



Input by civil society to the EASO Annual Report 2017

EASO has started the production of the 2017 Annual Report on the Situation of Asylum in the European Union, in line with Article 12 (1) of the EASO Regulation. The report aims to provide a comprehensive overview of important asylum-related developments at EU+ and national level, and the functioning of all key aspects of the Common European Asylum System (CEAS). While the final product comes out of an analytical and synthetic process that takes place in-house, a critical part of information is elicited through valuable contributions by a multiplicity of stakeholders from EU+ countries, civil society organizations, UNHCR, and other actors possessing in-depth knowledge on main developments in asylum policies and practices in EU+ countries. Previous reports are [available for review at EASO's website](#).

We would like to kindly invite you to take part in this process, by sharing your observations **on developments in asylum law, policy or practice in 2017 (and early 2018) in the areas listed on page 2**. The topics listed there reflect the structure of Chapter 4 of the EASO report, which focuses on the 'Functioning of the CEAS'. To this end, your observations may concern national practices of specific EU+ countries or the EU as a whole. Overall, the EASO Annual Report is not meant to describe the national asylum systems in detail, but present key developments in 2017, including **improvements and new/remaining concerns**. In terms of format, your contributions would be preferably offered in the form of bullet points, which would facilitate further processing of your input.

Please, bear in mind that the EASO Annual Report is a public document. Accordingly, it would be desirable that your contributions, whenever possible, be supported by references to relevant sources. Providing links to materials such as analytical studies, articles, reports, websites, press releases, position papers/statements, and press releases, would allow for maintaining transparency. For your reference, you may review the [contributions offered by civil society actors for the 2016 Annual Report](#). If you do not consent on EASO making your submission available, please inform us accordingly.

In our effort to provide an inclusive overview of all relevant developments, we strive to incorporate as many contributions as possible. At the same time, the final content of the EASO Annual Report is subject to its set terms of reference and volume limitations. To this end, your submissions, which are gratefully received and acknowledged, may be edited for length and clarity so that the final product concisely serves the objectives of the Annual Report: to improve the quality, consistency, and effectiveness of CEAS. From our side, we can assure you that the valuable insights you offer feed into EASO's work in multiple ways and inform reports and analyses beyond the production of the Annual Report.

Please, kindly provide your input by filling in this document (with attachments, if needed) and returning it to ids@easo.europa.eu **AND** consultative-forum@easo.europa.eu **by 16 February 2018**.

Within each area, please highlight the following **type of information**:

- NEW positive developments; improvements and NEW or remaining matters of concern;
- Changes in policies or practices; transposition of legislation; institutional changes; relevant national jurisprudence.

You are kindly requested to make sure that your input falls within each section's scope. Please, refrain from including information that goes beyond the thematic focus of each section or is not related to recent developments. Feel free to use Section 16 to share information on developments you consider important that may have not been covered in previous sections.

Name of the contributing stakeholder:

Contact details:

1) Access to territory and access to asylum procedure

- Delay in accessing the asylum procedure (formalisation of asylum), due to the high numbers in arrivals
- Some potential asylum seekers (i.e. sub-Saharan persons) cannot access the Spanish territory from the terrestrial borders of Ceuta and Melilla, thus they have to enter illegally to Spain (i.e. jumping the fence, hidden in cars, etc.)

2) Access to information and legal assistance

No problems in accessing and guaranteeing free legal assistance provided by NGOs and the Bar Associations. Concerns have been expressed in relation to the guarantee of legal assistance for asylum seekers at CIE (Centers for Expulsion of Foreigners)

3) Providing interpretation services

Many problems detected on this issue in the framework of the interpretation service sub-contracted by the Government (i.e. the Asylum Office which depends on the Minister of Interior) for supporting asylum seekers in the framework of the IP procedure. In particular, in some cases, it has been detected that interpreters are not trained on international protection matters and in dealing with asylum seekers' needs and backgrounds; problems have been identified in finding interpreters of certain languages (i.e. Sorani, Tigrigna, Somali, Urdu, Farsi, ...)

4) Dublin procedure

In practice the Dublin procedure is not been applying in Spain

5) Specific procedures (border, accelerated, admissibility)

Nothing relevant to underline

6) Reception of applicants for international protection

Reception places and centres have been increased according to the increase of arrivals. The problem asylum seekers face is the access to reception, due to the existence of waiting lists.

7) Detention of applicants for international protection

According to the Immigration Law, it is prohibited to detain asylum seekers for this condition.

8) Procedures at First instance

The deadline (of 3 months for the accelerated procedure and 6 months for the regular procedure) foreseen by Asylum Law for taking a decision by the competent authority is not respected in practice. Decision can take also an average of 1 year and half, and the duration of the procedure also depends on the nationality of asylum seekers.

9) Procedures at Second Instance

Nothing relevant to underline

10) Availability and use of Country of Origin Information

Yes it is usually used by all the professionals involved in the asylum procedure

11) Vulnerable applicants

A specific disposition (Article 46) of the Asylum Law deals with the specific treatment that has to be granted to vulnerable groups during the asylum procedure. Considering the lack of the Regulation developing the Asylum Law (since 2009), such disposition is in practice not implemented, thus a specific treatment to vulnerable groups is guaranteed on a case-to-case basis.

In relation to reception conditions, a specific treatment to vulnerable groups is assured with places specifically addressed to host certain vulnerable groups (i.e. women, trafficked persons, persons with mental diseases, etc.).

12) Content of protection – situation of beneficiaries of protection

Refugees and beneficiaries of subsidiary protection enjoy the same rights in the same as Spanish nationals (Article 36 of Asylum Law).

13) Return of former applicants for international protection

Nothing relevant to underline

14) Resettlement and humanitarian admission programmes

Resettlement programs are working without any shortcomings.

15) Relocation

Since September 2017 the program is not working anymore.

16) Other relevant developments

N/A