

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

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

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 the access to the asylum procedure upon arrival, the following issues are prevalent:

- Medical actors in reception and registration facilities face frequent and sudden reductions in funding, protracted delays in signing new employment contracts as well as severe delays in payment.

- Insufficient presence of medical personnel in reception facilities: The national medical assessment and referral service (EODY) within the reception scheme lacks a continuous and dependable presence in all critical facilities. Consequently, medical screenings are often disrupted, with no personnel available to issue medical documentation, conduct comprehensive vulnerability assessments, or provide referrals to public hospitals. These major gaps create, other than health risks, additional problems with adequate preparations of vulnerable cases for asylum proceedings.

- Repeated malfunctions of the digital platform for submitting asylum claims or subsequent applications have resulted in impaired access to asylum. The online asylum registration platform, "Alkyoni," along with the Greek Asylum Service database, were offline for several months. Since the 5th of May, the Asylum Service has been unable to access the database and electronic files of asylum seekers and recognized beneficiaries

of protection for a month. Later, the platform was partially restored but remained offline for several months for the registration of new arrivals. However, despite the platform now being functional, the digital registration does not offer any protection to asylum seekers, even if they have officially expressed and recorded their intention to apply for asylum. As such, they must still wait until their full registration at a regional asylum office. New arrivals, who finalized their registration on the Alkyoni platform, are still exposed to detention, deportation and forced returns.

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

The withdrawal of legal actors from the official reception facilities (IOM protection/legal information and legal aid services, ASB) in March 2023 led to significant gaps in the provision of information and legal assistance. Merely a small monitoring group remained post June 2023. The sudden shift in legal provision services had severe repercussions, with insufficient or inexistent handover of asylum cases, including those with documented vulnerabilities, contravening the fundamental "do no harm" principle. This has also led to insufficient referrals and unsafe case management, especially for SGBV cases and single-member families. Legal aid organisations like Equal Legal Aid received an overwhelming number of requests for legal assistance, without any additional budget or support. In parallel, the state-funded legal aid scheme implemented in regional asylum offices (the registry) was also overwhelmed with legal aid requests.

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)

Frequent and sudden reductions in funding for essential interpreting services in Reception and Asylum Services have resulted in persistent and substantial disruptions to the handling of asylum procedures. There have also been extended delays in signing new contracts with personnel and severe delays in payments have been reported. Postponements owing to the absence of interpretation services have substantially increased since March 2023 for registering new arrivals and conducting their interviews. In November 2023, Metadrasi, the primary provider of interpretation services, had to pull out from numerous tasks because of non-payment for several months.

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

Long delays of up to five or six months are occurring in the renewal of contracts with travel agencies for Dublin transfers. Many Dublin cases, including those that Equal Legal Aid and other NGOs have assisted, are at continuous risk of losing their 6-month transfer period.

In several instances, the lack of cooperation between state agencies and authorities has resulted in disastrous situations where asylum seekers are stranded in "legal limbo" situations for extended periods, without any support from administrations.

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

Admissibility procedures based on the safe third country concept, which were extended in Greece after the Joint Ministerial Decision of 07th June 2021, remain problematic. Asylum-seekers face systematic rejection decisions, without having their claims properly assessed, in particular in the case of Turkiye, where there is

no prospect of return since March 2020.

The continuation of this procedure in the clear knowledge that no return is foreseen, violates EU directives and has disastrous consequences. When asylum seekers are rejected as inadmissible, they are forced into a state of "legal limbo", stranded without any documentation, access to adequate reception conditions and services (in particular health care). This puts them in an extremely vulnerable situation for human trafficking and other risks.

This situation is exacerbated by the fact that accessing legal aid at the appeal stage in Greece is still problematic, as the state-funded legal aid system suffers from recurring and prolonged dysfunction, both at the Appeals Committee and in the administrative courts.

Given the scale of the problem, immediate action is required to comply with international obligations and EU legislation.

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)

Procedures at first instance continue to be concerning. Among the issues observed to date, issues pertain to:

- Recurrent postponement of interviews following a transfer Island- mainland, with long delays in rescheduling;
- Concerning malpractices when it comes to determining international protection status, in particular for victims of torture, human trafficking and gender-based violence, who are still inadequately protected and most of the time, remain unidentified;
- Abuses and malpractices during credibility assessments, resulting in the rejection of applicants as non-credible, despite their submission of multiple and interdisciplinary evidence substantiating their claims;

- Interviews taking place remotely, with recurring technical issues experienced and significantly altering the quality of the interviews.

Specifically, the situation of women survivors of female genital mutilation is particularly dire and not in line with international law and jurisprudence. Malpractices, observed throughout the course of the refugee determination process, include:

- Deliberate omission of the claim regarding female genital mutilation during the refugee status determination phase, despite the applicant being deemed credible;
- Failure to address the risk of repetition of female genital mutilation, despite reliable sources and relevant testimonies.
- Failure to recognize female genital mutilation as a form of continuous persecution and as an act of torture;
- All in all, a clear failure to provide survivors of female genital mutilation with adequate protection.

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

Concerning practices at the appeal stage have continued and intensified, amounting to a violation of the right to an effective remedy.

These practices comprise:

- Denial to present oral observations during the examination for legal representatives;
- Unwarranted and illegal request for the physical presence of the applicants during the appeal examination, despite the representation provided by their lawyer, in breach of EU directives, notably the procedure directive. This practice breaches the right of applicants to be represented by an attorney. It lacks any discernable justification, particularly in a written procedure where applicants have no opportunity to be heard. Additionally, it imposes unbearable costs on applicants for travelling to Athens and exposes them to the risk of being illegally returned, a practice which unfortunately is still widespread throughout Greek territory.
- Appeals are widely rejected as "manifestly unfounded" because the applicants were not physically present during the examination. Indeed, applicants are subjected to excessive administrative requirements to justify their absence on the pretext of verifying their whereabouts, despite the fact that the administration is fully aware of the applicants' location, as they are registered in supervised state facilities under the responsibility of the Ministry of Migration.

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)

Extended malpractice has been verified in the Nationality assessment in Lesbos regarding new arrivals since October 2023. The nationality assessments conducted by the Police and Frontex do not acknowledge asylum seekers from Eritrea as Eritreans, and instead classify them as Ethiopians, irrespective of the absence of any documentation and the explicit denial by the applicants.

As apparent from the transcripts of the interviews in several cases, the asylum service refuses to proceed to the examination of the cases, unless the applicants agree to the erroneous registration of their nationality as Ethiopian, despite the absence of documentation proving so and the applicants' insistence on their Eritrean nationality (and clear evidence of the latter, such as fluency in a local dialect). The Lesbos regional asylum office is conducting a nationality assessment during interviews and requiring applicants to provide justification for their inability to provide Eritrean documents.

The asylum service acknowledges the identification decision wherein the applicant declares themselves as Eritrean, however, it evaluates the case with Ethiopia as a reference without providing justification. During the personal interview, there are no queries about the applicant's nationality, and the asylum service does not evaluate it. Additionally, some cases have been informed during their interview that the examination of their asylum application will be interrupted if they do not agree to change their nationality from Eritrean to Ethiopian.

Consequently, the regional asylum offices are rejecting their nationality claim as Eritreans and inviting the applicant for a second interview, during which they inform them that they are nationals of Ethiopia and can only apply for a nationality change. If the applicant maintains they are Eritrean and declines to pursue a change of nationality, their case is typically refused on the basis of lacking internal credibility stemming from incomplete or inadequate information regarding Eritrea.

The asylum decision denies the nationality claim and determines that inclusion under the Geneva Convention cannot be granted to Eritreans, nor will they be included as nationals of Ethiopia or considered stateless. Consequently, these applications are rejected as unfounded.

The aforementioned malpractice is also observed in cases of Afghan nationals residing in Iran, who are wrongly registered as Iranian nationals, and Yemeni nationals registered as Somali nationals for assessment on admissibility instead of eligibility.

These protracted malpractices have led to numerous illegal rejections, resulting in multiple protests and security incidents documented on the island of Lesbos. Their occurrence highlights a stark absence of legal regulations for nationality assessment. The asylum authorities have responded by stating that they cannot alter the nationality assigned during the initial Reception and Identification Services assessment.

ELA and other legal entities argue that this represents a misinterpretation and malpractice. The protective legislation stipulates that the Asylum office is responsible and should evaluate the nationality of the 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)

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)

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](#))

https://www.equallegalaid.org/wp-content/uploads/2023/08/ELA_JURISPRUDENCE-COLLECTION_2021-2023_DIGITAL.pdf

18. Other important developments in 2023

PART B: Publications

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

- Equal Legal Aid, legal brief, Turning a blind eye or the Greek asylum service's disregard for female genital mutilation claims, November 2023: <https://www.equallegalaid.org/turning-a-blind-eye/>
- Equal Legal Aid, jurisprudence collection 2021-2023, July 2023: https://www.equallegalaid.org/wp-content/uploads/2023/08/ELA_JURISPRUDENCE-COLLECTION_2021-2023_DIGITAL.pdf
- Equal Legal Aid, legal brief, Who really gets a second chance in Greece?, June 2023: <https://www.equallegalaid.org/qui-a-une-veritable-seconde-chance-en-grece/>
- Equal Legal Aid, joint statement, Shutdown of the Greek asylum service database leaves people unable to claim asylum and in limbo, June 2023: <https://www.equallegalaid.org/shutdown-of-the-greek-asylum-service-database-leaves-people-unable-to-claim-asylum-and-in-limbo/>
- Equal Legal Aid, written contribution to the fact-finding mission of the French Assemblée Nationale on migration issues at the European Union's southern borders, May 2023: <https://www.equallegalaid.org/wp-content/uploads/2023/11/Contribution-to-the-fact-finding-mission-of-the-French-National-Assembly-May-23-EN.pdf>
- Equal Legal Aid, annual report 2022, February 2023: <https://www.equallegalaid.org/wp-content/uploads/2023/08/ELA-2022-Annual-report-.pdf>
- Equal Legal Aid, legal brief, Planned homelessness: The ending of the ESTIA II programme in Greece, January 2023: <https://www.equallegalaid.org/planned-homelessness-the-ending-of-the-estia-ii-programme-in-greece/>

2. If not available online, please share your publications with us at: 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
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Contact details

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Equal Legal Aid

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 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](#)

