

# Input by civil society organisations to the Asylum Report 2024

Fields marked with \* are mandatory.

Dear Colleagues,

The production of the Asylum Report 2024 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, researchers and UNHCR. 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 2023 by topic as presented in the online survey (**'Part A' of the form**).

We also invite you to share with us any publications your organisation has produced throughout 2023 on issues related to asylum in EU+ countries. These may be reports, articles, recommendations to national authorities or EU institutions, open letters and analytical outputs (**'Part B' of the form**).

Your input can cover information for a specific EU+ country or the EU as a whole. You can complete all or only some of the sections.

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.

All submissions are publicly accessible. For transparency, contributions will be published on the EUAA webpage. For reference, contributions to the 2023 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 submit your contribution to the Asylum Report 2024 by Thursday, 30 November 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:

### Part A:

- New developments and improvements in 2023 and new or remaining challenges;
- Changes in policies or practices, transposition of legislation or institutional changes during 2023;
- Across the different thematic sections feel free to make reference to issues related to the implementation of the Temporary Protection Directive at national level.

### Part B:

- New publications your organisation produced in 2023

Please ensure that your responses remain within the scope of each section. Do not include information that goes beyond the thematic focus of each section or is not related to recent developments.

## PART A: 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)**

In relation to access to the procedure in the territory, there are still serious difficulties of access and long delays on the part of the police difficulties of access and long delays on the part of the police stations in the management of the formulation, registration and formalisation of applications, with a clear violation of people's rights.

In this sense, the introduction, after the COVID-19 pandemic, of the mandatory online appointment through a web application for access to the formulation and registration of the application has meant the creation of a discriminatory and unfair obstacle that has even generated criminal activities around it, a judicial investigation into the alleged hacking and blocking of the system for the hoarding and subsequent sale of the appointments obtained, without the Ministry of the Interior providing alternative channels of access to the procedure, even for vulnerable persons, without applying the application procedure before other authorities (Art. 6 of Directive 2013/32/EU) and in relation to due differentiated treatment (art. 21 of Directive 2013/33 /EU).

The issue lies in the existence of weekly appointment batching with a period when the system is open for appointments for only one week, which prevents all requests from being met in the face of a higher demand, forcing them to wait 24h-7 days a week to try to enter the system until the system is open again, freeing up the few weekly appointments available again. the few weekly appointments available.

The blocking of access has led to situations of social exclusion of those who have expressed their willingness to submit an application, even by means of letters submitted by register addressed to the Police or the Asylum Office, but have not been able to access the first appointment at the police station, so that they have not been provided with formal identification documentation essential for access to the reception system according to the ministerial instructions implementing Royal Decree 220/2022, of 29 March, which approves the Regulation regulating the reception system for international protection.

However, since the beginning of April 2023, there has been some improvement in some police stations by changing the channel of access to the first appointment. Thus, in some police stations it has been replaced by an e-mail that would allow for an electronic documentary record of the request and an appointment management of more than a week by the police station, allowing all requests to be dealt with, facilitating the appointment for weeks or even months in advance. This is the case of territories such as Huesca, Teruel and other cities, generally of small or medium size. This is considered to be a substantial improvement, but very insufficient, as most police stations, especially those with the largest number of people (Madrid, Barcelona and Valencia), maintain the system of online appointments through a web application or offer telephone helplines, but maintain the weekly dosage, which means that the bottleneck is maintained as not all requests are dealt with, only the appointments released for a week, making it practically impossible to obtain an appointment or, at the very least, a real lottery, at the very least, a real lottery.

These new instructions still do not contemplate alternative access mechanisms, at least for vulnerable persons, and show unequal and discriminatory treatment in relation to the place of submission of the application, with large differences between territories and places of appearance. There are significant differences in access to the first appointment, but also in the delays in the rest of the procedures until formalisation and depending on whether the application is submitted in one place or another, border or territory, with large differences in the time taken for asylum interviews between provincial capitals (1 to 11 months).

Given the decentralisation of the management of access to the application in the territory, the request for a certificate of census registration to access the procedure has been reinforced, in addition to even more extravagant requests, such as a passport (Canary Islands), making access to the procedure conditional on the presentation of these documents.

Some of these difficulties have even been denounced before the European Commission and the Spanish courts.

In relation to access to the asylum procedure at the airport, there are reports of numerous complaints of Venezuelan nationals being prevented from applying for asylum at the airport. These persons are referred to the application in the territory, which delays their application considerably due to the aforementioned access difficulties. The refusal to register the application at the airport means that these people are prevented from accessing the reception system for applicants for international protection, resulting in social exclusion. international protection, resulting in social exclusion.

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

Legal information and guidance has improved in recent years given the gradual increase in the number of applicants and the gradual adaptation of public services. However, the coverage does not reach the whole territory, especially in rural areas, and, above all, it often lacks adequate translation and interpreting services. In this sense, some Bar Associations have introduced specialised legal aid services, but in general there are hardly any interpreter services that can adequately guarantee legal aid.

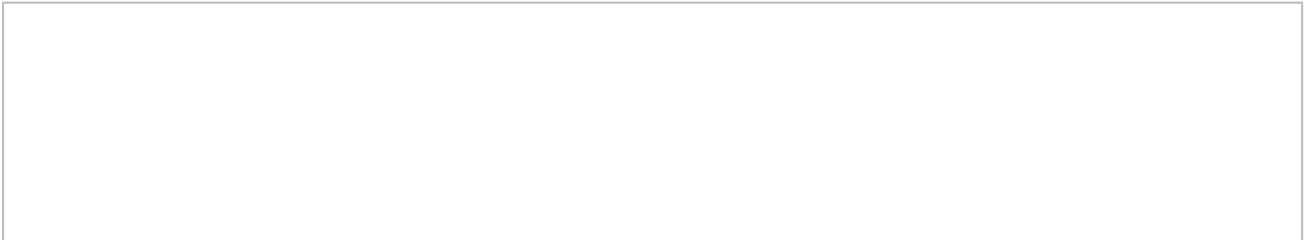
## **3. Provision of interpretation services (e.g. introduction of innovative methods for interpretation, increase/decrease in the number of languages available, change in qualifications required for interpreters)**

Interpreter services are provided during asylum interviews and within the reception system, but not in general by the Bar Associations.

On the other hand, there are still many asylum interviews that are not conducted with an interpreter in the applicant's native language, not even in a language that he/she understands with all the guarantees, and are very often conducted by telephone.

In cases where the interpretation is by telephone, and in addition there is a waiver of legal assistance, there may be a violation of the right to a defence, and there is already case law in this regard (SAN 3949/2023, ECLI:ES:AN:2023:3949)

#### **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)**

There is no evidence that the rules established for priority or special procedures in cases of vulnerability are generally applied in police stations. Difficulties are often mentioned in accrediting the elements of vulnerability that would justify priority or differentiated treatment, describing as impossible the gradation in the understanding that all applicants are vulnerable and that no differentiation can be made that would justify a differentiated treatment in the procedure for the purpose of speeding up appointments or using alternative channels to the telephone or online appointment.

However, there is evidence that in some police stations and by indication from the General Police Station of the Brigade and Borders, there is collaboration, at least, with the reception entities - or at least with some of them - in order to facilitate the formalities and procedures for and procedures for those persons admitted to the public programme of the Ministry for Inclusion.

However, it has not been applied to other persons in a similar situation of vulnerability or in the situation of vulnerability or those in other programmes.

#### **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)**

The reception of asylum seekers and the guarantee of their rights is provided by different administrations and in compliance with their legal obligations and competences.

Thus, in relation to the right to material reception conditions, there is a great lack of knowledge and lack of application on the part of the general social services, which deny or even hinder or prevent access to basic social benefits such as emergency social assistance or others.

This situation is particularly relevant in the group of applicants who have not yet been able to access the first appointment at the police stations where the application is registered, due to the difficulties of access to the first appointment at the police stations where the application is registered. the application, due to the aforementioned difficulties of access.

In these cases - and in the absence of access to the specialised reception system - people must turn to the general and community social services of a territorial nature that depend on local authorities and regions. In this sense, there is great inequality in access to material reception conditions by territory and according to their own administrative organisation, with territories where social services refuse to provide financial assistance, except in very exceptional cases, which leads to the social exclusion of applicants.

On the other hand, there is a generalised lack of knowledge and training on the part of the different administrations on asylum regulations and, in particular, on the rights of persons seeking international protection, so that there are numerous obstacles and difficulties in accessing public services due to mere lack of knowledge.

The provision by the Ministry of the Interior of a varied and changing typology of documentation to applicants generates a differentiation in access to services depending on the document held at any given time, without taking into account either EU or domestic asylum regulations.

Thus, in the case of applicants who have not been able to formalise their application, it is impossible to access practically the majority of public services, including the census, if they do not have a passport. In relation to access to the census, the regulations and technical instructions to municipalities do not consider the document provided with the registration application (MVSPi or manifest) as a valid document for census registration and, furthermore, the Ministry of the Interior does not include the Foreigner Identification Number therein, which could facilitate census registration with the same for those persons who without a passport.

Until 31 December 2022, this lack of an identification number on the document was made up for by requesting a certificate of the identification number issued specifically after payment of a fee (€7). However, from 2023 onwards, police stations would be instructed not to issue such a certificate on the grounds that these persons were in an irregular situation, thus blocking access to the document. Only in a few very exceptional cases, and in application of data protection regulations, has the identification number been provided, and in letters addressed to the interested party.

In the same way, the document provided with the registration of the application cannot be used to easily provide public aid or subsidies as the NIE is not included, even study grants for minors, which limits and restricts access to public services in such a way that it only guarantees entry to the reception system, making it difficult or even preventing access to municipal services on many occasions. access to municipal services and general social services.

In the same sense, access to employment services for training purposes is not facilitated until the application is formalised and accepted for processing.

In many provinces, there are delays of 1 to 2 years between registration and formalisation of the application, which restricts access to vocational training during this time.

This situation sometimes occurs in access to the health and education system, although it is less frequent. In relation to driving licences, the responsibility of the Directorate General of Traffic, erroneous instructions and interpretations of the right to asylum have been observed, to the point of preventing the exchange of foreign licences or obtaining a Spanish driving licence until the document known as the "red card" with authorisation to work is in possession, from November 2022, This has no legal basis and entails discriminatory treatment between people who access the procedure at the border or through the territory, since the DGT would allow applicants at the border to access the procedure 6 months after submitting their application and applicants in the territory 9 months after submitting their application, given that the red card

is not provided in the territory until 9 months have elapsed since the application was submitted.

## **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)**

Asylum interviews continue to be carried out in police stations by non-specialised personnel from the Asylum Office, which distances the investigating personnel from the cases and makes it necessary to provide more information and documentation throughout the investigation.

In this regard, there are shortcomings in the training of the police personnel currently responsible for asylum interviews, which means that they are not, in general, a reliable source for properly assessing the cases. Moreover, they are often carried out in unsafe or unpleasant environments, even standing up and at a window without respecting confidentiality (Canarias and Canary Islands). confidentiality (Canarias and Fuenlabrada in Madrid).

However, in the majority of cases, this is the only information used by the staff of the Asylum Office to study and assess the cases, and there are numerous false negatives, i.e. persons fleeing persecution but who are not provided with the appropriate environment to explain the reasons for their application and the necessary details for a guaranteed assessment, without subsequently being given a new appointment for examination. In relation to the examination and assessment, there is a lack of sufficient individualised study of cases from the countries with the greatest influx, such as Venezuela or Colombia, for which models are used without taking into account the peculiarities of the case and based solely on asylum interviews where adequate conditions for the presentation of the case have not been guaranteed.

In the case of Colombia, this is particularly significant from the mid-2020s onwards, with the resolutions resorting to models of response based on paragraphs that are systematically repeated in relation to armed groups, guerrillas, paramilitaries, citizen insecurity, etc.

During 2023, there have been resolutions that have not taken into account the additional allegations presented in the authorised registers, precisely to make up for the lack of interviews, generally because the documentation has not reached the investigation in due time and form or has been lost, even though the entry registers are on record, thus enabling access to appeals.

The specific family extension procedure remains unregulated and is therefore known only to a few specialists and, above all, it is excessively delayed, so that it does not fulfil its intended purpose of facilitating the family reunification of vulnerable persons, persecuted or with difficulties in obtaining documentation in the country of origin.

Thus, at present, the family extension procedure for those who are already in the territory is not particularly difficult and is processed in a similar way to the procedure in the territory, with only errors being noted by the

police stations in terms of properly linking the files when it comes to young people of legal age but with family ties to applicants and even beneficiaries, with cases being noted where the whole family has been granted refugee status and the young person who arrived later has been denied it, not knowing of the family ties.

In relation to the family extension files of those who are in origin, the biggest problem lies in the excessive delay that causes the procedure to lose its purpose. It is currently common to take between 1 and 3 years to proceed with a standard reunification.

This puts the lives and physical integrity of the persons to be reunited, including minors, at risk.

In this regard, coordination and collaboration with consulates and embassies could be improved in order to speed up the recognition of the family extension of asylum, to submit independent asylum applications at embassies, but linked to pre-existing cases, and to facilitate visas or safe-conducts to enter Spain for humanitarian reasons or international protection.

Finally, in 2023, there is a clear violation of the right to appeal and effective protection on a massive scale due to defective notifications and without guarantees of requests and decisions rejecting asylum.

It is noted that, especially since May 2023, notifications have been made to non-designated addresses, in electronic mailboxes or without complying with guarantees such as certification of delivery, being unknown to the applicants in such a way that they are aware of the resolution when they go to the police station to renew the applicant's documentation, warning them that their case would have been resolved and notified months ago, thus discouraging them from lodging an appeal, generating doubt as to their exemption from the right to appeal.

This creates doubts about the untimeliness of the decision.

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

In relation to appeal procedures, the delay in their resolution is very long (one or more years) and the automatic effect of suspension is still not guaranteed in general, making it necessary to request precautionary measures, interpreting that once accepted, either by silence or expressly, the status of "applicant" would be recovered and therefore the right to stay, work and be documented to do so, with high obstacles to obtain new documentation accrediting the status of applicant.

Since 1 June 2023, the Ministry of the Interior has issued a new document accrediting the status of "applicant pending appeal" which aims to limit the rights of the applicant to the period of validity of the document and since its issue and which, moreover, can only be obtained on presentation of a certificate issued by the Subdirector General for International Protection in the name of the applicant on the entry into force of precautionary measures and the maintenance of rights during the pendency of the appeal for reconsideration. This certificate can be requested one month after the lodging of the appeal requesting precautionary measures, but the delay in its issuance is several months or even years. Therefore, during this time, these persons cannot in practice have access to new documentation identifying them as applicants and, therefore, their rights are not adequately guaranteed. their rights are not adequately guaranteed.

The Supreme Court in its ruling of 29 November 2022 transposed the EU asylum appeals regime with the right to stay, work and be documented during the pendency of appeals by asylum seekers. However, it has not made the automatic effect clear, which is why there are still numerous judicial decisions of the Audiencia Nacional (second and first instance) by which precautionary measures requested are rejected without it being necessary, as the exceptional situations that would make it necessary to request precautionary measures from a party are not reflected in the rejection decisions.

In this sense, access to the reception system continues to be linked to the entry into force of precautionary measures expressly requested, so that the automatic effect continues to be ignored in general. All this This is due to the lack of specific decisions in cases which are manifestly unfounded or which are manifestly

unfounded or which would entail the need for an express request for an injunction. express request for an interim injunction.

As an honourable exception, since April 2023, Section 5 of the Audiencia Nacional has proceeded to reject requests for precautionary measures by applying the automatic effect of suspension established in the Community regime (art. 46 Directive 2013/32/EU) and by not specifying in the rejection decisions whether the case is manifestly unfounded or falls within the exceptions provided for in art. 46(6) of Directive 2013/32 /EU, and by not specifying whether the case is manifestly unfounded or within the exceptions provided for in art. 46(7) of Directive 2013/32/EU. Article 46(6).

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

#### **11. Issues of statelessness in the context of asylum (including identification and registration)**

There continues to be clear discrimination between applicants for international protection and those with stateless status, who are not granted the same rights and are not even generally documented as such, making it very difficult for them to secure the few rights attached to their status as applicants.

#### **12. 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)**

The system for the reception of asylum seekers still has significant shortcomings in the detection and reception of the most vulnerable profiles.

There are appreciable errors regarding the identification of mental health problems and their referral to specialized resources, but also cases of trafficking or gender violence of women with minors or LGTB that are referred to standard resources, where specialized comprehensive care is not contemplated.

In this regard, the lack of public resources specialized in mental health, dual pathologies or drug addictions is noteworthy, with the need for referral to private resources.

In regions saturated by the arrival of minors, the lack of presentation of the asylum application during the minor age is detected, and the same is referred to the age of majority upon leaving the center.

#### **13. 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)**

Access to housing continues to be the main problem for applicants and beneficiaries of international protection, who are not recognized as having special differentiation in access to public programs. Difficulties are generalized throughout the country but are accentuated in relation to situations of international



protection, given their greater vulnerability.

In this sense, a lack of housing policies that take into account the circumstances and difficulties of access by vulnerable people has been noted, with the Tax Agency refusing to facilitate the deduction for renting a habitual residence when the lessee is an entity that receives people requesting and benefiting from international protection. international protection.

**14. Return of former applicants for international protection**

**15. 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)**

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

**17. National jurisprudence on international protection in 2023 (please include a link to the relevant case law and/or submit cases to the [EUAA Case Law Database](#))**

**18. Other important developments in 2023**

## PART B: Publications

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### 1. If available online, please provide links to relevant publications produced by your organisation in 2023

<https://heyzine.com/flip-book/cef1f9ab47.html>  
<https://www.cepaim.org/wp-content/uploads/2023/07/Boletin-Espacio-por-Derechos-XDS-No-1-Julio-2023.pdf>  
<https://www.cepaim.org/wp-content/uploads/2023/10/Guia-Sumando-Esfuerzos-interactivo-21-9-23-f-2-1.pdf>  
<https://cepaim.org/wp-content/uploads/2023/09/Lived-experiences-of-migrant-workers-as-Single-permit-holders-in-EU-FINAL-REPORT.pdf>  
<https://heyzine.com/flip-book/b75f9a5add.html>  
[https://www.cepaim.org/wp-content/uploads/2023/07/Elecciones-generales-23J\\_Propuestas-Politicasy-para-la-Convivencia-v13.07.23.pdf](https://www.cepaim.org/wp-content/uploads/2023/07/Elecciones-generales-23J_Propuestas-Politicasy-para-la-Convivencia-v13.07.23.pdf)  
<https://www.cepaim.org/publicacion/del-proveedor-al-cuidador-una-travesia-posible/>  
<https://www.cepaim.org/publicacion/ker-i-mapa-estatal-sobre-discriminacion-racial-y-o-etnica-en-el-ambito-de-la-vivienda-y-asentamientos-informales-en-espana/>  
<https://www.cepaim.org/publicacion/de-la-interseccion-a-la-intervencion-guia-practica-para-la-intervencion-desde-una-perspectiva-interseccional-en-casos-de-discriminacion-por-racismo-y-xenofobia/>  
<https://www.cepaim.org/publicacion/delitos-de-odio-y-discriminacion-etnica-racial-manual-practico-para-la-actuacion-letrada/>  
<https://www.cepaim.org/publicacion/la-transformacion-digital-de-entidades-del-tercer-sector-de-accion-social/>  
<https://www.cepaim.org/publicacion/estudio-comparativa-internacional-en-politicas-de-masculinidades/>

### 2. If not available online, please share your publications with us at: [Asylum.Report@euaa.europa.eu](mailto:Asylum.Report@euaa.europa.eu) or upload your file using the functionality below (max. file size 1MB).

Please upload your file

The maximum file size is 1 MB

3. For publications that due to copyright issues cannot be easily shared, please provide references using the table below.

	Title of publication	Name of author	Publisher/Organisation	Date
1				
2				
3				
4				
5				

## Contact details

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

### Useful links

[EUAA Asylum Report 2023 \(https://euaa.europa.eu/asylum-report-2023\)](https://euaa.europa.eu/asylum-report-2023)

[Executive Summary -Asylum Report 2023 \(https://euaa.europa.eu/asylum-report-2023/executive-summary\)](https://euaa.europa.eu/asylum-report-2023/executive-summary)

[Sources on Asylum 2023 \(https://euaa.europa.eu/publications/sources-asylum-2023\)](https://euaa.europa.eu/publications/sources-asylum-2023)

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

[Asylum in Europe in 2022: A Year in Review \(https://euaa.europa.eu/asylum-europe-2022-year-review\)](https://euaa.europa.eu/asylum-europe-2022-year-review)

### Background Documents

[Word template to submit input](#)

### Contact

[Contact Form](#)

