/>
- 27 >>> <http://www.zavod-krog.si/>
- 28 >>> <http://odnos.si/en/>
- 29 >>> <http://en.zpms.si/home/>
- 30 270 persons applied in February 2016 and 203 in March 2016, while the total number of persons applying for asylum in Slovenia during the preceding period of the large-scale refugee movement between October 2015 and January 2016 amounted only to 123.

## INTRODUCTION

Austria itself played and still plays an essential role, when it comes to the issue of European solidarity concerning the situation of refugees. As a country located in the center of Europe, which has been functioning as a transit country as well as a country of destination in the past, Austria was highly affected by the “sudden” increase in numbers of refugees. Austria can be seen as the generator or at least a supporter of a certain “domino effect”. Not surprisingly, the setting up of fences at borders, as it was done by some countries along the Western Balkan route, including Austria, eventually resulted in the closure of the route. But obviously, the closure did not put an end to the civil war in Syria, to the bombings and terror attacks in Afghanistan as well as in other countries, or to hunger and hardship around the world. People still **have to** flee their homes and make their ways along dangerous routes, where they are left to fend for themselves. When closing one route, it is no surprising that other, often even more dangerous, routes are taken, when people are **forced to** leave their home countries.

Civil society significantly contributed to coping with the emerging tasks and challenges in 2015/2016 by providing primary care and aid, by organizing accommodation, by initiating early integration measures as well as by coordinating and supporting volunteers. Furthermore, civil society actors shaped the public opinion and facilitated the networking among volunteers and civil society initiatives (see Simsa 2016: 344). Nonetheless, it is clearly observable that the majority of the Austrian population demonstrates a considerable resentment towards foreigners – a fear that arises from the ominous question of how to integrate refugees in the “system of values and livelihood” and that is driven by European as well as national politics and media coverage. Accordingly, countries along the Western Balkan route, including Austria, show the tendency of gradually adopting stricter policies (see Faras 2016: 55). Recently, in Austria, not only the sentiment towards refugees deteriorated, but also NGOs and civil society initiatives in general are experiencing a widening and increasingly negative perception. In this report, civil society, its role, response, and activities – with a further focus on newly founded initiatives – takes center stage. To this end, eleven problem-centered interviews with representatives of civil society initiatives/organizations were conducted in order to gain insights about the situation, role, and activities of the current Austrian civil society landscape.

## 2015/2016/2017 IN NUMBERS

In 2015, 88,340 asylum applications were submitted in Austria. In 2015, most asylum seekers came from Afghanistan (25,563), followed by persons from Syria (24,547) and Iraq (13,633). Considerably fewer asylum seekers came from Iran (3,426), Pakistan (3,021), Kosovo (2,487), and Somalia (2,073). 2,235 applications were submitted by stateless persons. In 2015, 14,413 persons were granted asylum, most frequently Syrian citizens (8,114), followed by refugees from Afghanistan (2,083), the Russian Federation (mostly Chechnya – 667), Iraq (637), Somalia (548), and Iran (436). 1,333 stateless persons were granted asylum in 2015.

According to the Federal Ministry of Interior Affairs<sup>1</sup>, in 2016, 42,073 asylum applications were submitted, which constitutes half of the number of applications filed during the previous year (88,340). During the months of January, February, March, and April 2017<sup>2</sup>, in total 8,388 asylum applications were submitted, compared to 18,562 applications submitted during the months of January, February, March, and April 2016. In 2016, 22,307 positive and 13,121<sup>3</sup> negative asylum decisions were taken. Worth mentioning are the differing asylum and subsidiary protection decisions – in 2015, 36,000 asylum decisions were taken by the BFA (Federal Immigration and Asylum Service) at first instance.





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“IN 2016 AND 2017, THE SLOGAN LET THEM STAY ACCOMPANIED AUSTRIAN DEMONSTRATIONS AND PUBLIC DECLARATIONS.”

Approx. 14,000 persons were granted asylum at first instance, while 2,203 were granted subsidiary protection.<sup>4</sup> From January to November 2016, 57,412 decisions were taken – 23,257 were negative and 23,894 positive. Of the 23,894 positive decisions, 19,660 persons were granted

asylum, 2,947 were granted subsidiary protection, and 1,287 received humanitarian residence permits. 70.7 % of all positive decisions were taken in favor of Syrians, 7.3 % in favor of Afghans, and 7.2 % in favor of stateless persons.<sup>5</sup>

## THE AUSTRIAN ASYLUM SYSTEM – POLICIES, CURRENT TRENDS, AND DEVELOPMENTS

Austria's Asylum system is comparatively well-functioning, but complex, highly dynamic, and still lacking consistency and security for those in vulnerable positions. During the past two decades, numerous legal acts, amendments, and new regulations were enforced. Generally, in Austria, the applicable legislature is the Aliens Law (Fremdenrecht), which is subdivided into different legislative areas. The most important ones among them are the Settlement and Residence Act (NAG), the Aliens Police Act (FPG), the Aliens Employment Act (AuslBG), the Asylum Law 2005 (AsylG), and the Citizenship Act (StbG). Additionally, there are numerous acts, supplementary laws, and international treaties, such as the Basic Care Agreement of 2004 that is based on the Basic Care Law of 1991 (see Schumacher/Peyrl/Neugschwendtner 2012: 15).<sup>6</sup> Several changes to the asylum procedure and the content of international protection were introduced by means of the Aliens Law Amendment Act 2016 (FrÄG 2016) that entered into force on June 1<sup>st</sup>, 2016.<sup>7</sup> A draft Aliens Law Amendment Act 2017 has been submitted to the parliament in December 2016 and is supposed to enter into force in October 2017.

The Asylum Act provides a single first-instance procedure for applications for international protection. If such an application is lodged, the authorities have to decide whether the application is to be rejected on the account of safety in a third country or due to the responsibility of another state. If the application is declared admissible, the authorities will decide whether the person is to be granted refugee status or subsidiary protection, in case the person qualifies for that status.

At second instance, it is possible to appeal to the Federal Administrative Court against decisions rejecting the asylum application as inadmissible as well as against decisions dismissing the application on the merits. The BFA Procedures Act (BGA-VG) regulates appeals and their effects. Appeals against the decision rejecting an asylum application on the merits have to be submitted within

four weeks, and they have suspensive effect, unless the BFA does not allow for the appeal to have suspensive effect. If the BFA issues a return decision together with the rejection decision – and grants no subsidiary protection status or humanitarian residence permit –, the appeal has to be lodged within two weeks. Suspensive effect may be granted by the Court to an appeal against an expulsion order issued together with a decision rejecting the asylum application as inadmissible.

When it comes to social support, *asylum seekers* are entitled to Basic Care immediately after submitting the asylum application until the final decision on their asylum application in all types of procedures. The Basic Care Agreement, which was implemented at national and provincial level and entered into force in 2004, describes material reception conditions, such as accommodation, food, health care, pocket money, clothes, school material, leisure activities, social advice, and return assistance, by prescribing an amount for each.

*Recognized refugees* can apply for social support under the needs-based minimum benefit system (bedarforientierte Mindestsicherung). In most provinces, the benefits are guided by a substantially low monthly basic care for asylum seekers, and the benefits can be substantially influenced by the actions one takes. At present, people granted subsidiary protection are excluded from the needs-based minimum benefit system in Burgenland, Salzburg, Lower Austria, and Styria. Even before the reform, people *granted subsidiary* protection were only entitled to basic care benefits in some federal provinces.<sup>8</sup>

### RESTRICTIONS AND DERELICTIONS

Since the closure of the Western Balkan route, Austrian asylum laws and generally the legal situation of refugees became more restricted, as amendments obviously restricting refugees' rights were adopted. One of those amendments is the so-called "Asyl auf Dauer" (temporary

asylum), which limits the length of the stay of persons, who received a positive asylum decision, to three years, at what time the need for protection is newly examined or the refugee status is withdrawn. This decision is made by taking into consideration annual state reports prepared by the Federal Office of Alien and Asylum Affairs. This amendment results in a certain uncertainty for the future and brings with it disadvantages with regard to the access to the housing (rental contracts) as well as the labor market.

In 2016, the asylum administration requested new legal completion periods, which allow it to prolong the process from six to 15 months, which is a questionable amendment, as the Federal Office employed 206 new staff members in 2015, planned to dedicate 500 people to process the asylum procedures, and intends to introduce numerous new offices.<sup>9</sup>

A major difficulty, especially for subsidiary protection beneficiaries, constitutes the impediment of family reunification. For those who are granted subsidiary protection, a waiting period of three years was introduced. Additionally, the person trying to reunify his or her family needs to have a sufficient income, health insurance, and accommodation “in a customary manner”. This leads to a serious predicament – people either often reunite with their families under precarious, uncertain, and often highly insecure conditions, or they are forced to make use of the “services” of smugglers, which also often leads to extremely dangerous situations for those who simply want to be reunited. With regard to those cases, the decision deadline was also prolonged to 15 months, and those affected do not even have the legal possibilities to appeal against the default.

In 2017, the government, which was newly formed in 2016, introduced a new governmental law, including a “law against veiling”, using security issues as a pretext, but evoking criticism and concern on the part of civil society, as this law indicates the violation of two major human rights – the right to religious liberty (Art. 9 ECHR) and the right to fashion one’s own way of life (Art. 8 ECHR).<sup>10</sup> Also, it fosters the exclusion of a minority, i.e. the exclusion of women, who are already facing numerous disadvantages. As soon as it comes to imposing fines, an issue not decided upon yet, it will also become an act of criminalization. The new law came into force on July 1<sup>st</sup>, 2017. Additionally, in 2016, the so-called “Asyl-Notstandsverordnung” (Asylum Emergency Regulation) was drafted as an Aliens Law amendment, and, despite numerous

forms of criticism during the weeks-long assessment, it can now be enacted by the parliament. Among other things, it allows the reintroduction of border controls. The “Asylum Emergency Regulation” can abolish the possibility to apply for asylum in Austria, the only exceptions being family members of those who were granted asylum or humanitarian protection (see Knapp 2016: 20). The reason for the “Asylum Emergency Regulation” was the government’s concern about reaching the so-called “Obergrenze” (maximum limit) of 37,500 asylum applications per year.

Asylum seekers are facing an especially difficult situation. For example, for asylum seekers it is almost impossible to obtain a work permit. According to the “Foreigner Employment Law”, persons seeking asylum can obtain a work permit for a time period of three months, but they do not receive unlimited labor market access. In practice, persons seeking asylum can only do community-based (non-profit) work, as declared in October 2016 by the Ministry of Interior. It defined 32 activities asylum seekers are “allowed” to do, such as support/assistance for administration, work in health facilities, maintenance works, etc.<sup>11</sup> Unchanged remains the limit of additional earnings of 110 €/month (with the exceptions of additional earnings amounting to 240 €/month in Tyrol and 300 €/month in Vienna when working for the municipality) in order not to lose the claim to Basic Care (“Grundversorgung”). The federal states support the idea of 5 €-Jobs (meaning a salary of 5 €/h), even though the Federal Ministry of Interior pleads for 2.50 €/hour. A representative of the initiative *Willkommen Mensch in Maria Anzbach* highlighted one problem within this already controversial endeavor by pointing out that the political decision-making is still in the hands of various powerful political actors within municipalities that are able to decide if those kinds of jobs are “available” or even “existent”. Recently, the Regional Department for Refugees and Integration of the federal province of Carinthia stated that from July 2017 onwards, asylum seekers are forbidden to find private accommodation.<sup>12</sup>

#### RESTRICTIONS AND PRECARIOUSNESS ARISING FROM INFLUENTIAL EU DEALS

The paragraph below briefly describes three essential agreements on European level, which are fundamentally affecting the situation of refugees in Austria: (a) the DUBLIN III Regulation, (b) the EU-Turkey deal, and (c) the EU-Afghanistan deal.

In 2003, Austria adopted the **Dublin II Regulation**, which was reformed and is nowadays applied as Dublin III Regulation as part of the CEAS. The regulation is directly applicable law in Austria (and all other EU member states). However, evaluations have shown and NGOs have criticized that the system is inefficient and leads to tremendous cases of hardship. Crucial problems are the delays in the proceedings and the differing standards in the individual member states when it comes to the admission of refugees and asylum procedures.

Recently, on July 26<sup>th</sup>, 2017, the European Court of Justice pronounced its judgment on the waving through of the large-scale movements of refugees in 2015/2016 along the Western Balkan route.<sup>13</sup> In the case of Austria, transiting through Croatia and entering Austria during that time was now officially determined as having been “illegal” in accordance with the Dublin III Regulation. Refugees who entered Austria, Germany, Switzerland, Sweden, or Norway and civil society representatives are accordingly concerned about the risks this judgment might bring along. Exact figures of how many people might be affected by this decision – and thereby by push-backs to Croatia and Hungary – are not yet known. Push-backs to Greece are excluded from the range of possibilities for human rights reasons.

In March 2016, the **EU-Turkey deal**, which marks the start of the implementation of push-backs of refugees who entered Greece coming from Turkey, came into force. The agreement includes the settlement of approx. 160,000 refugees to the European Union, following an allocation key according to the capacities of the individual European nation states. The relocation scheme was planned as a relief for Greece and Italy, but it became quickly apparent that the according progress is tremendously slow. By March 2017, Austria should have taken in 1,953 people, a solidarity act that has not even rudimentarily been enforced so far. Not a single person has been

relocated to or received by Austria as an actual result of the agreement. Amnesty International called the EU-Turkey deal a contract, which brought great suffering to people seeking refuge. The deal is aimed at pushing people back to Turkey by defining Turkey a safe place for refugees, even though this condition is not met.<sup>14</sup> Currently, it is unclear in which way the deal will be continued, as, in March 2017, the Turkish government announced the suspension of the agreement for the time being.

The **EU-Afghanistan deal**, which states that Afghanistan will “take back” 80,000 people, is currently substantially affecting the situation of Afghan refugees in Austria due to the readmission agreements summarized under the heading “**Joint Way Forward on migration issues between Afghanistan and the EU**”. Civil society representatives – from activists and volunteers to staff members of NGOs – have been demanding the termination of large-scale deportations to war-torn Afghanistan. Herbert Langthaler from *asylkoordination österreich* summarized that those deported to Afghanistan have little to no opportunities, thus, it is supposed that for many of them there are only two options: Either they join an armed group, or they flee again to another country (see Langthaler 2016, 6).

During the early months of 2017, 309 people with Afghan citizenship were transported from Austria to other countries – 37 of them were forcefully deported to Afghanistan, 102 persons left “voluntarily”, and 168 were transported to other EU countries in accordance with the Dublin Regulation. In the beginning of June, additional 17 persons were flown to Afghanistan<sup>15</sup>. Due to the numbers of negative decisions, fear and panic is increasing among the Afghan community as well as among those supporting refugees with Afghan citizenship. In February 2017, Wolfgang Sobotka, the Minister of Interior, stated, almost proudly, that Austria “is leading when it comes to deportations”.<sup>16</sup> The Austrian government is currently planning to deport 50,000 people by 2019.<sup>17</sup>

## CIVIL SOCIETY RESPONSE TO THE MOVEMENTS OF REFUGEES IN 2015/2016



*“With solidarity it all works better.”*

(Representative of Border Crossing Spielfeld, free translation)

As stated by scholars and experts, the situation from August 2015 to early 2016 would have been an entirely

different one if civil society had not taken things into its hands in order to support refugees. During this time, NGO staff and members often worked twice as much as usually, and civil society initiative members, volunteers, and activists often put their own lives on hold in order to help



to manage the exceptional circumstances at train stations, centers, facilities, and temporary accommodation facilities.

Those already working for NGOs, who have been providing aid for a long time, were confronted with totally new situations: They were faced with working with large numbers of people from very different professional backgrounds under conditions of high situational pressure (see Gratz 2016: 83).

One of the most famous initiatives, which took action starting from scratch – *Train of Hope* –, comprised to 350 people working voluntarily each day. How many volunteers really took action in Vienna will probably never be verifiable. In 2015, the Refugee Coordinator of the federal provinces invited volunteers for a celebration to the Vienna Marx Halle, one of the biggest event locations of Vienna, in order to thank them for their engagement and dedication – 3,000 people came (see Gratz 2016: 51).

Civil society organizations and initiatives in their entirety were needed as well as accepted and appreciated during the “peak months” between August 2015 and March 2016 (see Gratz 2016: 186).

## COORDINATION AND COOPERATION

For this section, the months between August 2015 and March 2016 will be called “transit crisis”<sup>18</sup>. Austria’s coordination unit of crisis management, the “Koordinierungsstab” (coordination staff), unofficially called “Siebenerlage”, is a communication system without competences or decision-making authority, which met for the first time in August 2015. The Federal Ministry of Interior Affairs (BMI) invited the Federal Chancellery (BKA), the Federal Ministry of National Defense and Sport (BMVLS), the Federal Ministry of European and International Affairs (BMEIA), the Federal Ministry of Transport, Innovation and Technology (BMVIT), the Federal Ministry of Health (BMG), the City of Vienna, the Austrian Red Cross (ÖRK), Caritas Austria, the Worker’s Samaritan Association (ASBÖ), the Austrian Federal Fire Service Association, the Austrian Federal Rail Company (ÖBB), and one of the biggest bus companies (Dr. Richard).

The Federal Ministry of Finance was invited twice, but did not attend any meetings (see Gratz 2016: 53). The meetings were coordinated by the Operation and Coordination Center. Shortly afterwards, the federal

states as well as the state police headquarters were invited to participate via video conference, and they again invited representatives of authorities and administrative bodies as well as NGOs from the respective federal states (see Gratz 2016: 59). On the media level, the Siebenerlage never made a public appearance (see Gratz 2016: 60).

The decision-making system was in the hands of the taskforce of the federal government, while the “Siebenerlage” was employed as coordinating staff. The transport management was externally coordinated in a control center led by the Austrian army in a facility of the *Austrian Federal Rail Agency* (ÖBB). In the federal states, further local operational staff was responsible for the coordination of the transit at the respective hotspots, which were, needless to say, dominated by care-takers providing primary care and services. Those care-takers comprised a broad range of civil society organizations, strongly present were of course *Caritas*, *the Red Cross*, and *the Workers’ Samaritan Association*, while, for example at the Vienna main station, the new self-organized initiative *Train of Hope* undertook the main care-giving, and the initiative **Border Crossing Spielfeld** was, among others, essential at the Austrian-Slovenian border. Worth mentioning here is that also another group, namely translators, many of which worked voluntarily and were often asylum seekers themselves, played an essential role when it came to the management of the “transit crisis” (see Gratz 2016: 84).

The particularity of this crisis management was that substantially differently organized and functioning organizations, initiatives, volunteers, activists, and others were present and worked together. Some longstanding state bodies and organizations, which are used to strictly following routines and approaches, encountered and engaged with NGOs with well-defined forms of support, but comparatively open structures, which again encountered and engaged with civil society actors with rather less strictly structured approaches (see Gratz 2016: 123-124).

From the beginning, the crisis management was based upon responsive and reactive situational decision-making. From a civil society perspective, the crisis management was lacking a more flexible and proactive approach. For example, when Hungary closed its borders/built the fence, some were stating, that it was obvious that the new route for accessing or transiting Austria would be a route leading through Croatia, Slovenia, and subsequently across the Austrian border in Styria (the south-



eastern province), but the preparations for this shift of location were almost non-existent – and this reactive management led to another “surprising” and overwhelming situation (see Gratz 2016: 126). One result of this reactive management was that NGOs, and civil society in general, during those months, incurred costs that remained unfunded later on (see Gratz 2016: 125).

#### ASSISTANCE PROVIDED TO REFUGEES

Many new self-organized initiatives providing support and aid for refugees at hotspots emerged during the “peak period”, and longstanding organizations reactively shifted their attention to the events at borders, train stations, and temporarily set up facilities and accommodations. The already mentioned initiative *Train of Hope (ToH)* took over huge responsibilities at the Vienna main train station (first “Westbahnhof”, then “Hauptbahnhof”). ToH started its activities in late August 2015 as a direct answer to the influx of arrivals and transits, even before the “Siebenerlage” even met or state support set in.

Other initiatives, like e.g. *Happy Thank You More Please!*, reacted quickly and started to gather donations of different forms in order to bring them to hotspots like “Traiskirchen”, temporary or lasting “camps”, the border regions, and train stations. Later on, they created an ordering system and eventually started to supply different kinds of refugee facilities in the regions around Vienna and sometimes even at the border regions as well as organizations, which were transnationally active. The interviewed representative of the initiative stated that if emergency situations are made public, people are willing to donate large amounts. Later, Happy Thank You More Please put its focus on its newly established so-called *Happy.Market*, a “shop”, where persons in need could “shop” for free.

Not only did initiatives provide essential goods and services, such as food, hygiene articles, etc., but some quickly started to offer different kinds of integrative activities as well as hope-raising actions, with the aim to establish a form of “normality” for people in extraordinary situations – e.g., the initiative *Flucht nach Vorn* by *ground-breakingly*, founded in 2012, coordinated volunteer hair-stylists providing free haircuts to those arriving or passing through, and the initiative *IntegRADsion* collected bicycle donations, in order to provide refugees with bicycles for a stronger feeling of autonomy and mobility, and organized bicycle repair afternoons. Those kinds of activities were and still are essential in order to create a different kind of

atmosphere, to voice criticism, protest and discourse, to ensure that people can make use of their human rights, such as the right to equal dignity and rights or the right to liberty and security, to empower people, and to create spaces of encounter and safety.

The initiative *Refugee Convoy – Schienenersatzverkehr für Flüchtlinge* started to organize “convoys” for those, who were waiting to be transported by train or any other kind of transportation and who were often dependent on the services of smugglers. *Refugee Convoy – Schienenersatzverkehr für Flüchtlinge* received the “Lisa Fittko Prize” (who, during the times of National Socialism, from 1940–1941, herself helped approx. 2,000 people to take the route across the Pyrenees from France to Spain) as well as the “Ute Bock Prize” by SOS Mitmensch.

In October 2015, *Border Crossing Spielfeld*, an initiative active at the Slovenian-Austrian border, went online with its Facebook page – within a few weeks, it had thousands of followers and the initiative started coordinating volunteers, donations, and media representatives on the spot as well as providing basic care and support. They co-organized and co-coordinated the collection points in Graz, Leibnitz, and Maribor on the Austrian side of the border. Due to their legal expertise, they started to provide information and counseling concerning family reunification.

Rather rural initiatives, such as *I am Gleisdorf*, *Willkommen Mensch in Maria Anzbach*, or *Mosaik Eichgraben*, organized “welcome events” for people arriving, provided basic care services, quickly started to coordinate language learning classes, arranged accommodation, and coordinated donations, such as clothes, food, hygiene articles, and furniture. *I am Gleisdorf*, then still informally structured, even organized network meetings with and for other initiatives in the region of Styria with the aim to exchange information and best practices.

In January 2015, *Flüchtlinge Willkommen Österreich* (Refugees Welcome Austria), the Austrian branch of “Refugees welcome”, launched its website, and immediately the registration numbers of refugees looking for private accommodation as well as those of people wanting to provide accommodation “boomed”. The interviewed representative of this initiative stated that it was appreciable how high the readiness to provide accommodation was during this “peak phase of readiness”. Currently (spring 2017), *Flüchtlinge Willkommen Österreich* maintains coordination units in Vienna, Styria and the Tyrol.

Groups started to come together because people identified the instant need for German classes and occupation, one of them was a group of students, later to be called *Deutsch ohne Grenzen* (German without Borders), who started to offer German classes with special approaches, amongst other services – first at refugee facilities, later expanding their services to numerous other locations.

During the “transit crisis” voluntary medical care was indispensable. Medical staff from hospitals and medical practices, doctors in training, nurses, midwives, etc. voluntarily provided health care services. Without this voluntary engagement, the situation would have been unimaginable. Organizations like Doctors Without Borders were obviously crucial. *Medical aid for refugees*, a network of aid organizations, private initiatives, and voluntary doctors, started its services in 2015 as a response to the large-scale influx of refugees. The initiative’s aim was to quickly and flexibly support already existing medical structures. In case deficiencies were detected in the health care system, the initiative served as a link between medical staff and aid organizations. It supported voluntarily active doctors to ensure that they were able to apply their competences at the right time in the right place.

#### ADVOCACY AND PUBLIC OPINION ACTIVITIES

Many civil society actors – initiatives, activists, NGOs, etc. – have been advocating refugees’ and human rights (sometimes already for decades), but this section will especially focus on advocacy and public opinion activities taking place since the beginning of September 2015, when the so-called “refugee crisis” made its way into public awareness, with the aim to promote refugees’ rights and to shed light on issues concerning those who were newly arriving or transiting.

Public media has been covering the events connected with the “refugee crisis” and its “aftermath” quite elaborately. In the beginning, the media, as most others, did not know what was going on, so their coverage might even have been described as agitated, but it was characterized by an atmosphere of the so-called “Willkommenskultur” (welcome culture). The chief editor of the ORF, the biggest Austrian media channel, called the coverage of the events “the biggest journalistic challenge in years”<sup>19</sup>.

For a while, all media channels and daily newspapers were dealing with the topic of the large-scale influx of refugees in 2015/2016. A big problem was the lack of access

or rather the difficulty of getting numbers and data from the government and involved stakeholders, which complicated journalistic research.

In 2015, positive opinions were still prevailing, but shortly thereafter, in 2016, just before the closure of the Western Balkan route, there was a noticeable shift of public opinion with regard to the arrival and transit as well as the situation of the refugees. The journalistic challenge was to find accurate facts and data as well as to provide facts and data without generating public fear. The ORF chief editor pointed out the difficulty of “finding a balance between showing, what is really happening and what is really not happening”.

Apart from mainstream media, civil society actors have been advocating and promoting refugees’ rights as well as encouraging a broad positive public climate with regard to the situation of refugees in Austria and Europe. Various initiatives and organizations have been developing campaigns and distributing the slogan “Refugees welcome”. For example, an initiative of three women, all working on voluntary basis, founded the association *menschenSrecht. Unterstützung für Flüchtlinge* and began to print t-shirts and hoodies with the logo “Refugees welcome”. The *Plattform für eine menschliche Asylpolitik* (platform for humane asylum politics) started the campaign “Let Them Stay” and has been organizing and coordinating demonstrations and public declarations. Most recently it has been spreading the slogan “Afghanistan is not safe. Let us stay”.

A longstanding and essential NGO, *asylkoordination österreich*, has been supporting organizations, initiatives, and volunteers involved in the work with refugees, promoting networking amongst NGOs, initiatives, volunteers, and various other actors, exerting political pressure, and providing training as well as qualified information for the public. Recently, it produced informational videos for Afghan refugees. It has been implementing a manifold of cooperative projects, and, furthermore, it has been operating as an advocate influencing the public opinion on many levels. Together with the *Verein Projekt Integrationshaus*, the *Diakonie Österreich*, *SOS Mitmensch*, and the *Volkshilfe Österreich*, it strives to influence the domestic as well as the European legislation and governmental decisions by publishing statements as network platform *Agenda Asyl*.

*PROSA – Projekt Schule für Alle!*, a project founded already in 2012, promotes the importance of **education, in-**

cluding psychosocial support and community work, and the right to free transportation, which Austrian students enjoy, for refugees, so that they as well are able to get to school, by producing videos with famous Austrian actors, artists, and comedians, such as the well-known comedian/actor Josef Hader, the actor Nicholas Ofczarek, and the television presenter Barbara Stöckl, among others.

Newly founded initiatives that support refugees in smaller towns and municipalities in rather rural regions, like e.g. the interviewed initiatives *I am Gleisdorf*, *Willkommen Mensch in Maria Anzbach*, and *Mosaik Eichgraben*, among many others, have been organizing public events, including readings, small festivals, etc., as well as installing stalls at e.g. Christmas markets ever since, in order to raise money, but also awareness – whereby they are noticeably influencing the public opinion in particular towns and/or municipalities.

In cooperation with the Austrian students' union (ÖH-Bundesvertretung) and the association *Respekt.net*, *Vielmehr für Alle!*, an Austrian association standing for "Much More for Everyone!", started the campaign "FLÜCHTLINGE – 1000x WILLKOMMEN" (Refugees – 1000x Welcome) which aims at arranging private ac-

commodations for refugees. The aim of the campaign is to find accommodations for at least 1,000 persons who fled their home countries in private houses, apartments, shared flats, or with families.<sup>20</sup>

A well-known, longstanding, and really worth mentioning association is the *Flüchtlingsprojekt Ute Bock – Damit Flüchtlinge eine Chance haben!* (Refugee project Ute Bock – So refugees have opportunities) founded by the eponymous Ute Bock in 2000, who has been initiating projects to support refugees since the 1970s. Since then, the organization has been providing a manifold of support services for refugees – ranging from educational offers to counseling or providing accommodation, etc. Additionally, over the past years, it has been implementing public-oriented actions and events, working and playing with the founder's name "Bock" and the German slang phrase "auf etwas Bock haben" (being up to something), such as "Bock auf Revo\*lotion" (Fancy a Revolution), "Bock auf Kultur" (Up to Culture/Fancy culture), or the "Ute Bock Cup", using music, arts and sports festivals and events in order to promote refugees' rights by trying to give the stage to refugees. **As mentioned before: Many more initiatives have been active in advocating refugees' rights, only a few of them are mentioned here.**

## THE ACTIVITIES AND ROLE OF CIVIL SOCIETY AFTER THE CLOSURE OF THE "BALKAN ROUTE"

By March 2016, the Balkan route was closed and has left thousands stranded. "Despite the formal closure of the Balkan route, irregular movements along the Balkan route continue, albeit on a smaller scale, as smuggling networks have adapted to new circumstances and are adjusting routes." (Oxfam 2016: 5)

The new situation entailed that open support and public appreciation for the plural sector, previously welcome, started to abate again. Lately, this became apparent with the statement of Sebastian Kurz, the Minister for Europe, Integration and Foreign Affairs and the recently elected chairman of the Austrian People's Party, who publicly criticized NGOs, making them responsible for "rather more than less" casualties in the Mediterranean Sea. Nevertheless, civil society initiatives, both longstanding as well as newly founded, have been unceasingly keeping up their work. Also, large numbers of volunteers went

ahead with their support and care services for refugees in formal or non-formal manners. As the formal and non-formal sectors intertwine here, it is difficult to estimate how many volunteers are actually participating in the effort.

*"Because of a lack of solutions provided by the state, civil society started the attempt to provide solutions."*  
(free translation)

A representative of *Flüchtlinge Willkommen Österreich*, the Austrian "branch" of the transnational initiative "Refugees welcome", identified significant individual and collective needs that the initiative as well as other civil society initiatives and organizations have been trying to cover before and during the large-scale influx of refugees as well as after the closure of the borders until now. The interviewee highlighted the fact that many initiatives,

which provide essential services for refugees, do not receive basic funding for their work, even though they cover care and support services, which in fact should actually be “state responsibilities”.

Needless to say, mentioning the work of longstanding, experienced NGOs and civil society actors should never be neglected. Those NGOs and initiatives<sup>21</sup> responded situationally, and they continued to provide reliable services. Despite the additional expansion of services, the plural sector is still not able to remedy the structural shortcomings.

In the light of Austria’s specific situation, this section will focus on the numerous (fairly) new initiatives, which have been emerging since 2015/2016. After the closure of the “Balkan route”, their activities and services shifted from mostly “acute aid” and “on-site care-giving” to more integrative and sustainable offers and projects. New initiatives have been founded in all Austrian federal provinces in a variety of facets and by a variety of different actors. **Clearly, not all of those can be mentioned below, thus, the ones portrayed here are solely serving as examples.**

#### CIVIL SOCIETY INITIATIVE – BEST PRACTICE EXAMPLES, PROFESSIONALIZATION, (DIS-) CONTINUATION, AND CONFLICT POTENTIAL

After the closure of the “Balkan route”, the abovementioned new initiatives experienced different phases, procedures, and realities. Some, like for example the influential initiative *Train of Hope*, scaled their services back, still working on a voluntary basis without receiving mentionable financial support, but often with the enormous willpower to stay active. Others put enormous effort and structural work into their initiatives in order to maybe eventually even receive funding and especially to professionalize their activities. A few have discontinued their activities entirely. So far, it has been difficult to determine how many initiatives there are and especially how many of them are still active and how far their activities range.

Especially representatives and members of initiatives in rather rural areas support refugees on various different levels – they help them in finding accommodation/jobs, they provide recreational offers, often they coordinate and/or offer German courses, etc. Often, their members and representatives work to maximum of their capacities – being involved in formal as well as informal care-

giving activities and support services. Nonetheless, many have been continuing their work, standing their ground in support, and expressing solidarity for refugees, even though most initiatives and projects actually relying on volunteers face an increasing lack of interest of people to get involved, on the contrary to the times of the “peak of readiness” in 2015/2016. In the following paragraphs, the initiatives and their services are introduced on the basis of the most essential fields of action: accommodation, education, integrative recreational offers, employment and labor market integration, legal, psychosocial and health support, and specific support for particularly disadvantaged groups.

The interviewed initiatives’ representatives, like e.g. representatives of *Mosaik Eichgraben* or *Willkommen Mensch in Maria Anzbach*, who are trying to find private accommodations on a case-by-case basis, identified the issue of **accommodation** as one of the biggest challenges. Simultaneously, the initiative “Flüchtlinge Willkommen Österreich” has started the attempt to provide rather large-scale solutions for this issue by arranging private accommodation opportunities for refugees Austria-wide. By April 2017, the initiative managed to accommodate almost 400 refugees throughout Austria.

The platform *Asylwohnung.at*, initiated by the *Verein Respekt.net*, is a platform concerned with the private accommodation of refugees in Austria, aimed at everyone who wants to rent, sublet, or donate accommodation for refugees. The aim of the platform is to inform interested people, to eliminate uncertainties, and to facilitate support and aid. The platform/databank provides addresses of and information on NGOs in every Austrian federal state, which receive accommodation offers and procure tenants.

In order to be able to build a life in the respective country of arrival, the importance of **education** is indisputable. Education, especially language and alphabetization courses, etc., is seen as an essential factor necessary to facilitate one’s integration into a society. Thus, the role of language courses was recurrent in the interviews conducted with the representatives of civil society initiatives. When it comes to the specific topic of language courses, volunteers covered a noteworthy part of the demand. Especially in rural areas, capacities were insufficient, which is why civil society initiatives, especially volunteers, reacted accordingly and attempted to provide language courses/sessions free of cost throughout Austria. Even

though volunteer work in this sector has been absolutely necessary, initiatives and volunteers were not included in further systematic integrative steps – at most they received praises. Educational offers arranged and provided by civil society initiatives range from informal, semi-formal to very formal.

*The project PROSA – Projekt Schule für Alle!*, initiated as one of the subdivisions of the association *Bildungsinitiative Österreich – Vielmehr für Alle!* in 2012, provides basic education and compulsory schooling for young refugees. Its work is based on a triangular concept, combining social work, education, and social inclusion/community work.

*The Projekt StartWien – Das Jugendcollege* (Project StartVienna – Youth College) is a new project, funded by means of the European Social Fund, the Austrian Employment Service (AMS), the municipal department 17 of the City of Vienna, and the Vienna Social Fund (FSW) and carried out by a consortium of experienced organizations (*abz\*Austria, BPI, JAB, Caritas, Adult Education Center (VHS), Vielmehr für Alle!, PROSA – Projekt Schule für Alle!, Verein Integrationshaus, WUK, and Interface Wien*), which provides education for 1,000 young adults (asylum seekers, recognized refugees, people granted subsidiary protection, and disadvantaged adolescents, who are above compulsory schooling age) from 15 to 21 years old. The project contains an assignment phase, the preparation of an individual educational plan, the assignment to specific modules, the participation in various educational offers, and a concluding transfer to secondary schools, vocational training or the labor market as well as follow-up support when necessary.

The *uniko – Österreichische Universitätskonferenz*, the “voice” of Austrian public universities, managed to round up 21 Austrian public universities, which together established the program MORE that aims at providing future perspectives for refugees. The services of the MORE program are subdivided in (1) MORE courses that inform and prepare refugees who are planning to start or continue studying in Austria, (2) MORE perspective offers, which are specially designed for refugees with academic backgrounds, and (3) MORE activities, which exceed the range of university course offers and aim at the promotion of intercultural communication and integration. Austrian universities have been establishing a variety of opportunities for refugees, the following two initiatives being only examples: (1) The *OLive – Open Learning Initiative* al-

lows people to take part in academic courses and tutorships offered by staff and students of the University of Vienna in order to facilitate subsequent academic studies in Austria; (2) *Bildungswissenschaftliche Grundlagen für Lehrkräfte mit Fluchthintergrund* (Educational Science Basics for refugees with educational/teaching backgrounds) will allow 30 teachers to participate in a certified two-semester course for teachers.

A number of initiatives organize and coordinate a broad spectrum of **integrative recreational offers** – courses and workshops, from cultural and artistic offers to sports activities, that aim at facilitating integration, at creating the possibility for people to actively participate in society, and at creating room for exchange. Those activities have a remarkable impact on the psychosocial well-being and are often the only rare occasions for many asylum seekers and refugees to exchange experiences and practice their language skills – *Flucht nach Vorn, #openschool*, or the association *Play Together* are examples of numerous of such new initiatives.

Of course, the issue of “**integration of refugees into the labor market**” is more than essential. Longstanding, experienced NGOs have been working in this field for many years, but only few new initiatives have dedicated projects to the topic, as the field requires enormous effort and capacities (cooperation with various facilities, institutions, state bodies as well as companies/employers). Of course, newly founded initiatives have managed to find employment for refugees in individual cases, but it is highly difficult to ensure large-scale job placements. An important issue in this context is the recognition of qualifications, competences, and certificates acquired abroad. The Federal Ministry of Labor and Social Affairs has financed the installation of five contact points – *AST – Anlaufstelle für Personen mit im Ausland erworbenen Qualifikationen* – responsible for all Austrian federal provinces run by NGOs and the Austrian Labour Service (AMS) and coordinated by the *Beratungszentrum für Migranten und Migrantinnen* (Counseling Centre for Migrants).

Nevertheless, a few new initiatives have dedicated their efforts to the topic of labor market integration of refugees. The newly formed association and initiative *Chance Integration/chancen:reich* organized and implemented its first job fair in 2016 in cooperation with numerous domestic companies, state NGOs, and state institutions. The next fair is being planned right now. According to the representatives of the initiative, 70 job exhibitors informed



3,500 visitors about 1,000 vacant job positions and training opportunities. Apparently, 900 job interviews took place, and 200 jobs, internships, and apprenticeships were arranged.

When it comes to the fields of **legal and psychosocial support**, longstanding and experienced organizations have unceasingly been continuing their work (Asyl in Not – Unterstützungskomitee für politisch verfolgte Ausländer/innen, Deserteurs- und Flüchtlingsbetreuung, (legal) NIPE – Network for Intercultural Psychotherapy after Extreme Traumatization, ZEBRA, HEMAYAT, etc.), but not many new initiatives included such services in their work, as it requires highly professionalized structures and specific qualifications to offer legal, psychosocial, and/or health support. An exception in the field of legal advice is the initiative *Vienna Law Clinics*, which since early 2017 allows law students of the University of Vienna to provide free legal advice for refugees. In order to secure high-quality legal advice services, experienced law firms accompany the initiative.

Refugees arriving in Austria and registering as asylum seekers ordinarily have access to **health** insurance. That means refugees in Austria are entitled to the same medical insurance services as Austrians. Additionally, persons with refugee status or asylum seekers are exempted from prescription fees. Still, voluntary work by medical staff is indispensable. Shortcomings are recognizable especially in the area of psychosocial support. The waiting periods for getting a therapy spot can amount up to one year. This shows that there are still enormous barriers when it comes to accessing and making use of the health care system, which result in the demand for additional services for refugees, which are often provided on a voluntary basis.

For example *AmberMed*, an initiative initiated by “Diakonie Flüchtlingsdienst”, offers medical support and aid for those without insurance coverage. During the large-scale influx of refugees in late 2015 and early 2016, the services provided by AmberMed and other medical support initiatives free of charge were effectively indispensable. But also after the closure of the “Balkan route”, the demand for medical support free of charge has still been high. Nevertheless, services provided now are much more organized, and as many doctors and interpreters are working on a voluntary basis anymore. The newly initiated non-profit organization *Refugee Midwifery Service Austria (RMSA)* is a unique example – it was founded by

experienced midwives and provides comprehensive medical support for women during pregnancy. RMSA’s services are free of charge and provided in many languages by medically highly qualified staff, which is specifically ensuring sensitivity to various cultural and/or religious aspects.

In 2016, 4,551<sup>22</sup> children and adolescents, sometimes even younger than 14 years (400 of them), fled to Austria without parents or caregivers. Hence, specific support needs to be directed towards **unaccompanied minor refugees**. Those children and young people are facing serious problems, tasks, and responsibilities, which are highly overextending anything a young person should have to be responsible for. A number of organizations, institutions, and initiatives has been providing specific support and care for UMRs.

*Connecting People*, initiated and implemented by *asylkoordination österreich* in 2001, extended by *Connecting Wien* (Connecting Vienna), implemented in cooperation with *Interface Wien* since 2013 as well as separately by the Association *Zebra*, is one of the initial godparenthood projects. The aim of this kind of project is to steadily win over, train, and accompany adults willing to assume godparenthoods for unaccompanied minors. The godparenthood is voluntary, without payment and meant to lead to the UMRs receiving the most extensive and optimal support. Creating long-lasting and stable relationships between the godparents and the children and adolescents to be accompanied is at center stage. Since 2015/2016, the authorities have shown more willingness to support the kind of projects that involve the readiness of citizens to voluntarily take a young person in. Due to the increase of arriving minor refugees, the authorities as well as private sponsors and foundations have been increasingly willing to provide financial means in order to spread the idea and to develop more godparenthood projects throughout Austria. Already existing NGOs or institutions (like *kija*, *Volkshilfe*, *Integrationshaus*, *Plattform Rechtsberatung*, and *Caritas*) adopted the concept and established new corresponding projects.<sup>23</sup>

Additionally, worth mentioning is that meanwhile it is possible for families throughout Austria to take in young refugees as foster children. NGOs like *KUI – Kinderflüchtlinge unterstützen und integrieren* or *SOS Kinderdörfer* as well as state departments or private facilities are responsible for the coordination and support of families and children that are or were brought to-

gether within this framework. The overall responsibility for the assignment of foster children and the well-being of the children within their “new families” is under the responsibility of the department of city administration for children, youth and family (MAG 11), the Austrian Youth Welfare Service as legal representation, *asytkoordination österreich*, and the foster parents themselves.

Specific attention has been given to the introduction, continuation, and provision of access to offers for **women**, as those offers and services open to everyone are more often likely to be used by men, instead of by women. Not all women can be economically active, as many are confined to their houses for different reasons, particularly, because many women are often primarily responsible for parenting. Especially for that reason, specific services for women and children as well as services for single mothers with accompanying childcare must be provided. Multifaceted organizations and/or initiatives are providing such specific services. For example, *Willkommen Mensch in Maria Anzbach* identified the need for offers expressly only for women, as many women hesitated to participate in the generally organized offers. For that reason, they introduced the so-called “Frauencafés” (women cafés) that provide space and time or women to come together and exchange. Furthermore, those cafés were always dedicated to specific topics (like gynecology, herbal medicine, etc.), which seemed to be of high interest according to the representatives of the initiative.

The group *Queer Base – Welcome and Support for LGBTIQ Refugees* and the organization *Oriental Queer Organisation Austria (ORQOA)*, provide specific support and care services to **lesbian, gay, bisexual, trans\***, and **inter persons**, who are seeking refuge in Austria. At the so-called *Rosa Lila Villa*, a community center, Queer Base is offering counseling, interaction, mutual strengthening, and support for refugees along with regular asylum procedure counseling. Furthermore, the group arranges accommodation for refugees, who fled their home countries due to persecution on the grounds of their sexuality.

#### THE COEXISTENCE OF THE EMPLOYED AND THE VOLUNTEERS

An important field of action is the coexistence and cooperation of aid organizations and volunteers (groups/initiatives). Qualitative work and the well-being of refugees often rely on the constructive cooperation of active participant actors. There are examples of excellent coop-

eration and mutual supplementing. A representative of a non-formal initiative described their relationship with the nearby aid organization as follows:

“We have received great support by them. They have experience in accompanying people, so two or three people came by and gave us as well as representatives of the municipality and the parties advice. They told us what the ‘don’ts’ are, what we absolutely shouldn’t do, and what would be good, and we heeded the advice.”

(free translation, representative of a rural, non-formal volunteer initiative)

In some cases, the cooperation or often rather the coexistence of different actors was marked by conflict potential and counterproductive hierarchies. Interviewed representatives have mentioned the sentiment of dissatisfaction with a view to the cooperation or rather coexistence of their volunteer initiative and the staff members of the aid organizations responsible on-site, who sometimes even restricted the access to facilities. A representative of a non-formal volunteer initiative described it as follows:

“The relationship between us is a bit difficult. I think, the staff members [of the nearby aid organization] do not want us to talk with the people [living in a residential facility for refugees nearby] about those things [i.e. the asylum procedure] because only they are responsible for that [...], which is strange because we have relationships of trust with the people.”

(free translation, representative of a rural, non-formal volunteer initiative)

Often, a lack of capacities, resources, and mutual understanding – due to different forms of structures and structural or personal limits – were the sources of conflict. In some cases, conflict mediation could have been a solution. Sometimes, members of initiatives and/or aid organizations even self-organized mediators, but certain conflicts could not be constructively resolved so far.

#### SUPPORT FOR NEWLY FORMED (NON-FORMAL OR FORMAL) CIVIL SOCIETY INITIATIVES AS WELL AS FOR VOLUNTEERS

It has become obvious that there is a need for support mechanisms for representatives and members of newly formed initiatives. Accordingly, civil society actors as well as some state departments and facilities have been starting to provide training and psychosocial support to those

initiatives. However, in general, it can be noted that there are almost no support mechanisms on federal level, but there are a few mentionable mechanisms on regional level, such as the “Integrationsstelle Oberösterreich” (Integration Office Upper Austria) which together with the initiative “ZusammenHelfen in Oberösterreich” (Helping Out Together in Upper Austria), initiated by the Upper Austrian Secretary for Integration, Climate, Consumer Protection and Environment Rudi Anschober, provides a course program as well as networking possibilities for volunteers and CS initiatives.

Similar programs have been offered continuously by the municipal department 17 (MA 17) in Lower Austria. The *NÖ Bildungs- und Heimatwerk* has tried to support volunteers in their offer of German courses. The *Erste Foundation* and other companies have supported a number of projects financially, and the aforementioned association *Respect.net* has introduced the prize *Orte des Respekts* (Places of Respect) that awards initiatives and projects with prize money (donated by various sponsors).

A number of NGOs, among them *asylkoordination österreich*, have created contact points for a better coopera-

tion among volunteers and initiatives, and trainings have been offered in the framework of the aforementioned godparenthood projects. Additionally, *asylkoordination österreich* offers flexibly organized supervision processes, provided by more than 200 professional supervisors throughout Austria, when required.

The Austrian Integration Fonds (ÖIF) has been offering courses and workshops for volunteers and members of initiatives. Representatives of two of the interviewed initiatives mentioned those offers, stating that they found out about them through excessive internet research conducted in order to find support or training to improve their work. Hence, even though there were workshops/courses as well as network meetings organized by the ÖIF, the initiatives only found out about them by investing a lot of effort and time – capacities that are highly limited.

“To go to meetings or workshops (far away) is very difficult. [...] It would be helpful if there were links [or online courses], we could look at. Or actual offers in the municipalities. That would work. It would have to be here or in the nearby municipalities.” (free translation, representative of a rural, non-formal volunteer initiative)

## CONCLUSION

Civil society in its many forms – longstanding organizations, grassroots initiatives, associations, projects, alliances of volunteers, formal and non-formal groups, etc. – were of indispensable importance during the large-scale movements of refugees between August 2015 and March 2016. As soon as the situation became less “acute”, not because the situation in war-torn regions improved, but because European governments artificially initiated the closure of the “Balkan escape route” and built fences in order to keep people in need out, abandoning them as well as the European border states, civil society initiative has been gradually pushed to the background – having been appreciated as an influential sector only a few months before –, even though NGOs, initiatives, activists, and volunteers have continuously been supporting thousands of people.

To conclude this report, it seems appropriate to revert to the findings of a group of experts from academic as

well as from integration and human rights work backgrounds<sup>24</sup>: (a) Integration means enabling people to make use of their abilities and possibilities according to their individual perspectives as well as in common interest; (b) integration is multidisciplinary and a multifaceted, continuous process; (c) access and inclusion need to be provided, and discrimination needs to be counteracted; (d) process and integration politics have to be reevaluated and reflected continuously; (e) future perspectives need to be strengthened and adopted; (f) there is the need for consistent integration strategies, which are still adjustable to individual conditions and current developments; and (g) an unified integration system without waiting periods needs to be installed throughout Austria.

Civil society initiatives working in the field of integration, asylum, and refugees are advocating the aforementioned aspects, which need to be recognized and supported by state mechanisms. When it comes to volunteer work spe-

cifically, this report again refers to the aforementioned expert group when stressing that voluntary commitment and work should be complemented and extended and thereby strengthened in its impact. Numerous voluntary projects and initiatives are an equally essential and functioning element promoting social integration and well-functioning, cooperative togetherness. They need to be supported and accompanied by necessary structures and measures (see Bauböck et. al 2017:13).

The recognition of civil society initiative in its many forms and the appreciation of commitment and participation represents an act of solidarity and democracy, but, according to Wolfgang Gratz' conclusions (see 2016: 186), state as well as civil society representatives are not really optimistic when it comes to a certain prospect of public governance, i.e the prospect of the state sharing its sovereignty with involved and concerned citizens and civil society institutions.

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  - 2 See BM.I 2017: Asylstatistik April 2017 URL >>> [http://www.bmi.gv.at/cms/BMI\\_Asylwesen/statistik/files/2017/Asylstatistik\\_April\\_2017.pdf](http://www.bmi.gv.at/cms/BMI_Asylwesen/statistik/files/2017/Asylstatistik_April_2017.pdf)
  - 3 See BMI (2016): Asylstatistik 2016. >>> [http://www.bmi.gv.at/cms/BMI\\_Asylwesen/statistik/files/Asyl\\_Jahresstatistik2016.pdf](http://www.bmi.gv.at/cms/BMI_Asylwesen/statistik/files/Asyl_Jahresstatistik2016.pdf)
  - 4 See: ÖIF (2016): Fact Sheet 25. Aktuelles zu Migration und Integration. >>> [http://www.integrationsfonds.at/fileadmin/content/AT/Fotos/Publikationen/FactSheet/Fact\\_Sheet\\_25\\_Jahresrueckblick\\_Integration\\_und\\_Asyl\\_2016.pdf](http://www.integrationsfonds.at/fileadmin/content/AT/Fotos/Publikationen/FactSheet/Fact_Sheet_25_Jahresrueckblick_Integration_und_Asyl_2016.pdf)
  - 5 >>> [http://medienservicestelle.at/migration\\_bewegt/2016/01/20/2015-13-800-positive-asylentscheidungen/](http://medienservicestelle.at/migration_bewegt/2016/01/20/2015-13-800-positive-asylentscheidungen/)
  - 6 >>> <http://www.asylumineurope.org/reports/country/austria/reception-conditions/access-and-forms-reception-conditions/criteria-and>
  - 7 See: Knapp, Anny (2016a): Country Report: Austria. In: aida. 16. >>> <http://www.asylumineurope.org/reports/country/austria>
  - 8 For more detailed information on the Austrian Asylum System see: Knapp, Anny (2016a): Country Report: Austria. In: aida. 16. >>> <http://www.asylumineurope.org/reports/country/austria>.
  - 9 See: Knapp, 2016b, 19.
  - 10 See: >>> [http://www.sosmitmensch.at/dl/mklkJKLNIJqx4kJK/ExpertInnen\\_10\\_Punkte\\_Programm\\_Integrationsgesetz.pdf](http://www.sosmitmensch.at/dl/mklkJKLNIJqx4kJK/ExpertInnen_10_Punkte_Programm_Integrationsgesetz.pdf)
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  - 12 >>> <http://derstandard.at/2000061473881/Kaernten-verbietet-Asylwerbern-seit-Juli-privat-zu-wohnen> [19.07.2017]
  - 13 >>> <http://derstandard.at/2000061843511/EU-Hoehstgericht-zu-Asylregeln-Kroatien-befuerchtet-hunderte-Rueckschiebungen?ref=article> [27.07.2017]
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  - 15 See numbers provided by APA >>> [www.derstandard.at/2000058619693/Deutschland-setzt-Abschiebungen-nach-Afghanistan-vorerst-aus](http://www.derstandard.at/2000058619693/Deutschland-setzt-Abschiebungen-nach-Afghanistan-vorerst-aus)
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  - 18 Term used by Wolfgang Gratz in his analysis – “Refugee Crisis. Never let a good crisis go to waste.”.
  - 19 >>> <http://derstandard.at/2000023421515/Fluechtlingsberichterstattung-der-Medien-polarisiert-Oesterreich>
  - 20 >>> <http://vielmehr.at/1000willkommen.html>
  - 21 Like e.g. asylkoordination österreich, Migrare – Zentrum für MigrantInnen in OÖ, Asyl in Not, Deserteurs- und Flüchtlingsberatung, Netzwerk Asylanwalt, Verein Projekt Integrationshaus, Flüchtlingsprojekt Ute Bock – Damit Flüchtlinge eine Chance haben!, KunstSozialRaum Brunnenpassage, Tanz der Toleranz, Caritas Austria, Volkshilfe Austria, Diakonie – Flüchtlingsdienst, HEMAYAT, NIPE – Network for Intercultural Psychotherapy after Extreme Traumatization, lobby.16, Oriental Queer Organization Austria (OQOA), LEFÖ, KAMA- Kurse von Asylsuchenden, MigrantInnen & Asylberechtigten, PROSA – Projekt Schule für Alle!, Flucht nach Vorn, and many more.
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## EUROPEAN SOLIDARITY REVISITED – A TANGLED CONCEPT

As the project title *BALKAN REFUGEE TRAIL – A Pathway for European Solidarity* suggests, **solidarity** (specifically **European solidarity**) is a key concept, which was approached from different perspectives within the project framework – theoretically, practically, from the perspective of the authors as well as from the viewpoint of the various civil society actors, whose insights were gathered by means of the conducted interviews and established focus groups. In this context, it seems inevitable to emphasize in advance that a concept of solidarity – a concept of European solidarity – cannot be grasped easily.

In Schubert and Klein's (2006) political encyclopedia, solidarity is described as a "principle, directed against isolation and massification", furthermore, it is seen as the equivalent of "togetherness, i.e. mutual (sharing of) responsibility and (co-)obligation" (free translation). Solidarity is described as a "unity or agreement of feeling or action, especially among individuals with a common interest; mutual support within a group"<sup>1</sup> or as a "unity [...] that produces or is based on community of interests, objectives, and standards"<sup>2</sup>. Interviewees, on the other hand, used comparisons like "alliance", "cooperation", "sharing of responsibility", and so forth. In that sense, it can be argued that solidarity implies some sort of common ground. A further particularity of solidarity is that recipients of solidarity are addressers at the same time, and vice versa<sup>3</sup>.

There are numerous different academic approaches to and examinations of solidarity concepts, but for this specific report, the authors draw on the work of Bendiek and Neyer<sup>4</sup>, who distinguish between three not easily reconcilable principles – *the nationalistic, the European, and the cosmopolitan solidarity principle*: Representatives of the *nationalistic solidarity* concept suspect solidarity to be possible only within national borders, meaning that solidarity is based on common experiences and a collective memory, which, according to representatives of the nationalistic solidarity principle, grows within a national community of values. Representatives of the *European conception of solidarity*, on the other hand, see the nationalistic viewpoint as contrary to any solidarity principle. In the "European way of thinking", Europe is seen as a community of values, in which member states abide to

the upholding and further development of a certain set of norms. In this context, it should be underlined that a complex of problems arises with regard to the question of a certain "balance of solidarity". On national levels, member states argue that certain countries tend to be addressers of solidarity, while others remain receivers. Historical factors and socio-political issues influence cross-border relations that are characterized by concealed or obvious and even outspoken sentiments arising from "questions of reciprocity": Who stood by whom in solidarity and who did not, or who is "deserving" solidarity and who is not?

Here, the third concept – the *cosmopolitan understanding of solidarity* – joins in. Representatives of this way of thinking reject any kind of differing and/or unequal treatment of people, especially on the basis of nationality. The strict implementation of the Geneva Convention on Refugees and the cooperation amongst EU member states, the UNHCR and civil society are perceived as imperatives for cosmopolitan solidarity.


Having said the above, the following paragraphs will focus on three main challenges and critical issues with regard to solidarity relating to the role of civil society along the Balkan route: 1. Volunteers standing with refugees and the criminalization of solidarity, 2. (the downturn of) solidarity with civil society commitment, and 3. European solidarity vs. nationalistic solidarity and the questioning of EU policies.

### VOLUNTEERS STANDING WITH REFUGEES AND THE CRIMINALIZATION OF SOLIDARITY

The inexorable dedication and commitment of volunteers and self-organized volunteer groups or respectively grassroots initiatives was mentioned in every country report. It was argued that this kind of solidarity has been uplifting and empowering more and more people to become active by showing that a single individual can act upon major events and participate in practices of change. Volunteerism represented a large proportion of civil society commitment, and the volunteer work that took place from 2015 to 2017 is highly differentiated in its form and facets.



There were volunteers working for grassroots initiatives or experienced NGOs and those working in non-formal self-organized structures, namely people who volunteered independently from NGOs and civil society initiatives. The transition between both forms – formal and non-formal volunteering – has been fluid, informal initiatives established registered associations, volunteers joined NGOs fluently, and staff members of longstanding civil society organizations additionally invested time in voluntary activities and services. As a matter of fact, local, regional, and international volunteers showed enormous solidarity with people en route fleeing war and hardship.

 “I see [...] solidarity everywhere, where people are handing out blankets, show up with soup pots, and take care of refugees.”

(CS initiative representative, free translation)

As soon as the number of arriving and transiting refugees decreased due to the artificial closure of borders, the act of volunteering was restricted in certain individual situations as well as in well-developed structures, a development by many coined as the “**criminalization of solidarity**”. For example, in Croatia, as mentioned in the respective country report, volunteers experienced criminalization through the publication of a bill, which includes measures that not only outline the political and legal attitude of the country towards refugees, but also the desired attitude of society towards those groups. The act proposal practically provides non-threatening punishments for anyone who helps a refugee with the “illegal” passage, stay, or transit through the Republic of Croatia.

In Macedonia, on the other hand, at a certain point, anyone helping refugees was required to be registered with an NGO or government organization. While not strictly enforced at first, this requirement had the effect that individuals were forced to find an NGO with which they could be registered, which led to the restriction and discouragement of those individuals who either could not find an NGO or did not wish to be registered with an NGO. Furthermore, volunteers are obliged to have residency in Macedonia as well as a volunteer visa in order to be able to provide services on a voluntary basis. To a certain extent, international volunteers were listed as donors for NGOs because donors were allowed some exceptional rights, such as the right to observe. As exemplified in the Macedonian country report, one Czech volunteer was detained, expelled, and sentenced with a five-year ban from volunteering for not being registered “appropriately”.

The coordination of volunteers and the provision of qualitative, professional services and care for refugees has been challenging, but longstanding NGOs and professional CS actors attempted to assume volunteer coordination and management, which often also highly fit their expertise. Fact is that people should not be prevented from getting active and standing up for fellow human beings, and they should not be prevented from showing and acting in solidarity with one another. For this reason and in order to make sure that participative solidarity is best applied, the state needs to provide support and financial means for volunteer groups and especially for professional, experienced CS actors, who could take over the role of supporting, training, and monitoring volunteers’ solidarity actions.

### (THE DOWNTURN OF) SOLIDARITY WITH CIVIL SOCIETY COMMITMENT – FORGOTTEN APPRECIATION

Prior to the official closure of the Balkan route, civil society commitment was highly appreciated, and large-scale CS activities and services were gladly accepted by state bodies as well as the European populations. As already established, CS actors filled the gaps that national states as well as European institutions were not able to fill. Since the closure of borders and the decrease in numbers of refugees arriving in or transiting countries along the Western Balkan route, also the appreciation and support for CS commitment – here argued as being a form of solidarity – decreased markedly. The aforementioned has been testified in the field and during the interviews the authors conducted with various actors during the project timeframe.


The authors are far from arguing that everything civil society actors – from longstanding organizations to newly founded, self-organized volunteer groups or CS initiatives – did was perfect. Conflicts or confusion with regard to coordination and communication often include all actors and participants, but conflicts or misleading communication are common issues experienced during crises – these are factors the actors need to deal with as a part of the solution-finding process. With these words, it needs to be said that all actors involved in coping with the so-called “refugee crisis” and the similarly challenging consequences, here argued to be a “crisis of solidarity”, need to process the past and present events in order to develop mechanisms and instruments for the future. An impor-



tant and constructive approach would be the strengthening of communication and cooperation between various stakeholders involved in the events of 2015/2016 in order to process responses to various kinds of crises, not only separately, but also jointly.

The current increasing “bashing” of and the decline in appreciation for civil society actors is contrary to a constructive examination and processing of past events and to solidarity. It is unacceptable that, while governments requested assistance and a broad civil society spectrum has consistently been filling governmental gaps with regards to the provision of adequate and humane services and care for refugees, this sector is increasingly deprived of its voice again as soon as the situation seems to be “under control”. The authors recognize this tendency as highly counterproductive, and they are concerned that this kind of approach might discourage committed persons and exacerbate trust in politics.

## EUROPEAN SOLIDARITY VS. NATIONALISTIC SOLIDARITY – QUESTIONING EU POLICIES

 “Human needs end up overshadowed, and xenophobia speaks louder than reason.”

(Ban Ki-moon, September 2016)

Since the events of 2015/2016, governments along the so-called Balkan route have rather opted for national, than for European solutions to the crisis by erecting borders, reintroducing strictly defined Schengen zones, and instigating pity political quarrels – all that in light of one of the so far most serious human rights crises of the 21<sup>st</sup> century. This development can be understood as a “crisis of solidarity”. There are definitely no easy answers and solutions to this “crisis of solidarity”, but what can be certainly said is that when arguing that solidarity is an imperative, in the European perception, a community like Europe cannot persist without solidarity.<sup>5</sup>

One principle of the European Union<sup>6</sup> is mutual solidarity. Article 1 of the preamble implies that the EU “[desires] to deepen the solidarity between their peoples while respecting their history, their culture and their traditions”, while accordingly it is captured in Article 2 that “[t]he Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons

belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.” “It shall combat social exclusion and discrimination, and shall promote social justice and protection, equality between women and men, solidarity between generations and protection of the rights of the child.” (Article 3.3) But this “European principle” is far from being realized or from even being a “value” that is actively pursued. From a present perspective, it seems highly unlikely that collective solutions through acts of solidarity will prevail over national egoism.<sup>7</sup>

Amongst other things, this fact is portrayed in the current failure of the EU-Turkey agreement, which contains the agreement to resettle 160,000 people in order to alleviate the pressure on Greece and Italy – a requirement which was not put into practice to a significant extent. Similarly, the Dublin III Agreement – and the so-called “Dublin cases”<sup>8</sup>, meaning refugees who are “supposed to be pushed back” – includes aspects that can be argued to be not only endangering the position of refugees, but also common EU asylum policy and the EU’s solidarity principle. The system is inefficient and leads to tremendous cases of hardship. Crucial problems are the delays in the proceedings and the differing standards in the individual member states when it comes to the admission of refugees and the asylum procedures. The authors argue that the Dublin Regulation should be temporarily suspended, as it is inadequate for large-scale movements of refugees, and they are highly concerned about the decision of the European Court of Justice, which ruled that the Dublin Regulations are still applicable, despite the unprecedented refugee movements during 2015/2016. This decision could lead to border states being unable to cope with the situation, and refugees could increasingly become such “cases of hardship”.

The authors of this report stand by Bendiek and Neyer<sup>9</sup> in arguing that for the time being a combination of two of the aforementioned concepts – the *European and the cosmopolitan practice of solidarity* – would be the only acceptable option, which would ensure that all human beings have equal rights to access to a just, stable, and fast asylum procedure and to humanitarian protection. Miserable living conditions of refugees would need to be acted upon immediately. This would mean that no European state would be excluded and that any kind of demarcation between member states would be unac-

ceptable. This sort of solidarity would not confine itself to the states strictly within the borders of Europe or respectively the European Union. Europe cannot content itself with solidifying outer borders and sharing the balance of responsibilities and risks between member states. Equally important is the creation of a common functional European protection system within refugee and migration policies, which puts security and the physical as well as the psychosocial well-being of all human beings first. Legal ways to access Europe and the European Union need to be provided in order to prevent the further disillusions with a view to the normalization of patterns like accepting endangering, “illegal” passages. This also leads to the argument that solidarity, when arguing that it is an imperative for coping with crises, cannot be “flexible”, as discussed during the UN summit in September 2016, because, amongst other things, the implementation of the EU relocation scheme, which would alleviate the pressure on countries like e.g. Greece, needs to be realized without the backing out of various states and political power holders. Thus, solidarity is based on the principle that in a community of solidarity everyone takes a stand for every-

one and that it is absolutely possible that today the one and tomorrow the other requires solidarity.

*“[...] We are standing in solidarity with asylum seekers, with refugees, because human rights as well as social security of **all of us** are violated at the expense of refugees.”*

(representative of a CS educational project, free translation)

In this sense, solidarity as a concept is put to the test during situations in which one actor is perceived as being always the receiver, while the other is always the addresser of solidarity<sup>10</sup>. With that in mind and referring to cosmopolitan elements, it seems appropriate to conclude this chapter with a quote by a representative of a volunteer initiative:

*“To live our level [– our living standards –] in this beautiful part of the world [, namely Europe,] rests on the countries of the [global] south, where many refugees nowadays come from. The compensation of that fact is not very advanced yet.”*

(free translation)

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- 1 See: Oxford dictionary
  - 2 See: Merriam Webster dictionary
  - 3 See: Stratenschulte, Eckart D. (2011): Solidarität in Europa. Wie solidarisch soll Europa sein? >>> <http://www.bpb.de/internationales/europa/europa-kontrovers/38226/einleitung?p=all>
  - 4 See: Bendiek, Annegret/Neyer, Jürgen (2016): Europäische Solidarität – Die Flüchtlingskrise als Realitätstest. In: SWP-Aktuell. 20. 1–4.
  - 5 See: Stratenschulte, Eckart D. (2011): Solidarität in Europa. Wie solidarisch soll Europa sein? >>> <http://www.bpb.de/internationales/europa/europa-kontrovers/38226/einleitung?p=all>
  - 6 See: Treaty on European Union. >>> [https://europa.eu/european-union/sites/europaeu/files/docs/body/treaty\\_on\\_european\\_union\\_en.pdf](https://europa.eu/european-union/sites/europaeu/files/docs/body/treaty_on_european_union_en.pdf)
  - 7 (Bendiek/Neyer 2016)
  - 8 see the cases in question: A.S. v Republic of Slovenia and Jafari v Bundesamt für Fremdenwesen und Asyl >>> <https://curia.europa.eu/jcms/upload/docs/application/pdf/2017-06/cp170057en.pdf> [22.07.2017]
  - 9 See: Bendiek/Neyer, 2016, 4.
  - 10 See: Stratenschulte, Eckart D. (2011): Solidarität in Europa. Wie solidarisch soll Europa sein? >>> <http://www.bpb.de/internationales/europa/europa-kontrovers/38226/einleitung?p=all>

## CONCLUSION

The large-scale movements of refugees during 2015/2016 demanded actions by various stakeholders and the readiness to stand up for people en route, who were seeking refuge and protection. These events as well as the according consequences after the artificial closure of the so-called Balkan route have raised multiple challenges. The authors' attempt was to portray civil society's involvement committed to ensuring refugees' rights and humane asylum politics in its many forms and facets.

In all seven countries involved in the *Balkan Refugee Trail* project, civil society highly contributed to managing challenges arising during the past three years – from mid-2015 to mid-2017 – and responded with the attempt to coordinate, manage, and deal with the events during the so-called “refugee crisis” and its aftermath. From a European perspective, as the external border of the Schengen area, **Greece**, has been finding itself at the epicenter of the “crisis”, is currently facing numerous responsibilities arising from the continuous arrival of refugees on a daily basis, and is still waiting for the implementation of the relocation scheme, which is part of the EU-Turkey agreement. Apart from their individual socio-political circumstances, **Macedonia**, **Serbia** (as a non-EU-member and the only country along the route not subject to the Dublin III Regulation), **Hungary** (with its striking anti-immigration/anti-refugees rhetoric), **Croatia**, and **Slovenia**, each as a national unity, perceive themselves rather as transit countries and are acting upon a self-fulfilling prophecy, instead of installing long-term and active integrative measures. **Austria**, which has been functioning as a transit as well as as a “receiving” country, in fact installed numerous integrative measures, but still closed its border, installed an “upper limit” in order to be able to reject people en route seeking refuge and protection as soon as this ominous number is reached, and has been, like all the aforementioned countries, taking on more restrictive policies at the expense of refugees over the past months.

Despite the different approaches and political responses of each individual country, they all have in common that civil society in its many forms, in national contexts as well as transnationally, has been counteracting inequalities in distribution as well as facilitating the treatment of the

situation. It was examined repeatedly that civil society organizations and initiatives in countries along the Western Balkan route became those who filled gaps, those who undertook essential tasks and responsibilities, which would actually have been state responsibility.

Their yet extensive engagement had positive effects on civil society due to its recognition by governments, media, and therefore also the public. Experienced CSOs gained strength and were able to consolidate certain experiences, and the CS sector gained visibility and appreciation. The enormous impetus for voluntary commitment and the emergence of grassroots initiatives, in general of civil society commitment, additionally led to community building<sup>1</sup> and improved networking. Therefore, CS commitment had positive effects in two ways – for refugees as well as for the local population.<sup>2</sup>

Nevertheless, with the politically motivated and artificially imposed “slowdown of the crisis”, the former praise and appreciation for civil society and its many forms of activities started to abate again, which led to a decrease of impact and a shift in media and public perception. As a result, civil society, including newly founded (volunteer) and grassroots initiatives, has been vanishing from public attention while continuously providing a manifold of indispensable services, securing refugees' rights, and advocating the need for integrative measures.

Nevertheless, governmental structures need to fulfill their duties and responsibilities, without outsourcing those tasks. The civil society sector should be able to complement those activities and services, instead of being forced to take over the state's role to ensure the well-being and rights of refugees. Especially when it comes to the services of less experienced, but highly committed volunteer groups, the outsourcing of tasks results in the fact that quantitative and qualitative standards rely on the capacity, readiness, and abilities of private actors. This has been leading to a high-scale burdening of volunteers as well as CSOs, which are effects of a functionalizing civil society and the plural sector as such.<sup>3</sup>

There are strong reasons for the transferal of certain tasks from public authorities to CSOs, but the transferal

## LESSONS LEARNED

needs to be well-managed and CSO capacities need to be strengthened, supported, and further developed. Especially experienced NGOs have the expertise for coping with societal as well as political challenges and the coordination of advocacy and care-giving services. Their experiences have been strengthened and broadened throughout the past years<sup>4</sup>, their well-organized and flexible structures as well as their cooperation and communication with basis-oriented and newly founded initiatives and their well-established networks of volunteers allow them to respond quickly to exceptional events.

Maintaining and further developing these qualities is only possible if the civil society sector as a whole is recognized as an equally essential counterpart by national governments and European bodies – not only during phases of crises, but permanently. Civil society experience needs to be appreciated and acknowledged, not only by providing the possibility to operate (against any kinds of criminalization and large-scale restrictions of CS activity), but by means of the provision of sufficient financial means.<sup>5</sup> Thus, the civil society sector needs to be provided with sufficient resources and capacities to process the events of the past months in order to create mechanisms and gather best practice examples for any kinds of crises, which can not be ruled out to occur again in the near future.

**Below is a list of *lessons learned* – with a view to (trans-)national cooperation, crisis management, and solidarity measures – according to the findings of the authors:**

- The large-scale movements of refugees could not have been managed without the joint response of the CS sector in all countries involved in the *Balkan Refugee Trail* project.
- Local action is required to promote global changes with regard to the well-being of the generations to come. It is good to know that partnerships and the creation of networks aimed at helping refugees and migrants have increased since the large-scale increase in the number of arrivals.
- The exchange of best practices among CS networks, NGOs, grassroots initiatives, and volunteers has significantly affects the quantity and quality of services provided for refugees.
- Mutual communication and cooperation with government bodies is needed and beneficial to everyone – e.g. through signed memoranda for cooperation. It is necessary to achieve a level of trust and support in order to strengthen the CS impact and to drive positive changes.
- The so-called “refugee crisis” is not over yet, it was just postponed and imposed on countries surrounding conflict zones, European border states, and recently especially Turkey, which led to a “crisis of European refugee policy” and a “crisis of responsibility and solidarity”.
- The experiences gained from the events of 2015/2016 have resulted in the strengthening of civil society. Within a field characterized by too little capacities and resources, the events of 2015/2016 have led to the emergence and further development of CS initiative.
- As an outcome of the events of 2015/2016, NGOs and coordinating bodies have been focusing on aspects of their work that could not were not given enough attention during the arrival of refugees in 2015/2016 due to a lack of capacities. The importance of public relations and communication has now been and needs to be further addressed by means of several workshops, trainings, and other events on national, transnational, and international level.

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1 See: Simsa, 2016, 359–360.

2 See: Becker et al., 2016.

3 See: Simsa, 2016. 359.

4 See: Meyer/ Simsa, 2013.

5 See: Frühwirth/Lachmayer, 2015 and Schenk, 2015.

- International cooperation is crucial for an effective exertion of influence on European level.
- Furthermore, the importance of international cooperation has been addressed by means of the establishment of a cross-border NGO information-sharing protocol, initiated by the Legal-Informational Center for NGOs (PIC) in Slovenia, that has by now been signed by many NGOs in the field of asylum and integration across the region.
- There is an urgent need for the harmonization of national asylum laws with the EU acquis and for the reformation of existing and the adoption of new asylum acts.
- Comprehensive integration strategies that include those who were granted asylum or subsidiary protection as well as asylum seekers are needed in order to prepare them for a future in the respective European country and to have their security and physical and psychosocial well-being set as a number one priority.
- Asylum procedures need to increase their capacities by means of additional trainings, financial incentives, and clear protocols of action.
- A united and coordinated approach of civil society and grassroots initiatives is required in order to prevent the overlapping of aid provision and an asymmetry in the provision of assistance to refugees in countries of destination and transit countries, in centers and organized accommodation facilities as well as in rural and urban areas.
- National governments are advised and urged to take on humane approaches. Especially in countries like Serbia, the government is advised and urged to act upon the provision of paragraph 36 of its asylum law and to provide temporary protection to all asylum seekers in need of protection in order to prevent the further deterioration of refugees' rights.
- When it comes to linking various regional and global civil society actors working in the field of asylum, refugees, and integration there is still a need for progress and innovation.
- Longstanding, experienced NGOs could take the role of coordinating and supporting grassroots initiatives working in the field of integration. To this extent, respective and sufficient financial means need to be provided, so that those NGOs can maintain and further develop their organizational structures.
- The CEAS and harmonized laws among EU members should be further developed. In this sense, the Dublin III Regulation needs to be reconsidered and at least temporarily suspended, as it leads to enormous cases of hardship and the overburdening of border countries.
- Raising awareness, harmonizing laws and regulations and putting them into practice should be achieved by means of an increasing regional cooperation between governmental and nongovernmental actors – this needs to be an essential priority.
- Enhancing transnational cooperation and communication can be achieved by installing and funding a higher number of transnational projects like the *Balkan Refugee Trail* project, which improved the application and use of information channels and strengthened human rights monitoring across borders.
- The collaboration among the *Balkan Refugee Trail* partners also highlighted gaps in the CSO assistance and protection of asylum seekers and refugees in need in each country; which in turn contributed to the further development of a framework of cross-border cooperation and long-term continuous solutions.



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