

EMN Focussed Study 2013:
Identification of victims of trafficking in human beings in international protection and forced return procedures



EMN FOCUSED STUDY 2013

Identification of victims of trafficking in human beings in international protection and forced return procedures

HUNGARY

The European Migration Network (EMN) is co-ordinated by the European Commission with National Contact Points (EMN NCPs) established in each EU Member State plus Norway.

EMN FOCUSED STUDY 2013

Identification of victims of trafficking in human beings in international protection and forced return procedures

<p><u>Top-line “Factsheet”</u> (National Contribution)</p> <p><u>Executive Summary</u> (Synthesis Report)</p>
<p><u>National contribution (one page only)</u> <i>Overview of the National Contribution – introducing the study and drawing out key facts and figures from across all sections of the Focussed Study, with a particular emphasis on elements that will be of relevance to (national) policymakers.</i></p>
<p><u>Synthesis Report (up three pages)</u> <i>Executive Summary of Synthesis Report: this will form the basis of an EMN Inform, which will have EU and National policymakers as its main target audience.</i></p>
<p><u>Section 1</u> <u>Residence permits, protection statuses and national programmes available to victims of trafficking in Member States</u> (Maximum ½ page)</p>
<p><i>This section briefly outlines the <u>residence permits</u> and <u>protection statuses</u> available to victims of trafficking in human beings in Member States. The aim of this section is to contextualise the section on referral. Information on rights should not be provided in detail, as it falls outside of the scope of this Study.</i></p>
<p><i>Q.1 What <u>residence permit(s)</u> specifically for victims of trafficking in human beings are available in your Member State? (list them here)</i></p> <p style="margin-left: 40px;"><i>Q1a. Are they conditional on cooperation with the authorities?</i></p> <p style="margin-left: 40px;"><i>Q1b. In which year was it/were they introduced?</i></p> <p style="margin-top: 20px;"><i>Q.2 Are <u>international protection status(es)</u> granted to third-country nationals for the reason of being a victim of trafficking in human beings in your Member State? Yes / No</i></p> <p style="margin-left: 40px;"><i>Q2a. If yes, please name which statuses are granted here</i></p> <p style="margin-top: 20px;"><i>Q3. Does your Member State have a <u>national referral mechanism</u>? Yes / No</i></p>
<p><u>Section 1</u> <u>Detection, identification and referral of victims in International Protection Procedures</u> (Maximum 7 pages)</p>
<p><i>This section first examines the <u>mechanisms</u> that are used to <u>detect</u> and <u>identify</u> victims in the procedure for international protection,¹ It then explores how identified victims are <u>given access</u> to appropriate assistance and support and specifically looks at <u>mechanisms for coordination and referral</u> between procedures.</i></p>

¹ In **Ireland**, this would imply covering both procedures for asylum and subsidiary protection, as no single procedure is in place.

Where relevant, please distinguish between first instance and appeal procedures, where applicable.²

1.1 Legislative framework

Q.4 Are there established mechanisms for detecting and identifying victims of trafficking in human beings in the procedure for international protection?³ Yes/No

Q4a. If yes, please state whether one of the scenarios below or a combination thereof applies in your (Member) State:

- a. Process for detection and identification of victims in the procedure for international protection is outlined in legislation (if yes, provide reference to the legislation)*
- b. Process for detection and identification in the procedure for international protection is outlined in soft law – e.g. a ‘protocol’ (if yes, provide the reference)*
- c. Process is not outlined in official documents, but there is a working system or standard practice in place, which is understood and used by the actors concerned (if yes, provide a brief description)*

Q5. Are there different protocols and/or practices for children and adults? Yes / No

Q5a. If yes, please briefly describe how these differ and why.

Q6. Are there different protocols and/or practices for men and women? Yes / No

Q6a. If yes, please briefly describe how these differ⁴ and why.

1.2 Detection and identification of victims

Q7. How are (potential) victims of trafficking in human beings detected in procedures for international protection?

Q7a. Please state whether one of the scenarios below or a combination thereof is applicable to your (Member) State. For each, state Yes / No and (if yes) give a brief description of how this works:

- a. The competent authority⁵ proactively screens all applicants for indications of trafficking in human beings;*
- b. The competent authority proactively screens applicants with a particular profile⁶ for indications of trafficking in human beings (please provide*

² For example, in **Ireland** there is no appeal procedure for subsidiary protection application, and this is decided on the basis of papers submitted. (The implications of CJEU Judgment of 22/11/12 and Irish HC Judgment of 23/1/13 in *MM v Min.* for J&E case that applicants for Sub/Protection have ‘a right to be heard’ are currently being considered in DJ&E.)”

³ (Member) States should here **only** refer to mechanisms for detection/identification used in international protection procedures – i.e. they should not refer to those used specifically by law enforcement, NGOs or other persons coming into contact with victims in situations outside of international protection procedures.

⁴ E.g. only female officers can screen / assess women.

⁵ Here, “competent authority” refers to the authority competent for examining the merit of the third-country national’s case for international protection. In many (Member) States, this is a ‘case worker’.

information on the type of profile);

- c. Victims self-report;
- d. Another actor in contact with the victim draws attention to the potential victimisation (if so, please refer to section 3.4 if (optionally) completed);
- e. Other (please specify).

Q7b. Is there a stage the applicant for international protection can no longer be screened (e.g. after the first negative decision)? Yes / No. If yes, please describe the circumstances.

Q8. If the competent authority detects that an applicant may be a victim of trafficking in human beings, what are the next steps in terms of assessment?

Q8a. Does the Member State apply a standard set of indicators to assess whether the person is a (potential) victim? Yes / No

- a. If yes, please give further details, provided the information is not considered of a sensitive nature. How have these been developed? Are they based, for example, on international standards?

Q8b. Are other mechanisms⁷ used by the competent authority to assess whether a person detected as a (potential) victim should be identified as such (or referred onto formal identification procedures)? Yes/No

- a. If yes, what are these?
- b. If no, why not?⁸

Q8c. If, following detection, the third-country national concerned is not assessed as a (potential) victim, what happens? Can the third-country national seek an alternative assessment elsewhere?

Q9. Have methods for the detection and/or identification of victims in international protection procedures been evaluated in your Member State? Yes/No

Q9a. If yes, how well are they considered to be working? Is there any evidence to suggest that (potential) victims are going undetected / unidentified? Provide evidence.

Q9b. If no, please provide any other evidence of the effectiveness (or otherwise) of detection / identification in international protection procedures.

1.3 Referral

Q10. If an applicant is identified as a (potential) victim, can s/he access tailored statutory assistance and support whilst remaining in the international protection procedure (i.e. without referral to other procedures)? Yes/No

Q10a. If yes, please briefly describe how the assistance is provided (e.g. state programme, access to general state welfare services, government-funded assistance provided by NGOs, etc.).

⁶ E.g. unaccompanied minors; children; women; women from particular geographical regions; women or children who, for example, when describing the route from their country to origin to the EU Member State, refer to a known route used by traffickers.

⁷ E.g. interviews.

⁸ E.g. legislation foresees that the slightest indication that a person may be a victim of trafficking in human beings is sufficient for automatic identification.

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Q10b. If yes, describe under what conditions the assistance can be provided (without referral to other procedures) – specifically, does the (potential) victim have to be formally identified by a competent authority (e.g. law enforcement) in order to access the assistance? (Yes / No) – if yes, state which authorities are competent.

Q10c. What mechanisms are in place to facilitate this type of referral (to assistance, whilst remaining in international protection procedures)? Are there any agreements in place? Does it form part of a National Referral Mechanism?

Q10d. Are there any obstacles to this type of referral?

Q11. If an applicant is identified as a (potential) victim and there is the possibility to change to (or participate in parallel in) procedures as foreseen under Directive 2004/81/EC or national equivalent measures⁹ how does this work in practice?

Q11a. Does the applicant have to withdraw from the procedure for international protection in order to do so? Yes/No

- a. If yes, can s/he re-open the procedure for international protection if s/he is not granted a residence permit under Directive 2004/81/EC? Yes/No, please elaborate the process.*
- b. If no, please elaborate – how does this work in practice? Does the victim have to be formally identified by a different competent authority? (Yes / No) – if yes, state which authority*

Q11b. How is referral to the procedure as foreseen under Directive 2004/81/EC organised? Please highlight which one option, or a combination thereof, is applicable in your Member State:

- a. The victim is given information on his/her rights and possibilities, but has to initiate the procedure on his/her own (where applicable with the help of his/her legal representative).*
- b. The competent authority contacts the authorities responsible for issuing a reflection period or residence permit. (If yes, please elaborate)*
- c. There is a national referral/cooperation mechanism that helps him/her. (If yes, please elaborate).*

Q11d. Can the applicant's dossier /evidence gathered to date in the procedure for international protection (e.g. personal interview) be transferred to and used in the new procedure for a reflection period or residence permit as foreseen under Directive 2004/81/EC? Yes / No / in some cases (please elaborate)

Q12. If an applicant is identified as a victim and there is the possibility to change to obtain a residence permit (other than that described in Q11) or international protection status on grounds of being a victim of trafficking in human beings, how does this work in practice?

Q12a. Can the applicant (where relevant, with the support of his/her legal representative) decide whether or not s/he wishes to apply for the residence permit / international protection on these grounds? Yes/No

Q12b. If yes, please name the title of the residence permit / protection status and the conditions under which (potential) victims of trafficking in human beings can apply for it.

⁹ As mentioned, Denmark, **Ireland** and the **United Kingdom** have not opted into Directive 2004/81/EC.

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Q12c Does the (potential) victim have to be formally identified by a competent authority (e.g. law enforcement) in order to apply for the residence permit / protection status? (Yes / No) – if yes, state which authorities are competent. Can the authorities responsible for processing applications for international protection formally identify in these circumstances?

Q12d. When can the application procedure be started?

Please highlight which one option, or a combination thereof, is applicable in your Member State:

- a. When a first instance decision has been made as to whether the applicant can be granted asylum;*
- b. When a first instance decision has been made both in regard of whether the applicant can be granted asylum and, if not, whether s/he can be granted subsidiary protection;*
- c. When the third-country national has received a (final) negative decision on his/her application for asylum;*
- d. When the third-country national has received a (final) negative decision on his/her applications for (other types of) international protection;*
- e. Other, please specify.*

Q12e. How is referral to the procedure for the residence permit / international protection on grounds of being a victim of trafficking in human beings organised?

Please highlight which one option, or a combination thereof, is applicable in your Member State:

- a. The victim is given information on his/her rights and possibilities, but has to initiate the procedures on his/her own (where applicable with the help of his/her legal representative).*
- b. The competent authority starts up the procedure for the other form of protection. (If yes, please elaborate)*
- c. There is a national referral/cooperation mechanism that helps him/her. (If yes, please elaborate).*

Q12f. Can the applicant's dossier /evidence gathered to date in the procedure for international protection (e.g. personal interview) be transferred to and used in the new procedure? Yes / No / in some cases (please elaborate)

Q13. Have systems of referral of (potential) victims of trafficking in human beings from international protection procedures to other procedures been evaluated in your Member State?¹⁰ Yes /No

Q13a. If yes, how well are they considered to be working? Provide evidence.

Q13b. If no, please provide any other evidence of the effectiveness (or otherwise) of referral here.

1.4 Detection and identification and referral in relation to Dublin procedures

¹⁰ For example, if a national referral mechanism or (other) coordination mechanism exists, has this been evaluated?

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Q14. If, in accordance with Council Regulation 343/2003, the competent authority decides that another Member State is responsible for examining the application for international protection (i.e. Dublin procedures apply) and the applicant is detected as a (potential) victim of trafficking in human beings, does this trigger Article 3(2)¹¹ and/or Article 15¹² of the Regulation – i.e. can the Dublin transfer be suspended? Yes/No/other response

If yes, please answer the following questions:

Q14a If yes, how are (potential) victims subject to Dublin transfers detected? Please specify which applies:

- a. The competent authority¹³ proactively screens all applicants subject to Dublin transfer for indications of trafficking in human beings;*
- b. The competent authority proactively screens applicants subject to Dublin transfer with a particular profile¹⁴ (please provide information on the type of profile);*
- c. There is no systematic screening, but victims can self-report / other actors can draw attention to the potential victimisation (cf. section 3.4 if (optionally) completed);*
- d. Other (please specify).*

Q14b. If a (potential) victim is detected, what are the next steps in terms of assessment and identification? Is there a specific level of evidence needed to suspend a Dublin II transfer?

Q15. If being a victim of trafficking in human beings does not trigger Article 3(2) or Article 15 in your Member State can Dublin II transfers be suspended anyway? Yes / No / in some cases. Please elaborate on your answer.

Q16. Are third-country nationals subject to Dublin procedures informed of possibilities offered under Directive 2004/81/EC or national equivalent measures, or other residence possibilities?

1.5 Future measures

Q17. Are any future measures anticipated in relation to improving or facilitating the detection and identification of victims of trafficking in human beings in procedures for international protection? Yes/No

¹¹ Article 3(2) states that “each Member State may examine an application for asylum lodged with it by a third-country national, even if such examination is not its responsibility under the criteria laid down in this Regulation.”

¹² Article 15(1) states that, “Any Member State, even where it is not responsible under the criteria set out in this Regulation, may bring together family members, as well as other dependent relatives, on humanitarian grounds based in particular on family or cultural considerations. In this case that Member State shall, at the request of another Member State, examine the application for asylum of the person concerned. The persons concerned must consent.” Article 15(3) refers specifically to Unaccompanied Minors and states, “If the asylum seeker is an unaccompanied minor who has a relative or relatives in another Member State who can take care of him or her, Member States shall if possible unite the minor with his or her relative or relatives, unless this is not in the best interests of the minor”.

¹³ Here, “competent authority” refers to the authority competent for examining the merit of the third-country national’s case for international protection. In many (Member) States, this is a ‘case worker’.

¹⁴ E.g. unaccompanied minors; children; women; women from particular geographical regions; women or children who, for example, when describing the route from their country to origin to the EU Member State, refer to a known route used by traffickers.

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Q17a. If yes, please briefly describe the anticipated measures here: what type of mechanisms to be covered, actors involved, etc.

Q17b. If no, are there any obstacles to the introduction of measures?

Section 2

Detection, identification and referral of victims in Forced Return Procedures

(Maximum 4 pages)

This section first examines the mechanisms that are used to detect and identify victims who have received a (final) negative decision on their application(s) in international protection, or who have abandoned the procedure, i.e. “rejected applicants”, who are subject to a forced return procedure. It then explores how (potential) victims are given access to appropriate assistance and support and specifically looks at mechanisms for coordination and referral between procedures.

*Please note that wherever reference is made to forced return in this section, it relates to the **forced return of rejected applicants for international protection** only rather than other persons subject to forced return measures (e.g. irregular migrants).*

2.1 Legislative framework

Q18. Are there established mechanisms for detecting and identifying victims of trafficking in human beings in forced return procedures¹⁵? Yes/No

Q18a. If yes, please state whether one of the scenarios below or a combination thereof applies in your (Member) State:

- a. Process for detection and identification in forced return procedures is outlined in legislation (if yes, provide the reference)*
- b. Process for detection and identification in forced return procedures is outlined in soft law – e.g. a ‘protocol’ (if yes, provide the reference)*
- c. Process is not outlined in official documents, but there is a working system or standard practice in place, which is understood and used by the actors concerned (if yes, provide a brief description)*

Q19. Are there different protocols and/or practices for children and adults? Yes / No

Q19a. If yes, please briefly describe how these differ and why.

Q20. Are there different protocols and/or practices for men and women? Yes / No

Q20a. If yes, please briefly describe how these differ and why¹⁶

2.2 Detection of victims

Q21. How are (potential) victims of trafficking in human beings detected, amongst rejected applicants, in forced return procedures?

Q21a. Please state whether one of the scenarios below or a combination thereof is applicable to your (Member) State. For each, state Yes / No and (if yes) give a brief description of how this works:

¹⁵ (Member) States should here **only** refer to mechanisms for detection/identification used in forced return procedures – i.e. they should not refer to those used to detect/identify in situations outside of forced return procedures.

¹⁶ E.g. only female officers can screen / assess women.

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- a. The competent authority¹⁷ proactively screens all rejected applicants for indications of trafficking in human beings;
- b. The competent authority proactively screens all rejected applicants with a particular profile¹⁸ for indications of trafficking in human beings (please provide information on the type of profile);
- c. Victims self-report;
- d. Another actor in contact with the victim draws attention to the potential victimisation (if so, please refer to section 3.4 if (optionally) completed);
- e. Other (please specify).

Q22. If the competent authority detects that a rejected applicant may be a victim of trafficking in human beings, what are the next steps in terms of assessment?

Q22a. Does the Member State apply a standard set of indicators to assess whether the person is a (potential) victim? Yes / No

- b. If yes, please give further details, provided the information is not considered of a sensitive nature. How have these been developed? Are they based, for example, on international standards?

Q22b. Are other mechanisms¹⁹ used by the competent authority to assess whether a person detected as a (potential) victim should be identified as such (or referred onto formal identification procedures)? Yes/No

- c. If yes, what are these?
- d. If no, why not?²⁰

Q22c. What happens if, following the assessment, the competent authority decides that the third-country national concerned is not a (potential) victim? Can the third-country national seek an alternative assessment elsewhere?

Q23. Have methods for the detection and/or identification of victims in forced return procedures been evaluated in your Member State? Yes/No

Q23a. If yes, how well are they considered to be working? Is there any evidence to suggest that (potential) victims are going undetected / unidentified? Provide evidence.

Q23b. If no, please provide any other evidence of the effectiveness (or otherwise) of detection / identification in forced return procedures here.

2.3 Referral

Q24. If a rejected applicant is identified as a (potential) victim and there is the possibility to open up a procedure as foreseen under Directive 2004/81/EC, how does this work in practice?

¹⁷ Here, “competent authority” refers to the law enforcement official or other authority competent to supervise and enforce forced return process of applicants for international protection who are subject to a return order.

¹⁸ E.g. unaccompanied minors; children; women; women from particular geographical regions; women or children who, for example, when describing the route from their country to origin to the EU Member State, refer to a known route used by traffickers.

¹⁹ E.g. interviews.

²⁰ E.g. legislation foresees that the slightest indication that a person may be a victim of trafficking in human beings is sufficient for automatic identification.

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Q24a Can the rejected applicant (where relevant, with the support of his/her legal representative) decide whether or not s/he wishes to access the provisions of Directive 2004/81/EC or national equivalent measures? Yes/No

Q24b. How is referral to the procedure as foreseen under Directive 2004/81/EC organised?

Please highlight which one option, or a combination thereof, is applicable in your Member State:

- The (potential) victim is given information on his/her rights and possibilities, but has to initiate alternative procedures on his/her own (where applicable with the help of his/her legal representative).
- The authorities competent for implementing the forced return procedure contact the authorities responsible for issuing a reflection period or residence permit. (If yes, please elaborate)
- There is a national referral/cooperation mechanism that helps him/her. (If yes, please elaborate).

Q24c. Can the applicant's dossier /evidence gathered to date by the law enforcement authorities be transferred to and used in the new procedure for a reflection period or residence permit as foreseen under Directive 2004/81/EC? Yes / No / in some cases (please elaborate)

Q25. Have systems of referral of (potential) victims from forced return procedures to other procedures been evaluated in your Member State?²¹ Yes/No

Q25a. If yes, how well are they considered to be working? Provide evidence.

Q25b. If no, please provide any other evidence of the effectiveness (or otherwise) of such referral mechanisms.

2.4 Future measures

Q26. Are any future measures anticipated in relation to improving or facilitating the detection and identification of victims of trafficking in human beings in procedures for forced return? Yes/No

Q26a. If yes, please briefly describe the anticipated measures here: what type of mechanisms to be covered, actors involved, etc.

Q26b. If no, are there any obstacles to the introduction of measures?

Section 3

Detection, identification and referral of victims by other related actors

(Maximum 2 pages)

This section looks at detection, identification and referral of (potential) victims who are residing in (i) reception centres; and (ii) detention facilities awaiting forced return. It optionally looks at detection and referral by other actors.

3.1 Detection and identification of victims in reception centres / detention facilities

Q27. How are (potential) victims of trafficking in human beings detected in the following situations:

²¹ For example, if a national referral mechanism or (other) coordination mechanism exists, has this been evaluated?

- a. Whilst residing in reception centres for applicants of international protection (where these exist in Member States)?
- b. Whilst detained in detention facilities for irregular migrants awaiting return (where these exist in Member States)²²?

Q27a. Please state whether one of the scenarios below or a combination thereof is applicable to your (Member) State:

- a. All residents / detainees are screened for indications of trafficking in human beings;
- b. All residents /detainees with a particular profile²³ for indications of trafficking in human beings;
- c. Victims self-report;
- d. Another actor in contact with the victim draws attention to the potential victimisation (if so, please refer to section 3.4 if (optionally) completed);
- e. Other (please specify).

Q28. Is the practice described above based on established guidelines / protocol (if yes, please provide a reference / information)

Q29. Are there different protocols and/or practices for children and adults? Yes / No

Q29a. If yes, please briefly describe how these differ.

Q30. Are there different protocols and/or practices for men and women? Yes / No

Q30a. If yes, please briefly describe how these differ²⁴

Q31. What are the next steps in terms of assessment and identification?

Q31a. Is there a standard set of indicators used to assess whether the suspected victim should be identified as a victim? Yes / No

- a. If yes, please give further details, provided the information is not considered of a sensitive nature.

Q31b. Are other mechanisms²⁵ used to assess whether a suspected victim should be identified as such? Yes/No

- a. If yes, what are these?
- b. If no, why not?²⁶

3.2 Referral of (potential) victims in reception centres / detention facilities

Q32. What are the next steps in terms of referral?

²² In some (Member) States, third-country nationals awaiting return are not detained at all, whereas in some (Member) States, returnees are detained in regular prisons or in migration reception centres. These cases fall outside of the scope of this Study, and only detention facilities will be covered.

²³ E.g. unaccompanied minors; children; women; women from particular geographical regions; women or children who, for example, when describing the route from their country of origin to the EU Member State, refer to a known route used by traffickers.

²⁴ E.g. only female officers can screen / assess women.

²⁵ E.g. interviews.

²⁶ E.g. legislation foresees that the slightest indication that a person may be a victim of trafficking in human beings is sufficient for automatic identification.

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- a. The (potential) victim is provided information on his/her rights and possibilities, but s/he has to initiate alternative procedures on his/her own (where applicable with the help of his/her legal representative).
- b. The reception centre / detention facility manager or other contact point in these institutions contacts the authorities responsible for issuing a reflection period or residence permit. (If yes, please elaborate)
- c. There is a centralised national referral / coordination mechanism/contact point that helps him/her. (If yes, please elaborate).

Q33. Have systems of detection and referral by actors in reception centres or detention facilities to procedures for victims of trafficking in human beings been evaluated in your Member State?²⁷ Yes / No

Q33a. If yes, how well are they considered to be working? Provide evidence.

Q33b. Please provide any other evidence of the effectiveness (or otherwise) of such referral mechanisms here.

3.3 Role of other actors (optional)

Q34. Do other actors coming into contact with applicants and rejected applicants – e.g. legal representatives, civil society organisations, medical staff – formally detect detection (potential) victims amongst third-country nationals in international protection and/or forced return procedures and refer them onto other authorities competent to identify and assist²⁸? Yes / No

Q34a. If yes, describe the mechanisms for detection.

Q34b. If yes, describe what happens in terms of referral.

Section 3 Training

(Maximum 2 pages)

Q35. What guidance and training do competent authorities (and optionally other actors) receive regarding the detection and identification of victims? Please specify the following for each type of training described:

- a. Content of training, specifically:
 - i. Indicators for detecting / identifying victims
 - ii. Profiling techniques
 - iii. Gender-sensitive approaches for engaging with victims
 - iv. Building trust and engaging with (potential) victim
 - v. Others (please briefly describe)
- b. Type of stakeholder trained
- c. Type of training / guidance (e.g. Training module, Training workshop, Examination, Guidelines, Brochure, Other (please describe))

²⁷ For example, if a national referral mechanism or (other) coordination mechanism exists, has this been evaluated?

²⁸ **Only** describe detection amongst third-country nationals in international protection / forced return procedures; not for detection in general.

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- d. Authority / organisation providing the training
- e. Frequency of the training (e.g. annually, one-off, induction training, etc.)
- f. Whether the training is obligatory. Yes / No.

*Q36a. Specifically please describe whether your Member State has organised **joint training sessions** of trainees from different backgrounds – e.g. personnel involved in procedures for international protection, forced return and those for victims of trafficking in human beings.*

*Q36b. Specifically please describe whether your Member State has organised **multi-disciplinary training** – i.e. as provided by a range of experts.*

Section 5 Statistics

(Maximum 3 pages)

This section provides statistics that indicate the scale and scope of (potential) victims detected and identified in procedures for international protection and forced return.

Q37. Has your Member State conducted any research into the scale of victims of trafficking in human beings in international protection procedures and/or procedures for forced return? Yes / No

Q37a. If yes, briefly describe it here, providing the reference to the Study, its aims, and any key findings relevant to this present study.

*Q38. Please complete the table in **Annex 1** as far as possible, based on statistics available in your (Member) State.*

Section 6 Conclusions

(Maximum 2 pages)

The Synthesis Report will outline the main findings of the Study and present conclusions relevant for policymakers at national and EU level.

ANNEX 1

Table 1 – Statistics on third-country national victims of trafficking in human beings identified in procedures for international protection and forced return

	2008	2009	2010	2011	2012	Source / further information
<i>Third-country nationals identified as (potential) victims and who have <u>withdrawn from or stopped</u> procedures for international protection</i>						
Number of third-country nationals who have <u>withdrawn</u> from or <u>stopped</u> (EU harmonised) international protection procedures (or – where relevant – have stayed in international protection procedures) ²⁹ and who have (later) been granted a <u>reflection period</u> as a (potential) victim of trafficking in human beings (e.g. under procedures outlined in Directive 2004/81/EC, Directive 2011/36/EU or other national provisions).						
Where possible, please disaggregate for: - Gender, age, nationality of the person identified						
Number of third-country nationals who have <u>withdrawn</u> from or <u>stopped</u> (EU harmonised) international protection procedures and who have (later) <u>applied for</u> a (temporary or permanent) <u>residence permit</u> as a victim of trafficking in human beings cooperating with the authorities (i.e. under procedures outlined in Directive 2004/81/EC or alternative procedures where your (Member) State does not implement this Directive ³⁰).						
Where possible, please disaggregate for: - Gender, age, nationality of the person identified						
Number of third-country nationals who have <u>withdrawn</u> from or						

²⁹ The measure provided here depends on the (Member) State's response to Q11a – i.e. whether the applicant has to withdraw from the procedure for international protection in order to be granted a reflection period and/or residence permit under Directive 2004/81/EC.

³⁰ Denmark, **Ireland** and the **United Kingdom** are not signatory to and therefore do not transpose Directive 2004/81/EC; however, each of these offers alternative procedures for granting residence permits.

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<p>stopped (EU harmonised) international protection procedures and who have (later) been granted a (temporary or permanent) <u>residence permit</u> as a victim of trafficking in human beings (i.e. under procedures outlined in Directive 2004/81/EC or alternative procedures where your (Member) State does not implement this Directive).</p> <p>Where possible, please disaggregate for:</p> <ul style="list-style-type: none"> - Gender, age, nationality of the person identified 						
<i>Third-country nationals identified as (potential) victims and who have <u>been rejected</u> from procedures for international protection <u>following a (final) negative decision</u></i>						
<p>Number of third-country nationals who have been <u>rejected</u> from (EU harmonised) international protection procedures <u>following a (final) negative decision</u> on their application and who have (later)³¹ been granted a <u>(non-EU harmonised) protection status or residence permit</u> (e.g. on humanitarian grounds)³² as a victim of trafficking in human beings (e.g. due to humanitarian reasons).</p> <p>Where possible, please disaggregate for:</p> <ul style="list-style-type: none"> - Gender, age, nationality of the person identified 						
<p>Number of third-country nationals who have <u>been rejected</u> from (EU harmonised) international protection procedures <u>following a negative decision</u> and who have – following official identification procedures - (later) been granted a <u>reflection period</u> as a (potential) victim of trafficking in human beings (e.g. under procedures outlined in Directive 2004/81/EC or Directive 2011/36/EU or other national provisions).</p> <p>Where possible, please disaggregate for:</p>						

³¹ **Note:** in some (Member) States, where all third-country nationals applying for international protection are assessed against all categories of international protection simultaneously in the same process, this reference to two separate processes may not be relevant. (Member) States with single procedure are not required to provide an answer here, and can state “Not Applicable” in the box.

³² Where possible, please specify the type of protection status / residence permit.

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- Gender, age, nationality of the person identified						
Number of third-country nationals who have <u>been</u> rejected from (EU harmonised) international protection procedures <u>following a negative decision</u> and who have – following official identification procedures - (later) been granted a <u>residence permit</u> as a <u>victim of trafficking in human beings</u> (i.e. under procedures outlined in Directive 2004/81/EC or alternative procedures where your (Member) State does not implement this Directive).						
Where possible, please disaggregate for:						
- Gender, age, nationality of the person identified						
Statistics on referrals to national referral mechanisms (where existing in (Member) States)						
If an national referral mechanism (NRM) exists in your (Member) State, please provide statistics on:						
- Number of third-country nationals referred by the authorities responsible for <u>examining and deciding upon applications</u> for international protection to the NRM						
- Number of third-country nationals referred by the authorities responsible for <u>enforcing forced returns</u> to the NRM						
- Number of third-country nationals referred by the authorities responsible for <u>managing reception centres</u> to the NRM						
- Number of third-country nationals referred by the authorities responsible for <u>managing detention facilities</u> to the NRM						
- Number of third-country nationals referred by <u>legal representatives</u> to the NRM						
- Number of third-country nationals referred by <u>civil society</u> to						

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the NRM						
- Number of third-country nationals referred by <u>other actors</u> to the NRM						
Where possible, please disaggregate for:						
- Gender, age, nationality of the person identified						
General statistics ³³						
Number of third-country nationals who have been granted a (non-EU harmonised) protection status or residence permit as a victim of trafficking in human beings (e.g. due to humanitarian reasons). ³⁴						
Number of third-country nationals who have been granted a reflection period as a victim of trafficking in human beings (e.g. under procedures outlined in Directive 2004/81/EC or Directive 2011/36/EU).						
Number of third-country nationals who have been granted a residence permit as a victim of trafficking in human beings (i.e. under procedures outlined in Directive 2004/81/EC or alternative procedures where your (Member) State does not implement this Directive).						
Number of third-country nationals referred to procedures for victims of trafficking in human beings through the NRM						

³³ The purpose of presenting these general statistics is to allow for the possibility to present the statistics above as a proportion of wider groups of (potential) victims of trafficking in human beings.

³⁴ Where possible, please specify the type of protection status.