



Ms. Emily O'Reilly  
The European Ombudsman  
Sent by e-mail

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Ombudsman**

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**European Ombudsman's letters regarding respect for the human rights  
of asylum seekers and resettled persons in the context of the Asylum,  
Migration and Integration Fund (AMIF)**

04-06-2016

Dear Colleague,

I have received your letters of 17<sup>th</sup> of December 2015 and 27<sup>th</sup> of April 2016.

Firstly, please accept my apologies for the late response to your letters. As one of my employees has explained to Mrs Marta Hirsch-Ziembinska, we have been waiting for a response from the EU Commission, DG Migration and Home Affairs. We received the response on 1<sup>st</sup> June 2016, and I am now finally able to answer the questions you have raised.

Doc. No. 16/02089-6/KKH  
Please quote with enquiries

Personal enquiries: 10:00-14:00

Enquiries by phone:  
Monday-Thursday 9:00-16:00  
Friday 9:00-15:00

+ encl.

In your the letters you raised two questions:

1. Can the Danish Parliamentary Ombudsman inform the European Ombudsman, if information about AMIF national programmes is publicly available in Denmark, in line with Member States' obligation under Article 53(1) of Regulation 514/2014?
2. Is the Danish Parliamentary Ombudsman conducting an inquiry, or intending to do so, into whether Danish authorities are acting in compliance with human rights standards when they use EU funds for purposes that are covered by AMIF? More specifically when using funds for:
  - accommodation centres and other housing facilities for asylum seekers (in particular, reception conditions for migrant children and vulnerable persons),
  - transit and processing centres for resettled persons,
  - the establishment of alternatives to detention,
  - if detention is unavoidable and justified in law, the improvement of detention conditions,
  - integration measures,
  - cooperation with NGOs involved in migration matters,
  - any similar purposes.

In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union (TEU) and to the Treaty on the Functioning of the European Union (TFEU), Denmark is not taking part in the adoption of Regulation No 516/2014 of the European Parliament and of the Council of 16 April 2014 establishing the Asylum, Migration and Integration Fund (AMIF), and is not bound by it or subject to its application (Point 62 of the Preamble of Regulation No 516/2014).

The same applies to Regulation No 514/2014 laying down general provisions on the Asylum, Migration and Integration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management (cf. point 49 of the Preamble of Regulation No 514/2014).

The European Commission, DG Migration and Home Affairs, has confirmed by letter of 1<sup>st</sup> June 2016 that Danish authorities do not receive funding from AMIF, given that Denmark is not bound by Regulation No 514/2014, and cannot take part as a beneficiary in the actions supported by AMIF.

In relation to the questions that you have raised, this means that Denmark has no AMIF national programmes. Furthermore, it means that it is not possible for me to conduct an inquiry as mentioned in your letter of 17<sup>th</sup> December 2015.

However, I would like to inform you that the Danish Parliamentary Ombudsman is already conducting inquiries, which in terms of the subject matter can be said to be closely linked to the mentioned inquiry.

As National Preventive Mechanism, under the Optional Protocol to the UN Convention Against Torture, the Danish Parliamentary Ombudsman monitors Danish facilities for asylum seekers. On a regular basis we are conducting monitoring visits to asylum centres and to special detention centres for immigrants and rejected asylum seekers. We have increased our NPM activity in this field in 2016 in light of the current situation.

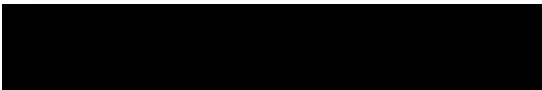
When conducting such visits, we are amongst other things focusing on how special needs of vulnerable persons are being handled by the authorities and on the physical conditions of the institutions. In addition, the Danish Parliamentary Ombudsman is also, on the basis of Article 8(6) of the Return Directive (EU Directive 2008/115/EC), monitoring the forced returns of third country (non-EU) nationals without legal residence in Denmark.

Representatives from the Danish Parliamentary Ombudsman are looking forward to the forthcoming European Network of Ombudsmen Conference and to participating in discussions of Ombudsmen's work in the context of the refugee crisis.

In conclusion, I regret to inform you that I cannot assist you in the matter at hand, and that I cannot provide you with further information.

I hope that I have described my reasons for this, and please do not hesitate to contact my institution if you need any further explanation or information.

Yours sincerely,



Jørgen Steen Sørensen



# Bagside

Antal filer:

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