

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

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

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)

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

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)

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

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

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)

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)

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)

In the Netherlands, the Immigration and Naturalisation Service released a new working instruction 2022/3 for the assessment of the credibility of conversion and apostasy in response to the ruling of the Council of State of 19 February 2022 (see further on). The Dutch Gave Foundation, a NGO whose expertise re religion based asylum claims is acknowledged, reported that the new procedures for apostasy still lack clarity and

consistency, e.g.: terminology like 'forms of apostacy' and 'types of apostacy' are not well defined and thus remain vague.

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

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)

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)

13. Return of former applicants for international protection

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)

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

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](#))

The Dutch Council of State ruled on 19 January 2022 that the Immigration and Naturalisation Service must improve its procedures for the assessment of the credibility of a conversion to atheism and of apostacy and the assessment of the risk on return. Among others, atheism and apostacy must be better distinguished.

<https://caselaw.euaa.europa.eu/pages/viewcaselaw.aspx?CaseLawID=2395>

<https://caselaw.euaa.europa.eu/pages/viewcaselaw.aspx?CaseLawID=2397>

On 29 September 2022, The Dutch Council of State ruled that IND must improve its procedures for subsequent asylum claims after a conversion had been judged incredible in a previous procedure. An important aspect is, that the subsequent application can shed a new light on the claimant's statements of the previous procedure.

<https://caselaw.euaa.europa.eu/pages/viewcaselaw.aspx?CaseLawID=2918>

17. Other important developments in 2022

The Dutch Immigration and Naturalisation Service made some effort to seek external expert advice on religious issues. However, the consultancy process lacks transparency and seems to lack serious commitment. A Parliamentary motion of 7 July 2022, asking the Secretary of State to speak with external stakeholders and experts and to submit a proposal for the use of expert advice, was not followed up by the requested actions. A subsequent Parliamentary motion of 14 November 2022 is still pending further discussion. In spite of what the Secretary of State writes in his letter to Parliament of 4 November 2022, he seems not much inclined to accept structural input from external experts for the improvement of procedures and for the training of case workers re religion based asylum claims. In fact, in 2022 the Immigration and Naturalisation Service (IND) decided not to use webinars that the Gave Foundation developed on request and in agreement with the IND.

References and sources

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

https://juridisch.gave.nl/bibliotheek/wi-2022-3-bekeerlingen-en-afvalligen
https://caselaw.euaa.europa.eu/pages/viewcaselaw.aspx?CaseLawID=2395
https://caselaw.euaa.europa.eu/pages/viewcaselaw.aspx?CaseLawID=2397
https://caselaw.euaa.europa.eu/pages/viewcaselaw.aspx?CaseLawID=2918
https://www.tweedekamer.nl/kamerstukken/moties/detail?id=2022D30299&did=2022D30299
https://juridisch.gave.nl/raadpleging-deskundigen-tbv-wi-2022-3
https://juridisch.gave.nl/wp-content/uploads/2022/06/communicatie-met-Gave-WOB-WOO-mbt-WI-2022_3.pdf

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

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/220707_Motie_van_het_lid_Ceder_over_met_stakeholders_en_externe_experts_zo_concreet_mogelijk_in
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/221104_Uitwerking_passage_coalitieakkoord_over_het_vergroten_van_de_expertise_op_LHBTI_bekering
096b4cad-8170-4dca-ba68-d2f870fcf62c

/221114_Motie_van_de_leden_Ceder_en_Bisschop_over_het_evalueren_van_werkinstructie_2022_3_van_

Contact details

* Name of Organisation

Stichting Gave

Name and title of contact person

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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](#)