

# Input by civil society organisations to the Asylum Report 2023

Fields marked with \* are mandatory.

Dear Colleagues,

The production of the *Asylum Report 2023* is currently underway. The annual [Asylum Report series](#) presents a comprehensive overview of developments in the field of asylum at the regional and national levels.

The report includes information and perspectives from various stakeholders, including experts from EU+ countries, civil society organisations, UNHCR and researchers. To this end, we invite you, our partners from civil society, academia and research institutions, to share with us your reporting on developments in asylum law, policies or practices in 2022 (and early 2023) by topic as presented in the online survey.

Please note that the Asylum Report does not seek to describe national systems in detail but rather to present key developments of the past year, including improvements and challenges which remain. Your input can cover practices of a specific EU+ country or the EU as a whole. You can complete all or only some of the sections.

All submissions are publicly accessible. For transparency, 2023 contributions will be published on the EUAA webpage. For reference, contributions to the 2022 Asylum Report by civil society organisations can be accessed [here](#), under 'Acknowledgements'. All contributions should be appropriately referenced. You may include links to supporting material, such as analytical studies, articles, reports, websites, press releases or position papers. If your organisation does not produce any publications, please make reference to other published materials, such as joint statements issued with other organisations. Some sources of information may be in a language other than English. In this case, please cite the original language and, if possible, provide one to two sentences describing the key messages in English.

The content of the Asylum Report is subject to terms of reference and volume limitations. Contributions from civil society organisations feed into EUAA's work in multiple ways and inform reports and analyses beyond the Asylum Report.

Your input matters to us and will be much appreciated!

**\*Please complete the online survey and submit your contribution to the Asylum Report 2023 by Friday, 3 February 2023.\***

## Instructions

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Before completing the survey, please review the list of topics and types of information that should be included in your submission.

For each response, only include the following type of information:

- New developments and improvements in 2022 and new or remaining challenges; and
- Changes in policies or practices, transposition of legislation or institutional changes during 2022.

Please ensure that your responses remain within the scope of each section. Thus, kindly refrain from including information that goes beyond the thematic focus of each section or is not related to recent developments.

## Contributions by topic

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### **1. Access to territory and access to the asylum procedure (including first arrival to territory and registration, arrival at the border, application of the non-refoulement principle, the right to first response (shelter, food, medical treatment) and issues regarding border guards)**

Refugees from Ukraine got easy access to help structures in Germany and were advised to another protective system, apart from the asylum procedure. Help was granted effectively and fast, though there were some administrative difficulties at the beginning. F.e. there had to be added a regulation for the regional distribution of Ukrainian refugees within Germany a few months after the first regulations.

And still we get reports about push backs at the German borders and airports.

### **2. Access to information and legal assistance (including counselling and representation)**

It's still difficult for refugees to get legal assistance, as there are few lawyers and the costs aren't covered. It's especially hard to get legal aid in court procedures.

### **3. Provision of interpretation services (e.g. introduction of innovative methods for interpretation, increase/decrease in the number of languages available, change in qualifications required for interpreters)**

The national migration office opened the possibility of digital assistance for interpreters at the asylum hearings, this is highly criticized by the migration lawyers community as we had a lot of problems with interpreters in the past and the lack of personal contact between interpreter and applicant is going to increase the problem.

#### **4. Dublin procedures (including the organisational framework, practical developments, suspension of transfers to selected countries, detention in the framework of Dublin procedures)**

Germany's government has acknowledged the Dublin regulation doesn't suit the current flow of migration. But as long as there's no European alternative it will be applied. Although it's considered more of an administrative enforcement than a valuable contribution to a fair European asylum system. German administrative courts are very diverse in their verdicts on who and where transfers are suitable.

#### **5. Special procedures (including border procedures, procedures in transit zones, accelerated procedures, admissibility procedures, prioritised procedures or any special procedure for selected caseloads)**

As there were many cases of refugees with international protection from Greece applying again for asylum in Germany their applications were on hold as the administration didn't know how to handle these cases. The German migration agency now started to decide about the applications as if they were the applicants first asylum appeals, without taking into consideration the first asylum decision from the other member state. There is a request to the European Court to get a statement if this can be done under the European regulations on asylum.

#### **6. Reception of applicants for international protection (including information on reception capacities – increase/decrease/stable, material reception conditions - housing, food, clothing and financial support, contingency planning in reception, access to the labour market and vocational training, medical care, schooling and education, residence and freedom of movement)**

Applicants are first sent to camps where they get registered and can apply for asylum. Numbers increased in the last months and capacities were challenged as there were also a lot of people coming from Ukraine. There were no other relevant changes the last year.

#### **7. Detention of applicants for international protection (including detention capacity – increase /decrease/stable, practices regarding detention, grounds for detention, alternatives to detention, time limit for detention)**

Detention is not foreseen for applicants for international protection.

#### **8. Procedures at first instance (including relevant changes in: the authority in charge, organisation of the process, interviews, evidence assessment, determination of international protection status, decisionmaking, timeframes, case management - including backlog management)**

30% of rejections in asylum procedures are overruled by court in administrative court procedures. From a lawyers point of view there's a tendency to rule out a special kind of procedural law in asylum cases making it harder to grant access to legal procedures in these cases - for applicants as for lawyers. F.e. shorter deadlines, limited possibilities to appeal, less rights of lawyers within asylum procedures and so on.

#### **9. Procedures at second instance (including organisation of the process, hearings, written procedures, timeframes, case management -including backlog management)**

There are still restrictions on the possibility to get a second instance in asylum court procedures as in comparison to other administrative court procedures. This limits the applicants legal possibilities.

#### **10. Availability and use of country of origin information (including organisation, methodology, products, databases, fact-finding missions, cooperation between stakeholders)**

#### **11. Vulnerable applicants (including definitions, special reception facilities, identification mechanisms/referrals, procedural standards, provision of information, age assessment, legal guardianship and foster care for unaccompanied and separated children)**

As for the short time between the registration and the hearing, which takes only a few days in some cases, it's nearly impossible to determine vulnerable applicants.

Access to psychological help is especially hard as there are few appropriate facilities or doctors and no assumption of (interpreter) costs in most cases.

It's nearly impossible to get an accurate medical statement -f.e. for traumatized applicants – within the asylum procedure. So the trauma isn't taken into consideration within the asylum procedure.

#### **12. Content of protection (including access to social security, social assistance, healthcare, housing and other basic services; integration into the labour market; measures to enhance language skills; measures to improve attainment in schooling and/or the education system and/or vocational training)**

In case of a recognition of international protection or humanitarian protection, refugees receive the same support of the German social help system as nationals. Including social money, full access to the labour market and integration classes including language classes.

### 13. Return of former applicants for international protection

In case of rejection former applicants are highly pressured to present passports or other documents to facilitate their deportation.

Measures go from the withdrawal of working permits, reduction of social support (especially monetary support) and criminal ads.

To keep their working permit, some people hand over documents, which leads to the deportation of working people instead of the deportation of persons not cooperation at all.

### 14. Resettlement and humanitarian admission programmes (including EU Joint Resettlement Programme, national resettlement programme (UNHCR), National Humanitarian Admission Programme, private sponsorship programmes/schemes and ad hoc special programmes)

Communities offer less places or refuse to offer them due to the high number of refugees from Ukraine and the lack of capacities.

### 15. Relocation (ad hoc, emergency relocation; developments in activities organised under national schemes or on a bilateral basis)

Communities offer less places or refuse to offer them due to the high number of refugees from Ukraine and the lack of capacities.

### 16. National jurisprudence on international protection in 2022 (please include a link to the relevant case law and/or submit cases to the [EUAA Case Law Database](#))

- unacceptability for Eritreans with subsidiary protection to apply for a national passport: <https://www.bverwg.de/111022U1C9.21.0> (German High Administrative Court (BVerwG 11.10.2022, 1 C 9.21)

- violation of non-refoulement and illegal pushbacks in Croatia and therefore no return based on the Dublin regulation as for violations according Art. 3 II Dublin-III, administrative court Braunschweig (VG Braunschweig, 24.05.2022, 2 A 26/22), [https://www.asyl.net/fileadmin/user\\_upload/30975.pdf](https://www.asyl.net/fileadmin/user_upload/30975.pdf)

- violation of Art. 4 charter of fundamental rights and Art 3 ECHR in Greece, therefore no rejection of a new asylum application as inadmissible,

high administrative court of Saxony (OVG Sachsen, Urteil vom 27.04.2022, 5 A 492/21.A ), <https://www.justiz.sachsen.de/ovgentschweb/documents/21A492.U01.pdf>

- request of the German High Administrative Court to the EJC on how to deal with applicants who already had a first successful asylum procedure in another member state, granting them international protection - but who can't be sent back there as the member state doesn't offer adequate methods of protection (here Greece), BVerwG decision 07.09.2022, 1 C 26.21, ECLI:DE:BVerwG:2022:070922B1C26.21.0, <https://www.bverwg.de/070922B1C26.21.0>

### 17. Other important developments in 2022

## References and sources

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### 18. Please provide links to references and sources or upload any related material in PDF format

### 19. Feedback or suggestions about the process or format for submissions to the Asylum Report

Please upload your file

The maximum file size is 1 MB

## Contact details

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I accept the provisions of the EUAA [Legal and Privacy Statements](#)

## **Useful links**

[EUAA Asylum Report 2022 \(https://euaa.europa.eu/asylum-knowledge/asylum-report\)](https://euaa.europa.eu/asylum-knowledge/asylum-report)

[Executive Summary -Asylum Report 2022 \(https://euaa.europa.eu/executive-summary-asylum-report-2022\)](https://euaa.europa.eu/executive-summary-asylum-report-2022)

[Sources on Asylum 2022 \(https://euaa.europa.eu/publications/sources-asylum-2022\)](https://euaa.europa.eu/publications/sources-asylum-2022)

[National asylum developments database \(https://euaa.europa.eu/national-asylum-developments-database\)](https://euaa.europa.eu/national-asylum-developments-database)

## **Background Documents**

[Word template to submit input](#)

## **Contact**

[Contact Form](#)