



Ad-Hoc Query on Absconders from the Asylum System.

Requested by UK EMN NCP

Responses from Austria, Belgium, Czech Republic, Estonia, France, Finland, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, Netherlands, Portugal, Slovak Republic, Spain, Sweden, UK (19 in Total)

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1. Background Information

The UK Border Agency would like to reduce the number of absconders from the United Kingdom's asylum system.

The UK Border Agency defines an **absconder from the asylum system** as:

'An individual¹ who leaves the border control area without permission, escapes from detention, breaches one or more of the conditions imposed as a condition of Temporary Admission (TA), Temporary Release (TR), bail or release on a Restriction Order (RO)² and whose current whereabouts is unknown.'

¹ i.e. an individual who is currently an applicant for asylum or another form protection status, or who has been unsuccessful in applying for asylum or protection but who has not yet left the UK.

² TA, TR and RO are types of temporary leave to remain in the UK given to non detained asylum applicants while their claims are processed.

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An example could be an individual who fails to attend his immigration reporting event, or asylum interview (as specified in the conditions of his TA or TR), and who cannot be contacted thereafter. This individual would then be registered as an absconder.

The UK currently employs a range of methods to reduce the number of absconders from the asylum system (see UK response below).


We would like to request responses to the following question with regard to other EU Member States:

1. **Do you use any methods to reduce the number of absconders from the asylum system? If yes, - what are these methods and how are they implemented?**

Definitions:

Please compare EMN Glossary for **Absconding**; also **Absconding (Risk of)**. *Please note that these definitions pertain to absconders in relation to legal proceedings / custody, rather than absconders from the asylum system.*



2. **Responses**³

		Wider Dissemination? 4	1. Do you use any methods to reduce the number of absconders from the asylum system? If yes, - what are these methods and how are they implemented?
	Belgium		<p>DURING THE ASYLUM PROCEDURE:</p> <ul style="list-style-type: none"> - Caseworkers do (in general) not have direct contact with the asylum seekers by phone/e-mail. Letters (or faxes) are used to communicate with the asylum seeker. The only direct contact the caseworker has with the asylum seeker takes place during the asylum interview(s). Decisions are sent by mail or notified directly by local authorities.



³ If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.

⁴ A clear "YES", your response may be circulated further (i.e. to national network members) or "NO" should be added here. In case of "NO", then the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However they have requested that it is not disseminated further."





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			<ul style="list-style-type: none"> - (almost) all asylum applicants are received in open and 6 closed reception centers (reception is organized by Fedasil, an organization independent from the asylum authorities) and in local shelter initiatives, where there is a follow-up by social workers: all contact with the asylum authorities happens through them. Asylum applicants who are not detained in closed reception centers have total freedom of movement. Reception authorities send on regular basis lists of asylum applicants residing in their reception facilities to the asylum authorities. - Asylum seekers do have the right to reside on a private address (free choice of residence), but in that case they will no (longer) have right to material assistance, except for medical care. It is their responsibility to inform asylum authorities about their address. If they move without informing the asylum authorities, they risk being invited on a wrong address, which will lead to a negative decision in their asylum application. A local policeman can check the address, but there is no reporting duty and there are no personal visits by the asylum authorities. <p>AFTER THE ASYLUM PROCEDURE:</p> <ul style="list-style-type: none"> - in every reception center there's a return adviser: failed asylum-seekers keep their right to reception when they sign a clear return engagement - a small minority of failed asylum seekers are (during or after the application) detained in closed detention centers: this is of course the most efficient way to prevent absconding - local municipalities are instructed to notify the failed asylum seeker of the negative decision and later to verify whether he left the address - rack-renters and employers of illegal workers can be prosecuted on different legal bases (also articles in Aliens Act)
	Bulgaria		
	Czech Republic	Yes	<p><u>Methods of reducing number of absconders</u></p> <ul style="list-style-type: none"> • passports are deposited with the Department for Asylum and Migration Policy until the asylum proceeding is finished; • request for copy of the passport must be sustained in writing or is executed only on request from an administrative body; • temporary permission to leave the accommodation center may be limited if necessary; • validity of certificate of applicant for international protection may be limited; • certificate of applicant for international protection and the visa cannot be extended but in presence of the applicant for international protection; • applicants for international protection must attend interview • decision on application must be handed to the applicant in person; • cooperation with the applicant's lawyer; • applications for the whole family are decided on at a time;



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			<ul style="list-style-type: none"> • priority procession of applications in well-founded cases; • advance payment of subsistence allowance for not more than 5 days; • interviews with the social service of the Refugee Facilities Administration; • security cameras and security service in the accommodation center; • entry/exit checks of ID in the accommodation center; • prevention of conflicts between different ethnic/religious groups in the accommodation center; • extending opportunities for leisure activities in the accommodation center; • school-going of children of applicants; • before a permit to reside outside an accommodation center is issued, the Police may check the address of residence; cooperation with administrative bodies (Police, Prison Authority), health insurance companies or NGOs.
	Denmark		
	Germany		<p>In Germany, asylum applicants, once they have declared to the authorities or to the police that they are in search of asylum, are subject, under threat of sanctions to certain obligations to cooperate:</p> <ul style="list-style-type: none"> • Directly following the lodging of their application for asylum, asylum applicants must seek out an accommodation centre for asylum seekers. In the event that the asylum seeker, either through gross negligence or with wilful intent, should fail to comply with this obligation, then he or she will, in respect of his or her initial application for asylum, be put into the same legal position as an alien who is lodging a repeat application for asylum. This means that it will only be possible for him or her, and his or her reasons for asylum that have come about prior to the time of his or her departure from his or her country of origin, to be heard if the conditions have been met for a resumption of the procedure in accordance with § 51, Paragraph 1, Administrative Procedure Act. Reasons for a resumption of the procedure shall be present, <ul style="list-style-type: none"> ○ if the factual or legal position underlying the administrative decision shall subsequently have changed in favour of the person concerned, ○ if new evidence shall be available that would have led to a decision more favourable to the person concerned, ○ if reasons are present for a resumption of the procedures in accordance with § 580, Code of Civil Procedure. • Aliens who have to lodge their application for asylum with a branch office of the Federal Office must, without delay, report to the corresponding accommodation centre for asylum seekers. Should they fail to comply with this obligation, the legal consequences described above will come into effect. <p>Further measures are:</p>






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			<ul style="list-style-type: none"> Asylum applicants are required to reside for up to three months in an initial accommodation centre for asylum seekers. Following this, they should, in general, be accommodated in communal housing. This obligation in respect of residence will persist until such time as the asylum applicant is awarded refugee status. Furthermore, the residence of the alien in question is restricted to the region of the responsible aliens' authority. This geographical restriction upon the subject's residence may be enforced using methods of direct compulsion. The asylum applicant may even, by judicial order, be placed in detention. The subject's residence may further be subject to the condition that such residence be restricted to a particular community or to particular accommodation facilities. <p>In the event that an alien who is subject to such a restriction upon his or her residence should contravene this restriction, then he or she will be committing an administrative offence punishable by a fine of up to 2,500 euro.</p> <p>In the event of illegal employment, the "employer" may be punished with a fine of up to 300,000 euro, and the person in receipt of illegal employment with a fine of up to 5,000 euro.</p> <p>Further measures, such as electronic shackles or electronic voice recognition over the telephone, do not exist in Germany.</p>
	Estonia	Yes	In case of Estonia we have very low number of asylum seekers (in 2008. there was 14 asylum seekers and 2009. 40), so the percentage of absconders is minimum, about 1 or 2 cases by year. In this cases the Estonian Police and Boarder guard Board will wait a prudential time (usually 1 or 1,5 month) and if person will not contact the Board the application will be closed or rejected by the reason that the applicant withdraws the application for asylum or there is reason to believe that the applicant has withdrawn the application indirectly or has waived it. In case the applicant show sings that he would like to continue his asylum application (in prudential time) the Estonian Police and Boarder guard Board will continues the usual procedures.
	Ireland	No	The NCP answered but requested no further dissemination beyond EMN and COM.
	Greece		
	Spain	Yes	<p>Though methods do not exist for controlling applicants seeking international protection – whether asylum or subsidiary protection – when they fail to appear or do not fulfil their obligations during the application process, the following may be considered as such:</p> <ul style="list-style-type: none"> - They must provide their fingerprints, are photographed and their declarations may be recorded. - They must notify their place of residence and any changes thereto, as well as any circumstance related with their application. - Under certain circumstances, the applicants must remain in facilities for said purpose. These situations are: request for re-examination and of appeal for reversal in cases when the application was presented at a border post; and appeal unto the Contentious-Administrative Court.









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			<ul style="list-style-type: none"> - In the event of stay at a accommodation centre, they must comply with the centre's rules, amongst which is the obligation to not abandon the assigned place of residence without notification or without having been granted permission to do so. - The application is formalised by means of a personal interview; therefore, the application may not be filed without presenting oneself for that initial interview. - Both the Asylum and Refuge Office as well as the UNHCR, empowered to act during the presentation and processing of the application, contact applicants seeking international protection. <p>Furthermore, at the time of presenting the application, they are informed of their obligations and the consequences which result of failure to comply with these, or due to a lack of collaboration with the authorities.</p>
	France		<p>The French prefectures and the Ministry of Immigration are responsible for delivering temporary residence permits to asylum seekers. Before delivering these temporary residence permits, they require the address and telephone number of asylum seekers in order to be able to contact them. Then, the prefecture delivers a receipt to the asylum seeker after checking the validity of his/her address. These are the basic methods used in order to reduce the number of absconders.</p> <p>Also, the prefectures are assisted by the OFPRA (French Office for the Protection of Refugees and Stateless Persons) which is the entity in charge of granting applications for asylum.</p> <p>This organization does not use specific methods to reduce the number of absconders from the asylum system. The only method consists in reducing the processing time of asylum applications in order to diminish the number of cases of absconding. For example, asylum seekers who come from "safe countries of origin" (liste des pays d'origine sûrs) can be granted applications for asylum more quickly than other nationalities.</p> <p>The main problem is that the number of absconders is very difficult to obtain: some cases (those who did not respond to a letter or a call from the Office) are rejected; other cases (those who have not provided the OFPRA with their address or telephone number to be contacted) are struck off. Thus, the OFPRA can not identify them in the overall number of denials or striking off.</p> <p>Another situation of absconding happens when the asylum seeker who submitted his/her application at the prefecture and was granted a temporary residence permit did not pursue the procedure and did not refer to the OFPRA.</p>
	Italy		<p>The applicants for international protection is not subject to any restrictions. The applicant with no identification documents (or who has avoided the border control) is sent by the Police Office (Questura) to an ad hoc centre called CARA to allow the identification or the definition of the procedure for recognition of refugee status.</p> <p>The stay can range from 20 to 35 days. The applicant may leave during the day and have contact with anyone without restriction and may seek permission to temporarily move away from the centre at night.</p>



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			<p>The absconding without just reason ends reception conditions and the Territorial Commission for asylum decides the application under the evidence in his possession.</p> <p>If the applicant is convicted of serious crimes or are subject to an expulsion, the Questura provides the detention at the Centre for Identification and Expulsion (CIE) for a maximum period of 180 days. In this case, the applicant cannot leave the structure, but retains the right to written correspondence and telephone.</p> <p>At the end of the reception in CARA centres or of the period of detention in CIE the applicant is obliged to inform the Questura and the competent Territorial Commission about the place of residence. In no case are provided sanctions such as imprisonment or fines.</p> <p>In the event of rejection of application for international protection, an alien who doesn't leave the country suffers all administrative and criminal consequences provided for by law against non-EU citizens staying illegally in Italy: expulsion and, in cases of non-performance, a penal sanction which can also lead to the arrest and detention.</p>
	Cyprus		
	Latvia		Since absconders from asylum system is not a problem in Latvia we don't use any methods to reduce their number.
	Lithuania	Yes	<p>According to the "Law on the legal status of aliens" Foreigners registration centre (hereinafter FRC) is the institution responsible for holding and accommodating asylum seekers. The protection of asylum seekers is being implemented by the officers of the FRC. Asylum seekers are accommodated without restrictions of free movement: they can leave the Centre for 24 hours. The FRC can not control their free departure from the territory of the Centre. During 2009, 142 asylum seekers have walked out and never returned to Centre. When these asylum seekers leave the territory of the FRC, and later come back after the end of the 24 hour period, these actions are considered as violations of the rules of FRC, and asylum seekers have to explain themselves and the report on actions is drawn up. Migration department is also informed on such matters. In order the asylum seekers would not violate the determinate order, educative and explanatory work is being performed.</p>
	Luxembourg		
	Hungary	Yes	<p>The Hungarian Refugee Authority uses the following methods to reduce the number of asylum absconders:</p> <ul style="list-style-type: none"> -Case-owners maintain close contact with asylum-seekers throughout the whole procedure. It includes telephone calls, interviews (at least two), letters, serving decisions and documents in person. There are social workers employed inside the reception centres who keep daily and personal contact with asylum-seekers; - The refugee authority shall designate a place of residence for the foreigner seeking recognition as a refugee or as a beneficiary of subsidiary protection. -Those asylum-seekers who are accommodated in reception centres receive an internal identity card which provides a registration when she/he leaves the reception centres;


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			<p>- During the preliminary assessment procedure the asylum-seekers are usually accommodated in closed reception centres. The applicant may only leave the reception centre in particularly justified cases, with the permission of the refugee authority, provided that his/her absence does not prevent the performance of the relevant procedural acts.</p> <p>- During the in-merit procedure the asylum-seekers can be accommodated in open reception centres which they are allowed to leave for a 24 hours period of time without permission. The authority may designate a private accommodation for the asylum-seekers as a place of residence where they are regularly under control.</p> <p>- The authority shares and exchanges information with other government agencies such as the police and prison services.</p> <p>- The Office of Immigration and Nationality imposes fines on employers of illegal workers.</p>
	Malta	No	The NCP answered but requested no further dissemination beyond EMN and COM.
	Netherlands		<ul style="list-style-type: none"> • During the asylum procedure the asylumseeker has to report to the reception centre on a weekly basis (in some situations even on a daily basis). If he fails to do so, the Foreign Police and the Immigration Service are informed. This may have negative consequences with regard to the decision on the application (possibility of rejection based on the fact that the asylumseeker is no longer there). The same thing will happen if the applicant fails to report for an interview with the Immigration Service. • Reducing the number of absconders from the asylum procedure is not a goal as such. • Absconding may result in becoming an illegal alien, with the risk of being imprisoned. <p>In the Netherlands employers are also checked on employing illegals.</p>
	Austria	No	The NCP answered but requested no further dissemination beyond EMN and COM.
	Poland		
	Portugal	Yes	In order to alleviate this situation, the notifications required in the course of the asylum process, are always made in person. Applicants are notified monthly to show the Office for Asylum and Refugees in the SEF (the prosecution of cases). On the other hand, the CPR (Portuguese Council for Refugees), non-governmental organization that manages the reception centre where asylum seekers are housed, shall immediately notify the SEF (Aliens and Borders Service) any departure/absence of the applicants. Finally, should be noted the close cooperation and exchange of information between departments of the Aliens and Borders Service and other security forces.
	Romania		
	Slovenia		
	Slovak Republic	Yes	The movement of the asylum seekers within the Slovak Republic is limited by the reporting obligation in the asylum facility or

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			<p>to the aliens police</p> <p>Slovak Republic implements following measures to reduce the number of asylum absconders:</p> <ul style="list-style-type: none"> - asylum seekers accommodated in the asylum facilities of the Ministry of Interior of the Slovak Republic can leave the asylum facility only based on the leave permit, issued by the competent employee of the asylum facility (Act on Asylum 480/2002, Article 23a)). The leave permit is issued for maximum 7 days (short term leave permit) and in the application for the leave permit the applicant has to state a place of his/her stay. - the asylum seeker is obliged to undergo control of identity by comparison of dactyloscopic fingerprints during his/her stay in an asylum facility (Act on Asylum 480/2002, Article 23, paragraph 4 i)) - to prove himself/herself the applicant has to present with applicant's card upon a request by competent bodies (Act on Asylum 480/2002, Article 23, paragraph 4 e)) <p>Ministry can allow to the asylum seeker to live out of the asylum facility based on the long term leave permit (longer than 7 days) in cases when the asylum seeker has undergone the medical examination and stayed in the quarantine (30 days) and undergone the interview. The long term leave permit is issues for one month and can be repeatedly extended. The written application to the leave permit is submitted to the decision maker of the Migration Office and it has to contain a declaration that the asylum seeker is able to cover all costs of the stay or a citizen of SR has to declare that he/she provides accommodation and will cover all costs of this asylum seeker (Act on Asylum 480/2002, Article 22, paragraph 3). These declarations have to be authenticated by the notary. A valid lease contract has to be also attached. The asylum seeker is obliged to register within 3 days at the Police Unit relevant to the place of his/her stay (Act on Asylum 480/2002, Article 23, paragraph 4 b)). The employees of the Migration Office of the Ministry of Interior are staying in touch with the asylum seeker during the whole procedure. The asylum seeker is not obliged to report him/herself regularly at the Police Unit but may be controlled by the police. If the police discover that the asylum seeker is not at the place where he/she declared his/her stay this is reported to the Migration Office.</p>
	Finland	Yes	<p>No. There are several absconders yearly and the majority of them continue their way to another Schengen country, but reducing the number of absconders is impossible due to the fact that the Act on the Integration of Immigrants and Reception of Asylum Seekers guarantees free movement for every asylum seeker residing or registered in a reception centre. Even if the asylum seeker is residing in a private accommodation, he or she is registered in a reception centre. It is possible, however, to detain an alien if his or her absconding would be inevitable (risk of absconding). If there are suspicions of e.g. human trafficking, minor asylum seeker's right to use his or her mobile phone or internet access may be restricted in order to avoid contact with the smuggler.</p>
	Sweden	Yes	<p>The Swedish Migration Board has the following methods of reducing the number of asylum absconders:</p> <ul style="list-style-type: none"> - Caseowners maintain close contact with asylum seekers throughout the course of their claim. This includes telephone calls, emails, letters, reporting events, interviews, and serving decisions and documents in person; - The reception centers keep in contact with the asylum seekers throughout the asylum process, new identity cards must be picked up in person every third month. - An asylum seeker can be placed under supervision by the Migration Board or the Migration Court in accordance with the Aliens Act. If an asylum seeker is under supervision, he/she must report at the time and place he/she has been informed

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			about, and turn his passport or other identification over to the Migration Board. Other special conditions can also apply.
	United Kingdom	Yes	<p>The UK Border Agency already uses the following methods to reduce the number of asylum absconders:</p> <ul style="list-style-type: none"> • Caseowners maintain close contact with asylum seekers throughout the course of their claim. This includes telephone calls, emails, letters, reporting events, interviews, and serving decisions and documents in person; • Reporting centres keep in contact with asylum seekers throughout the asylum process; applicants are required to comply with their reporting regime, usually a once a week, at their local reporting centre; • Modern technologies are used such as electronic tagging and voice recognition to maintain greater contact; • We share and exchange intelligence with other government agencies such as the police and prison services; • We conduct personal visits, usually at the beginning of the process, to ensure that individuals still reside at the recorded address; • We impose fines on employers of illegal workers – up to £10,000 per worker; • We target private sector landlords who house illegal workers.
