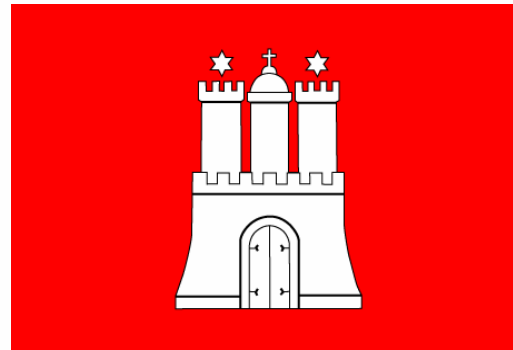




Helsinki, March 25th 2009





Thank you for your kind invitation !



U w e B r u h n s

- born 1950 and raised in Hamburg
- studies (law) at Hamburg University
- since 1983 employee of the Hamburg Ministry of the Interior, work in different fields
(f.e. legal department, head of asylum department, organisation projects,..)
- since 1998 deputy head of Hamburg Foreigner Office
- ❖ Private background:
married, 1 son and a grandson (9)
interests: travelling, music, books, sailing and seamanship, cooking



Side effects of free mobility



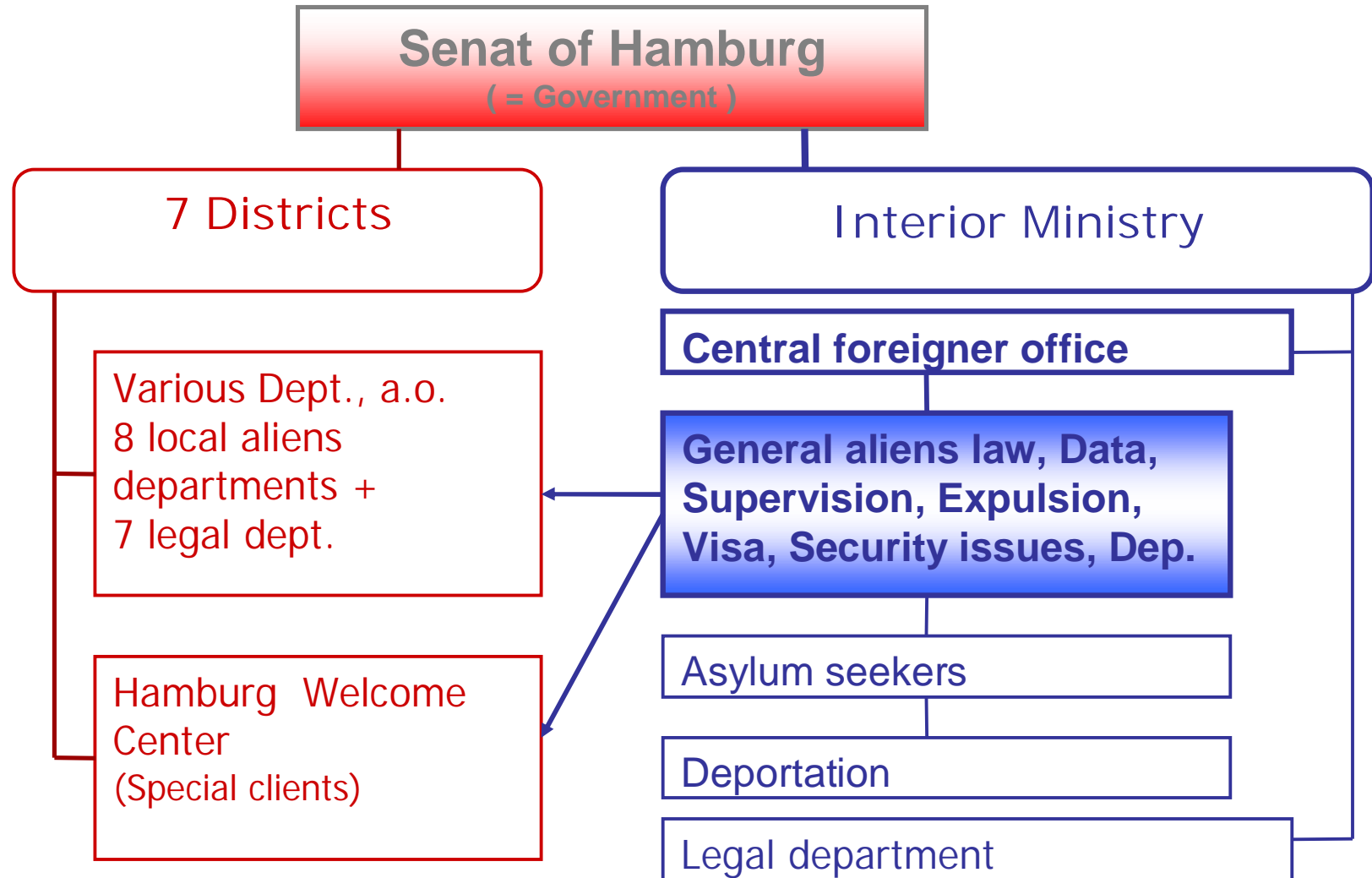
Agenda

1. **Some facts and figures about Hamburg**
population, foreigners, asylum seekers
 2. **The effects of „Dublin II“**
movements of asylum seekers
 3. **Special groups of persons**
Prostitutes, beggars, burglars, minor refugees, disappearing visa-holders
- 👉 **Several slides of my presentation containing background informations i will have to skip to stay on schedule – I left them in to enable you to refer to them later.....**

Some facts and figures about Hamburg

- Germany's second largest city following Berlin
- At the same time one of the 16 states (Länder) of the Federal Republic of Germany
- Divided in 7 Districts that carry out administrative tasks.
- 15 universities (70.760 students)
- 104 consular representations (most in Europe)
- Domicile of the International Tribunal for the Law of the Sea
- Hamburg Port - Incoming ships: 12.217
- Hamburg Airport – Flights: 152.271 (12,7 Mill. Pass.)








Hamburg Foreigner Office




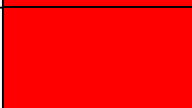










Population of Hamburg

- Inhabitants: about 1.770.700
- Foreigners in Hamburg: about 234.229
- Citizens of EU in Hamburg: about 62.649
- Proportion of foreigners: about 13,2 %
- Proportion of EU- Citizens: about 3,6 %

Foreigners in Hamburg – an overview:

Country(ies) of origin	Total Number of Foreigners	Proportion	
All	234.229	100,00 %	
EU-Countries (former 14 Countries)	40.675	17,37 %	
EU-Countries (new 10 Members; from 01.05.2004)	21.674	9,25 %	
New members 2007 (Bulgaria/Romania)	3.040	1,29 %	
EU-Total 2008	62.649	26,74 %	
Norway (EWR)	500	0,21 %	
Swiss (EU-Asso.)	1.165	0,50 %	
Turkey	53.805	22,97 %	

Poland	18.127	7,74%	
Afghanistan	12.259	5,24%	
Portugal	7.930	3,39%	
Serbia and Montenegro	7.689	3,29%	
Russian Federation	7.773	3,32%	
Iran	6.704	2,87%	
Greece	5.971	2,55%	
Italy	5.603	2,40%	
Ghana	4.949	2,12%	
Croatia	4.922	2,11%	
Macedonia	4.685	2,01%	
Bosnia and Herzegovina	4.512	1,93%	

China	4.310	1,85%	
Great Britain, UK	3.984	1,71%	
Ukraine	3.824	1,64%	
France	3.739	1,60%	
Austria	3.679	1,58%	
USA	3.507	1,50%	
Spain	3.137	1,34%	
India	2.664	1,14%	
Netherlands	2.093	0,90%	
Japan	1.927	0,83%	
Denmark	1.597	0,69%	
Others total about	50.255	21,00 %	

Among those			
Pakistan	1319	0,56 %	
Indonesia	1290	0,55 %	
No Nationality, unknown, not cleared	1257	0,54 %	
Egypt	1245	0,53 %	
Iraq	825	0,35 %	
Libanon	784	0,33 %	
Azerbaijan	757	0,32 %	
Morocco	748	0,31 %	
Armenia	655	0,27 %	
Algeria	552	0,24 %	
Syria	423	0,18 %	
Israel	375	0,16 %	
Saudi-Arabia	98	0,04 %	
Libya	101	0,04 %	
Total	234.229	100,00 %	

Asylum applications 2008 (cases)

Country of origin	Hamburg		Germany	
	Number of applications	Proportion	Number of applications	Proportion
All	535	100,00 %	21147	100,00 %
Iraq	149	27,85 %	6513	30,80 %
Turkey	25	4,67 %	1255	5,93 %
Vietnam	1	0,18 %	1153	5,45 %
Syria	18	3,36 %	787	3,72 %
Iran	48	8,97 %	776	3,67 %
Russia	17	3,17 %	739	3,49 %
Afghanistan	94	17,57 %	681	3,22 %
Serbia	42	7,85 %	634	3,00 %

Asylum applications 2008 (cases) (2)

Country of origin	Hamburg		Germany	
	Number of applications	Proportion	Number of applications	Proportion
Near East	48	8,97 %	602	2.85 %
Kosovo	4	0,74 %	599	2,83 %
India	0	0 %	464	2,19 %
Algeria	15	2,80 %	446	2,11 %
Libanon	0	0 %	445	2,10 %
Sri Lanka	0	0 %	438	2,07 %
Nigeria	1	0,18 %	420	1,99 %
All	535	100,00 %	21147	100,00 %

Persons claiming toleration of stay

	Hamburg		Germany	
Country of origin	Number of persons	Proportion	Number of persons	Proportion
All	253	100,00 %	1996	100,00 %
Serbia (+M)	56	22,13 %	343	17,18 %
Iraq	1	0,39 %	222	11,12 %
Vietnam	3	1,18 %	207	10,37%
Bosnia + H.	16	6,32 %	184	9,22 %
Ghana	44	17,39 %	115	5,76 %
Turkey	45	17,78 %	105	5,26 %
other afrikan	6	2,37 %	88	4,41 %
Kosovo	1	0,39 %	84	4,21 %
Near East	2	0,79 %	79	3,96 %

The effects of Council Regulation (EC) No. 343/2003 („Dublin II“ of Febr. 18th 2003)

- Dropping of border controls leads to easier mobility of non-registered persons, if once they succeed in entering Schengen-area
- „Dublin“-Rules require a high responsibility of all authorities involved
- Efficency depends on use of EURODAC
(based on CR EC No. 2725/2000 of De. 11th 2000)

The effects of Council Regulation (EC) No. 343/2003 (II)

- Transit via Hamburg is easy and attractive for many refugees as it offers
 - Crossing of railway lines from all over Europe
 - Crossing of many international and Schengen flights
 - Crossing of many highways to and from European countries and regions
 - An international harbour

The effects of Council Regulation (EC) No. 343/2003 (III)

- „Stopover“ in Hamburg is easy and attractive for many refugees as it offers
 - international atmosphere that makes it easy not to attract attention
 - numerous and large foreign communities
 - districts mainly inhabited by foreigners
 - many opportunities for illegal labour
 - networks of supporting organisations

The effects of Council Regulation (EC) No. 343/2003 (IV)

Measures taken in Hamburg (f.e.):

- Federal Police checks up persons in central station, esp. in night trains from south europe and to northern europe
- If identity not completely clear, Fingerprints and photos are taken and compared with EURODAC
- Hamburg Police and Schleswig-Holstein Police check taxis bound for scandinavian countries

Measures taken in Hamburg (2)

- Registration of fingerprints of all asylum applicants in EURODAC
- Intensive interrogation in foreigner office in order to obtain more information about person and travel details
- Screening of baggage and personal possession in order to find identification documents or indications of the whereabouts in Hamburg

The effects of
Council Regulation (EC) Nr. 343/2003 (V)

Persons rejected and sent back via Hamburg in 2008

Rejecting Country	Number of Persons
Sweden	59
Denmark	56
Norway	34
France	23
Finland	15
United Kingdom	14
Belgium	10

Persons rejected and sent back via Hamburg
in 2008 (2)

Rejecting Country	Number of Persons
Netherlands	7
Austria	7
Czechia	5
Iceland	1
Spain	1
Portugal	1
Total	233

Persons rejected and sent back via Hamburg in
2008 (3)

Nationality	Number of Persons
Iraq	64
Kosovo	23
Russia	21
Algeria	17
Palestine (probably)	14
Afghanistan	13

Persons rejected and sent back via Hamburg in
2008 (4)

Nationality	Number of Persons
Serbia	11
Turkey	10
Azerbaijan	8
Armenia	7
Nigeria	7
Vietnam	4
China	3
Syria	3

Persons rejected and sent back via Hamburg in
2008 (5)

Nationality	Number of Persons
Bosnia	3
Unknown	3
Marokko	2
Ivory Coast	2
FYRMacedonia, Angola, Simbabwe, Ghana, Kenia, Liberia, Sierra Leone, Somalia, Togo, Uganda, Egypt, Yemen, Georgia, India, Djibouti, Mongolia, Uzbekistan,	Each 1
Total	233

The effects of Council Regulation (EC) Nr. 343/2003 (VI)

Persons rejected and sent back from Hamburg in 2008

Sent to	Number of Persons
France	18
Sweden	16
Italy	13
Greece	12
Austria	11
Slovenia	9
Belgium	6

Persons rejected and sent back from Hamburg in 2008 (2)

Sent to	Number of Persons
UK	5
Denmark	4
Poland, Romania, Spain, Netherlands, Ireland, Czechia.	Each 2
Luxemburg, Malta, Norway, Hungary	Each 1
Total	110

Special groups of foreigners

- Prostitutes
- Beggars
- Burglars
- Minor unattended refugees
- Disappearing Visa-Holders

Prostitutes

- Prostitution ist mainly female
- About 2450 women in Hamburg work as prostitutes, about 1400 of them are not German
- Most of the foreign women are from the new east-european EU-states
- About 10% do not have a residence permit

Prostitutes (2)

- In Hamburg prostitution principally is not forbidden, except in some special places and set hours (St. Pauli 6.00-20.00 h, inner City 24 h)
- Prostitution is no reason for expulsion or refusal of the right of freedom of movement for EU-citizens (ECJ, C 268/99, 20.11.2001, Jany)
- State supervision and intervention is only possible when third-country-citizens are concerned (Prostitution is not an allowed purpose of stay)

Prostitutes (3)

- There is a wide variety of reasons and circumstances of the stay of the women:
 - some come and work as prostitutes by their own choice
 - Some have residence permits for other reasons and conduct prostitution as an additional business
 - Some came for other reasons and come to prostitution more or less voluntarily
 - Some are victims of human trafficking
- } no well-defined limit

Prostitutes (4)

Measures taken in Hamburg

- Illegal prostitution of third-state-citizens may be persecuted by expulsion and deportation, but
- Persecution of human trafficking is given top priority („our enemies are the criminals behind, not the women“)
- Foreigners office is involved in programs to encourage withdrawal from prostitution (f.e. as advisor for amnesty for women or other NGOs)
- Foreigners office plays an active part in witness protection program (f.e. by taking care of the legal status of witnesses during the penal procedure and afterwards)

Prostitutes (5)

- Most of the victims of human trafficking are from Bulgaria and Romania
 - The main problem: many of the women do not regard themselves as victims, they are used to obey orders of men and to violence if they don't.
 - As long as they get some money, they don't complain,
 - above all if it is enough to live better than at home or help the family at home
 - Only when they feel betrayed, they sometimes may revolt
- only chance left for police

Beggars

- Begging in Hamburg is allowed, as long as it is not pressing or aggressive
- Occasionally (esp. before Christmas) we face an intensive appearance of foreign beggars:
 - Seriously handicapped persons, some of them limbless or maimed, some children
 - Almost exclusively recruited from facilities for the disabled in Bulgaria and Romania
 - Tightly organised and monitored by backers or string pullers

Beggars (2)

- Collectively housed in cheapest hotels
 - Hotels prepaid for time of intended stay
 - While on the streets cashed up several times a day by backers, but possessing enough money for a little meal
 - After some time disappearing without any trace
- Many complaints of the shopkeepers, tourists and customers, boosted by a press campaign, startled the politicians and authorities.

Beggars (3)

- Because of missing punishability police was not in a position to take action
- As beggars were EU-citizens and had sufficient means as well as accomodation, conditions for free movement were complied with.
- Finally there was a solution by the police and regulatory law, as the begging in this intensive way could be rated as an overuse of the public area and offenders could be expeled from the places for some hours.
- Thus the revenues decreased and the beggars were withdrawn by the backers.

Burglars from Chile

- Since 2008 in Hamburg we face the activities of criminal gangs from Chile specialised in housebreaking.
- They mainly steal money or things that can easily be marketed s.a. jewellery and small electronic devices.
- Due to CR (EC) No. 539/2001 Art. 1 Subpara. 2 and appendix II Chileans do not need a visa, so entry into Schengen-area is easy. Most of the persons detected had come via Spain.

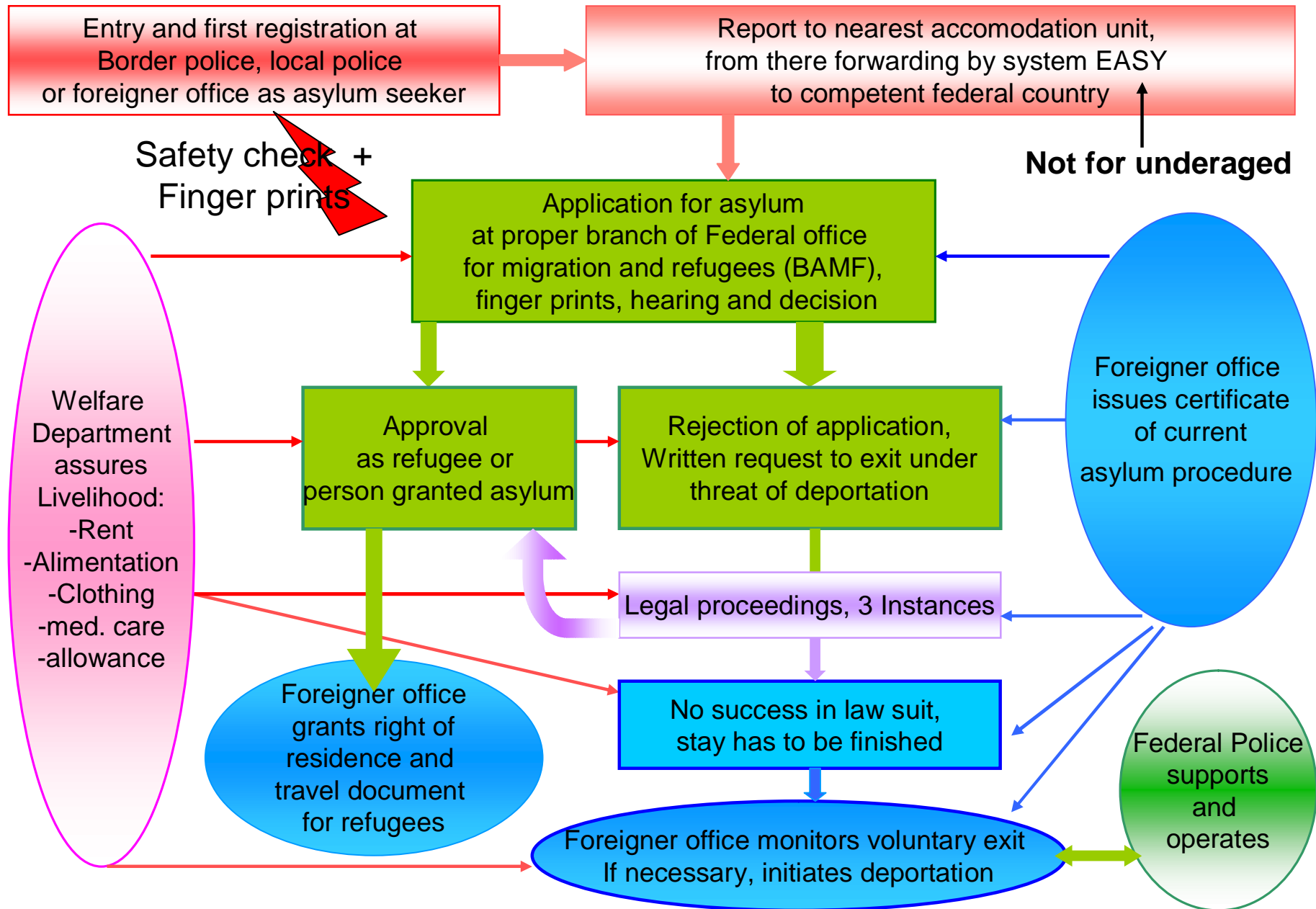
Burglars from Chile (2)

- **Measures taken in Hamburg**
- After conviction and expulsion they are registered in the SIS to refuse their entry in future
- Hamburg Police appointed a commission of experts who travel to Chile to find out and arrange options of cooperation with national and local police to bring to light and fight the structures of the criminal organisations behind those gangs.

Minor unattended refugees

- Refugees pretend to be under age
- remarkably contradictory to their appearance
- Mainly african background
- Often involved in drug trafficking
- Presumptive purpose:
 - Prevention of forwarding to other areas in Germany for the course of the asylum procedure (see diagram att.)
 - Better social security benefits
 - Better accomodation
 - Shelter from repatriation
 - Lower or no accountability

Course of the asylum procedure



Minor unattended refugees (2)

Measures taken in Hamburg

- Provisional estimate of age by case officers of foreigner office
 - Counter-opinion by forensic medicine institute admitted (at their own or youth welfare office's charge)
 - Complaint because of attempted forgery of documents
- Results:
- Forensic medicine largely confirmed estimation
 - Significant decrease of cases for years

Disappearing Visa-Holders

- Federal Police at Hamburg airport becomes aware of persons, who
 - very often come from Nigeria
 - are holders of short-time Schengen-Visa for business trips
 - mostly have return tickets from Hamburg
 - often have only poor knowledge about their business partners and the business planned
 - do not appear for departure
- we suspect them to be on the way to scandinavian countries

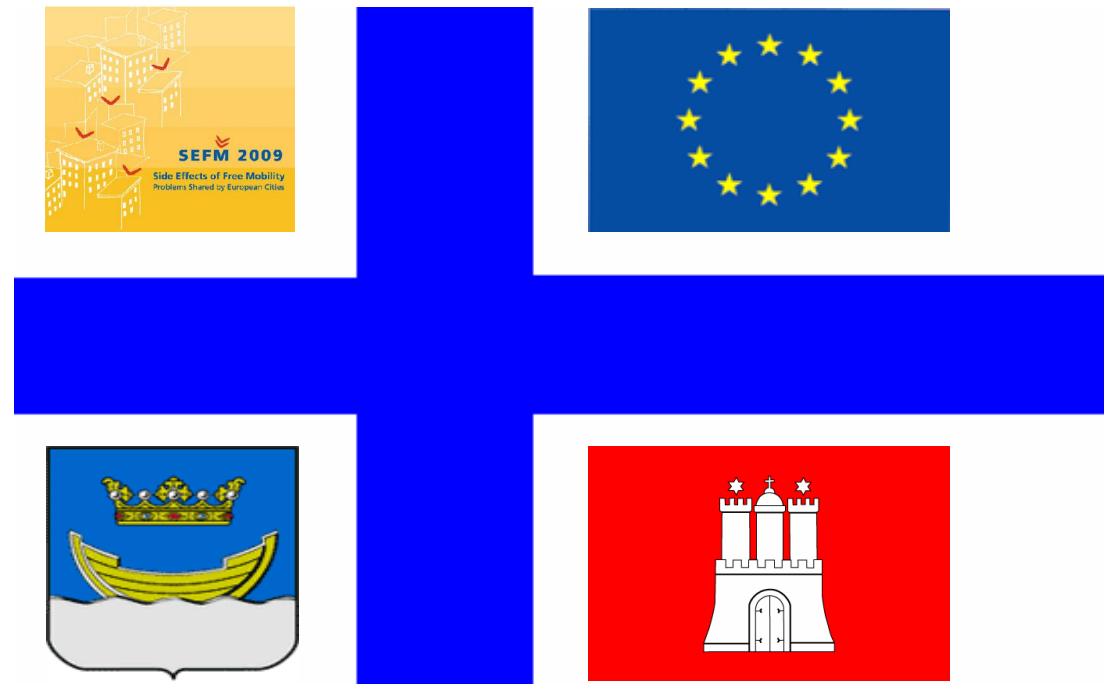
What is missing ?

- Operative Visa Information System comprising all Schengen and EU states including biometry for clear identification
- Schengenwide monitoring system for entry and departure of persons with visa or visa-free.
- Upgrade of SIS
- EU-wide allocation -system and -formula for asylum seekers to achieve a fair sharing of the burdens
- Uniform social standards for asylum seekers
- Common repatriation policy

Summing up.....

- Free movement for the citizens of the EU is a manifestation of the successful progress of good neighbourship between the European states.
- Like any freedom it contains within itself the danger of misuse
- Aliens law covers most of the issues that authorities have to deal with and gives them the instruments to react, even if sometimes it seems that
 - there are no applicable regulations,
 - the legal measures are not sufficient or
 - legal effects are unrewarded in the individual case
- It is a task for the national and more and more for the European legislature to advance and adapt the legal system to meet the problems of the years to come.

- But also the authorities applying the law are challenged to find ways that lead to a suitable solution of the problems coming along with worldwide migration.
- At the same time they are obliged to consider the personal fate of immigrants and respect their interests worth being protected.
- Events like this will help us to improve our acting and efforts, so many thanks to the hosts !



**Thank you very much
for your kind attention !**