



Serious incident report no. 10652/2020

Report date and time (UTC)	2020-03-04 11:24
Reporting person	Text Removed – Personal Data
Last modification date and time (UTC)	2020-12-24 15:46
Last modification done by	Text Removed – Personal Data
SIR Status	Closed
FSC SIR Category	4 - Situations of alleged violations of Fundamental Rights or international protection obligations
Type of SIR	4 Final SIR
Subject	Alleged violation of Fundamental Rights
Joint operation	Flexible Operational Activities 2020 Land
JORA incident number	
Original source of information	Text Removed – Human Resources Shift Report
Frontex SIR Coordinator	HoO.FRO
Frontex resources involved	Yes
Incident dates (UTC)	2020-02-25 11:17
Detection date (UTC)	2020-02-25 11:18
Location of the incident	Text Removed – Operational Area, Hungary
Latitude	Text Removed – Operational Area
Longitude	Text Removed – Operational Area
Reference to the operational area	Yes
Type of resources / involvement	Text Removed – Human Resources
Dead persons	
Injured persons	
Missing persons	

Details

Fact of the case	On 25.02.2020, Text Removed – Human Resources deployed in Text Removed – Operational Area reported in their Shift Report the outcome of the apprehension of a group of migrants in cooperation with Hungarian Police units. The group of migrants
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	<p>claimed to be Syrian citizens and three of them showed Syrian passports. The youngest of the group claimed to be 14 years old with no adult family members accompanying him in his travel. Moreover, He also showed a Serbian document probably issued in a refugees camp in Serbia. This card was filled with personal data including his alleged birthday (01.01.2005). At the moment to move the group in another assembly point, the juvenile migrant asked to Hungarian Police Officers to allow him to remain in Hungary and to be brought in a Hungarian refugee's camp. Stated the situation, Text Removed – Human Resources requested clarifications to Hungarian colleagues on special treatment for unaccompanied juvenile. Hungarian counterpart stated no special treatment is foreseen for people with this age.</p>
Measures	<p>The facts reported by Text Removed – Human Resources was also part of Text Removed – Reporting Tools on February the 26th and, additionally, reported also by Text Removed – Human Resources who chaired the meeting in his Mission Report. Due to the above mentioned Shift Report, Hungarian authorities started an internal investigation in order to clarify any possible lack of rule of law. Therefore, Hungarian Head of ICC had a possibility to clarify how according with the Hungarian migratory regulations those above age of 14 years old (14-18 years old) are considered juvenile, while those below 14 years old are unaccompanied minors (UAM).</p> <p>The procedure to be followed in these cases are different:</p> <ul style="list-style-type: none"> • Juvenile irregular migrants are escorted back over the fence; • UAMs (upon suspicion that the person is UAM) are taken under lawful protection, transported to medical checks, then right after to a child protection institute for further procedure. If the UAM submits for asylum when intercepted, the case is taken over by the National Directorate General of Alien Policing: the authority that deals with all asylum seekers;
Assessment	<p>On 02.03.2020 the summary of case was sent Text Removed – Reporting Tools in order to receive their evaluation. On 03.03.2020 Text Removed – Reporting Tools this case can be considered as an alleged violation of FR.</p>
Final outcome	<p>Text Removed – Reporting Tools sends to Text Removed – Reporting Tools/ Text Removed – Human Resources the final report with assessment and recommendations as corrective actions.</p>

