

## PRESS RELEASES

### Systematic Breach of Law at the Border Confirmed

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(7 September 2021) **The initiative *Push-Back Alarm Austria and asylkoordination österreich* are currently investigating a dozen suspected cases of illegal rejections at the Austrian border. The NGOs call on the Public Prosecutor's Office to open investigations into the Ministry of Interior's illegal push-backs along the Balkan Route.**

"They have done it again. This significantly substantiates suspicions that illegal push-backs are being systematically carried out at Austria's southern border," Lukas Gahleitner-Gertz, spokesperson for *asylkoordination österreich*, comments on the latest case of refoulement to Slovenia.

The Regional Administrative Court of Styria had already found at the beginning of July 2021 that the asylum application of a protection seeker had been "overheard" and that he had been illegally returned to Slovenia: "Based on the described course of proceedings (...) the court comes to the conclusion that *push-backs* are to some extent methodically applied in Austria." At the time, the Ministry of the Interior denied any systematic violation of law, but now the opinion of the court is confirmed by this new case of a rejected underage Somali.

#### **The current case**

The initiative Push-Back Alarm Austria has meticulously documented the case: On 25 July 2021, the underage Somali Amin N. applied for asylum together with five others in Bad Radkersburg. Instead of taking them to an initial reception centre – as initially assured by the Austrian police – they were deceived and in fact transferred to Slovenia. The Slovenian police record taken immediately after the handover states clearly that the protection seekers had already applied for asylum in Austria. Lawyer Clemens Lahner has already filed a complaint against the measures.

"Interior Minister Nehammer can now no longer shift responsibility as usual by pointing the finger at others: The public prosecutor's office is now required to clarify whether illegal instructions from the very top exist for an illegal push-back route to the Balkan countries or whether the Minister of the Interior needs to put its own house in order," Lukas Gahleitner-Gertz, spokesperson of *asylkoordination österreich*, states. "As Interior Minister Nehammer likes to emphasise: laws have to be obeyed – but this applies above all to ministers, civil servants and the police. The case is particularly serious because once again the rights of a minor have been trampled on here."

Chain deportation to Bosnia could be prevented in this specific case. "The described deception by the police is shocking: A minor who thought he was finally safe after a long journey was misled by the police. He was presented with papers to sign without explanation," according to Push-Back Alarm Austria.

#### **Minor misled by police: "I trusted the police".**

Amin N. now has legal representation in Slovenia. He describes the situation: "It was one of the worst moments of my life. The Austrian police tricked us and pushed us back to Slovenia. I trusted the police. Nobody from our group saw even 1% possibility that they would turn us

back. We were dreaming of finding peace and security in Austria, and in one moment, all our dreams were shattered."

Push-Back Alarm Austria currently deals with about 15 similar suspected cases of illegal rejections. Should the suspicion be confirmed also in these cases, the initiative will support those affected in taking legal action. "It is dissatisfying that the violation of the legal obligation to accept asylum applications is currently not sufficiently sanctioned," Gahleitner-Gertz sees a clear need for action. Even if a complaint is successful and results in the determination of a violation of the law, this does not give the person concerned the right to an asylum procedure in Austria.

*asylkoordination österreich* and Push-Back Alarm Austria therefore not only demand the initiation of disciplinary measures but also that the determination of the unlawfulness of refoulement will automatically be linked to granting entry and the grant of financial compensation claims for persons affected to prevent pull factors for unlawful behaviour by the authorities.