

Special Report

## EU response to the refugee crisis: the 'hotspot' approach

(pursuant to Article 287(4), second subparagraph, TFEU)



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**ACRONYMS AND ABBREVIATIONS**

AMIF	Asylum Migration and Integration Fund
CEAS	Common European Asylum System
EASO	European Asylum Support Office
Europol	European Police Office
EURTF	European Union Regional Task Force
Frontex	European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (as from October 2016: European Border and Coast Guard Agency)
IOM	International Organization for Migration
ISF	Internal Security Fund
NGO	Non-Governmental Organisation
SOPs	Standard Operating Procedures
RIS	Reception and Identification Service
SRSS	Structural Reform Support Service
TFEU	Treaty on the Functioning of the European Union
UNHCR	United Nations High Commissioner for Refugees

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## **EXECUTIVE SUMMARY**

I. Migration to Europe saw a sudden increase in the total number of arrivals, first in 2014 and even more so in 2015, when over 1 million people made the perilous journey across the Mediterranean to Europe as irregular migrants.

II. In this report we look at a critical part of the management of the migration chain included in the May 2015 European Agenda on Migration: the ‘hotspot’ approach.

III. The EU Member States are primarily responsible for all aspects of border control and asylum processing. The Commission therefore introduced this new ‘hotspot’ approach in order to assist Greece and Italy, the frontline Member States, in coping with the sudden dramatic increase in irregular migrants arriving at their external borders in 2015/16. The aim of this approach was to provide operational support to Member States to ensure arriving migrants were identified, registered and fingerprinted, and channelled into the relevant follow-up procedures. Overall, we found that the hotspot approach has helped improve migration management in the two frontline Member States, under very challenging and constantly changing circumstances, by increasing their reception capacities, improving registration procedures, and by strengthening the coordination of support efforts.

IV. In both countries, the selection of the hotspot locations rightly took into account the main entry points and the availability of existing structures. However, setting them up took longer than planned. In Greece, four of the five planned hotspots were operational in March 2016, with the last one coming into operation by June 2016. In Italy, four out of six planned hotspots were operational in March 2016, and two additional hotspots were still in the process of being set up but not yet operational at the end of February 2017. Despite considerable support from the EU, at the end of 2016 the reception facilities in both countries were not yet adequate to properly receive (Italy) or accommodate (Greece) the number of migrants arriving. There was still a shortage of adequate facilities to accommodate and process unaccompanied minors in line with international standards, both in the hotspots and at the next level of reception.

V. The Commission and the relevant EU Agencies supported the efforts of the Member States by providing experts, financial and technical resources, advice and coordination. The

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Agencies' capacity to provide such support was and remains very dependent on the resources offered by Member States. Additionally, the duration of expert deployments was often very short, thereby reducing the efficiency of the deployed experts. These shortcomings are currently being addressed through the new (or envisaged) mandates for the relevant Agencies.

VI. In both countries, coordination of the hotspot approach was facilitated by the presence of dedicated Commission and Agency staff and, at the operational level, through regional task forces, although the latter's role in the hotspot approach remains to be fully defined. Standard operating procedures are an essential element for clarifying responsibilities and harmonising procedures, in particular where numerous different players are involved, as is the case for the current hotspot approach. Italy has established hotspot standard operating procedures and applies them both in the hotspots and in other disembarkation ports functioning as hotspots. In Greece, their adoption is still pending. Coordination at the individual hotspot level is still fragmented and although it has been established that the central authorities in the Member States are responsible for the overall management of the hotspots, at least in Greece, they have yet to take on this responsibility in full. Monitoring and reporting by the Commission on the progress and problems at the hotspots has been regular and extensive, but some information is not shared between different stakeholders, and reporting on some key performance indicators is lacking.

VII. In both Greece and Italy, the hotspot approach ensured that, in 2016, most of the arriving migrants were properly identified, registered and fingerprinted and that their data were checked against relevant security databases. In this respect the hotspot approach contributed towards an improved management of the migration flows. The hotspot approach further requires that migrants be channelled into appropriate follow-up procedures, i.e. a national asylum application, relocation to another Member State (where appropriate) or return to the country of origin (or transit). Implementation of these follow-up procedures is often slow and subject to various bottlenecks, which can have repercussions on the functioning of the hotspots.

VIII. We make a number of recommendations for the Commission to assist the Member States in improving the hotspot approach as regards hotspot capacity, the treatment of

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unaccompanied minors, the deployment of experts and roles and responsibilities in the hotspot approach. We also recommend the Commission to evaluate and further develop the hotspot approach, in view of optimising EU assistance towards migration management.

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## **INTRODUCTION**

### ***Background***

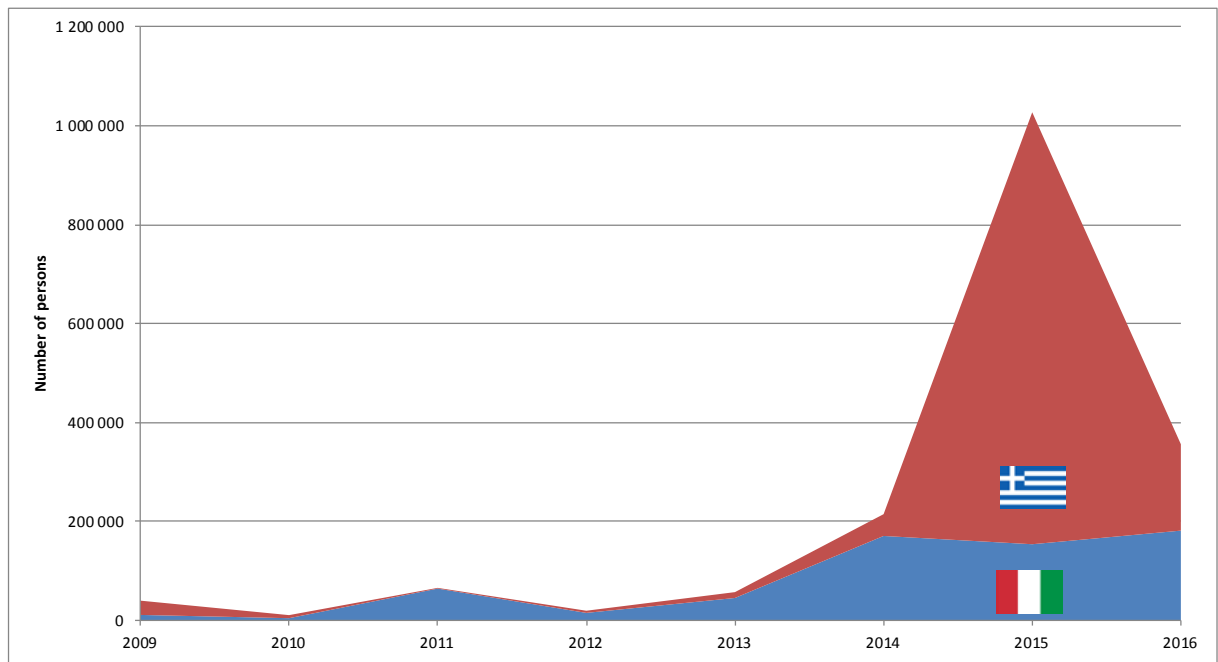
1. Migration to Europe saw a sudden increase in the total number of arrivals, first in 2014 and even more so in 2015, when over 1 million people crossed the Mediterranean to Europe as irregular migrants<sup>1</sup>. These migratory flows at the EU's external borders generally consisted of a mixture of asylum seekers and economic migrants. In addition, many were children and unaccompanied minors in need of particular attention and care.
2. Whereas in 2014, most migrants arrived through the 'Central Mediterranean route' (i.e. leaving northern Africa and arriving in Italy), this pattern changed during 2015, with a total of around 850 000 people coming through the 'Eastern Mediterranean route' (i.e. departing from Turkey and arriving in Greece; see ***Figure 1***). The prolonged crisis in Syria has been a major factor behind the increase in the arrivals from Turkey, as can be seen from the nationality chart in ***Figure 2***. The large inflow into Greece fell significantly from April 2016 onwards, while arrivals to Italy remained around the previous years' level, with total sea arrivals in Italy and Greece reaching some 350 000 people for the year 2016.
3. A timeline for the EU's response to the migration crisis can be found in ***Annex I***.

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<sup>1</sup> According to the IOM, there is no universally accepted definition of what constitutes irregular migrations. From the perspective of destination countries, it is entry, stay or work in a country without the necessary authorization or documents required under the immigration regulations.

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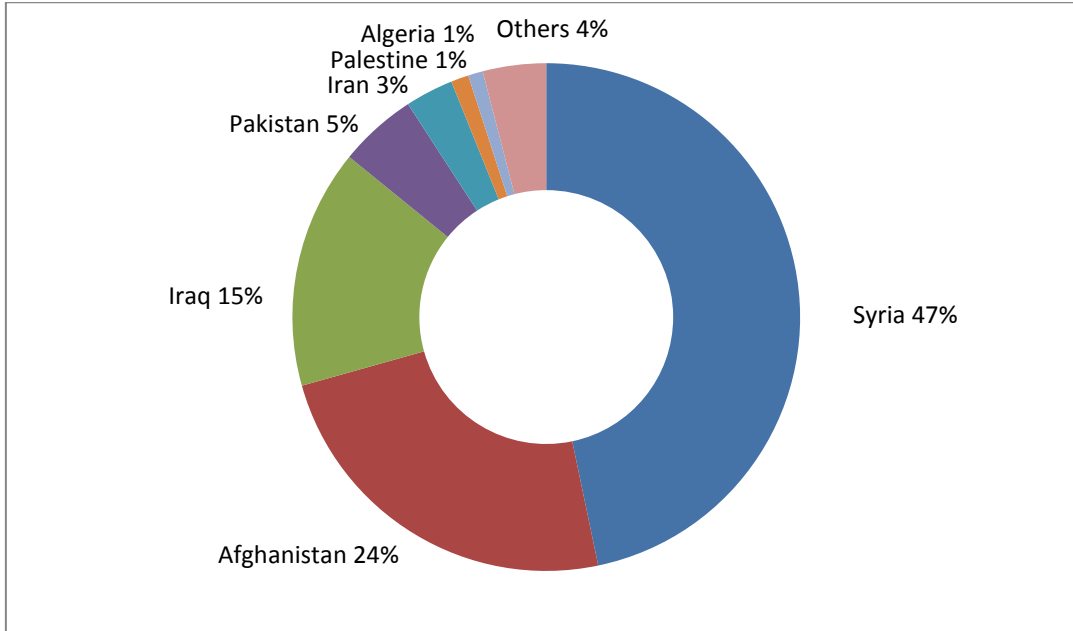
**Figure 1 – Irregular arrivals by sea in Greece and Italy, 2009-2016**



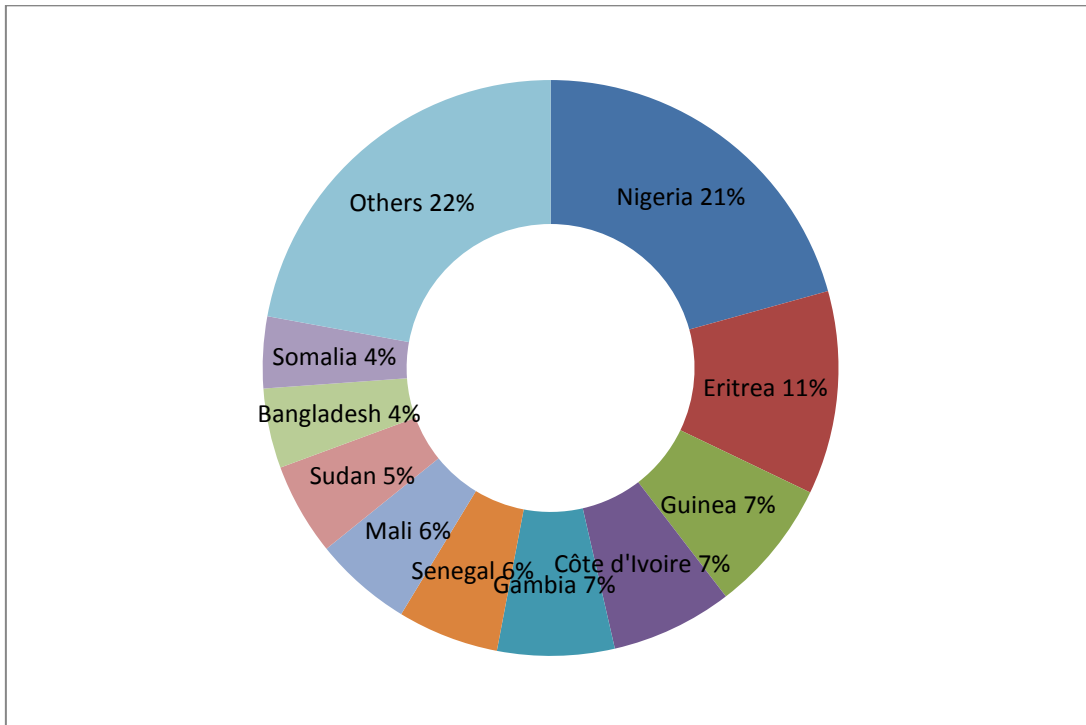
Source: Frontex.

**Figure 2 - Main nationalities of arriving migrants – 2016**

**Greece**



**Italy**



Source: Frontex.

## ***Policy framework***

### **Common European Asylum System**

4. Asylum is granted to people who are fleeing persecution or serious harm in their own country and are therefore in need of international protection. Asylum is a fundamental right and granting it is an international obligation, stemming from the 1951 Geneva Convention relating to the status of refugees.

5. The Common European Asylum System (CEAS) was established as the main EU legal and policy framework for asylum. This system has been built up and developed since 1999 and is currently again under review<sup>2</sup>. It consists of a series of directives and regulations, whose main aim is to set minimum common standards amongst Member States when dealing with people in need of international protection.

6. One of its key components is the Dublin Regulation<sup>3</sup>, which sets out criteria and mechanisms for determining which Member State is responsible for examining an application for international protection; in principle, the first country of entry.

This has led to a limited number of Member States having to deal with the vast majority of asylum seekers, which puts the capacity of their asylum systems under strain. In April 2016, the Commission introduced proposals for reforming the Common European Asylum System<sup>4</sup>. Among other things, the proposals include a mechanism to deal with situations of disproportionate pressure on Member State asylum systems.

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<sup>2</sup> COM(2016) 197 final of 6.4.2016 'Towards a reform of the Common European Asylum System and enhancing legal avenues to Europe'. In this communication, the Commission presents options for a fair and sustainable system for allocating asylum applicants among Member States, a further harmonisation of asylum procedures and standards, and a strengthening of the mandate of the European Asylum Support Office (EASO).

<sup>3</sup> Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast) (OJ L 180, 29.6.2013, p. 31).

<sup>4</sup> See footnote 2.

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7. Another element in the current Dublin rules is that migrants should be sent back to the country of first entry into the EU so that they can apply for asylum there (instead of travelling on to their country of preference). However, such ‘Dublin transfers’ to Greece from other Member States have been suspended since 2011, following two judgements by the European Court of Human Rights and the EU’s Court of Justice, which identified systemic weaknesses in the Greek asylum system.

8. Since then, the Greek authorities have made continuous efforts to improve the functioning of their asylum system, assisted by the Commission, EASO, other Member States and organisations. During 2016, the Commission presented several recommendations on the measures to be taken by Greece in order to have a well-functioning asylum system, thereby creating the conditions for the gradual resumption of transfers under the Dublin Regulation<sup>5</sup>.

### **The European Agenda on Migration**

9. The large number of arrivals in 2015 (see **Figure 3**) created disproportionate pressure on the EU’s external borders in Greece and Italy, resulting in the need for EU support for their border management and asylum systems. As many of these migrants continued to travel on to other European countries (e.g. along the Western Balkan route) this also resulted in increased pressure on these countries’ border management, reception and asylum systems (see **Figure 4**).

10. It was in this context that the European Commission, in May 2015, presented a European Agenda on Migration<sup>6</sup>, which set out a comprehensive approach to migration management. The Agenda comprises immediate action aimed at, for example, saving lives at sea, targeting criminal smuggling networks, and helping frontline Member States cope with the high numbers of arrivals, as well as longer-term measures, e.g. to secure Europe’s external

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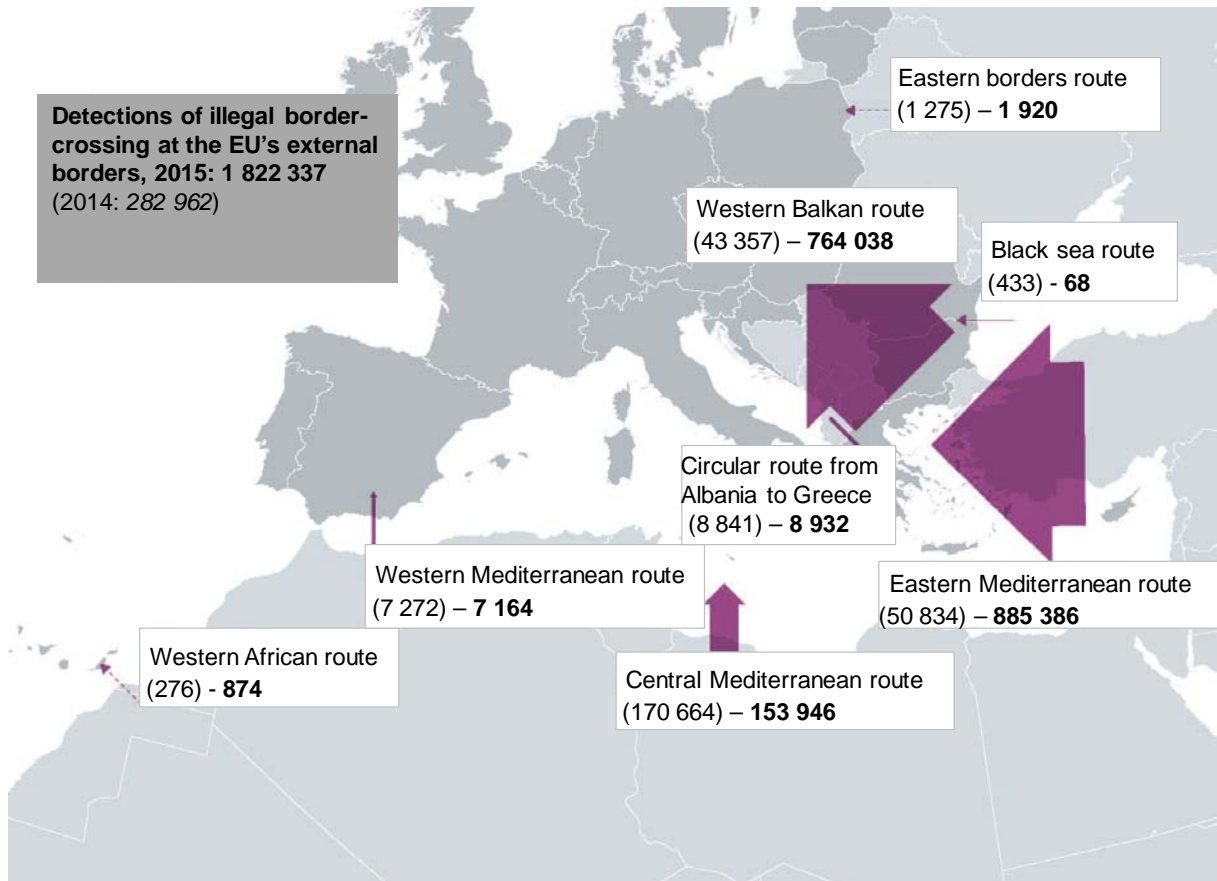
<sup>5</sup> For a summary of these recommendations see ‘Commission Recommendation addressed to the Member states on the resumption of transfers to Greece under Regulation (EU) No 604/2013’, C(2016) 8525 final of 8.12.2016.

<sup>6</sup> COM(2015) 240 final of 13.5.2015 ‘A European Agenda on Migration’.

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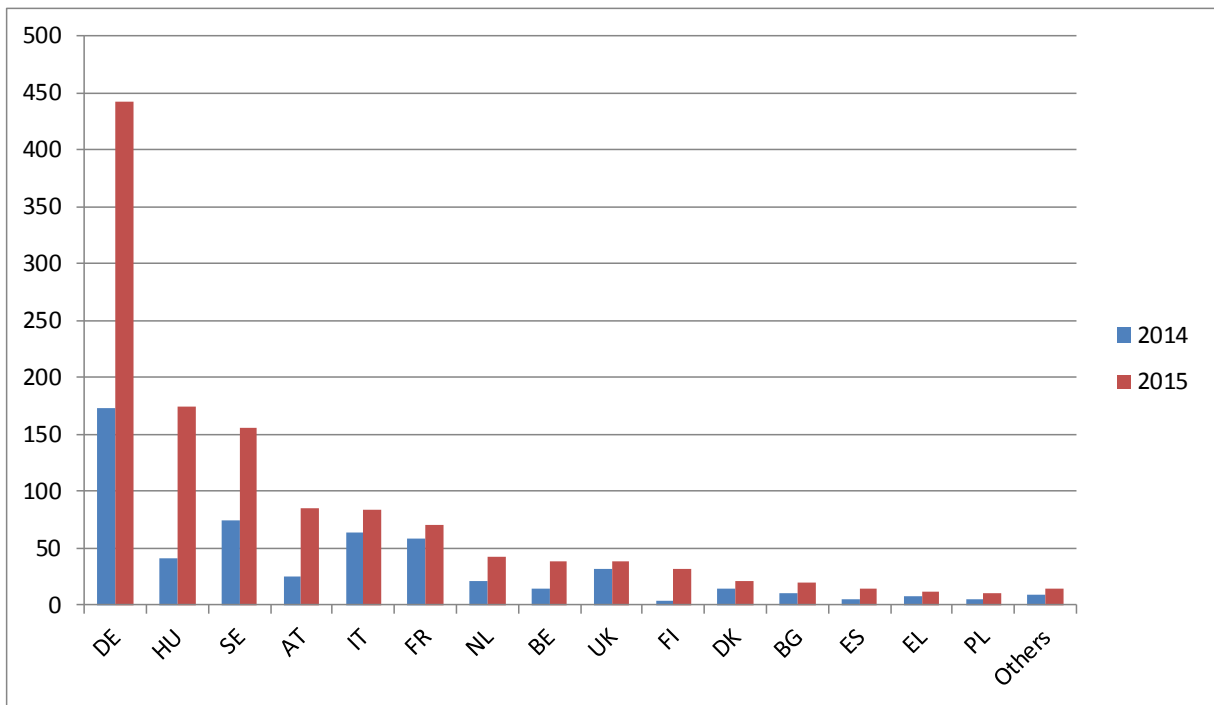
borders, reduce the incentives for irregular migration and design a new policy on legal migration.

**Figure 3 – Detections of illegal border-crossing at the EU's external borders, 2015 (2014)<sup>1</sup>**



<sup>1</sup> Most of the migrants recorded on the Western Balkan route had arrived earlier on one of the Greek islands and then left the EU to travel through the former Yugoslav Republic of Macedonia and Serbia.

Source: Frontex, Risk-analysis for 2016.

**Figure 4 – Number of (non-EU) asylum seekers in the EU, 2014 and 2015 (in 000)**

Source: Eurostat.

### Hotspot approach

11. One of the key operational measures proposed in the Agenda is to set up a new ‘hotspot’ approach towards managing the large inflow of migrants. The hotspot approach was conceived as an immediate response to a major migratory crisis and had to be implemented under very challenging and changing circumstances. A hotspot was defined as an area at the EU’s external border which faces disproportionate migratory pressure. Most migrants enter the Union at these hotspots and, according to the Commission, it is here that the EU needs to provide operational support to ensure arriving migrants are registered and channelled, as appropriate, into the relevant national follow-up procedures (see [Figure 5](#)).

**Figure 5 – Map with location of Italian and Greek hotspots and their respective capacities<sup>1</sup>**



<sup>1</sup> For Italy, the six originally proposed hotspot locations are shown, two of which (Augusta and Porto Empedocle) were not made hotspots.

Source: European Commission.

12. The hotspot approach is described as follows: ‘... the European Asylum Support Office (EASO), Frontex and Europol will work on the ground with frontline Member States to swiftly identify, register and fingerprint incoming migrants. The work of the agencies will be complementary to one another. Those claiming asylum will be immediately channelled into an asylum procedure where EASO support teams will help to process asylum cases as quickly as possible. For those not in need of protection, Frontex will help Member States by coordinating the return of irregular migrants. Europol and Eurojust will assist the host



Member State with investigations to dismantle the smuggling and trafficking networks'<sup>7</sup> (see **Box 1**).

13. The operational framework governing the 'hotspot approach' was initially set out in an 'explanatory note' sent by Commissioner Avramopoulos to the Justice and Home Affairs Ministers on 15 July 2015<sup>8</sup>. The principles were restated in an annex to a Commission Communication, from September 2015<sup>9</sup>. According to these principles, the hotspot approach is meant to provide an operational framework for the Commission and the Agencies to concentrate their support (via 'Migration Management Support Teams') on the spot where it is most needed, coordinate their interventions and cooperate closely with the authorities of the host Member State. The Support Teams can only work in partnership with, and under the full control of the host Member State, as only the national authorities are competent to set up (with the support of EU funding, where needed) and manage well-functioning reception and registration infrastructures and implement the relevant registration and follow-up procedures.

#### **Box 1 – Role of the Agencies**

The EU Agencies provide specific support to the host Member States according to their mandates and expertise, by sending teams of experts, who are provided by other Member States.

##### Frontex

Frontex provides operational cooperation through joint operations and rapid interventions, upon request from the Member States. It deploys experts, including interpreters, who also act as cultural mediators, to support the host Member States in identifying, registering and fingerprinting migrants upon arrival. Frontex also deploys experts to help debrief the migrants (through voluntary interviews), so as to understand their routes to Europe and collect information on the migrant

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<sup>7</sup> 'A European Agenda on migration', p. 6.

<sup>8</sup> Explanatory note available at <http://data.consilium.europa.eu/doc/document/ST-10962-2015-INIT/en/pdf>.

<sup>9</sup> COM(2015) 490 final of 23.9.2015 'Managing the refugee crisis: immediate operational, budgetary and legal measures under the European Agenda on Migration', in particular Annex II.

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smugglers' networks and operations. Where needed, Frontex experts can also provide pre-return assistance and coordinate return flights.

#### EASO

EASO provides or coordinates the provision of operational support to Member States in the framework of its mandate and in the context of Operating Plans agreed with the Member States. Such support is provided through the deployment of experts with knowhow on current legislation on immigration and asylum (and in Italy, where appropriate, on relocation) and on how to apply for international protection. EASO experts support the host Member States with the registration of asylum seekers and the preparation of their asylum application files (Greece) or with the identification of relocation candidates and preparation of their relocation files (Italy).

#### Europol

Europol sends teams of investigators to support the national authorities in preventing and disrupting organized crime networks involved in migrant smuggling and other serious and organized crime, as well as identifying links to counter terrorism investigations. As part of the EU's counter-terrorism response, on 10 March 2016<sup>10</sup>, the EU's Justice and Home Affairs (JHA) Council reinforced its conclusions of 20 November 2015<sup>11</sup>, requesting Europol, in cooperation with Member States, to develop and implement a 'guest officers'<sup>12</sup> concept at the hotspots in support of the screening process (also referred to as secondary security checks).

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<sup>10</sup> JHA Council conclusions of 10 March 2016, published on [www.consilium.europa.eu](http://www.consilium.europa.eu).

<sup>11</sup> JHA Council conclusions of 20 November 2015, published on [www.consilium.europa.eu](http://www.consilium.europa.eu).

<sup>12</sup> The 'Guest Officers' concept implies that Europol will form a pool of investigators, through their secondment by Member States, to be deployed in order to strengthen security checks at key points on the EU's external border.

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### Follow-up procedures

14. Following their registration and fingerprinting, non EU nationals arriving irregularly should then be channelled into one of three following processes<sup>13</sup> (see the ‘Hotspot approach’ flowchart in *Annex II*):

- the national asylum system of the country of arrival (if a migrant is applying for asylum and considered to be in need of international protection),
- the Emergency relocation scheme (see paragraph 16), or
- the return system (if a migrant does not ask for, or is considered not to be in need of international protection).

15. The asylum system and the return system are complementary parts of an effective management of migratory flows and are governed by the existing European regulations and directives, such as the EURODAC Regulation (on fingerprinting) and the Dublin Regulation (see paragraph 6), the Asylum Procedures Directive, the Reception Conditions Directive and the Return Directive.

16. The relocation scheme, on the other hand, is a temporary mechanism aiming to redistribute people in clear need of international protection, so as to ensure fair burden-sharing among Member States and decrease the pressure on the frontline Member States. The European Commission proposed this relocation scheme, which is actually a temporary exemption from the Dublin mechanism (described above in paragraph 6) as part of its Agenda on Migration in May 2015. Because of the large number of arrivals and the extreme pressure on the frontline Member States’ asylum systems and reception facilities, the Commission proposed that the emergency response system envisaged in the TFEU<sup>14</sup> should

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<sup>13</sup> COM(2016) 85 final of 10.2.2016 ‘State of play of implementation of the priority actions under the European Agenda on Migration’.

<sup>14</sup> Article 78(3) TFEU: ‘In the event of one or more Member States being confronted with an emergency situation characterised by a sudden inflow of nationals of third countries, the Council, on a proposal from the Commission, may adopt provisional measures for the benefit of the Member State(s) concerned. It shall act after consulting the European Parliament’.

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be triggered. This proposal led to two Council Decisions, which were adopted in September 2015<sup>15</sup> and which established a temporary relocation scheme. It aimed to relocate a total of around 106 000 applicants in clear need of international protection from Greece and Italy to other Member States during the period September 2015 –September 2017; these Member States would then become responsible for examining their asylum applications.

17. The hotspot approach, focusing on the identification, registration and fingerprinting of migrants upon arrival, is therefore meant to facilitate the implementation of these follow-up procedures and can even be seen as a necessary pre-condition for these follow-up procedures to work effectively.

### **Related policy measures**

18. Apart from various short-term measures proposed in the European Agenda on Migration, including the hotspot approach and the temporary relocation mechanism, the Agenda also included other, longer-term, measures aimed at managing migration better, such as improved border management and measures aimed at addressing the root causes of irregular migration. Several of the most important measures which were decided upon during the audited period are briefly presented below.

#### EU Emergency Trust Fund for Africa

19. The EU Emergency Trust Fund for Africa was launched at the Valletta Summit on Migration on 12 November 2015 in Malta. Due to the ongoing unprecedented levels of irregular migration, the Trust Fund was created to support the most fragile and affected African countries in the Sahel region and Lake Chad area, the Horn of Africa and the north of

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<sup>15</sup> Council Decisions (EU) 2015/1523 of 14 September 2015 (OJ L 239, 15.9.2015, p. 146) and 2015/1601 of 22 September 2015 (OJ L 248, 24.9.2015, p. 80), establishing provisional measures in the area of international protection for the benefit of Italy and of Greece. Originally the two decisions had envisaged that a total of 160 000 people should be relocated from Italy, Greece and Hungary; this was adjusted to 106 000 people from Italy and Greece only. According to these decisions relocation would only be applied to migrants with a nationality which would show, in the latest Eurostat data, a 75 % 'recognition rate' in terms of decisions granting international protection.

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Africa. The aim of the Trust Fund is to help address the root causes of destabilisation, displacement and irregular migration in countries of origin, transit and destination, by promoting economic and equal opportunities, security and development. The Trust Fund pools together funding from different European Commission-managed financial instruments under the EU budget and the European Development Fund, amounting which amounts, as of 31 December 2016, to approximately 2.4 billion euros, supplemented with additional funds from EU Member States and other donors of 152 million euros.

### EU – Turkey Statement

20. On 18 March 2016, the EU Member States and Turkey agreed on a series of measures to reduce or stop the flow of irregular migrants crossing from Turkey to the Greek islands<sup>16</sup>. Under this Statement, all migrants arriving in the Greek islands would continue to be duly registered, and the Greek authorities would process all applications individually at the hotspot in accordance with the Asylum Procedures Directive. Migrants not applying for asylum, or whose application was held to be unfounded or inadmissible under the directive would be returned to Turkey. For every Syrian returned to Turkey from the Greek islands, another Syrian would be resettled from Turkey to the EU. This has had a major impact on the functioning of the hotspots and of the hotspot approach in Greece.

### A European Border and Coast Guard Agency

21. Through the current migration crisis, it became clear that the Schengen area without internal borders could only be sustainable if the external borders were effectively secured and protected, which is a common and shared interest. The European Agenda on Migration therefore identified the need to make the management of the external borders a shared responsibility of the Member States and the EU. As a follow-up, in December 2015, the Commission introduced a package of measures aimed at securing the EU's borders, managing migration more effectively, and improving the internal security of the EU.

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<sup>16</sup> The EU-Turkey Statement: <http://www.consilium.europa.eu/en/press/press-releases/2016/03/18-eu-turkey-statement/>.

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22. A key element in the package was a proposal for a Regulation to establish a new Agency - the European Border and Coast Guard – and combine the independent resources of this new Agency and the Member State authorities responsible for border management. The European Parliament and the Council agreed to the new Agency very quickly and it became operational on 6 October 2016. The European Border and Coast Guard's mandate<sup>17</sup> is considerably broader than Frontex's; its permanent staff will be twice as large and it will be able to draw on a rapid reserve pool of 1 500 experts, reducing its dependence on Member State contributions.

### ***Funding framework***

23. Funding and support for the establishment and functioning of the hotspots is provided from many different sources including the EU, the EU Agencies, national authorities, international organisations and NGOs.

24. EU funding (see **Figure 6**) including support to the hotspot approach is available for Greece and Italy through the respective allocations under the Asylum, Migration and Integration Fund (AMIF) and the Internal Security Fund (ISF), covering the period from 2014 to 2020. It is also available through the AMIF and ISF emergency assistance. In the case of Greece, the Emergency support instrument<sup>18</sup> (ESI) is also available to address the humanitarian situation. Actions funded through the AMIF and ISF national allocations are co-financed by the recipient Member States, but emergency assistance may be funded 100 % from the EU budget. The amounts disbursed at the time of the audit represent advance payments made to the Greek and Italian authorities and to the international organisations and EU agencies respectively.

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<sup>17</sup> Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard (OJ L 251, 16.9.2016, p. 1).

<sup>18</sup> Council Regulation (EU) 2016/369 of 15 March 2016 on the provision of emergency support within the Union (OJ L 70, 16.3.2016, p. 1).

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**Figure 6 – EU financial support (in million euro)**

Programmes	GREECE		ITALY	
	Awarded	Disbursed	Awarded	Disbursed
<b>AMIF</b>	<b>585</b>	<b>247</b>	<b>365</b>	<b>55</b>
AMIF National Programmes 2014-2020	295	45	348	44
AMIF Emergency Assistance to MS	126	101	16	10
AMIF Emergency Assistance to IO/EU Agencies	165	101	1	1
<b>ISF</b>	<b>277</b>	<b>75</b>	<b>291</b>	<b>36</b>
ISF National Programmes 2014-2020	215	26	245	29
ISF Emergency Assistance to MS	52	42	46	7
ISF Emergency Assistance to IO/EU Agencies	10	7	0	0
<b>Emergency Support instrument (contracted)</b>	<b>192</b>	<b>127</b>	<b>0</b>	<b>0</b>
<b>TOTAL</b>	<b>1 055</b>	<b>448</b>	<b>656</b>	<b>91</b>

Source: European Commission: Factsheet 'EU support to Greece' of 8.12.2016, Annex 8 to COM(2015) 510 final of 14.10.2015 'Managing the refugee crisis: State of Play of the Implementation of the Priority Actions under the European Agenda on Migration' updated at 4.12.2016 and ECHO Hope intranet, situation as of 15.12.2016. Any difference in (sub-)totals is due to rounding.

### Greece

25. Due to delays in launching the funds and setting up the required management and control systems in Greece, together with domestic budget limitations in co-financing EU expenditure, no spending in 2015 from the Greek national allocations of AMIF/ISF had been confirmed in 2016<sup>19</sup>. The Commission reports that it had awarded over 352 million euros in emergency funding (from AMIF/ISF) since the beginning of 2015<sup>20</sup>, in addition to 192 million euros in humanitarian support<sup>21</sup> through the ESI. The bulk of these funds targeted activities

<sup>19</sup> The utilisation of the funds in 2016 will be subject of a report that the Greek authorities will send to the Commission by 15 February 2017.

<sup>20</sup> European Commission, factsheet, Managing the refugee crisis, EU Financial Support to Greece, update as of 8 December 2016.

<sup>21</sup> ECHO Hope intranet, situation as of 15 December 2016.

on the Greek mainland (where, in November 2016, some 45 000 migrants were still present<sup>22</sup>), while the Commission estimates that almost 100 million euros were awarded to support a wide range of activities in the islands and hotspots.

26. The projects awarded by the Commission in the framework of the emergency assistance from AMIF and ISF include providing shelter and accommodation, catering, health care, construction works for water and sanitation systems, transportation from disembarkation points to the hotspots, improving the Greek authorities' fingerprinting capacity and upgrading the Hellenic Police's IT existing systems for the registration process. As most of the emergency award decisions under AMIF and ISF were taken from October 2015 onwards (with implementation periods of 12 months usually), no reports on the utilisation of the funds were yet available. The same applies to the actions under the ESI, for which the first decisions were taken in March 2016. By the end of February 2017, the Commission had not yet received detailed information on the use of these funds.

### Italy

27. The situation in Italy is somewhat different from that of Greece. At the time of the audit, spending reported to the Commission<sup>23</sup> from Italy's national programmes amounted to 1.6 million euros under AMIF (but not for the benefit of hotspots) and nil under ISF for the period up to mid-October 2015. The information concerning the funds disbursed and the projects selected and contracted until mid-October 2016 were due in March 2017.

28. As regards the emergency assistance strand of AMIF and ISF, until end 2016 Italy was awarded 62.8 million euros. No report on the utilisation of these emergency funds for hotspots was yet available at the time of the audit.

### Indirect funding through EU Agencies

29. As for the financial contributions through the two main EU agencies involved (Frontex and EASO), Frontex originally allocated 20 million euros from its 2016 budget for

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<sup>22</sup> COM(2016) 720 final of 9.11.2016, 'Seventh report on relocation and resettlement'.

<sup>23</sup> Accounts submitted on 15.2.2016 regarding payments made until 15.10.2015.



expenditure dedicated to hotspots<sup>24</sup> but has in the meantime (until end November 2016) already committed almost 35 million euros for this purpose. EU funding granted to EASO in 2016 has increased from some 19.4 million euros to 63.5 million euros (including 26 million from the AMIF/ISF) in order to cover its support for the hotspot approach and the relocation scheme<sup>25</sup>.

30. Europol received an ISF emergency assistance grant of 1.5 million euros in 2016 with a view to deploying experts (Guest Officers) in the hotspots to conduct secondary security checks.

### **AUDIT SCOPE AND APPROACH**

31. We assessed the implementation of the hotspot approach in Italy and Greece, covering the period from when it was first announced in the Agenda on Migration in May 2015 to the end of the summer of 2016. We specifically focussed on two main questions:

- were the necessary hotspots well located, established in a timely manner and with sufficient capacity to address the needs, with the provision of adequate support services, necessary coordination mechanisms and adequate monitoring procedures?;
- was the hotspot approach effective in managing the flow of incoming migrants, by enabling the full identification, registration and fingerprinting of migrants, and the timely channelling of migrants into the relevant follow-up processes (asylum, relocation, return)?.

32. We concentrated on the support provided by the Commission itself, Frontex, EASO and Europol. We excluded the specific role of Eurojust, as its involvement in the hotspots was more indirect and it had no presence in the hotspots. Also we did not examine the processing of asylum applications or the relocation or return procedures. While the hotspot approach itself does not extend to the implementation of these procedures, they are clearly linked, as an effective hotspot approach is a necessary pre-condition for a successful follow-

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<sup>24</sup> Information provided by Frontex.

<sup>25</sup> Information provided by EASO.

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up, just as bottlenecks in these follow-up procedures can affect the adequacy of the hotspots. Given this link, we do refer to challenges in the implementation of these follow-up procedures, as observed during the audit.

33. Our audit work consisted of a desk review of available documentation, interviews with European Commission and Agency staff<sup>26</sup>, representatives of the national authorities in Italy and Greece, international organisations<sup>27</sup> and Non-Governmental Organisations (NGOs)<sup>28</sup>. We also carried out field visits to several hotspots (Pozzallo and Trapani in Italy, Lesbos, Chios and Leros in Greece) and the regional task forces in both countries. We took account of the fact that the recent crisis situation and the frequent changes in circumstances in the area of migration management have created a difficult and volatile environment for the Commission, Agencies and Member States to operate in.

## **OBSERVATIONS**

### ***Establishment of hotspots***

34. We examined whether the hotspots had been set up in a timely fashion and their number, location and capacity were adequate for actual needs, whether adequate support services were provided, whether the necessary coordination had been put in place and whether monitoring procedures were adequate.

### **The creation of hotspots was slower than planned and current reception capacity is still insufficient**

35. According to the Council Decision designed to help Italy and Greece cope better with an emergency situation (see paragraph 16), on 16 September 2015 Italy and Greece each had to submit a roadmap to the Commission, including adequate measures for asylum, first

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<sup>26</sup> EASO, Frontex, Europol.

<sup>27</sup> United Nations High Commissioner for Refugees (UNHCR), International Organisation for Migration (IOM), the International Committee of the Red Cross.

<sup>28</sup> Amnesty International, Save the Children, Terre des Hommes.

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reception and return, enhancing the capacity, quality and efficiency of their systems in these areas.

### Greece

36. In the roadmap that it submitted to the Commission, Greece identified five hotspots which were to be set up by the end of 2015 at the 'current main gates of entry': Lesbos, Chios, Samos, Leros and Kos (see **Figure 5**). The Commission, in providing its comments on the roadmap, did not question the planned hotspot locations as it considered this to be a national responsibility. The arrival data showed that these islands were indeed the main entry points for migrants to the Greek territory at that time.

37. The hotspots at Moria on Lesbos and Vathi on Samos were built using smaller pre-existing structures. On the other islands, provisional reception facilities were created towards the end of 2015 and substantial efforts were made by the Greek authorities in early 2016 to construct the currently existing hotspot centres, so that four of the five planned hotspots gradually became more operational in the period between January and March 2016. This was later than planned and, consequently, the identification and registration of all migrants arriving during the period up to March 2016 was not fully guaranteed.

38. In June 2016, the Commission assessed all five Greek hotspots as fully operational, providing a reception capacity for a total of 7 450 people<sup>29</sup>. However, this was not sufficient to accommodate the number of migrants arriving in 2016 due to the change in circumstances. New arrivals fell considerably following the closure of the Western Balkan route and the EU-Turkey Statement (see **Figure 7**) to around 50 per day during May-June (compared to a daily average of some 2 000 in January-February). From July 2016 on, they started to increase again, to more than 100 per day by the end of August. Even with far fewer arrivals than before, overall, there are still more migrants arriving at the hotspots than

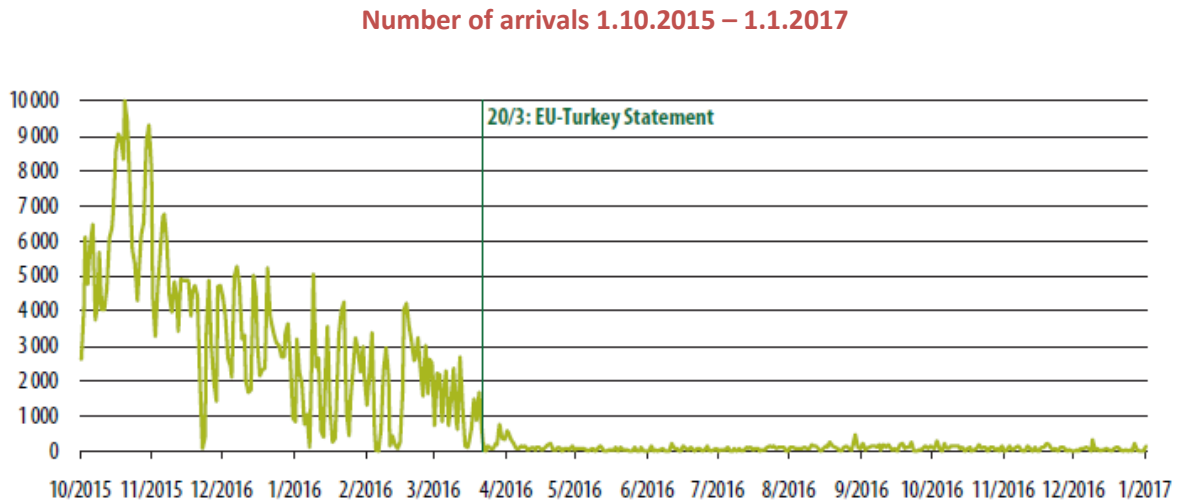
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<sup>29</sup> COM(2016) 416 final of 15.6.2016 Fourth report on Relocation and resettlement.

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leaving them. After our visit in July 2016, the migrant population on the islands rose from 8 502 in early July to 12 515 in early September and 16 250 in early November<sup>30</sup>.

**Figure 7 - Sea arrivals to the Greek islands**



Source: European Commission.

39. Previously, migrants who arrived at the hotspots were transferred after a few days to the mainland, once the initial identification, registration and fingerprinting had been completed. This situation changed following the EU-Turkey Statement. New arrivals were no longer allowed to leave for the mainland but had to lodge their asylum application at the hotspot instead. The nature of the migrants' stay at the hotspots changed from a few days' transit to a much longer stay (months).

40. Therefore the hotspots, in particular those in Lesbos, Chios and Samos are seriously overcrowded, as more migrants are arriving on the Greek islands than leaving them<sup>31</sup>. The material conditions in the camps (quality of food, shortage of blankets and lack of privacy,

<sup>30</sup> Sources for the number of migrants present in the islands are: UNHCR, Hellenic Police, European Commission, 7th report on relocation and resettlement.

<sup>31</sup> As the Commission acknowledged in its third report on the progress made in the implementation of the EU-Turkey Statement: 'The steady flow of arrivals and the slow pace of return has put the reception capacities on the islands under increasing stress. As a consequence, the Greek hotspots are increasingly overcrowded, creating difficult and sometimes dangerous conditions'.

inadequate access to medical care, water shortages) have been criticised by NGOs like Amnesty International<sup>32</sup>, Human Rights Watch<sup>33</sup> and Save the Children<sup>34</sup>. The Refugee Housing Units (standard container-type buildings) are very crowded, to the extent that many migrants have constructed ad hoc shelters around the hotspot perimeters (see **Box 2**).

**Box 2 – Challenges in Greek hotspot islands**

On Chios, people had fled the main camp (due partly to safety concerns caused by fighting at the hotspots) and were sleeping rough in and around the main port in downtown Chios. There was little security and scant access to basic services there. On Leros, conditions were less crowded at the time of our visit in early July, but a few days later, riots broke out and a number of buildings were damaged. On Lesbos, the Moria camp was seriously damaged by fire when riots took place in September. All three islands face challenges in hosting and accommodating hotspots on their territory in terms of infrastructure, support services or opposition from local residents or tourism providers.

41. Accommodation sections often did not have any separation between single men and other categories, such as single women, families or minors. The number of unaccompanied minors is estimated at around 2 500 (September 2016<sup>35</sup>) and the country lacks sufficient capacity in dedicated facilities to accommodate them in accordance with international standards<sup>36</sup>. As a result, many unaccompanied minors have been held for long periods at the

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<sup>32</sup> Amnesty International, Greece: Refugees detained in dire conditions amid rush to implement EU-Turkey deal, 7 April 2016, <https://www.amnesty.org/en/latest/news/2016/04/greece-refugees-detained-in-dire-conditions-amid-rush-to-implement-eu-turkey-deal/>.

<sup>33</sup> Human Rights Watch, Greece: Refugee ‘Hotspots’ Unsafe, Unsanitary, 19 May 2016, <https://www.hrw.org/news/2016/05/19/greece-refugee-hotspots-unsafe-unsanitary>.

<sup>34</sup> Save the Children, Greece, 20 September 2016, <https://www.savethechildren.net/article/aid-organisation-calls-urgent-action-after-fire-moria-detention-centre-lesvos>.

<sup>35</sup> COM(2016) 636 final of 28.9.2016 ‘Sixth report on relocation and resettlement’.

<sup>36</sup> United Nations Convention on the Rights of the Child. Its main principles are also enshrined in various components of the CEAS.

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hotspots in inappropriate conditions<sup>37</sup>, despite the law requiring that they be prioritised<sup>38</sup> (see **Box 3**).

**Box 3 – Reception conditions for unaccompanied minors**

In the Moria hotspot (Lesbos), our visit found that unaccompanied minors (at the time numbering around 90 persons) were held in restrictive conditions within the camp, separate from adults. Most of them had been there for more than three months, following the EU-Turkey Statement. According to the EU Agency for Fundamental Rights in mid-July, unaccompanied girls had continued to be accommodated together with unaccompanied boys for more than two weeks, the only security measure being the possibility to lock the bedroom door at night. A further 60 unaccompanied minors were accommodated in open shelters outside the camp in Mytilene.

At the time of the ECA’s visit to Leros, the 39 unaccompanied minors were not separated from adults, but held together with them in the Lepida centre. Previously, they had been accommodated in an open facility (PIKPA) along with other vulnerable groups, but, according to the RIS officials, they had been transferred from there by the previous RIS manager for their own protection. Without adequate child-specific protection in Lepida, they were restricted and their welfare was put at risk by this treatment. On Chios, unaccompanied minors were also accommodated without separation from adults.

42. Staff of the Agencies were also exposed to violent protests and aggression; EU and other staff had to be evacuated, and parts of hotspot facilities were destroyed or damaged.

43. Security and safety, which fall under the Member State’s responsibility, were not adequately evaluated at the planning stage. Initially, no security plans were drafted and the camps did not have emergency exits. Security issues were discussed at a number of coordination meetings, where the Commission and the EU Agencies, in agreement with the Greek authorities, developed a security plan and emergency procedures.

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<sup>37</sup> European Agency for Fundamental Rights (FRA), Weekly note on the temporary deployment of FRA fundamental rights experts to Greece – Week 18 July-22 July 2016, Vienna, 25 July 2016.

<sup>38</sup> Asylum Procedures Directive Article 31.7(b).

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## Italy

44. Italy also submitted a roadmap in September 2015, with measures in the fields of asylum, first reception and return aimed at enhancing its systems in these areas. This roadmap envisaged a total of six hotspots, to be set up and operational by the end of 2015, with an overall capacity of 2 500 places. In its feedback on the roadmap, the Commission considered that the initially planned hotspot locations, based on the availability of existing structures, were the responsibility of the national authorities. However, the plan did not take into account the time needed to adapt these structures or their operating procedures, nor were all proposed locations in line with existing disembarkation patterns.

45. By the end of 2015, only two of the six envisaged hotspots (see **Figure 5**) were operational (Lampedusa, Pozzallo) and a further two became operational in the first months of 2016 (Trapani, Taranto). By July 2016 (the time of the audit visit), total capacity in the four operational hotspots stood at 1 600 places, clearly not enough to cover regular peaks in arrivals of 2 000 or more per day. According to data from the Italian authorities, during the first seven months of 2016, some 70 % of migrants still disembarked outside the existing hotspots, increasing the risk of an incomplete registration of incoming migrants.

46. In June 2016, in order to remedy this situation, the Italian authorities announced the establishment of two additional hotspots (replacing two that had been cancelled), which were not yet operational at the end of February 2017. Also, since January 2016, the Italian authorities and the Commission have been discussing a new strategy, building upon the hotspot approach, but without physical accommodation facilities, and this is still being implemented. This approach aims to upgrade other disembarkation ports to enable the application of the standard operating procedures developed for the hotspot approach. At the same time, however, the Commission's November progress report<sup>39</sup>, rightly urged Italy to proceed also with the opening of the two additional hotspots that had already been announced.

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<sup>39</sup> COM(2016) 720 final.

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47. A major concern for Italy is the increasing number of unaccompanied minors arriving in 2016, more than 20 000 by the end of September 2016<sup>40</sup>. As there is a shortage of dedicated facilities for minors in the regions where landings take place, they stay too long at the hotspots, which are not suited to their specific needs.

**Support from EU Agencies has been substantial, but it is highly dependent on sufficient resources being made available by Member States**

48. The provision of support services by the Commission and Agencies is based on requests from the Italian and Greek authorities. In relation to the hotspots, both countries first spelt out their needs for support in their respective roadmaps. The support consists mainly of Member State experts, deployed through Frontex and EASO, to assist with identification, nationality screening, registration, fingerprinting and debriefing activities. Frontex also helps with returns. EASO supports the provision of information on relocation and the processing of relocation applications in Italy and supports the registration and assessment of asylum applications in Greece. Both agencies also provide cultural mediators. Europol performs secondary security checks on cases flagged as a result of activities undertaken by the authorities of the host Member State or referred to these authorities by the EU Agencies or other organisations being present.

49. The agencies' reports show that far fewer experts have been deployed than those actually needed. This is due to the fact that the agencies depend on cooperation from Member States, who pledge experts following requests from the agencies. Furthermore, the agencies and Member States did not expect or plan for the increased needs in 2015 and 2016. Overall, according to Frontex, approximately 65 % of its requests for direct support for activities in the hotspots were covered by the offers received from the Member States, whereas, for EASO, the result was, on average, even lower (some 57 %). Member States also only have a limited number of staff available, and some Member States were themselves facing a high number of asylum requests, especially in the second half of 2015.

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<sup>40</sup> COM(2016) 636 final of 28.9.2016 'Sixth report on relocation and resettlement'.

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50. As experts are normally only deployed for a limited period (sometimes six weeks, sometimes even less), the agencies need continuously to make new requests in order to replace experts who have completed their assignments. This frequent rotation obviously implies a significant efficiency loss, as newly arriving experts need some time to adjust and become familiar with the specific situation. All stakeholders interviewed during the audit visits emphasised the need for experts to be deployed for longer periods.

### Greece

51. In Greece, the need for Frontex support in the areas of identification and registration has fallen due to fewer arrivals since the EU-Turkey Statement. The need for EASO support, on the other hand, has increased since then, as most of the migrants who were transferred to the mainland in March 2016 have applied for asylum, and the majority of newly arriving migrants in the islands do the same.

52. The Commission's September<sup>41</sup> and November 2016<sup>42</sup> progress reports continue to call on Member States to step up their support for EASO in providing experts, as the number of experts being deployed in Greece remains insufficient to cope with the increased number of asylum applications which need to be processed. For example, in September 2016, it was estimated that 100 asylum case workers (i.e. interviewers) were needed at the hotspots, but only 41 had actually been deployed by EASO at the end of September 2016<sup>43</sup>.

53. Europol staff has been deployed since March 2016 to perform secondary security checks on cases flagged as a result of referrals by the Hellenic Police during the registration and screening procedures. The primary purpose of these checks is to identify movements of suspected terrorists and disrupt organised crime networks involved in migrant smuggling. According to the Commission's State of Play reports<sup>44</sup>, Europol had deployed nine officers in

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<sup>41</sup> COM(2016) 636 final.

<sup>42</sup> COM(2016) 720 final.

<sup>43</sup> COM(2016) 634 final of 28.9.2016 'Third report on the progress made in the implementation of the EU-Turkey Statement'.

<sup>44</sup> European Commission, State of Play, 28 July 2016.

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the five islands by July 2016, in line with the operational plan agreed with the Hellenic Police in June 2016. In September 2016, according to Europol, the first pool of ten Europol guest officers was deployed in Greece. In October 2016, an additional contingent of 16 guest officers from other Member States was deployed to all five Greek hotspots in order to carry out second line security checks in Europol's databases.

### Italy

54. Overall, the Italian authorities considered the EU agencies' support to be satisfactory, in particular as the situation improved from May onwards, when some Frontex experts originally intended for deployment in Greece could be redeployed to Italy. However, the Commission still considers the Member States' response to EASO's requests for experts to be deployed in Italy to be insufficient to cope with the high number of arrivals of persons eligible for relocation. By the end of September 2016, 33 asylum experts had been deployed (and 35 cultural mediators), while 74 experts had been envisaged in the plan agreed with the Italian authorities<sup>45</sup>.

55. In September 2016, Italy agreed that Europol would be involved on-the-spot in secondary security checks, as requested by the Council. Europol has provided input for an operational plan and was preparing the deployment of guest officers. In October 2016, Italy also requested Europol's support for additional security checks related to relocation<sup>46</sup>.

### **The Commission played an active coordinating role**

56. The hotspot approach involves a multitude of players across different levels. This means that the activities of the European Commission, the EU Agencies, the national authorities at central and local level, international organisations (UNHCR and IOM) and NGOs need to be well coordinated in order to ensure that hotspots function properly.

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<sup>45</sup> COM(2016) 636 final.

<sup>46</sup> Information provided by Europol.

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57. Coordination takes place at the EU, national, operational and hotspot levels. In both countries, coordination has been facilitated by the presence of dedicated Commission and Agency staff.

### Greece

58. In Greece, central coordination takes place at an inter-agency coordination meeting, which brings together all the different national authorities, the Commission, the EU agencies and the main international organisations. Commission support is provided by a new Commission service, created in 2015, the Structural Reform Support Service (SRSS), together with staff from other Commission departments. The Director-General of the SRSS chairs this inter-agency meeting, which is held every other week in Athens.

59. A point of concern, felt by all stakeholders interviewed during the audit visit in Greece, has been the absence of hotspots standard operating procedures (SOPs). Although the Greek Roadmap<sup>47</sup> identified SOPs as a key objective for all reception centres, they were never adopted. In early 2016, the Greek government had been preparing the SOPs and the Commission commented on its draft document. However, the EU-Turkey Statement fundamentally changed the functioning of the hotspots. In parallel, Greece adopted new legislation, transforming the First Reception Service into the Reception and Identification Service (RIS) and giving it new tasks. This also interrupted the development of the SOPs and required their revision. At the time of our visit, Greece had not finalised the revision of the draft SOPs, despite the fact that the Commission had requested that it do so on a number of occasions.

60. Coordination at the operational level is addressed through the EU Regional Task Force<sup>48</sup>, which is based in the Athens port of Piraeus. This platform was designed so that the EU

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<sup>47</sup> Roadmap on Relocation and Hotspots Greece, 29 September 2015, pp. 6 and 15.

<sup>48</sup> See COM(2015) 490 final of 23.9.2015 'Managing the refugee crisis: immediate operational, budgetary and legal measures under the European Agenda on Migration', Annex II, which states: 'In each host Member State, there is a joint operational headquarters with representatives of all three agencies (the European Regional Task Force – EURTF). It coordinates the work of the Support Teams at the 'hotspots' and ensures close cooperation with the national authorities of the host Member State.'

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Agencies could meet regularly to facilitate overall coordination and exchange information among the different stakeholders, in accordance with their respective mandates. The European Commission is also present and chairs these meetings. The task force's role in the hotspot approach, however, is not very clearly defined and the national authorities do not participate in the task force meetings.

61. At hotspot level, the central authorities are responsible for the overall management of hotspots but they have yet to take on this responsibility in full. For example, there was no specifically appointed person or authority in charge of the overall management of the structure and operations on a permanent basis. The Reception and Identification Service was formally in charge of managing the hotspots, but it had very limited staff on the ground at the time of the audit visit, which did not allow it to have a 24/7 presence. In practice, it was not clear to all stakeholders which was the competent decision-making authority in charge of the sites.

### Italy

62. In Italy, the national authorities showed strong ownership of the hotspot approach and the related migration management. The implementation of the hotspot approach falls under the responsibility of a dedicated Italian team within the Ministry of the Interior (Department of Civil Liberty and Immigration). Commission support is provided at the central level through a small team in Rome. Standard operating procedures were drafted at this level by a working group led by the Italian Ministry of the Interior and involving all the main stakeholders (the Italian authorities, Commission, Frontex, Europol, EASO, UNHCR and IOM). These procedures were officially adopted and communicated to the relevant players on May 17 2016. They provide operational guidance for the activities carried out at the hotspots, with the objective of achieving a standardised and efficient workflow. Their adoption, after several months of consultation, is seen by all stakeholders as a major positive step that contributes towards structuring the hotspot approach in Italy.

63. At the operational level, coordination is ensured through the EU Regional Task Force, which is based in Catania, Sicily. In addition to the EU Agencies and the Commission, in Italy the various national authorities also participate in the EURTF.

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64. At hotspot level, the local authorities (Prefettura) are in charge of the coordination and overall management of each hotspot structure, but they do not have a permanent presence in the hotspots, in contrast to the two main players present: the State Police (Questura) and the structure's managing entity (often an NGO), each with their respective areas of responsibility. In practice, this leads to a perceived lack of a clearly defined 'focal point' for each hotspot, as various stakeholders have pointed out.

**Regular monitoring takes place but performance measurement at hotspot level can be improved**

65. Following the European Agenda on Migration, the European Commission has reported extensively on the management of the refugee crisis in general. In particular, the implementation of the hotspot approach is discussed in its reports on relocation and resettlement<sup>49</sup>. These reports have been published on a monthly basis since March 2016, and include a section on the implementation of the roadmaps in Greece and Italy which is closely related to the hotspot approach. The objective of these reports is to provide an updated quantitative and qualitative state of play that summarises the progress made and the challenges identified; they also include recommendations from the European Commission to all stakeholders. Separate progress reports on the implementation of the EU-Turkey Statement also contain observations on the situation in the hotspots<sup>50</sup>. Finally, ad-hoc reports or specific communications<sup>51</sup> and factsheets complete the consolidated reporting framework.

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<sup>49</sup> The report on relocation and resettlement is based on the obligation under Article 12 of the Council Decisions 2015/1523 and 2015/1601 to report twice-yearly on the implementation of these Decisions and the implementation of the Roadmap.

<sup>50</sup> See COM(2016) 634 final, which contains comments on, e.g., the number of arrivals to the Greek islands, overcrowding in the hotspots, the lack of a permanent Greek hotspot coordinator and the need to adopt SOPs.

<sup>51</sup> COM(2016) 220 final of 12.4.2016 'Assessment of Greece's Action Plan to remedy the serious deficiencies identified in the 2015 evaluation on the application of the Schengen acquis in the field of management of the external border'.

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66. The European Commission's regular communications on the hotspot approach contribute to a transparent and open reporting framework on the implementation of the approach. The qualitative aspect of the reporting (challenges identified, recommendations etc.) shows the European Commission's willingness to monitor and report on the progress achieved<sup>52</sup>. We noted however that:

- despite the Commission consistently encouraging the Italian authorities to increase the number of hotspots<sup>53</sup>, no cost-benefit analysis is available to compare the opening of further hotspot locations with the recent plan to apply the hotspot approach systematically in all disembarkation ports without accommodation facilities;
- the hotspots have now been in operation for over a year, but no performance monitoring framework has yet been established, at the individual hotspot level, to monitor the efficiency of operations and the use of resources (such as personnel and equipment), identify and remedy potential idle capacity and/or bottlenecks and facilitate the identification of best practices, the sharing of lessons learnt and changes where needed;
- despite the Commission trying to consolidate data from national authorities and EU Agencies, some data are not shared, such as the length of time migrants spend in hotspots waiting to register and complete their asylum applications (Greece), and some key data are not covered or published, such as the total number of migrants identified and registered in hotspots or receiving a return order and numbers actually returned (Italy).

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<sup>52</sup> Although the Commission does not hide challenges or lack of progress, where observed, it sometimes appears overly optimistic, e.g. in its COM(2016) 636 final, it considers a monthly target of 6 000 relocations to be completed per month to still be valid. The Commission had first calculated this target as necessary in its First relocation report of 16 March 2016 (COM(2016) 165 final), but since not even 6 000 people had been relocated in the first full year of implementing the relocation decisions, a monthly target of well over 8 000 would be required if the total commitment of 106 000 relocations were to be achieved by September 2017. Even taking into account the recent modest increase in the speed of relocation, this overall target appears to be well out of reach.

<sup>53</sup> See for example COM(2016) 636 final.

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### ***Effectiveness of hotspot approach***

67. We examined whether the hotspot approach had enabled the full identification, registration and fingerprinting of migrants and whether it ensured the timely channelling of migrants into the relevant follow-up processes (asylum, relocation and return).

#### **The hotspot approach has improved the rate of registration and fingerprinting of incoming migrants**

68. The primary objective of the hotspot approach was to contribute towards improved border management by ensuring the correct identification, registration and fingerprinting of all incoming migrants. This is also a precondition for correctly channelling migrants towards the national asylum procedure, the Emergency relocation scheme or the return procedure.

69. During identification, the migrants' personal details are established and their nationality is assessed (screening), while vulnerable cases are identified for priority treatment. Then, during registration, fingerprints are taken as required by the Eurodac regulation and stored in Eurodac, the EU fingerprint database. Migrants are photographed, their data are entered and cross-checked in the relevant European and international databases, the authenticity of their documents is verified (if they have any) and the police perform security checks.

70. The police perform these initial processes with Frontex support through a series of consecutive actions within the hotspot working area<sup>54</sup>. At this or any later stage, migrants may express a wish to apply for asylum (see also the Hotspot approach flowchart in ***Annex II***).

71. In Greece, at the time of our visit in July 2016, migrants were being identified, registered and fingerprinted within three days of their arrival<sup>55</sup> on the islands. According to the

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<sup>54</sup> In Italy also in disembarkation ports outside the hotspots.

<sup>55</sup> According to Article 14 of the Eurodac Regulation No 603/2013 (OJ L 180, 29.6.2013, p. 1), Member States are required to promptly take the fingerprints of every third-country national of at least 14 years of age who is apprehended in connection with the irregular crossing of the border of that Member State. The Member State concerned shall, as soon as possible and no later than 72 hours after the date of apprehension, transmit to the Central System the fingerprints and other collected data of such a person.

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Commission's data, since March 2016 the Greek hotspots have been able to perform these tasks correctly for practically all migrants. This is a substantial improvement compared to the 8 % registration rate in September 2015<sup>56</sup> (in January 2016, the rate was already 78 %). This task has also become more manageable since the EU-Turkey Statement, as the number of migrants arriving has fallen significantly compared to 2015 figures.

72. In Italy, the number of arrivals in 2016 remained comparable to 2014 and 2015.. As for the complete registration of the incoming migrants, in Italy, only about one third land (and are registered) at the hotspot locations<sup>57</sup>, while the majority disembarks in other ports. According to the latest information provided by the Italian authorities<sup>58</sup>, the registration and fingerprinting rate has improved significantly from some 60 % in the first half of 2015 to an average of 97 % for the whole of 2016. This reflects the positive impact of applying the hotspot approach not only in the four hotspots but, in the course of 2016, also in 15 other ports of disembarkation (also see paragraphs 45 to 46), thereby reducing the risk of some migrants entering the country without being properly registered and fingerprinted. All the relevant stakeholders that we interviewed agreed that the hotspot approach had played an important role in improving the situation in Italy, not only by providing adequate infrastructure, but also by establishing standard procedures to be followed and by having a positive influence on practices in general.

73. Furthermore, during registration, the hotspot approach requires that personal data and fingerprints for all irregular migrants be entered into and checked against various national, European and international security databases, as envisaged in the CEAS rules. However, the security checks to be performed were limited by the legal framework in place and by the way the systems are designed. Until September 2016, according to the former Frontex

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<sup>56</sup> COM(2016) 85 final.

<sup>57</sup> As of 29 July 2016, 29.7 % of the migrants landed at a hotspot (*source*: Italian Ministry of Interior). Nevertheless, some migrants landing outside hotspots were then actually transferred to and registered at a hotspot. Overall, the proportion of migrants who transited through hotspots for at least part of their identification/registration process was higher than the 29.7 % (it is estimated at around 40 % as of 30 June 2016, but exact data are not available).

<sup>58</sup> Ministry of the Interior, 'Tabella monitoraggio fotosegnalamenti 2016', 11.1.2017.

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mandate, Frontex guest officers could only access the European security and document verification databases<sup>59</sup> if they were authorised to do so by the host country. In Greece they could only contribute to this part of the work through informal working arrangements with the local police.

74. In this regard, the new Regulation on the European Border and Coast Guard enables the EBCG teams to access relevant databases<sup>60</sup>. However, the problem of the interoperability of the security databases (lack of a single point of entry-system that would allow consultation of multiple databases with one search) is a challenge for systematic security checks that cannot be solved in the short term<sup>61</sup>.

### **The functioning of hotspots is affected by bottlenecks in the follow-up procedures**

75. The hotspot approach and what follows after are very much entwined. To ensure the effective channelling of migrants to the asylum procedure and their subsequent relocation or return where appropriate, the procedures following registration need to be completed in a reasonable time. Migrants should also receive adequate information about the various procedures.

### Greece

76. Faced with the alternative of immediate return, practically all new arrivals apply for international protection. Due to the low number of asylum applications in Greece before March 2016, the Greek Asylum Service only had limited staff and therefore required an urgent increase in staffing to cope with this sudden increase in asylum applications. However, this increase in staff had not been planned before the EU-Turkey Statement came

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<sup>59</sup> COM(2016) 85 final: 'Checks against Interpol and European security and document verification databases, in particular the Schengen Information System, must become systematic, with European databases made accessible to Frontex guest officers'.

<sup>60</sup> Article 40(8) of Regulation (EU) 2016/1624.

<sup>61</sup> COM(2016) 85 final, Annex 3 – Italy State of Play Report: 'Interconnection between databases is still limited. In particular there is no direct and automatic connection between the registration process (foglio notizie) and the SIS, Europol and Interpol databases. This should be established as a matter of priority in order to allow systematic checks'.

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into effect, and the subsequent process of recruiting and training new staff took time, which affected the Greek Asylum Service's capacity to handle asylum applications. The Asylum Service's staff was in August 2016 being reinforced by the temporary recruitment of 124 people, financed through an AMIF Emergency Assistance grant signed with EASO<sup>62</sup>.

77. The situation in September 2016<sup>63</sup> was that the majority of migrants who arrived after 20 March had still not had the opportunity to lodge an asylum application<sup>64</sup>. The prioritisation of the asylum claims of certain nationalities over others<sup>65</sup> and the lack of clear information to the migrants about the procedures and waiting times have contributed towards growing tension in the camps.

78. Also, since March 2016 the relocation option is no longer available for newly arrived migrants. This follows a decision by the Greek Asylum Service and in line with views put forward by Member States in the Justice and Home Affairs Council, which implied that relocation should be oriented towards migrants on the mainland who arrived before 20 March. A clear legal basis for this view is not included in the two Council Decisions on relocation.

79. Furthermore, as the Commission has noted<sup>66</sup>, the pace of returns under the EU-Turkey Statement has been slow, which has also contributed to the overcrowding at the hotspots. As almost all new arrivals are applying for asylum, they can only be considered for return after they have received a negative asylum decision and their right to appeal has been exhausted. So far, over the period from the end of March 2016 to the beginning of

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<sup>62</sup> Information provided by the European Commission.

<sup>63</sup> Data obtained from the Commission show that, by mid-September 2016, about one-third of the migrants present at that time in the islands had had the opportunity to actually lodge their asylum request, and only about 20 % had been given an interview.

<sup>64</sup> Article 6(2) of the Asylum Procedure Directive states that: 'Member States shall ensure that a person who has made an application for international protection has an effective opportunity to lodge it as soon as possible'.

<sup>65</sup> As evidenced during interviews on the spot and in the minutes of the Steering Committee meetings on the implementation of the EU-Turkey Statement.

<sup>66</sup> COM(2016) 349 final; COM(2016) 634 final.

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December 2016, a total of 748 migrants have been returned from the Greek islands to Turkey, against a total of some 17 000 arrivals<sup>67</sup>.

### Italy

80. In Italy, the hotspot approach works as it was designed, in the sense that, in addition to 97 % of arriving migrants being registered and fingerprinted (see paragraph 72), they are given the opportunity to express their wish to apply for asylum. Also, potential candidates eligible for relocation are already identified during the registration process in the hotspots, following which they are transferred to dedicated reception centres.

81. The main initial challenge for the relocation scheme, at the beginning of the implementation of the hotspot approach, was to find eligible candidates interested in participating in the scheme. Currently, as migrants now receive better information about relocation, more candidates have been identified under the more structured hotspot approach, and the main bottleneck for relocation is now the shortage of pledges from Member States. As of 27 September 2016, one year after the Council Decisions on relocation had been taken and half-way through the two-year implementation period, only 1 196 people had actually been relocated from Italy – not including any unaccompanied minors - and 3 809 formal pledges<sup>68</sup> had been provided by Member States to Italy (against an overall commitment for 34 953 people to be relocated from Italy, as laid down in the Council Decisions).

82. Another bottleneck is caused by the low implementation rate for return decisions, which, according to data received from the Italian authorities, is still less than 20 %<sup>69</sup>. Structural

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<sup>67</sup> COM(2016) 792 final of 8.12.2016 'Fourth report on the progress made in the implementation of the EU-Turkey Statement'.

<sup>68</sup> COM(2016) 636 final. The gap between the formal pledges (offers by Member States) and people actually relocated is partly explained by the time needed to process relocation requests and partly by other factors identified by the Commission in its successive reports on relocation and resettlement, such as unjustified rejections by Member States, obstacles related to security checks and the need for improved processing capacity in Italy.

<sup>69</sup> *Source:* Ministry of the Interior. These data relate to 2015 and the first 7 months of 2016.

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difficulties related to the implementation of returns, as identified and described by the Italian authorities in the roadmap, include the limited capacity of the identification and expulsion centres and a lack of cooperation from the countries of origin for readmission.

83. In view of the continued high level of migrant arrivals (over 150 000 arrivals per year since 2014), combined with the existing bottlenecks in relation to the limited 'outflow' of migrants through relocation and return, a capacity problem may arise in Italy's overall accommodation facilities for asylum seekers in the near future.

### **CONCLUSIONS AND RECOMMENDATIONS**

84. The EU Member States are primarily responsible for all aspects of border control and asylum processing. The Commission therefore introduced this new 'hotspot' approach in order to assist Greece and Italy, the frontline Member States, in coping with the sudden dramatic increase in irregular migrants arriving at their external borders in 2015/16. The aim of this approach was to provide operational support to Member States to ensure arriving migrants were identified, registered and fingerprinted, and channelled into the relevant follow-up procedures. Overall, we found that the hotspot approach has helped improve migration management in the two frontline Member States, under very challenging and constantly changing circumstances, by increasing their reception capacities, improving registration procedures and by strengthening the coordination of support efforts.

85. In both countries, the selection of the hotspot locations rightly took into account the main entry points and the availability of existing structures. However, setting them up took longer than planned. In Greece, four of the five planned hotspots were operational in March 2016, with the last one coming into operation by June 2016. In Italy, four out of six planned hotspots were operational in March 2016, and two additional hotspots were still in the process of being set up but not yet operational at the end of February 2017. Despite considerable support from the EU, at the end of 2016 the reception facilities in both countries were not yet adequate to properly receive (Italy) or accommodate (Greece) the number of migrants arriving. There was still a shortage of adequate facilities to accommodate and process unaccompanied minors in line with international standards, both in the hotspots and at the next level of reception (see paragraphs 36 to 47).

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86. The Commission and the relevant EU Agencies supported the efforts of the frontline Member States by providing experts, financial and technical resources, advice and coordination. The Agencies' capacity to provide such support was and remains very dependent on the resources offered by other Member States. Additionally, the duration of expert deployments was often very short, thereby reducing the efficiency of the deployed experts. These shortcomings are currently being addressed through the new (or envisaged) mandates for the relevant Agencies (see paragraphs 48 to 55).

87. In both countries, coordination of the hotspot approach was facilitated by the presence of dedicated Commission and Agency staff and, at the operational level, through regional task forces, although the latter's role in the hotspot approach remains to be fully defined. Standard operating procedures are an essential element for clarifying responsibilities and harmonising procedures, in particular where numerous different players are involved, as is the case for the current hotspot approach. Italy has established hotspot standard operating procedures and applies them both in the hotspots and in other disembarkation ports functioning as hotspots. In Greece, their adoption is still pending. Coordination at the individual hotspot level is still fragmented and although it has been established that the central authorities in the Member States are responsible for the overall management of the hotspots, at least in Greece, they have yet to take on this responsibility in full. Monitoring and reporting by the Commission on the progress and problems at the hotspots has been regular and extensive, but some information is not shared between different stakeholders, and reporting on some key performance indicators is lacking (see paragraphs 56 to 66).

88. In both Greece and Italy, the hotspot approach ensured that, in 2016, most of the arriving migrants were properly identified, registered and fingerprinted and that their data were checked against relevant security databases. In this respect the hotspot approach contributed towards an improved management of the migration flows (see paragraphs 68 to 74). The hotspot approach further requires that migrants be channelled into appropriate follow-up procedures, i.e. a national asylum application, relocation to another Member State (where appropriate) or return to the country of origin (or transit). Implementation of these follow-up procedures is often slow and subject to various bottlenecks, which can have repercussions on the functioning of the hotspots (see paragraphs 76 to 83).

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89. On the basis of these conclusions we formulate several recommendations as shown below. Given the continuing migratory crisis affecting the EU's external borders, recommendations 1 to 4 address issues that should be dealt with as a matter of urgency and at the shortest possible notice.

#### **Recommendation 1 – Hotspot capacity**

- The Commission, together with the relevant Agencies, should provide further support to Greece in addressing the lack of capacity at the hotspots through:
  - upgrading the accommodation facilities on the islands where hotspots are located;
  - further speeding up the processing of asylum applications (with support from EASO), while providing clear information to migrants as to how and when their applications will be processed;
  - enforcing existing return procedures, where appropriate (with support from Frontex).
- The Commission, together with the relevant Agencies, should further support Italy's efforts to increase the number of hotspots, as originally planned, and to take further measures to extend the hotspot approach in order to cover also disembarkations outside the fixed hotspot locations.

#### **Recommendation 2 – Unaccompanied minors**

- The Commission, together with the relevant Agencies and international organisations, should help the authorities in both Greece and Italy take all possible measures to ensure that unaccompanied minors arriving as migrants are treated in accordance with international standards, including adequate shelter, protection, access to and prioritisation of asylum procedures and possible consideration for relocation.
- The Commission should insist on the appointment of a child protection officer for every hotspot/site.

- The Commission and the relevant Agencies should further assist the responsible authorities through the provision of training and legal advice and continue to monitor the situation and report on action taken and progress achieved.

### **Recommendation 3 – Expert deployments**

- The Commission and the Agencies should continue to ask all Member States to provide more experts to cover current needs better.
- Expert deployments by Member States should be long enough and in line with profiles requested to make the support provided by Frontex, EASO and Europol to Greece and Italy sufficiently efficient and effective.

### **Recommendation 4 – Roles and responsibilities in the hotspot approach**

- The Commission, together with the Agencies and the national authorities, should set out more clearly the role, structure and responsibilities of the EU Regional Task Force in the hotspot approach.
- The Commission and the Agencies should continue to insist on the appointment, by Italy and Greece, of a single person to be in charge of the overall management and functioning of each individual hotspot area on a more permanent basis and on the establishment of hotspot standard operating procedures in Greece.

### **Recommendation 5 – Evaluation of hotspot approach**

- The Commission and the agencies should evaluate, by the end of 2017, the set-up and implementation of the hotspot approach to date and put forward suggestions for further development. These should include a standard model of support to be applied to future large-scale migratory movements, the definition of different roles and
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responsibilities, minimum infrastructure and human resource requirements, types of support to be provided, and standard operating procedures.

- This analysis should also assess the need for further clarifications of the legal framework for the hotspot approach as part of the EU's external border management.

This Report was adopted by Chamber III, headed by Mr Karel PINXTEN, Member of the Court of Auditors, in Luxembourg at its meeting of 21 March 2017.

*For the Court of Auditors*

Klaus-Heiner LEHNE

*President*

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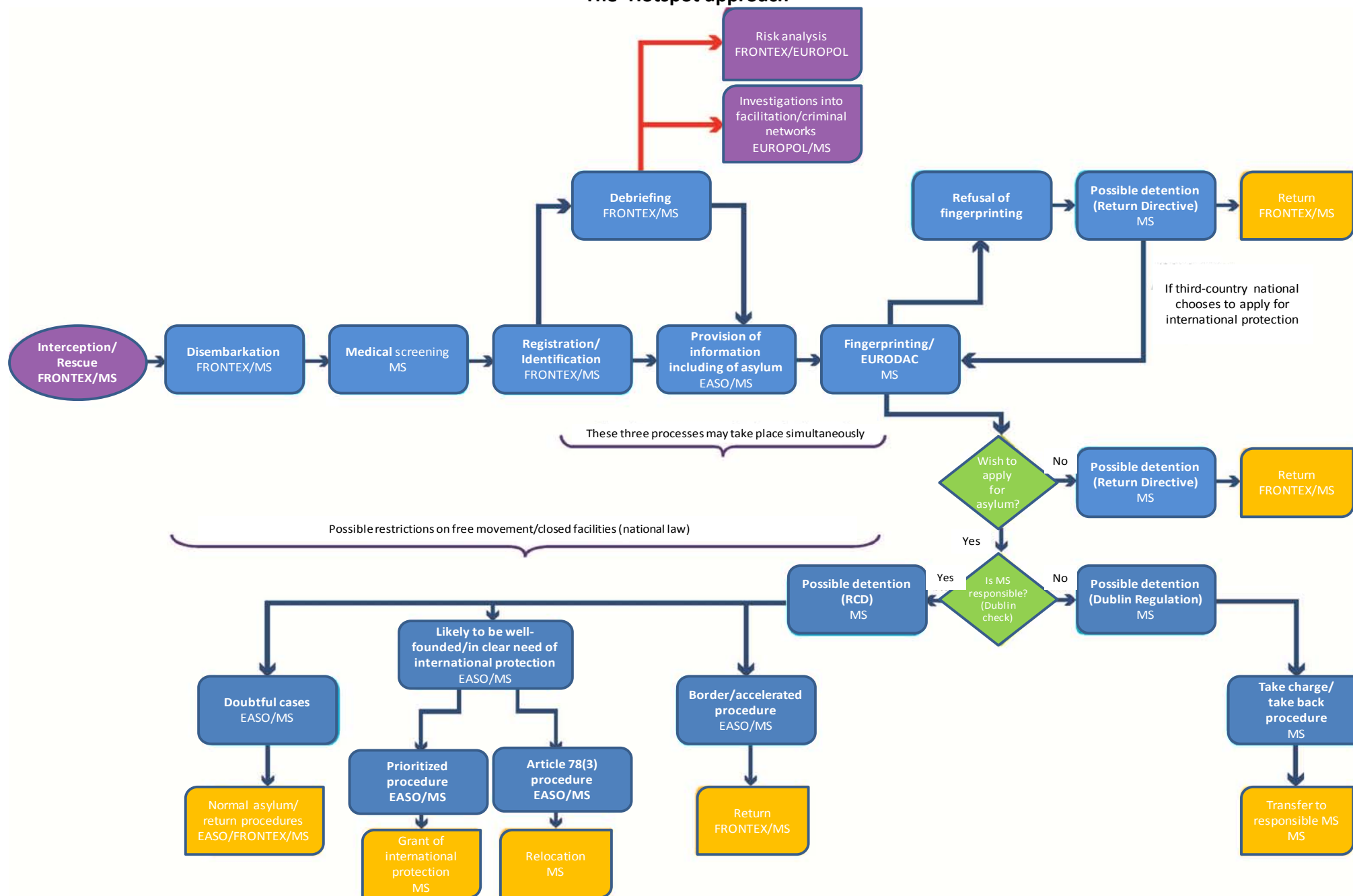


**Timeline EU response to the migration crisis**

2015		
APRIL	1 2 3 4 5	
	6 7 8 9 10 11 12	
	13 14 15 16 17 18 19	Over 1 000 people drown in Mediterranean, in 2 separate incidents
	20 21 22 23 24 25 26	
	27 28 29 30	
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	MAY	1 2 3
4 5 6 7 8 9 10		Commission presents European Agenda on Migration
11 12 13 14 15 16 17		Commission presents 1st package of proposals (including relocation of 40 000)
18 19 20 21 22 23 24		
25 26 27 28 29 30 31		Commission presents 2nd package of proposals (including relocation of 120 000)
<hr/>		
SEPTEMBER	1 2 3 4 5 6	Council Decision (EU) 2015/1523 establishing temporary and exceptional relocation mechanism from Italy and Greece to other Member States, applying to 40 000 people in clear need of international protection
	7 8 9 10 11 12 13	
	14 15 16 17 18 19 20	Council Decision (EU) 2015/1601 establishing a temporary and exceptional relocation mechanism from Italy and Greece to other Member States, applying to 120 000 people in clear need of international protection
	21 22 23 24 25 26 27	
	28 29 30	Commission Communication: Managing the refugee crisis: immediate operational, budgetary and legal measures under the European Agenda on Migration 'Roadmap Relocation and hotspots Greece' and 'Roadmap Italiana' are presented
	<hr/>	
OCTOBER	1 2 3 4	
	5 6 7 8 9 10 11	
	12 13 14 15 16 17 18	Commission Communication: Managing the refugees crisis: State of Play of the implementation of the priority actions under the European Agenda on Migration
	19 20 21 22 23 24 25	
	26 27 28 29 30 31	
	<hr/>	
DECEMBER	1 2 3 4 5 6	
	7 8 9 10 11 12 13	Commission Communication: Progress reports on the implementation of the hotspots in Greece ('currently only one not yet fully functioning hotspot in Lesbos') and Italy ('Lampedusa currently only one functioning hotspot')
	14 15 16 17 18 19 20	
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### The 'Hotspot approach'



Source: European Commission, Explanatory note dated 15 July 2015.

# **REPLIES OF THE COMMISSION TO THE SPECIAL REPORT OF THE EUROPEAN COURT OF AUDITORS**

## **"EU RESPONSE TO THE REFUGEE CRISIS: THE 'HOTSPOT' APPROACH"**

### **EXECUTIVE SUMMARY**

I. The Commission considers that the report is providing a well-balanced analysis of one of the most challenging actions set out in the European Agenda on Migration to assist frontline Member States facing disproportionate migratory pressure.

The Commission will continue supporting Italy and Greece in the management of the migratory flows and will continue to closely cooperate with the EU Agencies to this end.

In this respect, the Commission accepts the recommendations of the Court aiming at further developing specific aspects of the hotspot approach.

### **INTRODUCTION**

7. The Dublin rules also take into account the absence of stronger links to other EU countries (e.g. family ties, visa or residence permit) as well as whether an application was previously lodged with another Member State before any decision to transfer an applicant is taken.

28. Although no specific report on the use of the emergency funds for hotspots was yet available at the time of the audit, the Commission estimates that, out of EUR 62.8 million awarded to Italy in emergency funding (from AMIF/ISF) up to December 2016, emergency assistance for a maximum amount of EUR 21.6 million (EUR 19.1 million under ISF and EUR 2.5 million under AMIF) concerns projects covering activities in the hotspot areas.

### **OBSERVATIONS**

39. Asylum applicants could only be transferred to the mainland if, after the individual assessment of their case they were found to be vulnerable, eligible for Dublin transfers due to family reunification criteria, their applications were found to be admissible for examination in Greece or they were found to be eligible for international protection.

46. In September 2016, the Italian authorities informed the Commission of the decision to apply the hotspot approach to six ports of disembarkation, which were not defined as hotspots but would apply the hotspot Standard Operating Procedures.

On 7 December 2016, the Italian Ministry of Interior adopted a decision extending this approach to 15 ports of disembarkation in total.

50. Europol envisages carrying out an evaluation of the Guest Officer scheme in the second half of 2017, also on the basis of the experience gained. The Commission will be fully associated in the exercise.

58. The Commission has dedicated staff in Athens, Brussels and on the hotspot islands to support the hotspot approach.

78. The Council Decisions on relocation establish provisional measures in the area of international protection for the benefit of Italy and of Greece, in view of supporting them in better coping with an emergency situation characterised by a sudden inflow of nationals of third countries in those Member States (Article 1 of the Council Decisions). However, although Italy and Greece are beneficiaries according to the Council Decisions, they are not legally obliged to relocate eligible applicants. Nor have applicants a subjective right to be relocated. Italy and Greece can therefore

legally decide to keep responsibility for an applicant and either look into the admissibility of the case or, for those claims considered admissible, decide on the merits of the case.

79. In addition to the 748 migrants returned from the Greek islands to Turkey in the framework of the EU Turkey Statement from the end of March to the beginning of December 2016, 439 migrants who had arrived on the mainland were returned to Turkey under the Greece-Turkey bilateral protocol between 4 April 2016 and 6 December 2016. Moreover, 393 migrants who had arrived on the islands, returned voluntarily to their country of origin under the Assisted Voluntary Return and Reintegration Programme between 1 June 2016 and 6 December 2016.

81. In its most recent 10<sup>th</sup> Report on Relocation and Resettlement of 2<sup>nd</sup> March 2017, the Commission explained that there are several reasons, apart from the lack of pledges of Member States (e.g. lack of dedicated procedure for the relocation of unaccompanied minors or specific requirements of some Member States as regards security interviews), contributing to the fact that the implementation of the emergency relocation procedure in Italy remains behind expectations.

## **CONCLUSIONS AND RECOMMENDATIONS**

### **Recommendation 1 – Hotspot capacity**

The Commission accepts recommendation 1.

### **Recommendation 2 – Unaccompanied minors**

The Commission accepts recommendation 2.

### **Recommendation 3 – Expert deployments**

The Commission accepts recommendation 3.

### **Recommendation 4 – Roles and responsibilities in the hotspot approach**

The Commission accepts recommendation 4.

### **Recommendation 5 – Evaluation of hotspot approach**

The Commission accepts recommendation 5.

<b>Event</b>	<b>Date</b>
Adoption of Audit Planning Memorandum (APM) / Start of audit	19.4.2016
Official sending of draft report to Commission (or other auditee)	26.1.2017
Adoption of the final report after the adversarial procedure	21.3.2017
Commission's (or other auditee's) official replies received in all languages	5.4.2017

In May 2015 the Commission introduced a new ‘hotspot’ approach in order to assist Greece and Italy in coping with the sudden dramatic increase in irregular migrants arriving at their external borders. In this report we conclude that, in both countries, the hotspot approach has ensured that most of the arriving migrants in 2016 were properly identified, registered and fingerprinted and their data checked against relevant security databases. However, despite considerable support from the EU, at the end of 2016 the reception facilities in both countries were still not adequate. There was also a shortage of adequate facilities to accommodate and process unaccompanied minors in line with international standards. The hotspot approach further requires that migrants be channelled into appropriate follow-up procedures, i.e. national asylum application, relocation to another Member State or return to the country of origin. Implementation of these follow-up procedures is often slow and subject to various bottlenecks, which can have repercussions on the functioning of the hotspots.

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