

Minors and Dublin II

Seminar in Malmö

11.9.10

What do I have to do with the topic?

- **My professional work as a social worker with unaccompanied minors:**

Since 1994: in special reception centers for minor unaccompanied refugees (first Africans, now mixed), houses and workers are payed by the Hamburg government

1999-2005: ERF-project with an infobus for counselling and support of young refugees at places where they live, meet or have to go to the authorities

Now: in a reception center for minors with 14 places (boys and some girls) from different countries

Member of the Bundesfachverband Unbegleitete minderjähr. Flüchtlinge
www.b-umf.de

- **My political work:**

In Hamburg: member of the Refugee Council

www.fluechtlingsrat-hamburg.de

national level: member of Pro Asyl

www.proasyl.de

Transnational networking:

European-African networks (e.g. Morocco, Mauritania, Mali, Gambia...)

Noborder and Welcome to Europe networks, e.g. camps in Greece, meetings in Turkey

www.noborder.org

www.w2eu.net

www.w2eu.info

Some numbers and facts about minors in Hamburg

- **In 2009: 402 arrivals of minors, but 226 were declared 18 years old** and distributed to camps to other „Länder“ (2008: 75 of 164) = increasing numbers after some years with very few minors, but in the 1990s there were months with up to 100 arrivals of minors under 16! (before 2008, youngsters between 16 and 18 were not treated as minors)
- **Asylum procedure:** 16-18: alone after arrival, under 16: later with a guardian
- **Countries of origin:** majority from Afghanistan, but also Iranians, Irakis, North and West Africans (before much more), some Vietnamese, Russians etc., since some weeks also Somalians (before only in Southern Germany)
- **Age assessment:** different methods and a lot of critics already for years, biggest problem and against the law: minors have to go to the immigration office (Ausländerbehörde) first instead of the youth office (Jugendamt).
If the authorities don't believe that they are minors, they are sent to a medical test (including x-rays) -> court decisions against these tests, but every minor must write down that he/she refuses to go there -> immigration office changes the age without medical test and sends the minor away from Hamburg.
Latest change: new paper that minors have to make the medical test before they get a place in a reception center for minors -> lawyers and doctors against it?
- **Refugee Council, Cafe Exil and Infobus** support refugees, visits in the „reception camp“

Dublin II and minors

- **More minors have crossed different EU countries** before they arrive in Hamburg and/or are sent back from other EU countries, because they were in Germany before = finger prints and asylum applications are found in the computers
- **No general rule that minors are not excepted from Dublin II deportations**, only concerning **Greece** the „**sovereignty clause**“ is applied concerning minors and other vulnerable groups, but only if they have support (e.g. not at the borders)
- **Examples of minors who were sent back because of Dublin II:**
- Moroccan boy deported to **Spain**, came back, tried suicide -> therapy and paper from doctors -> deportation not possible -> after 18 months Germany had to accept his asylum application
- Palastinian and Somalian boy had been to **Malta**, the first one could stay in Germany because of illness, the second one declared himself 21 in Malta, went to Sweden (said he is 18)-> was sent back to Malta, escaped to Germany, here: said he is 14, medical test: 16 – decision open
- Palastinian boys were had been in **Hungary**, one was deported, the other one stayed in Germany without papers, accomodation and money, is waiting until 18 months are over
- Albanian boy was in **Slovenia**, his guardian wanted proofs that he had a guardian there who applied for asylum for him – no answer from the authorities, boy disappeared without papers

The case of David M.

- In March 2010, the Georgian refugee David M., who said he is 17, committed **suicide in detention**, because the authorities wanted to send him back to Poland where he had applied for asylum with the age of 25 (which came out later)
- A lot of **protests** of refugees' and childrens' rights organisations because the authorities did not send the boy to the youth office to be placed in a reception center for minors, but brought him directly to the prison -> many articles in the media -> the Hamburg interior minister said they would not put newly arrived minors in prison any more – but they still do it and say it is because they are „criminals“ (e.g. one boy worked without papers)
- A lawyer brought a **charge against the responsible authorities** because of these two cases, but there is no answer yet, and although some weeks later there was a second suicide (of an Indonesian woman) in detention, nothing changed.
- We tried to talk about Dublin II as a major reason for such deportations and suicides, but it was difficult to explain it, even to people who are on our side

Minors in Greece and Turkey

- In august 2009: **Noborder camp on the island of Lesbos** -> hunger strike and protests of minors (and other refugees) in the detention center of Pagani -> video went around the world (the author, Najib, is now in Sweden and in danger to be sent back to Greece!), actions and media reports -> much public interest
- Also research, publications and press releases of **Pro Asyl** together with lawyers and human rights organisations in Greece, amnesty international and Human Rights Watch reports -> many courts suspended Dublin II deportations to Greece
- Highest Court (**Bundesverfassungsgericht**) in Germany will decide in the coming months about Dublin II and Greece (no date given) -> political campaign!
- **Network „Welcome to Europe“ founded** -> contacts to deported refugees in **Athens** (Why did you want me back in Greece? A Dublin II Deportation Diary), infobus from Germany to **Evros** region (found a cemetery of illegal migrants), actions on **Samos** against Frontex, detention center is empty – for how long? Meetings in **Izmir** with activists of Mülteci-Der, who support migrants and refugees in transit and asylum cases, tell about age tests of minors, deportations e.g. to Afghanistan and planed from Greece (1000 a year to Dikili and Izmir), again in **Lesbos**: old detention center and new policies?

Why and how to work together?

- **Minors want information about other countries** -> go there? -> we must exchange information and write them down in many languages (e.g. in www.w2eu.info)
- **More and more minors go from one country to the other and/or are deported** -> professionals, volunteers and political supporters have to be in **contact** in order to give advice and **support these minors** in the right way
- **Organisations, politicians, lawyers and journalists criticize Dublin II** and it's consequences, especially for minors -> we have to exchange such critical statements and build coalitions
- Minors, refugee and other organisations have **experiences of protests and resistance** -> exchange them and learn from each other
- **The public is not well informed about Dublin II and it is not easy to explain it** -> we have to discuss about ways to do it, and maybe it could be easier to do it if we take the example of minors
- **Minor refugees often have more transnational contacts than Europeans** -> we have to learn from them and act together!

If you want: some photos from Lesbos
2009, Samos and Izmir 2010

- Thank you for your attention!