Input by civil society to the 2024 Asylum Report

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!
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 2023 and new or remaining challenges; and
- Changes in policies or practices, transposition of legislation or institutional changes during 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.

Contributions by topic

1. Access to territory and access to asylum procedures (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)

Access to the territory

Croatia: In 2023, according to the informal information from Croatian civil society organisations since entering Schengen area, push backs were not reported in such numbers as in previous years. In the second half of 2023 and at the end of 2023, increase in push backs numbers was observed again.

According to the Croatian Government, from mid-2022, the Ministry of Interior sends requests to Bosnia and Herzegovina and Serbia for the readmission of third-country nationals, in cases where there is irrefutable evidence in accordance with the bilateral readmission agreement with Serbia and Bosnia and Herzegovina, i.e., the EU-Serbia readmission agreement, which began to be applied at the beginning of 2023. According to the Government, in the first ten months of 2023, 11,285 requests for the readmission of migrants were sent to BiH, of which 5,933 were answered positively, while 2,279 were returned. In the same period, 663 requests for the readmission of migrants were sent to Serbia, of which 400 were answered positively, while 290 persons were returned. With entering into the Schengen area from January 1, 2023, a system of surveillance at internal borders was established through the so-called compensatory measures. In the first ten months of 2023, through the aforementioned measures, 24,968 migrants who were issued with return decisions or who had previously expressed their intention to seek international protection were discovered and were then directed to follow the decision or return to the reception centre and were in that manner prevented from entering Slovenia irregularly.

Although with entering into the Schengen area, push backs were not reported in such numbers as in previous years, pushback practices persisted throughout 2023, as reported by many organisations such as the Danish
Refugee Council (DRC), PRAB initiative, the Border Violence Monitoring Network (BVMN), Human Rights Watch (HRW), the Centre for Peace Studies (CPS).

According to the Danish Refugee Council (DRC), 3,323 persons were pushed back from Croatia to Bosnia and Herzegovina (BiH) in 2023. Out of the total number of pushbacks, 825 persons reported denial to access asylum system. According to DRC the number of persons reporting pushbacks does not necessarily represent the number of unique individuals, as the same individual(s) may experience repeated pushbacks to BiH.

UNHCR data further indicates that 47 persons were pushed back from Croatia to Serbia in the period from January to end of July 2023, while data for the rest of 2023 are not available.

Human Rights Watch (HRW) reported that the Croatian police regularly and often violently push back refugees, asylum seekers, and migrants to Bosnia and Herzegovina without assessing their asylum requests or protection needs. HRW reported that although in some cases Croatian police issued written decisions and expelled people at regular border crossings, using a “readmission” agreement with Bosnia and Herzegovina, expulsions under the readmission agreement did not consider people's individual protection needs.

The Centre for Peace Studies (CPS) reported that although they noted continuation of push backs, they observed more legal, though not always humane police actions that led to an increase in the number of applicants for international protection. In the second half of 2023, CPS noticed an increase in the total number of pushbacks including those related to serious violence, theft, and other violations of human rights. CPS also reported that problems with readmission procedures have been observed. Testimonies of persons expelled by readmission, as well as information from non-governmental organizations operating in BiH, cause concern that readmission procedures are being applied contrary to legislation and with the intention of denying access to the asylum system.

The Border Violence Monitoring Network (BVMN) reported also about a significant increase in pushbacks and other types of violence along the Bosnian-Croatian border in the second half of 2023.

During the year 2023, reports of injured and dead migrants were also reported.

In 2023, Centre for Peace Studies and the Human Rights House Zagreb prepared Final recommendations for the execution of the judgment of M.H. and Others against Croatia. With this second and last submission, the organizations gave proposals for measures to execute the judgment and prevent further violations of the human rights of refugees and other migrants in Croatia. The aim of submission is to inform the Committee of Ministers that the measures proposed by the Government are not sufficient for the appropriate implementation of the judgement. Centre for Peace Studies and the Human Rights House Zagreb stated that individual measures have been ineffective and insufficient. Regarding the general measures, they stated that structural and complex problems amounting to systematic human rights violations have continued and are still ongoing in Croatia.

From January 2022 to end of 2023, Croatian Law Centre implemented the project "Complementary pathways for Southeast Europe - COMP4SEE". The project aimed to contribute to the development of complementary pathways by creating new models of private sponsorship and by making and advocating recommendations for improving national systems in the area of family reunification.

Italy: In 2023, according to MOI data, 157,652 people disembarked in Italy, 52,521 more than the previous year, marking a 33,31% increase in the number of disembarkations. Around 97,306 came from Tunisia, and 52,034 from Libya, showing a trend that highlights a significant change from 2022 in relation to the departure sites. UNHCR estimates an arrival of 192,651 people in Italy through the different external and internal
borders. More than 12,000 POM have been estimated entering Italy from the internal border between Italy and Slovenia.

Arrival by sea: As highlighted, in 2023, 157,652 persons disembarked in Italy, with a relevant increase compared to 2022 (105,129) and an even more relevant compared to 2021 (67,477) and 2020 (34,154). The number of POM disembarked is the second highest rate since disembarkation data are recorded. Almost in line with the arrivals of 2017 (119,369). In 2023, there were a total of 135.820 asylum applications.

The number of unaccompanied minors (Minori Stranieri Non Accompagnati - MSNA) reached 17,319, compared to 14,0443 in 2022.

The main nationality of people disembarked was Guinean (18.211 in total), which represented a change compared to 2021, when most of the people disembarked were Egyptian. The number of Guinean nationals registered as asylum seekers in 2023 was 3,385, compared to the 23.450 applicants from Bangladesh.

Until November 2023, 63% of sea crossings departed from Tunisia (95,861 persons), followed by 32% from Libya (49,111 persons), 4% from Türkiye (6,683 persons), and less than 1% from Algeria (535 persons), Lebanon (214 persons). It has to be underlined that in the second half of the year Libya has overcome Tunisia as the country of departures. The IOM Missing Migrants Project collected evidence of at least 2500 persons’s death along the central Mediterranean Route throughout the past year.

The approval of Decree Law 1/2023 converted into Law 15/2023 had a major impact on the effectiveness of SAR operations conducted by NGOs: as of July 2023, only 4,2% of rescue operations have been conducted by civil society, while 68% had been operated by the public authorities. Compared to 2022? The decrease of the capacity of SAR of NGOs is evident (15,2% of the total).

On 2 February 2023, the Memorandum of Understanding between Italy and Libya was renewed for the second time after February 2020. The agreement, originally signed by Italian Prime Minister Gentiloni and his Libyan counterpart Fayez El Serraj on 2 February 2017, aimed at strengthening cooperation on Libyan border management, "to ensure the reduction of illegal migration flows". The agreement provides funding, equipment and technical support to the Libyan authorities, primarily the Libyan coastguard, for patrolling and rescuing boats in international waters. A naval blockade policy that, according to ASGI, should be balanced through the creation of evacuation programmes from Libya through the UNHCR-managed resettlement mechanism and humanitarian corridors. Recent experience has shown the results of the blockade system, that led to the creation of the Libyan coastguard and its apparatus for managing SAR interventions. This is however not counter-balanced by an effective evacuation mechanism. The only functioning mechanism available for persons present in Libya are the voluntary return programmes coordinated by IOM; it should be noted that these programmes are proposed to vulnerable individuals who are not in a position to make a free choice about returning to their countries of origin. In fact, the Libyan migration management system has continued to be based on the systematic detention of foreigners, without any kind of administrative authorisation or judicial validation and protracted indefinitely under conditions of systematic torture and fundamental rights violations (see chapter on Detention conditions). On 27 March 2023, the UN Independent Fact-Finding Mission issued a report expressing deep concern about the country’s deteriorating human rights situation, highlighting that migrants, in particular, have been targeted and there is overwhelming evidence that they have been systematically tortured. In particular the press release underline that “there are reasonable grounds to believe migrants were enslaved in official detention centres as well as “secret prisons,” and that rape as a crime against humanity was committed”.

On July 2, 2021, the Directorate General for Italians Abroad and Migration Policies (DGIT) of the Ministry of Foreign Affairs and International Cooperation (MAECI) entered into an agreement with the International Organization for Migration (IOM) whereby it committed to fund an intervention called "Multi-sectoral
support for mobile vulnerable populations and communities in Libya" in the amount of 4 million euros (for its first phase). Numerous are in fact the activities related to the destination of funds towards local community and protection. Special attention is given to support activities to Libyan authorities inside detention centres and in SAR operations, getting - especially in the last phase - to engage more and more on Assisted Voluntary Return. As of June 6, 2023, 16 million Euro has been allocated and it is currently on stage the phase 3 of the program, more focused on AVR, while the second phase, with an allocation of 8,5 million Euro was mainly focused on the condition of the Detention Centers.

According to IOM data, from the beginning of 2023 up to November 25, 2023, 15,057 migrants were intercepted at sea and brought back to Libya after the attempt to cross the Mediterranean Sea to reach Europe. while 957 died and 1256 are missing.

Pushbacks at Adriatic ports: As monitored by ASGI, No Name Kitchen, Ambasciata dei Diritti di Ancona and Associazione SOS Diritti, refoulements continue to be carried out from Italy to Greece at Adriatic maritime borders, based on the bilateral agreement signed by the Italian and Greek government in 1999, which became operational in 2001, even if it was never ratified by the Italian Parliament. Access to the asylum procedure and to information is very limited, and transfers or re-admissions are being immediately executed to send foreign nationals back to Greece. On 18 January 2023, Lighthouse Reports, in collaboration with SRF, ARD Monitor, Al Jazeera, Domani and Solomon, published an online investigation on the illegal readmissions of asylum seekers to Greece that take place at the Adriatic seaports and the illegal detention to which third Country nationals undergo are subjected in unofficial places of detention on-board ships and ferries. Despite the existence of a bilateral agreement between Italy and Greece, dated 1999, this procedure is adopted also to asylum seekers and minors.

On 7 July 2023, the same practices that were reported by Lighthouse Reports (eg, pushbacks at the Adriatic ports, obligation to undress, detention on ferries) were the subject of an important decision adopted by the Court of Rome. The ruling essentially reaffirmed the illegitimacy of the use of informal readmissions that take place at the Adriatic ports because they are adopted without the issuance of an individual measure, because they undermine the right of access to asylum because they lack appropriate information, and because they are adopted without a previous individual assessment of the concrete case. From this point of view, the present case is particularly significant because the applicant was an unaccompanied foreign minor, moreover an applicant for international protection in Greece in possession of documentation certifying both conditions. Nevertheless, the Italian authorities informally readmitted the applicant, forcing him to strip naked and be detained in a ferry compartment for many hours before being returned to the Greek authorities. The decision, in addition to accounting for all the violations indicated, is interesting because it requires the Italian government to take the necessary steps to ensure the applicant’s access to Italian territory, suggesting the issuance of a humanitarian visa under Article 25 of EC Regulation 810/2009 (Visa Regulation).

Protocol between Albania and Italy: On November 6, 2023, the “Protocol between the Government of the Republic of Italy and the Council of Ministers of the Republic of Albania on Strengthening Cooperation in Migration Matters” was signed in Rome. The official purpose is to strengthen bilateral cooperation between the states on the management of migratory flows from third countries, through the construction of two centers in Albanian territory under Italian jurisdiction, to which "migrants" who have had access to border or repatriation procedures will be assigned. The Protocol includes two Annexes and, in particular, Annex details the expenses to be borne by the Italian government for the construction of the centers. The Albanian authorities grant two areas within their territory to construct two detention centres during the Spring of 2024, which will run for an initial period of 5 years. The Protocol envisages that the centres will have the capacity to accommodate a maximum of 3,000 individuals at one time. One center is to be built near the port of Shengjin, where disembarkation, identification and border procedures, and related to asylum procedure will take place; the second center will be built in Gjader, where people deemed ineligible for asylum will be accommodated. The two centers will be managed by the Italian authorities "in accordance with the relevant
Italian and European legislation”. They will be under the exclusive jurisdiction of the Italian authorities and will have the sole purpose of carrying out border, asylum and return procedures in accordance with Italian and EU law. The Italian authorities will be responsible for transfers to and from these centers, as well as for “maintaining security and order” within them. The Albanian authorities will be responsible for ensuring “security and public order” at the external perimeter and during transfers to and from the detention centers. The Protocol assigns the responsibility for ensuring the detention and “unauthorized exit” of individuals into Albanian territory (both during and after the completion of the procedures, and regardless of the final outcome) to the Italian authorities.

The European Commission response to the Protocol has been ambiguous and legally uncertain. When asked about the legality of the Protocol, the Commission first told reporters that it had asked Italian authorities for more detailed information regarding the exact scope and expected impacts of the arrangement, and that 'this must be done without prejudice to the asylum acquis’. In any case, the protocol raises many questions about its compatibility with European Union law and, more broadly, with international human rights law. After an initial phase of apparent political unwillingness on the part of the government for parliamentary passage to approve the law ratifying the Protocol, on December 5, the Council of Ministers approved the draft law ratifying the Protocol. The text introduces the clause of equating the Albanian areas provided for in the Protocol, to the border or transit zones referred to in Legislative Decree No. 25 of January 28, 2008, in which expedited border procedures are carried out. These areas are equated with the hotspots and detention centers for repatriation provided for in the Immigration Consolidated Act (Testo Unico Immigrazione), respectively. On 13 December the Albanian Constitutional Court was called to rule on the appeal filed on December 6 by 30 Members of Parliament, belonging to opposition parties, concerning the constitutionality of the Italy-Albania bilateral protocol. The Albanian legal system, in addition to the subsequent type of constitutionality review, also assigns to the Court a minor form of prior review of the compatibility of international agreements with the Constitution, i.e., prior to their ratification. On 29 January 2024, the Albanian Constitutional Court ruled that the agreement was compatible with the constitutional system. The Parliamentary process to approve the ratification Law 995 was finally adopted on 15 February 2024.

Arrivals by air: On June 20, 2023, ASGI, similarly to what was done at Fiumicino Airport, conducted a visit to the offices and transit area of Milan Malpensa Airport, in compliance with Lazio Regional Administrative Court ruling No. 3392/2023. During the visit, the delegation had access to the places used for the stay of foreign nationals who were the recipients of refoulement orders. As of the date of the visit (June 20, 2023), there were 546 refusals of entry made. The time spent in the transit area awaiting the execution of the refoulement was as follows: - 313 persons were refused entry in less than 24 hours after being notified of the rejection order; - 215 persons between 24 and 48 hours; - 14 persons after a stay in the transit zone of about 48 hours; - 3 persons after a stay of three days; - 1 person from Santo Domingo (for whom, officials report, there are only two direct flights per week) after a stay of four days. Similarly to the findings at Fiumicino airport, the main critical issues found relate to poor information and access to international protection, ineffectiveness in terms of protecting the entity present at the airport, de facto detention operated, and lack of effective access to the right to defense and communication with the outside.

Arrivals at the Slovenian border: Beyond the intention to reactivate informal readmissions, following a parliamentary question on September 13, 2023, the Italian Ministry of the Interior confirmed that, as of September 2022, the Italian and Slovenian governments have given more structure to cross-border police cooperation actions. Thanks to these initiatives, the government declared that during 2023, bilateral operations inhibited 1900 foreign nationals from entering Italian territory. ASGI therefore promoted a FOIA request to know specific elements of this practice, and the Administration confirmed the direct involvement of Italian authorities in mixed patrols in Slovenian territory with powers of observation and information support, under the bilateral agreement on cross-border police cooperation of August 27, 2007, ratified by Law 60 of April 7, 2011. During a hearing before the Parliamentary Schengen Committee, Interior Minister Plantedosì also announced “the establishment of Mixed Brigades of Police Forces, based on the fruitful
experience (...) gained with joint patrol services." According to a 2 November news report, police coordination centers involving Italy, Slovenia and Croatia will also be set up in order to consolidate cooperation on countering irregular crossings. These developments fit into the general picture of increased patrolling of the territory, which had been confirmed in the news of the purchase of 65 photo traps mobile cameras to place in the border areas of Trieste and Gorizia province. From initial information collected by ASGi and Altreconomia the camera model GDPR WN-42CM branded Wilnex, cost 34,710 euro, and the tool should exclusively be aimed at locating people crossing the border irregularly. According to the media, police intercepted the arrival of 1,500 irregular people, made 70 arrests and refouled almost 900 people.

Situation at the French border: In 2023, the situation at Italian-French internal border, while reproducing dynamics that are in place for some years, finally marked some interesting changes: since November 2015 and due to the reintroduction of border controls by France, many migrants attempting to cross the borders with France have been subject to rejection at the border, often with the use of violence. A detailed account of the situation at the borders in previous years is available in the previous updates of the AIDA Report on Italy, and in the AIDA Report on France.

Regarding pushbacks, as reported by ASGi and other NGOs, people stopped at the border or on the train are taken to the San Luigi station, identified and given a "refusal of entry" (refus d'entrée). The rejection procedure is completed with the handing over of the concerned persons to the Italian police authorities who invite them to proceed on foot to the city of Ventimiglia. If the third country nationals are intercepted in border areas as defined by the bilateral readmission agreement, they are simply readmitted without any written measure.

Italian media realised some interviews with migrants having been readmitted to Italy or blocked at the border, and with NGOS operators at Ventimiglia. The migrants involved declared having been intercepted and sent back by French police, after all the efforts to reach France. NGOs’ operators observed that about 60 people per day attempted to reach France, and only 10 would succeed, as all the others - including UAMs - were pushed back. Volunteers regret the closure of the red cross Ventimiglia Camp that constituted a support for all the people on the move. Notwithstanding the decision of the Court of Justice of the European Union in the cases C-368/20 and C-369/20 in relation to the unlawfulness of prolonging internal border checks without new reasons that justify the reintroduction of such controls, the French Government continued with the temporary reintroduction of border controls, the last extension being notified on 1 of November 2022. In May 2022, Anafé and other French CSOs, with the support of ASGi, submitted an appeal against the decision of the French government to prolong border checks at internal borders, but the French Council of State rejected the appeal on 27 July. The situation appears to be slightly changed in the first weeks of 2024: this change can be explained taking a look at the recent jurisprudence that has affected the powers of Member State to issue refusal of entry provisions (Refus d’entrée) at its internal borders, when border controls have been reintroduced. In particular, the Court of Justice of the European Union, with the decision ADDE (C-143/22) of 21 September 2023, has claimed the principle - already introduced in the Affum Case (C-47/15) - according to which the return directive (2008/11/CE), which provides for the possibility of transferring a third-country national in an irregular condition intercepted in the border area if the two countries in question have signed bilateral readmission agreements, must be applied together with the Schengen frontier code. This entails the need to order removal from the national territory by following the procedures set out in the bilateral readmission agreement and do not issue, as under the Schengen Borders Code, a refus d'entrée order. Following this principle, some French NGOs have promoted a complaint in front of the Conseil d’Etat in order to expunge an article (L.332-3) from the CESEDA (Code de l’entrée et de séjour des étrangers et du droit d’asile) because of its vagueness and failure to specify that the rule does not limit the issuance of internal border refoulement orders to cases in which it was taken by virtue of the existence of a bilateral readmission agreement. The consequences the CSOs are observing on the territory is a decrease of pushbacks and, among these reduced numbers, mostly provisions in line with the bilateral agreements.
Greece: A total of 48,721 refugees and migrants arrived in Greece during 2023, as reported by UNHCR, marking a 159.43% increase compared to 2022 (18,780). Of this total, 41,561 persons arrived in Greece by sea in 2023 compared to 12,758 persons in 2022. The majority originated from Syria (31.3%) Afghanistan (20%) State of Palestine (16.3%) and Somalia (6.5%). Nearly half of this population were women (28%) and children (28 %), while 54% were adult men. The number of sea arrivals in 2023 has increased by 226% compared to 2022, according to UNHCR.

Moreover, according to UNHCR, 7,160 persons arrived in Greece through the Greek-Turkish land border of Evros in 2023, compared to a total of 6,022 persons in 2022. According to police statistics provided to the GCR on 18 January 2024, 7,066 arrests were carried out in the year 2022 for irregular entry in the country, compared to 6,672 arrests in 2022.

In parallel, the figures on the number of entries of each year, including 2023, may under-represent the number of people attempting to enter Greece or that found themselves on Greek territory, given that cases of alleged pushbacks have been systematically reported in recent years. The persisting practice of alleged pushbacks has been reported inter alia by UNHCR, IOM, the UN Special Rapporteur on the human rights of migrants, the Council of Europe Commissioner and civil society organisations (see sources below).

Lastly, as reported by UNHCR, 799 persons were reported as having gone dead or missing during the year. As per the same data, this is more than double than in 2022 (343), and proportionally to the number of arrivals, highlights an ongoing dark trend, observed since 2021, whereby more than 1 in 100 persons trying to reach safety in Greece and the EU, end up going dead and missing. The only other time in recent memory when such a shocking number of people were reported dead and missing during their effort to reach safety in the EU was in 2015 (799 dead and missing), during which UNHCR reported more than 860,000 arrivals. This macabre trend may also further indicate the increasingly dangerous journeys people seeking safety in Greece and the EU have to take, in the absence of safe and legal pathways and amidst systematically reported pushback practices.

Most of the dead or missing persons of 2023, disappeared or died on the night of 13th to 14th of June 2023. At that night, the overcrowded fishing vessel “Adriana”, carrying approximately 750 persons, capsized 47 nautical miles southwest of Pylos, Greece, in the Greek Search and Rescue (SAR) zone. The vessel left Libya and was en route to Italy. Only in one night, approximately 650 persons went missing or died in one of the deadliest shipwrecks to ever occur in Greece and in the Mediterranean. Of those on board the “Adriana”, 104 survived, of who 9 are currently in pre-trial detention with criminal charges of smuggling, and 82 bodies were recovered. On 13 September 2023 forty survivors of the deadly shipwreck in Pylos filed a criminal complaint against all responsible parties before the Naval Court of Piraeus. The survivors submit that the Greek authorities failed to immediately intervene and to organise a timely and adequate rescue operation despite their duty to rescue the passengers on board under International Law of the Sea, Human Rights Law, EU and domestic Law. This was especially due to the fact that they had been informed from the outset and subsequently ascertained at close distance the imminent threat to life facing passengers on board the manifestly unseaworthy and overcrowded trawler. The complainants allege that the Greek authorities not only refrained from taking the necessary rescue measures as soon as the vessel was sighted, but instead proceeded to an effort to tow the vessel that resulted in its capsizing and sinking. The Greek authorities’ delay in initiating a SAR operation, “until the moment of the shipwreck when it was no longer possible to rescue all the people on board”, as well as failure to deploy sufficient resources or make use of those available to them, was also noted in a leaked serious incident report drafted by the FRONTEX Fundamental Rights Officer. The complainants demand an immediate, thorough and reliable investigation and the attribution of criminal responsibility for the acts and omissions of the Greek authorities.

A number of international organisations and institutions, including the Commissioner for Human Rights of the Council of Europe and the LIBE Committee of the European Parliament, have urged Greece to carry out a full
and effective investigation into the circumstances of the shipwreck. The deadliest shipwreck of the Mediterranean has sparked global interest, a declared commitment of the Greek authorities to conduct a thorough investigation and the launch of a preliminary examination by the Naval Court of Piraeus.

On the 9 November 2023, the Greek Ombudsman announced with a press release that he is opening an independent investigation into the Pylos shipwreck, a step that was welcomed by the Commissioner for Human Rights. In late June 2023, and after the tragic Shipwreck of Pylos, Jonas Grimheden, the head of the Fundamental Rights Office, at Frontex’s board meeting in Warsaw, on June 20-21 recommended a suspension of Frontex’s activities in Greece, based on Article 46 of the agency’s regulations, which applies to “violations of fundamental rights or international protection obligations that are of a serious nature or are likely to persist.” On 23 August 2023 UN experts (Human Rights Council) in a Press release stated that: “We urge Greece to take steps to ensure a transparent and impartial investigation into allegations of violations of the principles of non-refoulement and non-discrimination and of the right to life involving Greek law enforcement personnel, including the Hellenic Coast Guard, and border violence,”

Later on 1st December 2023, the Fundamental Rights Office of Frontex published a serious incident report about Pylos shipwreck which concludes that “there was reasonable certainty that persons aboard Adriana were threatened by grave and imminent danger and required immediate assistance. …The Greek authorities appeared to have delayed the declaration of SAR operation until the moment of the shipwreck when it was no longer possible to rescue all the people on board, deployed insufficient and inappropriate resources considering the number of persons aboard Adriana, and failed to make use of the resources offered by Frontex. Fundamental Rights Office regrets that it was not given relevant information by the Greek authorities in response to its enquiry but expects to receive the results of two ongoing national judicial proceedings, as well as the Greek Ombudsman enquiry”.

In 2023, the practice of refoulements continued to be used as a “front-line” tool of Greece’s migration policy, which has been quoted as a “de facto general policy” of “pushbacks at land and sea border” by the UN Special Rapporteur on the Rights of Migrants in a 2022 report, to halt the flow of refugees and to deter others from attempting to irregularly cross the borders into the country. The practice is a permanent eventualty for people attempting to cross the borders according to testimonies, media coverage and reports. Serious incidents of alleged refoulements have been reported in which arbitrary removal of people residing on the mainland (mainly Thessaloniki) or on the islands were carried out.

Out of the total of 43 Applications of Interim measures before the Court in the last two years, 22 interim measures have been granted since January 2023, with the majority of the victims alleging that they have been pushed back to Türkiye. This highlights the frequency and periodicity of pushback cases and no change to the “de facto general policy” of pushbacks at land borders. Among those 22 cases of interim measures by ECtHR in 2023-early 2024, indicatively:

- In one case, the Applicant was already a recognised refugee in Greece and allegedly has been pushed back more than 20 times, one of them while holding a decision of interim measures by the Court.
- In another case, the Turkish applicant has been allegedly pushed back twice, once from Evros and once from Lesbos.
- In yet another case, the 10 Applicants have been granted with two decisions of interim measures but, allegedly, both times were pushed back to Türkiye.
- In another case, the asylum seeker has been kidnapped from a central bus station in the city center, detained in Greece, pushed back to Türkiye and then imprisoned in Türkiye because of his political persecution.
- While in at least 6 cases, the Turkish Applicants have been pushed back and the majority of them imprisoned in Türkiye, because of their political persecution.
Greece is second in Europe in terms of the number of cases in which the European Court of Human Rights (ECtHR) granted interim measures for the period 2021-2023, according to ECtHR statistics published by the Court. According to these statistics, the Court has granted 177 interim measures related to Greece. Among them, and for the period 2022-2023, the ECtHR granted interim measures in 39 cases, represented by GCR, in which the Applicants were facing a risk of refoulement from Greece. In 2023, 39 individual pushbacks, in cases that GCR has represented the victims, have been also recorded in the Mechanism for Recording Incidents of Informal Forced Returns of the National Human Rights Commission, of which GCR is a member.

Since 17 July 2023, the wildfires of Evros that were burning in different areas for more than two weeks created a dangerous environment also for asylum seekers that arrived in Greece in the same period. According to the Human Right Watch Report of 2024 “At least 20 asylum seekers reportedly died, including two children, during major forest fires in the Evros region in August, highlighting an additional risk to people on the move who are already facing violent pushbacks by authorities and attacks by vigilantes”. In Application no. 32629/23 - A.H. v. Greece and 8 other applications, in which the GCR submitted an Application for interim measures under R39 that were granted on 28/8/2023, 9 Afghan applicants (including 5 unaccompanied minors, one only 9 years old) were remaining in a forest area near the wildfires in Evros region for five days. The Applicants went missing while the decision of the Court was pending and up to now GCR has no news or indications about the circumstances under which they disappeared. Greek Authorities replied that the Applicants have not been located.

In its annual review of Greece for 2024 (Events of 2023), Human Rights Watch stated that “During 2023, abuses against asylum seekers and migrants continued, including violent pushbacks, abuses in detention, and vigilante violence. The government also smeared and judicially harassed civil society groups working with asylum seekers and migrants”.

The Working Group of the United Nations General Assembly, in a report published on 14 July 2023 flags that it “…received information concerning allegations that migrants in camps located in the Evros region had been hired as a form of private security and deployed in violent pushback operations. The Working Group is concerned about those allegations and urges the relevant authorities to investigate them. The authorities should put measures in place to prevent any instances in which migrants could be hired or involved in that type of activity or other activities that involve labour or economic exploitation”.

Among the pending cases before the ECtHR, in Application no. 35090/22 K.A. and Others v. Greece (interim measures granted on 20 July 2022), 50 Syrian refugees who were allegedly stranded on an islet in the Evros river, complained that they were pushed back from Greece to Türkiye after the Court’s decision. Most of them entered Greece again and found themselves stranded on the same islet once again. These refugees also complained that a young girl had died on the islet from insect bites. After succeeding in reaching the mainland on their own, they were formally arrested and registered on 15 August 2022. On 13 August, UNHCR stated that: ‘We continue to be gravely concerned for the safety and wellbeing of some 40 people allegedly stranded on an islet at the Greece-Türkiye border. According to reports received a child has tragically already died. Unless urgent action is taken, we fear further lives remain at stake’. The full application before the Court has been submitted by GCR. This specific case attracted the media’s attention, public interest and provoked a “public debate” around the facts of the case with many press releases, interviews and statements before the Greek Parliament. However, the “case of 38” remains a pushback case that the Greek State tries ‘to conceal in the public debate, by shifting the focus from the main issue which is the Greek State’s responsibility for the violent pushback operations. The Government continues to question the role of the Organisations that filed the interim measures before the ECtHR’. The case was communicated to the Greek and Turkish Government by the ECtHR on 17 April 2023. FRO of FRONTEX published a serious incident report about the case, in which concludes, inter alia, that “regarding the allegations of pushbacks on ….the Fundamental Rights Office considers the reports of pushbacks by migrants as relatively credible…”
On 26 January 2023, the ECtHR delivered its judgment in the case of B.Y. v. Greece, application no. 60990/14, which was represented before the Court by GCR, the Network of Social Support of Refugees and Immigrants and the Lawyers’ Group for the rights of Refugees and Immigrants. The Court ruled that there was a violation of Article 3 (the procedural limb of Article 3 in conjunction with Article 13) of the Convention. The case concerned a Turkish national who alleged that he was forcibly removed from Athens, Greece to Türkiye, despite his attempts to claim asylum on the grounds of his political opinion. The ECtHR, by a majority of 4 votes against 3, did not uphold the plea of violation of Article 3 in its substantive part because, despite the abundance of evidence submitted, the majority of the Court maintained reservations and ultimately concluded that it was impossible to admit the applicant’s presence in Greece during the period in question. The Court notes, however, that that failure stems to a large extent from the failure of the national authorities to carry out the thorough and effective investigation which they were required to carry out and to provide the necessary evidence. On the contrary, the three Members of the Court, in a strong joint minority opinion, held that Greece should be condemned also on the substantive part of the violation of Article 3 ECHR.

**Spain:** Arrivals in Spain, and in particular to the Canary Islands, have been increasing significantly in the last years, and the impact of COVID-19 restrictions on irregular arrivals was only temporary. In 2023, 56,852 migrants arrived in Spain by land and sea, which represents an increase of 82.1% compared to 31,219 arrivals in 2022. The vast majority of arrivals were by sea (55,618) and the main route for sea arrivals were the Canary Islands: 39,910 persons arrived by sea on the archipelago.

In a meeting held in March 2023, the five members (Spain, Italy, Malta, Greece and Cyprus) of the Mediterranean Alliance agreed on preventing migrants’ deaths by impeding irregular departures from countries of origin through the reinforcement of bilateral agreements with third countries, as well as by increasing returns.

A study published by the Centre Delàs d’Estudis per la Pau reported about all the companies, including financial institutions, that have funded the militarisation and the borders war in the Mediterranean, including the Spanish borders in Ceuta and Melilla.

In May, five organisations accused France of violating the rights of migrants at the French-Spanish border. In addition, eight organisations asked the European Anti-Fraud Office (OLAF) to open an investigation on the possible use by Spain of the EU funds in activities violating human rights at the Southern borders. A July report published by ‘EuroMed Rights’ and ‘State Watch’ showcases the increase in funding for reinforcing borders through technology during recent years, and notably how Spain’s share will increase by 34% to some € 325 million. In addition, it highlights how the Fundación Por Causa has been investigating the industry of migration control since 2020, and the working group of Spanish organisations coordinated by CEAR, aimed at monitoring the use of AMIF and IBMF funds for border control, especially in Ceuta and Melilla.

As of April 2023, the National Police has been equipped with different technical tools including live scans, with the aim of speeding up the procedure for fingerprinting.

The political and social crisis in Senegal which led to riots and deaths in June 2023 produced an increase in the outflow of boats from the country to the Canary Islands.

In view of the Spanish Presidency of the Council of the EU during the second semester of 2023, Amnesty International called the Spanish Government to foster, among others, effective migration and asylum policies, centered around rescuing persons in the sea, as well as the sharing of responsibilities among Member States in the protection of refugees.
In May the UNHCR launched a campaign on LinkedIn asking to end pushbacks, which are an illegal practice according to international and European law.

In June the ‘Minerva’ operation started in the Gibraltar Strait, concretely in the cities of Algeciras, Tarifa and Ceuta, with the aim of fighting against trafficking in persons and irregular migration. The operation was led by the Spanish National Police and coordinated by Frontex, involving police officers from 16 European countries, and lasted until the beginning of September.

According to the information released by the Moroccan Minister of Interior, Morocco rescued around 2,000 migrants attempting to reach the Canary Islands between mid-May and mid-July, and thanks to its surveillance of the coasts, prevented 25,519 migrants from departing from its territory during the first five months of 2023. Despite that, the lack of coordination in maritime rescues between the Moroccan and Spanish Governments has been denounced as the cause of deaths on the route to the Canary Islands.

On the occasion of the World Refugee Day, the NGO ‘Diaconía’ launched the documentary series ‘Vidas en tránsito’ (Lifes in transit), which is made of 12 videos in which 12 refugees count their lives and the reasons to flee their countries and apply for asylum.

At the end of October, an Egyptian national arrived in Bilbao hidden in the hold of a plane and applied for asylum on grounds of religious persecution. The Spanish Government denied his asylum application and returned him to Egypt.

The number of persons arriving in Ceuta and Melilla by land in 2023 was 1,234, marking a decrease compared to 2022, when 2,289 persons entered the enclaves. In addition, a total of 273 personas arrived by sea to the enclaves, with 206 reaching Melilla (representing a +37% increase compared to 2022), and 67 Ceuta (a 57% decrease compared to the previous year). In recent years, the main obstacles regarding access to the Spanish territory have been faced at the Ceuta and Melilla borders and checkpoints. These obstacles are mainly due to the impossibility for asylum seekers to cross the border and exit Morocco. There are several reported cases concerning refusal of entry, refoulement, collective expulsions and push backs, including incidents involving hundreds of people throughout, that continued throughout 2023.

In October 2023 a migrant entered Melilla using a paragliding. This marked the second time in 10 months that a migrant used such a mean to enter the city.

During the 2023 International Day in Support of Victims of Torture, different organisations submitted to the UN Committee against Torture a shadow report documenting the violations of the UN Convention against Torture committed by Spain. Among them, the NGOs denounced the mistreatments and the excessive use of force in the pushbacks occurring at the borders of Ceuta and Melilla as amounting to torture according to international principles and standards.

Similarly, to the previous update of the report, which provided a list of incidents at the border in 2022, the following list provides an overview of several incidents that were reported at the border in 2023 and at the beginning of 2024:

- Despite different organisations expressing concerns regarding the use of indiscriminate violence in border management activities and asking for an independent investigation to be carried out in order to clarify the situation and to ascertain political accountability, in December 2022 the Public Prosecutor decided to close the file on the case and declared the Minister of Interior unconnected to the deaths, which were considered to be the responsibility of the Moroccan authorities, but decided to open a file against the officers who attacked and hit migrants with stones. More than 150 organisations denounced said decision for allowing
impunity for national authorities. On the occasion of the launch of its 2022 annual report on Spain in January 2023, Human Rights Watch expressed concerns over the country’s response to the incident in Melilla and what could happen in the future in relation to pushbacks. In a hearing held at the European Parliament in January 2023, the Spanish Minister of Justice stated that the incident had been closed by the Public Prosecutor Office following a thorough investigation. In view of the high-level meeting between Morocco and Spain, in February 2023 Amnesty International called the two countries to end the policy of impunity and exceptionality in place at the borders of Ceuta and Melilla, and installed 15 human shapes in front of the Presidency of the Spanish Government, to commemorate the deaths of the migrants on 24 June 2022. During the same month, the Congress approved a reparation against the Minister of Interior for how he managed the situation that occurred that day in Melilla. The Spanish Ombudsperson concluded his investigation of the incident and concluded that the returns carried out that day were illegal according to the law. At the end of March, the Minister of Interior was heard at a hearing in front of the European Parliament.

On the occasion of the one-year anniversary of the event, Amnesty International denounced the concealment of the incident, as both the Spanish and Moroccan authorities continued to deny any responsibility and to frustrate any attempt to discover the truth. The organisation also denounced the lack of efforts in identifying the persons dead and those disappeared, and the impact and suffering that this causes to their family members in terms of truth, justice and compensation. The same claims have been made by the survivors of the event. CEAR urged the Government to put in place mechanisms to investigate and ascertain accountabilities for the at least 37 persons dead, the 77 disappeared and the 470 pushedback. 1 year after the event, the Moroccan authorities have identified and buried just one person and sentenced 61 persons in relation to the jump. On 24 June, a demonstration with the participation of different NGOs and political parties was organised in Melilla to commemorate the deaths and disappearances, and to ask for justice. In June 2023, different NGOs lodged a complaint before the judge in Melilla, asking for a detailed and thorough investigation of the facts that occurred during the jump. In July, the UN Committee against Torture released findings on four member States, including Spain, and urged the latter to thoroughly and impartially investigate the tragedy that occurred in Melilla in June 2022, to avoid a similar event in the future.

- In December 2022, a Sudanese young man who was pushed back to Morocco on 24 June 2022 applied for asylum at the Spanish Embassy in Rabat, with the aim of challenging the declarations of the Minister of Interior regarding the possibility to apply for asylum at the Spanish Embassies and Consulates, as well as at the Spanish land borders of Ceuta and Melilla without jumping the fences. In March 2023, his asylum interview was held at the embassy and the letter for his safe-conduct to Spain was received by the Spanish Ambassador in Morocco. In occasion of the one-year anniversary of the jump and the deaths of 24 June 2022, he wrote a letter to the President of the Spanish Government to complain about the lack of a decision on his asylum application after six months since it was lodged. In December 2023, in the absence of a decision by the Spanish Government on his asylum application after 1 year from its lodging, the asylum applicant lodged an appeal to the National Court (Audiencia Nacional) to ask for a precautionary measure urging his transfer to Spain.

- At the beginning of January 2024, Morocco informed it intercepted about 1,100 migrants in different towns in Morocco close to the borders with Spain and prevented their entrance to Ceuta and Melilla.

The above incidents illustrate how migrants and asylum seekers continue resorting to dangerous ways to enter Ceuta and Melilla, sometimes resulting in their deaths. Further incidents at the border are likely to continue in 2024.

In February 2014, 15 migrants drowned after attempting to reach the Spanish enclave of Ceuta by sea and were repelled with rubber bullets and smoke grenades by officers from the Guardia Civil. Since then, the so known “El Tarajal” case was decided and removed from the register in different occasions, until in June 2022 the Supreme Court (Tribunal Supremo) rejected the cassation appeals lodged by different NGOs against the decision to remove the case from the register taken by the Provincial Court of Cádiz. Previous updates of this report provide more details on the case. (See AIDA Country Report on Spain – 2021 and 2020 Updates). In
June 2023, the Constitutional Court (Tribunal Constitucional) admitted the appeal lodged by different NGOs against the removal of the case from the register decided by the High Court (Tribunal Supremo) and the Provincial Court of Cádiz.

Since the event in El Tarajal, each year many NGOs, groups of activists and other stakeholders join in Ceuta at the border, in order to commemorate the deaths and strive for justice.

Throughout 2023, and at the beginning of 2024, pushback practices continued to be reported. The Dutch Council for Refugees started to work, in collaboration with the NGO Caminando Fronteras, on advocating against and exposing pushbacks practices at Spain’s southern borders and the Canary Islands, as well as in improving asylum policies in the country, by training their staff in project management and fundraising. At the beginning of 2023, the Dutch Council for Refugees selected eight organisations working for refugees and human rights at the European borders (i.e., Spain, Italy, Greece and Poland) to fund and support for one year their projects within the Step Up Fund. The selected NGOs in Spain are Iridia, whose project focuses on monitoring and exposing human rights violations at Spain’s borders together with activists and local organisations on the ground; and Caminando Fronteras whose Step Up project seeks to improve its communication, so that refugees can find the right information and that the media and researchers know how to find Caminando as a reliable source of information. In March, a young man from Mali, who entered Spain by jumping the fence in Melilla in March 2022, lodged a claim against the Guardia Civil arguing torture and injuries, because he lost vision in one eye after he was struck with a baton when jumping the fence.

In April 2023, the Commissioner for Human Rights of the Council of Europe published a report following a country visit to Spain. The report addresses, amongst other things, the rights of refugees, asylum seekers and migrants. The Commissioner deplored the fact that access to protection varies significantly throughout the country and remains very challenging for many refugees and asylum seekers due to long waiting periods to access the asylum procedure, delays in the identification of special vulnerabilities, and obstacles in accessing social rights, including housing and health. She further stressed that there is no genuine and effective access to asylum at the border between Nador (Morocco) and Melilla. The Commissioner also reiterated that, despite the right of each country to control its borders and the possible cooperation with other States in doing so, this must be carried out in full compliance with all applicable international human rights standards. As regards the cooperation of Spain with Morocco in the control of common borders, the Commissioner urged Spain to revise the current approach to access to the territory and asylum in Ceuta and Melilla, as well as to stop pushbacks, in order to meet those obligations.

In May, the Spanish Minister of Interior declared that he will not breach his obligations to control borders and that he will not renounce to continue in doing it in the same manner he has been doing so far.

Following the arrival of around 8,000 migrants within 36-hours in mid-May 2021 – a quarter of them minors – into the city of Ceuta by swimming, and the immediate expulsion by the police of at least 4,000 persons, without any clarity as the procedure used by the Minister of Interior to carry out such expulsions, different human rights organisations denounced these collective pushbacks of migrants, including children, as well as the lack of legal assistance. In August 2021, the Ministry of Interior announced having started returning the children who entered Ceuta in May to Morocco. However, in February 2022, a judge in Ceuta (Juzgado de lo Contencioso Administrativo número 1) ordered the Government to bring back to Spain the children who were returned to Morocco, establishing that their return to Morocco was not in line with Spanish legislation and that it generated a serious risk for the children involved. In August 2023 some whatsapp messages exchanged during those days between different Government representatives and the then-Vice-President of Ceuta (who was denounced by the Public Prosecutor Office in June 2022, together with the Government-Delegate in the City for malfeasance in the illegal expulsion of Moroccan children) were made public. Such messages show their will to invent a procedure to return the unaccompanied migrant children to Morocco, and to overcome the position of the Public Prosecutor, who was demanding that they respect the principle of legality as well as the rights and guarantees foreseen for children by Spanish legislation.
In August 2023, the NGO ‘CEAR’ denounced the possible collective deportation to Senegal of 168 persons rescued near Mauritania while in route to the Canary Islands by a Spanish vessel of the Guardia Civil, thus while being under the jurisdiction of Spain. The Guardia Civil tried to take the migrants to the port of Nuadibú (Mauritania), but the Mauritanian Government denied them the disembarkation, despite the collaboration and agreements between Spain and Mauritania on migration. Similarly, Amnesty International denounced the human rights violation that the collective deportation without any guarantees entails.

According to a report published in 2022 by the European Migration Network (EMN), Spain has readmission agreements with some African countries (Cape Verde, Gambia, Guinea-Bissau, Guinea Conakry, Mali, and Niger). No information has been found on how widely they are applied nor how many persons are readmitted through such agreements.

In April 2023, the Spanish Prime Minister defined Morocco as an essential partner for the management of migration to Spain and to Europe.

In 2023, 55,618 persons and 1,817 boats reached Spain via sea routes. Out of the total number of persons arriving by sea, the vast majority (39,910 persons) disembarked on the Canary Islands, which has become one of the main destinations for boats since the last months of 2019, while 15,435 persons arrived on the mainland and the Balearic Islands. Only a few migrants disembarked in Ceuta (67 persons) and Melilla (206 persons). Regarding the number of deaths in the Mediterranean, several figures have been reported. The NGO Caminando Fronteras (Walking Borders) estimates that 6,618 persons died while reaching Spain in 2023, including 6,607 who lost their life on the Canary route. It further reported that 363 of victims were women, 384 were children, and that a total of 84 vessels disappeared with those 6,618 persons on board. In its 2023 annual report on human rights at the Southern borders, the ‘Asociación Pro Derechos Humanos de Andalucía - APDHA’ denounced that more than 40% of the total number of persons who died on route to Spain registered in the last 35 years occurred in the last 3 years, and that 2021 was the most lethal year so far, with at least 2,126 persons dead.

During 2023, different bodies of persons, including an 8-months-old Algerian baby, who died at sea while reaching Spain by boat, appeared on Spanish beaches sometime after their disappearance.

In July, the organisation ‘Caminando Fronteras’ asked the Public Prosecutor Office to open an investigation for the crime of failure to provide assistance to 36 persons who died after waiting ten hours to be rescued in their route to the Canary Islands by the Moroccan authorities, while a boat of the Spanish Salvamento Marí timo was at 1 hour navigating distance from the boat in distress.

As demonstrated by the figures above, boats arrivals to the Canary Islands continued in significant numbers throughout 2023. It is very likely that the Canary Islands will continue to be one of the main points of entry to Spain for migrants and refugees throughout 2024, especially given the increased controls at the Ceuta and Melilla border points and the increased capacity of Morocco to control the Northern part of the country, inter alia through EU funds. This is also due to the political situation in Senegal.

The ‘Canary route’ continues to be the deadlier route to reach Spain, with 6,607 out of 6,618 registered deaths of migrants trying to reach Spain in 2023 recorded on this route.

Nevertheless, while the focus has continuously been on the Canary Island during the last years, the so-called ‘Algerian route’ has also recorded many arrivals since 2022, especially to the Balearic Islands, Murcia and Alicante. Such a route registered an increase also in deaths and disappearances in 2023.

According to official data, in December 2023 the Moroccan Government declared having impeded the arrival of 70,000 migrants to Spain during the last 3 years, by impeding 70 jumps of the fences of Ceuta and Melilla.
The decrease of arrivals of almost 26% in 2022 compared to 2021 has been connected also to the renewal of the cooperation between Morocco and Spain. See the 2021 update of the AIDA report for more details on the issue on previous years.

In November 2020, the Spanish Government announced it would provide the Moroccan Ministry of Interior with 130 vehicles destined to border and migration control. The tender amounts to €7,150,000 without VAT and the contract lasted 12 months. This tender was part of the programme named “Support to the integrated management of borders and migration in Morocco” that started on 17 April 2019 and finished on 17 April 2022. Overall, it seems that the contract involves a total of €91 million.

As part of such programme, in May 2021 the Council of Ministers approved the allocation of EUR 30 million to the Moroccan Minister of Interior, for collaborating in funding the police with the aim of stop migrants before trying to cross the Mediterranean and reaching Spain. Following the XII High Level Meeting between Spain and Morocco held at the beginning of February 2023, the two countries issued a joint declaration establishing the renewal and reinforcement of the cooperation in the fight against irregular migration, border management, the fight against smuggling and the readmission of migrants in irregular situations. Additional information on the details of such an agreement were not available at the time of writing of this report.

On 17 June 2022, Frontex launched the operation ‘Minerva 2022’ in Algeciras, Tarifa and Ceuta; it lasted until mid-September, with 101 officers deployed by participant States. The joint operation ‘Minerva 2023’, led by the Spanish National Police and coordinated by Frontex, was launched also in 2023, from mid-June to beginning of September, with the participation of 94 experts coming from 16 countries.

In addition, Morocco (together with Algeria) became the new route for Sudanese refugees migrating to Europe, due to the serious political instability in Libya, the violence in such country and the militias controlling its territory.

In January 2023, the Civil Guard complained about the non-repayable EUR 120 million that the Spanish Government granted to Morocco for the management of borders during 2019 and 2022 and denounced the shortage of the resources received for the same purpose.

In 2023, the Spanish Prime Minister reiterated the essential role that Morocco has in managing and controlling migration.

The intensification of the migration management and checks by Morocco has been determined to cause an increase of arrivals from Algeria to Spain (especially to the Balearic Islands).

Following a parliamentary request, in March 2023 the Government reported that 1,500 Afghans arrived in Spain since August 2021 after applying for asylum at Spanish embassies in Iran and Pakistan.

In October 2023, the NGO CEAR denounced the return from Pakistan to Afghanistan of seven Afghans who are family members of an Afghan refugee in Spain, who had been waiting for 2 years for the Spanish authorities to decide on their family reunification request.

France: According to a report of Court of Auditors published in January 2024, about 89,000 refusals of entry have been notified at French borders in 2023.

The current temporary border control is valid from 1 November 2023 to 30 April 2024 and justified by ‘new terrorist threats and external borders situation; internal borders’.
Following a request from NGOs, the Council of State has requested a preliminary ruling from CJEU about the legal framework applicable in this situation. CJEU stated in September 2023 that where a Member State has reintroduced controls at its internal borders, it may adopt, in respect of a third-country national who presents himself or herself at an authorized border crossing point situated on its territory and where such controls are carried out, a decision refusing entry, provided that the common standards and procedures laid down in the Return directive are applied to that national with a view to his or her removal. In February 2024, the Council of State cancelled the article of law which allowed entry refusals to be made in all circumstances and without any distinction in the context of the re-establishment of internal border controls. The Council notes that the provisions of Ceseda relating to withholding and retention are particularly applicable to them, which provide a framework and minimum guarantees. Finally, he recalls the obligation to respect the right to asylum. It is up to the legislator to define the rules applicable to the situation of people whom the police services intend to send back to a member state of the Schengen area with which France has concluded a readmission agreement – among others, Italy and Spain.

According to the UK authorities, attempts to cross the Channel to join the United Kingdom reached a number of 29,437 in 2023 compared to 45,774 persons in 2022 (~36%) and 28,526 in 2021 (three times more than the number reported in 2020). On the people who arrived during the first three quarters of 2023 (24,833 persons), 71% came from only 7 countries: Afghanistan (19,5%), Iran (10,5%), Türkiye (10,1%), Eritrea (9,7%), Iraq (8,2%), Syria (7,2%), Sudan (5,8%).

According to French authorities, 35,800 persons were detected trying to cross the Channel in 2022 (compared to 51,786 in 2022, 35,382 in 2021, 9,551 in 2020 and 2,294 in 2019). Similarly, the number of migrants rescued at sea decreased to 6,450 persons, compared to 8,323 in 2022, 8,609 in 2021 and 2,036 in 2020. In 2023, at least 12 persons died (5 persons in 2022, 31 persons in 2021) and 4 missing at sea trying to join the United Kingdom Analysis shows that, like the previous year, the majority of people in small boats crossing Channel are refugees: according to the british NGO Refugee Council, nearly three quarters (74%) of Channel crossings so far in 2023 are refugees who would be granted asylum if claims were processed.

On September 7, 2023, the prefects of Nord, Pas-de-Calais and Somme adopted an interdepartmental decree authorizing the use of cameras installed on board aircraft in the context of measures against illegal immigration. For 3 months, it allows the use of 76 cameras on board drones, planes and helicopters to monitor a wide coastal strip of 5 km extending over 150 km. The legality of this order is based on a 2022 law allowing border surveillance by cameras, a practice which has developed at other points of entry from May 2023.

Figures on the number of apprehended persons and refusals of entry at the Italian border are not fully available for 2023 at the time of writing of this report. At the south border, in the department of Alpes Maritimes (mainly at border point in Menton), authorities have recorded 44,100 arrests of people trying to enter irregularly in France (a same person can be arrested multiple times), an increase of 10,6% compared to 2022 (about 40,000 persons arrested this year, 26,000 in 2021, 17,000 in 2020 and 16,000 in 2019). 33,429 returns have been implemented at this border. At the north border, in the border point of Montgenevre located in the department of Hautes Alpes, 6,100 persons have been arrested in 2023 (compared to 4,111 in 2022): 4,600 have been returned to Italy and 1,200 minors have been protected by social services in France.

Since July 2023, a ‘border force’ has been implemented at the French-Italian border (reinforced in September 2023) to increase the number of police officers available in this area.
In August 2023, NGOs denounced deprivation of liberty (68 minors were detained at the border the 21st of August 2023), illegal pushbacks and lack of support of unaccompanied minors in this area.

The situation could change following the important decision of the Council of State of 2nd February 2024 (see supra): however, in the two weeks following the decision, only 23 asylum claims had been registered at the south French-Italian border.

In a report published in May 2023, several NGOs has documented the increase of police resources at the French-Spanish border, illegal control practices and expeditious procedures which do not allow individual situations and the right to asylum to be considered. In 2021 and 2022, authors of this report have identified 12 deaths of migrants at this border. For instance, a migrant died in June 2022 when trying to enter France by crossing the Bidassoa River which marks the French–Spanish border, the press reported.

Illegal practices at the border have continued in 2023, as shown for example in a TV report broadcast in April 2023.

In the first semester of 2023, 3,481 refusals of entry were notified compared to 6,154 in the same period of 2022 but an increase of readmissions by Spanish authorities (366 in the first semester 2023, 206 in the same period in 2022).

Overseas France: In Mayotte, thousands of people arrive each year from Comoros and sometimes from African or Asian countries, especially Sri Lanka. In 2022, 7,839 migrants (6168 in 2021, 3,536 in 2020) were arrested at sea trying to reach Mayotte illegally according to the authorities (no data for 2023). In February 2024, the Ministry of the Interior has announced that new tools for interception and new radars will be implemented to limit irregular arrivals. In French Guyana, 9,165 refusals of entry were reported in 2023. No data is available for other overseas territories.

In 2023, about 6,250 persons have been detained in the waiting zone of Paris Roissy Airport, were almost all decisions of this type are taken (in 2021, 87.7% of decision maintaining people in waiting zones have been issued in Roissy - no data for subsequent years).

At the end of the year 2023, 303 passengers of a flight coming from India have been maintained in an ad hoc waiting zone especially created in a small airport near Paris: 25 Indians have asked for asylum and been transferred to Roissy, but they were released by the judge before their request was examined due to procedural irregularities.

Slovenia: In the first half of 2022, a new government was formed. In June 2022, the new Ministry of the Interior announced that Slovenia would remove its border fence with Croatia. The works began in July 2022, however only 4,142 metres of the fence were removed by the middle of September. Until May 2023, 136 km of wire fence was removed with 10km remaining. In October the Government introduced the border patrols with Italy, Hungary, and Croatia, however this did not result in an increased number of readmissions, meaning that most apprehended individuals were processed in the asylum procedure.

In 2023, the police detected 32,02460,587 irregular crossings of the Slovenian border. This is a 21490% increase in comparison to the previous year.

The most common countries of origin of people who were apprehended for irregular border crossing were: Afghanistan (6,01017,825), Burundi Morocco (5,1428,859), India (3,868), Pakistan (2,3615,176), Russia (3,631), Bangladesh (2,1103,551), Russia Syria (3,4901,816), Türkiye Iraq (1,5453,191), Cuba India (1,4741,912), Türkiye, Nepal (1,2941,637), Iran, Cuba (9401,316) followed by other nationalities. In practice Ukrainians are allowed entry and are not processed for irregular border crossing even if they do not fulfil the entry requirements e.g., a valid passport which is evident from the statistics.
According to the statistics, 31,447,857 individuals expressed their intention to apply for international protection. This is a 456.86%, an 8% increase from the 4,995,314,456 individuals who applied in 2022. In previous years, there was a huge discrepancy between the number of irregular crossings and the number of expressed intentions to apply for international protection due to systematic denial of access to the asylum procedure by the police and subsequent readmission of people to the neighboring countries from which they entered, mainly Croatia.

In August 2023, the Administrative Court (Administrative Court Decision, I U 1834/2019, 26. July 2023) made the decision in a case of a Syrian national who entered Slovenia, for the second time, in October 2019. He entered Slovenia in a group of 12 persons and expressed the intention to apply for asylum in Slovenia. The next day, Slovenian authorities readmitted the applicant, together with other members of the group, to Croatia. Croatian authorities took the applicant to the border with Bosnia and Hercegovina and ordered him to cross the border. The court found that during the procedure, the applicant managed to prove that he indeed expressed the intention for asylum in Slovenia. The Ministry of the Interior failed to prove that the intention was not overheard as the procedure was not properly documented, a translator was not present during the procedure, and the reports from several NGOs and the Slovenian Ombudsperson stated that during the time access to asylum was systematically denied to individuals during the police procedure. The Administrative Court found that by readmitting the applicant to Croatia and preventing him from applying for asylum in Slovenia, the authorities violated the principle of non-refoulement, right to asylum, prohibition of collective expulsion, right to judicial review, and the right to be heard.

In 2023, the Operation Terra continued with the Frontex personnel deployed in Bulgaria throughout the year reaching collectively 1,831 corps officers. In its bi-annual report on Frontex operational activities, the European Council clarified that these included operational response, situational monitoring, capacity building and return, with additional deployments, particularly at the border with Türkiye, as well as in other areas, focused on combating cross-border crime and fundamental rights monitoring with an input from Fundamental Rights Office (FRO). As in previous years, Frontex staff continued to work in mixed teams with the national guards and under the command of the Bulgarian border authorities. In September 2023, the European Commission stated that Bulgaria should be admitted to the EU’s free-movement zone without any further delay as it has proved its capability to be member of the Schengen area.

These measures were taken against the background of constantly increasing migratory pressure along the external EU border with Türkiye. Where 3,487 migrants entered the country in 2020, 10,799 in 2021, and 16,767 in 2022, in 2023 this figure reached 18,554 individuals. The peak was registered in August, with 5,025 individuals who accessed the country during this month alone. The number of new arrivals represented a 10% increase in comparison with the previous year, which meant that it was overall more limited than in previous years, as the increases registered in 2022 and 2023 were respectively of 55% and 205% compared to the previous year. The main contributing factors for this continuing increase relate to the precarious situation in Afghanistan, especially with respect to the total oppression of women under the Taliban regime as well as the political and economic instability in the neighboring Türkiye, which motivated many Syrian refugees who lived there for nearly 10 years to move onward and seek protection in Europe. The alleged deportations to Syria initiated by the Turkish authorities in 2022, and the devastating earthquake in Southern Türkiye on 6 February 2023 indeed exacerbated the situation of the nearly 3.6 million Syrian refugees living in Bulgaria’s neighboring country. The SAR anecdotal assessment found more than 80% of Syrian asylum applicants in 2023 to have been legally residing in Türkiye before their arrival to Bulgaria with their family members there who were expected to join them at a later stage.

In January 2024, the Interior Minister reported to have prevented a total of 180,000 irregular entries throughout the course of the year. This recognised practice resulted in a continuing and exponential increase of pushbacks along the border with Türkiye. The national monitoring mechanism registered another negative
record regarding pushbacks in 2023, with 9,897 alleged pushbacks affecting 174,588 persons. Verbal abuse and physical violence reported since 2015, as well as the humiliating practices of unlawful detention, strip searches and illegal confiscation of footwear, clothing, and other belongings, continued in massive proportions. Out of 510 asylum seekers, interviewed in 2023 in the context of the national monitoring mechanism, 373 consented to share their experiences on the attempt to cross the border with Türkiye. Among them, 1,63 individuals (44%) reported to have suffered pushbacks varying from 1 to 19 times, before being able to enter, reach assistance and register as asylum seekers. Another tragic consequence of the lack of safe legal entry channels to the Union’s territory at the Bulgarian external border with Türkiye, widely publicised in 2023, was the increasing death toll among the migrants who attempted to enter irregularly. More than 70 migrants have been found deceased in this year alone in the densely forested areas of Strandzha and Sakar mountains which stretch along the Bulgarian-Turkish border. According to the medical examiners, also corroborated by those who successfully entered Bulgaria, main causes were exhaustion, dehydration, malnutrition at many instances in combination with opioid use or overdose, the latter forced by smugglers and traffickers to accelerate the walking pace of smuggled groups and individuals.

Out of 18,554 migrants apprehended in 2023, 1,385 asylum seekers (7%) were able to apply for international protection at the national entry borders and only 2% of them (i.e., 61 individuals) had direct access to the asylum procedure without being detained, out of whom 35 (57%) were unaccompanied children handed over by the Border police to the social services under the referral arrangements introduced in 2018. The remaining 98% who were able to apply at entry borders were sent to the Ministry of Interior’s pre-removal (detention) centres. These numbers attest a slight improvement, considering that in 2022 just 1% (49 out of 4,233 asylum seekers) of the applicants at entry border had direct access to procedure and protection, but still worse than in 2021 when 3% (34 out of 1,065 asylum seekers) enjoyed such access.

UK: UNHCR published a report in May 2023 of an audit they carried out on the UK’s asylum intake, registration, and screening procedures. Concerns were raised about the use of informal barriers to asylum claims, one airport was described as having a senior manager who advocated for his staff to try to persuade asylum seekers to withdraw their claims and noted particular success in this with young people.

In the first nine months of 2023, 18,851 people were refused entry at the UK port of whom 6,199 were at the juxtaposed controls (see below) and were denied access to the UK. The information states that these are non-asylum cases, although it is not known how many wished to claim asylum. The information also states that a proportion of those initially refused and detained at the border may subsequently be admitted although no figures are given for this category.

In the control zones in France and Belgium, no asylum claim can be made to UK authorities, and the acknowledged purpose of these agreements with France and Belgium was to stop people travelling to the UK to claim asylum. This was reiterated by the statement from the Home Secretary following talks between the leaders of France and the UK on 18 January 2018. Of the 6,199 people turned back in control zones in the first nine months of 2023, it is not known how many wished to claim asylum. There is little or no information about any attempted claims, and whether those who attempt to claim are referred to the authorities of the state of departure, as the regulations require.

A new joint statement between the two countries related to Channel crossings was signed in November 2022. Between 2014 and 2022, the UK committed approx. £ 232 million to border security in northern France and is expected to commit a bit more than £ 476 million just over the next three years. Following a new declaration in March 2023, the UK will notably fund 500 additional officers in France, new infrastructure and surveillance equipment (such as drones, helicopters) and a new French immigration detention centre. Both countries have not, however, agreed on a readmission agreement.

In 2023 it is estimated that 19 people died trying to make the crossing of the Channel to the UK.
In one incident on 24 November 2021, it is estimated that at least 27 people died trying to cross the Channel. The Marine Accident Investigation Branch published an Accident Investigation Report on 8 November 2023. Documents disclosed under a Freedom of Information request showed that just prior to this incident the UK coastguard downgraded emergency calls from as many as four boats, meaning that they were treated as not in need of urgent rescue. On 9 November 2023 the government announced an independent, non-statutory inquiry into the incident.

An interim report was published by the Marine Accident Investigation Branch in December 2023 in relation to another incident on 14 December 2022 where at least 8 people died.

**Austria:** In 2023, the number of persons returned to Slovenia based on the bilateral readmission agreement was 62 (2022: 58). Nationalities of the persons returned are not shown. According to the AIDA report on Slovenia, persons who have been summarily returned back from Austria to Slovenia in 2020 were mostly expelled to Croatia by the Slovenian authorities. After the second judgement concerning pushbacks by Regional Administrative Court of Styria there were no more reports of pushbacks on Austrian territory throughout 2022 and 2023 according to the NGO Push Back Alarm Austria.

Border controls with Hungary and Slovenia are currently prolonged until 11 May 2024. Furthermore, in September 2023 border controls to Slovakia and Czech Republic were prolonged until April 2024 and February 2024 respectively. The prolongation of border controls was justified, among others, with the fear of proliferation of weapons from Ukraine and fight against terrorism.

In 2023, the President of Slovenia complained that Austria has no reason to continue border controls with Slovenia. Slovenia itself however also prolonged its own border controls to Croatia until June 2024. Until December, 384 persons coming from Slovenia were denied entry.

Germany refused entry to 9,924 persons between January and November 2023 (2022: 13,076) on the border to Austria. At the same time 1,286 persons were taken over from Germany (2022: 631). Following the ECJ judgement C-143/22, Austrian officials discussed the situation at the borders with German officials: Germany reassured that asylum seekers in Germany will not be denied entry or be rejected at the border.

Hungary and Austria engage in a bilateral police cooperation on Hungarian territory in the so called “Operation Fox”. Since September 2021 Austria deploys police officers to the Hungarian-Serbian and Hungarian-Serbian-Romanian border. At the end of 2023, 40 Austrian police officers supported the Hungarian police. In 2024, it is planned to increase it to 60 police officers. The Ministry of Interior has stated that the Austrian police is not applying force by themselves but only supporting the Hungarian police in their tasks. This cost more than EUR 2 million in 2023. Operation Fox was expanded until May 2024 and is likely to be prolonged. 180 alleged smugglers were apprehended. In May 2023 it caused uproar that Hungary released hundreds of convicted smugglers due to high costs and lack of detention space. The Hungarian ambassador was called for a consultation by the Austrian Ministry of Foreign Affairs. Until 2023, 194 persons were denied entry by Austria at the border with Hungary. In September, a case of an alleged pushback was reported to NGOs asylkoordination österreich and Push-back Alarm Austria. It was observed that Austrian police officers controlled an Afghan national on a train from Budapest to Vienna. The police officers apprehended the person and took him off the train. The brother of the Afghan national residing in Austria said that his apprehended brother wanted to ask for asylum but was pushed back to Serbia without any procedure or decision. These allegations, however, could not be proven. The person involved decided not to take the case to court.

As there are no border controls from Austria at the borders to Czech Republic, Germany, Switzerland, Italy and Liechtenstein, no rejections were made in 2022 at these borders. 22 persons coming from Slovakia were denied entry until October 2022, 1 from Czech Republic. At the airports, 666 persons were denied entry to Austria in 2023.
Following the earthquake in Syria and Türkiye in February 2023, Austria announced that it will not make any visa liberalisation but will prioritise the handling applications for short term visas with a maximum duration of 6 months by persons affected by the earthquake that have relatives in Austria.

In 2023, 16% of all applicants (app 10,000) arrived in Austria via family reunification procedure. This is a slight increase compared to 2022 (8,294).

**Germany**: Up to end of June 2023 border control authorities detected a total of 45,338 persons entering Germany irregularly out of which 18,747 were also asking for asylum. 16,735 of those asylum seekers were then referred to the BAMF.

According to those numbers 41% on average of arriving people are asking for asylum. On the border between Germany and Poland, however, only 17% of arrivals were registered as asylum seekers. This shows a significant gap between arrivals and claims for asylum. The party The Left and NGO’s assume illegal push backs by the Federal Police by ignoring the claim for asylum by arriving people. This correlates directly with rising stationary border controls and a tense climate in society. The Federal Government does not detect any illegal handling by the Federal Police in the official documentation and thus rejects the accusation. Persons that are removed directly at the border are not considered as illegal entry. For the first half of 2023 12,589 persons were removed to the neighboring country. This number is higher than for the first half of 2022 (8,986) and probably due to increased border controls.

Germany has regularly re-introduced border controls at its borders with Austria since 2015. Controls have been introduced also at the border to Poland, the Czech Republic and Switzerland and were extended again in December 2023. The prolongations occurred despite a ruling of the CJEU of 26 April 2022 in which the court states that border controls cannot exceed a duration of 6 months unless there is a new threat justifying a renewed introduction of controls for another six months maximum. The extension has been continually criticised by NGOs such as PRO ASYL, who argue that controls lead to refusals of entry of would-be asylum seekers in Germany, who are denied access to an assessment by the Federal Office for Migration and Refugees whether Germany might be responsible for handling their asylum application. A representative of the union of police officers repeatedly criticised the extensions, on the grounds that they do not reduce irregular immigration but rather shift routes to other land borders.

Over the course of 2022, the number of unauthorized border crossings from Poland into Germany decreased, with 8,760 detected crossings, but rose again within the beginning of 2023 until the end of June to 12,331 unauthorised crossings. Till the end of 2023 around 32,800 unauthorised crossings were detected of which a third travelled via Belarus. During the first half of the year in 2022, most of the detected persons came from Iraq or Syria, while an increase was detected for Egyptian nationals. There are no such detailed numbers for 2023.

In 2019, the German government introduced an additional private sponsorship programme in the form of a pilot scheme with 500 additional places. In the programme called “Neustart im Team (NesT)” groups of at least four persons commit to accompany and support resettled refugees for at least one year and to pay for their rent for two years. This was lowered to one year on 1 July 2022. The Federal government decided to make the programme permanent from 1 January 2023, with 200 places available per year. The conditions were slightly changed: groups of four people can apply to be sponsors; and in contrast to the pilot phase, they only need to pay rent (without electricity, water and heating) for one year.

**Ireland**: Further reports in September and October 2022 indicated that additional immigration control measures had increased at Dublin Airport, targeting in particular individuals seeking to disembark from arriving aircraft with false documentation. One such report indicated that ‘before the flight landed, the crew
asked passengers to get out their passports for immigration checks...Once it touched down, border control officers came on the plane.’ When passengers queried the practice, they were advised that Immigration Officers were ‘looking for people without visas.’ Despite indications from the Department of Justice in recent years that this practice had been largely scaled back, such reports suggest that the policy continues to operate in practice as of 2023.

Subsequently, in February 2023, it was reported that the Government had sanctioned the ‘resumption’ of passport checks at the steps of aircraft in an attempt to address ‘the significant numbers of asylum seekers who had lost or destroyed their travel documents while flying into the State.’ According to the report, the Garda National Immigration Bureau are carrying out so-called ‘doorstep operations’ on a twice-weekly basis to check travel documents of passengers disembarking flights at Dublin Airport.

As of November 2023, there had been a total of 4,606 refusals of leave to land at Dublin Airport. The nationalities of those refused were not known at the time of updating.

**Cyprus:** In early 2023, it was announced that only 221 border guards fulfilled the selection and are expected to take up operations in April 2023. Furthermore, two cameras have been installed on the Green Line, with the intention to install in total 100 cameras, which will be monitored by members of the national army. According to the authorities when migrants are identified attempting to cross the Green Line, they attempt to stop these persons from crossing or, if this is not possible, they will be transferred to Pournara First Reception Center.

In 2023, with the change of government the decision was made to remove the razor wire due to the ineffectiveness of the measure. Furthermore, the border guards have mainly been used to guard Pournara and other locations rather than the ‘Green line as initially intended.

In 2023, there were two incidents of push backs in July and August, involving three boats and 109 nationals of Syria. UNHCR stated being “extremely concerned” over the return of more than 100 Syrian nationals from Cyprus to Lebanon without being screened to determine whether they need legal protection and who may be deported back to their war-wracked homeland and that deportations and transfers between states “without legal and procedural safeguards for persons who may need international protection” are against international and European law.

Overall, the number of arrivals declined significantly in 2023, by half in comparison to 2022, however the government emphasized the need to implement a European Union action plan for the Eastern Mediterranean to reduce the increased number of migrants detected on this route. The government also called on the European Union to consider declaring parts of Syria to repatriate Syrians.

Furthermore, according to the Ministry of Interior in 2023, Cyprus ranked first among EU states for the highest percentage of returns of new asylum seeker applications and ranked 4th among the 27-member bloc in absolute numbers of returns and deportations of irregular migrants, according to Q2 figures released by Eurostat. By October 2023, 9,300 people left Cyprus, compared to 5,800 who had left in the corresponding period of 2022.

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) published two reports on Frontex-supported return operation from Belgium and Cyprus to DRC. Regarding Belgium, the CPT held, amongst other things, that procedural safeguards against refoulement, including the legal remedies against the removal order, need to be further strengthened. With regard to Cyprus, the CPT highlighted the need for clear guidelines on the flight preparations and the boarding procedure, including on health-related issues. The Committee also became aware of allegations of ill-treatment after aborted removal attempts requiring the Cypriot authorities to take a proactive approach as regards the detection and prevention of ill-treatment. It also made recommendations aimed at improving safeguards in the context of the preparation for removal (e.g., access to a lawyer).
Poland: The fence built at the Polish-Belarusian border did not stop third-country nationals from crossing this border but contributed greatly to their increased suffering. As reported by Grupa Granica, many persons suffered injuries while climbing and coming off the fence, including fractures of the bones. Crossing the border through swamps, wetlands and rivers (paths that are now used more despite the risk due to the construction of the fence) increased the risk of drownings, injuries, hypothermia and – in consequence – death. In February 2-24, MSF claimed that:

Between January and September 2023, almost 40% of the 187 patients treated by MSF had injuries that they had sustained while attempting to climb the wall or falling off it. Physical trauma included blunt injuries, sprains, deep cuts and suspected fractures. During this period, MSF responded to 14 cases of confirmed or suspected fractures, and almost half (46%) of the referrals to hospital were related to wounds and orthopaedical injuries, requiring urgent inpatient care and/or orthopaedical intervention.

MSF also mentions mental health problems of third-country national they treated at the Polish-Belarusian border: “People stuck in the forest are often also in acute psychological distress by the time they are seen by the medical team. Between January and September 2023, MSF responded to 12 patients with mental health trauma, three of whom were referred to hospital due to their critical condition”.

In practice, seeking assistance of the ambulance and referrals to hospitals are treated as a measure of last resort, since the Border Guard has been known to take third-country nationals from hospitals and push them back to Belarus. In April 2023, following his visit at the Polish-Belarusian border, the UN Special Rapporteur on Human Rights of Migrants noticed that: “On both sides of the border, fear of being subjected to further acts of violence or other repercussions, such as pushbacks or detention, has prevented affected migrants from seeking medical and non-medical assistance to address their needs”.

Actions of the Polish forces increase even further the risks for health and life of third-country nationals. In the PRAB report, “a case of a Syrian asylum seeker with symptoms of hypoglycemia who was beaten and suffered fractures after he fainted for his insulin dependent” was mentioned. Despite his medical condition, he was pushed back to Belarus. As reported by Grupa Granica, in November 2023 “a Syrian citizen was shot in the back at the border. Fortunately, the bullet missed the spine and the vital organs. According to his account, he crossed the border with his group through a hole in the fence. They walked a few kilometers into Polish territory where they heard the polish services. They broke off to flee, the man was shot in the back. (…) The man underwent more than six hours of surgery at the University Clinical Hospital in Bialystok.” Moreover, in October 2023, Grupa Granica reported that the pepper spray throwers were used for the first time at the border: towards a group of approx. 100 third-country nationals. This action increased the risk to their life and health as they could only remain in clothes that were soaked in toxins or undress risking hypothermia.

Between August 2021 and February 2024, at least 55 persons died at the border. The total number of deaths is surely higher. In January 2023, a body of a doctor from Yemen was found in the woods near the Polish-Belarusian border. The third-country nationals that were accompanying the ill Yemeni national informed the Border Guard about his location and very bad condition. Their appeals for sending medical assistance were ignored; they were pushed back to Belarus. The Yemeni national was found only when another patrol was informed about his grave condition; however, then, he was already dead. In 2023, the death of an Ethiopian woman raised particular concerns as reportedly Polish Police and Border Guard were informed by other third-country nationals about her bad medical condition, but – instead of transporting her to the hospital – they pushed her back to Belarus. The Human Rights Commissioner is investigating this case; however, the Border Guard and Police seem to be unwilling to cooperate.

The death toll at the Polish-Belarusian border and the risks accompanying crossing this border were also noticed by the UN Special Rapporteur on Human Rights of Migrants:
80. Pushback practices at the border have cost migrants’ lives. Continued reports of migrants stranded at the Polish-Belarusian border, especially new arrivals, confirm that harsh border governance measures and the construction of the physical fence have not deterred irregular border crossing attempts but have heightened the risks to migrants and increased their suffering. Serious concerns remain over the physical and mental integrity of all migrants stranded at the Polish-Belarusian border, particularly in view of incoming arrivals and the increasingly harsh circumstances after the installation of the fence, including during winter weather. These conditions may also amount to cruel, inhuman or degrading treatment and may result in violations of the rights to life and security of a person.

In an increasing number of judgments issued in 2022 and 2023 courts condemned pushbacks at the Polish-Belarusian border, also in cases concerning pushbacks from Polish hospitals. In judgment no. IV SA/Wa 615/22, the Provincial Administrative Court in Warsaw considered a case of a Syrian national who was pushed back to Belarus in November 2021 after a short stay in a Polish hospital and in spite of his pleadings for asylum. In Belarus, he was subject to violence from the Belarusian authorities forcing him to go back to Poland. A decision ordering his immediate removal was issued and challenged by the Helsinki Foundation for Human Rights’ lawyer. The court annulled the decision, explaining that the Border Guard did not rigorously assess the factual situation of the foreigner, in particular, the circumstances of his arrival to Poland and his situation upon return. The court highlighted that the principle of non-refoulement still applies at the Polish-Belarusian border. A case concerning a pushback from a hospital was also communicated to the Polish government by the ECtHR in June 2022. Another case was decided by the Provincial Administrative Court in Białystok in May 2023. It concerned a pushback of a third-country national, who was seeking help for an Ethiopian woman in a worsening medical condition. He was apprehended by the Border Guard and pushed back to Belarus. The Border Guard did not seek the ill woman. Her body was found couple days later by the activists. The court considered the pushback to be illegal and ineffective.

Romania: The Border Police reported that in 2023, 214 persons were returned to neighboring countries under readmission agreements. In 2023, according to the Border Police, they did not grant access to the territory to 7,089 people. Also, according to the Border Police, they detected 18,903 people “illegally trying to enter Romania”. According to IGI-DAI, they came from the following countries of origin: Afghanistan, Albania, Algeria, Armenia, Azerbaijan, Bangladesh, Belarus, Bolivia, Cameroon, China, Cote d’Ivoire, Comore, Congo, Cuba, Egypt, Eritrea, Ethiopia, Philippines, Gambia, Georgia, Ghana, Guinea, India, Jordan, Irak, Iran, Kazakhstan, Kosovo, Liban, Libya, North Macedonia, Mali, Morocco, Republic Moldova, Mongolia, Montenegro, Nepal, Nigeria, Pakistan, Palestina, Peru, R.D. Congo, Central African Republic, Dominican Republic, Russia Federation, Rwanda, Senegal, Serbia, Sierra Leone, Syria, Somalia, Sri Lanka, Sudan, South Sudan, Tanzania, Tunisia, Türkiye, Turkmenistan, Ukraine, Uganda, Vietnam, Yemen. They were 18,010 adults and 893 minors.

For the year 2023, CNRR states that, based on discussions its legal counsellors had with asylum seekers, some of them said that they had been hit or had experienced other abusive behavior on the Romanian territory, for example at border crossings in the western region of Romania. The abuse behavior described by them consisted in using a high tone of voice, applying strokes (in the abdomen/legs area), not granting permission to use the toilet for a certain period of time. For example, in Timisoara, a Russian citizen, who applied for asylum at the Moravita Border Crossing Point, during the asylum procedure at the border, stated that the Romanian authorities did not show respect towards him, the border police officers displaying a disrespectful attitude.

Border monitoring

Spain: Monitoring is carried out by visiting and assessing the situation in border facilities. This includes assessing the conditions in the facilities, the access to information on asylum, the way in which asylum
Interviews are carried out, as well as the access to interpretation and legal assistance. UNHCR generally supports, advises and recommends authorities and NGOs on how to improve access to territory and the procedure, in compliance with international and national legal standards.

**Bulgaria:** In 2023, the Bulgarian Helsinki Committee under its UNHCR funded project carried out regular border monitoring visits on a weekly basis at the border with Greece and Türkiye, Serbia and Northern Macedonia as well as Romania vis-a-vis Dunav Most BCP at Ruse Border Police Precinct as well as ad hoc visits at the Sofia Airport transit hall. During these visits, the Bulgarian Helsinki Committee can also obtain information from police records when needed to cross-check individual statements, but has access only to border detention facilities, not to border-crossing points per se.

**Croatia:** Centre for Peace Studies reported that until June 2023, no monitoring activity was carried out by IMM. According to Fundamental Rights Agency, several border monitoring visits took place in 2023 but due to funding issues, the analysis of these visits is pending.

**Greece:** The Greek Government has remained opposed to the development of an independent border monitoring mechanism and has referred to the National Transparency Authority (NTA) as the body responsible amongst others for the investigation of pushback allegations. As of the date of this report, no effective investigation has been conducted on the repeated and consistent pushback allegations. The National Transparency Authority (NTA) has been criticised for lacking expertise to investigate pushbacks and for failing to act as an independent body, due to its failure to comply with the constitutional prerequisites for safeguarding the independence of such authorities. In May 2022, NTA released its, one and only, investigation report following the referral of a case by the Minister of Migration and Asylum in response to a publication by Lighthouse Report evidencing pushbacks of refugees and migrants by Greece. The investigation was carried out from November 2021 to March 2022. This investigation did not involve any victim of pushbacks, representatives of UN agencies, or the Ombudsman or the Greek National Commission for Human Rights. In fact, only one lawyer and one NGO offering medical services were interviewed, out of a total of 65 persons interviewed, which included 29 Greek officials. Both the content and process of publication of the report were marred by serious deficiencies, such as the investigation’s stated aims inter alia to ‘to reflect the view of local communities on how irregular migration is managed by the relevant national bodies’ and to record ‘the view of the local community on allegations of pushbacks’ and the failure to correctly anonymise the data of the report.

Moreover, on 31 July 2023 NTA published the annual report of 2022 in which “provides objective and comprehensive information on all the activities of the Authority, which were carried out during 2022, as well as the actions included in its operational planning for the following year”. In the Greek version of the same report, it is mentioned that NTA in 2022 received in total 2,694 general complaints, among them 167 that were forwarded to other audit services (mainly to the “AADE” and the Internal Affairs Service of the Security Services) due to lack of jurisdiction. This same report neither mentions any activity related to investigation on a complaint related to push backs nor in any area or public service/authority that could be responsible.

In September 2023, the Fundamental Rights Officer of the Ministry of Migration and Asylum activated an online complaint platform. According to the instructions of filling a complaint, the complaints must be submitted by name and in writing by the victim-third country national, in Greek or English and only about incidents that were not brought before judicial or prosecuting authorities. No provision of a submit by a representative is included.

Furthermore, in January 2023, the National Commission for Human Rights published its Interim Report on its Recording Mechanism of Informal Forced Returns, which had been launched in early 2022. In the framework of this Mechanism, ten civil society organizations, including GCR, recorded at least 50 incidents and 58 testimonies of informal forced returns which, according to testimonies of the alleged victims, occurred...
between April 2020 and October 2022. The total number of alleged victims in the report was approximately 2,157 third country nationals, including asylum seekers and recognised refugees in Greece. In December 2023, the “Recording Mechanism” published a follow-up report to the Interim Report of the Recording Mechanism of January 2023. In the period between February 2022 and December 2022 the Recording Mechanism has recorded testimonies through personal interviews with 43 alleged victims about 50 incidents of illegal forced returns. The countries of origin of the alleged victims are listed among the countries whose nationals are granted international protection status in Greece and the EU at a significant rate (Syria, Palestine, Türkiye, Afghanistan, Iraq, Iran, Somalia, Cameroon, Mali and Democratic Republic of Congo). The majority of the alleged victims are unregistered asylum seekers who reported that their personal data have never been recorded by the Greek Authorities and that they were informally and forcibly returned to Türkiye. The cases of 6 Turkish nationals unregistered asylum seekers with a political persecution in Türkiye, they were directly pushed back to their country of origin without any assessment of their international protection needs arising from the risk of being persecuted in Türkiye. According to the “National Mechanism” “These incidents constitute a direct violation of the principle of non-refoulement, which is the cornerstone of international protection of asylum seekers and refugees”. In the same report, and among the 43 alleged victims, 5 were already asylum seekers in Greece and 5 recognised refugees in Greece. Those last five alleged victims were deprived of the international protection status, already granted to them by the Greek State.

In 2023, RSA, Proasyl, GCR and ECRE filed Submissions to the Committee of Ministers of the Council of Europe regarding the execution of the Safi judgment (Farmakonisi Case). GCR and ECRE submit, inter alia, that the Safi case reveals a structural and complex problem, which cannot be considered an isolated incident and request the Committee of Ministers to place the Safi case under enhanced supervision.

Forensic Architecture have reported more than 2,000 pushback incidents within the last three years on their dedicated platform, which allegedly occurred from 2020 to 2023 on the Greek islands, connected to 55,445 victims of pushbacks. Among them, 24 persons were reported as dead and 17 as missing.

By way of illustration, the following pushback incidents at sea were reported in 2023, documented and verified by Forensic Architecture:

- An incident that allegedly happened on 21 January 2023 on Samos, verified by FA, when “9 asylum seekers landed on the Northeastern shores of Samos Island, where they hid. The next day, a group of masked men arrived, robbed the asylum seekers of their belongings, tied their hands with cable ties and transported them to a cove 30 minutes’ drive away. There, the masked men forced some of the asylum seekers to strip naked and beat them with batons. One of the persons beaten was a pregnant woman. The masked commando then forced everyone on a Hellenic Coast Guard vessel and subsequently cast them adrift on a life raft with no engine. The HCG vessel created waves to move the life raft into Turkish waters. Later the same day, the group was found drifting on a life raft by the Turkish Coast Guard off the coast of Kuşadası, Aydın”.

- An incident that allegedly happened on 13 January 2023 on Kos, verified by FA, when 23 asylum seekers on an inflatable boat were found drifting by the Turkish Coast Guard off the coast of Datça, Muğla.

- An incident that allegedly happened on 23 January 2023 on Lesvos, verified by FA, when 32 asylum seekers on an inflatable boat were found drifting by the Turkish Coast Guard off the coast of Dikili, Izmir.

- An incident that allegedly happened on 28 January 2023 on Lesvos, verified by FA, when 31 asylum seekers on two life rafts were found drifting by the Turkish Coast Guard off the coast of Dikili, Izmir.

- An incident that allegedly happened on 9 February 2023 on Rhodes, verified by FA, when 41 asylum seekers on an inflatable boat were found drifting by the Turkish Coast Guard off the coast of Fethiye, Muğla.
In relation to pushbacks at sea, Aegean Boat Report’s Annual Report for 2023 outlined that 1,451 boats carrying 38,993 people were apprehended by the Turkish Coast Guard and Police in 2023. According to this report “In 2023, people arriving has increased 240%, compared to 2022. 1,451 boats made it to the Greek islands, carrying 38,993 people. Boats arriving has increased 205% compared to 2022, when 476 boats arrived, carrying 11,496 people. 25,855 people have been illegally pushed back by Greek authorities. Total arrivals have increased by 240% compared to 2022, and 800% compared to 2021. 3,506 boats started their trip towards the Greek islands in 2023, carrying a total of 100,406 people. 1,451 boats made the trip, carrying a total of 38,993 people, the rest, 2,055 boats, 61,413 people, were picked up and arrested by the Turkish Coast guard and Police”. In January 2024, in the annual report with incidents in 2023, Aegean Boat Report is mentioning that in 2023 “In 2023 Aegean Boat Report have registered 904 pushback cases in the Aegean Sea, involving 25.855 children, women and men who tried to reach safety in Europe. 20%, 5,137 people, had already arrived on Greek territory, arrested, forced back to sea and left drifting in life rafts, illegally deported by the Hellenic Coast Guard (HCG), on orders from the Greek government, so far there has been no reaction from the EU on these illegal actions. Almost 45% of all boats picked up by Turkish coast guard in 2023 had been pushed back by Greek authorities”.

On 19 May 2023 the New York Times (NYT) published video footage of an alleged pushback from the island of Lesbos, which allegedly took place in the midday hours of 11 April 2023. Amongst others, EU Home Affairs Commissioner Ylva Johansson in an interview said that “What seems to be in these videos is a deportation,” adding that she had no reason to doubt the footage obtained by the New York Times and called on the Greek authorities to conduct a full and independent investigation into the reported incident. The Greek Prime Minister, in an interview to CNN, had committed to investigating the incident, describing it as an “completely unacceptable practice”. NTA appears to have been requested by the European Commissioner to activate an investigation into the incident, even if this authority has been repeatedly criticised for its ineffectiveness in investigating similar incidents. In a Joint NGO Statement dated on 21 June 2023, 21 organizations are stating that there is “No monitoring of fundamental rights violations in Greece without independent and effective mechanisms” , a statement that was done following the European Commission request to the Greek authorities for an investigation of a push back of refugees by the Hellenic Coast Guard on Lesbos island, documented by the New York Times . On 27 July 2023, in a joint submission to the Prosecutors of the Piraeus Naval Court, the First Instance Court of Mytilene and the Supreme Court Prosecutor, 28 civil society organisations are calling for an effective investigation into potential criminal acts committed in relation to what was published on 19 May 2023 by the New York Times (NYT).

In November 2023, Médecins Sans Frontières/Doctors Without Borders (MSF) published a report , in which “calls on the Greek authorities to investigate reports of hundreds of missing migrants and allegations of people being threatened, abducted, and ill-treated”. MSF based its report on the testimonies of 56 patients and information gathered between August 2021 and July 2023 on Lesbos and Samos. MSF are also reporting that “Since we started providing emergency medical assistance to people arriving by boat to Lesbos in June 2022, we have been unable to find approximately 940 people who were never found at the reported location”. MSF calls for a permanent end to pushbacks at borders, for an independent monitoring system to be set up on the Aegean islands, and for search and rescue operations to be stepped up at sea.

On 16 January 2024 the ECtHR issued a decision and a press release with the title “When firing several times at a motorboat transporting individuals illegally towards Greece, coastguards used force that was not “absolutely necessary” within the meaning of Article 2 of the Convention”. The case concerned a serious gunshot wound sustained by a member of the applicants’ family on 22 September 2014 near the island of Pserimos, when a vessel was intercepted transporting people illegally to Greece. Under the procedural aspect
of Article 2, the Court noted that there had been numerous shortcomings in the investigation conducted by the national authorities; this had led, in particular, to the loss of evidence, and had affected the adequacy of the investigation. Among other things, it had been impossible to determine whether or not the use of potentially fatal force was justified in the particular circumstances of the case. Under the substantive aspect of Article 2, the Court noted, firstly, that the respondent State had not complied with its obligation to introduce an adequate legislative framework governing the use of potentially lethal force in the area of maritime surveillance operations. It then considered that the coastguards, who could have presumed that the boat being monitored was transporting passengers, had not exercised the necessary vigilance in minimising any risk to life. The coastguards had thus used excessive force in the context of unclear regulations on the use of firearms. The Court considered that the Government had not demonstrated that the use of force had been “absolutely necessary” within the meaning of paragraph 2 of Article 2 of the Convention.

GCR represents survivors in two other pushback cases, which occurred after the individuals had already landed on the islands Lesvos and Kos. The first one concerns the case of a group of asylum seekers, who were pushed back to Türkiye upon their landing on Lesvos island and after entering a government-run quarantine facility for refugees in Megala Therma in February 2021; in both cases, the victims of the violent pushback operations – some of them in the first case – managed to re-enter Greece in 2022 and subsequently, filed an official complaint before the Public Prosecutor. The criminal investigation about the alleged incident in Megala Therma reached an end and GCR submitted a full Application before the ECtHR in December 2023. The second case is pending before the competent public prosecutors. and the second one concerns the kidnapping and illegal forced return of two recognized refugees who were legally residing in the Eastern Aegean Island of Kos.

Slovenia: In 2023 the Ombudsman highlighted the extremely poor reception conditions at the Police station for Compensatory Measures Novo mesto, where the majority of individuals irregularly crossing the border is processed. The Ombudsman noted that the hall in which individuals are processed and accommodated, before being transferred to the asylum home, is dysfunctional and extremely inappropriate considering that a large number of foreigners is processed there and that they stay there for a long period of time (from 5-6 hours). The Ombudsman noted that the structure of the hall does not guarantee respect for personal safety and human dignity, especially for vulnerable groups, families with small children and unaccompanied children. The premises is also not adapted to the needs of people with mobility impairments. The premises was not sufficiently cleaned or regularly disinfected. The hall is equipped with air conditioning but does not ensure adequate ventilation as the air in the room when a large number of people is accommodated is very poor. There is also a risk of the spread of infectious diseases. Unaccompanied children are accommodated together with other foreigners. In January 2023 the Government adopted the decision to instal additional temporary facilities on the premises for the purpose of processing foreigners. The additional facilities will be installed for maximum 3 years. In the first phase the fence and 2 sanitary containers will be built. In addition, 3 containers for accommodation and 3 tents will be installed. In the second and third phase additional 2 tents will be built while additional sanitary containers will be installed if needed. According to the police 3 containers that are already installed but were not yet operating during the Ombudsman’s visit will be used for accommodating vulnerable groups, including unaccompanied children. The Ombudsman noted that such accommodation is inappropriate for vulnerable groups and recommended that suitable facilities for processing vulnerable groups are established.

Criminalisation around issues regarding access to the territory

Greece: In May 2022, four organisations were reportedly under criminal investigation for potential involvement with smuggling networks, because they notified the authorities about the location of newly arrived migrants and requested that they be provided with assistance and access to asylum procedures in Greece. In the following year, no investigations took place, but it created an increasingly hostile environment in the field of HRDs’ work in Greece and a widespread fear of criminalisation.
After the above, on 29 July 2023, in a press release of the Greek Police two more NGOs, operating on Lesvos were targeted. From the title of the Press release “Finding the action of an organized criminal network, consisting of two (2) criminal organizations, whose members were systematically active in facilitating the illegal entry of foreigners into the Greek territory through the island of Lesvos” and the content of the announcement that was targeting NGOs which were going to arrival places of third country nationals with the “pretext of providing them with humanitarian-medical assistance”. After this development, new discussions on smear campaigns against HRD started, as up to date no individual and member of an NGO acting on Lesbos has been prosecuted.

Later, in January 2023, regarding charges against 24 human rights defenders who were helping to rescue migrants in distress at sea off Lesvos island, the UN Special Rapporteur on the human rights of migrants stated that: ‘[t]rials like this are deeply concerning because they criminalise life-saving work and set a dangerous precedent. Indeed, there has already been a chilling effect, with human rights defenders and humanitarian organisations forced to halt their human rights work in Greece and other EU countries’. On 13 January 2023, the espionage charges were dropped by the Court. On 30 January 2024 in a new trial, the accusers were found not guilty of the misdemeanors and the penal court for the felonies remains pending.

Prosecutions of activists working with migrants continued in 2022 and 2023, against the founders of the Greek Helsinki Monitor (GHM) and of the Aegean Boat Report (ABR), who were both subject to investigations and charged by Greek judicial authorities on the island of Kos for ‘forming or joining for profit and by profession, a criminal organisation with the purpose of facilitating the entry and stay of third country nationals into Greek territory.” On 2nd June 2023 the Asylum Campaign in a press release requested to stop a) the prosecution of those persons and organizations operating in the context of their role as human rights defenders, against violations even by state authorities and institutions, b) the systematic propaganda and disinformation against persons and organizations that provide protection to asylum seekers, refugees and vulnerable persons in general, c) To promote the investigation of all complaints that have been brought to the attention of the competent authorities and concern incidents of illegal redeployments and c) to stop the phenomenon of violations of fundamental human rights that are systematically carried out at the borders of Greece, as well as Europe.

On 11 September 2023, the Athens Bar Association published its interpretation of the Greek Code of lawyers on legal aid provision to newly arrived third-country nationals (TCN) who seek asylum in Greece. The Association states that:

- “According to the Code, lawyers are public officials and collaborators of the judiciary who defend fundamental rights, comply with the rules of ethics and maintain confidentiality for the benefit of their clients”.
- “The lawyers may provide legal assistance to irregularly arriving TCNs to initiate asylum applications. The possibility to apply for asylum cannot be exercised if TCNs do not have the necessary legal assistance during which they can communicate freely and appoint the lawyer as their representative”.
- “Migrants often request lawyers not to disclose their location to the authorities as they fear being returned to their countries. In such cases, insofar as they have assumed the responsibility to provide legal assistance, lawyers are bound by their duty of confidentiality even if they have not yet met the TCN in person. In such cases, they cannot be considered as assisting in the unlawful entry of TCNs as lawyers retain the freedom to handle cases without being identified with their clients and their files and may not be subjected to instructions incompatible with the nature of their work”.

The Athens Bar Association concludes that it is not allowed any search on physical or digital files of the lawyers.
or of the phone communications between the lawyers and the illegally entering third country nationals, if those are necessary to fulfil their order under the scope of practising their profession as lawyers.

**Italy:** Following the same purpose to prevent disembarkation of migrants rescued at sea by hindering NGO’s search and rescue activities, the government adopted the Law decree 1/2023 which was converted into Law 15/2023 on 24 February 2023. The new law once again modifies the prerequisites for the exercise of the faculties attributed to the Government and, at the same time, introduces rules of conduct for vessels (and their captains) carrying out search and rescue activities at sea, and consequent sanctions for those deemed responsible for non-compliance or erroneous compliance with those rules or orders issued by the Government by means of a specific inter-ministerial measure. With regards to the prerequisites, it is foreseen that the Italian government could limit or deny the transit or staying in its territorial waters of NGO ships when one of the following conditions is not respected:

- a) the vessel systematically carrying out search and rescue activities has the authorizations issued by the authorities of the flag state and possesses the technical-nautical eligibility requirements for safe navigation.
- b) timely information is immediately provided to the rescued persons about the possibility of seeking international protection.
- c) the assignment of the port of disembarkation is requested in the immediacy of the event; and
- d) the port of disembarkation is reached without delay.
- e) complete and detailed information on the rescue operation is provided to the maritime or police authorities.
- f) the search and rescue strategy did not contribute to dangerous situations on board or prevent the port of landing from being reached in a timely manner.

In the practice of SAR operations conducted by NGO ships, most conditions imposed by the law decree are already fulfilled. Humanitarian vessels already immediately refer to the Maritime Rescue Coordination Centre (MRCC) to obtain support and indication with regards to a place of safety. Moreover, they always immediately inform maritime or police authorities. It is interesting to note that the Law decree, with reference to letter a) does not take into consideration the recent CJEU decision on the joined cases C-14/21 and C-15/21, in which the Court stated that the disembarkation State cannot require different certifications from the ones of the flag State, nor more restrictive or different requirements than the ones provided for the International Conventions.

The impact of Law 15/2023 started resulting evident already from the first months of 2023, especially concerning search and rescue activity performed by NGO vessels. On 23 February, the Geo Barents vessel operated by Doctor without Borders - after a rescue operation concluded on 17 February - received a custody administrative order ending after 20 days and a 10,000-euro fine for not having shared some information not strictly related to the rescue activity. On 25 March 2023, the Louise Michel boat was seized after being accused of obstructing search and rescue operations. The boat had been ordered to reach the Trapani port after a first rescue operation, but decided to carry out three further rescue operations and was consequently accused by the Italian Coast Guard of “obstruction to search and rescue activities”.

On 6 February 2023, the Civil Court of Catania ruled on an appeal promoted by Humanity 1, concerning the standoff ordered in accordance with the Inter-ministerial Decree of 4 November 2022. The Court ruled on the unlawfulness of the decree, remarking that all people rescued from the ship Humanity 1 had the right to reach a place of safety ashore and to seek asylum in Italy. This decision concerns people who had been defined as “residual cargo” by the Italian government, and who, unlike minors and shipwrecked people in critical sanitary conditions, had not been disembarked immediately after the ship docked in the port of Catania.

On June 2, Italian authorities ordered the administrative detention of the ship Mare-Go (in a situation similar to that previously exposed for the ship Louise Michel) and at Sea-Eye4. In the first case, the ship, after completing some multiple rescues, headed to Lampedusa (instead of Trapani) to proceed with disembarkation operations, contravening the instructions given by the Coordination Center. As a result, a 20-day administrative detention and an administrative fine were ordered. The same measures were also taken
against the Sea-Eye4 vessel that arrived at the assigned port of Ortona after carrying out a double rescue, despite the request to return to port at the conclusion of the first operation.

On June 14 and August 28, Aurora SAR vessel was twice affected by similar provisions. In both situations the decision was taken due to the non-compliance with the disembarkation orders (passengers were again disembarked in Lampedusa, while the assigned port was Trapani). Two appeals were filed before the Civil Court of Palermo and are still pending. The second one was moved, due to competence reasons, to Agrigento. On August 22, Open Arms and Sea-Eye4 were both reached by a similar provision because of delays in reaching the assigned port (Open Arms to Marina di Carrara) or asking for a port of disembarkation (Sea-Eye4 to Salerno). Both organisations filed complaints against the provisions.

For similar reasons Open Arms received a new provision on October 4 after reaching the port of Marina di Carrara. Still in October, Mare Jonio and Sea-Eye4 both received the same provision on the basis of different grounds: the Mediterranea rescue vessel because of delay in the request of a port of disembarkation, while Sea-Eye4 due to “have contributing to create any dangerous situation on board or preventing the ship from promptly reaching the port of disembarkation”. The disembarkation took place in Vibo Valentia on October 30 after a very complicated and tragic SAR operation. On the same ground, on December 2, 2023, Humanity1 has been the recipient of a similar administrative measure after reaching Crotone port, and twice Ocean Viking on November 15 and December 30. On January 21, 2024 Open Arms, after the conclusion of the Search and Rescue operation in Crotone received the same provision on the basis of non compliance with the instruction given by the so-called Libyan Coastguard.

Finally on February 9, 2024 the Ocean Viking received the same provision (administrative custody for 20 days plus an administrative fine) and decided to appeal against the administrative decision based on the alleged contribution “to creating any dangerous situation on board or preventing the ship from promptly reaching the port of disembarkation” as provided by art 1 paragraph 2bis letter f). With an interim measure decision of February 20, 2024, the Civil Court of Brindisi with an audita altera parte decision “suspends the effectiveness of the administrative detention and custody order of the vessel Ocean Viking” on the basis of “a substantiation with regard to the possible lack of competence of investigation and sanctioning in the head of the administrative authority Italian; as well as with regard to the non-existence on the merits of the prerequisites for the application of Art. 1, paragraph 2 sexies, of d.l. October 21, 2022, no. 130” and on the risk for SOS Mediterranée to be “unable to exercise its inviolable rights such as “the inviolable right to the freedom of expression of thought (art. 21 Italian Constitution), the freedom of association (art. 18) which could be affected by the denial to continue its rescue activities at sea”.

On 9 May 2021, Moussa Balde, a 22-year-old boy, was attacked in the streets of Ventimiglia by three Italian men. After being shortly hospitalized, Moussa was ordered to be confined at the CPR of Turin waiting to be deported. At the CPR he was placed in solitary confinement and was found dead on 23 May 2021. On 10 January 2023, the Criminal Court of Imperia convicted three Italian citizens for the aggression, specifically for aggravated injury due to the use of a blunt object. Regarding the responsibilities for the suicide of the young migrant, a criminal proceeding is still pending to ascertain whether it was caused by the lack of medical and psychological care provided to the victim and to his isolation. Indeed, after the confinement, competent authorities denied that Moussa Balde had been present in the CPR, preventing any kind of legal assistance and support. Moreover, despite the brutal aggression suffered in Ventimiglia, the managing authority of the centre decided to put him in isolation, in a separate building called “Ospitaletto” within the detention centre without any kind of human support even if in a critical psychological and physical condition. On October 2023, the Turin prosecutor’s office sent to trial the facility’s director and CPR doctor, charged with involuntary manslaughter, and a police inspector, for forgery and aiding and abetting.

Spain: In January 2021, the Major of Barcelona expressed instead solidarity with NGOs involved in Search and Rescue activities. In the same month, the Municipality announced the intention to intervene as civil party in
the criminal procedure in process in Palermo (Italy) against the former Italian Minister of the Interior Matteo Salvini, for impeding the disembarkation of the Open Arms boat in Italy. The Open Arms was carrying 130 migrants and refugees during the summer of 2019. The judgement started in Palermo in October 2021. The judgment is still pending at the time of writing of this report, with some hearings already held during 2022, the beginning of 2023, and of 2024.

In January 2023 the Maritime Captaincy of Valencia opened an administrative procedure against the Spanish NGO rescue vessel ‘Aita Mari’ for certain alleged deficiencies detected 3 years before in Italy and that, according to the NGO managing the vessel, were corrected in the meantime. The Aita Mari risks to be fined with a fee between EUR 60,000 and 80,000.

21 out of the 22 migrants who fled from an airplane in Palma de Mallorca in November 2021 after the plane carried out an emergency landing in the island for an alleged medical urgency, will be transferred to the CIE of Barcelona. This is due to the decision taken by the Provincial Court of Baleares which ruled they should be freed after the reform of the crime of sedition. The migrant who faked the medical urgency was instead freed, as his deportation to Morocco cannot be carried out as he was charged with the crime of smuggling and is waiting for the result of the criminal proceeding. At least three among them applied for asylum at the CIE, alleging the risk of persecution (for political reasons and for sexual orientation) if returned to Morocco.

**Access to asylum procedures**

**Poland:** Exceptionally, the Border Guard is entitled to inform an asylum seeker that it is impossible to apply for asylum the day they present themselves at the Border Guard unit. In such a situation, the Border Guard registers a declaration of intention to submit the asylum application and determines a later date (no longer than 3 working days, in case of massive influx - 10 working days) and place to officially apply for asylum. In 2023, such an opportunity was given in total with regard to 542 foreigners (corresponding to 4,013 declarations registered in 2022, a significant decrease in comparison with recent years).

**Slovenia:** Readmission to neighbouring countries was conducted based on readmission agreements Slovenia has its neighbouring countries - Croatia, Italy, Austria and Hungary. Readmission agreements form a system outside EU law and the CEAS provisions, and do not uphold the standards that these require. The readmission agreements allow the return of migrants in informal procedures in which individuals are not issued a return decision, do not have the right to appeal and do not have the right to free legal aid or representation. In practice, no assessment of whether the principle of non-refoulement could be violated by a return from Slovenia is conducted. Therefore, there is no possibility for individuals in channelled through readmission procedures to argue that they face a risk of violation of the non-refoulement principle, or to challenge the decisions of the police. It is also not evident from the police records if individuals expressed an intention to apply for international protection, and if so, whether the police informed the individual of the right to asylum and how the person responded.

In 2023, only 257 individuals were readmitted to another country.

In 2023, Slovenia also readmitted 377 individuals to its territory under readmission agreements. This is a decrease from the 427 individuals it readmitted in 2022..., 203 were readmitted through the airport, 96 from Italy, 62 from Austria, 9 from Croatia and 7 from Hungary Out of 377 individuals, 65 were from Afghanistan, 44 from Algeria, 30 from Morocco, 29 from Slovenia, 22 from Türkiye, 21 from Azerbaijan, 17 from Bangladesh, 15 from Syria, 11 from Nepal an 11 from Iran

The pressure from Italian authorities to resume the use of the readmission agreement continued during 2023.

In 2023 Slovenia readmitted 96 persons from Italy.

In 2023, 62 were readmitted from Austria to Slovenia.
Italy: An interesting decision was taken by the ECtHR on 16 November 2023 with regards to an application submitted by four Sudanese applicants, granted of international protection in Italy. The events of the case referred to the situation in Ventimiglia in 2016, when, according to the so called “border relief policy”, and the concurrent signature of the Memorandum of Understanding between Italy and Sudan for the repatriation of irregular migrants of 24 August 2016, the Italian authorities implemented a strategy of singling out Sudanese nationals who were subjected to violent and inhumane and degrading methods of identification (confiscation of personal property, obligation to strip naked), forcibly transferred without being issued any order to the Taranto Hotspot (after a journey of nearly 1,200 km), re-identified and subjected to deportation procedures and concomitant removal order without being granted information or legal assistance. Within a few days the identified individuals were again transferred to Ventimiglia and then to Turin to be boarded without their knowledge to Khartoum. The four applicants managed by different circumstances not to be returned and to formalize asylum applications in CPR and obtain international protection. With the decision the Court declares the violation of art. 3 of the Convention (prohibition of inhuman and degrading treatments) with regards to the violations to which the applicants were exposed throughout the identification and transfer procedures and the violation of art. 5 §§ 1, 2 and 4 (right to liberty and security) due to the de facto detention to which the applicants were exposed.

On 28 March 2023, the Civil Court of Milan upheld the urgent appeal submitted by an Egyptian asylum seeker who had tried several times to access the Questura and finally had expressed his intention to seek asylum through a certified mail sent by his lawyer. The Court ordered Questura to register his intention to seek asylum. As of April 2023, the Questura of Milan decided to allow access to the asylum procedure through a telematic system (Prenotafacile) which, however, requires the possession of a passport or of an identification document to be used. On 9 May 2023, the Civil Court of Milan upheld the urgent appeal submitted by another Egyptian asylum seeker ordering Questura to process his asylum request evaluating the inadequacy of the Prenofacile system as it was actually not allowing people to request an appointment.

The Questure of Sassari and Siracusa declared to ask to submit legalised documents to prove the family bond among parents and children who are, otherwise, prevented from applying. The Civil Court of Rome, with a decision of 31 March 2023, ordered the immediate access to the asylum procedure of a Georgian citizen, deeming the new practice established in recent weeks by the Questura of Rome of setting appointments for the formalisation of the application months after the request did not comply with regulatory provisions.

Moreover, the Civil Court of Trieste ordered, on 24 March 2023, to the Questura of Udine, to register within 30 days the international protection request of a Nigerian woman, 62 aged, who, since October 2022, was trying to obtain access to the asylum procedure but had only obtained an expulsion order.

Also, with an important decision, the Civil Court of Bologna, on 18 January 2023, recognised the right to access the procedure to a group of asylum seekers who, helped by the CIAC association, since August 2022 were denied access to the procedure and accommodation lacking a domicile.

Spain: During 2023, asylum seekers continued to face many challenges and long waiting times to obtain an appointment to express their intention to apply for asylum, and to formalise the application, mainly due to a lack of appropriate resources. This situation led to gatherings of asylum seekers in different cities to protest, the opening of an investigation by the Provincial Public Prosecutor Office in Valencia, a claim lodged in front of the Spanish Ombudsperson, and to the call made by the UNHCR Representative for Spain to the Government to allocate more resources to solve the problems experienced by individuals wanting to access asylum.
In its 2023 annual report, the NGO CEAR continued to highlight the challenges that the Spanish asylum system still faces, both in terms of access to the territory and access to the procedure. While acknowledging the increase of the recognition rate in 2022 (16.5% compared to 10.5% in 2021), the organisation reiterated its concerns regarding the very low international protection recognition rate in Spain compared to the average rate at EU level (38.5% in 2022).

Cyprus: in 2022 asylum applications submitted by Syrian and Afghani nationals were not examined, with extremely few exceptions, although the Ministry of Interior acknowledges that Syria is not considered a safe country and that returns to Syria cannot be made. Furthermore, the support provided by the European Commission, via EUAA, to improve asylum procedures including registration and examination of asylum applications continued with no reference to a suspension of asylum applications. In mid 2023, the examination of Syrian and Afghani nationals resumed.

In November 2023 an asylum seeker from Iran presented herself to the police at the Ledra Palace checkpoint, declaring her wish to seek international protection and was denied access to asylum procedures. She remained stranded in the buffer zone for three days and was allowed entry to the the areas not controlled by the RoC and returned to Türkiye.

Romania: In 2023, a total of 772 third-country nationals applied for asylum at the border crossing points. Breakdown of the total number of persons per countries of origin: [see table]

According to the information provided by the Border Police, in 2023, all applications for asylum made at any border, including at the airport, were accepted and processed. On the other hand, CNRR mentioned that the organisation is aware of situations of refusal to process applications, but it only has the statements of the people in question who have not given their consent for the information on such situations to be further transmitted and detailed.

Austria: Even though Austria has seen more than 112,000 applications in 2022, no public discussion concerning triggering the ‘emergency provision’ arose. As the number of asylum applications decreased to almost 60,000 in 2023 and the backlog of pending cases decreased by almost 15,000 zu 39,000 cases at the end of 2023, the preconditions for triggering the emergency provisions such as an existing threat to public security could hardly be argued.

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

Legal assistance at first instance

Spain: In November 2023 the Government of the Canary Islands and the Bar Association of Santa Cruz de Tenerife reached an agreement aiming at assessing and guaranteeing a better quality of the legal assistance provided to migrants arriving by boat to the archipelago.

Bulgaria: Asylum seekers have the right to ask for the appointment of a legal aid lawyer from the moment of the registration of their asylum application. However, access to free legal aid in first-instance procedures was in practice not possible as of the end of 2023. In 2023, free legal aid was not provided to applicants, with the only exclusion of the statutory representation of unaccompanied asylum seeking and refugee children based on Article 25 LAR provision.

Croatia:
In 2023, UNHCR and the Croatian Law Centre in cooperation with the Ministry of Interior organised and held two workshops on the access to the international protection system and protection of vulnerable groups for the border police officials.

Lectures were held on the following topics: Human rights of the persons on the move and access to the asylum system, Recognition and protection of vulnerable groups, Techniques of interviewing vulnerable groups, Responsibility of police officers regarding the prevention of irregular migration. The lecturers were university professor and representatives of the UNHCR, Croatian Red Cross, Women’s Room and CLC. Altogether 40 police officer attended the trainings.

**Slovenia:** In 2023, PIC represented assisted more than 811 776 individuals in the asylum procedure. PIC remains the only NGO providing legal assistance to asylum applicants.

**Portugal:** In 2023, CPR provided legal support to 1,772 spontaneously arrived asylum seekers in all types of asylum procedures lodged throughout the year, which represents around 69% of the total number of applications communicated to CPR according to the law (2,565).

CPR supported the submission of 292 applications for legal aid in the course of 2023. While a breakdown by type of procedure is not available, the overwhelming majority of such requests followed refusals in accelerated and Dublin procedures.

**UK:** Statistics on applications for legal aid at first instance were not made available by the Home Office in response to parliamentary questions. A noted academic who has reported on this issue for several years revealed statistics obtained through a Freedom of Information Act request, that showed over half of the main applicants (excluding dependants) who claimed asylum in the year to 31 August 2023 living in England and Wales, did not have a legal aid representative.

**Sweden:** On 14 December 2023, the Government commissioned the Swedish Agency for Public Management (Statskontoret) to conduct a review of the asylum process with the aim of strengthening quality, uniformity and legal certainty. The review will include cases involving converts and LGBTQI people, as well as other asylum cases. The assignment must be reported to the Government Offices (Ministry of Justice) no later than 7 October 2024. The Government has also looked at the question about legal representatives and found that there should be heightened eligibility requirements for public counsel in the migration process, a general declaration of ineligibility for unsuitable representatives and, in cases where the individual is entitled to public counsel, if possible, an authorized interpreter should be used during oral proceedings, and an authorized translator for the translation of documents. We still do not know when these changes will take effect.

**Belgium:** The reception crisis has severely hindered access to legal assistance for applicants sleeping rough. After the registration of their application, single men are automatically left on the streets without any information about their rights – including the right to legal assistance – nor any practical indications on accessing the legal assistance they are entitled to. As a result, they are not able to challenge the violation of their right to a reception place. Most applicants lack information on the course of the asylum procedure. This can result in missing their first interview, potentially leading to the closure of their procedure. Many go to their interviews uninformed and unprepared. Although the presence of a lawyer is allowed during interviews of the CGRS, many do not have a lawyer by the time they are invited for this interview, and they go without the legal assistance they are entitled to. In addition, 1,300 applicants on the waiting list have already received a decision on their application whilst being deprived of accommodation. In case this decision is negative, the possibility to introduce an appeal is dependent on the access to legal assistance.

Several NGO’s try to mitigate this issue by providing legal information and ensuring access to lawyers to victims of the reception crisis. SISA, the social and administrative information service of the NGO BelRefugees, has been providing legal information and assistance to migrants living in precarious situations for a long time and continues to do so in the context of the reception crisis. Whereas SISA is accessible for all persons living in precarious situations and having questions about migration, the share of applicants of international
protection among the total amount of visitors was above 80% and often above 90% in January – September 2023. In April 2022, a legal helpdesk was set up by the NGO Vluchtelingenwerk Vlaanderen, a consortium of law firms and the Bureau of legal aid of Brussels. In this ‘first line’ helpdesk, volunteers provide information about the asylum procedure to applicants without access to a reception place and link them to ‘second line’ lawyers for further legal support in their asylum procedure. To this purpose, a collaboration has been set up with different bureaus of legal aid in Gent, Antwerp, Leuven, Limburg and Brussels, so as to ensure the swift designation of a specialised lawyer. In 2023, 3,400 individual applicants came to the legal helpdesk, with a total amount of 7,464 visits throughout the year. The volunteers also help asylum seekers with registering on Fedasil’s waiting list and finding their way to emergency accommodation and other humanitarian services.

In September 2023, Fedasil has reopened their Info Point, an information centre where applicants for international protection, transmigrants and undocumented persons can get information about the asylum procedure, medical aid, legal advice etc. Although the Info Point does not serve as a point of access to reception for those excluded in the context of the reception crisis, it can provide this group with information and help them, for example, to fill out the medical requisitorium (a form of expenses necessary to receive reimbursements of the medical costs as a part of material assistance of Fedasil).

Germany: As of 1 January 2023, the provisions on counselling have been reformed and it now encompasses advice on legal remedies against asylum decisions, but still falls short of covering legal representation at first or second instance.

Cyprus: Currently the CyRC is the only provider of free legal assistance. Furthermore, the Project provides for only three lawyers for all asylum seekers and beneficiaries of international protection (BIPs) in the country and, therefore, concentrates on the provision of legal advice to as many persons as possible and legal representation only for selected cases (mostly precedent-setting cases). The Project has the capacity to provide legal advice to approximately 500 persons per year whereas in 2022 and 2023 there were over 25,000 applicants pending at first instance.

Romania: Through the “Advocacy for access to the territory, information regarding international protection, child protection and refugee integration” project, implemented by CNRR, UNHCR Romania has the possibility to grant lawyers’ fees for asylum seekers and beneficiaries of international protection, based on their vulnerability, complexity or strategic interest for advocacy campaigns. Through this project 14 attorneys’ fees were awarded in 2022. In 2023, CNRR continued with the implementation of this project and provided advice and information to asylum seekers and migrants who met the conditions for submitting a new asylum application. Concerning the procedure, it assisted in the drafting and submission of procedural documents and provided legal assistance in court through specialised lawyers. CNRR also provided legal assistance in court through lawyers to beneficiaries of international protection when their rights were violated. In this respect, CNRR awarded a total of 24 fees to lawyers in this project: specifically, 21 fees on Output 1 - Access to territory (in the asylum procedure and for access to a new asylum procedure) and 3 fees on Output 3 - Child protection (in the asylum procedure). In 2023, 18 lawyers were remunerated for legal advice/assistance activities.

Legal assistance at second instance

Greece: Free legal assistance shall be provided to applicants in appeal procedures before the Appeals Authority under the terms and conditions set in the Ministerial Decision 788502/2023. According to the Ministerial Decision 494476/2023, the legal assistance scheme in appeal procedures will be integrated into the program AMIF (Asylum, Migration and Integration Fund) 2021-2027. According to Joint Ministerial Decision 788502/2023 regulating the State-funded legal aid scheme, asylum seekers are entitled to legal aid
as long as they are not represented by another lawyer. The application for legal aid must be filed before the submission of the appeal.

In 2023, during which COVID-19 related restrictions were lifted, applicants continued to be advised to apply online for free legal aid. However, it has been noticed in certain RAOs/AAU that in case of the decision’s notification in person to the applicant by the Asylum Service, the applicants are asked whether they would like to file a request for free legal aid in person on the same day and time.

**Switzerland**: There are currently 4 organisations under the State-funded scheme for legal assistance at second instance and which are present in the 6 federal asylum centres. Their mandate has been extended until 28 February 2023.

**Italy**: The critical issues encountered in past years still persist, as evidenced by the latest CILD report of June 2023.

**Romania**: As in previous years, in 2023 CNRR collaborated with lawyers to provide legal assistance to asylum seekers. Legal assistance was not provided at the administrative phase of the asylum procedure before the IGI-DAI, instead it was ensured during the legal phase at courts that have competencies in the asylum procedure: 60 lawyers ensured legal assistance in first instance and 40 lawyers in the appeal. According to CNRR, in 2023 there were cases where asylum seekers stated that the legal assistance provided by the ex officio lawyers was superficial, with applicants claiming that the lawyers did not discuss their case with them or did not show a willingness to know their situation thoroughly. Also, in some cases the ex officio lawyers did not perform the necessary procedure to file an appeal within the time limit provided by the law. Other information on legal assistance and lawyers was not provided by organisations and institutions.

**Portugal**: Another concern relates to the overall quality of free legal aid at appeal stage, as the current selection system is based on a random/automatic selection procedure managed by the Portuguese Bar Association. This is done on the basis of preferred areas of legal assistance chosen beforehand by the appointed lawyers. Such areas are general in nature and not specifically related to Asylum Law. In general, appointed lawyers are not trained in Asylum Law and have limited experience in this specific field. Throughout 2023, CPR continued to deliver trainings on asylum-related matters to diverse audiences, including legal professionals.

**Slovenia**: Applicants therefore have access to refugee counsellors who initiate judicial review on their behalf and represent them in court, free of charge. In January 2023, the list included 36 refugee counsellors. A new public call was published in October 2021; the procedure of appointing new refugee counsellors was finalised by in March 2023. The list now contains 434 refugee counsellors.

**France**: Applications for legal aid before the CNDA: 2023:
- Total decisions on applications: 61,183
- Granted: 59,415
- Refused: 1,768
- Acceptance rate: 97.1%

**UK**: Following these consultations, new increased fixed fees were introduced for online appeals lodged after 1 April 2023. Also, in April 2023 a change was made meaning that once the value of the work on a case reached twice the value of the fixed fee, the work would all be paid at hourly rates. In December 2023, changes were made to payment for work that will be done in relation to removal notices issued under the Illegal Migration Act 2023, although those provisions are not yet in force. Another change was made allowing
legal aid to be provided to someone in receipt of a removal notice under the Illegal Migration Act 2023 without the need for an assessment of that person’s finances to determine eligibility.

**Access to information**

**Germany**: The provision was changed with the entry into force of the 2022 Act on the acceleration of asylum court proceedings and asylum procedures on 1 January 2023. The reform introduced the requirement of informing applicants “early on” instead of “after the lodging of the asylum application”, which was the previous wording. Information is to be provided orally in groups (see Oral information). Another change introduced by the reform is the duty to inform not only about the asylum procedure, but also about possibilities to return voluntarily after the rejection of the asylum application.

With the entry into force of the 2022 Act on the acceleration of asylum court proceedings and asylum procedures on 1 January 2023, the state-run counselling is to be replaced by independent counselling, financed by the Federal Government but carried out by welfare associations or ‘other civil society actors’. This is in line with long-standing demands from welfare associations (see below). Counselling consists of two stages: group sessions with basic information on the asylum procedure as well as on return procedures, followed by the second stage of individual counselling sessions. The BAMF will continue to carry out the first stage of counselling as described below, whereas independent organisations will carry out individual counselling. The funding process for independent counselling associations started in February 2023 where associations could file interest for funding. After a summary oversight, the BAMF then required the associations to file the encompassing application for funding. EUR 20 million of financing were provided for 2023, originally EUR 80 million were envisaged. Welfare organisations criticise that the money was only disbursed in summer 2023 which delayed the availability of independent counselling or caused financial gaps for those associations which provided counselling services prior to the official distribution of funding. Additionally, it has been criticised that EUR 20 million is not sufficient for nationwide independent counselling. From the AnkER centre in Manching-Ingoldstadt it was reported that only two full-time counselling positions were financed in 2023 for up to 600 asylum applicants in the AnkER center, even though the BAMF recommends one full-time position per 180 asylum applicants. Additionally, the sum to be spent on personnel suffices only for job beginners and not for experienced personnel, which in combination with the high number of cases causes an overburdening of the staff. Despite the envisaged goal of EUR 80 million annually, for 2024 again only EUR 20 million are calculated, this time for the whole year, not as in 2023 for the second half of the year. According to welfare associations the insecurity as to how much funding will be provided in the upcoming years and under which circumstances the funding will be awarded has led to the withdrawal of associations from their funding applications for the counselling service.

Another problem arises due to the absence of rules on the access of welfare associations to arrival and AnkER centres. Since there are no federal rules governing access, it is up to the discretion of the local authorities whether welfare associations have access to the centres. In Munich, the Refugee Council tried to provide independent mobile counselling prior 2023 and has been denied access. The Federal Administrative Court upheld the denial in 2023. The court decided that access must be granted in individual case after registration and only where an asylum applicant has demanded counselling. However, local authorities are not obliged to grant open access to the facilities. This leads to legal uncertainty as to whether systematic access will be provided to welfare associations under the new rules on counselling. Overall, several associations criticise that due to the lack of funding, the uncoordinated funding process and the legal uncertainty as to whether access to accommodations centres is provided, access to individual counselling cannot be guaranteed in Germany.

**Ireland**: As of January 2023, IPAS has begun publishing weekly reports containing statistics regarding accommodation occupancy, including occupancy by accommodation type, occupancy breakdown by county and nationality.
Austria: Although their number has reduced in recent years, volunteers are still active in 2023 and assist asylum seekers in various aspects. This includes providing German language lessons and conversation, explaining asylum seekers’ obligations and rights, helping with the family reunification procedure or helping to access housing or employment upon termination of the asylum procedure. Some initiatives organise petitions and press reports against deportations to Afghanistan and other countries.

Bulgaria: Monitoring from the Bulgarian Helsinki Committee in 2023 established that oral guidance on determination procedures is provided by caseworkers in the majority of the cases (94%) with written instruction also served in 82% of the cases. However, in 41% of the monitored cases, when the written instructions were provided during the registration, it was not in a language that asylum seekers knew or could understand. In the remaining 18% the written information was not provided to asylum seekers.

Cyprus: In practice, the provision of information has always been one of the most important gaps in the system and remained so throughout 2022 and 2023. Overall, there is extremely limited information available, written or otherwise and very few information providers, mainly NGOs with limited capacity.

Regarding information provision in Pournara, in 2023 3 EUAA Info Providers are stationed there providing group sessions in the presence of interpreters. The group sessions are provided in groups of app. 20 adults and include information on the registration process in the Reception Center, the asylum procedure and reception conditions. While at present the information is provided orally, the aim is to include it in writing in the future. The information sessions are a positive development however they are not sufficient to cover the overall lack of information in the asylum procedures, especially due to extremely limited sources of information and in view of the lengthy asylum procedures.

A leaflet published by UNHCR is also disseminated in Pournara Centre, providing basic info on asylum process and reception conditions; however, in late 2023 this was put in hold as the leaflet is being updated. In the meantime, 2 leaflets, issued by the Asylum Service are provided: one explaining the Dublin procedure, and the other the asylum procedure.

In 2023, an information kiosk near the admin office. This kiosk allows anyone to seek information, make appointments, and discuss further questions.

In late 2019, the Cyprus Refugee Council published a leaflet made available in the main detention centre that included information on detention, available remedies, legal aid, and how these can be accessed. It was also disseminated in 2020 and again in 2023.

Romania: CNRR discovered that there were no updated information leaflets on the asylum procedure in other languages. The team started working on a new leaflet on the right to ask for asylum in Romania to disseminate in 2023. Leaflets can only be displayed at border-crossing points with prior approval by the authorities (Border Police), but the authorisation process has started.

In 2023, CNRR distributed leaflets in all Regional Centres for Procedures and Accommodation for Asylum Seekers, as well as at the CNRR headquarters in Bucharest. Leaflets about asylum procedure and Dublin procedure, material available in Pashto, Arabic, Kurdish, French, English, Amharic, Somali, Bengali, Urdu, Turkish. Leaflets about rights and obligations of asylum seekers during the asylum procedure, translated into 7 languages: English, French, Arabic, Kurdish, Pashto, Urdu, Turkish.

For 2023, IGI-DAI and CNRR provided information, as follows: according to IGI-DAI, in all centres, information about rights and obligations is provided immediately to the asylum seekers, verbally and in writing, when they are accommodated in the centre, with the support of available interpreters and by distributing leaflets/informative materials into the mother tongue. Information on the rights and obligations is also
displayed in the interior of each centre in several languages (IGI-DAI did not provide further details). However, CNRR presents the situation in a different manner: according to them, in the centres the information of the asylum seekers is done mainly by CNRR staff (e.g. legal counsellor), they are the ones who advise the asylum seekers on their rights and obligations, both verbally and by distributing leaflets available in languages such as English, French, Turkish, Ukrainian, Arab, Urdu, Pashto. The IGI-DAI staff make an overall presentation of the information, further details are provided by the NGO staff present in each center.

IGI-DAI stated in 2023 that the asylum seekers receive information about the Dublin procedure and that there is available a brochure in 15 languages (no further details were provided).

### Access to NGOS

**Germany:** As of 2023, there is no mechanism at the federal level which ensures that asylum seekers are getting access to legal advice from an independent institution before the interview. In contrast, the Federal Administrative Court decided in 2023 that there is no obligation to provide regular access to reception centres for welfare associations. Only in cases where counselling was explicitly requested by the asylum applicant and the respective welfare association received a mandate to counsel this individual applicant, access needs to be granted. It is uncertain how the legal reforms of 2023 to the independent counselling will affect the implementation of the court ruling (see: Provision of information on the procedure).

**Bulgaria:** Concerning urban asylum seekers and refugees living in the Sofia region, UNHCR has funded an Information Centre, run by the Red Cross along with an Information Bureau for Third Country Nationals, co-funded by Sofia Municipality, both located in Sofia. In 2023, 1,681 asylum seekers and beneficiaries of international protection (561 individuals at the Information Centre; 1,120 at the Information Bureau) were provided 4,520 consultations and different types of information.

From mid-April to the end of May 2022, UNHCR and UNICEF gradually opened “Blue Dot” services at two main border entry points in Ruse and Durankulak as well as in the rest of the major hotspots in Sofia, Varna, Dobrich and Burgas, which after the beginning of the war in Ukraine received and hosted large number of refugees. These services were managed by the regional branches of the Red Cross, and assisted by the Helsinki Committee, the Council of Refugee Women and representatives from the refugee community. In 2023, the Blue Dots provided a total of 55,295 consultations to the temporary protection holders in Bulgaria, including interventions related to access to healthcare, education, labour market, language learning, etc. The Blue Dots were closed on 1 January 2024 with the expectation to transition into BIP community centers, managed by the Red Cross and co-funded by UNHCR no later than by the spring of 2024.

**Croatia:** Since the end of March 2020 and the beginning of the COVID-19 pandemic, access for NGOs to Reception Centre for Applicants of International Protection has been restricted; this continued in 2023. Although the measures related to the pandemic were lifted in 2022, civil society organizations were prevented from accessing the Reception Centres and based on their project with the Ministry of Interior, only the Croatian Red Cross (CRC) and MdM had daily access to the reception centres.

In June 2023, the UNICEF office for Croatia, together with UNHCR, visited the Transit Reception Centre for foreigners in Trilj, gaining insight into the trends and conditions of the Centre, including premises intended for accommodating families with children. At the time of the visit, no families were staying in the Reception Centre.

In practice, NGOs have been facing obstacles to access detention centres for the past several years. The Centre for Peace Studies does not have access to the Reception Centre for Foreigners in Ježovo and the Transit Reception Centre for Foreigners in Tovarnik and Trilj since the beginning of 2018. CRP Sisak reported similar
problems vis-à-vis the Reception Centre for Foreigners in Ježevo in 2022. On the other hand, UNHCR has access to the Centres but each of its visit should be announced in advance.

**Cyprus:** At Pournara, during 2023 an exterior fence was installed increasing the controlled area of the facility. Furthermore, monitoring of access of staff and visitors in the Centre became much stricter. There are visiting hours (daily, 12pm-4pm) and in regard to access of NGOs, there is limited access and only upon approval by the Asylum Service. In most cases access and especially for legal advice access is not granted.

At Kofinou, throughout 2023, a number of organisations have had regular access to the Centre, providing medical supplies, psychosocial support, Greek language classes, English language classes, upskilling workshops, dance classes, occupational therapy sessions to minors and adults, and activities specifically aimed at children including arts and sports classes.

**Poland:** No NGO was refused entry to the reception centres in 2023. In February 2023, the Office for Foreigners repeated its call for volunteers to work in reception centres. Eventually, 5 volunteers were engaged in the work in the centre in Grupa in cooperation with the EMIC Foundation.

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)**

**Interpretation**

**Greece:** Interpretation for registrations of asylum requests, as well as interviews before the authorities is provided both by interpreters of the NGO METAdrasi and EUAA interpreters, yet challenges were reported in 2023.

Namely, on 30 October 2023, METAdrasi issued an announcement stating it had been forced to reduce by 80% its staff of 300 qualified interpreters in 63 languages inter alia supporting the work of the Greek Asylum Service (GAS), on account of a six-month delay in receiving due payments for services provided to the GAS. In the same announcement, METAdrasi also expressed its befuddlement over the delay, given the required funds had already been provided to the Greek state by the European Commission.

Two days later, on 1 November, the organisation issued a further announcement, stating that it had started “a race” for the re-employment of interpreters whose contracts had ended in October, following reasurances received by the Minister of Migration and Asylum that the funding gap would be speedily resolved. Yet despite these reassurances, the issue remained unresolved, at least up to 15 January 2024, when the organisation stressed it had yet to receive a single euro for services provided to the MoMA over an 8-month period, and was thus yet again faced with the need to “drastically reduce” its staff of interpreters, even though the amounts due were earmarked and had already been provided by the EC to the Greek Ministry of Finance for this purpose.

In what concerns remote interpretation, its use continued to be observed frequently and was not limited to remote RAOs and AAUs, that may not have a sufficient number of interpreters.
Spain: Based on the needs of persons arriving to the Canary Islands, in June 2022 Accem started to implement a project providing an interpretation service funded by the UNHCR. Such a service is directed at supporting the authorities and other actors involved in the reception of sea arrivals, including in detention and reception centres and in the provision of medical services, with the aim of improving the identification of persons in need of international protection among those arriving by boat and of fostering their access to the asylum procedure and to specialized assistance. The service counts with a team of 12 interpreters (8 men and 4 women) speaking different languages and dialects, i.e., Arabic, English, French, Dahiya, Hassanal, Bambara, Soninke, Pular, Wolof and Diola. The interpreters have been trained on international protection, prevention of and response to gender-based violence, child protection, protection of LGTBIQ+ persons, the psychological impact of migration process, as well as on the role of interpreters and on professionalism. Through this service, a total of 8,125 persons were assisted in 609 interventions. The main nationalities were Morocco, Mali, Senegal, Côte d’Ivoire and Guinea, and the main languages covered by the service included Dariya, Bambara, Wolof, Mandinga, Djula and Soninke. For 2023, the project counts with a team of 6 interpreters (2 women and 4 men) speaking the same mentioned languages.

Croatia: In 2023, it was observed that challenges occurred regarding translation in the procedure for international protection for applicants from Burundi as their interviews were conducted in the presence of interpreter for French language, instead of interpreter for their mother tongue – Kirundi or Swahili. For many applicants with only a basic knowledge of the French language, this represented a challenge because the applicants expressed their fear that they would not be able to fully explain their reasons for seeking international protection.

Bulgaria: Both at first and second instance, interpretation continued to present shortcomings in 2023, and its quality was often poor and unsatisfactory. Interpretation in determination procedures has remained one of the most serious, persistent and unsolved problems for a number of years. Interpretation is secured only from English, French and Arabic languages, and mainly in the reception centres in the capital Sofia. Following the beginning of EC-Bulgaria pilot project on accelerated procedure in mid-2023, the Commission deployed additional interpreters to be used by SAR through the duration of the project. According to the Bulgarian Helsinki Committee’s evaluation however, it results that most of them were not properly instructed on national asylum procedures. In several anecdotal cases, it appeared that Moroccan applicants whose application was processed in Pastrogor Transit Center were provided misleading information which resulted in failure to appeal within the deadline their negative first instance decisions.

100% of the monitored court hearings were assisted by interpreters in 2023. The Administrative Court in Haskovo to a great extent abandoned its unlawful practice from 2022 to summon an interpreter for the first court hearing by telephone at the day of the hearing, if and when the appellant had already appeared in the court room. In 32% of monitored cases where the applicant attended the hearing the interpreter was properly summoned in advance.

Romania: For 2023, the situation was as follows, according to data provided by IGI-DAI:

Translators receive RON 39.91 / hour (approx. EUR 8.14) for interpreting services foreign languages – Romanian and RON 44.82 / page (approx. EUR 9.14) for translation of documents, according to the legal provisions stipulated in Order no.2907/C/2340/2020. These amounts can be increased according to art. 7 of the Law no. 178/1997 for the authorisation and payment of interpreters and translators, as follows:

- by 50% for translations from or into an oriental language (Japanese, Chinese, etc.) or rarely used language;
- by 50% for translations carried out on an urgent basis (24-48 hours);
by 100% when interpreters and translators are required in the weekend, public holidays or between 10 PM and 6 AM.

In 2023 there were situations in which double interpretation had to be ensured:
- Galați centre: 70 cases. No information was provided on the languages used.
- Râdăuți centre: 11 cases. An Amhara/ Tigrinya interpreter was used to translate into English and then a translation from English into Romanian was ensured.
- Timișoara centre: 42 cases. No information was provided on the languages used.
- Giurgiu centre: 0 cases.
- Bucharest centre: 0 cases.
- Șomcuta Mare - Maramures: 196 cases, with translations from Nepali into English and then from English into Romanian (76 cases), and translations from Bengali into English and then from English into Romanian (120 cases).

In 2023, CNRR made specific efforts to ensure that interpreters received training. In February 2023, CNRR organised a specific training session for the interpreters with which it collaborates in order to respond to the imperative needs of improving language assistance in the asylum procedure. Information materials were also made available on the methods and techniques for interviewing persons undergoing the asylum procedure, the glossary of terminology related to the field and the UNHCR recommendations on communication and interpretation techniques in cases of vulnerable persons, with particular reference to unaccompanied minors. As in previous years, throughout 2023 there have been cases where asylum seekers have expressed concerns about the interpretation during the interview at IGI-DAI. Applicants claimed either that they did not understand very well what the translator had translated, or that the interpreters had not translated their answers accurately, had given a different meaning to their statements in the interview, or had a biased attitude towards them.

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

Dublin: General information and statistics

**Spain:** The number of incoming procedures to Spain is far higher than the number of outgoing procedures. In 2023, Spain received 9,164 requests, mainly from France (2,932), Germany (2,859), and The Netherlands (1,051).

**Italy:** In 2023, 35,563 requests (including both take charge and take back requests) were received in the incoming procedure, which marked a significant increase when compared to the 27,928 incoming requests Italy received in 2022. Regarding the outgoing procedure, there were 6,530 total requests, also considerably higher than in 2022 when 5,315 requests were sent.

On 5 December 2022, the Italian Dublin Unit issued a letter to other countries bound by the Dublin system, informing that from the following day incoming transfers to Italy would be suspended due to the absence of places in the reception system. Italy specified that the suspension would have not affected the reunification procedures for minors.

In 2023, the communication was not withdrawn, however 61 transfers were accepted. Out of these, just 41 incoming transfers were realised based on family criteria, definitely lower compared to the 153 incoming transfers realised in 2022. According to a report published by the Ministry of Labour, in 2023, 21 incoming requests were accepted involving minors.
Transfers in the outgoing procedure were only 31, half compared to 2022 when they were 65, and significantly less than the 431 realised in 2020, and 579 in 2019.
Out of those, in 2023, 5 took place for family reunifications towards other States.

Responding to the FOIA request, the Ministry of Interior informed that, in 2023, the discretionary clause provided by Article 17 of the Dublin Regulation was applied 5 times.

According to the information provided by the Ministry of Interior, in 2023, the number of realised transfers based on family criteria was 46, out of which 41 were incoming transfers and 5 outgoing transfers.

In 2023 the Dublin Unit dealt with 59 cases of unaccompanied minors eligible for transfers under Articles 8 and 17 (2) of the Regulation, significantly less than the 196 ones examined in 2022. 8 cases were related to outgoing requests.
Between July and December 2023, the accepted requests based on family unity and involving minors were 5, all related to incoming procedures.
Between January and June 2023, the accepted requests based on family unity and involving minors were 17, out of which only one was an outgoing request.

Outgoing procedure involving minors: Of the 8 outgoing practices examined by the Dublin Unit in 2023, 5 were started between January and June 2023 and 3 in the second half of the year. 4 minors have requested reunification with a family member residing in Germany, 3 minors with a family member residing in France and one with a family member residing in Finland.
Regarding the degrees of kinship, 3 minors applied to be reunited with one parent, 3 minors with a sibling and 2 others with an uncle.

Incoming procedure involving minors: In 2023, the Dublin Unit dealt with 51 incoming procedures, out of which 40 in the first half of the year and 11 in the second.
All unaccompanied minors were male. As of 31 December 2023, 1 minor reached the age of majority pending the procedure and the others were between the age of 14 and 17.

The most represented country of origin of the minors was Pakistan (6 minors), followed by Egypt (4 minors).
Regarding family ties, 7 minors applied to be reunited with a sibling, 3 with an uncle or an aunt, and just one with the father.
Regarding the geographical distribution on the Italian territory of the family members or relatives of unaccompanied minors, 7 lived in the Northern regions, 3 in those of the Centre, and 1 remained unknown.
Almost all the requests came from Greece (10 out of 11). The other came from Switzerland.

13 minors reached the age of majority during the procedure, 25 were between 14 and 17 years of age and only 2 were younger than 14.

Minors were predominantly from Pakistan (16) Somalia (8) and Egypt (8).
Concerning the degree of kinship between the minors involved in incoming practices and their respective family members resident in Italy, 30 minors applied to be reunited with an uncle or an aunt, 8 with a brother or sister, 1 with the father and 1 with the grandfather.
Regarding the geographical distribution, 26 family members of the minors live in Northern Italian regions, 5 in those of the Centre, and 9 in the Southern Regions and on the Islands.
Finally, as for the requesting State, almost all of the applications (30 out of 40 out of 126) came from the Greek Dublin Unit. The remaining applications were sent by Cyprus (8), Bulgaria (1) and Latvia (1).

In 2023, the Italian Dublin Unit, replying to a FOIA request submitted by ASGi, informed that “the discretionary clause (Article 17) was applied 5 times”.

**Bulgaria:** In 2023, Bulgaria received 17,899 incoming requests and made 136 outgoing requests. Since 2017 and including in 2021, Bulgaria did not apply the sovereignty clause. In 2022, Bulgaria applied the humanitarian clause of Article 17(2) in 1 case, but none in 2023.

In 2023, 46 outgoing transfers were carried out compared to 67 requests, indicating a 68% outgoing transfer rate. In the same time period, out of 17,899 incoming requests just 590 transfers were carried out in practice, thus marking 3% incoming transfer rate. The majority were Dublin transfers of unaccompanied children to members of their family in receiving Member States.

**Croatia:** In 2023, there was increase in both incoming and outgoing transfers compared to 2022. Croatia received a total of 897 incoming transfers mainly from Germany (278), Austria (193), Switzerland (159), France (117) and Belgium (87). 12 outgoing Dublin transfers were carried out to Bulgaria (4), Germany (3), Switzerland (2), Holland (1), Poland (1) and Slovenia (1).

**Slovenia:** In 2023, several protests against Dublin transfers to Croatia were conducted by asylum seekers, NGOs and activists. The protesters noted that due to the lengthiness of the procedure several asylum seekers in the Dublin procedure were employed and well integrated by the time the transfer should take place. Asylum seekers also reiterated that Croatia is not safe for them as several of them were victims of police violence. Protests were also organized in January and February 2024.

**Sweden:** In 2023, Sweden issued 1,671 and received 3,579 requests under the Dublin Regulation. Sweden interprets the Dublin Regulation rules rather strictly and respects the hierarchy established by the Regulation. The Swedish Aliens Act refers to the Dublin Regulation rules but not in detail since the Regulation has direct effect in Swedish law.

In 2023, the top five countries of origin were Afghanistan, Iraq, Uzbekistan, Syria and Iran.

Sweden made 3 requests based on the “humanitarian clause” (Article 17(2) Dublin Regulation) in 2023 and based on the “dependent persons’ clause” (Article 16 Dublin Regulation) and received 41 and 2 incoming requests on those grounds, respectively.

Statistics regarding article 17(1) are limited since there is no formal decision to refrain from sending a take charge request and to examine the application in Sweden is taken. The Dublin Unit had 25 officials in 2023.

In 2023 Sweden received 3,579 Dublin incoming requests and issued 1,671 outgoing requests to other Dublin States. A total of 639 Dublin transfers were carried out to another Dublin country in 2023.

The average processing time for all Dublin cases in 2023, i.e., until a transfer decision was issued, was 50 days, down from 64 in 2022, 46 in 2021, 49 in 2020, and 58 in 2019.

**Germany:** Germany received 15,568 incoming requests in 2023, out of which 9,954 were accepted, resulting in 4,275 transfers to Germany. 12.4% of all asylum decisions in Germany in 2023 were taken as a result of the Dublin procedure.
More detailed statistics are only available for the period between 1 January and 31 August 2023 as of February 2024. In this period, 54,803 outgoing requests mainly went to Italy (12,452) Croatia (10,576) and Austria (5,758). Germany received 9,838 requests in the same period, mainly from France (3,523), the Netherlands (1,603), and Belgium (1,427).

The notable decrease in the numbers of transfers from Greece to Germany before and during the Covid-19 outbreak continued in 2023 (January – August), with 98 transfers, compared to 212 2022 (whole year) (531 transfers in 2021, 423 transfers in 2020 and 730 transfers in 2019 compared to 3,495 in 2018). The overwhelming majority of transfers from Greece (97 out of 98) were carried out on the basis of the family unity provisions of the Dublin Regulation.

On average, a Dublin procedure lasted 3.1 months between January and August 2023, compared to 2.3 months for the whole of 2022. If Germany took over responsibility after a failed transfer to another Member State the average duration of the whole asylum procedure until a first instance decision was 15.2 months between January and August 2023, compared to 22.1 months for the whole of 2022.

**Romania:** According to data provided by IGI-DAI, for the year 2023, the situation was as follows:
- Bucharest: 11 adults and 2 unaccompanied children transferred to Germany, Bulgaria, Finland and Poland.
- Giurgiu: 0 persons.
- Galati: 2 adults transferred to Austria and Germany.
- Suceava: 4 adults transferred to Germany and Bulgaria.
- Șomcuța Mare: 0 persons.
- Timişoara: 3 unaccompanied children transferred to Germany.

Romania issued 551 requests and implemented 11 transfers in 2022, thereby indicating a transfer rate of 1.99%. Based on the numbers communicated by IGI-DAI for 2023, with 1,288 requests and 99 transfers, the transfer rate was 7.69% in 2023.

**Dublin procedure**

**Netherlands:** In 2022 and 2023, there have been issues relating to the formal registration and the registration interview, because of the chaotic situation in Ter Apel (for more information, see: Chapter 3, Section A5 and Reception Conditions). Because of this, asylum seekers had to wait up to several months after filing their application until they had their reporting interview. Because this disparity between the moment people request asylum and when they are able to officially lodge the asylum request, the following issue arose at what moment do the Dublin time periods for take back and take-charge requests, as well as transfer periods start. The IND used the day of the official registration (so sometimes months after arrival in Ter Apel) as the starting date to calculate these deadlines. However, on 21 September 2023, the Council of State ruled that original moment of expressing the need for international protection is to be considered the starting date for the Dublin time periods.

Between January and August 2023, the sovereignty clause was applied in 574 cases (compared to 624 cases in 2022, 665 cases in 2021 and 1,083 cases in 2020), resulting in an asylum procedure being carried out in Germany.

In 2023, the Federal Government reported that persons who ask for asylum at the border are ‘in principle’ sent to the responsible initial reception centres, implying that detention for the duration of a Dublin procedure should no longer take place.
The use of excessive force, physical restraints, separation of families, humiliating treatment and sedative medication by police authorities in Dublin transfers were denounced in Berlin and Lower Saxony in 2018. The practice continues for both Dublin transfers and removal in 2023. More recent observations from Bavaria corroborate coercive practices in the enforcement of Dublin transfers, including police raids with dogs in AnkER centres and handcuffing of asylum seekers, including pregnant women. For the first half of 2023, 2021, the Federal government reports that 47 Dublin transfers involved use of means of physical restraint by the police, compared to 103 over the whole of 2022, 110 in 2021, and 129 in 2020.

Church asylum: In a 2018 ruling, the Administrative High Court of Bavaria held, in line with the dominant position of domestic case law, that a person receiving church asylum whose whereabouts are reported to the BAMF cannot be considered as ‘absconding’ from the Dublin procedure. This was confirmed by a ruling of the Federal Administrative Court in 2020. The BAMF adapted its practice and clarified in January 2021 that persons in ‘open church asylum’ where their whereabouts are known are not considered to be absconding. This led to an increase in reported cases: in 2022, a total of 1,243 cases of ‘church asylum’ in the context of a Dublin procedure were reported to the BAMF, up from 822 cases in 2021 and 335 in 2020. Between January and September 2023, 1,9889 such cases were reported, showing a further increase in 2023. As of 12 August, the BAMF had decided in six cases to apply the sovereignty clause of the Dublin regulation and to conduct the asylum procedure in Germany. However, according to church activists in North Rhine Westphalia, almost all cases of church asylum are successful in that they lead to the ‘intended goal’, presumably the avoidance of a Dublin transfer or removal. Between January and September 2023, Germany became responsible for the asylum applications of persons in church asylum in 1,676 cases (however it cannot be established in how many of these cases this was a direct result of the granting of church asylum).

2023 has seen a number of “breaches” of church asylum to enforce Dublin transfers. In Viersen (North Rhine Westphalia), police entered the facilities of the protestant church to apprehend a couple that was to be transferred to Poland. The transfer was stopped because the woman suffered a breakdown, but the couple was still put in detention. The case led to widespread protests, and the mayor of Viersen finally intervened to stop the detention and transfer just before the 6-month period ended. In Schwerin (Mecklenburg-Vorpommern), special police forces broke into an apartment owned by the church in December 2023 to deport two major sons of a family of six from Afghanistan who had been given assurances by the German government that they would get a right to enter, but ultimately had to flee via Iran and Spain since the visa procedure was taking too long. The transfer to Spain was halted after protests. In November 2023, the government of North Rhine Westphalia issued internal guidelines in which it clarified that foreigners’ authorities cannot proceed with a transfer unless the BAMF has clearly stated that it will not apply the sovereignty clause and explicitly orders the transfer.

Whereas before the outbreak of Covid-19, a face to face interview was mandatory for the admissibility interview, the reform of the Asylum Act through Act on the acceleration of asylum court proceedings and asylum procedures which entered into force on 1 January 2023 introduced the possibility to conduct video interviews, including for Dublin interviews (see Personal interview). Even before, this possibility had been introduced for Dublin interviews as of July 2021. In 2023, 715 video interviews were conducted (see Personal interview). It is not possible to say how many of these were purely related to admissibility according to the Dublin regulation, however.

Romania: For 2023, IGI-DAI indicated that the Dublin Unit does not seek to request individualised guarantees; further details were not provided.

France: In 2023, individualised guarantees were still not requested by Prefectures prior to ordering a Dublin transfer.
**Bulgaria:** In practice, Bulgaria does not seek individualised guarantees to ensuring that asylum seekers will have adequate reception conditions upon transfer. The overwhelming part of outgoing transfers relating to vulnerable groups were carried out with respect to unaccompanied children since 2016 and up until the end of 2023. Since all transfers were based on family reunification and consent from the children and family members, the Dublin Unit did not request guarantees from receiving countries.

It is also a general understanding within the national stakeholders that the reception conditions in the countries of transfer, e.g., such as Germany, France, Switzerland, The Netherlands, Austria, and Norway in 2023, are better in most aspects than those in Bulgaria.

In cases where another Member State accepts the responsibility to examine the application of an asylum seeker who is in Bulgaria, the outgoing transfer was usually implemented within 5 months on average in practice. However, in 2023 SAR reported this period to has been up to 3 months. If incoming transfer is being organised, however, the duration of actual implementation varies, reaching in the past up to 15 months. In 2022, some reorganizations undertaken by SAR in its Internal Regulations decreased the implementation of incoming transfers up to 4 months on average, and to 3 and a half months in 2023.

**Italy:** In 2022 and 2023 no other readmissions at eastern border of people expressing their will to seek asylum were recorded. However, a change brought in the law by DL 133/2023 authorising not to take into consideration the expression of the will to seek asylum in case people do not present themselves to the appointment for the lodging of the asylum application could affect the Dublin procedure. In fact, the DL 133/2023 introduced the new Article 6 (3 bis) according to which in the event that the third country national citizen does not present at the competent Questura for the verification of the identity declared by him/her or for the formalisation of the asylum application, his/her expressed intention to seek asylum does not constitute an asylum application and the procedure is considered as never started.

With the exception of the lodging of the asylum application by the competent Questura, personal interviews of asylum seekers are rarely envisaged during the Dublin procedure.

In 2021 and 2022, many Courts suspended Dublin transfers pending the CJEU’s preliminary rulings raised by some Courts also on the information obligations. The Court of Cassation, the Civil Court of Trieste and the Civil Court of Milan asked the CJEU to clarify if a violation of the information obligations ruled by Articles 4 and 5 of the Dublin Regulation could cause in any case the cancellation of the transfer or such cancellation could be ordered only in case the applicant proves how the fulfilment of the information obligations and consequently their implementation in the procedure could have changed the procedure. The hearing took place on 8 June 2022. The Advocate General delivered her opinion on 20 April 2023, stating that the obligation to provide the information under Article 4 and Article 5 of the Dublin III Regulation and Article 29 of the Eurodac Regulation “applies both in the context of a first application for international protection and a take charge procedure, under Article 20(1) and Article 21(1) of Regulation No 604/2013 respectively, as well as in the context of a subsequent application for international protection and a situation, as that covered by Article 17(1) of Regulation No 603/2013, capable of giving rise to take back procedures under Article 23(1) and Article 24(1) of Regulation No 604/2013”.

Then, the Court clarified the existence of a different consequence in case of the infringement of Article 4 (common leaflet) and the violation of Article 5 (individual interview). According to the Court:

- a Dublin transfer decision should be annulled in case of an appeal calling into question the absence of the personal interview provided for in that Article 5, unless the national legislation allows the person concerned, in the context of that appeal, to set out in person all his or her arguments against that decision at a hearing which complies with the conditions and safeguards laid down in the latter article, and those arguments are not capable of altering that decision.
While, in case on an appeal calling into question the violation of Article 4 (common leaflet not provided):
- the national court responsible for assessing the lawfulness of the transfer decision may order that that decision be annulled only if it considers, in the light of the factual and legal circumstances of the case, that the failure to provide the common leaflet, notwithstanding the fact that the personal interview has taken place, actually deprived that person of the possibility of putting forward his or her arguments, to the extent that the outcome of the administrative procedure in respect of that person could have been different.

In practice, this means that failure to provide the common leaflet cannot lead to the annulment of the transfer unless the appellant demonstrates how the absence of information has concretely affected the Dublin procedure and altered it.

Instead, the personal interview is considered an essential phase which, if omitted, must in any case be made up for during the trial by listening directly to the appellant.

This, in the Italian context where the interview is often omitted or inconsistent and the court proceedings are mostly written, could take on an important meaning in pending and future trials.

**Effective remedies**

**Germany:** As of 1 January 2023, following the 2022 Act on the acceleration of asylum court proceedings and asylum procedures, courts have discretion whether to hold personal hearings if the applicant is represented by a lawyer. However, a hearing must take place if the applicant requests so.

**Romania:** No appeals were registered by the Regional Courts, according to the information provided. In 2023, according with data provided by IGI-DAI, a total of 21 appeals were formulated by asylum seekers subjected to transfer to another country as part of the Dublin procedure (10 in Bucharest, 2 in Radauti and 9 in Timisoara). No further details were provided.

**Italy:** To ASGI’s knowledge, in 2022 and 2023, as in the previous three years, the Questure waited for the 30-day deadline for lodging the appeal to expire before proceeding with the organisation of the transfer.

According to the law, the Court should decide on the application for suspensive effect within 5 days and notify a decision to the parties, who have 5 days to present submissions and 5 days to reply thereto. In this case, the Court must issue a new, final decision, confirming, modifying or revoking its previous decision. In ASGI’s experience, the Civil Courts never complied with these deadlines in 2020, 2021, 2022 and 2023.

**Suspension of transfers**

**Sweden:** In November 2022 (revised in 2023), the Swedish Migration Agency issued a new legal guidance note regarding Dublin transfers to Hungary. The Swedish Migration Agency currently do not consider that such systemic deficiencies in the asylum procedure and reception conditions in Hungary exists that transfers would engage Article 3(2) of the Dublin Regulation. The Swedish Migration Agency however consider that there are serious doubts on whether an asylum seeker, after transfer to Hungary, can gain access to the asylum procedure. Therefore, the Swedish Migration Agency assesses that no transfers to Hungary can be done until further notice.

The Swedish Migration Agency continues to make the request and take transfer decision if Hungary is determined to be the responsible Member State. In 2023, 52 request were made to Hungary. However, the transfer decisions may not be enforced as long as the condition in Hungary remains. All transfer decisions to Hungary in accordance with the Dublin regulation are therefore to be suspended until further notice.
The Swedish Migration Agency does not take any particular measures with regard to transfers to Greece, but they do take into consideration the recommendations from the Commission. In 2023, 5 take charge decisions and 1 take back decision were issued to Greece.

**Switzerland**: Since December 2022 until at least May 2023, no Dublin transfers to Italy could take place, following a communication from the Italian authorities to all Dublin Units claiming a lack of reception capacity. This concerns so far around 300 persons who could not be transferred from Switzerland.

**Croatia**: On the 8th of May 2023, the Administrative Court of Braunschweig delivered its decision 2 A 269/22. The case concerned an Iraqi couple with six children who applied for asylum in Germany. Their asylum claims were rejected because they already submitted an asylum application in Croatia. Germany submitted take-back requests which were accepted by the Croatian authorities hence Germany issued deportation orders supplemented by entry-bans.

The Court first declared that arbitrary returns have been an integral part of Croatia’s interior migration management. It noted the systemic deficiencies in Croatia’s asylum system as the authorities regularly push asylum applicants back across the European Union (EU) external border without individually examining their asylum applications or deport them to Serbia and Bosnia and Herzegovina as part of chain deportations or collective expulsions. Due to available evidence, the mutual trust principle has been permanently shaken by the proven systemic deficiencies in Croatia’s asylum system and reception conditions. The Court emphasized that artificially separating risks to be faced by the Dublin returnees from those faced by the other asylum applicants is only justified if returnees are not threatened by them. However, trust in guarantees provided by Croatia is no longer justified, and a lack of independent knowledge by German authorities cannot be relied upon as it is the responsibility of the MS to conduct investigations. The Court therefore ruled that there is a considerable risk that the applicants will be denied access to the asylum if returned to Croatia while highlighting that there are insufficient indications that the cases of children might receive more consideration. Hence, the Court ruled that the deportation orders and entry-bans are unlawful.

In Netherland, the District Court of the Hague seated in Amsterdam annulled a decision on a Dublin transfer to Croatia, considering that the State Secretary had not sufficiently investigated the situation for Dublin transferees, in light of reports of pushbacks and ill treatment in the Member State. Court ruled that the State Secretary had insufficiently investigated the risk of violation of Article 3 of the ECHR and had not reasoned adequately that the principle of mutual trust can be relied upon (Netherlands, Court of The Hague [Rechtbank Den Haag], Applicant v State Secretary for Justice and Security (Staatssecretaris van Justitie en Veiligheid), NL23.7025 and NL23.7026, 6 June 2023).

In another case, the District Court of the Hague seated in Roermond ordered an interim measure not to implement a Dublin transfer to Croatia and stayed the proceedings, awaiting the judgment of the CJEU in a case concerning questions relevant to the current case (Netherlands, Court of The Hague [Rechtbank Den Haag], Applicant v State Secretary for Justice and Security (Staatssecretaris van Justitie en Veiligheid), NL23.12018, 2 June 2023). The Court stated that general country information and ECHR case law showed that Croatia had carried out pushbacks on a large scale over a long period of time. The court noted that the information provided by the Croatian authorities was insufficient to determine whether the principle of mutual trust could be relied upon. The court also stated that questions on the legality of transfers to Poland referred for a preliminary ruling in the case NL22.6989 (15 June 2022) were relevant to this case. The court therefore decided to stay the proceedings until the questions are answered by the CJEU, and to suspend the contested transfer decision until the appeal has been decided.

In another case, the Council of State ruled that the interstate principle of mutual trust can be applied to a Dublin transfer to Croatia (Netherlands, Council of State [Afdeling Bestuursrechtspraak van de Raad van State], State Secretary for Justice and Security (Staatssecretaris van Justitie en Veiligheid) v Applicant, 202303599/1/V3, 13 September 2023). An Iranian national contested a decision on a Dublin transfer to
Croatia, and the Court of the Hague ruled that the State Secretary wrongly relied on the principle of interstate mutual trust and mentioned the assessment made by the Council of State in the ruling of 13 April 2022. Upon an onward appeal by the State Secretary, the Council of State clarified that the interpretation of the previous ruling was important for the assessment of information submitted by the Croatian authorities and that in the ruling from 13 April 2022 the Council of State referred the case back for further investigation. The Council of State noted that the investigations conducted by the State Secretary led to the conclusion that the principle of mutual trust can be applied with regard to Croatia and the Dublin transfer would not entail a violation of the EU Charter and the ECHR.

In Slovenia, The Supreme Court upheld the Ministry of the Interior’s appeal in the case of a Dublin transfer to Croatia, concluding that there were no procedural shortcomings or systemic deficiencies in Croatia’s asylum system (Slovenia, Supreme Court [Vrhovno sodišče], Ministry of the Interior v Applicant, VS00067263, 7 June 2023). The Slovenian Supreme Court reversed the Administrative Court decision and ruled that, in accordance with the Dublin III Regulation, the applicant would be considered as an applicant for international protection upon a transfer to Croatia (Slovenia, Supreme Court [Vrhovno sodišče], Ministry of the Interior v Applicant, VS00069932, 6 September 2023). Due to several concerns about the applicant’s access to the asylum procedure in Croatia, the Administrative Court upheld the applicant’s appeal against a Dublin transfer and referred the case back to the Ministry of the Interior for re-examination. The Ministry of the Interior appealed the decision to the Supreme Court, which allowed it on the grounds that Croatia’s acceptance and processing of the application for international protection in this case was not flawed, despite findings that may indicate systemic deficiencies in the asylum procedure. The court stated that despite some findings that may indicate deficiencies in the asylum procedure, however, the applicant did not adduce substantial evidence to prove systemic deficiencies and a real and personal risk of inhuman or degrading treatment.

**Bulgaria:** Bulgaria had suspended all Dublin transfers to Greece in 2011, based on the European Commission Fourth Recommendation, thereby assuming responsibility for examining the asylum applications of the asylum seekers concerned.

In 2023, Bulgaria resumed take back request to Greece with 2 requests sent. However, no transfers were implemented.

Suspensions of transfers are not automatic, as there might be cases of “take charge” requests where applicants have family members in other EU Member States or other circumstances that engage the responsibility of another state. Due to the level of material reception conditions in Bulgaria, there have just several appeals against Dublin transfer decisions to other EU Member States.

**Belgium:** Hungary: Since 2016, the Immigration Office stopped Dublin transfers to Hungary, and Belgium started to declare itself responsible for the concerned asylum applications. In November 2023, the Immigration Office confirmed that no transfers were carried out to Hungary and that no Dublin-transfer decisions are currently taken for Hungary. The Dublin procedure takes place, but Belgium declares itself responsible for the asylum application by applying article 17(1) of the Dublin Regulation.

**Greece:** In November 2023, the Immigration Office informed us that no Dublin-transfer decisions are currently taken for Greece. The Dublin procedure takes place, but Belgium declares itself responsible for the asylum application by applying article 17(1) of the Dublin Regulation.

Bulgaria: In April 2023, transfers to Bulgaria were resumed by the Belgian authorities. This was confirmed by the Immigration Office in June 2023. This change is based on the latest AIDA report, the EUAA factsheet ‘Information on procedural elements and rights of applicants subject to a Dublin transfer to Bulgaria’ and a working visit to Bulgaria by the Immigration Office. These sources show “that Bulgaria acts in accordance with the provisions provided for in the Dublin Regulation and that transfers can take place in accordance with
national and international regulations” according to the Immigration Office. This policy has been confirmed by the CALL in several cases.

**Germany**: German authorities continue to submit take charge requests to their Hungarian counterparts and to send requests to Hungary also in 2023. Hungary: 5 transfers to Hungary occurred in 2023. No further information is available on these cases, and it is unclear whether this presents a general change in practice on the side of either the German or the Hungarian authorities. Several court decisions halting transfers to Hungary in 2022 and 2023 (see table below) indicate that the BAMF is again ordering transfers to Hungary at least in some cases.

To Greece: no transfer was carried out in 2023 and 2022, only one in 2021 and 4 in 2020. While the number of requests seems to be similar in 2023 with 4,368 outgoing requests sent between January and August, they represented only 8% of all outgoing requests. The government asserts that vulnerable people are not being transferred since Dublin transfers have been taken up again in March 2017, and that individualised guarantees are sought for every case regarding reception, accommodation and the asylum procedure.

To Italy: NGOs reported that the BAMF continued to issue Dublin transfer decisions as of March 2023, even though Italy did not accept the transfers in most cases. While the Higher Administrative Court of North Rhine Westphalia found that the refusal of Italy to accept Dublin returnees, together with the government’s statement that there is no reception capacity, amounts to systemic deficiencies which make Dublin transfers to Italy illegal, the Federal Administrative Court rebuked this assumption in a decision issued in October 2023 (Federal Administrative Court, Decision 1 B 22.23, 24 October 2023, asyl.net: M31979). A total of 12,452 outgoing requests to Italy were sent between January and August 2023, while 10 transfers took place. In at least nine of these cases the persons travelled back voluntarily and independently, according to the BAMF. Jurisprudence regarding transfers to Italy has remained inconsistent as of 2023.

A detailed analysis of case law on this issue, which consists of hundreds of decisions, is not possible within the scope of this report. By way of illustration, recent decisions concerning transfers of asylum seekers and beneficiaries of international protection to selected Member States are listed below: [See table].

**Suspension of returns of beneficiaries of international protection**: The BAMF took up the processing of applications again on 1 April 2022. The BAMF stated that it planned to assess each case again on its merits, instead of accepting the decision to grant international protection from another Member State, and to only deem applications inadmissible “in justified individual cases” where no threat of violation of Art. 3 or 4 ECHR exists. On 31 August, ca. 7,000 asylum applications of persons who are likely to already have a protection in Greece were pending at the BAMF, down from 12,500 as of 31 December 2022 and 39,000 in December 2021. Between January and August 2023, 5,356 applications for international protection were filed by persons who had already been granted protection in Greece, compared to 14,053 applications over the whole of 2022, and 19,805 such applications in 2021. Syrians and Afghans made up ca. 60% of these applicants in 2023, and more than two third in previous years. Between January and August 2023, the BAMF decided on 13,629 such applications.

Some administrative courts have confirmed these rejections, arguing that the BAMF is not bound by decisions of the Greek asylum authorities. This question has been put before the CJEU in a request for preliminary ruling in September 2022. Between January and August 2023, a total of 92 removals of non-Greek nationals took place to Greece, but the removal statistics do not give indications on the residence status or nationality of persons returned. This indicates an increase from 2022 where 72 non-Greek nationals were removed to Greece.

For Hungary, in 2023 as in the previous year, some administrative courts have found that the situation of beneficiaries of international protection in Hungary bears the danger of violating Art. 3 ECHR or Art. 4 CFR as
beneficiaries are likely not able to ensure a minimum of existence (Administrative Court of Meiningen, 8 K 529/23 Me, 25 April 2023; Administrative Court of Bremen, 3 K 491/18, 6 April 2022; Administrative Court of Aachen, 5 K 3571/18.A – asyl.net: M30632).

Ireland: In the experience of the Irish Refugee Council, it remains the case as of 2023 that applicants who previously held international protection status in Greece are generally not subject to the inadmissibility procedure.

Romania: In 2023, transfers to Greece were not carried out. The highest number of “take back” requests (205) were issued to Bulgaria in 2022 but only two transfers were carried out. In 2023, one request was sent, and one transfer was implemented.

According to the information provided by IGI-DAI, Romania did not suspend returns of BIPs to any particular country in 2023. In Romania there is no national jurisprudence on the matter of returns of BIPs. The information provided by the courts for the year 2023 showed that they had no such cases.

Italy: On 12 January 2023, the Civil Court of Rome annulled the transfer of an asylum seeker to Romania, on the basis of the Article 29 of the Regulation. According to the Court, the terms for the transfer (6 months) had to be considered expired since it could not apply the longer term of 18 months, valid according to the Dublin Unit, because the applicant could not be considered untraceable: indeed, according to the Court, there was no proof that the applicant had been searched by the authorities. The Court also considered Romania an insecure country, as according to the Court, the Romanian reception system presents, today, critical issues due to the crisis originated by the war in Ukraine, with thousands of refugees and an exponential increase in requests for protection.

In 2022, the Civil Court of Catanzaro, annulled the decision taken by the Italian Dublin Unit to transfer an asylum seeker to the UK, as the court considered that the Dublin Regulation would no longer apply to the country, even if it had recognised its responsibility.

In early 2024, the Civil Court of Trieste adopted in two cases an interim measure to suspend two transfers to Croatia due to the possible violation of Article 3(2).

Also, on 9 June 2023 the Civil Court of Turin annulled the transfer of an asylum seeker to Croatia (...) in consideration of the violation of article 3 paragraph 2 of regulation 604/2013 in the part in which it states the impossibility to “transfer an applicant towards the Member State initially designated as responsible because there are reasonable grounds to believe that there are systemic deficiencies in the asylum procedure and in the reception conditions of applicants in that Member State which entails the risk of inhuman and degrading treatment within the meaning of Article 4 of the Charter of Fundamental Rights of the European Union

Situation of Dublin returnees

Belgium: In Denmark, the Refugee Appeals board ruled in a similar manner for three Dublin returnees: “In February 2023, the Belgian authorities informed the Danish Immigration Service that they cannot guarantee that accommodation can be offered shortly after arrival as the reception system was under great pressure. As a result, the Refugee Appeals Board overturned the Immigration Service’s decisions on the Dublin transfer”.

Switzerland: The Swiss Refugee Council continued its Dublin Returnees Monitoring Project (DRMP) to document the situation of Dublin returnees in Italy, without the participation of the Danish Refugee Council, at least until the end of 2023, focusing on the effects of the legislative changes for persons returned to Italy under the Dublin Regulation. Individual cases can be reported or referred to the project.
**Bulgaria:** In 2023, Bulgaria received 17,899 incoming requests under the Dublin Regulation and 590 incoming transfers. In 2023, the number of Dublin returns actually implemented to Bulgaria increased by 192% compared to 2022, by 158% compared to 2021 and by 1,342% compared to 2020 (see table). Overall, the percentage of actual transfers remains moderate compared to the number of incoming requests.

In 2023, SAR continued to report a severe lack of capacity to accommodate in its reception centres Dublin returnees that were not identified as vulnerable, both due to the constantly increasing new arrivals (+10% in 2023, +55% in 2022; +205% in 2021), and to the reduced reception capacity, as in practice only 3,592 out of 5,160 official accommodation places were assessed as fit for living, against the backdrop of 22,518 new arrivals just in 2023 (see Overview of the main changes since the previous report update, Reception capacity).

In 2023, the courts in some Dublin States, as well as the European Court of Human Rights, continued to rule suspension of Dublin transfers to Bulgaria on different grounds, but especially with respect to certain categories of asylum seekers due to poor material conditions and lack of proper safeguards for the rights of the individuals concerned (see table).

**Germany:** Germany received 4,275 transfers in 2023, compared to 3,700 in 2023, 4,274 in 2021, 4,369 in 2020 and 6,087 in 2019. Dublin transfers are usually carried out individually through commercial flights.

Between January and August 2023, the highest number of incoming requests towards Germany occurred from France, the Netherlands and Belgium. If persons are transferred to Germany based on family unity provisions, upon arrival they are sent to the place where their relatives are staying, and local authorities provide them with accommodation and other related reception services.

There have been no reports of Dublin returnees facing difficulties in re-accessing an asylum procedure or facing any other problems after having been transferred to Germany.

**Romania:** In 2023, Romania received 4,851 requests, and 344 incoming transfers.

**Italy:** In 2023, Italy received 61 incoming Dublin transfers.

Replying in February 2024 to ASGI’s information request, the Ministry of Interior informed that “Dublin returnees access the accommodation system at the same conditions than the other asylum seekers”.

Following the Tarakhel v. Switzerland ruling, in practice the guarantees requested were ensured mainly to families and vulnerable cases through a list of dedicated places in the SAI system (former Sprar/Siproimi system (see Types of Accommodation), communicated since June 2015 to other countries’ Dublin Units. Following the 2020 reform of the reception system, Dublin returnees as asylum seekers had again access to second-line reception SPRAR, renamed SAI but, due to the drastic reform brought by L. 50 of 5 May 2023, access to SAI is again denied to asylum seekers. It will be only allowed to vulnerable people as defined in the Reception Decree, Article 17.

In an answer (February 2024) to the public access request sent by ASGI, the Dublin Unit replied that “in the reception system there are no places reserved for Dubliners returning from other Member States, “as they are accommodated in the available places, in the same way as other asylum seekers”.

In practice, Dublin returnees face the same problems as other asylum seekers in Italy in accessing the asylum procedure and housing in the reception system.
Also, as already mentioned, the recent change introduced by DL 133/2023 in the asylum procedure could affect also Dublin returnees: in fact the DL 133/2023 introduced the new Article 6 (3 bis) according to which in the event that the third country national citizen does not present at the competent Questura for the verification of the identity declared by him/her or for the formalisation of the asylum application, his/her expressed intention to seek asylum does not constitute an asylum application and the procedure is considered as never started.

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

Border procedures

**Greece:** Fast-track border procedure: In December 2023, the total number of applications (first time and subsequent) lodged before the RAOs of Lesvos, Samos, Chios, Leros and Kos was 4,258, 63% of the total number of applications lodged in Greece in the same month. Data on the total number of applications lodged before all islands’ RAOs in 2023 have not been provided by the MoMA. Only monthly records of asylum applications lodged before each island’s RAO are available at the MoMA’s website.

Moreover, in 2023, asylum seekers that arrived in Rhodes were transferred to Leros and Kos CCACs and lodged applications before Leros and Kos RAOs, respectively. It should be noted that no reception conditions had been provided in Rhodes during the waiting period for their transfer.

However, applications lodged before the Asylum Unit of Fylakio by newly arrived persons who entered through the Greek-Turkish land border and remain in the RIC in Fylakio in Evros are not examined under the fast-track border procedure. In 2023, 7,079 applications lodged before the Asylum Unit of Fylakio.

In 2023, the fast-track border procedure has continued being variably implemented depending on the profile and nationality of the asylum seekers concerned (see also Differential Treatment of Specific Nationalities in the Procedure). Within the framework of that procedure:

- In 2022, out of a total of 2,286 in-merit and inadmissibility decisions issued by the Asylum Service in the fast-track border procedure, 462 were inadmissibility decisions, 74 were manifestly unfounded rejections, and 1,824 in-merit decisions. Out of the 1,824 in-merit decisions, 1,580 were positive decisions, demonstrating a remarkably high recognition rate.

- In 2023, data on in-merit and inadmissibility decisions issued by the Asylum Service in the fast-track border procedure have not been provided by the MoMA, even though GCR has requested it. Instead, following the latest such request sent by GCR in January 2024, the MoMA replied by referring GCR to the Ministry’s website “and in particular at the link https://migration.gov.gr/statistika/ [where] the monthly newsletters are published, alongside relevant annexes, which include summary and detailed statistical data on the work of the First Reception Service, the Asylum Service and the Appeals Authority […]” [1]. Yet a closer look at the public sources referred by the MoMA highlights the specific data is not available.

- Despite the suspension of readmission to Turkey, the Greek authorities refused to examine applications for international protection on their merits, as required by Article 91(5) of Asylum Code.

During 2023, and approximately since September 2023, asylum seekers from countries with over 95% recognition rate (i.e., asylum applicants from Palestine, Yemen, Sudan) had been granted refugee status on the basis of their administrative file, without undergoing an asylum interview, in application of article 82 para.
7 of the Asylum Code The same applied during 2023, in Fylakio Evros, for asylum applicants of Yazidi origin; they have been granted refugee status on the basis of their administrative file.

However, in Lesvos, a malpractice has been recorded with regard to Eritrean nationals. Specifically, Eritrean – upon their statement - nationals that resided most of their life in Ethiopia have been falsely registered as Ethiopians. It has been observed by legal actors that FRONTEX assessed them as Ethiopian nationals and not as Eritreans contrary to their statements.

In 2023, Lesvos RAO has automatically applied non-border procedures for applicants to whom first instance decisions had not been notified within 28 days from registration, without however issuing any decision for a referral to the normal procedure (as it is not foreseen in the law, according to RAO). In these cases, the deadline for the appeal is automatically extended as follows: for admissibility, the 10 days turn automatically to 20 days, for eligibility, from 10 to 30 days, and for eligibility for safe country of origin cases from 10 to 20 days. This practice is based on article 95 paragraph 2 of law 4939/2022. The same practice has been observed by legal aid actors in Kos RAO. Kos, this practice was first noticed at the beginning of 2023 and continued throughout the year.

Appeals in border procedures: In 2023, a total of 960 appeals were lodged on the islands against first instance decisions by the Asylum Service.

From 1 December 2019 till 31 December 2023, the average time from appeal lodging to issuance of decision (12,334 second instance decisions in total as regards appeals against islands’ RAOs first instance decisions) was 81 days.

Additionally, from 1 December 2019 till 31 December 2023, the average time from appeal discussion to issuance of decision (12,972 decisions in total) was 55 days.

In Lesvos, Kos and Chios, from approximately the second quarter of 2022, an order for voluntary departure from the country - with a seven-day deadline or a 25-day deadline- was incorporated in the first instance negative decisions issued by the RAO. In practice, a seven-day deadline is given with the “rejected as inadmissible” - first instance negative decisions, while a 25-day deadline is given with the “rejected as unfounded” – first instance negative decisions. This practice continued in 2023. The voluntary departure is provided by article 22 paragraph 1 L.3907/2011, as it was amended by article 3 L. 4825/2021.

**Spain:** In 2023, a total of 3,386 persons applied at a border post and 877 at a CIE. Border procedures represented around 2.61% of the total caseload of the Office for Asylum and Refuge (OAR) in 2023, and around 3.06% in 2022. This low number is indicative of the obstacles faced by asylum seekers in accessing the procedure at the border and the issues of pushbacks.

It should also be noted that since January 2020, Spain started to require a transit visa for nationals originating from Yemen. The measure is still in place as of March 2023. In addition, Spain requires such a transit visa also for nationals from Palestine and Syria. In practice, this means that they cannot access Spain if coming by plane without a visa. For those who manage to board a Spain-bound plane in any case, their application will be processed at the airport of arrival.

**Belgium:** In 2023, 650 asylum applications were made at the border.

**Germany:** In the first half of 2023, 200 airport procedures were initiated. 165 procedures took place at Frankfurt/Main Airport, 17 at the Munich Airport, and 18 at the Berlin Airport. No airport procedures are reported for the first half of 2023 at the airports of Düsseldorf or Hamburg.
Two out of the three main countries of origin of applicants in Germany in 2023 (Syria, Türkiye and Afghanistan) were among the main nationalities in the airport procedure in the first half of 2023. The top three nationalities in the airport procedure were Syria, Iran and Afghanistan, same as in previous years. Other countries represented in the airport procedure in the first half of 2023 Zimbabwe, Somalia, Cuba, Iraq, Cameroon, Comoros and Myanmar. Overall, between 2015 and the first half of 2023, Syrians and Iranians were systematically part of the top 3 nationalities represented in the airport procedure.

According to available statistics, manifestly unfounded decisions rose from around 10% in 2015 up to 50% in 2019 and have remained at ca. 45% in 2020 and 2021, dropping only slightly to 34.5% in 2022 and 29.5% in the first half of 2023.

In 2023, two cases of removals to Iran after an airport procedure became public, even though a federal level removal ban for the country was in place (see Differential treatment of specific nationalities in the procedure). In one case, the application of an Afghan woman who travelled with an Iranian passport was rejected as manifestly unfounded and resulted in her removal to Iran and later Afghanistan. Replying to criticism of these removals to Iran and Afghanistan, the Federal Ministry of Interior stated that they are not technically removals but refusals of entry, since the fiction of non-entry applies in the airport procedure.

In the first half of 2023, 54 appeals were lodged at the court, 3 were granted and 44 were rejected.

**Italy:** The border procedure may be applied where the applicant makes an application directly at the designated border areas or transit zones after being apprehended for evading or attempting to evade controls. Law 50/2023 added the possibility to apply the border procedure for the case of applicants making an application at the border or transit areas and coming from safe countries of origin.

Asylum seekers channelled in the border procedure can now face detention according to the new provision laid down in Article 6 bis of the Reception Decree introduced by L. 50 of 5 May 2023. Detention can last a maximum of 4 weeks; it can apply only during the border procedure and up to the judicial decision on the suspensive effect in case of appeal. It can also apply only where the applicant lacks a passport and economic guarantees, the last to be defined by a MOI Decree.

**Admissibility procedure**

**Greece:** an application for the annulment of the JMD was submitted before the Greek Council of State and its examination was discussed on 11 March 2022. In a decision issued on 3 February 2023, the Council of State referred a question to the CJEU for a preliminary ruling on the interpretation of article 38 of 2013/32/EU Directive, since Türkiye has not accepted any readmissions from Greece since March 2020. In particular, the majority opinion considers that it is not possible to designate a country as a safe third country if the readmission of the applicant to that country does not appear to be possible. This possibility should be assessed both in terms of legal provisions and obligations of the third country to accept readmissions as well as the actual compliance to those legal provisions. Readmissions to Türkiye are not implemented and the competent authority did not adequately explore the possibility of Türkiye changing its stance. Thus, in view of ensuring a quick examination of asylum applications, the national list established by the JMD should be annulled.

In 2023, 64.212 new asylum applications were registered in Greece, of which 21,8% were submitted by Syrian nationals, 14,8% by Afghan nationals, 6,3% by Pakistani nationals and 4,6% by Somali nationals, thus a substantial number of asylum applicants were affected by the JMD designating Turkey as a safe third country and, hence, channelling applicants into admissibility procedures.
Furthermore, the JMD 42799/3-6-2021 declaring Türkiye as a safe third country was amended by Decision No. 458568/2021 (FEK 5949/16-12-2021) to include Albania and Northern Macedonia as safe third countries for all nationals entering Greece from the countries listed. In December 2022, JMD 734214/6-12-2022 was issued, confirming the continuity and full validity of the amended JMD 42799/3-6-2021. Respectively, in December 2023, JMD 538595/12-12-2023 (FEK 7063/15-12-2023) was issued, following the 485728/31-10-2023 “Recommendation regarding the establishment of the national list of safe third countries according to art. 91 Law 4939/2022” of the Director of the Asylum Service, repeating the content of the amended JMD 42799/3-6-2021.

In 2023, 3,454 asylum applications were found inadmissible at first instance based on the “safe third country” concept. Additionally, 1,319 asylum applications were found inadmissible at second instance, including 1,237 in which Türkiye was the “safe third country”, 57 where it was North Macedonia and 25 where it was Albania.

In 2023, in Samos, Kos, Lesvos and Chios, admissibility interviews were conducted before an efficient vulnerability assessment had been completed. In general, no reasonable time has been provided before the admissibility interview for applicants to access information on asylum procedures, legal aid, prepare for the interview and collect and submit significant documents/evidence in support of their application for international protection.

Even if indications of vulnerability arose during an asylum interview, caseworkers did not refer applicants to psychosocial assessments and/or further medical examination at a general hospital, although this is provided for in art. 77 and 41 of Asylum Code.

In Chios CCAC (Vial camp), the Medical Unit has no doctor since March 2021. In 2023, periodically, the doctor of Leros CCAC Medical Unit was visiting Chios CCAC only to sign vulnerability assessment documents and medical cards, without carrying out a substantive assessment of the medical condition of the asylum applicants.

In Kos, from approximately August 2023 to mid-December 2023, probably due to backlog connected to increased new arrivals and personnel shortages, RAO was conducting admissibility interviews only for Syrian nationals. Moreover, the same period, it has been observed that admissibility interviews, in several cases, were limited to superficially examining the criterion of connection of Syrian applicants with Türkiye. Instead, safety or other criteria had not been examined and/or taken into consideration for the decision (i.e., well-founded fear of deportation to country of origin, racist attacks, detention, lack of legal documentation, non-access to healthcare, labour market and education, etc).

Moreover, it has been observed that nationals who had one of the 5 countries of the JMD on STC as countries of their habitual residence were included in the admissibility procedure. This practice applied despite the fact that this category of asylum seekers (stateless persons with one of the 5 countries of JMD as countries of habitual residence) is not explicitly mentioned in the relevant JMD on STC and Türkiye. Within this context, Palestinians with last habitual residence in Syria were examined under the admissibility procedure.

In February 2023, Kos RAO found admissible the asylum application of a stateless single woman of Palestinian origin with last habitual residence in Syria, taking into account “(a) that the applicant remained in Turkey for more than one year, yet without knowing the Turkish language and without having established social, professional or cultural ties with Turkey, (b) that she does not have a family or other support network in Turkey; (c) that she left Turkey at the end of 2022 and remains in Greece throughout this period, the Service concludes that her connection with Turkey cannot be considered sufficient”.

By its decision of 10 February 2023, the 16th Independent Appeals Committee annulled the first instance negative decision of Lesvos RAO that considered inadmissible the asylum application of a Somali single woman who survived a shipwreck of 6 October 2022 off Lesvos Island, where 16 women asylum seekers died.
Namely, the applicant had to undergo an admissibility interview already on 17 October 2022, only 10 days after the deadly shipwreck, while her vulnerability assessment had not been concluded, nor had it been explored during the interview. The shipwreck was never mentioned by the caseworker, nor was it mentioned in the negative decision that was issued two days after the interview. Following an appeal, the 16th Appeals Committee, by its decision of 10 February 2023, annulled the decision of Lesvos RAO as it considered that Türkiye is not a safe third country for the Somali single woman and summoned the applicant to an oral hearing on 7 March 2023 to examine her application on the merits.

In practice, the Asylum Service did not issue nor notify applicants of their admissibility decisions. As a result, many of applicants received an invitation to a personal interview for the in-merits assessment of their asylum claim before RAOs without prior information on the admissibility decision and the next step of the procedure, thus not being able to prepare for the interview.

On the other hand, in Lesvos, Kos and Chios, asylum applicants from Syria and Afghanistan who had an admissibility interview, and their applications were found admissible did not have an in merits interview; instead, their asylum applications were examined on the basis of their administrative file, without undergoing an asylum interview on the merits. In practice, the Asylum Service notified applicants directly of their positive decisions with reference to their admissibility decisions.

In 2023, the issue of the use of outdated sources in a number of decisions for cases especially concerning the examination of the safe third country concept vis-à-vis Türkiye still remains. For instance, the decisions refer inter alia to the 2019 and 2020 updates of the AIDA country report on Türkiye, to other reports published in 2017 and 2018, and to letters sent by the Permanent Delegation of Türkiye to the European Commission and by the EC to the Greek General Secretary of Migration Policy in April and May 2016 in the context of the EU-Turkey Statement.

Appeal against decisions on admissibility: In February 2023, the 10th Appeals Committee considered that the Asylum Service unlawfully rejected the asylum application of a single Somali woman as inadmissible on the ground of the existence of a safe third country, taking into account inter alia the suspension of readmissions to Türkiye.

In 2023, Appeals Committees continued to highlight that women and girls are vulnerable to sexual and labour exploitation in Türkiye. In February 2023, the 16th Appeals Committee accepted the appeal of a Somali single woman and overturned the first instance negative decision of the RAO that had rejected her asylum application as inadmissible based on the safe third country concept.

Portugal: According to the information available to CPR, except for Dublin-related decisions, the number of asylum applications deemed inadmissible in 2023 was low. Statistics shared by SEF for 2022 indicate that out of 343 inadmissibility decisions, there were only 8 non-Dublin inadmissibility decisions, either on the grounds of protection in another Member State, or subsequent applications deemed not to have new elements.

Bulgaria: In 2023, 94 applicants submitted subsequent asylum claim and were dealt with in an admissibility procedure. Of these, 64 (55%) were declared inadmissible and 30 (33%) were granted access to a new procedure for a subsequent determination.

UK: From 20 July 2023, the Illegal Migration Act 2023 introduced a new section 8AA to the Immigration Act 1971. This says that where a person has ever met the four conditions set out at section 2 of the Illegal Migration Act 2023, then they ‘must not’ be given leave to remain in the UK. There are limited exceptions to this for children, victims of trafficking, where the Secretary of State considers that failure to do would be in breach of the UK’s international obligations, including the ECHR, or where there are other exceptional circumstances. This inadmissibility decision will apply where a person has arrived on or after 7 March 2023, has entered unlawfully, did not travel directly to the UK and does not have permission to be in the UK.
**Romania:** In 2023, according to the Border Police, 772 asylum applications were made at border crossing points, but no details were provided on how many applications were accepted and how many rejected.

**Sweden:** In 2023, the Swedish Migration Agency received 115 applications that were processed under Track 5B, and 11 applications were processed under Track 5C. 140 decisions were taken under Track 5B, and 8 decisions taken under track 5C. There is no time limit from the Swedish Migration Agency to process these cases.

**Belgium:** In 2023, the CGRS took 4,625 inadmissibility decisions.

**Accelerated procedure**

**Greece:** In 2023, 5,167 asylum applications – examined with accelerated procedure - were rejected at first instance.

In 2023, 3,442 negative decisions were issued at second instance - rejected as manifestly unfounded (safe country of origin).

**Italy:** The law does not clarify whether the procedure can be declared accelerated even if the time limits set out in the law have not been respected. However, the Civil Court of Florence, by decision issued on 30 March 2023, decided that failure to comply with the terms of the accelerated procedure (concluded in that case in 20 days instead of 9) would cause the effects connected to this procedure to lapse, with the consequence that the appeal became automatically suspensive.

**Netherlands:** Vulnerable people are not exempted from their asylum request being processed in Track 2. In addition, the medical examination is not mandatory in Track 2. However, in a judgment of 6 September 2023, the Council of State ruled that the State Secretary always needs to look out for signs that an asylum seeker is vulnerable. However, this does not mean that the asylum request should be handled in Track 4.

**UK:** The Home Office is responsible for making the certification decision according to which an application is clearly unfounded, and this is decision is made after a decision has been made to refuse the claim, it is a two-stage process. The policy is that all decisions on a potential NSA (non-suspensive appeal) case must be made by a caseworker who is trained to make NSA decisions. There was previously a requirement that such decisions must be checked by a second caseworker, but this process was dropped in April 2023.

**Bulgaria:** Since the beginning of 2023 a pilot project, initially funded by Austria and subsequently by the European Commission, is implemented at SAR Pastrogor Transit center near Bulgarian-Turkish border. Applicants from countries such as Morocco, Tunisia and Algeria, among others, were accommodated in this transit center as their applications for international protection were deemed manifestly unfounded by presumption and the accelerated procedure was applied in 100% of their cases under the pilot project. Less than 1% are admitted to the regular procedure and the data is to be used for justifying the potential introduction of a border procedure in Bulgaria.

**Sweden:** In 2023, 352 cases were decided on after having been processed under Track 4A, manifestly unfounded, and 1,515 cases were decided on after having been processed under Track 4B. In 2022, 470 persons had their applications rejected as manifestly unfounded, up from 331 in 2021. These applications were processed under Track 4A.
Romania: In October 2023 the European Commission issued a report on the progress made by Romania based on the implementation of the Pilot Project for fast asylum and return procedures (hereafter “Pilot”). This project was launched in March 2023 for a duration of 6 months, as a direct follow-up to the EU Action Plan on the Western Balkans from December 2022, President von der Leyen’s letter of 26 January 2023 to European Council Leaders, and the European Council conclusions of 9 February 2023. To reinforce the management of the EU’s external borders, the Commission made available new financial support amounting to EUR 10.8 million to Romania. These funds were being added to the allocations of Romania’s national programme under the Border Management and Visa Policy Instrument (BMVI) for the period 2021-2027, which is of EUR 129.77 million for the period 2021-2027. The European Commission considers that solid results have been achieved and indicated in its report best practices that were identified in the area of accelerated asylum procedures and effective returns, border management and reinforced cooperation with neighbouring countries, such as: enhancement of screening and border management capacities, joint patrol missions between Romanian and Serbian authorities (Border Police); improvement of accelerated procedures on asylum (during this pilot project, out of a total number of 5,985 registered asylum applications, 2,493 asylum applications were rejected by the Romanian authorities under the accelerated procedure and 13% of rejected applicants were returned to their countries of origin, the top three countries of origin of applicants being Bangladesh, Syria and Pakistan). The European Commission acknowledges as good practice the fact that Romania has amended its asylum legislation in May 2023, allowing for the issuing of negative decisions on international protection together with a return decision. In the context of this project, Romania strengthened its cooperation with FRONTEX and Europol to fight smuggling networks and to limit the secondary movements within the EU.

In 2023, according to IGI-DAI, a total of 3,988 asylum applications were analyzed in an accelerated procedure. According to stakeholders in Galați, Rădăuți, Șomcuta Mare and Giurgiu, most of the cases examined in the accelerated procedure are manifestly unfounded asylum applications. In practice, manifestly unfounded asylum applications are predominantly made by economic migrants (Șomcuta Mare, Galați, Rădăuți), or applicants who lack credibility (Giurgiu). IGI DAI indicated that this statement remains valid for the year 2023.

Germany: In 2022 and 2023, the accelerated procedure was mainly applied in the AnkER centre in Bamberg (Bavaria) and the arrival centre in Mönchengladbach (North Rhine-Westphalia). In the first half of 2023, it was applied to 313 asylum applications, representing 0.2% of all application lodged in that time.

Among the top 10 nationalities of applications treated in the accelerated procedure in the first half of 2023 are the ‘safe countries of origin’ of the Western Balkans, Georgia, Moldova and Senegal, but also, the Russian Federation (13 cases), Syria (6 cases, out of which 5 were subsequent applications) and Afghanistan (4 cases). The average length of the accelerated procedure was 5.7 months in the first half of 2023, and hence only slightly shorter than the duration of all procedures over the whole of 2023 (6.8 months, see General (scope, time limits)). In 2022, the average duration was 2.1 months but differed between BAMF branch offices, between 0.2 months and 3.5 months in. By and large, it can be concluded that the introduction of the accelerated procedure under Section 30a of the Asylum Act has only had little impact on asylum procedures in general.

Cyprus: In 2023, accelerated procedures were again used for applicants from the same countries as in 2022. Applicants determined as vulnerable through the vulnerability assessment procedure at Pournara were exempted from the accelerated procedure. This relates only to those who were classified as exhibiting ‘High’ vulnerability, whose case was assigned to Asylum Service officers who have been specifically trained to examine vulnerable cases. Those assessed as having ‘Medium’ vulnerability could be assessed in either the accelerated or regular procedure, depending on the nature of the vulnerability and its treatment in the applicant’s country of origin.
In 2023, the IPAC reported 5,383 decisions on explicit withdrawals, concerning both regular and accelerated procedures.

**Subsequent applications**

**Netherlands:** Between January and November 2023, there were 1,292 subsequent asylum applications, compared to 1,529 for the whole of 2022.

**Romania:** In 2023, 188 subsequent applications were made: the main countries of origin were Syria (40 applications), Afghanistan (24), Somalia (18), Palestine (13) and Pakistan (10).

**Sweden:** In 2023, a total of 7,393 subsequent applications were submitted and the Migration Agency decided on 9,341 subsequent applications. Out of them, 906 subsequent applications resulted in a residence permit being granted, and 292 subsequent applications were admitted for re-examination. The main countries of origin of applicants lodging a subsequent application were Iraq (1,035); Afghanistan (625); Iran (476); Palestine (334) and Ethiopia (271).

**Germany:** In its judgment from May 2023 the CJEU ruled that the temporary return to the country of origin has no impact on the classification of a further application as ‘subsequent application’.

The number of subsequent applications decreased in 2023 following the trend of 2022. 22,795 persons lodged subsequent applications in 2023, compared to 26,358 in 2022 and 42,583 in 2021. The highest number of subsequent applications between January and October 2023 came from North Macedonia and Afghan nationals. The majority of subsequent applications from North Macedonian nationals were inadmissible, no subsequent application led to a protection status. Only a minority of subsequent applications from Afghan nationals were deemed inadmissible (341), whereas the overwhelming majority (3,891) resulted in the granting of some form protection, in most cases a removal ban based on national law (2,743 cases).

Statistics do not distinguish between situations where applicants have remained in Germany until lodging a subsequent application and situations where subsequent applications are lodged after the applicant had left Germany. However, there are statistics on the number of asylum applications lodged by persons who already have a legalised status in Germany. 9,932 such applications were lodged in the first half of 2023, compared to 20,392 in 2022 and 35,701 in 2021. Around 63% of the applicants had either a residence permit for political or humanitarian reasons (which includes international protection) or a tolerated status, suggesting that their application might be counted as a subsequent application.

The statistics show that 41.6% 49.6% of subsequent applications were being rejected as inadmissible before the asylum procedure was reopened in 2023, which is a bit higher than in the previous year (41.6% in 2022, 75% in 2021 and 48.5% in 2020). In 16% of cases, the follow-up procedure was terminated later either for formal reasons or because the application was found to be inadmissible at this stage (13% in 2022, 12.5% in 2021). When looking strictly at the subsequent applications decided on the merits, 40.6%of them were successful (6,278 decisions, compared to 12,402 decisions in 2022 (84.3%), and 2,919 decisions in 2021 (54.9%)).

The 6,278 ‘positive’ decisions in 2023 resulted in the following status decisions:

- Asylum or refugee status: 2,134
- Subsidiary protection: 679
Cyprus: In 2023 there were instances where police were present at the Asylum Service, arresting applicants of subsequent applications and transferring them directly to removal centres, with no evidence that any assessment of refoulement was carried out; this practice has since been abandoned. In 2023, a significant number of applications were examined in a timely manner some even within days, however this mainly concerned applications that were evidently unfounded and there are still applications pending from previous years, including applications submitted by vulnerable persons and/or with elements that could add to the likelihood of an asylum-seeker qualifying as a beneficiary of refugee status or subsidiary protection. In 2023, 223 applicants of subsequent applications were considered admissible and 4,383 inadmissible.

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)

**Access to reception conditions**

Greece: delays in accessing reception continued to be reported in 2023, on account of chronic delays in accessing asylum on the mainland, which have persisted even after the substitution of the skype registration system with the MoMA’s new electronic platform in the summer of 2022. During the months preceding the new platform becoming operational, and by contrast to temporary protection applications (who, with scarce exceptions, were all registered in a timely manner) access to asylum from the mainland for people who had not undergone first reception procedures became a near impossibility, leaving many applicants in a state of legal limbo. Yet as noted elsewhere, even after its operationalisation, the online platform has been frequently unavailable/not functioning and, when functional, it has been observed that appointments for the full registration of an application are often granted many months later. This has resulted in applicants being unable to access asylum procedures for prolonged periods of time, during which they do not enjoy any of the rights granted to them by their status as applicants, including access to reception. Lastly, a new, severely worrying practice identified as of early 2024 in the Samos CCAC, where amidst increased arrivals people have been residing in deplorable conditions, raises further questions as to applicants’ effective access to reception conditions. Namely, as observed in February 2024, applicants have been asked whether they would like to sign a solemn declaration stating that they do not wish to reside in the Samos CCAC or any other regional facility of the RIS, which in practice, seems to amount to being called to choose between prolonging their stay in a facility that utterly fails to meet reception standards, or renouncing their right to reception conditions, in order to be able to escape these conditions. Moreover, based on the same observations, upon provided with this choice, applicants are not informed that, if they agree, they can lose access to the financial aid provided in the context of reception and, for those that may be granted international protection, to the Helios integration program, as both have a residency requirement strictly linked to ongoing stay in the Greek reception system.

Destitution and homelessness still remain matters of concern, despite the efforts made in previous years to increase reception capacity in Greece (see Types of Accommodation). As stated by UNHCR in February 2020, ‘[h]ousing options and services to cater for the present population are scarce countrywide’. Though the population of concern has since been significantly reduced, following the termination of ESTIA in December 2022, this has remained valid in 2022 and particularly in 2023, amidst the sharp increase in arrivals.
During 2023, this was nowhere more evident than in the island of Rhodes, which lacks any type of reception facility. As a result, the 6,290 persons reported to have arrived on the island from the start of the year to 10 December 2023, were forced to sleep in parks, pavements, squares, on cardboard boxes, tents and other makeshift shelters, with no access to reception conditions. This was also on account of serious delays in their transfer to reception facilities on other islands and/or the mainland, further compounded by significant staff shortages inter alia raised in a November 2023 open letter of the Union of Police Officers of the Dodecanese, addressed to the head of the Hellenic Police. Amidst limited efforts to provide newcomers with food by the Municipality of Rhodes, lack of food could have also become a more severe challenge, if not for local volunteers, whose support towards the newcomers, “well beyond their abilities”, was warmly welcomed by UNHCR’s representative for the Dodecanese islands in December 2023. The prevailing situation, in conjunction with the state’s seeming inability to respond, including on account of the overstretched capacity of the reception system, and the resulting impact on disrupting local life, also led to reactions at the local level, with the vice-president of the Commercial Chamber of Rhodes, noting in November that "[t]his image of young children and destitute people sleeping in cardboard boxes is highly offensive to the island, which is supposed to be the flagship of tourism and hospitality. What will happen when it starts to rain? It’s a disgrace for everyone, especially the slow reflexes of the state apparatus."

On 12-12-2023, the European Court of Human Rights (ECtHR), pursuant to Rule 39 of the Rules of the Court, has granted Interim Measures with regards two Afghan women and their five accompanied minor children, residing at the Closed Controlled Access Centre (CCAC) of Kos in absolutely inadequate conditions, ordering the Greek authorities to ensure that the Applicants “have full access to reception conditions which respect human dignity and take into account their multiple vulnerabilities”.51 The pace of registration has started to improve since January 2024 in Samos and Kos CCAC, leading to significant minimization of unregistered persons.

Spain: In September 2023, eight asylum applicants from different South American countries (including a 4-year-old girl) were denied access to the CETI of Melilla and had to live on the street outside the facility during several days, despite approx. 700 reception places being available. After the organisation ‘Solidarity Wheels’ denounced the situation, the asylum seekers were given access to the CETI.

Shortcoming and delays in accessing the reception system have been reported during 2023.

Cases of asylum seekers living on the streets because of the saturation of the reception system and the delays in the formalization of the asylum applications have been reported in 2022 and at the beginning of 2023. In January 2023, the EU Commission started an infringement procedure against Spain for not having transposed completely and correctly the EU norms on reception conditions, giving to Spain a 2-month deadline to address the deficiencies of its system.

Italy: As the practice of pushbacks from France to Italy was systematically implemented in 2021, humanitarian conditions in the Italian towns nearby remained dramatic. The public debate on the opening of a reception center underwent a significant but temporary shift during the diplomatic crisis between the Italian and French governments. This was a cyclical crisis that had already begun in late 2022 but culminated in August and September 2023 with an intensification of border controls and, as a result, pushbacks. As a result of the increase of people with no shelter in the municipality, the city council offered to open a repatriation center on its territory, but did not find a positive response from the government.

Portugal: In 2023, CPR provided reception assistance to a total of 1,937 asylum seekers, of which 27% were accommodated at CAR/CAR 2, 64% in alternative private accommodation (including rooms in private apartments and hostels),8% with friends/family, and the remaining 1% in other places of accommodation.
**Austria:** As of 2 January 2024, 78,830 received basic care (compared to 92,984 in 2022 and 30,363 in 2021). The total number of beneficiaries of basic care more than tripled in 2022 compared to 2021. The main reason for the increase is the political decision to put TPD beneficiaries from Ukraine into the basic care system, where they represent 55,262 persons. The rest refers to 21,661 (2020: 18,273) applicants for international protection and 11,655 (2020: 9,484) beneficiaries of international protection.

As of December 2023 3,772, persons received Basic Care in federal reception centres, compared to 7,500 at the end of 2022, 4,500 at the end of 2021 and 1,534 at the end of 2020.

In December 2022, the NGO Diakonie Flüchtlingsdienst represented an asylum seeker from Belarus who was denied entry at a so-called waiting zone and thus grew homeless. An application for an interim measure was brought in at the ECtHR. The authorities reacted immediately and offered accommodation and modified the process of the waiting zones. As a consequence, and due to the decrease in arrivals, at the start of 2023 there were no more reports of cases of homeless applicants.

**Netherlands:** As of 1 January 2024, 64,405 people in the Netherlands were entitled to access reception conditions. Only half of them is staying at one of the 85 ‘regular’ reception centres by COA (32,667). The rest are hosted in one of the 156 emergency locations managed by COA (24,618) or other locations such as (crisis)management centres managed by a municipality (7,120). In 2023, as in 2021 and 2022, one third of the people entitled to receive reception by COA were beneficiaries of international protection (15,368). These figures do not include displaced people from Ukraine. It is important to note that not only newly arrived asylum seekers are staying at (crisis) emergency locations. Asylum seekers who are already staying in the Netherlands awaiting the (start of) their procedure and BIPs can be also placed at (crisis) emergency locations.

Twice a year the COA predicts the capacity it will need in the upcoming period. In October 2023, COA was expecting, for the beginning of 2024, to need to house 69,900 asylum seekers. In its report, the COA foresaw there would be a shortage of 15,000 places at the beginning of the year, a number that is expected to grow throughout the year, as contracts with municipalities for reception centres are ending and many of them do not want to renew the contracts. At the end of 2024, a shortage of 53,000 places is expected by COA.

In 2019 and 2023, the RVA 2005 was altered in order to allow for a different reception regime for asylum seekers whose request is dealt with in Track 1 (Dublin) and Track 2 (‘safe country of origin’ and ‘international protection in another EU Member State’). Article 9(7) excludes these asylum seekers from financial allowances, which means that they are only entitled to frozen microwave meals. Article 19(3) states that these asylum seekers have to report their presence daily. However, this only needs to be applied to asylum seekers who are staying at reception centres that are suited for this scheme, ‘austere’ reception centres (sobere opvang). The austere reception aims to make the Netherlands less attractive for individuals with a low-prospect asylum application and also serves to alleviate the overload on the asylum system.

**Belgium:** During the whole year of 2023, single male applicants for international protection were systematically deprived of their right to reception. After registering their application for international protection, single men with a need for accommodation are not given an individually motivated decision that refuses them a reception place. They are merely informed about the shortage of places and instructed to register themselves on a waiting list of Fedasil. The average waiting time for those on the waiting list increased up to 6 months at the time of writing. On 7 February 2024, 3,122 persons were registered on the waiting list. During the waiting period, the applicants are left to fend for themselves, many living in extremely precarious circumstances. The past two years, multiple legal procedures have been initiated in order to force the Belgian government to respect the international and national obligation to provide reception to people asking for international protection.
On 29 August 2023, the Secretary of State for Asylum and Migration announced a temporary suspension of reception for all single male applicants. The reason for this suspension was the limited number of available places in the reception network for families and children. To prevent this group of applicants from ending up on the streets, the Secretary of State decided to temporarily suspend reception for single men. Only in exceptional cases can single men receive a reception place. This measure was considered as unlawful by the Council of State, the highest administrative court in Belgium (see xxx). However, after the judgement, the Secretary of State indicated to be unable to respect the ruling, and that the suspension of access to reception for single men would continue. This means that the waiting list is in theory frozen for a while, and single men are no longer offered a reception place. In practice, Fedasil continues to invite single men, but at a very slow pace, which entails that the number of persons registered on the waiting list does not diminish, the number of applicants with reception needs arriving each day being far higher than the amount of people provided access to a reception place. Consequently, the number of people waiting for a place and the average waiting time continues to increase.

The group of 10 NGO’s filed a new appeal at the court of first instance, requesting an increase of the penalty payment from €5000 to €10.000 for each day that the judgement would not be respected. In a judgement of 25 March 2023, the Court condemned Fedasil again, thereby increasing the penalty payment to €10.000. The court repeated that Fedasil is bound by the European Reception Directive to provide accommodation to all first-time applicants for international protection, regardless of external factors influencing the availability of places. It specifically stated that it is unlawful to automatically exclude applicants for international protection with a Eurodac hit or with a protection status in another EU member state. Fedasil introduced an appeal against this judgement of 25 March at the Court of Appeal. This led to a new judgement on 13 October 2022. The Court of Appeal discarded Fedasil’s arguments and upheld the judgement of the 25 March. It also lifted the period of 6 months during which the penalty fees could be claimed. It argued that Fedasil did not provide a concrete action plan to solve the reception crisis. The court went further and stated that Fedasil ‘deliberately and manifestly disregards the judgement of the 19 January 2022’. Therefore, the penalty fees can be claimed for every working day that Fedasil does not respect the judgment of 24 January 2022, until the Court of First instance has delivered a judgement on the merits of the case. This is to be expected in the course of 2023.

Despite these judgements, Fedasil has continued to violate the right to reception up until the time of writing. This has been confirmed by Fedasil in several official communications. Fedasil has not paid the penalty fees that are due, hereby violating legal judgements. The 10 NGOs have tried to demand the payment of the penalty fees, so far with no success. Legal procedures on the payment of these penalties are currently pending.

A first line legal helpdesk was set up by the Bureau of legal aid of Brussels, volunteer lawyers and law students and the NGO Vluchtelingenwerk Vlaanderen, providing legal information to applicants for international protection without access to a reception place and linking them to lawyers for further legal support. In many of these cases, a ‘unilateral request’ (non-contradictory procedure in extreme urgency) was lodged before the presidents of the Labour courts, to claim the right to reception. In many of these cases, labour court presidents have accorded the right to reception to the applicants, condemning Fedasil and requesting it to give them immediate access to a reception place. If Fedasil does not provide immediate access, it should pay a fine of €100 to €250 per working day if it fails to respect the judgement. Applicants who present themselves at the arrival centre after having received a positive judgement from the Labour court, do not get immediate access to a reception place: they are asked to make an appointment with the Fedasil dispatching service by e-mail. In the beginning of the reception crisis, applicants in this situation were given an appointment for accommodation within a week. At the time of writing, the average waiting time increased to between 4 and 5 months according to Fedasil. Fedasil now has a waiting list of 2400 applicants with a court decision, who should be given immediate access to reception. Fedasil does not pay any fine to these persons, hereby not respecting the judgement of the labour court. This practice has been confirmed on several occasions by the Secretary of State for Asylum and Migration and Fedasil. If Fedasil does not pay the fines to an individual, the
claimant can proceed to the enforcement judge in order to claim goods as a compensation for these fines. These goods are then sold at a public auction. The income from this auction is transferred to the claimant. In 2 cases, individual applicants succeeded in obtaining goods owned by Fedasil. As a reaction to this event, the Secretary of State for Asylum & Migration stated that it is a matter of 'common sense' not to pay the fines and to prevent claiming these goods.

Fedasil has been condemned by Belgian labour courts 8600 times in 2022. Until 15 March 2023, Fedasil has been condemned by Belgian labour courts 812 times in 2023. The total number of fines that are due is estimated to be above 100 million euros. In 3 individual cases, applicants for protection went to the enforcement judge to enforce the payment of 315.000 euros in total. The amount of cases brought before the Brussels Labour Court led this court to publish a press release in May of 2022. It stated that in normal years it treats - on average - 38 cases against Fedasil. At the time of the press release, the number of cases brought before the Brussels Labour Court reached 1007. The Court exposed how it does not receive any information about the waiting list from Fedasil. As a result, it is impossible for the Court to estimate when an applicant on this list will receive shelter. In several judgments, the Court ruled that this waiting list violates the Belgian Reception Law. The Court further exposes that Fedasil does not put forward any legal arguments in support of its defence and limits itself to invoicing the saturation of its network. According to the Court, this raises the question of whether there is even a dispute, given the absence of any challenge by Fedasil.

In a ruling of 28 March 2023, the Brussels Labour Court fined Fedasil for €2.500 to be paid as a ‘civil penalty’, because of “clear procedural abuse”. The court states in the judgement that Fedasil showcases a deliberate and manifest violation of the Reception Law, hereby not executing its legal mission. In this case, Fedasil fails to provide adequate legal justification for the violation of the Reception Law. Continuing, the Court states that an aggravating circumstance is disruption of the public service of justice: “this disruption is very significant in view of the number of cases and the urgency with which they have to be dealt with, profoundly affecting the functioning of the French-speaking labour court of Brussels, to the detriment of this court and, ultimately, of all its litigants”.

In March of 2023, Fedasil could not provide accommodation to 624 male applicants for international protection.

Cyprus: In 2023, the number of arrivals decreased which led to a significant improvement in access to the Centre, with most persons accessing upon arrival, however, there still are instances where persons who do not present passports are denied entry by the AIU for 2-3 days.

Access to reception conditions is provided at the Centre and in 2023, the average duration of stay was 30-40 days for adults and 80 days for UASC. Persons and families with vulnerabilities, as well as large families also face delays in exiting due to the obstacles in securing housing.

In 2023, even with the decrease in the number of arrivals, persons reported exiting without applying for MRC and stated they did not know that they could apply prior to exiting.

Poland: Asylum seekers are entitled to material reception conditions after claiming asylum, from the moment they register in the first reception centre. They should register there within two days after making their application, otherwise, their procedure is discontinued (unless they declare another place of stay), as was the case in 389 cases in 2023 (427 in 2022). Only medical assistance can be granted from the moment of making an asylum application (i.e., before registration in a first reception centre) in special situations, i.e., in case of threat to life and health. In February 2024, a new law was proposed that inter alia facilitates access to medical assistance for newborns whose parent(s) seek asylum in Poland. Since 24 February 2022, it has also been possible to grant a financial allowance for asylum seekers living outside reception centres without their prior registration in one of the first-reception centres.
Asylum seekers who are subject to a Dublin transfer from Poland are entitled to material reception conditions until the day they should leave the country. Thus, this assistance may be granted for a longer period of time than in other cases when a decision discontinuing the proceedings is issued (it is an exception from the 14 days rule mentioned above). Dublin returnees may also request additional assistance, covering travel costs, administrative payments for travel documents or visas and permits, the cost of food before and during the travel, accommodation before the travel, and medical assistance. The request has to be made in a specific term (since 7 April 2023, 21 days from the moment when the decision on transfer became final – instead of 30 days) to the Chief Commander of the Border Guard (instead of the Head of the Office for Foreigners). After this time, the demand of the asylum seeker is left without consideration. The decision on the assistance before and during the Dublin transfer cannot be appealed to the second-instance administrative authority, but a judicial remedy should be available in front of the Voivodeship Administrative Court.

There are some practical obstacles reported in accessing material reception conditions. In 2023, the problems identified in recent years continued. The difficulties intertwined with transport from detention centres to reception ones, and with the humanitarian crisis at the Polish-Belarusian border, were most prominent.

In January 2023, the difficulties with the transport of persons released from detention were noticed by the Polish Human Rights Commissioner. He explained that third-country nationals do not know the Polish language, often do not have Polish currency, and are released from detention in the evenings or at night, which makes their travel very difficult. They sometimes receive some financial support to cover travel expenses from the Border Guard (also from EU funds) or NGOs. However, this is not regulated in law and depends on the willingness and capabilities of those entities. According to the Commissioner, some support mechanisms addressing this problem should be introduced into the Polish legislation. In February 2023, the Border Guard responded that they could act only within their powers arising from the law in force, so they can only provide transport to vulnerable third-country nationals released from the detention centre. The Border Guard tries to release asylum applicants during the day, but it is sometimes difficult due to the late delivery of the court’s decision ordering the release.

The humanitarian crisis at the Polish-Belarusian border, which started in 2021 and continued in 2022 (see Access to the territory and pushbacks), left many prospective asylum seekers without access to material reception conditions. For example, in May 2023, a group of several dozens third-country nationals from Syria and Iraq (20-30 persons), including children (11, youngest of 1,5-2 years old), had been asking the Polish Border Guard for asylum while being blocked from entering Poland by the fence built at the border. Their applications were not accepted, they were not allowed to enter Poland. The Belarusian authorities did not allow them to go back to Belarus, so they were stuck “between” two countries for several days. The site was visited by the Commissioner for Human Rights’ representatives. The Border Guard stated that the group cannot be admitted to Poland, but they were given some food and water by the Border Guard’ officers. NGOs were not allowed to approach the group and provide them with humanitarian assistance, but the activists remained near the border (15 m from the group) and tried to talk with them and play some games with children.

Reception capacity

**Greece**: The nominal capacity of Samos, Kos and Leros CCACs appeared increased overnight in the statistics of the Ministry since 28 September 2023, forming the total capacity of the Closed Controlled Facilities of Islands (CCACI) to 17.737 places, although the actual capacity of the infrastructures, was not actually differentiated.

In August 2023, following an application submitted by the North Aegean Region, the Greek Council of State in 1335/023 decision, annulled the authorisation approving the CCACI’s construction project in Lesvos, due to lack of an environmental study. In the same judgement, the Council annulled the approval for the
intervention to the forest area for the construction of the road giving access to the CCACI. In Chios, no construction work took place in 2023. The examination of the application submitted by the State in order for the latter to exercise a right to access the area of the construction, is still pending before Chios Court of the First Instance. On Samos and Leros, the new closed facilities have been moved to different areas compared to where the previous RICs were located, namely in Zervou (Samos) and Lepida (Leros). Similarly, the new facilities under construction on Lesvos and Chios are located in different areas, namely in Plati – Vastria (Lesvos) and in Akra Pachi – Tholos (Chios). In Kos, the new facility has been expanded in an area attached to the existing RIC located in Pyli. On Samos and Leros, the new closed facilities have been moved to different areas compared to where the previous RICs were located, namely in Zervou (Samos) and Lepida (Leros). Similarly, the new facilities under construction on Lesvos and Chios are located in different areas, namely in Plati – Vastria (Lesvos) and in Akra Pachi – Tholos (Chios). In Kos, the new facility has been expanded in an area attached to the existing RIC located in Pyli.

During the first nine months of 2023, the RIS registered a total of 23,000 persons, of who 5,306 were aged between 0-17, 8,991 between 18-25, 2,184 between 34-40, and 107 60 year and older. With the exception of the latter age group, in all other cases the majority were male. Of those, 4,629 were registered as vulnerable. The majority of those registered were from Syria (22.54%), followed by people from Palestine (16.07%), Afghanistan (14.99%), and Somalia (10.37%), with most registrations taking place in Lesvos (36.08%), followed by Orestiada (15.54%), Leros (14.71%), Samos (14.66%), Kos (12.29%) and Chios (6.72%).

Under the Asylum Code, the Reception and Identification Service (RIS) within the Secretariat General of Reception of Asylum Seekers under the Ministry of Migration and Asylum (MoMA) is defined as the authority responsible for reception. The Special Secretary for the Protection of Unaccompanied Minors (SSPUM), which was established under the MoMA in February 2020, competent for the protection of UAM, including for their accommodation, and also competent for the guardianship of UAMs, was abolished in June 2023. Its responsibilities (under article 39 of P.D. 106/2020) were transferred to the new General Secretariat for Vulnerable Persons and Institutional Protection (GSVP) established with article 6(1) of P.D. 77/2023 (A’ 130/27.6.2023), falling under the competency of the Deputy Minister of Migration and Asylum. The new General Secretariat is also competent for the National Referral Mechanism, according to article 66ΛΓ Asylum Code added with article 39 of L. 4960/2022.

Switzerland: In August 2023, anticipating a further rise in asylum applications, the Federal Council presented its plan to build four container villages for around 3,000 people on army land. The project was definitively rejected by the Council of States, as the use of civil protection shelters was presented during the parliamentary debates as a viable and allegedly cheaper alternative solution.

Special centres for uncooperative asylum seekers are foreseen by the Asylum Act under Article 24a and Article 15 OA1. They are in Les Verrières, Canton of Neuchâtel. According to the information of the SEM of May 2023, discussion for a second special centre is ongoing.

As a result of the increase in refugees from the Ukraine, many cantons needed to create additional space in 2022 and 2023. At least eleven cantons are planning container settlements for this purpose or have already built some.

Spain: To improve the asylum reception system, the Government established it would allocate a total of EUR 190 million between 2021 and 2023 within the Recovery and Resilience Plan. In October 2022, the Government announced that EUR 215 million of the Plan would be used to build 17 reception facilities for migrants and asylum seekers, with a capacity of 6,100 places. During 2023 the construction of such facilities in different cities was announced and/or started (i.e., in Mérida, Alicante, Vitoria-Gasteiz, Valladolid, Uleida, Lugo, Soria). Following the municipal and regional elections, the right and right-wing parties which won in
some cities and Autonomous Communities started to oppose the construction of new reception centres in their territories. Similarly, the Popular Party (Partido Popular - PP) opposed the construction of a reception centre for asylum seekers in Logroño (La Rioja), by highlighting that they rather counted on other measures to offer competent and adequate protection to refugees.

In January 2023, the Government announced the construction of a reception centre for asylum seekers in Vitoria (Pais Vasco), with a budget of EUR 14.1 million and a capacity of 350 places. The plan has encountered the opposition of the city major, as the decision appears to have been taken unilaterally by the central Government. By February 2023, however, an agreement was found.

Since the 2015 increase of available places for refugees’ reception, the Spanish government has reformed the system regarding financing for NGOs service providers for asylum seekers and refugees. In January 2023, the asylum reception system counted 20 organisations, which were granted direct funding for the reception of asylum seekers.

The Canary Islands continue to lack the capacity to face the rapid increase in sea arrivals; this negatively impacts also centres for unaccompanied minors, that struggle to provide adequate reception conditions and services. This situation persisted in 2023, and worsened in the fall of 2023, when the archipelago experienced a huge increase in sea arrivals. In order to overcome the lack of appropriate and sufficient reception facilities, newcomers were transferred in different reception places across the mainland, including in hotels and encampments put in place to that purpose. Due to this situation, the NGO ‘CEAR’ called on the Autonomous Communities for more solidarity among them in sharing the welcoming and reception of the migrants who arrive to the Canary Islands.

**Slovenia:** The main reception facility is the Asylum Home in Ljubljana, which accommodates up to 203 350 persons. Until 2015, this was the only reception centre in Slovenia. Currently, in 2023, the Asylum Home accommodates mostly single men, women, unaccompanied minors and families waiting to lodge their application, the Kotnikova Branch Facility in Ljubljana exclusively hosted single men and the Logatec Branch Facility serves as an accommodation reception/accommodation centre for asylum seekers, applicants for temporary protection and temporary protection holders. In the beginning of 2024, the decision was made to move temporary protection holders in other UOIM facilities in order to get additional capacity for asylum seekers. The Student Dormitory Postojna accommodated unaccompanied children.

**Portugal:** The average accommodation period with the assistance of CPR in 2023 was of 109 days (roughly 3 months and a half). Throughout the year, overcrowding in relevant facilities and lack of accommodation capacity were recurring concerns. It has been announced that AMIF funding has been granted to JRS for the creation of a reception centre in Vendas Novas. According to the available information, it is expected to start its operations in 2023.

**Austria:** In practice, most federal provinces do not provide the number of places required under their quota, which is partly due to the fact that provinces such as Vienna exceed their quota (almost double of the quota agreed). At the end of 2023, the entire Austrian reception system hosted a total of 78,830 (2022: 92,984 2021: 30,075) persons (including beneficiaries of temporary protection, international protection and rejected asylum applicants), out of which 2023 20,572 (2022: 21,661, 2021: 17,138) were asylum applicants. The distribution across the federal provinces is detailed in Freedom of Movement. While Vienna continues to exceed its relative reception share, other federal provinces only reached 50-60% of the quota agreed. Due to the high number of Ukrainians entering Austria after 24 February 2022, the basic care system in the provinces had to accommodate a large number of refugees in a dysfunctional basic care system. Around 78% of the Ukrainian refugees were accommodated privately at the start. This share has gone down to 63% at the end of 2023. Refugees from Ukraine are the responsibility of the basic care systems of the provinces due to the...
fact that there is no admission phase (for which the basic care system in the federal centres would be responsible). For further information, please see the annex on temporary protection.

**Romania**: IGI-DAI has stated that in 2023, due to rehabilitation work, Vasile Stolnicu centre (Bucharest) temporarily operated at a restricted accommodation capacity, without providing further details.

**Slovenia**: The capacity of the pre-reception area of the Asylum home is small – up to 40 persons can be accommodated there. Due to a large increase of arrivals the whole Asylum home served as a reception centre and accommodation centre during the year, meaning that people waiting to lodge the application were accommodated together with asylum seekers. Unaccompanied minors and other vulnerable groups waiting to lodge the application were not separated from the general public. Due to lack of capacities the problem with overcrowding continues in 2023. The conditions worsened and became unbearable as 600 to up to 1500 people were accommodated in the Asylum home during the year. Do to overcrowding there was not enough beds for all asylum seekers and some even slept outside the Asylum home. Additional containers and tents were put on the premises of the Asylum home, as no new reception capacities were established in 2023.

Since asylum seekers are no longer locked in the reception area a large number of asylum seekers absconded before lodging the application. During the year 58,757 individuals expressed the intention to lodge the application however only 7261 applications were lodged. The Ombudsperson previously noted that the conditions in the Asylum home are so severe that they infringe access to asylum.

**Netherlands**: In addition to the staff of the IND, there will most probably also be a number of the European Union Agency for Asylum (EUAA) personnel present on Dutch territory in 2023. Because of the ongoing accommodation crisis, on 21 December 2021 the then Minister for Migration addressed a letter to the EUAA requesting support in dealing with this crisis. In the rapid needs assessment conducted over the following months, it was concluded that the EUAA would provide up to 160 temporary containers and 7 staff members in support to reception activities.

At the beginning of September 2022, the Ministry of Defence opened a location at Marnewaard to temporarily house unregistered asylum seekers during their registration period at Ter Apel. From the opening of this ‘waiting room’ on, no more asylum seekers slept outside in Ter Apel – except for one night. The location at Marnewaard was closed again on 1 March 2023.

In 2023, no asylum seekers had to sleep out in the open in Ter Apel. However, over the course of 2023 there were many moments in which Ter Apel reached its capacity and urgent measures needed to be taken. In a letter of 24 May 2023, the State Secretary announced that it needed to open two locations for unregistered asylum seekers again. In a letter of 6 June 2023, it was announced that three or four of these locations were needed. On 1 July 2023, the first of these locations opened in Assen with a capacity of 500 beds. Unfortunately, in late 2023, distressing circumstances occurred again.

In December 2023, the reception centre in Ter Apel had again reached its capacity. Therefore, asylum seekers had to sleep in the waiting room of the IND without beds or showers – sometimes for more than 2 days. On 22 December 2023 the municipality which Ter Apel is part of (Municipality Westerwolde) sued the COA for breach of contract because the maximum capacity of 2,000 asylum seekers was exceeded time and time again in 2023. The civil court will rule on this case on 23 January 2024.

The support from EUAA has not been very visible. No information is provided on this by the Dutch government or COA. The only publicly available information is a Twitter post from February 2023 by EUAA about the delivery of 160 temporary reception units to the Winsum and Uithuizen locations in the Netherlands, and the delivery of a best practices workshop. According to the Operating Plan signed by EUAA and the Dutch government in December 2022, EUAA would provide immediate support to the reception system through the
increase of the temporary reception capacity, support through the deployment of EUAA personnel, and contribution to, and collaboration on, contingency planning. The Operational Plan for 2024, signed by EUAA and the Dutch government in December 2023, proposes support to the reception system through the increase of the temporary reception capacity, support in reception through the deployment of EUAA asylum support teams, and contribution to, and collaboration on, contingency planning.

On 26 August 2022, the State Secretary announced several measures to address the reception crisis, often referred to as the ‘asylum deal’. The most important measures are the prolonging of the time period of decision-making (WBV 2022/22), the suspension of family reunification, temporary cancellation of resettlement of refugees under the EU-Türkiye deal and the launch of the ‘Spreading law’ (Spreidingswet). In response to the reception crisis, on 8 November 2022 a legislative proposal aimed at distributing the number of reception places in the country was put forward. The ‘Spreading law’ – as per the currently pending approval text – will ensure that the municipalities are also responsible for providing sufficient reception places for asylum seekers (article 6 paragraph 1). On 10 October 2023, the Spreading Law was approved by the House of Representatives, but it still needs to be approved by the Senate.

The law outlines the following time structure. Once every two years before 1 February, the minister will announce in the capacity estimate how many reception places for asylum seekers will be needed in the following two years (Article 2 paragraph 1). These places are divided among the twelve provinces that will discuss with the municipalities how these places are divided. Before 1 September, the minister will decide on the basis of the reports from the provincial discussions what the minimum number of required reception places is for the next two years, which will be divided over the municipality designated in the decision (Article 5 paragraph 1). The financial system put in place is very difficult. Municipalities receive different amounts of compensation based on whether they offer accommodation before or after the minister announces the estimated capacity and on the number of years they provide the accommodation for.

At the end of April 2023, the government published the number of asylum seekers they expected to come to the Netherlands for the remainder of 2023 and the shortages that would occur in asylum reception. The following measures were proposed in that letter. The cabinet focused on a number of measures in the areas of (1) inflow, (2) progression, (3) reception, and (4) outflow and departure. This effort is aimed at:

1. 'Gaining control over asylum inflow through involvement in Europe.'
2. The government found a trend of granting more asylum applications in 2022 than before and more than by other EU-member states. Therefore, measures need to be implemented for a fair, humane, and effective asylum policy. Realization of acceleration at the Immigration and Naturalization Service (IND) to catch up on backlogs, and improvement of progression through an efficient identification and registration process;
3. Organising sufficient reception capacity by focusing on governance, additional measures by the COA, realization of sustainable capacity in line with the Spreading Law; and support in other policy domains;
4. Promotion of the outflow of beneficiaries of international protection by providing flexible housing to municipalities and the continuous encouragement of departure.’

In July 2023, COA opened another ‘austere reception’ centre at Ter Apel, which is called the being-available-during-the-procedure-location (Procesbeschikbaarheidslocatie, PBL). It has space for 50-100 asylum seekers and is aimed at asylum seekers who cause disturbances and have a low-prospect asylum application. Apart from the exemptions in the RVA 2005 for asylum seekers whose request is dealt with in Track 1 or Track 2 that were discussed above, there are no public regulations as to who is supposed to be housed in the PBL.

Emergency locations are temporary locations, managed by COA. Locations differ from sport and event halls, boats, cruise ships, pavilions, hotels, former schools, former office buildings and in former COVID-19 test locations. Many of these locations house more than 500 people. For example, in 2022, two cruiseships in Amsterdam and Velsen both housed over 1000 people. The ship in Velsen was moved to Rotterdam in July.
2023, the cruiseship in Amsterdam remains at the same location. The reception capacity of both ships was increased from 1,000 to 1,500 people.

**Germany:** Up until September 2023, AnkER centres still exist, and the BAMF is still present in nine of them. Whereas in the beginning the emergency shelters should only be provided until the end of 2022, the Berlin Senate decided that due to the arrivals from Ukraine a prolongation is required until 15 March 2023. As all other reception centres in Berlin are completely full, the Senate has again prolonged the usage of the former airport until June 2024. After that, there could only be one last extension until December 2024 for the approx. 3000 people. The facility at Tempelhof which was closed in 2019 reopened in December with a capacity for 840 people. In Cologne, North Rhine Westfalia and Hamburg exhibition grounds are still used as emergency shelters. In 2023, the Federal Government expected to support the municipalities with € 2,8 billion and plans a support of € 1,3 billion in 2024.

**Bulgaria:** In 2023, the number of new arrivals in Bulgaria increased by 10%. Although not high in itself, this percentage is adding to a previous 55% increase in 2022 and 212% in 2021. It increased their occupancy rate from 77% in 2022 to 94% on average in 2023. Dublin returnees for whom the procedure can be reopened and continued are usually accommodated in an asylum reception centre upon request, although this depends on the occupancy in reception centres. The sole reason to avoid overcrowded reception centres in 2023 was the high absconding rate of Afghan applicants, which was 68%, while they represented the second largest country of origin after Syria. The main reason for Afghan absconding laid in almost ten-year period of low recognition rates varied from 0.1% to 14%, which demotivated them to remain in Bulgaria.

In 2023, the national reception capacity continued to decrease to 3,592 places in all SAR reception centers against the background of 22,518 asylum applicants in 2023 alone. This situation is mostly due to the fact that the SAR did not receive any of the funding requested for repairs or refurbishment in its 2020, 2021, 2023 or 2024 annual budgets. Just BGN 120,000 including VAT were provided in 2022, and no additional funding was provided in 2023, while SAR estimated at the end of 2023 to be in need of at least BGN 10,953,746 in order to be able to conduct the most necessary refurbishment. Temporary protection holders were not accommodated in SAR reception centres as due to the large number of arrivals their housing in the spring of 2022 was secured outside them under a Humanitarian Aid Program adopted in March by the regular government (see Temporary Protection). Notwithstanding the increase by 10% compared to 2022, 85% compared to 2021, and 212% compared to 2020 of asylum seekers originating from other countries, mainly Syria and Afghanistan, further worsened the situation regarding reception capacity. Other contributing factors were that SAR’s 2023 budget for accommodation, food, medical and other key assistance remained the same as in 2022, the latter calculated based on a forecast of up to 10,000 individuals, while the real number of newly arrived asylum seekers was twice the estimated figure. The sole factor that prevented overcrowding in reception centres in 2023 again was the high absconding rate of Afghan applicants, which reached 68%, while they represented the second largest country of origin after Syria. The main reason for the extremely high absconding rate is likely attributable to the ten-year period of low recognition rates (varying between 0.1% and 14%), which discouraged them from remaining in Bulgaria. This discriminatory approach however began to turn in 2022 (see Differential treatment of specific nationalities in the procedure), which motivated more Afghan applicants to remain until their first instance decisions are issued. This, however, further aggravated the situation in terms of national reception capacity.

2,736 asylum seekers resided in reception centres as of the end of 2023, thereby marking an occupancy rate of 77%.

In the end of 2023, following a fire in Vrazhdebna shelter and overpopulated Ovcha Kupel shelter, and vis-à-vis a still significant number of Afghan applicants absconding, SAR began to accommodate applicants from Syria and other Arab countries in Voenna Rampa shelter, which as of the end of 2023 hosted asylum seekers from mixed ethnicities, thus creating higher risks of conflicts.
**Ireland:** Citywest Convention Centre continued to operate throughout 2023 as both a transit hub for the processing of beneficiaries of Temporary Protection, as well as for the accommodation of newly arrived adult international protection applicants. As of January 2024, there were 574 international protection applicants residing in the centre.

Despite a commitment by the Minister for Children, Equality, Disability, Integration and Youth to decommission the use of emergency accommodation prior to the end of 2022, the number of emergency accommodation centres has increased to from 79 centres in January 2023 to 216 centres in February 2024. A total of 18,702 international protection applicants, 3,942 of which were children, resided in these centres located throughout the country.

As of January 2023, the number of individuals resident in emergency accommodation had risen to 11,414. As of February 2024, the number of individuals resident in emergency accommodation had further increased to 18,702.

As of January 2023, 19,635 people were accommodated within the IPAS system as a whole, 4,082 of which were children. As of February 2024, 27,106 people resided in Direct Provision, 6,067 of whom were children. As of March 2023, there are forty single males only accommodation centres located throughout the country. There are six female-only reception centres located in Kerry, Galway and Dublin.

In 2023, capacity within the Direct Provision accommodation system remained a significant and ongoing issue. 2023 saw the continued reliance on the use of emergency centres. Such centres often comprised of disused offices, large conference rooms, schools, and sports halls in order to accommodate international protection applicants. The Irish Refugee Council has been alerted to numerous grievous risks to vulnerable residents accommodated in these centres, including to women and minor children. These reports included significant child protection issues and serious privacy concerns. Throughout 2023, the State also continued to use tented accommodation to accommodate international protection applicants at various locations around the country.

While initially intended as a temporary measure, many applicants spent months residing in wholly unsuitable accommodation which did not meet their basic needs and exposed them to at times freezing and wet weather conditions. As of January 2024, there were 346 international protection applicants, all single males, living across the three centres.

As of January 2023, 11,414 individuals were housed across 79 emergency centres. By February 2024, 18,702 individuals were residing across 216 centres. This marks an increase of almost 92.5 times the number of people in emergency accommodation in 2018, when 202 persons were residing in five hotels.

**Cyprus:** With the total number of asylum seekers reaching over 25,000 by the end of 2023, and capacity of Reception Centres limited to around 1000 persons, most asylum seekers reside in the community in private houses/apartments, which they are required to secure on their own. SWS bear the responsibility of processing applications and addressing asylum seekers’ needs, including the allocation of an allowance to cover housing expenses. The asylum seeker is expected to provide all necessary documentation.

2023 continued to be an extremely challenging year for the country’s reception system. The ongoing absence of a comprehensive reception system combined with the stringent measures adopted by the authorities to address migration and refugee flows, along with the continued increase in arrivals had a severe impact on the ability of the reception system to address the needs of newly arrived persons, as well as of those already present in the country.

In 2023, staff in the Kofinou Centre included: an NGO providing administrative services/social support in the Centre with 4 social workers and 2 administrators; 1 social worker from SWS that visits the centre twice a week; support from EUAA with 1 staff member providing information to residents as well as 5 interpreters (Arabic, Somali, French, Farsi, Kurmanji, Badini, Turkish, Lingala). Additional staff includes two UNHCR staff members, one providing integration support services to residents and one monitoring conditions and
providing legal advice. Other staff members include 3 cleaners, 4 carers, 3 maintenance technicians, and 24/7 security officers. In relation to the Health Services provided, there is currently one nurse on a daily basis, a mental health nurse visiting the Centre twice a week, and a pathologist offering services three times a week.

Poland: At the end of 2023, 9 reception centres operated in Poland, offering 1,479 places for asylum seekers. Two centres served as the first-reception centres (located in Podkowa Leśna-Dębak and Biała Podlaska) and seven functioned as accommodation centres (located in Białystok, Czerwony Bór, Bezwola, Łuków, Kolonia-Horbów, Grupa and Linin). The Head of the Office for Foreigners is responsible for the management of all the centres. This authority can delegate its responsibility for managing the centres to social organisations, associations, private owners, companies etc. Currently, 5 reception centres are managed by private contractors. Overcrowding was not an issue reported in practice in 2023. The conditions in the centres have improved in recent years, although certain problems are still being reported such as the remote location of certain centres, which impedes the integration process of asylum seekers.

All of the abovementioned reception conditions are applied in practice. As of 31 December 2023, 656 (compared to 732 in 2022) asylum seekers were residing in the reception centres. Another 3,493 (compared to 2,963 in 2022) asylum seekers were receiving assistance outside the centres.

In 2023, the centres in Podkowa Leśna-Dębak and Biała Podlaska served as the first reception, where asylum seekers were directed after applying for asylum in order to register and carry out medical examinations. The remaining seven centres were accommodation centres (Białystok, Czerwony Bór, Bezwola, Łuków, Grupa, Kolonia-Horbów and Linin).

In 2023, there was no problem of overcrowding in these centres. As of 31 December 2023, the highest occupancy rate was 71.67% in Białystok and the lowest was in Biała Podlaska – 17.73% (first reception) and Czerwony Bór – 37.22% (accommodation centre).

Since March 2022, the reception centres for asylum seekers have been serving also as a place for accommodation for some temporary protection beneficiaries. However, only 10 temporary protection beneficiaries benefited from this accommodation in 2023.

Standards for reception

Ireland: As of 9 January 2024, the Health Information and Quality Authority (HIQA) assumed the responsibility for monitoring and inspecting International Protection Accommodations Service centres against the legally binding National Standards for Accommodation Offered to People in the Protection Process. This function was provided to HIQA by an amendment to the European Communities (Reception Conditions) Regulations 2018 by way of the European Communities (Reception Conditions) (Amendment) Regulations 2023 (S.I. No. 649 of 2023).

Croatia: The UN Subcommittee on Prevention of Torture (SPT) visited Croatia for the first time from 2 to 8 July 2023 to assess the treatment of people deprived of their liberty and the safeguards in place to protect them from torture and ill-treatment. The SPT visited various places of deprivation of liberty, including, police stations and migration centres.

Switzerland: At its meeting on 25 January 2023, the Federal Council communicated its will to create transparent and comprehensive regulations for operating and guaranteeing the safety of asylum seekers and staff in federal asylum centres. Therefore, it opened the consultation process on an amendment to the Asylum Act. In doing so, it relied in particular on the recommendations of former federal judge Niklaus Oberholzer, who had investigated violence episodes in the centres and highlighted several gaps in the legal bases, in particular concerning the delegation of coercive measures to private agencies, the use of physical
force, of security rooms and of disciplinary measures. The amended law should enter in force approximately by 2025. As part of the PreSec project, the SEM has appointed seven specialised officers responsible for violence prevention and personal security (one in each asylum region and one at central level) who have started their function on 1st of January 2024. They are supposed to provide regular quality controls and continuous on-the-job training of staff hired by the security companies.

**Poland:** The Office for Foreigners monitors the situation in the centres managed by private contractors daily through the Office’s employees working in those centres and through the overall inspections taking place a couple of times a year. In 2023, the five centres managed by private contractors were monitored 19 times. Medical establishments within the centres were monitored too – once every quarter. Once a year, centres were also controlled by firefighters and health authorities. Asylum seekers can complain to the Office for Foreigners about the situation in the centres. In 2023, 18 requests and 19 complaints concerning reception centres were lodged in the Office for Foreigners. They concerned mostly living conditions and staff working in the centres. Out of the complaints, none was considered justified.

**Romania:** According to the data provided by the Ombudsman, its representatives did not carry out monitoring visits to the IGI-DAI centres in 2023, but a visit was made to the Border Police Territorial Unit Calarasi on 6 January 2023 and certain problems were noted with regard to the screening/triage room (at the time of the visit, no person was kept in custody in this place). It is a room where migrants are taken after they are caught for trying to cross the border illegally. The following problems were identified concerning this room: there was no window allowing natural lighting, no heating source in the room and in the sanitary group, the nearest heating source was a radiator in the surveillance room used by the border police located next to that room. Ombudsman made recommendations for the rehabilitation of the triage room, the appropriate provision of furniture and sanitary facilities, the conclusion of a protocol of cooperation with a medical unit in order to comply with the procedure for the organisation and operation of the triage room in terms of medical assistance that need to be provided to persons kept in such a place.

**Reception conditions**

**Greece:** As on Samos, police monitor the Lesvos CCAC 24 hours a day, seven days a week, both at the entry and throughout, and all newly arrived citizens’ cell phones are confiscated for many days. The conditions in these rubhalls are inadequate. There are insufficient mattresses and beds, so people are forced to sleep on the ground. People de facto detained under these conditions have described not having enough food or fresh water and being always hungry. There is also insufficient running water. Non-food goods are distributed slowly or not at all for new immigrants, leaving the majority of them without adequate shoes and only the clothing they brought with them to Lesbos.

Exceeding the actual capacity of the structure for accommodation in CCAC Kos, newcomers are restricted in the premises of the old PRDC that were previously used for Covid-19 quarantine awaiting their registration and transfer to the designated for accommodation sectors. As the arrivals increased since summer 2023, the population was constrained in subsections of old PRDC, in deplorable conditions, sheltering outnumbered in destroyed containers, without adequate water, electricity, air conditioning, heating, mattresses and with leaking drains. Communal areas, such as the restaurant of the new PRDC were also used as accommodation areas in November and December 2023. Applicants holding a card, residing in the sections of PRDC were facing difficulties exiting freely the sections. Newly arrived persons detained within subsections of the CCAC, do not have access to any services, including medical support. Applicants with non-communicable chronic diseases such as diabetes or cardiovascular conditions remaining undetected or unable to seek medical treatment even for several weeks after arrival, due to delayed submission in registration procedures, de facto detention practices and the understaffed health services in the CCAC. During this period, people who are denied exit from the CCAC, have no access to clean clothing, legal aid, and very limited medical support. Despite efforts by Ris to separate single women, vulnerable persons and families from the rest of the
population, this became extremely difficult during autumn 2023, as new arrivals were transferred from the island of Rhodes, which completely lacks in infrastructure and reception services and where over 5,000 people had arrived since the beginning of the year to November 9.

On Samos, hundreds of people have been restricted to the CCAC’s “Temporary Accommodation Zones,” which were previously utilized for Covid-19 isolation. These contained zones consist solely of lodging containers and are encircled by layers of barbed wire barriers. Police offer 24-hour surveillance, and people are only allowed to leave for essential medical requirements or interviews with authorities. Mobile phones are confiscated by the police upon arrival for 7-10 days, leading to a widespread breach of applicants’ privacy and leaving new arrivals unable to seek medical or legal assistance from non-governmental actors operating outside the CCAC. Since newly arrived people are imprisoned within CCAC sections, they do not have access to any services, including medical care. This is exacerbated by the fact that no doctor is permanently stationed at Samos CCAC to give medical care to recently arrived asylum seekers, leaving hundreds of them without access to medical and psychological help. The consequences of this denial of access are severe, as asylum seekers are regularly subjected to violence en route and/or in their place of origin, posing special health risks. This involves, for example, survivors of sexual violence and pregnant women who may require immediate sexual and reproductive health treatment. Furthermore, due to a lack of healthcare and individual vulnerability assessments, applicants with noncommunicable chronic diseases such as diabetes or cardiovascular conditions, as well as communicable diseases, risk going undetected or being unable to seek medical treatment for several weeks after arrival. Vulnerability assessments are not conducted.

On 05/02/2024, in the case of H.T. and M.T. v. Greece (Application no. 2868/24) the European Court of Human Rights granted Interim Measures with regards to an asylum seeking woman and her infant child, held in inhuman conditions in the Samos Closed Controlled Access Centre (CCAC) ordering Greek authorities to provide safe and suitable accommodation, following the mentioned above Interim Measures that were granted by ECtHR on 12/12/2023, with regards two Afghan women and their five accompanied minor children, residing at the communal area of the restaurant of the PRDC in the Closed Controlled Access Center (CCAC) of Kos in absolutely inadequate conditions. Significant acceleration of registration procedures the recent weeks improved the situation in CCAC Kos.

In practice, following the termination of the ESTIA accommodation programme in December 2022, camp-based accommodation has become the only available accommodation provided under the Greek reception system. As of the end of 2023, facilities used for this purposes included mainly temporary accommodation camps, initially designed as emergency accommodation facilities, and RICs in Evros, Malakasa and Diavata, on the mainland, as well as Closed Control Access Centres (CCACs) operating --under EU funding-- on the Eastern Aegean islands, where asylum seekers have continued being contained in prison-like conditions.

it needs to be flagged that increasingly throughout 2023, amidst the handover of site management activities to the Greek state, the situation in mainland camps has evolved into one where less (independent) actors are present or regularly accessing the camps. This has resulted in further hindering effective oversight vis-à-vis reception conditions on the mainland, particularly since IOM stopped publishing data on mainland camps in March 2022, and has been raised as a main concern/gap by actors during the year.

Further compounding this gap is the comparative lack of media attention to the prevailing situation in mainland—as opposed to island—facilities, even though mainland camps have similar to those on the islands been gradually transformed into prison-like, high security settings for the reception of a vulnerable population group (i.e. asylum applicants), with the prevailing environment having direct ramifications on residents’ wellbeing.

As noted in an open letter by 32 Refugee Education Coordinators (RECs) working in the camps in May 2023: “[W]here either the model of “Closed Controlled Centers” (CAACs), such as in Samos, Leros and Kos, or the "Reception and Identification Centres" (RICs), such as in Diavata, Malakasa or Fylakio, Evros, is already
applied, or even where the so-called ‘controlled’ living model is promoted, such as in the various ‘Controlled Facilities for Temporary Accommodation of Asylum Seekers’ (particularly) in the mainland, extremely damaging conditions are created for the well-being of both the refugee children themselves and their families in general. These conditions create, first of all, anxiety for the psychosocial and learning development of the children we support and, secondly, discomfort, giving us the feeling that we are now working in an ‘open prison’ environment.”

As further noted in their letter, this model of reception, which as stressed by the RECs inter alia amounts to applicants’ accommodation “in particularly remote areas and their enclosure by three-meter-high concrete walls […] ; the creation of more and more internal, separate, clusters-cages for the different functions, which are shielded with double fencing and scaled wire mesh and guarded by private security companies; [and] the rapid understaffing of social and health services in terms of scientific staff, interpreters/translator, etc. and the parallel increase in security staff”, also inter alia:

• Creates insurmountable practical obstacles in children’s and young persons’ access to formal education, due to the distance between their place of residence from urban centers where public schools operate
• Drastically limits possibilities to maintain communication with schoolmates and more broadly people of a similar age, given social integration activities that take place in the context of education become impossible, due to their isolation and the parallel inability of non-residents to access them [i.e., the camps]
• Prevents refugee parents and guardians from communicating with their children’s teachers and with the parents and guardians of children in the local communities, thus nullifying one of the fundamental functions of the educational community
• Creates a suffocating living environment for children and their families, as well as for all those living in spatial isolation, which creates a series of intense psychopathological consequences and reproduces social stigma.

Gaps and/or complete lack of transportation services in mainland camps, leading to the severe disruption of camp residents’ ability to access their rights, including the asylum procedure, their lawyers, psychosocial care, or hospitals and medication for those in need of regular treatment, were reported in both March and April 2023. Efforts to address these gaps were subsequently and partially undertaken by IOM, which under the HARP project resumed the provision of remote transportation services (bus transportation) for people residing in the mainland camps of Andavrida, Ritsona, Thiva, Nea kavala, Vagiochori, and Koutsochero, at least up to June, when the project was finalised. Following this, transportation started being provided under the RIS from the mainland camps to the nearest urban centers in July 2023, yet practical challenges, such as buses not being in use in Nea Kavala camp, continued being reported up to the end of the year, when provision of transportation services was reported as more stable.

Conditions on the Eastern Aegean islands: The situation on the islands has been widely documented and has remained alarming throughout the years, with increased arrivals in the second half of 2023 marking a return to conditions of overcrowding observed in previous years and an accentuation of ongoing challenges.

Between January and December 2023, a total of 25,686 persons were transferred to the mainland from the islands of Lesvos (8,438), Samos (4,506), Chios (1,493), Kos (6,211), Leros (2,918) or from other islands (2,170). Despite these increased efforts, by the end of December 2023, 15,914 persons were still residing in facilities with a designated nominal capacity of 17,737 places, resulting in near all facilities operating beyond their reported capacity.

Namely, on 31 December 2023, the CCAC of Chios, with a reported capacity of 1,014 places, was hosting 1,082 people, the CCAC of Samos, with a reported capacity of 3,650, was hosting 3,890, the CCAC of Leros, with a
reported capacity of 2,150, was hosting 2,192, and the CCAC of Kos, with a reported capacity of 2,923, was hosting 3,360. The Lesvos CCAC, on the other hand, with a reported capacity of 8,000 was hosting 5,390.

That being said, as per observations in the field in 2022, which were renewed in 2023, reported capacity does not necessarily equate to the actual capacity of CCACs. For instance, as reported during the Lesvos Inter-Agency Coordination Meeting, which operates under UNHCR, on 19 January 2022, due to increased arrivals, the CCAC Director had informed that shelter availability in the Lesvos CCAC had become scarce, impacting on living conditions. Yet at the time, the CCAC reportedly hosted 1,920 persons, which was significantly less than the facility’s reported capacity, which, as per official data, at the time stood at 8,000 places.

Likewise, in September 2023, RSA reported the overnight increase in the officially reported capacity for the Samos CCAC, which without any explanation was increased from 2,040 to 3,659 places. In the same report, RSA highlights how during 2023 new arrivals in the Samos CCAC have been forced to sleep on the floor, without mattresses, in a room originally intended to serve as a restaurant, due to the lack of actual accommodation places.

On 18 September 2023, in a case supported by the Human Rights Legal Project, the European Court of Human Rights (ECtHR) granted interim measures in a case concerning a vulnerable single mother, survivor of gender-based violence, and her 6 months-old daughter, who has a congenital heart disease. The applicants had arrived in Samos in August of the same year and had been assisted by MsF, who had asked for the applicants’ immediate transfer to the island’s General Hospital, where the applicants were informed that they should be transferred to Athens, in order for the minor to be able receive proper medical care. Despite this, the applicants were taken back to the Samos CCAC, where they remained de facto detained pending reception and identification procedures and the registration of their asylum application for close to a month. The Court indicated to the Greek government to ensure that the minor applicant be provided with appropriate medical care and that both applicants be ensured adequate living conditions, taking into account their extreme vulnerability.

Less than five months later, on 7 February 2024, the ECtHR once more granted interim measures in a case represented by the organisation I Have Rights, concerning yet again a single mother and her infant child (the applicants) in the Samos CCAC. The applicants had been detained upon arrival at the CCAC in degrading conditions, without an assessment of their vulnerabilities. They were forced to share a bunk bed with an unrelated adult man and were humiliated by being forced to remain in the same clothes for weeks on end. They were also without access to medical treatment and relied on others to collect food on their behalf due to fears for their safety, as the line for food was hours long, with fights often breaking out. Additionally, the mental health of the woman rapidly deteriorated since arriving to the CCAC and there were concerns as to the health of the infant who had not been provided with a cot, toys, sufficient diapers or access to medical checkups. The Court ordered the Greek authorities to urgently accommodate the applicants in a safe and suitable accommodation and to ensure they are provided with adequate food, water, clothing and medical care.

On 12 December 2023, in a case represented by GCR, the European Court of Human Rights (ECtHR) granted interim measures with regards two Afghan women and their five accompanied minor children (the applicants), who following their arrival had been residing in the CCAC of Kos, in completely unsuitable conditions. On account of overcrowding, the applicants, single women with minor children, who were pending registration, were not provided accommodation and were, instead, placed alongside unrelated single men in the facility’s restaurant area, where they were de facto detained, forced to live and sleep on the floor, in unsanitary conditions, without access to necessary healthcare, without privacy, and exposed to harassment and to the risk of gender-based violence. The ECtHR ordered the Greek authorities to ensure that the Applicants "have full access to reception conditions which respect human dignity and take into account their multiple vulnerabilities".
In what concerns Lesvos, in a joint statement in September 2023, 17 civil society organisations once more raised the alarm over prevalent conditions in the island CCAC, despite efforts to improve them. The organisations inter alia noted the severe lack in medical and psychosocial staff, as well as interpreters; the insufficient availability of dignified accommodation places, with many applicants forced to reside in rub halls, with no privacy or partitions, and forced to share rooms and containers with complete strangers, often without a mattress; and the lack of appropriate measures for the protection of particularly vulnerable applicants, such as UAM, single mothers and GBV survivors, who have been forced to reside for prolonged periods of time in a former “quarantine area”, amidst a sharp increase in arrivals.

Amidst yet another winter, as in previous years, challenges were also once more reported in December 2023, with respect to the Lesvos CCAC’s residents’, and in particular those residing in rub halls, exposure to winter conditions. During the same month, a lack of heating throughout the CCAC was also reported, as were challenges with regards to the availability of hot water, adequate lighting, and non-functional showers. Challenges with the stable supply of electricity in the Lesvos CCAC continued to be reported in the first months of 2023 and were reportedly expected to be resolved towards the end of March. Yet lack of access to electricity in some sections of the CCAC were still reported in October 2023.

As in the previous year, so too in 2023, infrastructure-related problems, in particular concerning the stable provision of water, continued being reported in the Samos CCAC in 2023 as well. As noted by the Minister of Migration and Asylum, in the context of a written reply to a parliamentary question in October, “since April 2023 and for reasons of objective difficulties related to [...] unforeseeable weather conditions (lack of rainfall and consequent water scarcity on the island of Samos), the system of controlled water supply interruption was applied in the Closed Controlled structure of Samos for a few hours during the day”. As per the same reply, efforts to address these shortages were inter alia pursued in collaboration with the Municipality of Samos, resulting in the provision of 15 cubic meters of water per day to the facility, and transportation of water to the facility via water carriers, following the conclusion of a contract for the supply of 2,307 cubic meters of water for filling the facility’s water reservoirs. Yet while welcome, such solutions seem to be temporary in nature, and given the concurrent nature of such challenges, seem to further underscore the fallacies of an EU policy focused on receiving applicants in remote facilities at the borders.

Switzerland: In December 2023, the NCPT has published four new reports on individual visits carried out in six temporary centres. These concern the centres of Aesch, Basel Bonergasse, Basel Schäferweg, Stockborn, Provence/Rochats, and Chiasso Via Motta 7 – 11. The reports confirm the Swiss Refugee Council’s concerns about temporary centres, especially civil protection shelters. First of all, the material conditions are insufficient: spaces are narrow, there is no daylight, insufficient ventilation and no clear separation between dormitories, dining room and communal areas. The access to toilets for women is not safe, as they have to cross the men’s dormitory to go to the toilet at night. Second, the Commission found that responsibilities were not always clear, staff were not sufficiently trained and were not always familiar with the internal guidelines. Despite the increased risk of conflict and violence in these conditions, violence prevention measures were often not in place or not sufficiently known by staff. Alleged episodes of violence were not sufficiently documented or reported to the SEM by security staff. The reports also confirm that conditions in these temporary centres (Aesch and Rochats) are not at all suitable for children. Two of these centres accommodate 16- and 17-year-old unaccompanied minors, but at the time of the CNPT’s visit, there were no specialised staff (social educators). Families were also accommodated in the Steckborn underground civil protection shelter and in the Via Motta 7-11 centre in Chiasso, which the CNPT found to be in appalling conditions, with no outdoor space or place for children to play.

Spain: At the beginning of July 2021, the number of residents at the CETI of Melilla was 877 (mostly from Tunisia and Egypt). For the first time since 2017, it did not surpass the threshold of 1,000 hosts, but still surpasses the actual capacity of the facility. During 2022 and at the beginning of 2023, the facilities registered
very low numbers of residents, it seems it is due to the increase of transfers of asylum applicants to mainland following the decision of the High Court in 2020.

An informal settlement of Cañada Real has been set up in Madrid where many migrants and other persons live. The living conditions are extremely poor and, since the last quarter of 2020, there is no electricity available. This situation affects around 4,600 persons, including 1,800 children, many of them of a young age. The situation persisted at the beginning of 2023. The responsible authorities have not taken any measures to address this issue yet.

In October 2023, the Cañada Real continued to be without electricity after 3 years.

The situation in informal settlements across Spain (especially in Andalucía) continued to be a concern in 2023. Many migrants, asylum seekers/refugees/persons in need of international protection and seasonal migrant workers live in these settlements in poor living conditions and with no access to basic services. Many of them are victims of trafficking, forced labour and forced prostitution.

In January 2023 the police evicted more than 50 persons remaining in the informal settlement of ‘El Walili’ (Almería), following a judicial decision establishing the eviction. In August, the NGO ‘La Carpa’ lodged a claim before the Spanish Ombudsperson denouncing the discriminatory treatment received by migrants living in informal settlements during a forest fire close to Huelva. In fact, while the population was included in the evacuation and temporary reception plan, migrants living in the affected informal settlements were not accommodated in the sports centres used to host evacuees. In September a fire destroyed more than 200 shacks in Huelva.

In August 2023 the First Strategic Plan to eradicate informal settlements and substandard housing and to foster the social inclusion of persons (basically migrants) living in agricultural areas in Andalucía was approved by the Autonomous Community’s Government.

At the beginning of 2024, the Government of Andalucía allocated almost EUR 2 million to the Municipalities of Lepe, Moguer and Lucena del Puerto, with the aim of improving living conditions for temporary migrant workers in informal settlements.

In January 2023 the High Court of Justice of the Canary Islands (Tribunal Superior de Justicia de Canarias) condemned Canary Islands Government to pay a EUR 210,000 compensation for the moral suffering of the parents deriving from the separation from their three children for 14 months.

Netherlands: In 2023, no asylum seekers had to sleep out in the open in Ter Apel. However, over the course of 2023 there were many moments in which Ter Apel reached its capacity and urgent measures needed to be taken. In a letter of 24 May 2023, the State Secretary announced that it needed to open two locations for unregistered asylum seekers again. In a letter of 6 June 2023, it was announced that three or four of these locations were needed. On 1 July 2023, the first of these locations opened in Assen with a capacity of 500 beds. Unfortunately, in late 2023, distressing circumstances occurred again. Because there was no longer space in the facility itself, starting from October 9, 2023, the waiting area of the Immigration and Naturalization Service (IND) was used to accommodate asylum seekers. The waiting area did not have beds or showers. Initially, this only affected asylum seekers who reported in the evening or at night in Ter Apel, but soon it also affected those who reported during the day, and asylum seekers (including children) sometimes had to stay there for multiple nights. On December 2, 2023, the Red Cross had to be called in to provide mattresses and emergency showers. On December 7, 2023, the Inspection of the Ministry of Justice and Security reported that the situation in Ter Apel was untenable. Fire safety were not in order, basic requirements for bedding and bathing were not met, and the risk of violent incidents was increasing.
Subsequently, an overnight shelter was opened in Stadskanaal, making it unnecessary for asylum seekers to sleep in the waiting area.

In December 2023, the reception centre in Ter Apel had again reached its capacity. Therefore, asylum seekers had to sleep in the waiting room of the IND without beds or showers – sometimes for more than 2 days. On 22 December 2023 the municipality which Ter Apel is part of (Municipality Westerwolde) sued the COA for breach of contract because the maximum capacity of 2,000 asylum seekers was exceeded time and time again in 2023. The civil court will rule on this case on 23 January 2024.

As is made clear in “Types of accommodation”, half of the asylum seekers in the Netherlands are housed in (crisis)emergency locations. In both 2023 and 2022, reception conditions provided to these asylum seekers did not meet the minimum legal standards. The Dutch Council for Refugees (VWN) published three Quickscans on the conditions in (crisis) emergency locations. The living conditions in emergency reception centres for refugees and asylum seekers are seriously inadequate. Many locations do not ensure that basic needs - such as privacy, security and warmth – are fulfilled. There are also concerns about health care, access to education and other activities for children and the fact that asylum seekers are forced to frequently move from one facility to the other.

In August 2023, one year after the start of the tort procedure, the Dutch Council for Refugees investigated the extent to which the living conditions in the (crisis) emergency locations align with European obligations as explained in the court ruling. In the months of June and July 2023, 22 (crisis) emergency locations were visited, and 92 residents were interviewed. The report concluded that the majority of the (crisis) emergency locations still largely fail to meet the State’s obligations under European law. While some (crisis) emergency locations have adequate facilities, these are exceptions, and conditions elsewhere are equally distressing, if not worse than last year. Additionally, the (social) safety and self-sufficiency of residents in (crisis) emergency locations need improvement. This can make a significant difference in how residents experience their stay.

Other conclusions from this report were the severe suffering experienced by asylum seekers due to a lack of privacy, tranquility, and suitable nutrition. Sanitary facilities are inadequate and particularly unhygienic in too many places. Problems with healthcare accessibility exist in almost half of the (crisis) shelters. Additionally, the majority of the (crisis) shelters have proved detrimental to children, who experience a decline and weight loss due to a lack of activities, safe play areas, and healthy food. Finally, residents at three-quarters of the (crisis) emergency locations indicate that the living conditions affect their well-being and sense of human dignity. Large differences between (crisis) shelters also reveal that whether asylum seekers experience decent reception in the Netherlands is subject to arbitrariness.

Other organisations also reported on the conditions in the (crisis) emergency locations. The National Ombudsperson and the National Children’s Ombudsperson concluded in a report that human rights and children’s rights are put under pressure. The whole situation keeps being handled in crisis mode, whereas it is a long-lasting issue. Moreover, the government does not sufficiently take into consideration the necessity for asylum seekers to be able to exercise self-determination and autonomy. Finally, as DCR also concluded, the Ombudsperson highlighted the arbitrariness of the reception system and concluded that the principle of non-discrimination is not respected.

Pharos, the Dutch Red Cross and Doctors of the World (Dokters van de Wereld) also published a report on the lack of sufficient medial care (see Reception conditions - Health Care).

Slovenia: In 2023, overcrowding due to the large number of new arrivals continued and the reception conditions worsened significantly. Although the official capacity of the Asylum Home is around 350, more than 600 persons were accommodated there on a daily basis throughout the year. While the numbers varied through the year they peaked in September when approximately 1200 people were accommodated at one point. Due to lack of capacity additional containers for accommodation and put on the premises of the Asylum
Home. During that time people would sleep outside and in hallways. The Ombudsperson reiterated again that the conditions in the Asylum home are not in line with EUAA standards for reception and that they violate the right to personal dignity, privacy, and in some cases personal security as well as raise public health concerns. The Ombudsperson also noted that the conditions can discourage people from waiting for a decision on their application, meaning that they infringe on the right to asylum from Art. 18. of the EU Charter. The Ombudsperson urged the Government and the Prime Minister to do everything necessary to ensure additional capacities for accommodation of asylum seekers. Due to lack of capacity separate accommodation of vulnerable groups such as unaccompanied minors, single women, families, or victims of torture was not possible. This is why the Asylum Home was reorganised during the year. The majority of the Asylum Home is used as a reception centre for individuals waiting to lodge their application and only a small part is used for accommodation of asylum seekers. As both groups can move freely on the premises, asylum seekers are not separated from individuals waiting to lodge the application. Since individuals can wait several days to lodge the application and the medical examination is normally performed right before the lodging of the application, this also raises public health concerns.

The problem of overcrowding and insufficient reception capacities in Logatec continued during 2023. In the beginning of 2024, the decision was made to move temporary protection holders from Logatec to other UOIM capacities for temporary protection holders around the country in order to free up capacity for asylum seekers.

Lack of adequate reception conditions was also addressed during the 2023 Committee against Torture periodic review. The Committee recommended that the authorities intensify the efforts to reduce overcrowding and improve material condition in the Asylum Home and Logatec, including by guaranteeing access to adequate social, educational, mental and physical health services. In addition, the Committee noted that the authorities should refrain from applying illegal restrictions on movement.

**Bulgaria:** Occupants from all reception centres, except in Vrazhdebna, have complained about the poor sanitary conditions, especially regarding soiled mattresses infested with bedbugs which regularly cause health issues, i.e., constant skin inflammations and allergic reactions. This problem arose after 2013 and has been continuously neglected until 2023. Owing to the monthly disinfection, pest control and desacarization which began in May 2022, and continued in 2023 on the basis of contracted services which was regularly carried out in all reception centres, the situation with regard to bedbugs noticeably improved, not without the similar measures undertaken in both MOI detention centers in Busmantsi and Lyubimets. It was not before September 2023 when SAR was able to receive the first instalment of the next AMIF funding from MOI and re-appoint cleaning staff. Until then SAR had to organise the cleaning of all reception centers with the assistance of the center’s population. However, crumbling buildings and poor sewage and bathroom conditions prevented any significant improvements in this respect and kept sanitation levels to, or in the case of Ovcha Kupel shelter below, the necessary minimum.

**Romania:** At the time of the author’s visit on 16 February 2023 at the ITPF Timişoara there were four shipping containers where asylum seekers were accommodated, and two mobile toilets placed in the inner courtyard of the institution. One of these containers was presented to the author. It had eight bunk beds, without mattresses and a broken fan heater. The representatives of ITPF stated that the mattresses were taken out for cleaning. They also declared that these containers had not been used since December 2022; they are only used when there is a group of 10-20 people waiting for their interview and registration process. In the first trimester of 2022 ITPF Timişoara had to process groups of 10-12 persons.

UNHCR mentioned that in 2023, they provided support to the IGI-DAI Reception and Accommodation Centres for Asylum Seekers, including through the donation of non-food items to the Reception Centres that requested it (e.g. water, hygiene kits, towels, blankets, clothing) as well as financing integration counsellors, employed with UNHCR’s partner CNRR, at the reception centres. Additionally, through UNHCR’s
implementing partners AidRom and CNRR, UNHCR supported the IGI-DAI by covering a gap in services which are usually covered through AMIF funding, relating to material assistance (welcome/installation packages for asylum-seekers arriving at IGI-DAI Reception Centres), legal assistance, information provision on social assistance and their rights in Romania, social counselling, organising socio-cultural, educational and recreational activities, such as Romanian language courses, for the asylum seekers and refugees from the IGI-DAI’s Reception Centres.

The Regional Centre Timișoara: According to IGI-DAI, in 2023, the situation was as follows: the centre consists of 6 buildings, with in total 24 rooms (20 rooms with 10 beds each, 2 rooms with 12 beds each, 2 rooms with 13 beds each). On each floor there is a common bathroom and a common kitchen with a stove and a refrigerator. In 2022, all accommodation spaces were improved through a project to modernize them; no other rehabilitation works were carried out in 2023. Single women are accommodated separately from men. Unaccompanied minors under the age of 16 are taken in by the DGASPC and those over 16 can be accommodated in the centre in separate rooms. There is a mobile ramp that ensures the access/movement of people with disabilities. Families are provided with a room to themselves.

The Regional Centre Șomcuta Mare: According to IGI-DAI, in 2023 the situation in this centre was the following: the centre consists of a single building, with 44 rooms that can accommodate a minimum of 2 and a maximum of 8 people. On each floor there are 2 shared bathrooms, a shared kitchen with stove and fridge. In order to improve the accommodation conditions, rehabilitation works have been carried out in 4 bathrooms, as well as sanitation works in all accommodation spaces, hallways, kitchen, laundry. Unaccompanied minors up to the age of 16 are taken care of by the DGASPC, and those older than 16 can be accommodated in separated room in the centre. Individual accommodation spaces are allocated to families.

The Regional Centre Rădăuți: In 2023, the situation in the centre was as follows: the centre consists of 2 buildings (building A and building B), with in total 5 rooms for 12 persons, 5 rooms for 10 persons, 1 room for 8 persons, 2 rooms for 6 persons. Building A has rooms with shared bathrooms and Building B has rooms with private bathrooms. On each floor there is a shared kitchen (1 gas stove and 1 fridge in each kitchen). Unaccompanied minors over the age of 16 years old can be accommodated in the centre in separate rooms (minors under 16 years old are taken care of by the DGASPC). The positions of psychologist and doctor are vacant. Women and men are accommodated in separate rooms. There are ramps to facilitate access in the building for people with disabilities. Families are provided with individual spaces.

The Regional Centre Galați: In 2023, according to data provided by IGI-DAI the situation was the following: the centre consists of 3 buildings, with a total of 34 rooms (rooms with 6 places, 8 places, 10 places or 12 places), 1 shared bathroom on each floor, 2 kitchens per floor (3 stoves and refrigerators in each kitchen). Sanitation works were carried out in 2022, replacement of radiators, roof repairs, provision of material goods (e.g., stoves, fridges, beds, mattresses, washing machines, dryers, pots, pans, cutlery, towels, blankets) funded from the AMIF programme. Unaccompanied minors up to the age of 16 are taken in by the DGASPC, and those over 16 can be accommodated in the centre in separate rooms. There is a psychologist employed by IGI-DAI in the centre, and a doctor has a collaboration contract with IGI-DAI. There are access ramps for people with disabilities. Women are accommodated in separate rooms; families are accommodated in individual rooms.

The Regional Centre Bucharest: According to data provided by IGI-DAI, for the year 2023 the situation was the following: The Bucharest Centre consists of a building located at street Tudor Gogiu 24A (a closed centre, 96 places distributed in 24 rooms, each room can accommodate 4 people) and a building located at street Vasile Stolnicu 15 (an open centre, 320 places distributed in 80 rooms, each room can accommodate 4 people). The closed centre has 2 bathrooms per floor, and in the open centre each room has its own bathroom. In both centres there is a kitchen on each floor with 2 gas stoves and 2 refrigerators.
In 2023 no persons were accommodated in the closed centre located at street Tudor Gogiu 24A. At the open regime centre located in Vasile Stolnicu Street, thermal rehabilitation and interior sanitation works were carried out, in the period March 2021-September 2023.

The regional centre Giurgiu: According to data provided by IGI-DAI, for the year 2023 the situation was the following: the centre consists of one building. There is a shared bathroom and a shared kitchen on each floor. No improvements have been made to the premises (e.g., painting, replacement of furniture, etc.). Minors over 16 years of age can be accommodated in separate rooms (minors under 16 years old are taken by DGASPC). There is a psychologist and a medical assistant, and the position of doctor is vacant. The centre is mainly for single men, and if single women are accommodated in the centre they will be accommodated separately. The centre has a mobile elevator for people with disabilities. Families are given individual accommodation.

In 2023, the Ombudsman did not carry out monitoring visits to the centres.

UNHCR mentioned that in 2023, they provided support to the IGI-DAI Reception and Accommodation Centres for Asylum Seekers, including through the donation of non-food items to the Reception Centres that requested it (e.g., water, hygiene kits, towels, blankets, clothing) as well as financing integration counsellors, employed with UNHCR’s partner CNRR, at the reception centres. Additionally, through UNHCR’s implementing partners AidRom and CNRR, UNHCR supported the IGI-DAI by covering a gap in services which are usually covered through AMIF funding, relating to material assistance (welcome/installation packages for asylum-seekers arriving at IGI-DAI Reception Centres), legal assistance, information provision on social assistance and their rights in Romania, social counselling, organising socio-cultural, educational and recreational activities, such as Romanian language courses, for the asylum-seekers and refugees from the IGI-DAI’s Reception Centres.

In 2023, AIDRom implemented several activities in the centres: between June and December 2023, the Ecumenical Association of Churches in Romania - AIDRom, implemented the project "Information, counseling and complex assistance for asylum seekers from the regional centers of the General Inspectorate for Immigration, Output 3", financed by UNHCR. The aim of the project was to ensure the promotion of a manifold assistance system from a social point of view with the provision of specialised services to increase the standard of living of asylum seekers in Romania, by approaching the issue with a new strategy of relationship between the host community and asylum seekers. The project took place in all 6 regional centres (Bucharest, Giurgiu, Galati, Radauti, Maramures- Şomcuta Mare, Timisoara). The activities included: information and social counselling, assistance for cultural-educational integration, Romanian language courses for both minors and adults, material aid, material assistance for the translation of civil status documents and diplomas.

**UK:** The use of hotels as asylum accommodation has increased considerably in the past few years. The Home Office is not transparent about the number of hotels in use, but it was reported in March 2023 that there were 395 hotels in use. The government is trying to reduce the number of hotels in use.

The use of the Bibby Stockholm barge has led to concerns being raised about the conditions the men are living in. A man who was being accommodated on the barge died in December 2023. The guidance issued in relation to the barge states that if people refuse to move to the barge their asylum support can be stopped.

**Belgium:** Applicants without access to the reception network sleep rough for multiple months. Some sleep on the streets, only protected by sleeping bags, mattresses and blankets provided by humanitarian organisations and solidary citizens, who also distribute food and warm drinks. Since the summer of 2022, a group of asylum seekers set up tents on a bridge over and alongside the canal, right across the famous Arrival Centre “Petit Château”. Other homeless asylum seekers have sought shelter in several unoccupied buildings
in Brussels. The largest of those occupations or ‘squats’, situated in Rue des Palais and called by its inhabitants the “Palais des droits”, soon became completely overcrowded, hosting around 1000 persons. After the situation became precarious, due to unsafe living conditions and the spread of infectious diseases, the Federal government and the region of Brussels decided to evacuate the building in February 2023. After this evacuation, Fedasil indicated that it provided shelter to 840 registered asylum seekers who were living in the squat. However, due to an underestimation of the amount of asylum seekers residing in the building, not all of them received a place in the Fedasil reception network. The remaining 150 to 200 persons, although entitled to reception, were forced to search shelter in the tent camp at the Arrival Centre. As a result, the number of tents increased to 110 with an estimated 250 persons. In the beginning of March 2023, the mayor of Molenbeek decided to evacuate this makeshift camp. Around 135 asylum seekers were either sheltered by Fedasil or brought to temporary shelter for destitute and homeless persons. The remaining 50 persons were left behind, deprived from their tents. They found shelter in an empty building further alongside the canal, “Alée du Kaai”. Two days later, this building was evacuated as well. With the help of a collective of citizens called “Stop the reception crisis”, the persons concerned occupied the empty building of the future National Crisis Centre. There have been several other smaller squats in the city of Brussels. In a period of a few months, civil society organisation Samusocial, that provides support to people living in occupied buildings, counted 2000 persons (not all asylum seekers) in 13 buildings in Brussels, without counting smaller squats. In November 2023 there were reports of new informal camps appearing near the registration centre and the Humanitarian Hub. After these reports, the tents were quickly dismantled by the local police.

Germany: In 2023, over 1,000 asylum seekers arrived in Berlin on average, accumulating in 16,751 arrivals in total for the whole year. In addition, 15,144 Ukrainians arrived in Berlin in 2023. Still in 2023, small cities like Pulheim in North Rhine-Westphalia, as well as middle size municipalities like Augsburg in Bavaria and Aachen in North Rhine-Westphalia but also big municipalities like Berlin and Hamburg face difficulties in accommodating new protection seekers. In Berlin and Hamburg, around 97% percent of the reception capacities were occupied around October and November 2023.

According to the administration of Berlin 10,000 additional places were required in 2022, l. End of September 2023, the senate administration of Berlin spoke again of 8,000 more required places until the end of 2023. Those necessary places are to be created in gymnasiaums, hotels, exhibitions halls and through further usage of the old airport Tegel. In October 2023, the initial reception centre in Suhl, Thuringia, was completely full as well and had imposed a freeze on admissions. However, the municipalities cannot offer any other accommodation facilities as all centres and appartments are full. The only possibility left, according to the Thuringian Association of Towns and Municipalities, is the usage of sport halls. Municipalities in North Rine-Westphalia have started to rent hotels to provide accommodation for asylum seekers. Although this practice is very costly, it is prefered over blocking gymnasiaums of local sport associations. The authorities on the local, state and federal level blame each other for the shortcomings. While the local authorities are by law responsible for the accommodation of protection seekers, they claim that the do not have enough financial and housing resources to fulfil the current need. They therefore ask the Federal States to vacate more housing properties. The Federal States in turn urge the Federal government to strengthen their efforts and to take up a coordinating role. After months of conflict, the Federal government and the Federal States have agreed in November 2023 – next to some deterrent measures that should decrease migration – upon more financial aid by the Federal Government.

As consequence of the overcrowding, the authorities seem to be overburdened and deteriorating conditions have been reported. Under the law the state may derogate from the obligation to stay in initial reception centres in cases of overcrowding. Nevertheless, so far only Berlin has used this derogation clause and allows asylum seekers who have been allocated to Berlin under the “Königssteiner Schlüssel” to live in private accommodations since the end of January 2023. In emergency shelters e.g., in Berlin, it has been reported that the tents at the former Berlin-Tegel airport do not protect from the cold causing numerous illnesses and
facilitating the spread of Covid-19 (on conditions in reception facilities during the Covid-19 pandemic see the 2021 Update).

Even if asylum seekers do not live in tents but in houses, the living conditions are in many cases catastrophic. In a reception centre in Pulheim, North Rhine-Westphalia, for example, the building smells heavily, the sanitary facilities are moldy, and rats run around the complex.

**Ireland:** In some cases, applicants were transferred directly to tented accommodation from Citywest, while in other cases, applicants were accommodated in tented accommodation following a period of homelessness. While initially intended as a temporary, many applicants spent months residing in wholly unsuitable accommodation which did not meet their basic needs and exposed them to at times to inclement weather conditions. This practice continued throughout 2023. As of June 2021, 1,360 protection applicants, 174 of whom were children, were housed in emergency accommodation. As of January 2023, this figure had increased exponentially to 11,414 protection applicants. As of February 2024, a total of 18,702 protection applicants, 3,924 of whom were children, were accommodated in 216 emergency accommodation centres throughout the State.

**Cyprus:** Reception standards remain below adequate levels, exposing asylum seekers to the risk of homelessness and destitution. The majority of asylum seekers live in the community and are often extremely destitute. Centres are overcrowded and in need of structural renovation to reach acceptable sanitation and hygiene standards, as well as to provide safeguards against sexual and gender-based violence for both children and single women. The timely identification and response to the needs of vulnerable individuals, including children, both within reception facilities and in the community, requires improvement.

At the Reception/Pre-removal Centre at Limnès: In July 2023, the Centre was closed due to the sub-standard conditions and temporarily moved into a section in Kofinou Reception Centre. Limnès Centre is undergoing a complete re-structuring which is expected to be competed in 2 years.

At Pournara: In 2023, numbers of residents decreased significantly, mostly staying below 1000 residents. Although there were instances of waiting some days to enter the Centre, at the time of the report 611 persons were accommodated in the Center and there is no waiting time to enter the facility. Residents are hosted in confined areas, where they are accommodated in prefabricated housing units, tents, and refugee hous units, provided by UNHCR to replace tents with more appropriate solutions. In 2022 around 500 asylum-seekers were residing in prefabricated shelters with access to electricity and heating, while others were accommodated in either tents or semi-hard plastic structures without access to electricity and adequate hygiene facilities. In 2023, due to the decrease in numbers, the vast majority of residents are accommodated in prefabricated houses having access to electricity. During 2023, asylum seekers were typically permitted to exit their respective residential section only upon being called for an interview by the various governmental and other agencies working in the camp.4 Throughout 2022 there were no more available spaces in the housing units or tents, and residents were instructed to sleep wherever they could; persons reported that they sleep two to a bed, on the floor or even in the playground. In 2023 there were no reports of such conditions. Furthermore, in 2022 incidents of alleged sexual harassment and incidents of rape were reported by individuals accommodated in Pournara. In 2023 there were no reports of sexual harassment/abuse, although a report concerning some violent incidents were reported. In 2023, there were reports of UASC who preferred to reside outside the safe zone with adults they knew, to avoid conflicts emerging in the safe zone with other children accommodated there.

**Poland:** The average length of stay of asylum seekers varied between the centres. While the stay in the first reception centres is designed to be short (in 2023, on average, 17 days in Biała Podlaska and 23 days in Podkowa Leśna-Dębak), asylum seekers stayed in accommodation centres, on average, from 42 days (Kolonia-Horbów) to 155 days (Łuków).
As recorded in 2023 by Fundacja EMIC, one Afghan national stated that: “The first time we went to Biała Podlaska. Then we were transported to a center in Bezwola in the Lublin Voivodeship. We spent 2 months there. This centre was in the middle of the forest. Everywhere was far away. There were no shops, no schools. One of my sisters had to go to school, but there was no facility for her in the area. The Grupa was better in this respect, but the conditions were still difficult overall. The biggest problem was bugs - bedbugs. Employees tried to fight them off, but they kept coming back. Sprays and medical supplies didn’t work. It was the worst. Living conditions were not good either. We got two rooms for six people. There was a doctor, there was also a nurse. Food? Not very good.”

Meanwhile, the Office for Foreigners’ anonymous survey conducted in 2023 in 4 reception centres managed by the Office (259 out of 372 asylum seekers living in the centres took part in the survey) showed that asylum seekers living there were overall satisfied with the material reception conditions they received (with a general satisfaction rate of 90.05%). Moreover, in 2023, the centres in Linin and Podkowa Leśna-Dębak, were renovated.

Protests or hunger strikes in reception centres occasionally happen in the reception centres. In January 2022, a hunger strike was reported in the centre in Grupa. According to the Office for Foreigners, Afghan nationals protested about the food they were served in the centre, the meagre number of NGOs working in the centre, and the low quality of the support they received from the NGO operating there. They were also afraid of how their life would look like when they leave the centre. In 2023, no protest and hunger strike took place in the reception centres.

In every centre, there are two kinds of staff: employees of the Office for Foreigners and other employees (as kitchen aids, cleaners etc.). As of December 2023, there were 26 employees of the Office for Foreigners working directly with the asylum seekers in all the centres and other workers (in total, 60 persons). Staff in the centre are working from Monday to Friday from 7:00 to 18:00. They are mainly responsible for the administration of the centre, not for social work with asylum seekers. The number of employees of the Office for Foreigners and the scope of their responsibilities are considered insufficient. At night and on weekends only guards are present in the centre. Security staff are available in all centres around the clock.

**Welfare, access to social benefits**

**Germany:** The annual adjustment of the rates for social benefits for asylum seekers are in general linked to the annual rates for social benefits for German nationals. However, some consumption expenditures used to calculate the social benefits for German nationals are not recognized to calculate the benefits for asylum seekers. Thus, the benefits for German nationals and asylum seekers differ quite drastically. Still, as the social benefits legal framework changed drastically from the 1st of January 2023 on, so did the calculation basis for social benefits for asylum seekers. Prior to the legal reforms the annual adjustment was mainly based on the development of prices and wages. Due to the dynamic development of prices for food and energy as result from the war in Ukraine, the German government decided an additional increase on top of the compensation for the development of prices and wages. The German government further argued that the annual adjustment of social benefits for German nationals shall be adhered to more strictly. Whether this will be the case also for social benefits for asylum seekers remains unclear in the reasoning to the legal reforms. However, the monthly allowance for asylum seekers has been adjusted at the beginning of 2024 and this practice needs to be observed for the following years. Whereas civil society organisations generally support the increase of social benefits, they criticise that the legal reforms did not change the general distinction in the calculation of ‘basic needs’ between asylum seekers and German nationals. In an extensive study it is argued that the minimum subsistence level should not differ between German nationals and asylum seekers.
since the overall difference and exclusion of certain costs in 2019 cannot objectively be justified by different needs.

Financial allowances

**Portugal:** The monthly allowance for all expenses is calculated in accordance with the percentages of the social pension set out in the Asylum Act, as mentioned above, albeit with a regressive percentage per additional member of the household. In 2023, the amounts applied were as follows: [see table]

Even though no qualitative research has been conducted to date on destitution of asylum seekers in the asylum procedure, the level of financial allowances is manifestly low, particularly in light of the current living costs in the country. CPR's Social Department receives regular complaints from asylum seekers at all stages of the asylum procedure regarding financial difficulties to meet basic needs and anxiety regarding low levels of income. In 2023, CPR continued to note an increase in the number of requests for additional food support, particularly from families with children.

**Greece:** With regards to distribution, in December 2023, a total of 9,967 asylum applicants (6,267 households), half of whom were reported as residing in RICs and half in temporary accommodation Centers, received financial aid throughout Greece. This amounts to less than a third of asylum applications reported as pending at first (29,885) and second (2,845) instance by the MOMA in the same month, and to less than two thirds of people reported by the MOMA as residing in the Greek reception system during the same month (17,115). Much like in the previous year, this highlights an ongoing gap vis-à-vis applicants’ access to financial aid, which to some degree can be attributed to the aforementioned residency requirement that took effect in July 2021.

Of the 9,967 applicants who received financial aid in December 2023, the majority were from Afghanistan (23%), followed by Syrians (21%), nationals of Somalia (10%), Sierra Leone (9%), the DRC and Eritrea (7% each), and lastly Iraq (4%) and Cameroon (3%). Another 16% of beneficiaries were from a combination of other nationalities. The majority of beneficiaries (55%) were between 18-34 years of age, followed by those between 0-13 (24%), and those between 35-64 (17%), with another 4% being between the age of 14-17 and less than 2% being 65 years of age or older. With the exception of the latter two categories, which are characterised by an equal proportion of male and female beneficiaries, in all other cases the majority of beneficiaries were men. No disaggregated data on the family situation of the applicants was published.

The amount distributed to each household is proportionate to the size of each household and differs depending on whether the accommodation is catered or not. The financial sums in 2023 remained the same as the ones distributed since 2021, ranging from € 75 for single adults in catered accommodation to € 420 for a family of four or more in self-catered accommodation. In general terms, the sum provided is lower than what is provided under the Minimum Guaranteed Income, which following a slight increase in November 2023, foresees € 216 support for a single-member household that is increased by € 108 for each additional adult member of the household and by € 54 for each minor member, up to a € 972 ceiling.

**Netherlands:** With the allowance of € 280.08 / month the asylum seeker needs to cover food, clothing and personal expenses. As of 1 January 2023, the social welfare allowance for Dutch citizens is set at €1,283.83 for a single person who is at least 21 years old and not older than 67 years. Thus, an asylum seeker receives approximately less than 22% of the social welfare allowance provided to Dutch citizens.

At the end of 2023, the hosting arrangement was also extended to asylum seekers. Their application needs to be dealt with in Track 4 and they need to be 18 years or older. Asylum seekers using the hosting arrangement and who are between 18 and 21 years old receive an extra financial allowance of 25 euros a week. Asylum seekers using the hosting arrangement who are older than 21 will receive an extra allowance
of 75 euros a week. The hosting arrangement is in principle for three months. As the arrangement has only been introduced at the end of 2023, there is no information yet on the success of it.

**Sweden:** Amount of the monthly financial allowance/vouchers granted to single adult asylum seekers as of 31 December 2023 (in original currency and in €): SEK 2,130 / €190,91.

**France:**

**Belgium:** In 2023 adults and all children from 12 years on who attend school receive 9.50€ a week, younger children and children 12 years of age or older who do not attend school receive 5.6€ a week, and unaccompanied children during the first phase of shelter (in the “observation and orientation centres”) receive 6.8€ a week.

**Romania:** Around 80% of asylum seekers transferred from Timișoara received the financial allowance before they were transferred to other centres, according to the director of the centre. As for the rest, they did not receive the financial allowance because they were transferred soon after their arrival. The JRS representative mentioned that asylum seekers were provided financial allowance even though they were not issued temporary identity card. The financial allowance is provided twice per month on the first and 15 of the month. Therefore, asylum seekers present in the centre at these dates received the financial allowance.

**Germany:** The receipt of cash (and its amount) has been heavily debated during the course of 2023. Some parties find it a pull factor and want to further cut the benefits. To reduce the reputed ‘pull factors’, the Federal States have decided to introduce the so-called Bezahlkarte (‘payment card’) for asylum seekers. Almost all Federal States will organise its introduction together apart from Bavaria and Mecklenburg-Western-Pomerania, who’ll organise their own procedure. At first glance, this card is supposed to function as any other debit card – asylum seekers can pay ‘normally’ at any card payment terminal in restaurants or supermarkets. However, transfers from card to card or to foreign countries should not be possible and cash withdrawal is limited.

**Ireland:** In 2023, protection applicants receive a weekly allowance of € 38.80 per adult and € 29.80 per child. A group of migrant advocacy organisations called for the daily expenses allowance to be increased during the pandemic. This request was refused.

**Cyprus:** The rent allowance is payable directly to landlords. In November 2020, SWS sent a form to recipients of MRC asking them to submit their IBAN and authorise SWS to deposit the allowances directly in their accounts rather than by cheques, however in 2023 this system had yet to be implemented. Improvements were noted however various challenges remained throughout 2023 such as the time needed for processing applications for opening an account, currently requiring approximately 2 months, the request towards some clients to submit a criminal record issued by their country of origin and denial to attend persons coming from countries here sanctions apply.

Property analysts and other stakeholders report an annual increase of 18% in rent prices in 2018, 14% in 2019, and after a slight decline in 2020, a rise of 5.1% in 2021, 19.6% during 2022, and 12.2% in 2023 raising concerns as to whether the revised amounts are adequate to secure appropriate housing. The combination of a highly restrictive policy relating to the level of allowance and a sharp increase in rent prices has resulted in an alarming homelessness problem.

Up to 2022, when asylum seekers were able to secure employment, the provision of MRC was immediately terminated without taking into account the sufficiency of the remuneration, again forcing asylum seekers into destitution. In 2022, according to the Ministerial Decision, if a member of the household is working and the
income is lower than the foreseen MRC amounts, the family may be eligible to receive the rest of those amounts. This was implemented in practice during 2023 for the first time.

**Poland:** According to the law, in case an asylum seeker helps in a reception centre (i.e. performs cleaning work for the centre, provides translation or interpretation that facilitates communication between the personnel of the centre and asylum seekers, or provides cultural and educational activities for other asylum seekers who stay in the centre), the amount of the allowance for personal expenses may be raised to PLN 100 (€ 21.24). In 2023 this raise was applied 268 times.

In February 2023, the Human Rights Commissioner again appealed to the Ministry of Internal Affairs and Administration to increase allowances for asylum seekers and the Ministry declared that it plans changes in the respective law (without specifying what changes though). Indeed, in October 2023, a new text of the Ordinance on Amount of Assistance for Asylum Seekers was adopted, but no change in the amounts of allowances was introduced. The main aim of the amendment was to adapt it to the new division of competences between the Office for Foreigners and the Border Guard in force since April 2023.

**Food**

**Reduction or withdrawal of reception conditions**

**Sweden:** According to the LMA the right to financial assistance ceases when there is a deportation decision that is legally enforceable and when the time limit for voluntary departure (which is usually four weeks) has expired. In 2023, there were 13,864 persons with legally enforceable removal orders registered with the Migration Agency.

**Poland:** In principle, during the onward appeal procedure before the Voivodeship Administrative Court in Warsaw, asylum seekers are not entitled to material reception conditions. In practice, when the court suspends enforcement of the contested decision of the Refugee Board for the duration of the court proceedings, asylum seekers are re-granted material reception conditions to the same extent as during the administrative asylum procedure, until the ruling of the court (according to the Office for Foreigners, there were 10 such cases in 2022, “several cases” in 2023). In 2023, in 54 cases the Court decided to grant suspensive effect and in 70 cases refused to grant suspensive effect to a negative decision concerning international protection. In practice, asylum seekers deal with the problem of the lack of material reception conditions during the court proceedings by submitting subsequent asylum applications.

**Austria:** From January to September 2023, Basic care services on the federal level was reduced in 61 cases and withdrawn in 46 cases. Homelessness or accommodation in emergency shelters following the withdrawal of basic care was an issue that persisted in 2023.

**Access to the labour market**

**Greece:** Following the entry into force of the IPA on 1 January 2020, a six-month time limit for asylum seekers’ access to the labour market was introduced and continued to be applied under the Asylum Code, until the latter was amended by L. 5078/2023 (article 192) in December 2023. Following this, article 57 Asylum Code, as amended, provides that applicants have a right to access the labour market within sixty days of the lodging of their application and the receipt of the relevant legal documents, as long as no first instance decision has been taken by the Asylum Service, and the delay cannot be attributed to the applicant.

**Netherlands:** Despite the fact that Dutch legislation provides for access to the labour market to asylum seekers, in practice, it is hard for an asylum seeker to find a job. However, as of 2023, this seems to be slowly changing. Due to factors such as a lack of labour forces and long waiting times in the reception centres, there
is an increasing attention to early access to work for asylum seekers in the Netherlands. On behalf of the Ministry of Social Affairs and Employment, Regioplan researched the legal and practical barriers for asylum seekers to access the labour market. Regioplan concluded that the limitation allowing asylum seekers to work only 24 weeks per year (in effect from XX to 2023) was the primary obstacle, along with the employment-licence and the employers' unfamiliarity with the application procedure. Additionally, it often takes months for asylum seekers to register in the Municipal Personal Records Database (BRP), which is necessary to open a bank account in order to receive wages and to pay taxes. Other identified barriers include a lack of support for job placement, limited knowledge of the Dutch language, refugee-related psychological problems and cultural differences. Regioplan states that most of these obstacles fall within the sphere of influence of the central government, making it their responsibility to take action. In response to this report, the minister indicated a willingness to explore possible solutions. Unfortunately, due to the current political situation and the outgoing government, this issue is on hold.

Nevertheless, end of 2023 one of the key barriers to effective access to work for asylum seekers was removed. Until then, asylum seekers in the Netherlands were only allowed to work 24 weeks per year. As a result, it was not attractive for employers to hire an asylum seeker. However, in November 2023, the Council of State determined in an onward appeal that this time restriction is contrary to Article 15 of the Reception Directive. This means that the provision of the 24-week limitation is null and void, and the Dutch government must adjust its policy. Since this ruling, asylum seekers with a valid employment-licence are allowed to work as long as their asylum procedure is ongoing and they have lawful residence in the Netherlands.

Despite this significant breakthrough, employers still face administrative hurdles because a valid employment-licence is still required.

**Bulgaria:** In 2023, the State Refugee Agency issued 579 work permits to asylum seekers who were looking to support themselves while their asylum claims were being processed. Out of them, only 2 asylum seekers alongside 17 persons granted international protection were employed through employment programs, while the rest found work independently and on their own initiative.

If, however, the Dublin returnee is among those, whose asylum procedures ended prior their return to Bulgaria with a refusal in absentia on the merits (substance), they are treated as irregular migrants with no access to labour market, the health care system or any other services that require legal residence and an identity document.

**Slovenia:** In 2023 the IPA was amended and the time frame for access to the labour market was shortened. Asylum seekers now acquire the right to free access to the labour market nine three months after they have lodged their application if the decision in their procedure has not yet been taken by the Migration directorate and the delay cannot be attributed to the asylum seeker.

**Ireland:** As a consequence of the significant increase in the number of international protection applicants arriving in the state throughout 2023, there were very high volumes of applications received by the Labour Market Access Unit in respect of permission to work. This resulted in significant processing delays of approximately 145 days for first time permission applications. Thus, while applicants are generally eligible for labour market access permission 6 months after their initial application for protection, many applicants are waiting up to 9.5 months in order to access the labour market. In the view of the Irish Refugee Council this may constitute a breach of the Reception Conditions Directive which requires that an applicant be permitted access to the labour market within nine months of their initial application for protection. The Irish Refugee Council has written to the Minister for Justice in relation to this issue, however, no response had been received at the time of updating.
Additionally, a study from the ESRI published in March 2023 regarding labour market integration of international protection applicants in Ireland concluded that the majority of international protection applicants are in low-skilled jobs which do not match the qualifications they hold. The study found that the largest sector that international protection applicants are employed in is business, sales, and tourism sector with 2,186 persons employed in this industry. Agriculture, animals, and food was the second most common sector with 1,321 people employed.

**Sweden**: In 2023, the general unemployment rate increased to 7.5%.

**Romania**: In 2023, according to CNRR, the majority of asylum seekers wanted to have a job during the reference period. The main obstacle indicated by the asylum seekers assisted by CNRR was lack of proper knowledge of the Romanian language. However, the ones who spoke English were able to find a job more easily. From the cases identified, asylum seekers did unskilled work in construction, car service, car wash, fast food, delivery services. In 2023, the National Employment Agency stated it did not have statistics on the number of asylum seekers working under employment contracts.

**Germany**: Due to a national lack of skilled labour, in November 2023 the Federal Government drafted legislative plans to mitigate some of the restrictive rules. After plenary discussion those plans now foresee that asylum seekers inside reception centres should already be able to work after six months. For those outside reception centres working should be definitely allowed after three months and not be up to discretion of the authorities. Also asylum seekers with a Duldung should be able to work after six months without being dependent on this discretion. In November the Federal Government has provided a draft legislation and the parliament adopted the law according to the recommendation for a decision by the Ministry of Interior.

Another statistic of the Employment Agency only differentiate between those that have, inter alia, German citizenship (Deutsche) and those that do not (Ausländer). Accordingly, 16% of all people without German citizenship have been unemployed in January 2024. This means a slight rise from 15.6% in January 2023 and from 12.6% in January 2022. However it has to be kept in mind that the data encompasses also people that are born and raised in Germany but always kept the citizenship of their parents or people that migrated for other reasons to Germany besides asylum.

**Cyprus**: The Refugee Law affords the Minister of Labour, Welfare, and Social Insurance, in consultation with the Minister of Interior, the power to place restrictions and conditions on the right to employment without hindering asylum seekers’ effective access to the labour market. Following a period of 5 years (2018 -2023) during which access to the employment was permitted one month after lodging an asylum application, since October 2023 and according to the Ministerial Decree/Decision 312/2023 asylum seekers are permitted to access the labour market nine months after submitting their asylum application. This the longest period of prohibiting access to asylum seekers set by a ministerial decision, since 2006.

The above mentioned Decree which was issued in early 2023, was expected to come in effect in August 2023 and following a postponement it is now in effect since October the 1st 2023. Apart from the 9-month ban in accessing employment for asylum seekers, the Decree sets a new administrative procedure for hiring asylum seekers.

A previous decree, issued in 2021 by the Minister of Labour, Welfare, and Social Insurance, allowed asylum seekers to legally commence work before a final, formal decision on the employer’s application to acquire the necessary permit to employ asylum seekers was issued by the Labour Department. As of October 2023, the employer must submit an application to the Ministry of Labour in order to employ asylum seekers and the employment is considered lawful after the application is approved.
During 2023, some disruptions in the employment of asylum seekers who were rejected at first instance and had filed an appeal at IPAC were reported, due to delays in updating information in the online system used by Social Insurance Services and employers that informs on the eligibility of asylum seekers to work. Further monitoring is required. In any case, the 9-months ban to enter employment imposed by the latest Decree and the speed up of decisions on asylum claims, has led to a sharp decline in the interest of employers to hire asylum seekers was observed, despite the shortage of staff and the insufficient procedures to import staff from non-EU countries on a work permit.

The increased numbers of asylum seekers entering legal employment during 2021-2023 had allowed for higher numbers of asylum seekers claiming social insurance benefits, such as unemployment benefit, maternity benefit and others. Although further monitoring is required, observations indicate that certain Social Insurance benefits, such as unemployment benefits, are not routinely granted to asylum seekers. A Ministerial Decree issued in August 2022 established a National Minimum Wage in Cyprus with effect from January 2023. A new Decree, issued in December 2023 increased the minimum wage to 900 EUR for the first 6 months of employment, and to 1000EUR after six months of continuous employment. Domestic workers, workers in agriculture and farming, workers in shipping and workers covered by the relevant Decree for the Hospitality Sector issued in 2020 are excluded from the Minimum Wage provisions.

**Poland**: The Head of the Office for Foreigners upon the asylum seeker’s request, issues a certificate, which accompanied by a temporary ID document entitles the asylum seeker to work in Poland. In 2023, 738 asylum seekers applied for the certificate. 567 persons received such a certificate and 171 persons’ applications were denied. In 2023, access to the labour market of asylum seekers was supported by some NGOs operating in the reception centres.

**Access to education**

**Greece**: According to UNICEF’s Annual Report on Greece for 2023, it was estimated that by October 2023 there were 25,000 refugee and migrant children in Greece, including 7,000 children from Ukraine, while by the end of the year the number of unaccompanied and separated children was 2,000. Moreover, as of the end of 2023, 15,134 refugee and migrant children, including 1,289 children from Ukraine, were enrolled in schools. According to the available data provided by the Ministry of Education, as of 10 January 2024, out of the total 15,134 children enrolled, 14,222 actually attended.

mentioned study of Foster Educators, attendance during the school year 2022-2023 was decreased compared to the previous year 2021-2022 In general, during school year 2022-2023, about 3/4 of the children enrolled, dropout of school. In particular, in secondary education where the dropout rate is significant, from the children who remain in the accommodation structures, 2 out of 5 drop out of school and of the ones that manage to reach the end of the school year, half are rejected due to absences. Only 1 out of 12 children enrolled in secondary education was promoted to the next class (8.16%) with the other 11 out of 12 children (91.84%) either rejected or dropped out of school. GCR has observed that all children accommodated in Sindiki structure (camp) in Northern Greece are not attending school –even if enrolled- from the beginning of the school year 2023-2024 due to lack of transportation. Moreover, according to the study of the Foster Educators, Schools’ inability to create an efficient and attractive integration environment for refugee and migrant children, the administrative weaknesses of the accommodation structures, the deficits in personnel, material resources and educational know-how of both schools and accommodation structures and mobility are the main reasons for dropout. In particular, regarding mobility, a dramatic increase (almost doubled) was observed compared to last year, mainly in the mobility of unaccompanied children.

GCR has also observed –mainly through its Intercultural center PYXIDA- that attendance seems to be decreased during the school year 2022-2023, mainly due to the closure of ESTIA accommodation program
and the removal of families and their children from the center of Athens and their confinement in camps outside Attica. As a result, children had to start from zero in remote areas under harsh living conditions and with very limited possibilities of accessing school. In their letter to the authorities in May 2023, 32 Refugee Education Coordinators condemned the very bad living conditions of asylum seekers in the accommodation structures in Greece and in the new –prison-like- Closed Controlled Access Centres (CCACs), which are an obstacle to children’s access to public education due to the distance of the structures from schools, thus the drastic limitation of the communication of the children with their peers outside the structure, the impossibility for them to participate in social activities and the suffocating situation for the development and inclusion of children.

Moreover, regarding the inclusiveness of education, UNICEF’s project All Children in Education (ACE) continued during the school year 2022-2023; ACE project aims to facilitate the integration of refugee and migrant children in formal education through non-formal education services, such as interpretation services in schools, Greek language courses, psychosocial support for students and teachers’ empowerment. During the school year 2022-2023, ACE programme was provided in up to 38 locations and accommodation facilities.

**Switzerland:** According to UNHCR, the time or frequency of schooling was sometimes reduced during 2023, due to the emergency situation.

**Poland:** In September 2023, 755 asylum-seeking children attended 184 public schools and kindergartens in Poland. 192 of them lived in the reception centres, mostly in Białystok, Łuków and Bezwola. According to the Office for Foreigners, in 2023, 320 children were supported in the reception centres in learning Polish by assisting them with homework and compensatory classes. Moreover, 274 children who were about to start school or already started it, took part in the preparatory classes. If a child cannot enter the regular education system e.g. due to illness, their special needs are supposed to be addressed in a special school. At the end of 2023, 4 asylum-seeking children were attending a special school. In 2022-2023, the large influx of Ukrainian pupils additionally strained and challenged the Polish educational system (see Temporary Protection, Access to education).

In 2023, in most of the reception centres, some form of kindergarten was organised. This daycare is provided minimum 5 times a week for 5 hours a day. However, in Linin and Podkowa Leśna-Dębak there was no kindergarten services from May to September due to the delayed tender procedure. The only educational activities that adults are granted access to are Polish language courses organised in all centres. They are open both for asylum seekers living in the centre and outside. Additionally, Polish language classes for adults are organised in Warsaw for those asylum seekers who receive a financial allowance and do not live in a reception centre. In 2023, there was also a possibility to learn Polish online.

The Polish language course’s level is considered insufficient by some NGOs, even if the attendees generally evaluated such classes positively.

The Office for Foreigners indicated that asylum seekers actively participate in Polish language lessons. In total, 830 adults attended such courses in 2023. However, these numbers seem meagre when the overall number of asylum seekers is taken into account.

**Portugal:** UNICEF Portugal also reported that, in 2023, it will establish a community of practice between the schools covered by the training to facilitate information-sharing.

**Austria:** In 2023, the labour market service launched the youth college together with the city of Vienna. This is an educational opportunity for young people and young adults aged 15-25 and is primarily intended to support those who are no longer subject to compulsory schooling. It also has the effect that this educational measure provides a daily structure and gives prospects for future jobs or studies.
In the fall of 2023, the high number of family reunifications in Austria led to schools being overwhelmed. Vienna, in particular, as the capital city, is severely affected. Many schools and teachers describe that it is difficult to integrate school-age children into regular school life. Many children have often been in refugee camps for months or years and have not attended regular schools and must first be slowly introduced to the institution of school. Many children are not literate in their first language and sometimes bring with them multiple traumas and have problems concentrating. Above all, there is a lack of additional staff for children who do not have German as their first language. Additionally, effects of the Covid 19 pandemic and an acute shortage of teachers is present, as many teachers will be retiring in the next few years.

**Romania:** In 2023, NGOs such as AIDRom and Save the Children have provided, within the regional centres, various education opportunities: Romanian language courses, support in access to the education system, but also access to extra-curricular activities. Also, the NGOs provided support to IGI-DAI in the procedure of enrolling minors asylum seekers in the preparatory course, and enrolling in the national education system. Save the Children highlighted that the Romanian authorities do not offer educational programmes specially designed to meet the needs of this category of children. NGOs facilitate as much as possible the relationship with the schools/teaching staff/parents, offer additional support to the minor for school accommodation and language learning, subject recovery, etc. Within the project "Information, counselling, and complex assistance for asylum seekers from the regional centres of the General Inspectorate for Immigration - OUTPUT 3, financed by UNHCR, there was also the activity of granting at least 48 educational packages for minors enrolled in preschool and school education. Unfortunately, the number of minors enrolled in the school for the 1-year intensive Romanian language course was very small. AIDRom managed to award only 7 packages (5 in the regional centre from Bucharest and 2 in the regional centre from Maramures-Somcuta Mare).

**Sweden:** The regulations on being able to get a residence permit for studies at upper secondary level or the equivalent ended on 20 December 2023. At the same time, the regulation on being able to get a residence permit to continue studying at an introductory programme also ended. It is therefore no longer possible to be granted a residence permit residence permit for studies at upper secondary level. The possibility to make subsequent applications based on the legislation will remain until 20 January 2025.

**Belgium:** In practice, the capacity of some local schools is not always sufficient to absorb all asylum-seeking children entitled to education. During the school year of 2022-2023, hundreds of non-Dutch speaking children are on a waiting list to get access to the Flemish OKAN-classes. They might have to wait until September 2023 before they are able to get access to education. On the basis of numbers provided by some cities, approximately 550 students are on a waiting list and don’t have access to education. These numbers concern all non-Dutch speaking students and not only asylum-seeking children.

**Ireland:** The Irish Refugee Council’s Education Fund, using donations from members of the public, makes grants to support access to higher education. In the academic year 2022-2023, the Education Fund supported 67 students to gain access to third level education with an average award of €650 per student.

**Cyprus:** Children in Pournara do not attend school, regardless of the time they remain in the Centre. Prior to 2020, this was not considered an issue, as the majority of persons exited the Centre within 7-10 days. However, since 2020, the period of stay is at least two months with no facilitation of any form of education for children. At the end of 2023, there were children in the Centre, out of which 178 were UASC. In order to deal with the language barrier in Gymnasium and Lyceums, the Ministry of Education has developed transitional classes (i.e., classes of 14 hours of Greek per week as well as selected other subjects), and short classes (i.e., classes where 5 hours of Greek per week are offered). For the school year 2022-2023 the Minister of Education acknowledged that the induction of non-Greek speaking children in the schools needs to be improved and announced a series of additional measures which aim to increase interaction of schools with families of children whose mother language is not Greek, while introducing a more intensive...
evaluation process of Greek language use and a closer monitoring and reporting on the learning process, progress and learning outcomes. The operation of obligatory classes during the summer break for students whose language capacity has not increased according to set targets is also proposed. Further monitoring of the implementation of those measures is required.

**Access to health care, COVID-19 measures and vaccination campaigns**

**Greece**: There was no doctor on permanent basis in CCAC Kos throughout 2023, following the departure of medical staff at the end of October, despite the extremely poor public primary health services on the island, where the local hospital has long-standing shortage in basic specialities of GP-pathologist, cardiologist etc, equipped with one ambulance stuff for the needs of the island.

In Chios CCAC (Vial RIC), the Medical Unit has no doctor since March 2021. In 2023, periodically, the doctor of Leros CCAC Medical Unit was visiting Chios CCAC only to sign vulnerability assessment documents and medical cards, without carrying out a substantive assessment of the medical condition of the asylum applicants. Shortages of medicines and medical equipment (e.g. for pressure/diabetes measurement) at the RIS Medical Unit (VIAL Chios). While there is a state budget for interisland hospital transfers, the Ministry does not make use of it. All transfers to and from the General Hospital of Chios are covered by NGOs. A 25 day restriction order is issued though there is no prohibition of liberty imposed to the applicants and they can move freely.

Medical access is likewise extremely restricted. Newly arriving people have reported being denied medical and psychological assistance by EODY owing to a lack of documentation in Greece, particularly those with chronic medical conditions. Vulnerability evaluations are also postponed. While the number of detainees de facto held in the CCAC under these conditions has fluctuated in recent months, it peaked at over 1000 in late July/early August 2023 and remained above 600 as of 14 September 2023. In both Lesvos and Samos, the absence of medical care upon arrival at the CCACs explicitly violates both Greek national law and the EU reception conditions mandate for asylum seekers and refugees. Despite their willingness to assist, several members of non-governmental organizations operating on the islands have had their access to the CCAC restricted or terminated, despite the growing needs within the CACC, a lack of suitable living standards, and a lack of medical care for new arrivals.

In January 2023, a 45-year-old Congolese national residing in Ritsona camp was found dead in his shelter. Reportedly, during the night, the man had been complaining of feeling chest pains and requested medical support. As further reported, the facility, which was at the time accommodating roughly 2,000 persons, lacked sufficient medical personnel, had only one first aid station that was not operational during night hours. Though an ambulance was called, as per complaints by the camp’s residents, it arrived with delay and the man was confirmed dead upon his belated arrival at the hospital in Chalkida (roughly 15 km away). Residents of the facility reacted by demanding adequate health coverage.

**Switzerland**: The SEM health concept and its implementation were externally evaluated in 2023. The report highlights that asylum seekers receive initial medical information as well as access to a counselling service and qualified nursing staff as soon as they arrive in a federal centre. On the contrary, many cantonal centres do not have qualified care staff on site. The evaluation team identified marge of improvement in several areas of implementation, for example regarding the transmission of patient files when asylum seekers are transferred, the possibility to resort to professional interpreters or the management of epidemics. A very severe problem is that asylum seekers often need to cope with long waiting times to see specialists, such as psychiatrists, due to staff shortages.

**Netherlands**: In 2023, many of these problems remain. In March, the Inspection of the Ministry of Health Care and Youth warned that crisis emergency locations are not suited for long term stay, but are being used
as such, resulting in urgent risks for the individual health of asylum seekers, public health, and the continuity of health care. Among other things, the Inspection identified a lack of medical intake and tuberculosis screening before placement in crisis emergency locations, thus risking the placement of vulnerable people in unsuitable locations and the spread of infectious diseases, a lack of an electronic patient record and thus insufficient transfer of information between health care professionals, and a delay of necessary health care due to the limitation of health care to emergency care, leading to worsening health care problems. A report from three prominent health care NGOs from June contains similar findings. In September, the Dutch Council for Refugees (VWN) published a report on both emergency locations and crisis emergency locations which confirms regular absences medical screening to identify vulnerable people, and highlights the physical absence of health care services at some locations, forcing residents to travel long distances to other locations to access health care.

**Croatia:** Due to lack of funding, MdM had to temporary suspend their activities inside the reception centres for applicants for international protection from 22 May 2023.

**Bulgaria:** Due to the shortage of general practitioners in the country, the reduced staff and lack of full-time medical specialists in the centers led to situations in 2023 when only 1 doctor was responsible for all three SAR reception centers in Sofia. During the year, no nurses were available in any of these centers, as the last one left in the beginning of 2023. Even though asylum seekers were health insured, due to its budget restraints SAR failed to meet the urgent medical expenses, which were not covered by the National Health Insurance Fund (NHIF), which necessitated 20 such urgent interventions to be were paid for by the Red Cross. As such, it can be argued that the shortage of general practitioners was the main reason the medical care of asylum seekers was mainly carried out in the surgeries organised in Sofia and Harmanli reception centres with a total of 18,167 out-patient examinations until the end of the year. The access of asylum seekers to repeated and specialized medical treatment remained impeded.

**Belgium:** Medical organisations have denounced the dire medical situation for destitute asylum seekers on multiple occasions. Although Fedasil remains responsible for the reimbursement of medical costs, the group of applicants deprived of reception in the context of the reception crisis encountered many difficulties accessing medical aid through the online requisitorium (see Health care). Language barriers, lack of access to internet and urgent and complex medical needs because of precarious living situations, were some of the reasons why this group had difficulties accessing medical aid via this system.

In order to make medical care more accessible for the applicants for international protection sleeping rough, Doctors Without Borders (MSF) Belgium opened a medical unit at the registration centre (Pacheco) in October 2022. After one month, they had conducted more than 500 medical consultations. 94% of the patients were male, of which 90% were sleeping rough. The organisation counted 40 cases of cutaneous diphtheria and 99 cases of scabies, it gave 20 prescriptions to resume medical care for chronic non-transmittable illnesses like diabetes, epilepsy and hypertension. In the three months during which the post was operational, 2,480 patients sought medical and psychological help. Of these patients, 2,203 people (88,8%) registered as applicants for international protection without reception. Since January 2023, this medical unit is taken over by Croix-Rouge and called the “Refugee Medical Point” and funded by the federal government. Humanitarian organisations providing medical care, such as the medical services at the Humanitarian HUB ran by MSF and Doctors of the World (MdM), experienced a clear increase of the ratio of applicants for international protection to their entire visitors’ population. While before the reception crisis, only 5% of the visitors of the service ‘Mental health care’ of MSF consisted of applicants for international protection, the share of this category increased up to 85% in March 2023. This increase is also clearly visible in the other medical (and legal) services of the Humanitarian HUB. There was also a clear increase in the amount of people whose need to medical care was directly related to a lack of housing. Medical services indicate that many of the health problems treated among applicants for international protection are directly related to their dire living situations and the lack of access to preventive and curative health care: skin diseases, digestive issues and
dental problems, joint problems and mental health problems. They also treat several contagious diseases that would usually be prevented or cured when people would undergo a medical examination on the moment of entering the Fedasil reception network, such as diphtheria, scabies, tuberculosis and measles. MSF teams also observed a marked deterioration in the mental health of applicants for international protection living on the streets. Main diagnoses identified are: psychotic disorders, post-traumatic stress and depression. These disorders are exacerbated by the insecurity and uncertainty associated with the lack of housing. In some cases, this can lead to suicidal thoughts or suicide attempts. During medical consultations for the Immigration Department, 8 persons spontaneously reported experienced violence in Belgium.

**Germany:** The BAFF has persistently criticised the German government for not meeting their obligations under international law concerning the treatment of asylum seekers and victims of torture. They further criticise that the Psychological Support Centres for Refugees and Victims of Torture are all based on private initiatives and have no stability in funding. They run on annual funding from the Federal states (40.7%), from the Federal government (7.0%) and only 6.0% are financed through the regular social insurance system. In 2023, the Federal government announced to cut the funding from EUR 17.5 million to EUR 7 million, constituting a cut of nearly 60%, which would heavily affect the already insufficient structures, according to the BAfF. After political negotiations the cuts were reduced to EUR 4 million, leading to a funding sum of EUR 13.5 million for 2024.

**Romania:** In 2023, according to IGI-DAI, the situation in each centre was as follows:
- Bucharest: 1 doctor and 3 nurses were employed; the position of psychologist is vacant.
- Giurgiu: 1 psychologist and 1 medical assistant were employed; the position of doctor is vacant.
- Radauti: the positions of psychologist and doctor are vacant.
- Șomcuta Mare: there are a psychologist and a doctor employed. Timisoara: there are a psychologist and a doctor employed. Galati: there is a psychologist employed, and an external doctor has a collaboration contract with IGI-DAI.

**Cyprus:** In a number of cases, asylum seekers reported to the CyRC that they faced racist behaviour from medical staff, often in relation to their poor Greek language skills and the reluctance of the latter to communicate in English. Such reports continued in 2023. Currently, there is only one NGO, the Cyprus Refugee Council, offering specialised social and psychological support to victims of torture and gender-based violence, operating through the funds of United Nations Voluntary Fund for the Victims of Torture (UNVFVT) and the EU. During 2023, 136 persons received relevant services and the fund is renewed for 2024.

**Poland:** Basic health care is organised in medical offices within each of the reception centres. The Office for Foreigners informed that in 2023, until the end of July, the GP in the centres had 6 duty hours per 120 asylum seekers, while the nurse had 20 hours for the same number of possible patients. Both had 3 hours a week extra for every additional 50 asylum seekers. They were present in the centres at least three times a week. Additionally, in every centre, the duty hours of a pediatrician were organised at least for 4 hours a week per 50 children, with extra 2 hours of duty for every additional 20 children. A pediatrician was present in the centres at least 2 days a week. On 1 August 2023, the rules concerning the working hours of medical personnel changed. The GP in the centres have now 3 duty hours per 40 asylum seekers, while the nurse or a paramedic have 7 hours for the same number of possible patients. Both have 3 hours a week extra for every additional 40 asylum seekers. The GPs work at least two days a week and nurses/paramedics five days a week. Since August too, the working hours of the medical point in Warsaw were prolonged by 2 hours a day.

Health care for asylum seekers includes treatment for persons suffering from mental health problems. In 2023, until the end of July, psychologists worked in all centres for at least 4 hours a week for every 120 asylum seekers. This was extended to 1 hour for every additional 50 asylum seekers. On 1 August 2023, the rules concerning working hours of psychologists changed. They have now 5 duty hours per 120 asylum seekers and 1 hour a week extra for every additional 50 asylum seekers. Asylum seekers can also be directed to a
psychiatrist or a psychiatric hospital. In 2023, according to the Office for Foreigners, psychological support was provided by five NGOs.

Medical assistance is provided by the private contractor Petra Medica, with whom the Office for Foreigners has signed an agreement to coordinate medical care for asylum seekers. The Office for Foreigners monitors the application of this agreement. A new agreement has been signed in 31 July 2023, despite the longstanding criticism of Petra Medica.

In 2023, 8 complaints about medical assistance were registered, all were considered unjustified. They concerned inter alia:
- Long waiting times for the specialist consultation,
- Refusals of being admitted by the doctor (outside of the working hours),
- Doctors and nurses providing medical assistance.

SIP informs that it regularly receives complaints about the Petra Medica’s functioning and in practice, many asylum seekers give up their right to medical assistance during asylum proceedings due to the problems they had with accessing health care designed for them.

Health care at the Polish-Belarusian border: The humanitarian crisis at the Polish-Belarusian border that started in August 2021 and continued in 2023 left many prospective asylum seekers without access to material reception conditions, including medical assistance. In 2023, NGOs, doctors and rescue teams still could not reach third-country nationals staying in the closed near-border area (15 m from the border) and behind the fence built at the border. MSF mentioned a case of a group of 30 people prevented from entering Poland by the wall in May 2023: 4 needed urgent medical assistance. However, the paramedics were not allowed to provide this assistance.

People at the border are often pushed back to Belarus despite their poor medical condition. For example, in its report concerning October 2023, Grupa Granica mentioned a case of two women who were diagnosed with the first-degree hypothermia, who were pushed back to Belarus. Meanwhile, in May, Grupa Granica informed about a 31-year-old man who was pushed back despite having an injured leg. When he was apprehended by the Polish Border Guard, he received some medical assistance (the RTG was done, his leg was put into a medical splint), but then he was forced to go back to Belarus. Not being able to move, he lay alone under the fence for a couple of days. Eventually, when the case became a topic in media, the injured third-country national was admitted to Poland and taken to the hospital where he was operated.

**Freedom of movement**

**Greece:** since July 2022, a 25-day movement restriction, amounting to de facto detention, has been imposed on newcomers in Samos CCAC. During 2023, the same measure of ‘restriction of movement’ has been applied with a provision of 5 days renewed by an -up to 20 days “restriction of movement” decision issued by Ris, and its implementation has been adopted by RIS of Leros and Lesvos. The enforcement of the measure varied during the increase newcomers in the CCACs, in relation to the delay of the authorities to carry out the registration procedures. As reported by civil society organisations, over 4,000 persons were taken to the Closed Controlled Access Centres (CCACs) on Samos and Lesvos between July 1 and August 31, 2023, and placed into unlawful detention while awaiting registration procedures. All newly arrived individuals were subject to an automatic de facto detention regime and remained detained for extended periods ranging from two weeks to a month, without the legally required individualised written decision or justification provided for their detention. It was observed that the provision of a 5 or 20 day “restriction of freedom” decision, frequently occurred after the de facto detention had already begun. In cases where applicants were provided
with written documents justifying their detention, an order for "restriction of freedom" was issued and not an order for detention, failing to reflect the reality of the confinement.

In Lesvos, the restriction of the freedom of new arrivals of asylum seekers for 25 days was applied until around August. Initially the restriction of freedom was decided for 5 days by a decision which was given to the applicants upon arrival and extended for another 20 days by a corresponding decision. In the course of time, around August and until the end of the year, this practice changed. Now a decision to restrict freedom is issued and delivered on the arrival of asylum seekers for 5 days, and then at the end of the 5 days a decision to lift it is issued and delivered. 20 In CCAC Kos, the "restriction of freedom" decision is issued during registration and is initially imposed for 5 days and up to extended up to 20 days by a corresponding decision, implicitly terminated by the issuance of a card. In addition to the restriction to exit the facility, not having a card, prohibits individuals to move freely within the structure. As observed by civil society organisations in the field, all newcomers since August 2023 were subject to de facto detention awaiting to undergo reception procedures, while no identification or other document has been provided to them until registration, when a 5-day restriction decision has been initially issued. Unregistered persons under de facto detention, waiting to undergo registration procedures in CCAC Kos, reached the higher number during autumn until December 2023, while the average time for the completion of reception procedures exceeded the one-month in several cases. Since August 2023, the 5-day decision is not followed by a new 20-day restriction decision.

On Lesvos, newly arrived asylum seekers are de facto held inside the Lesvos CCAC, which is housed in vast rub-halls. They can move freely throughout the CCAC, but they are not permitted to leave except for particular medical crises or medical care, which is usually coordinated with Médecins Sans Frontières (MSF). Men, women, and children (including unaccompanied minors and other vulnerable groups) are housed together in these rub-halls, with no privacy or safety precautions to safeguard vulnerable individuals.

Asylum seekers were, at least until the end of March 2023, the only population group still subject to mandatory COVID-19 quarantine upon arrival in Greece for at least five days.

Reception and Identification at Evros: By the end of 2023, the period of pre-RIC detention was limited to a few days as far as GCR is aware. since end October 2023, given the lack of capacity of the second line reception facilities and ensuing delays in the official transfers of applicants from the RIC to the mainland’s facilities, as a means of decongestion of the RIC, registered applicants who had initially expressed their wish to be referred to open reception facilities in the mainland, were given the option to be released and leave the RIC provided they signed a solemn declaration declaring an address, as well as that they no longer wish to be included in official transfers to mainland’s facilities and they waive their right to reception conditions.

Imposition of the “geographical restriction” by regulatory decision: Following the initial introduction of a regulatory Decision imposing the geographical restriction by the Director of the Greek Asylum Service in 2017, and its subsequent annulment by the Greek Council of State, following an action brought forth by GCR, throughout the years, competence for the issuance of such a decision was transferred at the ministerial level, with the latest such decisions being issued by the Minister of Migration Policy in June 2019 and subsequently, following the amendment of the IPA, by the Minister of Citizen Protection in December 2019 (currently in effect). A new application for annulment was filed by GCR before the Council of State against these Decisions, however the hearing has been since consistently postponed and was still pending examination in December 2023.

As has been the case since 2021, data on the number of persons who had their geographical restriction lifted in 2023 has not been provided, even though it was requested by GCR. Instead, the MoMA’s reply to GCR’s January 2024 request for information makes reference to the availability of relevant “summary and detailed statistical data on the work of the First Reception Service, the Asylum Service and the Appeals Authority” on
the MoMA’s website (https://migratio
0x0) nation.gov.gr/statistika/). Yet as is the case with other data mentioned throughout this report, so too in the case of data regarding decisions lifting the geographical restriction throughout 2023, are not to be found in the public sources referenced by the Ministry.

That being said, based on data published by the MoMA on the number of asylum seekers transferred from the islands to the mainland during 2023, it could perhaps be inferred that the geographical restriction might have been lifted in the case of up to 25,736 applicants. Yet the specific data published by the MoMA lacks significant information, such as information on the legal status or potential vulnerabilities of the people transferred (or any more specific breakdown whatsoever), thus making it impossible to draw any safe conclusions. Based on statistics issued by the RIS on people registered as vulnerable during the first nine months of 2023, it could also perhaps be inferred that amongst those having their geographical restriction lifted during the year, there might have been up to 1,413 UAM, up to 86 persons with disabilities, up to 55 elderly persons (>65 years old), up to 240 pregnant women or women who had recently given birth, up to 1,323 single parent families, up to 1,422 victims of physical abuse, and up to 90 victims of trafficking. Yet in this case too, the published data lack significant information, such as the location (islands/mainland) where the specific vulnerable persons were registered, whether they were subject to a geographical restriction, and in case they were, whether this was lifted and whether they were ultimately transferred from the islands to the mainland, thus making it similarly impossible to draw any safe conclusion on the precise number of those who might have had their geographical restriction lifted during the year and with what effect, on account of their vulnerabilities.

As reported by GCR and Oxfam in a joint submission to the EU Ombudsman in March 2023, ‘[t]he confinement of asylum applicants appears to be a primary objective in the new EU-funded sites [i.e. CCACs]’, with several measures leading to the deprivation of applicants’ liberty. The joint submission was made following the EU Ombudsman’s opening of an own-initiative inquiry to assess how the European Commission ensures respect for fundamental rights in EU-funded migration management facilities in Greece.

throughout 2023, people residing in the CCACs continued to be subjected to a “geographical restriction”, based on which they are under an obligation not to leave the island and to reside in the RIC facility (see Freedom of Movement). They also remain subject to strict entry-exit measures, such as having to undergo security controls (metal detectors and/or physical controls), and to being under an obligation to comply with permitted hours of exit and (re)entry, and with an obligation to stay in the CCAC during the night. Non-compliance with these obligations can inter alia lead to the reduction and/or withdrawal of material reception conditions in accordance with article 61 Asylum Code.

As of 31 December 2023, 16,139 persons remained on the Eastern Aegean islands, more than 3 times higher compared to the same day in the previous year (4,735) . Of those, 46 were in detention in police cells in Lesvos, Kos and other islands, and in the Pre-Removal Detention Centre (PRDC) of Kos, while the nominal capacity of the CCACs on all five islands stood at 17,737 (12% increase compared to December 2022, when capacity stood at 15,790 places).

**Germany**: The administrative Court Lower Saxony-Breme for example has decided in 2023 that asylum seekers who leave the district assigned to them by local authorities in order to find sanctuary in a church in a different district are no longer entitled to social benefits for asylum seekers.

**Romania**: From June 2022 until 25 February 2023, another order of the general inspector of IGI was given to transfer asylum seekers from one regional centre to another in order to hinder contact with smugglers. The transfer procedure was described by the director of Galati centre as follows:

The asylum seeker was transferred from the centre where the asylum claim was made in a maximum three days; in the next centre the preliminary interview was conducted within another three days; in seven days
from the arrival in the second centre, the asylum seeker was transferred to a third centre where the personal interview was conducted. After a maximum of seven days the person was again transferred to a fourth centre where the decision was communicated. If the decision was not issued and communicated within seven days, the applicant was subject to another transfer. This chain of transfers stopped when an administrative decision was issued as the appeal was assessed by the Regional Court with jurisdiction in the locality where the regional centre was located.

CNRR reported that this measure was not entirely effective. From the practice encountered by the CNRR legal counsellors, due to this practice the asylum procedure tended to be more difficult, applicants were less cooperative because of the length of the asylum procedure. Moreover, the legal counsellor in Timişoara centre noticed that the human trafficking networks were still widespread, and the asylum seekers remained in contact with the smugglers, who were well aware of this chain of transfers.

CNRR stated that in 2023 the following issues were identified concerning asylum seekers temporarily accommodated in the Timişoara regional centre and then transferred to other regional centres. Because in many cases transfers from Timişoara are made within 24-48 hours of arrival in this centre, asylum seekers were not offered food, hygiene material, clothing, shoes. The only support for those transferred within a short period of time was food offered from donations by NGOs and transfer packages offered by AIDRom within the project the organisation had implemented. Between June-December 2023, AIDROM implemented the project “Information, counselling and comprehensive assistance for asylum seekers in the regional centres of the General Inspectorate for Immigration”, a project financed by UNHCR. Within this project, transfer packages were provided to asylum seekers that were transferred from one centre to another. Transfer packages consisted of food, water, towels, etc.

In 2023, according to IGI-DAI data, there were situations when restrictive measures were imposed on asylum seekers:

- There were no such measures ordered with regard to the Galaţi centre;
- 9 measures mandating that the person present themselves at the centre, in the context of the Dublin procedure, and 25 measures establishing residence in the centre, were ordered at the Timişoara centre;
- 32 measures mandating that the person present themselves at the IGI-DAI Giurgiu, in the context of the Dublin procedures, and 431 orders establishing residence in the centre, were ordered at the Giurgiu centre;
- 19 orders establishing residence in the centre, were ordered at the Bucharest centre;
- Residence was established at the Șomcuta Mare centre in 367 cases.
- Residence was established at the Rădăuți centre in 367 cases.

Bulgaria: In 2023, the SAR did not apply asylum detention based solely on the person’s attempts to leave Bulgaria (0 cases registered throughout the year).

Ireland: An applicant does not have a choice regarding where they are sent. In practice, due to the ongoing shortage of spaces in the Direct Provision estate, requests for transfers to other accommodation centres were not granted throughout 2023, except in exceptional circumstances; typically, where a significant medical vulnerability is identified. In January 2024, IPAS introduced a Protocol for Medical Transfer Requests. The Protocol applies whereby an applicant is in hospital and following discharge, is required to attend frequent ongoing appointments at the hospital and needs to live within reasonable travelling distance or whereby placement in alternative accommodation is essential in supporting the international protection applicant in accessing specialist treatment. The Protocol requires that an applicant seeking transfer on medical grounds submit a letter from a consultant doctor at an Irish hospital which outlines the nature of the individual’s condition, as well as a recommendation that indicates that the transfer request is essential for the person’s health status. The letter should also address how their current accommodation is impeding their physical
and/or mental health. Whereby such a letter is supplied, IPAS will then forward medical documentation to an ‘Independent Medical Referee’, usually a GP contracted by IPAS, who will make a recommendation regarding the transfer. IPAS will then issue a final decision regarding the transfer, and this will depend on the availability of appropriate accommodation.

throughout 2023, in the experience of the Irish Refugee Council Information and Advocacy Service, applicants who sought transfers from IPAS in order to avail themselves of educational opportunities were denied on the basis of lack of capacity within the accommodation system.

**Cyprus:** Asylum seekers in Pournara and in the closed section of Limnes do not have freedom of movement. Regarding Pournara, during 2023, the average duration of stay was 30-40 days for adults and 80 days for UASC and during this time they are not allowed to leave the Centre. In the case of Limnes for those in the open section there is free movement between 9am-9pm, however exceptions are made in relation to people who might need to exit the center at different times, either for medical or employment reasons.

The Limnes Accommodation centre ceased operations in July 2023 and was moved to a section in Kofinou Reception Centre while construction takes place, which is estimated to take 2 years. At Kofinou, while operating in 2022 and early 2023, the majority of persons transferred to Limnes, mainly from Pakistan and Bangladesh had been issued with negative asylum decisions and a decision determining their place of residence as Limnes, with a proviso that should they decide to leave Limnes they would have no access to welfare assistance. The trend was for persons to voluntarily leave the Centre and reside in the community, without access to material reception conditions, mainly to access employment opportunities in the community.

Those who selected to reside at the Centre were accommodated in the open sections of the Centre and were allowed to move enter and exit between 9am and 9pm, however exceptions are made in relation to persons who might need to exit the Centre at different times, either for medical or employment reasons. Furthermore, they were provided with a stipulated cash allowance of €100, which is allocated at the end of each month.

In early 2023, there were app. 150 persons at Limnes, all in the open section of the Centre of which the majority had received a first instance rejection to their asylum application.

From mid-2023 until present the Centre is operating in a section of Kofinou Reception Centre, the area allocated for Limnes hosts approximately 200 residence as well as a small number of residents of the Kofinou Center. In early 2024 the majority of residents in Limnes were persons that have applied for the Assisted Voluntary Return Program.

**Poland:** Under the law, an asylum seeker staying in one centre can be required to move to another facility if this is justified for organisational reasons. Polish authorities interpret this rule as applying mostly to transfers from first-reception centres to an accommodation centre. As a result, asylum seekers are expected to move from the first reception centre to the other centres. In practice, it can take a few to several days (depending on how long the epidemiological filter procedure lasts and whether the interview is conducted in the first reception centre). Afterwards, if they are allocated to one centre, they are very rarely moved to another. If so, it happens mostly upon the request of an asylum seeker. In 2023, out of 195 persons, 79 were allowed to move to another centre. According to the Office for Foreigners, the refusals were justified inter alia by the temporal impossibility to accommodate in the chosen reception centre or the asylum seeker’s withdrawal of the application.

Moving an asylum seeker to another centre without a request from them is very rare. In 2023, one asylum seeker was required to move to another centre due to the fact that he had been violating rules of the stay in the centre he had been initially staying.

**Integration**
Differential treatment of nationalities in reception

Portugal: In 2023, CPR continued to operate CAR 2, a reception centre located in S. João da Talha, Municipality of Loures, specifically devoted to the reception of resettled refugees. CAR 2 has a maximum capacity of 90 places. In 2023, CAR 2 accommodated a total of 149 persons, the majority of whom resettled refugees and Afghan asylum seekers evacuated to Portugal. The facility was also part of CPR’s response to spontaneous asylum seekers in case of emergent needs.

JRS has also managed facilities providing temporary accommodation to Afghan applicants for/beneficiaries of international protection evacuated to Portugal, as well as beneficiaries of temporary protection.

Ireland: In the experience of the Irish Refugee Council, as of January 2023, newly arrived Afghan refugees are being accommodated at one of three Emergency and Orientation Reception Centres in Mosney, Co. Meath, Clonea, Co. Waterford and Balaghaderren, Co. Roscommon.

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 capacity and statistics on detention

Italy: Number of persons in detention as of 31 March 2023: 1850 (CPR) and 22,024 (hotspots). Total capacity: 804 (CPR) and not available (hotspots).

In 2022, as reported by the Guarantor for the rights of detained persons, 6,383 people - 99% of them men - had been detained in CPRs; roughly 49% (3,154) were actually returned. Tunisia is by far the most represented country of nationality amongst detained migrants, and the country with the highest return rate (3,284 out of 6,383 detained migrants are Tunisians and 2,248 out of 3,154 returned migrants are returned to Tunisia).

As of 31 March 2023, 1,850 people - only 9 of which were women - were detained in CPRs. Out of the total number, 805 were actually returned. Out of the 1,850 detained migrants, 792 (43%) were Tunisians; out of the 805 returned migrants, 508 (63%) were Tunisians.

The number of persons entering the hotspots in 2023 was not available at the time of writing.

In March 2023, the CPR in Turin was temporarily closed following several riots that progressively made its spaces unfit for use, ultimately forcing the transfer of all detained persons to other facilities. By the time of publication, no information is available on the timeframe for a possible reopening.

Article 21 of the Decree Law 124/2023, converted in L. 162/2023, simplified, and implemented procedures for the design and implementation of reception, stay and repatriation facilities.

❖ Milan’s CPR, situated at the outskirts of the city, currently has an official capacity of 120 places; as of March 2023, while the total capacity of the centre is of 56 people. As of 31 December 2022, 457 were detained. The new call for tender issued in October 2022 foresees 72 places and has been won by Martinina srl, that took over Engel Italia with the sale of the company branch. Following the investigation of the managing entity by the Milan Public Prosecutor’s Office and the request for preventive seizure of the facility,
in December 2023, the Judge for Preliminary Investigations of Milan appointed a judicial administrator for the CPR and banned Martinina srl from contracting with the public administration for one year.

❖ Turin’s CPR, which was first opened in 1999, currently has an official capacity of 210 places. As of February 2024, it is still closed since March 2023. As of 31 December 2022, 806 persons were detained. It has been managed since 2015 by Gepsa, a multinational society which had previously managed detention centres in Rome and Milan and is considered one of the main actors in the business of detention immigration. In September 2021, its isolation section known as Ospedaletto was closed down, following the report of the visit of the National Guarantor – which took place shortly after a migrant, Moussa Balde, committed suicide in the isolation section in May 2021 –, who had deemed detention in this area as an inhumane and degrading treatment and called for its immediate and definitive closure. From February 2022, it is managed by Ors Italia S.r.l., operating also in Rome’s CPR. As previously mentioned, the centre was closed in March 2023.

❖ Gorizia’s CPR, which was first activated in 2006 but has been closed from 2013 to 2019 following protests on its conditions, had an official capacity of 150 places; as of March 2023, has an effective capacity of 100 places, while during 2022 802 persons were detained.

Following the inspection carried out in June 2023 at the Milan-Malpensa airport, Asgi reports that from 1 January to 20 June 2023, 214 applications for international protection were lodged at that border crossing.

**Greece:** At the end of 2023, the total number of third-country nationals detained in pre-removal detention centres countrywide was 2,064. Out of these, 1,003 persons (48.59%) were asylum seekers. An additional 261 third-country nationals were detained in police stations or other facilities countrywide by the end of the year, of whom, 14 persons (5.36%) were asylum seekers. Furthermore, the total number of unaccompanied children in pre-removal detention centres countrywide was 14 at the end of 2023.

Detention in pre-removal centres: The number of asylum seekers detained in pre-removal detention facilities in Greece slightly decreased 2023, while the total number of third-country nationals under administrative detention slightly increased.

The number of persons who remained in pre-removal detention facilities was 2,064 at the end of 2023, of whom 1,003 were asylum seekers.

[see tables in the report for breakdown of the detained population]

Although the number of persons detained during the past few years has significantly increased in proportion to the number of the arrivals, this has not been mirrored by a corresponding increase in the number of forced returns. 20,540 detention orders were issued in 2023 compared to 24,058 in 2022. The number of forced returns slightly increased to 2,892 in 2023 from 2,763 in 2022. It should also be noted that, out of the 2,892 detainees who were forcibly returned, 1,731 were Albanian nationals. These findings corroborate that immigration detention is not only linked with human rights violations but also fails to effectively contribute to return.

There were seven active pre-removal detention centres in Greece at the end of 2023. This includes five centres on the mainland (Amygdaleza, Tavros, Corinth, Xanthi, Pararesti, Fylakio) and one on the islands (Kos). Lesvos pre-removal detention centre has temporarily suspended its operation. The total pre-removal detention capacity is 3,676 places. A new pre-removal detention centre established in Samos in 2017 is not yet operational.

In 2023, a total of 9 persons were returned to the Eastern Aegean islands after being apprehended outside their assigned island, down from 31 in 2022.
The number of persons lodging an asylum application from detention in 2023 was not made available. The number of first instance decisions on applications submitted from detention issued by the Asylum Service in 2023 is not available.

Detention in police stations and holding facilities: In addition to the above, there were 261 persons, of whom 14 were asylum seekers, detained in several other detention facilities countrywide such as police stations, border guard stations etc. at the end of 2023.

Furthermore, at the end of 2023, the total number of unaccompanied children in detention in several detention facilities countrywide was 14.

**Switzerland:** SEM cannot order detention, only the cantons are competent for ordering detention, except for the detention of asylum seekers in airport transit zones.

Although the cantons have a legal obligation to report all cases of administrative detention to the SEM, the registration of the relevant information and quality of registered information present several deficiencies as reported by a study commissioned in 2018 by the Parliamentary Control of the Administration. Since then, improvements have been made in the statistical record of detentions, according to the monitoring report on 2023.

**Spain:** In 2023, 877 persons applied for asylum from Centros de Internamiento de Extranjeros (CIEs).

The right-wing party registered a law proposal at the Congress which aims at prohibiting the right to apply for asylum at the CIE.

Asylum seekers may also be de facto detained in “areas of rejection at borders” (Salas de Inadmisión de fronteras) at international airports and ports for a maximum of 8 days, until a decision is taken on their right to enter the territory. A total of 3,386 persons applied at a border post or transit zone in 2023.

In January 2023, the reform of the CIE of Madrid started, with an estimate budget of more than EUR 800,000. After the closure of the facility, inmates have been transferred to another CIE, returned to their countries of origin or freed.

In February 2023, the unit for women at the CIE of Barcelona was opened despite the lack of prior announcements. Twelve women, coming from different parts of Spain, were detained in it at the time of its opening. More than 100 organisations denounced the lack of transparency regarding such an opening and asked for its closure.

The construction works of a new CIE in Algecias continued in 2023. The declarations of the Major of the Municipality, according to which the facility will be the most ‘social and human’ CIE in Spain, raised critics and concerns. During a visit carried out to the construction site, MEP Miguel Urbán defined the facility as the biggest prison in Europe and compared it to Guantanamo.

**Sweden:** Number of third country nationals in detention at the end of 2023: 443.

**Bulgaria:** In 2023, 32 asylum seekers have been detained in the asylum closed facility, situated in the premises of the closed reception ward (ПЗТ) in the Busmantsi pre-removal centre, the only closed centre for that purpose. 4 asylum seekers were held there at the end of the year 2023.

Not all persons who apply for international protection when apprehended at the border or inland are directly detained. For example, an exception is applied to unaccompanied children from July 2018, when a referral mechanism was included in the law, although in practice the police apply it only with respect to
unaccompanied children who are visibly minor and below 14 years of age. In 2023, the Border police referred 35 children to childcare services.

Out of a total of 22,518 applicants registered in 2023, in total 16,075 individuals applied for asylum at border and immigration detention; just 4% had a direct access to asylum procedure without detention.

In 2023, 32 asylum seekers were detained in the asylum closed facility, situated at the premises of the closed reception ward (ПЗТ) in the Busmantsi pre-removal detention centre, the only closed reception facility for that purpose. 4 asylum seekers were held there at the end of the year 2023. The grounds applied were verification of identity or nationality, and protection of national security or public order.

**Romania:** In 2023, a total of 1316 foreigners were detained in the public custody centres (Arad and Otopeni), according with the information provided by IGI-DAI and the Public Custody Centre of Arad. In the Arad centre were 993 foreigners from which 37 women and 1 person with disabilities.

Arad: Arad Centre has a capacity of 160 places for foreigners held in public custody. In 2023, according with the information provided by the Public Custody Centre of Arad, 41 foreigners detained in the Arad centre submitted asylum applications during their detention there. Their countries of origin were Guinea, Sudan, Pakistan, India, Syria, Iraq, Somalia, Russia Federation, Tunisia, Senegal, and Sri Lanka.

During a visit by the 2022 AIDA expert to the Public Custody Centre of Arad on 16 March 2023, there were 32 foreigners, all men, in detention out of whom two were asylum seekers from Pakistan and Guinea. According to the representative of Arad, a total number of 92 asylum applications were made in Arad, out of which 33 were granted access to the regular procedure. In addition, 26 subsequent applications were made, out of which only five were granted access to the regular procedure. The majority of applicants were Turkish nationals. However, the Director of Timisoara Centre reported that 84 asylum applications were made in 2022 in Arad, out of which only 16 were assessed in the regular procedure.

**Germany:** Available statistics also indicate that the number of Dublin transfers preceded by detention is relatively low, albeit with large differences between Federal States: between 0.8% and 50% of all Dublin transfers were preceded by detention in 2020. In 2023, 5,053 persons were transferred following a Dublin procedure, compared to 4,158 in 2022, 2,656 in 2021, 2,953 in 2020 and 8,423 in 2019.

Despite the stable number of removals over the last years prior to the Covid-19 outbreak, an alleged ‘enforcement deficit’ had become the subject of a heated political debate and a ‘media obsession’ in 2017 and 2018, as the authorities were being criticised for their failure to carry out removals. This debate has continued under the government that took office in 2021, which pledged to increase efforts to enforce returns. The debate has led to numerous restrictive reforms in 2017, 2019, 2020 and 2022 as well to an additional reform proposed in November 2023 (see below), and to a demand for increased use of detention in the removal procedure. In 2023 a total of 31,770 removals failed, compared to 16,430 effective removals. This does not mean that all 31,770 persons were not returned, however, since authorities often carry out another removal attempt after the failed one. The reasons for failure to carry out removals were as follows (data only available until 31 October): [see table]

Statistics on removals from detention also show that an increase in detention is not necessarily associated with a higher number of removals. In addition, there are strong differences between the Federal States in how often detention actually results in a removal: by way of example, in North Rhine Westphalia and Rhineland Palatinate, four out of five people detained in the first half of 2023 were also removed, while the ratio is only one out of ten in Saxony.

**Cyprus:** As of January 2023, out of approximately 160 total detainees, 56 were held in police holding cells, and out of those, 32 were detained based on the Refugee law.
Detention centres and places of detention

**Greece:** Seven pre-removal detention centres were active at the end of 2023. The PRDC of Lesvos, has temporarily suspended its operation due to extended damages following the widespread fire of September 2020 that destroyed the RIC within which it was located. The total nationwide pre-removal detention capacity is 3,676 places. A ninth pre-removal centre has been legally established on Samos but was not yet operational as of January 2024. According to information provided to GCR by the Hellenic Police, the capacity of the pre-removal detention facilities is as follows: [see table]

Apart from the aforementioned pre-removal facilities, the law does not expressly rule out detention of asylum seekers in criminal detention facilities. Despite commitments from the Greek authorities to phase out detention in police stations and other holding facilities, third-country nationals including asylum seekers and unaccompanied children were also detained in police stations and special holding facilities during 2023. As confirmed by the Directorate of the Hellenic Police, there were 261 persons in administrative detention at the end of 2023 in facilities other than pre-removal centres, of whom 14 were asylum seekers.

**Italy:** Asgi carried out a new inspection in May 2023 in Pantelleria, finding and denouncing the same critical issues already found in the previous one: unlawful detention practices and obstacles to access to the right of defense; inadequacy of information activities and the total absence of legal assistance; practices hindering access to asylum applications; violation of freedom of telephone correspondence, in the light of the unlawful seizure of the phones of arriving persons, who remain, therefore, in a condition of total isolation.

With judgement no. 3392/2023, published on 28 February 2023, the TAR Lazio in Rome recognised ASGI’s right to access the airport transit areas of Fiumicino and Malpensa airports. In fact, the TAR recognised the detention nature of these areas and therefore the right of civil society to conduct visits there. This ruling followed the appeal filed by Asgi against the decision of the Department of Public Security rejecting the Association’s request to access and visit the transit areas of the Rome-Fiumicino and Milan-Malpensa airport border crossing. On the basis of the judgement, between May and June 2023 two delegations of ASGI carried out inspections in the transit areas of the Milan-Malpensa and Rome-Fiumicino airports, finding in both places serious deficiencies in the information on access to the asylum procedure, in the availability of cultural mediators or interpreters, in the right of defence and in communication with the outside world.

In September 2023, a new facility was inaugurated in the Pozzallo-Modica territory, a “Centre for the Detention of Asylum Seekers” intended for the carrying out of border procedures pursuant to Article 28-bis of Legislative Decree No. 25 of 28 January 2008 and the administrative detention of applicants for international protection pursuant to Article 6-bis of Legislative Decree 142/2015, which is characterised by serious critical issues strongly affecting the rights of arriving persons.

**UK:** In 2023 the Manston processing centre was designated as new type of short-term holding facility with more restrictive provisions than the other STHFs in areas including visitors, access to the internet and correspondence. It also provided for people to be held there for four days, which can be extended. Concerns were raised by the House of Lords’ Secondary Legislation Scrutiny Committee, but the changes were passed without amendment.

**Sweden:** In 2023, the Migration Agency introduced a new kind of departure centres (återvändandecenter). The centres have about 650 places and are situated in Burlöv, Enköping, Malmö, Mölndal and Stockholm. The Migration Agency aim to have 2,000 places at such centres at the end of 2024. It is only persons that are still in the reception system that are entitled to a place in a departure centre, in practice this means it is mainly families with minor children that are entitled to a place in a departure centre. The accommodation centres are not locked facilities, they may however have an impact on the freedom of movement. This is due to the
fact that a person that is offered a place at a return centre is no longer allowed to remain in the previous accommodation provided by the Migration Agency, meaning they either have to move to a return centre or arrange accommodation on their own.

Romania: The Regional Centres for Procedures and Accommodation of Asylum Seekers have an open regime, however they may have certain places (e.g. rooms) where an asylum seeker could be held due to specific situations (e.g. national security reason). The following information was provided by IGI-DAI for the year 2023 in terms of closed spaces: there are such spaces in the centres in Bucharest, Radauti, Maramures, Timisoara, Galati. There appears to be no such rooms in the centre in Giurgiu. IGI-DAI stated that in 2023 no asylum seekers were held in these closed rooms/places within accommodation centres, which normally have an open regime. In 2023 there were no cases of asylum seekers being held in closed regime in the regional centres.

All Regional Centres except Giurgiu contain specially designed closed spaces. According to the information provided by IGI-DAI, in Bucharest, in the building situated in Tudor Gogiu Street there are 96 places in closed regime. As for the other centers the situation is the same as in previous years: Râșdăuți has 10 places in closed spaces, Galați has 30, Timișoara has 15 and Șomcuta Mare has 15 places located in a closed space in the basement of the building. In 2023, no asylum seekers were kept in these places.

There are two Accommodation Centres for Aliens Taken into Public Custody (Centrul de Cazare a Străinilor luați în Custodie Publică) in Romania with the following capacity: Arad: 160 people, and Otopeni: 114 people.

Romania has an airport transit zone in Otopeni Airport in Bucharest, with a capacity of 22 places. Eight people were detained in Otopeni Airport in 2022. In 2023, according to the Border Police 18 persons were detained in the airport transit zone; no one requested asylum. 11 people left the airport in less than 24 hours, and 7 had to stay longer than 24 hours (for flight delay reasons).

In 2023 there were 16 airport transit zones, with a total capacity of 108 places.

In Arad, in May 2021, the authorities started the construction of another facility, with a capacity of 240 places of accommodation, a sports field and leisure spaces. The construction of the facility is being funded by AMIF. The construction works will be finalised in the summer-autumn of 2023.

Germany: Pre-removal detention facilities existed in eleven Federal States in 2023 (see Place of detention). The capacity of these detention facilities has increased significantly in recent years, from around 400 places in 2016, to 821 available places at the beginning of 2022 (see Place of detention). As of September 2023, the capacity seems to have decreased slightly with 782 places available as of September 2023. As of January 2023, not all Federal States have dedicated detention centres, since some Federal States use facilities jointly. As of September 2023, facilities for detention and custody pending removal existed in eleven Federal States. The reported capacities are based on an information request to the Federal Government published in September 2023. The detention facility in Erding (Bavaria) is no longer used for detention pending removal from 1 July 2023.

Cyprus:

Grounds for detention

UK: The Illegal Migration Act 2023 amended the detention powers with effect from 28 September 2023, the main changes are that it is now for the Secretary of State to decide what a reasonable period of detention is for a person and where release is deemed appropriate the person can be detained as long as reasonably
necessary while arrangements for release are made. The latter change was made in response to the Secretary of State losing a judicial review challenging delays in arranging asylum accommodation for people in detention.

**Italy:** Decree-Law 20/2023 on urgent provisions concerning the flow of legal entry of foreign workers and the prevention of and fight against irregular immigration, converted with amendments by Law 50/2023 and entered into force on 6 May 2023, introduced several amendments to the previous legislative framework on detention of asylum applicants.

Law 50/2023 included additional grounds for detention of asylum seekers. In particular:

- it allows for detention of applicants in the border procedure (see Border Procedure);
- it allows detention in case it is necessary to determine the elements on which it is based the international protection application (in case they cannot be acquired without imposing a detention measure) and applicants present risk of absconding;
- it allows to detain asylum seekers who are in a Dublin procedure (see Dublin);
- it enlarges the cases of detention for identification purposes;

Additional grounds for detention of asylum seekers

Decree-Law 20/2023 amended Article 6, par. 2, d), of the Legislative Decree 142/2015 by providing for the possibility of detaining the asylum seeker within a CPR when "it is necessary to determine the elements on which the application for international protection is based that could not be acquired without detention and there is a risk of flight". The elements to take into account to evaluate the existence of the risk of absconding are equivalent to those provided by article 13, par. 4-bis, Legislative Decree 286/1998 for cases of administrative expulsion. In particular:
- the absence of a passport or other equivalent document;
- having previously declared or falsely attested one’s personal details;
- failure to comply with a previous detention order;
- violation of the measures ordered in the event of the granting of a time limit for voluntary departure.

Based on these elements, the assessment of the risk of absconding must be made on a case-by-case basis.

A new ground for detention of asylum seekers introduced is included in the new Article 6-bis, Legislative Decree 142/2015, which provides for the possibility of detaining the applicant during the border procedure for the sole purpose of ascertaining they have the right to access the country’s territory. Detention may take place within hotspots or CPR located near borders and transit zones in cases where the applicant has not presented a valid passport or other equivalent document or does not provide suitable financial guarantees. The detention measure in this case cannot extend beyond the time strictly necessary to carry out the border procedure pursuant to article 28-bis of Legislative Decree 25/2008 and must be subject to validation by a Judge. The validation hearing is held, where possible, remotely. In case of validation of the detention order by the Judge, the detention period would then be of a maximum of four weeks, which cannot be extended.

**De facto detention in hotspots and other similar facilities**

Among the modifications introduced by Decree-Law 20/2023, are the additions introduced in Article 10-ter, par. 1-bis, of Legislative Decree no. 286/1998, part of the provisions for the identification of foreign nationals found to be illegally present in the national territory or rescued during rescue operations at sea.

The first paragraph of Article 10-ter already provided for the detention in hotspots of foreign nationals found illegally crossing the internal or external border or arrived in the national territory following rescue operations at sea. The same, in fact, can be taken for rescue and first assistance within these centres, where the photo-
Dactyloscopy and signal data are then taken and where information on the right to asylum, on the relocation program within other EU Member States and on the possibility to access assisted voluntary returns should be guaranteed.

The new paragraph 1-bis, expands the possibility of using de facto detention, within "similar facilities", providing that for the "optimal performance of the fulfilment of the tasks referred to in this Article, the third country nationals hosted at the crisis points referred to in paragraph 1 may be transferred to similar facilities on the national territory, for the performance of the activities referred to in the same paragraph", specifying that the identification of these facilities will be made in agreement with the Ministry of Justice.

Persons applying for asylum in CPRs are subject to the Accelerated Procedure.

In its report to Parliament of June 2023, the Guarantor for the rights of detained persons expressed concern on the fact that many people had been detained without legal basis, and in fact a significant number had been released based on court decisions.

As of 31 March 2023, out of 1,850 people who passed through the CPRs, 534 (29%) were released because the detention was not considered legitimate by the Judge. 805 (44%) people were repatriated.

**Greece**: During 2023, despite the fact that no readmission to Türkiye has been implemented for more than three years, and for the time being no reasonable prospect of readmission to Türkiye exists, third-country nationals, including asylum seekers whose applications have been rejected as inadmissible on the basis of the safe third country concept, remained detained for prolonged periods reaching several months, and in some cases, over a year. Moreover, following civil society interventions as well as decisions of national courts considering the rapid deterioration in the security and human rights situation in Afghanistan and the fact that returns have been suspended, detention of Afghan citizens has been confined. However, in Drama pre-removal detention center the practice of detaining Afghan citizens has been maintained throughout 2023.

During 2023, applicants for international protection as well as rejected asylum seekers continued to remain detained in some cases without any proper consideration of the prospect of return to Türkiye despite returns being suspended since March 2020. A number of court decisions acknowledged that in the absence of an actual prospect of removal, detention lacks a legal basis (Administrative Court of Kavala Decisions AP504/2023, AP728/2023, AP1098/2023 Administrative Court of Komotini Decisions AP309/2023). During the second half of 2023 this practice was reduced in most of the detention facilities, apart from Drama pre-removal detention center where the practice of detaining Afghan citizens has been maintained throughout the hole 2023.

**Italy**: The Decree law 20/2023, converted into law 50/2023, introduced a new hypothesis for the detention of asylum seekers in hotspots, ruled by the new Article 6-bis of the Reception Decree. According to this provision, the applicant can be detained within a hotspot (or CPR) during the border procedure for the sole purpose of ascertaining their right to access the State’s territory. Detention may take place where the applicant has not presented a valid passport or other equivalent document or does not provide for suitable financial guarantees.

Among the legal changes introduced by Decree-Law 20/2023, is the new formulation of article 10-ter, par. 1-bis, of TUI, which is part of the provisions for the identification of third-country nationals found to be illegally present on the national territory or rescued during SAR operations at sea. The first paragraph of the article already provided for the operational procedures regarding detention within the hotspots of foreign nationals found illegally crossing the internal or external border or reaching national territory following rescue
operations at sea. The same can be applied for rescue and first assistance within these centres, where the photo-dactyloscopic and signal data are then taken and where information on the right to asylum, on the relocation program within other EU Member States and on the possibility of recourse to assisted voluntary return should be guaranteed.

The new paragraph 1-bis, expands the possibility of using measures that would amount to de facto detention, providing that for the "optimal performance of the fulfilment of the tasks referred to in this Article, the third country nationals hosted at the crisis points referred to in paragraph 1 may be transferred to similar facilities on the national territory, for the performance of the activities referred to in the same paragraph" specifying that the identification of these facilities will be made in agreement with the Ministry of Justice.

Dublin detention: In a case decided on 19 August 2023 by the Civil Court of Trieste, the detention was validated considering that the asylum seeker was “homeless, moving along the national territory without financial resources, and was the recipient of multiple criminal complaints”.

Germany: The Act on the Improvement of Removals was introduced by the coalition government in October 2023 and voted through parliament on 18 January 2024. The reform involves changes in the legal framework for detention, among other reforms. More specifically:

- Asylum applicants can now be detained if grounds for detention applies at the time when they lodged their application. Before the reform, asylum seekers could only be detained in cases where they lodged the asylum request from within detention. This is relevant notably for cases where persons file a subsequent application in order to avoid imminent removal.
- For pre-removal detention to be ordered, it will be sufficient that the removal can take place within 6 months, instead of 3.
- The grounds for pre-removal extension will be extended to cases where persons entered legally, visa free or with a Schengen visa, and then overstayed their period for legal stay.
- The maximum duration of custody pending removal is to increase from 10 days to 28 days.
- The grounds for detention to enforce cooperation will be expanded, so that this form of detention can also be orders in cases of persons who do not cooperate in the establishment of their identity.
- Detainees who are not yet represented by a lawyer will be provided with a lawyer by the court.
- Minors and families will not to be detained “in principle”, whereas previously they could only be detained “only in exceptional cases and only for as long as it is adequate considering the well-being of the child.”
- The new law foresees a possibility for authorities to file a complaint against the refusal by courts to order detention.

The Act also changes authorities’ competences for enforcing removals:
- Removals can no longer be announced, unless they involve families with children under 12 years of age. Previously, removals had to be announced to persons who had been holding a tolerated status for at least one year.
- In enforcing removals, authorities will be able to search not only the room of the person to be deported, but also other rooms in a reception centre. It will also be easier for authorities to enter reception centres during the night to apprehend a person.
- Search competences of the authorities are being extended to that the living space and personal belongings of persons can be searched in order to seize documents or electronic devices than can help establish their identity or nationality or to establish whether a removal is possible. In cases of ‘imminent danger’, a search no longer requires a court order.

The reform also tightens rules around the enforcement of entry bans and extends possibilities for the expulsion of persons with a criminal conviction.
According to the government, the aim of the reform was to facilitate the enforcement of removals by removing ‘obstacles’ amid rising numbers of asylum seekers. The government estimates that the reform will increase the number of returns by about 5%. The reform was heavily criticised by NGOs for leading to a brutalisation of returns and for drastically reducing rights of non-nationals by heavily extending the grounds for detention, including for asylum seekers. In addition, stakeholders criticised that they were only given 2 days to comment on the proposals. The Parliament Committee on Home Affairs and Community included some changes in the government’s draft, including the granting of a lawyer and the rule that minors and children are not to be detained in principle.

In the following, the legal situation as of 31 December 2023 is described.

As of 31 December 2023, according to the law, there are two possibilities for the detention of asylum seekers whose application is still pending. The first relates to asylum applications which are lodged by people who are already in detention, in particular those:

- In pre-trial detention;
- In prison (following a conviction for a criminal or other offence); or
- In detention pending removal (Abschiebungshaft).

**Cyprus:** Throughout 2021, 2022 and 2023 the only cases identified where an asylum seeker was detained under the Aliens and Immigration Law were instances where the person was firstly detained, then applied for asylum whilst in detention and there was a delay in issuing the new detention order under the Refugee Law.

**Romania:** In practice, in most cases asylum seekers are detained on the territory. Most stakeholders reported that detention in public custody is generally not ordered. These asylum seekers are usually detained if they cross or attempt to cross into Hungary. According to the Director of the Regional Centre Stolnicu, applicants subject to the Dublin procedure were never placed in detention. However, in 2023, IGI-DAI mentioned that detention was ordered in the case of 3 Syrian nationals subject to a Dublin procedure, but no further details were provided.

**Bulgaria:** In general, the immigration police implement very few removals of detained third country nationals on an annual basis. In 2023, out of 18,554 third country nationals issued a detention orders the MOI carried out 565 removals, which represented just 3% implementation rate. The rest of the detainees had to be released either on account of submitted first asylum applications, or because the ordered initial 6 months detention duration has expired.

**Alternatives to detention**

**Sweden:** In 2023, a total of 155 supervision decisions were taken by the Migration Agency, an increase from 108 decisions in 2022.

**Cyprus:** Since July 2019 until mid-2023, the CyRC has been implementing a third EPIM-funded project on ATD in Cyprus - “Safeguarding Alternatives to Detention: Implementing Case Management in Cyprus”, which builds on the progress and achievements of the 2017-2019 Pilot. Its main objectives are to reduce immigration detention, promote engagement based ATD and contribute to the growing evidence and momentum on ATD at a national and regional level. The project team provides individualised case management to persons in detention and/or at risk of detention including asylum seekers, rejected asylum seekers, irregular TCNs, and non-removable.

In 2023 and currently there are two officers appointed by the CRMD who examine cases of detention, including the possibility of alternatives to detention. One officer is responsible for persons detained under the Aliens and Immigration Law and the other officer for persons detained under the Refugee Law. The CRMD
officers conduct a bi-monthly examination for each case; however it is unclear how these examinations are conducted. The examination seems to focus on whether the reasons justifying detention in the initial detention order remain valid and in the vast majority of cases the initial justification is repeated. The CyRC continues to communicate cases with recommendations for ATD however, the use of alternatives to detention remains extremely low.

Overall “alternatives to detention” is rarely if ever examined prior to detention being ordered. As in previous years throughout 2023 alternatives to detention were ordered in an extremely low number of cases. Most cases of asylum seekers that are released from detention on alternatives to detention, concern detainees who challenge their detention order in Court successfully or detainees that have challenged their detention order before Court and as a result the CRMD cancels the detention order and issues a new decision, ordering alternatives to detention before the Court issues a decision.

**Romania:** Detention in specially designed closed spaces may be ordered if reporting duties and designated place of stay measures cannot effectively be applied to carry out the necessary procedural formalities and to limit abuse of the asylum procedure. However, none were ordered in 2023 according to IGI-DAI.

No restrictive measures may be imposed against an asylum applicant for the sole reason that they have lodged an application for international protection in Romania.

IGI-DAI reported 208 asylum seekers subject to a restrictive measure in 2022, they were designated place of stay in one of the Regional Centres. In 2023, IGI–DAI reported 882 cases in which restrictive measures were taken (the establishment of residence in one of the regional centres).

**Detention decision**

**UK:** Guidance was published in 2017 relating to asylum claims made from detention. It is aimed at those considering asylum claims from people detained at the point of making their claim, as well as considering the detention of people during their claim. It does not replace or replicate other guidance on consideration of asylum claims; it is complementary to other guidance. UNHCR carried out an audit of these processes and published a report in 2023 and found that improvement was required in order to ensure that international standards were being met. They made several recommendations including the improvement of training, ensuring that country of origin information is used correctly, and that full justifications are recorded in support of a decision to detain.

**Cyprus:** Regarding access to detention orders, asylum seekers in detention will often not have the detention order on them or the latest detention order in case of renewal. If they request the detention order, which may be kept in individual files in the offices of the centre, they will be provided with it, however in 2021, 2022 and 2023 cases were identified in Police Holding Cells (PHC) where the detention order was issued or communicated to detainees with delays reaching 2-3 weeks. There have also been instances, where NGOs request to review the detention orders of their beneficiaries and the police refuse to provide these to the NGOs or even to the detainees themselves.

**Duration of detention**

**Greece:** Following changes in legislation and practice, it is evident that detention lasts for prolonged periods, sometimes risking exceeding the maximum time limits. For instance, out of 2,064 persons detained at the end of 2023, 687 had been detained for periods exceeding six months. Moreover, out of 1,003 asylum seekers detained at the end of 2023, 338 had also been detained for periods more than six months.

**Italy:** The average duration of detention in CPR is not available. As reported above, in 2022, 14% of persons detained in CPRs were released because they were not identified in the timeframe foreseen by the law, while in the first three months of 2023, they were 161 out of 1,850 (9%).
Cyprus: In 2020, there was a substantial deterioration in the duration of detention for asylum seekers, from around 1-2 months in 2019, to indefinite detention which continues until present. Once detained, an asylum seeker will in most cases remain detained for the duration of the asylum procedures. For asylum seekers detained in Menogia Detention Centre, the duration of the first instance examination of the asylum application is on average 2 months, whereas if detained in a holding cell it may take longer. Furthermore, if an appeal is submitted before the IPAC against a negative decision on the asylum application the duration of detention may reach or even go over 12 months. Duration of detention has remained an issue since and throughout 2023.

Romania: The duration of detention at the Arad detention centre varied in 2023: [See table at Legal framework of Detention]

Bulgaria: In 2023 the average detention duration maintained minimal to 7 calendar days. Out of the 16,025 persons applying from pre-removal detention, no asylum seeker (0%) was detained for more than 6 months.

The average duration of detention of wrongly detained unaccompanied children decreased to 19 days in 2023. It should be noted, however, that 14-days of medical quarantine, if such is applied, are excluded from the detention duration.

The average asylum detention duration in 2023 increased again to 64 days on average, in comparison to 56 days in 2022. It remains far from the legal standard set in the law according to which detention should last for the “shortest period possible”, but it should be noted that it still constitutes an improvement compared to previous years (e.g., 252 days in 2019 and 192 days in 2018).

Detention conditions

Spain: In March 2023, the Coordination of the campaign CIEsNO of Cádiz organised a gathering in front of the CIE of Algeciras asking for the closure of CIEs and a decent welcome and reception of migrants.

On the Day against the Expulsion Centres, a call for the immediate and definitive closure of such facilities was made. Such a call was made also in view of the municipal and regional elections in the Autonomous Community of Valencia by the campaign CIEsNO.

In November, the Coordinator of the Platform CIEsNO organised a walk from the CIE of La Piñera in Algeciras to the new facility in construction at Botafuegos to protest against such facilities.

After 11 months since its closure, the CIE of Aluche in Madrid reopened in December, following a refurbishment of the facility. The Platform CIEsNO expressed its opposition to the reopening.

In commemoration of International Migrants’ Day, the Platform CIEsNO organised a protest in Valencia to ask for the closure of all CIEs and to denounce the lack of guarantees of migrants detained in such facilities.

In February 2023 the supervising judge of the CIE of Valencia opened an investigation following reports made by NGOs on the lack of privacy of inmates during meetings with the same organisations, and on the spying of conversations by the police.

In April the political party Unidas Podemos asked the Minister of Interior for explanations on the poor food conditions at CIEs.

During the same month, the Supervising Judge of the CIE of Valencia asked to the employees of the facility to respect the privacy of inmates during their meetings with NGOs, lawyers and family members.

In June a migrant detained at the CIE of Valencia was deported to Paraguay, allegedly for having reported to the competent Judge that he was subjected to beatings by the police while in detention. According to the campaign CIEsNO, the man was also physically assault during the carrying out of the expulsion.
During the same month, the campaign CIEsNO denounced the expulsion of 36 inmates detained at the CIE of Valencia, as a response to the hunger strike they carried out to denounce the bad conditions of the facility and the inhumane treatment by the police, and to the following report lodged at the competent Judge. In addition, the same campaign urged for the immediate release of a blind inmate following serious violations of his fundamental rights (i.e., lack of appropriate assistance according to his disability, lack of appropriate facilities to guarantee his movement and stay, etc.).

In September the Platform ‘CIEsNO’ denounced another assault against an inmate by the National Police at the CIE of Zapadores (Valencia).

During the same month, the parliamentary group ‘Sumar’ asked the acting Government about the reports submitted by different NGOs about the alleged spying on inmates’ visits by the National Police. In addition, the Spanish Ombudsperson started an investigation on the issue.

Moreover, the annual report of the Jesuit Migrants Service on CIEs in Spain provides relevant information on conditions and their situation, based on visits carried out by the organisation. In its 2023 report, the NGO continued to highlight the serious deficiencies of living conditions and the lack of guarantees within those facilities. Concretely, the organisation denounced assaults on and mistreatments of inmates, and the difficulties they face reporting such acts. It also continued to denounce the lack of adequate health services, and the impact of detention on the mental health of inmates. The JMS expressed concern regarding the detention of persons that cannot be detained at CIEs according to the law, such as EU citizens, applicants for international protection in other countries, presumed minors, victims of gender-based violence, etc. It also criticised how the lack of common rules between CIEs results in different regimes in each facility and thus inequalities in the rights of inmates.

Visits to the CIE of Aluche in Madrid are regularly carried out by the organisation SOS Racismo, with the objective, among others, of providing legal and psychological support to detainees.

Additionally, the annual report of the Public Prosecutor office informs about the conditions at the CIEs, considering the visits that the institution carries out. According to the last report published, the Public Prosecutor informs about the unhealthy conditions of the CATE in Lanzarote.

At the end of December 2023, there were reports of bad conditions and overcrowding at the ad hoc spaces for asylum seekers at the Madrid Barajas Airport. Three judges asked the Minister of Interior to improve the situation. Despite the Ministry of Interior announcing the adoption of appropriate measures to resolve the situation following the judicial requirements, in January 2024 the Unified Trade Union of the National Police (Sindicato Unificado de Policía - SUP) highlighted that the overcrowding and the insalubrity of the facility continued and lodged a report to the Ombudsperson. Due to the conditions, a total of 26 Moroccan asylum applicants escaped the ad hoc spaces and the airport by breaking a window. In mid-January the Ministry of Interior reported it had allocated more resources to the ad hoc spaces to face the situation, with more police officers and additional offices to carry out the asylum interviews. In addition, they started to transfer some of the asylum applicants to the CIE of Madrid, after asking a judicial decision.

Switzerland: In 2023, the Committee for the Prevention of Torture has recommended Swiss authorities to ensure the reform of the reportedly prison-like environment of administrative detention facilities, which includes limitations on visitation rights and confiscation of personal belongings.
During the pandemic, Favra was closed and renovated. In December 2020, the NCPT has noted certain improvements like the possibility to receive calls from the exterior but considered the conditions too restrictive and not adapted to administrative detention, and recommended closing the facility. The detention centre is still operating despite the Cantonal administrative tribunal of Geneva has ruled that the conditions of detention violate Art. 3 ECHR in a judgement of March 2023 (Judgement of the Cantonal administrative tribunal of Geneva, JTAPI/422/2023, 20 April 2023, ch. 27).

**Netherlands**: In its 2023 report on the period review of the Netherlands ‘the CPT recommends that the Dutch authorities carry out a review of the policy and legal framework on the use of segregation as a measure and as a disciplinary sanction in immigration detention centres. While the 14-day maximum period should never be exceeded, the aim should be to reduce the resort to solitary confinement as a public order/security measure and no longer apply solitary confinement as a disciplinary measure in an immigration detention context. The house rules and the applicable disciplinary rules should be amended accordingly. Further, the CPT recommends that, at Rotterdam DC, segregation and disciplinary sanctions be applied proportionately in practice and that staff are provided with training in this regard.’ In response the Minister stated that ‘current practice follows these recommendations, in so far as it aims to avoid as much as possible the need to resort to measures or disciplinary punishments within detention centres. To minimise the use of disciplinary powers for ensuring order, peace and safety in the facility, the living environment and the taking of de-escalating action by staff are essential. In immigration detention, the principle of minimum restrictions always applies: this means that detainees have as much independence, freedom and autonomy as possible.’

**Greece**: For those detained and due to the total lack of sufficient interpretation services provided in detention facilities, access to information is even more limited. According to the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)’s report to the Greek Government, foreign nationals detained in facilities across the country are deprived of their right to be informed about their rights in a language they could understand. According to the delegation, “a two-page information leaflet (Δ-33 form) detailing the rights of detained persons was generally available and pinned to the wall in various languages in most police stations visited, none of the persons interviewed by the CPT’s delegation had obtained a copy of it”. Furthermore, the detainees complained that “they had signed documents in the Greek language without knowing their content and without having been provided with the assistance of an interpreter”. These findings remain valid in 2021 and 2022.

A delegation of the Council of Europe’s Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) held talks with the Minister and Deputy Minister of Citizen Protection and senior officials responsible for prison matters in Athens on 23 and 24 October 2023 in light of the Committee’s decision in March 2022 to open the procedure which may lead to the adoption of a Public Statement under Article 10, paragraph 2, of the Convention regulating the CPT. A delegation of the Council of Europe’s Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) also carried out an ad hoc visit to Greece from 21 November to 1 December 2023 relevant report is pending.

**UK**: In 2017 an employee of Brook House IRC worked with the BBC to report undercover, resulting in a documentary broadcast in September 2017. The company that runs the IRC suspended staff and began an internal investigation. The Home Affairs Select Committee opened an Inquiry and took evidence from key individuals. On 5 November 2019 the government announced the conversion of the Prisons and Probation Ombudsman (PPO) investigation of Brook House immigration removal centre to a statutory inquiry, in accordance with the Inquiries Act 2005. This conversion was needed so that the Inquiry would have the statutory powers to compel witnesses and establish the truth of what took place at Brook House. The government announced this conversion following the High Court findings that the Home Secretary’s investigation into immigration detention at Brook House was inadequate. The Inquiry published its report in September 2023. Key findings included 19 credible breaches of article 3 during the five-month period examined, and a toxic culture. The report made 33 recommendations, including a 28-day time limit on detention, a review of the use of force, and training for staff and reviews of policies.
**Bulgaria:** On 16 November 2022, the caretaker government officially designated Elhovo detention center to serve as a transit centre for re-distribution of newly arrived Ukrainian refugees despite its utterly unsuitable conditions, including due to its remote location, and the repeated protests. Since November 2022, just 589 Ukrainian refugees (2%) passed through Elhovo center in order to be assigned accommodation, out of 24,441 Ukrainians registered in 2023 under the temporary protection.

In previous years, the detention centres were frequently overcrowded due to the increase of the number of asylum applications and to the delayed release for registration of detained asylum seekers. In mid-2023, pre-removal detention centres were once more close to reaching their maximum capacity, while the overall number of persons in detention gradually increase from 119 persons at the end of 2019, to 337 at the end of 2020, 728 at the end of 2021, 704 at the end of 2022 out of 16,767 detainees and 387 out of 18,554 detainees at the end of 2023 in total placed in both national detention centres throughout the year.

**Sweden:** In January 2023, the Parliamentary Ombudsman (JO) made an inspection in accordance with the Optional Protocol to the Convention against Torture at the detention centre in Mölndal. The JO expressed concerns about the following. During the inspection there was serious breaches in how the staff treated the detainees such as discriminating treatment or threats of coercive measures. The JO also noted that the staff did body searches and attendance controls on a regular basis and expressed concerns if this was in accordance with the law. The JO also expressed concern about the lack of routines regarding access to health care for the detainees being separated from others in the detention centre.

**Germany:** Darmstadt-Eberstadt, Hesse: According to a local activist and visitors’ group, however, in 2023 detainees were only allowed one hour of yard exercise per day, cells are closed from 8 pm onwards and no possibilities for work exist. Local activists say the yard is comparable to a cage, surrounded by barbed wire and exposed to the view of other parts of the building and the prison attached to the detention facility, making it an unpleasant space especially for women and families. There are two social workers at the facility, one of which is employed by the police who is also in charge of the detention facility. One external person employed by the Diakonie provides counselling but does not have a stable presence in the facility. Detainees are allowed to use their mobile phones but without the camera function, and they have to buy mobile subscriptions at their own costs. They receive € 20 of ‘pocket money’ per week with which they can buy products from a pre-defined shopping list, however delivery is only every two weeks, which is criticised by local activists as the often-short stays in detention make it impossible for some detainees to actually make use of this, and there is no possibility of handing out the pocket money. Health care in detention is described by local activists as insufficient, especially for detainees with serious conditions as there is no possibility for continuous treatment. Furthermore, the confidentiality of conversations with healthcare professionals is not guaranteed.

Pforzheim, Baden-Württemberg: According to the Federal State government, detainees in Pforzheim can move around freely within the facilities’ accommodation and ‘leisure’ areas and are allowed to use mobile phones. Two social workers are present in the facility, however de-facto only one was present over the latter half of 2023, according to the NGO Caritas who provides external support to detainees through visits. While the State government that took office in 2021 pledged some improvements, they have only partially been adopted so far. By way of example, a “round table” was set up in 2023 to exchange information between authorities in charge of detention and civil society. However, on the side of the civil society, no staff member who works in the detention facility is involved in this discussion format, nor is the Refugee Council part of it. Eichstätt, Bavaria: As of September 2023, the detention facility employs a total of 52 staff members, out of which four are social workers and two psychologists.

Glückstadt, Schleswig-Holstein: [...] The facility employed six full-time medical staff, including a psychologist as of January 2023
Cyprus: In 2023, the staff of Menogia Detention Centre was comprised of 20 officers working per 12-hour shift in the daytime and 15 officers during the nighttime shift, as well as a 13-person cleaning crew. Furthermore, a refugee status determination examiner from the Asylum Service, a Frontex officer, 3 Immigration liaison officers (one per 12-hour shift during the day), a full-time doctor (working there on weekdays between 08:30am-15:30pm), and a 24-hour provision of nurses, including a mental health nurse during office hours, are appointed to Menogia and work on site. Furthermore, there is a resident psychologist working there three days per week during office hours. Detainees who seek psychiatric assistance, or other specialised medical assistance, must make an appointment with the doctor, who then refers them to the psychiatrist at the General Hospital of Larnaca district if they deem necessary.

Currently and continuing from 2022 the Red Cross is implementing a program once a week through which psychology University students provide psychosocial support. According to information gathered by the CyRC, the Red Cross has been very helpful in providing material support, such as clothes donations as well as sanitary products and toiletries.

As part of the Ministry of Education’s fund for Adult Education Centres, there are also service providers such as a dance teacher, and an art teacher once a week, and a gym instructor that visits the centre twice a week. In late 2022, improvements to the conditions in Police Holding Cells were planned in view of the upcoming CPT monitoring visit to Cyprus, however it is not yet clear if these have taken place. Based on feedback from detainees in early 2023 there do not seem to have been significant improvements to the conditions in PHC that are commonly used for immigration detention such as no access to open-air spaces, no access to washing machines and no recreational activities.

In Menogia, some detainees drink tap water that is available at the centre (safe to drink in Cyprus). However, the majority purchase water from a mini market close to the Centre. In 2023 a water fountain has been installed in each wing to encourage use of tap water, for purchases outside the Centre, there is a procedure to order items and the costs are covered by the detainees.

Romania: During the visit carried out to Otopeni on 21 March 2023, the detention conditions in the building which was not under renovation were good. The hallways and other shared spaces were clean. In the renovated building, the walls were already dirty, and the old tiles had been kept. The dining room which is in the other building was also clean. The outside space had not been improved, the representatives of the centre said improvement works are foreseen in 2023.

Italy: At Lampedusa hotspot, in February 2023, the very bad reception conditions inside the facility, with very serious overcrowding situations (against a capacity of 400 places, there were almost 4,000 people), people forced to sleep on the floor, lack of food, no medical assistance, and bonfires set up to make up for the lack of heating. All this led to the replacement of the managing body and the subsequent entrusting to the Italian Red Cross from May 2023. Despite the change of management, the criticalities that had emerged in previous years continue to be denounced by Asgi.

In June 2023, a delegation of Asgi had access to the Pozzallo hotspot and found several problems including the absence of cultural mediators to support the procedures after entering the hotspot (e.g. during the compilation and signing of the so-called "foglio-notizie") and the duration of detention in the hotspot following the manifestation of an application for international protection, which on average is about 10 days but can reach several weeks as stated by some people in the hotspot.

In Milan’s CPR (140 places), for each detainee: (i) medical assistance is guaranteed for 15 minutes per week and (ii) psychological assistance for 6 minutes per week. Moreover, it was noted that, in this facility, there is a long list of detainees waiting for a visit with the psychologists of the centre, one of whom is also the Director of the Centre itself. The continuing precarious situation within the CPR is well described and denounced by the October 2023 report of the NAGA association and the Network Mai Più Lager - No ai CPR.
Health care and special needs in detention

Italy: Access to medical records is difficult. Even though the legislation provides for the right of the detainee to see and obtain a copy of his/her medical file, practices impeding this right have been reported in CPRs. In the Turin centre, not even lawyers, delegated by the detainees, are allowed to have a copy of the medical documentation. Furthermore, in most cases medical records are not adequately compiled. Already in 2017, the CPT had found that in the CPR of Turin, the medical staff of the managing institution were filling in medical files of each detainee in a very general, broad way, with a noticeable absence of detail, especially in registration of possible injuries (necessary to verify possible ill-treatment). The issue has been reported also in 2021 by the National Guarantor, who recommended that the medical records of each detainee should be always properly filled in, including the records of possible complaints of ill-treatment and beatings suffered by the detainee. In two judgments of January 2023, the TAR Lombardia ruled that the refusal to grant access to this documentation was unlawful and ordered the manager of the Milan CPR to comply with a specific obligation, namely to provide two detainees with complete medical records.

Spain: In February 2023, the General Council of Judiciary Power (Consejo General del Poder Judicial – CGPJ) in plenary endorsed unanimously the protocol for the forensic medical examination to be applied to persons in prison, as well as to persons detained at CIEs.

In July the campaign CIEsNO Valencia urged for to release of a person detained at the CIE of Valencia due to his serious health conditions, that could worsen in case of prolonged detention or expulsion. Following the public appeal, a medical examiner entered the facility to check on the inmate’s conditions.

In its 2023 annual report, the Jesuit Migrants Service denounced the lack of adequate assistance to inmates with mental health needs, as well as the deportation of some migrants with mental health issues without the report of forensic doctor, and how the mental health of some inmates deteriorated during detention.

In November the Platform ‘CIEsNO’ called for the release of a 68-year-old man detained at the CIE of Valencia, due to their serious health conditions and the impossibility for him to access appropriate medical assistance and treatment at the facility. Despite that, the Minister of Interior instead decided to anticipate their expulsion to Bolivia. The political party ‘Compromís’ denounced the fact that the hastening of the deportation was decided without any justification. Following a claim lodged by the inmate’s lawyer, the first instance Judge nº 28 of Valencia suspended his deportation due to health reasons.

Greece: Official statistics demonstrate that the situation has not improved in 2023 and that pre-removal centres continue to face a substantial medical staff shortage. At the end of 2023, there were only six doctors in total in the detention centres on the mainland (2 in Amygdaleza, 1 in Korinthos, 1 in Fylakio and 1 in Xanthi and 1 in Tavros). Moreover, in Kos PRDC, where persons are detained inter alia in order to be subject to readmission within the framework of the EU-Türkiye Statement, there was no doctor.

UK: NGOs regularly request the numbers of incidents of self-harm in immigration detention which required medical treatment. A Freedom of Information request showed that between January 2018 and September 2023 there were 1,743 self-harm and suicide attempts that were so serious that medical treatment was required. This was across four of the IRCs, Brook House and Tinsley House, Heathrow, and Yarl’s Wood.

Cyprus: Upon entry in Menogia, detainees undergo medical examinations for specific contagious diseases e.g., tuberculosis, HIV and hepatitis tests, but not a full assessment of physical and mental health issues. In 2023, the CPT expressed concerns about the completeness of the medical files held at the Menogia Detention Centre, which could compromise their reliability. Specifically, the report mentions medical related incidents not included in the medical file; the description of injuries omitted relevant details (such as, its location and
dimension), lacked an account of the origin of the injury by the foreign detainee or the doctor’s opinion about the consistency between the injury and the allegation. Also, from the small sample of files assessed by the delegation’s medical doctor it transpired that the medical examination at admission, besides not revealing injuries on covered parts of the body was also insufficiently thorough; in one case, a pre-existing psychiatric illness had not been detected. In addition, the delegation observed that the medical notes were cursory, at times consisting of no more than one single word. An extra complication is that it appears that a detained person may have two distinct medical files and none of the medical information from the first medical file is included into the second file, and no cross reference was made in either file.

**Romania**: Otopeni has a general practitioner, a full-time psychologist and 3 nurses. The doctor’s schedule is 7 hours per day on weekdays, while the medical staff works in 24h shifts. In March 2023 an additional nurse will be employed.

Arad has a psychologist. In 2020 they managed to sign a service provider contract with a medical doctor. The doctor is present in the centre 3 hours a day, during weekdays. During the author’s visit on 16 March 2023, there were three nurses, of whom only two were working in 24h shifts. When new persons arrive at the centre, a visual medical screening is conducted by the medical staff, who also take their pulse, temperature and blood pressure. The screening is conducted without an interpreter. The medical office in Arad performs medical tests for the diagnosis of infectious / contagious diseases such as HIV, hepatitis and drug tests for all detainees. If there is a need for specialist consultations and medical prescriptions from specialist doctors, detainees are taken to public health care institutions in Arad County. In 2019 IGI signed a contract with the Arad County hospital that now covers all the examinations. There is also a contract signed with a pharmacy for the provision of medicines.

**Access of NGOs to detention facilities**

**Spain**: In 2023, the Spanish Red Cross continued to receive funding for the provision of assistance at the CIE.

**Italy**: As mentioned above, in January 2023, Lombardy’s TAR clarified that, regardless of the rules of their statutes, associations that promote the protection of fundamental rights – certified through previous experience – can have access to CPRs, cancelling the Milan Prefecture’s previous refusal of access to the Milan CPR by a local association.

As of November 2019, ASGI asked access to the transit zones, but the competent authorities never answered to the request. In January 2021, ASGI sent a new request to access to the transit zones of Malpensa airport and Rome Fiumicino airport. The Central Directorate of Immigration and Border Police at the Ministry of the Interior rejected the request, arguing that the regulations provided for CPRs do not apply to transit zones. The appeal lodged by Asgi against the negative decision of the Department of Public Security not to authorise the visit of a delegation of the association to the transit areas of the Rome-Fiumicino and Milan-Malpensa airports, led to sentence No. 3392/2023 of the Lazio Regional Administrative Court, which recognised the nature of detention in these areas and consequently the right of civil society to conduct visits there.

**Germany**: Darmstadt-Eberstadt, Hesse: In a 2023 report, the group ‘Support PiA’ criticises the fact that visits can only take place upon request by the detainees: in practice this means that if detainees do not have their own phone or otherwise access to contact details, they are not able to request visits including from family members. In addition, the Diakonie provides counselling and support through individual visits.

**Access to information, legal assistance and counselling**

**UK**: BID has carried out surveys twice a year since 2010 and found that, in relation to immigration detainees held in IRC, usually between 43% and 69% of detainees had legal representatives. The latest figure, published
following its survey in 2023, was 55%. Of those, 73% had a legal aid lawyer. The same charity published research in 2023 into the lack of legal advice to immigration detainees in prison and found that 75% of respondents did not have a lawyer.

**Switzerland**: In 2022, the SEM decided that free legal protection should also be granted to persons who file an asylum application from detention, thus changing its long-term practice. Beforehand, the Federal Administrative Court had already clarified in several judgments (no leading case decision) that the fact that the person concerned had lodged their asylum application while in detention does not dispense the competent authority of its duty to duly investigate the application in accordance with the law in force, in particular to ensure the right to free legal advice and representation. Accordingly, the SEM considers asylum applications from detention as an independent procedure, whereby the rules and deadlines of the accelerated asylum procedure (Article 102f para 1 AsylA) do not apply. In analogy to the extended procedure, in the SEM’s view, this task should fall within the scope of activities of the legal advice centres of the canton that ordered the detention. In November 2022, the SEM sent the mandate holders contract supplements to sign. These are applicable since 1st January 2023 and include in particular the financial compensation as well as the scope of the services covered (counselling and representation in connection with the Dublin, asylum and readmission procedures).

**Greece**: In practice, no free legal aid system has been set up to challenge their detention. Free legal assistance for detained asylum seekers provided by NGOs cannot sufficiently address the needs and in any event cannot exempt the Greek authorities from their obligation to provide free legal assistance and representation to asylum seekers in detention, as foreseen by the recast Reception Conditions Directive. This continued to be the case in 2023, where only two to three NGOs were providing free legal assistance to detainees with limited resources and less than 10 lawyers in total focusing on detention countrywide. No free legal aid is provided in order for a detainee to challenge their detention decision before Courts, contrary to national and EU law. In 2023, out of the total 20,540 detention orders issued, only 5,001 (26.4%) were challenged before a Court.

**Romania**: According to the information provided by the CNRR for the year 2023, legal advice is ensured, in the detention centres, upon request from asylum seekers. The CNRR counsellor goes to the centre when notified that there are asylum seekers who request legal advice, there is no person present daily for the asylum seekers. Information is communicated in English or the asylum seeker’s mother tongue with the help of available interpreters. In the case of migrants who are in public custody but have not applied for asylum, the CNRR counsellor is present daily for 6 hours/day to ensure legal advice. No further information was provided by the CNRR or other organisations and institutions.

In 2023, CNRR distributed leaflets in English, French, Albanian, Hindu, Urdu and Vietnamese language to foreigners in public custody. Informative material about the public custody procedure was distributed both in the Otopeni and Arad centres. CNRR representatives made monthly monitoring visits at these centers. Foreign nationals in public custody were informed of the reasons why this measure has been taken against them, the legal remedies available to them and their rights. The information was provided by means of leaflets, posters and also through the legal counsellor of CNRR who comes to the centre daily during the week (6h/day). If necessary, the legal information was provided to foreigners with the support of available interpreters. No situations reported from which to result that foreigners were not able to lodge complaint to court against the measure of public custody. The Public Custody Centre in Arad indicated that informative material is available also in Arad, Turkish and Chinese.

CNRR also confirmed that legal counselling is provided upon request at every stage of the procedure. The implementation of this project continued also in 2023. As part of this project CNRR ensured legal counselling in all 6 regional centres for asylum seekers (1 counsellor/centre). In the public custody centres in Otopeni and Arad the counselling of asylum seekers was provided by 2 other counsellors of CNRR.
Cyprus: In late 2019, in an effort to address the issue of lack of information, the Cyprus Refugee Council, within the scope of the ATD project, issued an information leaflet that provided basic information on detention, access to asylum procedures, available remedies to challenge detention and access to legal aid. The leaflet was made available in Menogia. It was also disseminated in 2020 and again in 2023.

Effective remedies

Germany: Lawyer Peter Fahlbusch (from Hannover) regularly publishes statistics on the cases that were represented by his law firm. According to these numbers, half of the detention orders that have been issued by local courts since 2002 were overturned in further proceedings. According to Peter Fahlbusch, the firm represented 2,458 clients who were in detention pending removal between 2001 and October 2023. In 1,283 of these cases (52.2%), courts found detention orders to be unlawful. For the clients affected, this had resulted in about four weeks of detention on average (25.8 days). Peter Fahlbusch reports that these figures have remained almost the same over the years.

Cyprus: In 2023, according to the IPAC, 31 recourses were submitted against detention orders and 32 decisions were issued, of which 12 succeeded, 15 rejected and 5 explicitly withdrawn.

Italy: A long-standing practice of holding detention validation/extension hearings in CPRs exists, against which the Superior Council of the Judiciary had already intervened with decisions in 2010, clarifying that these hearings should take place in Court, except for cases of absolute impossibility – continues. Another critical issue is the absence of concerned persons in hearings, since their attendance is not always guaranteed; Furthermore, the Supreme Court of Cassation has clarified in a recent sentence that the absence of the third-country national at the hearing for the validation or extension of his/her detention, it is not an absolute ground for invalidity, but merely a nullity which must be promptly objected to by the party. The Court highlights how the procedure outlined by article 14 of the Consolidated Law on Immigration is a civil proceeding at nature and therefore does not follow the rules of criminal trials; thus, the presence of the party at the hearing is not a public interest but merely an interest of the party. The party's absence at the hearing, led to the Supreme Court upholding the appeal in its decision of February 2023.

Greece: A number of applicants who have booked a registration appointment through the Ministry’s platform have been held in detention despite holding a document proving the existing appointment, in violation of national and European legislation. This pattern was widespread until the end of 2023 and, as a result, a growing number of asylum seekers have been detained in pre-removal detention under L 3386/2005 and L 3907/2011. In February 2023, the Administrative Court of Kavala ruled in a case of an Afghan national represented by GCR’s Legal Unit that he was unlawfully detained since he had already booked a registration appointment and thus, according to the law, he had to be considered as an asylum seeker (Administrative Court of Kavala, Decision 163/2023.) Several similar decisions have since then been issued by other Administrative Courts (Administrative Court of Kavala Decisions AP79/2023, AP382/2023 and AP41/2023, Administrative Court of Athens AP721/2023 and AP741/2023, Administrative Court of Xanthi AP209/2023 Administrative Court of Corinth Π1473/2023.)

In 2023, only 5,001 objections against detention were submitted to the competent Administrative Courts across the country compared to a total of 20,540 detention orders issued by national authorities. This illustrates the difficult access to an effective review of detention orders.

Romania: In 2023, the Court of Appeal of Bucharest registered 10 appeals against detention orders; the court delivered 4 decisions to admit the appeals and 6 decisions to reject them. The hearings were held in person in 9 cases and in 1 case online. The Court of Appeal of Timisoara did not provide information for 2023.
**Austria:** The High Administrative Court ruled in 2023 that in ex officio detention review court sessions the detainee has a right to be represented by BBU GmbH and therefore the legal representation has to be summoned by court (VwGH 02 March 2023, Ro 2021/21/0007, VwGH 02.03.2023, Ra 2021/21/0137)

**Differential treatment of nationalities in detention**

**Italy:** As of March 2023, the most the most represented countries of origin of individuals detained in CPRs were Tunisia (792 persons, representing almost 43% of CPRs’ population), Morocco (268 persons, 14%), Egypt (158, 9%) Nigeria (129, 7%) and Gambia (86 persons, 5%). These numbers were similar to those registered in 2021, when the most the most represented countries of origin for CPR detainees were Tunisia (2,805 persons, representing almost 55% of CPRs’ population), Egypt (515 persons, 10%), Morocco (420 persons, 8%), Albania (219 persons, 4%) and Nigeria (215, 4%).

Similar to what already noted in Differential treatment of specific nationalities in the procedure, it is to be reported that persons coming from specific countries – and especially Tunisia – are particularly targeted for what concerns detention. Tunisia is indeed by far the most represented nationality in CPRs, as well as the Country where most returns are carried out to.

Tunisia remains the most represented nationality and the country where most of the returns (50%) take place. It has been noted how the speed with which returns to Tunisia continue being carried out has led to serious violations of the rights of Tunisian nationals transiting through CPRs, from the violation of the right to be informed about the possibility of applying for asylum, to the practice of not formalising applications for international protection, to, where an application for international protection is finalised, subjecting Tunisian asylum seekers to a fast track procedure.

In the past, other nationalities have been targeted for detention and repatriation. This was the case of Nigeria: in 2017. In 2022, 89 Nigerian nationals were repatriated, while as of 31 March 2023, 40, demonstrating a decrease in the number of repatriations to Nigeria.

**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, decision-making, timeframes, case management - including backlog management)**

**Statistics on applicants**

**Greece:** According to data published by the Ministry of Migration and Asylum, the total number of pre-registrations of (first time) asylum claims (“registered intentions”) by the 23rd of June 2023 was 10,756, a 13.32% increase compared to the first half of 2022 (9,491). A total of 57,891 (first time) applications for asylum were lodged before the Asylum Service in 2023, a significant increase of 98.95% compared to the 29,097 applications lodged in 2022.

The Asylum Service handed down a total of 32,529 in merit decisions in 2023:
- Refugee status: 24,345
- Subsidiary protection: 591
- Rejected: 2,339
- Exclusion (art. 1f): 87

**Croatia:** In 2023, in total 68,114 intentions to lodge applications for international protection were expressed, out of which 1,516 were expressed by unaccompanied children.
High percentages (approximately 80% in the period June 2021-June 2022) of applicants leaving Croatia soon after entering the asylum system were reported by the independent monitoring mechanism. Government reported (for the first 10 months of 2023) that Croatia is still a transit country as 97% of persons who expressed their intention to apply for international protection or even submitted an application for international protection have left/are trying to leave Croatia using irregular paths and want to go to Western Europe. At the same time, 47% of persons who have expressed their intention to apply for international protection never report to the reception centers for applicants of international protection seekers in Zagreb or Kutina.

**Netherlands:** In March 2020, 15,350 asylum applications lodged before 1 April 2020 were passed on to a newly established Task Force, with the aim of clearing the backlog before the end of 2020. The Task Force did succeed in doing so. In June 2021, the Task Force was dissolved; afterwards, the remaining 1,520 cases were transferred to another department. Although the Task Force took over the backlog from the IND, due to an increase of applications, a new backlog of 6,400 applications arose in the last months of 2021. The objective to clear it during the first quarter of 2022 was not met, and the backlog continues to grow rapidly. At the end of 2022, the total backlog of asylum cases (first and subsequent asylum requests, excluding family reunification requests) was 32,370. This number grew to 44,030 at the end of November 2023.

**Austria:** In 2023, a total of 58,686 applications for international protection were lodged in Austria. This marks a decrease of 48% % compared to 2022, where 112,000 applications were lodged. The number of asylum applications in 2023 was the fourth highest since the ratification of the Geneva Refugee Convention. In 2021, after three years of very low numbers in the context of the pandemic, the numbers of applications almost reached the level of 2016 (42,285). The even higher increase in 2022 has been accompanied by a record number of discontinued cases (42,549) most likely due to onward movement of the applicants to other countries. This trend continued in 2023 as almost 30,000 discontinued cases were registered.

**Sweden:** In 2023, 12,498 applications for international protection were lodged in Sweden. This marks a decrease of 25% compared to 2022, when 16,738 applications were lodged.

In 2023, the majority of the 12,498 applications lodged were in Stockholm (6,961), in Gothenburg (2,438) and in Malmö (2,090).

The Swedish Migration Agency decided on 44,156 applications for international protection in 2022. This included 14,245 decisions on new applications and 29,911 prolongation decisions where renewal of a temporary protection permit was requested. The backlog of pending cases increased from 5,906 at the end of 2021 to 9,096 at the end of 2022. In 2023, the backlog was 5,229 cases for first time applicants and 19,811 for prolongation decisions for renewal of a temporary protection permit. The Swedish Migration Agency decided on 83,281 applications of international protection in 2023 – 15,904 of these are first time applications and 67,377 are prolongation decisions where renewal of a temporary protection permit was requested. This is a difference of 39,125 cases. In 2023, the Swedish Migration Agency received 11,401 first time applications and 66,623 prolongation decisions for renewal of a temporary protection permit. The huge difference in applications for prolongation decisions for renewal of a temporary protection permit is likely due to people from Ukraine having had to renew their resident permits in accordance with the Temporary Protection Directive.

In 2023, a total of 1,192 cases were assigned to Track 1 (prioritized examination and fast-track processing) and 1,322 decisions were taken. The Swedish Migration Agency had 444 cases still open at the end of the year.
| **Bulgaria:** Since 2020, the country experienced a significant increase in the number of arrivals, which reflected on the number of asylum applications. In 2023, the number of new arrivals continued to increase, reaching a total of 22,518 asylum seekers (+10%), 20,407 asylum seekers in 2022 (+85%), 10,999 asylum seekers (+212% increase) in 2021 and 3,525 asylum seekers in 2020.

In 2023, SAR reached the highest ever annual number of decisions issued with 24,949 decisions in total, of which 106 decisions granting refugee status, 5,682 decisions granting humanitarian status, 2,950 refusals of international protection and 16,211 discontinuations of the procedure, mainly due to absconding. Despite this, at the end of 2023 11,951 asylum cases were still pending, out of which 772 applications submitted in December, which made 74% annual decision-making rate. This was likely due to the fact that the backlog of pending cases increased in previous years, going from 2,021 cases in 2020, 7,556 cases in 2021 to more than 8,000 cases at the beginning of 2022 SAR staff competent to issue eligibility decisions counted 32 case-workers.

46% (16,211 persons) of all 33,703 asylum seekers with pending applications in 2023 abandoned their procedures in Bulgaria. This was a slight increase compared to 45% in 2022, but even more significant when compared to 26% in 2021 and 39% in 2020, though still lower than 83% in 2019. The usual reasons motivating asylum seekers to abandon the asylum procedure in Bulgaria and abscond were the low recognition rate for certain nationalities, poor reception conditions, lack of integration opportunities, but most importantly their plans to reach other EU countries as a final destination from the onset of their flight.

Out of the 24,949 decisions taken, 74% of asylum procedures were terminated (discontinued) in absentia.

| **Germany:** In a high number of cases, 64,546 cases in 2023 (24.7% of total decisions), a ‘formal decision’ – including inadmissibility decisions – was taken, which means that the case was closed without an examination of the asylum claim’s substance.

| **France:** In 2023, 167,432 persons were registered as asylum seekers by the Ministry of Interior (compared to 155,773 in 2022), of which 145,522 as first applicants (136,724 in 2022) and 21,910 as subsequent applicants (19,049 in 2022). For its part, OFPRA reported a total of about 142,500 asylum seekers (compared to 131,254 in 2022). The latter includes requalifies from previous years (not included in 2022 GUDA statistics) and people whose asylum application is not registered in GUDA (i.e., asylum claims in detention and persons arriving through resettlement programmes).

| **Cyprus:** The Asylum Service issued a total of 18,321 decisions concerning 20,159 applicants for international protection in 2023, compared to 15,193 decisions concerning 15,972 applicants for international protection in 2022; 14,868 decisions concerning 15,993 applicants for international protection in 2021, and 4,637 decisions in 2020. Decisions are based on a recommendation issued either by Asylum Service caseworkers or EUAA caseworkers.

In early 2022 and continuing in early 2023 there were indications that the Ministry of Interior had put on hold the examination of applications from Syrian nationals and even though the Ministry of Interior acknowledges that Syria is not considered a safe country and that returns to Syria cannot be made. Indicatively 1,939 decisions were issued in 2021 for Syrian nationals, compared to 267 decisions in 2022. The Ministry had attributed the low number of decisions to the backlog. In the first half of 2023 the number of decisions issued on applications from Syrian nationals remained extremely low but increased from July onwards; by the end of the year 1,651 decisions were issued concerning 2,083 persons.

| **Romania:** In 2023, the total number of asylum applications was 10,346, of which 10,158 were first-time asylum applications.
Determining authorities

**Netherlands:** To keep up with the yearly increase in the number of asylum requests, the IND has gradually been raising its capacity. The number of IND personnel has increased from 3,788.5 FTE in 2018, to 4,302 FTE in 2019, 4,762 FTE in 2020, 4,969 FTE in 2021, 5,393 in 2022 (FTE being a 'fulltime-equivalent', where one FTE corresponds to a full workweek for one person). This number increased to 5,739 in August 2023. In addition, the IND has experimented with different methods to make the asylum procedure more efficient, for example by implementing a written interview or outsourcing positive decisions to external partners. However, the backlog of cases continues to grow, increasing from 31,340 to 44,030 asylum requests in the Regular and Extended Procedures (excluding family reunification and Tracks 1 and 2, see Procedures) during the first eleven months of 2023.

Due to the large number of cases received over the last year and the arrival of a large number of asylum seekers from Afghanistan and people fleeing from Ukraine, in September 2022 the IND decided to extend the time limit for deciding to 9 months in all cases where the 6-months’ time limit had not yet expired on 27 September 2022. In addition, for all asylum applications lodged after 27 September 2022, the time limit was pre-emptively extended by 9 months, meaning that the IND can take a maximum of 15 months to decide on asylum applications lodged after 27 September and before 1 January 2023. For some asylum seekers, this means that the IND can take the maximum number of months (21) to decide on their asylum application. On 3 February 2023, it was announced that this measure would also be in place for asylum requests lodged between 1 January 2023 and 1 January 2024. On 19 December 2023, the decision to extend this measure for asylum requests lodged during 2024 was announced. The IND can thus take at least 15 months to decide on asylum requests lodged until at least 1 January 2025.

**France:** In 2023, the budget of OFPRA was set at € 103.5 million and the Office included 1,011 staff members at the end of the year. The OFPRA website states that there are approx. 450 protection officers in charge of the examination of asylum applications. The budget law for 2024 provide for a budget of €107,9 million (1,028 staff members).

In October 2023, about 200 OFPRA agents went on strike to oppose the figures policy aimed at shortening processing times to the detriment of the quality of instruction.

**UK:** Within the Home Office, asylum decision-making is allocated to a department called UK Visas and Immigration (UKVI) and within this to the Asylum and Protection Directorate, with 2,405 staff in 2023.

**Bulgaria:** For the first time in 2023, the SAR Internal guidelines were published and made available to third parties.

**Sweden:** The government made five decisions under the Act concerning Special Controls in Respect of Aliens between 1 July 2022 and 30 June 2023, compared to seven decisions in the previous corresponding period. One of the decisions concerned a dismissal of an appeal against a decision of the Swedish Migration Agency regarding expulsion. One of the decisions concerned a rejection of an appeal against the Swedish Migration Agency's decision regarding a ban to leave a residence area. The other three decisions were rejections of requests from the individual to reconsider expulsion decisions.

**Germany:** As of November 2023, the BAMF had 3288.5 positions or “full-time job equivalents” working on various aspects of asylum (meaning that the actual number of staff is much higher, since many of these positions are shared by people working part-time). Since the office is responsible for several other tasks on top of the asylum procedure (e.g., research, integration, migration for reasons other than asylum and return policies), not all staff members are working in the area of asylum. The overall number of positions is 8,138 according to the Federal Ministry of the Interior.
The government provided the following numbers for positions in the relevant departments as of November 2023:
- asylum department (excluding revocation and Dublin procedures): 2327.9 full-time equivalents.
- revocation procedures: 105.2 full-time equivalents.
- procedures (appeal procedures, representation of the BAMF in court): 376.0 full-time equivalents.
- quality management: 141.0 full-time equivalents.
- Dublin procedures: 338.4 full-time equivalents.

**Ireland**: In July 2023, in response to the significant increase in international protection, and further to the recommendations established in the Catherine Day Report, the Department of Justice published a report on the international protection modernisation programme for 2023 and 2024. This programme was established with a view to enhancing efficiencies and throughput, as well as improving the application, interview and decision-making process for applicants. As part of the reform strategy, the Department is aiming to increase decision making targets to 1,000 first instance decisions per month by spring 2024. Additionally, both the IPO and IPAT’s operational capacity is currently being significantly expanded to meet increased caseloads and decision-making output. Additional resources are also being deployed through increasing staffing at both the IPO and the IPAT. These reforms are being supported by a significantly increased budget allocation of approximately €34m in 2024 to so as to continue to scale up processing.

**Romania**: In 2023 IGI-DAI had 39 case officers qualified to conduct preliminary interviews. In 2022, IGI-DAI reported that it monitors the quality of the decisions issued through an internal procedure and does monitoring visits conducted jointly with UNHCR. The quality decision is assessed after the decision has been taken. In 2023, 4 assessment missions were organised at the level of the IGI regional centres and carried out in cooperation with UNHCR.

**Registration**

**Greece**: The new platform only serves the purpose of scheduling the registration of a person’s will to apply for international protection. Ongoing practice by the MoMA not only fails to recognise recourse to the platform as tantamount to a person expressing their willingness to apply for asylum, but on the contrary, the attestation granted through the platform clearly states that it does not amount to proof of such willingness. As increasingly observed by GCR’s Legal Unit, this has frequently resulted in the arbitrary use of detention for the purpose of returning people who had already registered their willingness to apply for asylum via the platform. In at least eight cases represented by GCR in 2023, most of which concerned applicants from Afghanistan, competent First Instance Administrative Courts have also ruled that upon requesting the scheduling of the registration of an application for international protection via the platform, the persons concerned receive the status of an asylum applicant, as per the law. Yet instead of reviewing the practice, the Greek authorities filled a request for the first such Court Decision to be revoked. The application for revocation was rejected as inadmissible by the Court. A petition for violation of EU law on the same issue has been filed by the GCR since December 2022 (CHAP(2022)03534), and is pending before the European Commission.

**Spain**: Due to the increase in asylum applications in Spain in recent years, which slowed down the functioning of the Spanish asylum system, applicants have to wait long periods of time before getting an appointment to be interviewed by the OAR. Since 2017 and until the end of 2020, there were long queues of asylum seekers waiting to register their application for international protection at the Aluche police station in Madrid. This was further exacerbated during the COVID-19 pandemic, rendering it difficult to respect the distancing rules, as pointed out by the trade union Comisiones Obreras (CCOO) in the 38 reports it issued in this regard. In 2021, a telematic system to request an interview was put in place; some problems affecting such system were...
reported, due in particular to the limited places available for interviews, and to technical problems encountered when operating such system. As mentioned below, the same problems persisted in 2023.

To shed light on the situation, the Spanish Ombudsperson opened an investigation looking into the measures taken by the General Commissariat for Aliens and Borders (Comisaría General de Extranjería y Fronteras) of the Police to avoid long queues. The investigation further assesses the conditions to which asylum seekers in Madrid are confronted when lodging their application. In February 2023, the Minister of Interior informed that the national Ombudsperson started to examine new internal coordination mechanisms aiming at reducing the waiting time between the lodging and the registration of the asylum application.

The average waiting time for an appointment vary depending on the province. In certain provinces, waiting times could range from 8 months to more than 1 year in practice. Detailed statistics on the average waiting time per province is not available, but practice suggests that they can vary from one month to another or even one week to another, depending on the workload for asylum interviewers have.

In January, obstacles and long waiting times to apply for asylum in Burgos was also reported. Similarly, in Málaga waiting times of up to 20 months were reported. In February, around 50 persons gathered in front of the Ministry of Inclusion, Social Security and Migration to ask for accommodation while waiting to obtain an appointment for registering their asylum application. In addition, some NGOs lodged different claims in front of the Ombudsperson, asking to intervene with the competent institutions regarding the situation. The UNHCR’s Representative defined access to asylum in Spain as critical.

In April it was reported that the change in the online system to ask for an appointment implemented by the Police in Valencia with the creation of the two telephone lines aiming at ending with the illegal market was collapsed and not working properly.

In May the Police dismantled a network which used a bot software able to block the telematic system and to create available appointments for the asylum applications, which were later sold between EUR 30 and 200 by intermediaries.

In April, a representative of the Spanish Ombudsperson met the Director-General of Internal Policy to assess the claims that the institution has received in relation to the asylum procedure and reiterated the concerns of the institution regarding the access to the asylum appointments.

In June, around 20 organisations lodged a claim at the European Commission to denounce the collapse of the system of appointments to apply for asylum in Spain. In August the illegal selling of appointments for EUR 100 was denounced in Valladolid.

In occasion of the World Refugee Day, the NGO ‘CEAR’ denounced the serious difficulties to access asylum in Spain, estimating that around 70,000-80,000 persons are waiting to access asylum, and asked the Government to solve the deficiencies of the system to ask for the asylum appointment. Similarly, Caritas called the Government to improve the asylum system and to facilitate the access to the procedure both at borders and the territory.

In occasion of the World Refugee Day, the UNHCR Representative denounced the gradual worsening of the access to the asylum procedure in the last three years in Spain and declared the situation very critical.

In December, it was reported that asylum appointments were being sold for EUR 90 on the platform ‘Milanuncios’. During the same month, the network of Immigration Lawyers drafted an action protocol regarding the impossibility to obtain appointments to apply for asylum, which includes also the option of suing the Minister of Interior.
The Canary Islands were under significant pressure also in 2023 following the increase of arrivals and the lack of available resources. This hindered the access to registration and to the asylum procedure. Some individuals further seem to decide not to apply for asylum because they believe that receiving a pre-expulsion order will facilitate their onward travel to the mainland, as the order contains an identification number that allows access to the irregular migrant reception system and can be used as an identifying document in travel.

**Slovenia:** In 2023, due to a large number of arrivals, asylum seekers continued to wait for up to 20 days to lodge the application. The waiting period varied during the year, depending on the number of new arrivals, but people usually had to wait 3–20 days.

**Switzerland:** On 15 September 2021, the Swiss Parliament allowed immigration officials to access people’s mobile data if it is the only way to verify their identity. The Swiss Refugee Council and UNHCR criticised the measure as disproportionate and an assault on privacy rights. In the context of the asylum procedure, no data from mobile phones were analysed in 2022. A corresponding procedure, according to which electronic data carriers can be analysed during the asylum procedure, is only being developed. At its meeting on 10 March 2023, the Federal Council opened the consultation on the amendments to the ordinance necessary for implementation. The new ordinance provisions determine which personal data on the data carriers of asylum seekers may be analysed by the SEM. In addition, the offices responsible for the analysis within the SEM are designated and the procedure for analysing the data carriers is regulated. Further amendments concern, among other things, the intermediate storage of personal data and the use of software. The provisions also stipulate that the persons concerned are to be comprehensively informed by the SEM about the evaluation. They are to be informed of the possibility of evaluating electronic data carriers at the beginning of the asylum procedure. In addition, the persons concerned are to be informed in detail about the procedure and in particular about the consequences of a refusal to evaluate the data carriers. The consultation will last until 19 June 2023.

**Bulgaria:** No significant delays were noted with respect to the release and registration of asylum seekers who applied while in immigration detention centres. In 2023 the average Duration of Detention was of 7 calendar / 5 working days, within the statutory time-limit. For comparison, in 2022 the average detention duration was of 6 calendar / 4 working days. Registration took place without any delay compared to the established EU minimum standard.

An important improvement, firstly monitored in 2022 was maintained in 2023. It relates to the access to procedure of the so called ‘self-reported asylum seekers’, i.e., those who managed to enter and travel in Bulgaria undetected by the police to turn up on their own directly at a SAR reception centre (Sofia, Banya, Harmanli or Pastrogor) and seek protection. Since 2016 the SAR has been refusing to register the self-reported asylum seekers, instead it has been alerting the local police departments. As a result, the asylum seekers subjected to this practice have been arrested and detained in MOI pre-removal centres. For example, in 2021 this affected 196 newly arrived asylum seekers, among whom families with minor children and pregnant women. In 2022, the practice was implemented in a more limited number of instances, as was the case also in 2023 when it affected 48 out of 22,518 persons (0.2%) who had lodged an asylum application. The cases in which SAR refused to register self-reported asylum seekers were reported regarding the reception centers in Ovcha Kupel (Sofia) and Harmanli.

Another improvement registered in 2022 and maintained in 2023 relates to registrations and status determinations carried out - in violation of the law - by SAR in MOI immigration detention centres. Under existing legal provisions, while SAR can in fact detain asylum seekers pending the asylum procedure, it has the power to do so only in closed SAR reception centres. Since 2015, SAR began to carry out registrations and asylum procedures in MOI immigration detention centres instead. In 2023, SAR reduced to a minimum this unlawful practice, carrying out only 1 procedure in a MOI immigration detention centre in Lyubimets.
In 94% of monitored registrations, asylum seekers were informed about their obligation to submit all the available evidence to support their statements, while in the remaining 6% this was not done. In 53% of monitored cases, asylum seekers submitted evidence in support of their asylum claim; in 62% of them the evidence was properly protocoted. Hence this important safeguard that the submitted evidence would be taken into consideration in the decision-making was not observed in 38% of the monitored cases. This marked a slight progress when compared to 2022, when this omission was made in 51%, but still worse than just 16% in 2021 and 12% in 2020.

**Netherlands:** The application/registration procedure in the COL takes three days. During this procedure the asylum seeker has to complete an extensive application form. Fingerprints are taken and the asylum seeker is interviewed regarding their identity, family members, travel route and profession. This is called the registration interview (aanmeldgehoor). Data from Eurodac and the Visa Information System (VIS) are consulted. From all this information the IND may conclude that, according to the Dublin Regulation, another Member State is responsible for examining the asylum application. In case of a “hit” in Eurodac the IND can already submit a request to another Member State to assume responsibility for the asylum application under the Dublin Regulation.

Due to the high number of asylum applications and the ongoing capacity problems at the IND, the above-described procedure has not always been followed in recent years. Instead, an alternative procedure has been introduced. Depending on both the capacity of the Aliens Police and the available accommodation at the COL in Ter Apel, either the regular registration phase as outlined above is followed, or temporary ‘waiting areas’ are installed for a period of time. From September 2022 to March 2023, asylum seekers travelling to Ter Apel were not registered immediately. Instead, they were only ‘pre-registered’ (voorregistratie), where only the asylum seeker’s identity, nationality and origin were noted. Following this pre-registration, asylum seekers were transported to a different location (the main one being Zoutkamp, some 100 kilometres northwest of Ter Apel). Whilst staying at Zoutkamp, asylum seekers had to wait for the confirmation of their appointment to register them in Ter Apel or Budel. This waiting period could take several weeks, up to four months. This pre-registration procedure was not used in the period following March 2023, as there was enough capacity at Ter Apel to register and accommodate arriving asylum seekers.

However, this pre-registration procedure was put in use again during the summer of 2023, due to the lack of capacity of the Aliens Police and lack of available accommodation. Different ‘pre-registration locations’ (voorportaalocollocaities) are in use at different times, dependent on the capacity every day. In weeks where the influx of asylum seekers is lower, it can be that they can be registered immediately after arrival in Ter Apel. In more busy weeks, people are temporarily transported to pre-registration locations across the country, for example in Assen, Amsterdam, Biddinghuizen, Leeuwarden and Stadskanaal.

In the first weeks of 2024, it was communicated that the backlog of asylum seekers still to be registered is decreasing. However, it is expected that the ‘pre-registration locations will remain open for the time being to accommodate the capacity problems.

**Sweden:** There have been no problems reported for asylum seekers regarding the registration of their claim in practice in 2023.

**Belgium:** In 2023, there were at least 8 days on which not all applicants were able to register on the day of presentation at the registration centre. They were given an appointment to come back the next day, one or two days later, or the next week.

**Germany:** Until June 2023 the number of asylum application registrations has continuously been higher than the number of applications made, thus the backlog is being made up for.
**Cyprus:** In 2022 and 2023, persons who were already residing in the country were often referred to Pournara to make and lodge an asylum application but were not obliged to remain there. At Pournara, in 2023, the average duration of stay was 30-40 days but for UASC it was 80 days. Persons and families with vulnerabilities, as well as large families also face delays in exiting due to the obstacles in securing housing. In 2023, the number of arrivals decreased which led to a significant improvement in access to the Centre, with most persons accessing upon arrival, however there were still instances where persons who do not present passports were denied entry by the AIU for 2-3 days.

In 2023, access to asylum from prison was mostly without issue whereas in police holding cells the situation differs among police stations.

**First instance procedure**

**Length of first instance procedure**

**Romania:** According to data provided by IGI-DAI, in 2023, the 30-days deadline to process an application and issue the decision was respected. However, in exceptional cases, the term can be extended, thus resulting a 60-days period of time necessary to process the application and issue a decision.

IGI-DAI reported that in 2022 the deadline to issue a decision was prolonged in 142 cases. No statistics were provided with regards to the reasons for prolongation or its duration. In 2023 there were situations when the 30-day term had to be extended, as following:

- 14 cases at the Galaţi Regional Centre for Procedures and Accommodation for Asylum Seekers;
- 13 cases at the Rădâuți centre; 16 cases at the Timişoara centre;
- 19 cases at the Giurgiu centre;
- 9 at the Bucharest centre;
- 21 cases at the Şomcuta Mare centre.

According to IGI-DAI, in 2023, the reasons for the extension were: additional interviews, lack of rare language interpreter, analysis of the documentation submitted by the asylum seekers, the need for additional documentation on the evolution of the situation in the country of origin.

In practice, in 2023, according to IGI-DAI the average length of the asylum procedure from the moment of lodging the application until the first instance decision was taken was exactly the same in all centres: 30 days.

In 2023, according to IGI-DAI, there were situations when the examination of the asylum application and issuing the decision took less than 30 days, in special cases of vulnerable persons, but no further details were provided.

According to CNRR, in 2023 most of the asylum applications from vulnerable persons were assessed with priority by the authorities. However, at the Regional Centre for Procedures and Accommodation for Asylum Seekers Timisоara, there were cases where applications submitted by unaccompanied minors were not assessed with priority.

**Austria:** Average length of the regular procedure as of December 2023: 3.5 months.

**Switzerland:** Average length of the first instance procedure in 2023: 106 days.

**Slovenia:** In practice, Ukrainian applications for asylum were prioritised during 20232 as the majority of applicants were granted subsidiary protection in under 6 months.
**France:** In 2017, the Government set a target processing time of 2 months for asylum applications examined by OFPRA. However, the average first-instance processing time for all procedures was 128 days in 2023, compared to 158 days in 2022 (still to a certain extent in the context of COVID-19).

Since 2013, OFPRA has also conducted decentralised and external missions in order to accelerate the examination of claims from asylum seekers with specific nationalities or having specific needs. This means that interviews are held in certain cities, instead of in the premises of OFPRA in the Paris region. This has resulted in 42 decentralised missions in 2019, 23 in 2020, 50 in 2021, 35 in 2022 and 47 in 2023 especially in Bordeaux, Lille, Lyon, Metz, Strasbourg, and overseas (7 missions in Mayotte).

In 2018, the reform introduced in law the possibility for OFPRA to carry out resettlement missions. In 2021, this included 21 missions in cooperation with UNHCR to resettle refugees especially from Lebanon, Jordan, Cameroun, Egypt and Rwanda as well as 9 missions in Europe for relocation from Greece and Italy. In 2023, 23 missions were done outside the European Union, and 10 missions in Europe.

**Bulgaria:** Average length of the first instance procedure in 2023: 4 to 6 months. In 2023, the general 6 months deadline for issuing an asylum decision was observed in 100% of cases. According to the SAR, the average duration of asylum procedures on the merits ranges from 4 to 6 months, although according to the available independent reports the deadline was observed in 95% of the monitored cases.

**Netherlands:** If an asylum application is examined in the Extended Procedure, the maximum time limit for deciding is 6 months. According to Article 42(4) of the Aliens Act, transposing Article 31(3) of the recast Asylum Procedures Directive, this time limit can be extended by 9 months if, for example, the case is complex or there is an increased number of asylum applications at the same time. This last reason has been used by the Dutch government to extend the time limit for deciding by 9 months for all asylum requests submitted after 27 September 2022. This extension was also issued for the entirety of the year 2023. On 19 December 2023 it was announced that this measure was also imposed for asylum requests made during 2024. The Council of State has submitted preliminary questions to the European Court of Justice regarding the interpretation of this provision since it is a transposition of article 31(3)(b) Asylum Procedures Directive (see Legal penalties). In addition to the 9-month prolongation, the time limit can be extended by another 3 months according to Article 42(5) of the Aliens Act. In no case may the maximum time limit of 21 months be exceeded.

In March 2023, statistics on the processing time show that it takes 43 weeks, when the Regular Procedure starts, for a decision to be taken. When the application is referred to the extended procedure, on average, 48 weeks pass before a decision is taken. In recent months, the IND has not published the average time taken for a decision, but they have published the average waiting times for the interviews. For Dublin Procedures (Track 1), asylum seekers have to wait seven weeks before their first interview. Asylum seekers from a safe country of origin or already benefiting from international protection in another member state (Track 2) have to wait on average eight weeks before they meet with the IND. In the Regular Procedure (Track 4) it takes on average 14 weeks before the registration interview takes place (note that theoretically, this interview should happen on the third day after the asylum request). After this interview, another 37 weeks elapse on average before the detailed interview takes place. This means that on average, the detailed interview takes place almost one year after the asylum request. However, after the detailed interview, the IND can also take several weeks or months to reach a decision, leading to a large amount of asylum seekers waiting for more than 15 months before a decision is issue. As the statistics show, the number of cases that have not been decided upon after 15 months has grown from 1,610 in November 2022 to 5,490 in November 2023.

In March/April of 2023, the IND announced its intention to start a project in order to speed up the decision-making process for 13,000 Syrian and Yemeni cases. This project is called the 'Bespoediging Afdoening Asiel', or ‘speeding up handling asylum cases’ (not an official translation). The project officially started on 1 May 2023 and concerned asylum requests lodged between 1 May 2022 and 1 May 2023. On 19 December 2023,
it was announced that the project required more time to process the 13,000 cases, due to a Parliamentary decision to stop the use of the written interview in asylum cases. The end date was moved to 1 August 2024. On 1 November 2023, 5,510 decisions had been taken.

At the end of 2023, the Legal Aid Board conducted a survey with lawyers regarding the PIP. The results of this survey are not publicly available, but in general lawyers were pleased with the procedure for Syrians and Yemenites, provided that the screening takes place diligently. The role of the lawyer was generally conceived quite positively, as there was less preparation needed and the procedure was predictable. In addition, their clients received their decision earlier. A negative point was the rigidity of the written interview, as there was little room to ask for details and specifics about a case, or to clear up ambiguities.

With the start of the project BAA, it was announced that the written interview would be an important tool to reach the desired 13,000 cases. However, on 10 October 2023, a parliamentary motion was adopted to abolish the use of the written interview, due to fears of asylum permits being granted wrongfully and on the basis of negligent research. The decision to cancel the written interviews within the BAA project was finalised on 19 December 2023.

**Sweden:** The average length of the asylum procedure (i.e., for all tracks) had significantly decreased from 507 days in 2018 to 288 days in 2019. In 2020, the asylum procedure increased to a total of 302 days, but decreased again to 256 days in 2021. For 2022, the number decreased to 166 days. In 2023, the average length increased to 198 days meaning it is higher than 2022 but still not as high as it was in 2021.

**Germany:** As of 2023, the law does not set a time limit for the BAMF to decide on an application. If no decision has been taken within 6 months, the BAMF must notify asylum seekers upon request about when the decision is likely to be taken. The relevant provision was changed with the 2022 Act on the acceleration of asylum court proceedings and asylum procedures and now closely mirrors Art. 31 of the EU APD. 2023, procedures at the BAMF took 6.8 months on average. While this is slightly shorter than in 2022 (7.6 months), the BAMF has changed the way it calculates the duration with the entry into force of the 2022 reform: since January 2023, duration is counted from the moment in which Germany becomes responsible for the asylum procedure, and no longer from the moment the application is formally lodged. This is relevant since especially the Dublin procedure to determine the responsible Member State may take up a considerable amount of time. In 2021, the average duration was 6.6 months; 8.3 months in 2020. The average time of asylum court procedures was 21.3 months between January and the end of August 2023, compared to 26.1 in 2022 (January – November) and 26.5 months in the year 2021. In the first half of 2023, the average time from the asylum application to a non-appealable decision was 18.1 months, compared to 20.8 months in 2022. This includes the first instance procedure and the court procedure in cases where an appeal is filed.

For the period 2016 to 2023 statistics show significant variation in length of procedures, depending on the countries of origin of asylum seekers and on the decision practice in the BAMF.

In the first half of 2023, the average length of first instance procedure in all arrival centres was 5.6 months, compared to 76.6 months for all first instance procedures.

In the first half of 2023, the average duration of the first instance procedure in the AnkER centres and functionally equivalent facilities was 6.7 months, compared to 6.6 months for all first instance procedures.

**Ireland:** Throughout 2023, the median processing time for first instance decisions was approximately 12 months for all cases decided pursuant to the ordinary procedure. This marks a slight decrease on the previous reporting period (18 months) The median processing time for cases decided pursuant to the accelerated procedure was 9.5 weeks as of August 2023. However, processing times under the ordinary procedure
remained lengthy in view of the commitment by the Department of Justice to reduce the overall processing time to 6 months in line with the recommendations of the Expert Advisory Group. The median waiting period for appeals before the IPAT was 5 months.

### Backlog at first instance

**Romania**: Backlog of pending cases at first instance as of 31 December 2023: 1,264.

**Bulgaria**: Backlog of pending cases at first instance of 31 December 2023: 11,951

**Austria**: At the end of 2023, a total of 38,921 (2022: 53,107) cases were pending, out of which 30,258 (2022: 46,811) at first instance and 8,663 (2022: 6,296) at second instance. The backlog in second instance has increased slightly after several years of decreasing the backlog. The number of pending cases at first instance decreased by 34% (from 46,000 to 30,000) compared to 2022. Given that the number of recipients of Basic Care increased only by 4,500 over the year (January 17,000 in January to 21,500 in December) and the high number of discontinued cases (42,000), it is to be expected that the number of applicants actually still residing in Austria is much lower than the number of pending cases. The BFA files a case as discontinued three months after not being able to reach the applicant. As of March 2023, the backlog at first instance stood at 31,268 compared to 46,811 just three months before end of December 2022.

**Switzerland**: Backlog of pending cases at first instance as of 31 December 2023: 15,567.

**UK**: Backlog of pending cases at first instance as of 28 December 2023: 98,599. Statistics published to the period 28 December 2023 showed that the pre-28 June 2022 applications had been reduced to 4,537 and that pending applications made since then were 94,062. Many of these cases are not being processed as they are currently in the inadmissibility process.

**Belgium**: Pending cases at first instance as of 31 December 2023: 26,525.

As in the previous years, the CGRS was unable to reduce the backlog of pending cases in 2023. The total work stock - i.e., the number of files for which the CGRS has not yet taken a decision - has steadily increased from 12,633 pending cases in 2020 to 16,415 at the end of 2022, and further up to 26,525 by the end of 2023. Since 6,500 of these files can be considered normal caseload, the actual backlog amounted to 20,025 cases at the end of 2023. The CGRS gives two reasons for this considerable increase in 2023: the fact that despite increased productivity, there were more applications than decisions on average every month in 2023 and secondly, the fact that the Immigration Office submitted considerably more cases to the CGRS (more than 3,000 applicants per month in 2023).

Between September 2023 and January 2024, the CGRS tested a pilot project named ‘Tabula Rasa’, that aims to try out several new working methods to maximize the number of decisions and alleviate the backlog of cases. One of the measures includes sending preliminary questionnaires to applicants in order to obtain more information before the personal interview. Applicants receiving the questionnaire are required to describe the important facts and the problems that have led them to apply for international protection. The filling out of this questionnaire does not replace the personal interview but aims to shorten it: the part of the interview that usually contains a ‘free narrative’ by the applicant, is now replaced by targeted questions based on the written declarations in the questionnaires. There are no sanctions for not responding, nor are there any substantive or formal requirements as to what must be included in the written declaration. The test phase of this project only included files on French-language roles and applicants from specific countries of origin (DRC, Guinea, Mauritania, Senegal, Turkey, Afghanistan, Syria, Palestine, Albania, Iran, Latin American countries, a few Asian countries) staying in a reception centre. The project will be evaluated in February and March 2024. For this evaluation process, the CGRS is in close contact with Fedasil and other relevant stakeholders, such as NGO’s, UNHCR, lawyer associations... Indeed, several NGO’s and lawyer associations...
have already voiced their concerns about the current functioning of this new measure. The new system puts a lot of extra work and responsibilities in the hands of the applicant’s lawyers, who are considered to help their client fill out the questionnaire. In case a lawyer isn’t capable or willing to take up this extra work, first line legal services of NGO’s have taken up this task. Concerns have been raised regarding their competence in and resources for handling such responsibility.

**Sweden:** In 2023, the backlog was 5,229 cases for first time applicants and 19,811 for prolongation decisions for renewal of a temporary protection permit.

**Germany:** The overall number of pending applications at the BAMF was 239,614 at the end of 2023. 18,966 or 7.9% of the pending cases at the end of 2023 were Dublin cases.

**Cyprus:** With the closure of the Refugee Reviewing Authority, approximately 400 cases were transferred back to the Asylum Service and onto the backlog and end of 2023, 89 cases are still pending. In 2023, the number of asylum application decreased significantly to half in comparison to 2022, however at year end the backlog remained high at 26,599 applicants.

**Personal interview**

**Greece:** In GCR’s experience, interviews continued to be regularly conducted through video conferencing in 2023, either with the interviewer or the interpreter (or often with both) participating through digital tools. This was particularly the case for applicants residing in camps on the mainland, who were interviewed without having to leave the camp, as well as in certain RAOS with certain interviewers being based in other RAOS. There have also been some cases where the interview was conducted remotely though telephone rather than through video conferencing.

In 2023, legal aid actors continued to observe issues concerning the quality of the interviews as well as the procedural fairness of how they are conducted, mainly those conducted by the Greek Asylum Service. Specifically, concerns were raised about the use of inappropriate communication methods and unsuitable questions related to past experience of harm and/or persecution which included closed questions impeding a proper follow-up, no opportunity to explain the case in the applicant’s own words, failure to consider factors that are likely to distort the applicant’s ability to express him or herself properly (such as mental health issues or prior trauma and/or illiteracy), lack of clarification with regard to vague or ambiguous concepts mentioned by the interviewer, potential inconsistencies or misunderstandings regarding critical aspects of the case that could lead to confusion and/or the inability of the applicant to express him or herself effectively, and more generally, violations of the right to be heard. Moreover, concerns have been raised regarding the use of inappropriate methods and questions unsuitable for a) the applicants’ age, in cases of alleged minors, and more generally, violations of the right to a child-friendly environment and procedure, b) gender-based violence (GBV) survivors, and c) LGBTQI+ persons. In general, no individualised assessment of the specific profile and circumstances of the asylum applicant or gender-sensitive assessment was taking place.

Moreover, in 2023, a significant number of asylum applicants continued to report that, during their interview, they were not granted sufficient time and, as a result, their asylum claims were not examined thoroughly. An additional issue relates to the fact that the caseworkers do not follow a standard procedure on the examination of allegations of pushbacks when such are mentioned during the asylum interview. According to lawyers, in certain cases the caseworkers disregard allegations, claiming that they are not relevant to the interview, while other caseworkers proceed to further investigate the incidents by asking focused questions.

**Romania:** For the year 2023, the situation is as follows according to the data provided by IGI-DAI: all interviews were conducted individually. In the case of children, the parent or legal representative was present at the interview. IGI-DAI uses indicators and guidelines that facilitate the identification of vulnerable persons
among asylum seekers, but no details on these indicators and guidelines were provided. In 2023, a total of 260 interviews were conducted via videoconference.

**Spain:** In a decision taken in July 2023, the National Court (Audiencia Nacional) annulled a resolution denying international protection to an applicant for defencelessness, as the asylum interview was carried out only with phone interpretation and without a lawyer.

**France:** According to OFPRA decisions of 30 July 2020 and 21 April 2023, 38 organisations are authorised to accompany asylum seekers in interviews. These organisations are frequently requested to accompany asylum seekers, most of the time by applicants not accommodated in the centres they run. However, the lack of specific funding dedicated to this mission renders such assistance difficult in practice. Only 1.8% of asylum seekers interviewed in 2022 were accompanied by a third party, compared to 1.58% in 2021, 1.4% in 2020 and 1.7% in 2019. Figures for the year 2023 were not available at the time of writing.

**Netherlands:** In February 2023, the IND conducted 50 combination interviews with Syrian nationals in Ter Apel. The combination interview is one interview consisting of the questions asked during the registration and detailed interview. The registration interview is condensed to the core questions regarding identity, nationality and travel route. Afterwards, questions originating from the detailed interview are asked regarding the reasons for requesting international protection. The lawyer meets with the asylum seeker before the interview. No medical examination takes place before the interviews.

The combination interview is also used within the BAA project. The asylum seeker receives a letter inviting them to either a (shorter) Regular Procedure, a written interview or a combination interview. Unaccompanied minors are all subjected to combination interviews in Den Bosch.

**Germany:** In the following circumstances the BAMF may decide to not hold the interview:

[..] The BAMF is of the opinion that the foreigner is unable to attend a hearing due to permanent circumstances beyond their control.

The last ground was added by the 2022 Act on the acceleration of asylum court proceedings and asylum procedures and took effect on 1 January 2023. With this provision, the government implements Art. 14(2)(1)a of the APD. According to the government, the provision aims at speeding up procedures. In cases of doubt, the BAMF must involve medical personnel in the decision and seek confirmation from a medical doctor.

In the first half of 2023, out of a total of 93,015 interviews 715 interviews (0.8%) were conducted via videoconferencing. 429, or 60% of the video interviews were conducted in the Berlin branch office. The protection rate has been lower overall for decision where the interview was conducted via video.

**Ireland:** In August 2023, as part of the International Protection Office’s Modernisation Programme, a new interview hub was established in Tallaght, Dublin 24.

Following the easing of Covid-19 restrictions, in February 2022, the IPO resumed in-person interviews. In-person interviews remained the only mode of interview available to applicants throughout 2023. However, in accordance with the International Protection Modernisation Programme, it was announced in July 2023 that consideration would be given to the implementation of video interviews as part of the programme.

**Cyprus:** If detained in holding cells in a police station, the interview is often delayed, with cases in 2020, 2021 and 2022 found to have reached 6 months with no interview. In 2023, such delays still occurred and often a detainee was first transferred to Menogia and would then have an interview.

**Bulgaria:** In 2023, timely invitations for personal interviews were sent in 37% of monitored procedures; in another 15%, asylum seekers signed interview invitations without being given a copy thereof; the signed
invitation was attached to their personal file. 3 of these cases concerned unaccompanied children. Therefore, it can be concluded that in 2023 the majority of asylum seekers did not enjoy timely notification regarding the date of their personal interview. This practice was particularly concerning at SAR’s reception centre in Banya, where all invitations were served at its beginning with just minor 10% improvement (2 out of 20 cases).

At the beginning of 2023, the new SAR management introduced an interview form adapted for asylum seeking children, including unaccompanied ones. However, it was applied in practice only with respect to minor children, not the adolescent ones whose interviews were conducted using the interviewing template for adult applicants. The monitoring demonstrated that in the vast majority of the cases the use of interviewing template was counterproductive as case-workers not only limited the investigation of the case to the pre-set list of questions, but also did not in general provided applicants an opportunity to present their accounts freely and without interruptions.

There are no guidelines or a code of conduct for asylum caseworkers to elaborate on the methodology for conducting interviews specifically. Similarly, there are currently no age or gender-sensitive mechanisms in place in relation to the conduct of interviews, except for the asylum seekers’ right to ask for an interpreter of the same gender. In 2023, considering all the cases in which the case-worker and the asylum seeker were of different gender, only in 9% the asylum seeker was informed about the possibility to request that the interview be conducted by an interviewer of the same gender and only in 20% about the possibility to request an interpreter of the same gender.

The law provides for mandatory audio or audio-video tape-recording of all eligibility interviews as the best safeguard against corruption and for unbiased claim assessment. The positive practice in this regard persisted in 2021, 2022 and 2023, as 100% of all monitored interviews were tape-recorded.

In 2023, the registration forms or the records from the interviews were not read out to asylum seekers in 22% of the monitored procedures, which was a regress in comparison with 2022, as this omission was made in 18% of the monitored cases, but represented an improvement compared to 24% in 2021.

Decision making

Safe country concepts

**Greece:** The latest JMD establishing the list of safe countries of origin was published in December 2023 and includes the countries mentioned in the previous JMD. Data on the number of asylum applications submitted by citizens of countries considered as safe countries of origin throughout 2023 have since not been provided by the MoMA, even though GCR has requested it on a yearly basis. Instead, following the latest such request sent by GCR in January 2024, the MoMA replied by referring GCR to the Ministry’s website “and in particular at the link https://migration.gov.gr/statistika/[where] the monthly newsletters are published, alongside relevant annexes, which include summary and detailed statistical data on the work of the First Reception Service, the Asylum Service and the Appeals Authority. Yet a closer look at the public sources referred to by the MoMA reveals that the specific data are not available for all the relevant countries with the exception of Pakistan and Egypt. According to Annex A (p.6) 4.077 asylum applications were submitted by Pakistani nationals and 2.498 by Egyptian nationals.

According to MoMA Statistics, in 2023, 4.773 inadmissibility decisions were issued in application of JMD 734214/06.12.2022, of which 3,454 first instance inadmissibility decisions and 1.319 second instance inadmissibility decisions (1.237 inadmissibility decisions-border procedure- “safe third country”, 25 inadmissibility decisions- border procedure – “safe third country” Albania and 57 inadmissibility decisions-border procedure-“safe third country” North Macedonia).
In addition to the above, according to the official statistics of the Ministry of Migration and Asylum published in December 2023, ‘Returns under the EU - Türkiye Joint Declaration have not been made since March 2020 due to Covid-19. It should be noted that despite the lifting of the Covid-19 measures the requests of missions-returns of the Greek authorities have not been answered’.

Despite the suspension of returns to Türkiye since March 2020, and the aforementioned provision of Article 91(5) of the Asylum Code, the Greek asylum authorities systematically applied the safe third country concept during 2023 vis-à-vis applicants originating from Syria, Afghanistan, Somalia, Pakistan and Bangladesh, leading to a large number of applicants having their claims dismissed as inadmissible and being ordered to return to Türkiye, without any prospects of readmission. As already noted above, as many as 4.691 asylum applications (at first and second instance) were dismissed as inadmissible based on the safe third country concept in 2023. The overwhelming majority of those decisions were taken in the context of asylum procedures on the mainland. Subsequent applications lodged following a final rejection of an application for international protection as inadmissible are channeled again into admissibility procedures and dismissed based on the safe third country concept or due to a lack of new elements. In 2022, 109 claims by Somalis, 80 by Afghans and 22 by Syrians, normally lodged following rejection of the initial claim on “safe third country” grounds, were dismissed as inadmissible subsequent claims.

To the knowledge of GCR, in only a few decisions did the Appeals Committees deem applications for international protection admissible on the grounds that it was certain that Türkiye would not allow the appellants to enter its territory, in light the country’s general refusal to readmit rejected applicants who had irregularly entered Greece through its territory.

**Italy:** By decree of the Ministry of Foreign Affairs and International Cooperation of 17 March 2023, published in the Official Gazette on 25 March 2023, the government updated the list of safe countries. With the decree, the government updated the list of safe countries by including the Gambia, Georgia, Ivory Coast and Nigeria and removed Ukraine. The safe countries procedure does not apply to applications submitted by citizens from these last four countries before the entry into force of the decree, i.e., 9 April 2023.

**Netherlands:** Due to recent developments with Russia, the designation of Ukraine as a safe country of origin has been suspended until 28 November 2023. Until then, the safe countries of origin concept will not be applied to Ukrainian asylum seekers. The prognosis is that specific policy regarding Ukrainian asylum seekers will be published during the first weeks of January.

The United Kingdom has been deleted from the list on 8 February 2023, as very few people from the UK apply for asylum in the Netherlands.

**Belgium:** The Royal Decree of 7 April 2023 on Safe Countries of Origin removed Georgia from the former list and lists as safe countries of origin: Albania, Bosnia-Herzegovina, Northern-Macedonia, Kosovo, Serbia, Montenegro, and India. In 2023, a total of 1.890 persons from safe countries of origin applied for asylum.

**Germany:** In 2023 Georgia and Moldova have been added to the list auf safe countries of origin. From December 2023, the list of safe countries consists of: Ghana; Senegal; Serbia; North Macedonia; Bosnia-Herzegovina; Albania; Kosovo; Montenegro; Georgia; Moldova.

In 2023 the discussion on safe countries of origin resurfaced again and led to heated discussions among the governing parties, as well as between the government and the opposition. The oppositional party Christian Democrats (CDU) claims that also other North African states such as e.g., Algeria and Tunisia should be recognised as safe countries of origin. In December 2023, the standing conference of Ministers of Interior and Senators of the state adopted a resolution to include Armenia, India and the Maghreb states to the list of safe countries of origin. However, the Federal government only included Moldova and Georgia to the list. The governing party The Greens (Bündnis 90/Die Grünen) voiced concern to the concept of safe third countries

as such but in the end consented nevertheless to the decision to include Moldova and Georgia to the list. The oppositional party The Left and several NGOs questioned the safety in both countries. Pro Asyl claimed that in Moldova discrimination against Roma people is widespread and in Georgia there has been a backlash to democracy and the rule of law. Clara Bünger from The Left claims that in Georgia the rights of LGBTIQ* are not respected.

The number of applications from asylum seekers from safe countries of origin significantly decreased in recent years and have remained on a low level since 2018. This notwithstanding, North Macedonia is among the top 10 countries of origin of asylum applicants in 2023 with a total of 5,999 asylum applications (see StatisticsFrom Georgia, the newly added safe country of origin, 9,399 people have applied for asylum in 2023, ranking Georgia number six amongst the top 10 countries of origin.

It should be noted that many asylum applications of persons from safe countries of origin are subsequent applications (e.g. 48.2% for North Macedonia, 48.1% Kosovo, 48.3% Bosnia Herzegovina, 46.3% for Serbia in 2023. Hence the number of newly arriving asylum seekers from these countries is considerably lower than the numbers provided above.

Slovenia: In 2023, a total 2,052,433 nationals of countries designated as safe countries of origin applied for asylum in Slovenia.

In 2023, the concept of a ‘safe country of origin’ was used. However, official statistics on the number of cases in which it was used is not available. If the concept is used, the application can only be rejected in the accelerated procedure as manifestly unfounded. In practice, applications are not rejected solely based on a ‘safe country of origin’ concept but together with other reasons for rejecting the application as manifestly unfounded.

Ireland: In June 2023, the Department of Justice announced that it was to conduct a review of the list of so-called ‘safe countries of origin.’ Subsequently, in January 2024, the Minister for Justice announced that, following the conclusion of the review process, two countries, Algeria and Botswana, would be added to the safe countries list. The rationale for this, according to the Minister for Justice, was to make the international protection process more efficient and to deter people from using Ireland’s asylum system as a route for ‘economic migration.’

In 2023, Nigeria and Georgia were amongst the top 5 countries of origin with 2,084 and 1,065 applications respectively. Algeria also featured amongst the top 5 countries of origin with 1,462 applications, accounting for 11% of the total applications.

Romania: In 2023, there were 2 cases in which the rejection was made on the basis of safe country of origin (Croatia, France); no further details were provided by IGI-DAI. No application was dismissed on the basis of the safe third country concept or first country of asylum concept.

Recognition rates

Greece: The Asylum Service handed down a total of 32,529 in merit decisions in 2023:
- Refugee status: 24,345
- Subsidiary protection: 591
- Rejected: 2,339
- Exclusion (art. 1f): 87

While recognition rates at first instance remain high (in terms of in-merit decisions), a number of first instance cases demonstrate the persistence of long-standing concerns vis-à-vis the “deterioration in quality at first
instance”, inter alia due to the way in which interviews were conducted, the assessment of the asylum claims and/or the decisions delivered.

Amongst others, examples of such cases in 2023 include:

- The case of a conscientious objector from the Russian Federation, whose application was rejected despite the fact that the asylum service accepted as true both that he was eligible for conscription as well as his long-standing moral, political and religious reasons for refusing to be enlisted to fight. His claim was rejected solely on the fact that to his knowledge he had yet to be sent a call for conscription. Essentially saying that since his fear of persecution had not yet materialized at the time of flight it could not be considered well founded in the context of the examination of his asylum application.

- The case of an unaccompanied trans minor from Pakistan whose claims of persecution due to their gender identity were dismissed on credibility grounds. The decision demonstrated a profound misunderstanding of the concept of gender identity and sexual orientation. It should also be noted that although the decision was conducted by EUAA staff the decision was issued by an asylum service employee who had no contact with the applicant.

- The case of a single-parent family of Arabic decent from Iraq. The case worker rejected the mother’s claims of fearing for her own safety as well as the safety of her two minor children from her former husband’s family due to her separation from him and her conversion to Christianity, as inadmissible citing inter alia sources completely irrelevant to their situation, specifically pertaining to the prevalence of honour crimes among Kurds in Iraqi Kurdistan.

Germany: In 2023, the protection rate for Afghan nationals stayed at a high of 98.7% compared to 99.3% in 2022. At the end of 2023, the number of pending cases was still high with 39,000 undecided cases (among which 37,566 first-time and 1,434 subsequent applications). 2023 also saw a relatively high number of decisions on subsequent applications from Afghan nationals (4,622), which in most cases led to the granting of some form of protection (see Subsequent applications).

Iran: Following the protests and violent repressions in Iran, several Federal States declared a removal ban for Iran in October 2022. The Conference of Interior Ministers of the Federal States as well as the Federal level decided in December 2022 that no removals would take place to Iran, with exceptions for serious criminal offenders and persons posing a risk to security. The nationwide removal ban was originally prolonged in summer 2023 but from the 1st of January 2024 it has been lifted. Only in Berlin the local removal ban is still in place at least until the end of February 2024. The overall protection rate for asylum applications from Iranian nationals in was 45.5% in 2023. 37.8% were given refugee status, 3.3% subsidiary protection and 1.6% a removal ban based on national law; while 54.5% of all applications were rejected (see Statistics). 47 people with Iranian nationality have been removed from Germany in 2023. Despite the removal ban, four persons have been removed to Iran in the first half of 2023.

Russia: Asylum applications of Russian nationals increased in 2023, likely still as a result of the Russian war of aggression against Ukraine and the ensuing military conscriptions and political repression. In 2023, a total of 9,028 Russian nationals applied for asylum in Germany, among which 7,663 were first-time applicants. In 2023, Russia was among the top 10 countries of origin of asylum applicants. In comparison, 2022 saw 2,851 first-time applicants, in 2021 it was 1,707. The overall protection rate (share of positive decisions when formal decisions are not considered) was 29.0% in 2023, up from 24.0% in 2022 and 15.5% in 2021. As of 18 February 2023, there were only two known BAMF decisions on applications from Russian nationals fleeing military service. In one of them, the person was granted protection but based on political activities. The other case concerned a person over the age of 40 and without prior military training, and the BAMF assumed that it was not sufficiently likely he would be forced to participate in the war. The decision was
criticised by civil society organisations, who argue that the Russian recruiting practice is broader and more unpredictable than what was assumed by the BAMF. Whereas the number of asylum applications from men eligible for military service continued to rise in 2023, according to several answers to requests from The Left to the Minister of Interior the recognition rate of men eligible for military services is still very low. Accordingly, only 55 out of 2,500 applications from men eligible for military services have been decided between 2022 and May 2023. Only 11 of those have been decided positively in the first half of 2023. According to Pro Asyl the low recognition rate by the BAMF partly stems from outdated country of origin information on the prosecution of deserters and those who object to military service. In the first half of 2023 no person was removed to Russia and no person with Russian nationality was removed involuntarily from Germany.

Palestinians: What impact the situation in the Palestinian territories and the political climate here in Germany have on Palestinian refugees in Germany is currently difficult to evaluate. The number of 743 asylum applicants in 2023 from Palestinian territories has significantly increased compared to 35 in 2022. This could be a result of the escalating conflict. Another contributing factor to the increase in asylum applicants might have been the court rulings of the Administrative Court in Oldenburg and of the Court of Justice of the EU. The Administrative Court in Oldenburg decided already in June 2023 prior to the escalation that the current situation in the West Bank amounts to a danger to the health and life of those living there and that therefore persons present in Germany are eligible for toleration (‘Duldung’) under national law. The European Court of Human Rights affirmed that UNRWA does no longer guarantee protection for Palestinians, making them eligible for national protection. Looking at the political debate, it seems that there is a harsh climate not only with regard to the middle east conflict but also vis-à-vis Palestinian refugees. The Christian Democrats (CDU) affirmed that while humanitarian aid will be provided, migration flows to Germany should be prevented. The Social Democrats stated that the right to claim asylum applies to everyone equally and that possible security threats are checked for Palestinians as for every other asylum applicant.

First instance decisions

Differential treatment of nationalities in asylum procedures

Netherlands: When the situation in a certain country is uncertain, Dutch authorities can proclaim a general Postponement of Decision and Departure for a certain nationality or certain groups within a country of origin. This means that the time limit for deciding is prolonged for six months. During these six months there will usually also be no forced returns executed. The Postponement of Decision and Departure can be prolonged with an additional 6 months. In 2023, there was a Postponement of Decision and Departure in place for Ukraine (prolonged for the third time for 3 additional months until the 28th of November 2023, exactly 21 months since the first Postponement of Decision and Departure was in place) and Sudan (since 8 July 2023, and prolonged for 6 additional months on 8 January 2024). The State Secretary announced a Postponement of Decision and Departure for the Palestinian Territories (Gaza and Westbank) on the 19th of December 2023. At the moment of writing, the country policy has not been adjusted yet on this point.

For some nationalities the Dutch authorities have included a description of categories in which ‘personal and knowing participation’ within the meaning of art. 1F Refugee Convention is assumed. These categories include lists of military positions within a certain military branch or during a certain regime or time. In 2023 the country-specific policy of Afghanistan and Iraq include an 1F-paragraph.

The country-specific policy first identifies groups that have well-founded fear of being persecuted under the Refugee Convention. A group can be identified as being at risk of group persecution. As a result, being a member of this groups is enough to qualify for refugee protection. In 2023 groups that have been identified as being at risk of group persecution are:

- Afghanistan: translators that have been working for international military or policy missions.
- China: Uyghurs
- China: Active followers of religious and spiritual movements identified as Xie Jiao by the Chinese authorities
- Iraq: LGBTQI+
- Iran: Christians who are active in ‘new churches’ or evangelize and/or members of house churches attending meetings.
- Russian Federation: LGBTQI+ individuals from Chechnya

Country policies include a section regarding the concept of serious harm under article 15 QD (subsidiary protection). This section sets forward groups that might be eligible for subsidiary protection (as opposed to refugee protection). The groups identified are those at risk of systemic exposure to serious harm. As a result, being a member of this group is enough to qualify for subsidiary protection. In 2023, no groups were considered to be at risk of systemic exposure. Only in Somalia, the human rights situation in southern and central Somalia, where Al-Shabaab is in power or controls the area, is considered so severe that any returnee is considered to be at risk of serious harm. However, under certain conditions, it can be argued that an internal protection alternative exists, mainly in an area where Al-Shabaab is not in power.

The Country-specific policy also includes the countries and areas for which the Dutch Authorities consider an armed conflict is considered to reach the art. 15c QD standard. In 2023, this was the case for the whole of Yemen. As a result, every applicant coming from the country will be granted subsidiary protection status (subject to possible application of the safe third country concept and other contra-indications such as exclusion clauses). In Congo DRC there is also considered to be exceptional situation that reaches the art.15 QD standard in the provinces North-Kivu, South-Kivu and Ituri. However, an internal protection alternative is considered to be present in other areas of the country. The same accounts for Cameroon and the provinces North-West and South-West (NWSW). Since 2023, the authorities consider that in Mali for there is an exceptional situation that reaches the art. 15C QD standard in the regions Gao, Ménaka and Mopti; however, there is an internal protection alternative in Bamako.

Syrian nationals: In 2023 there were several rejections of asylum requests by Syrian nationals due to the fact that they had returned to Syria after their initial departure. This includes people who travelled from neighboring countries such as Lebanon, and for various reasons including family-visits and work-related travel. Various courts in first instance deemed these rejections unlawful, emphasizing that the Dutch country policy assumes anyone returning to Syria will face a real risk of serious harm and that the actions of the Syrian authorities are too arbitrary to suggest that an earlier return without problems will guarantee a safe return to Syria in the future. The Council of State still has to decide on the matter and has asked questions to the parties in the appeal by the State Secretary.

Bulgaria: Afghanistan: in 2023 the rate dropped back to 14% overall recognition rate (5% refugee recognition rate and 9% subsidiary protection rate) and 86% rejection rate. Out of all 167 Afghan cases decided on their substance just 76% were dealt in accelerated procedure as manifestly unfounded, while in 2022 these were 20% of the decided cases: 86% in 2021, and 95% in 2020. Therefore, more than half of them (68%) continued to abscond before receiving a first instance decision, which was issued on the merits in just 3% of the caseload.

Turkey: It was a long-standing practice of the Bulgarian authorities to prevent the Turkish nationals from access to procedure and international protection, as well as to expedite their return to the country of origin including, in several cases, in violation of the non-refoulement principle. In return, the Turkish authorities divert to a large extent the migratory pressure from the Bulgarian border to the Greek one. It was presumed that similar arrangements were reached mid-2023 as far as after the summer peak of 5,025 individuals who entered Bulgaria during August alone, the number of the new arrivals gradually decreased to 546 individuals (-88%) in December 2023.
In 2023 the treatment of Turkish nationals once more deteriorated - 100% rejection rate with 58% refused in accelerated procedures as manifestly unfounded claims. It might have a relation to the renewed assistance by the Turkish authorities to prevent the migratory pressure on the Bulgarian border in the second half of the year.

Iraq: in 2023 the recognition rates dropped as low as 10% overall recognition (2% refugee recognition and 8% subsidiary protection rates) with a 90% rejection rate. Moreover, it was publicly recognised that Bulgaria has been exploring possible diplomatic avenues to increase the possibility of both forced and voluntary returns and is in a process of consultation for concluding a Memorandum of Understanding with Iraq.

Syria: In 2023, Syrians continued to be the nationality with the highest recognition rate, reaching 97% overall - out of which 1% concerned the granting of refugee status and 96% the granting of the subsidiary protection, with just 3% rate of rejection. In 2023, out of 12,416 Syrian applicants, who submitted asylum claims in Bulgaria, nearly 46% (5,759 individuals) had their decisions issued within the duration of the year. 31% absconded prior to their first instance decision to be issued.

UK: As part of the asylum backlog clearance process announced in December 2022 a ‘streamlined asylum process’ was introduced in February 2023. Specific nationalities were targeted for fast decisions, potentially without the need for a substantive interview. This was applied to nationals of high grant countries, namely Afghanistan, Eritrea, Libya, Sudan, Syria and Yemen. A streamlined process for children was also introduced in March 2023. A questionnaire process was introduced for Iranians and Iraqis although as this group has a lower grant rate it is not expected that as many decisions would be taken without an interview as the first cohort.

France: In 2023, the CNDA reversed its 2021 case law, finding that the situation in several provinces did fall under subsidiary protection (indiscriminate violence).

Switzerland: In mid-July 2023, the State Secretariat for Migration (SEM) adapted its practice regarding female asylum seekers from Afghanistan. Since then, they are entitled to asylum after a case-by-case examination of their request. Previously, Afghan women and girls generally received a negative asylum decision with temporary admission, as the execution of deportation was considered impracticable.

In July 2023, the Committee Against Torture (UN-CAT) published a decision ruling that a Swiss deportation order issued to an Eritrean national violates Article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The case concerned an Eritrean Tigrinya, who demonstrated an unequivocal political awareness and a clear dissent attitude towards the Eritrean regime. After the Eritrean authorities carried out a round up, he left Eritrea fearing to be forcibly recruited. He applied for asylum in Switzerland, but his application was refused after he became an adult. The Committee noted that persons who have not completed their military service are at risk from the mere fact of their desertion or refusal of service. The UN-CAT also observed that torture and ill-treatment of those who fled military service are acknowledged by Switzerland and several United Nations Bodies. The Committee specifically noted that the Special Rapporteur on the situation of human rights in Eritrea indicated that returned asylum seekers would be subjected to severe sanctions including long periods of incommunicado detention, torture and ill-treatment. The UN-CAT highlighted that the Rapporteur’s expressed concern on the voluntary return in 2019 of 56 Eritreans who were staying in Switzerland as it could put these persons at risk because the conditions of their return could not be properly monitored. Furthermore, the Committee observed that the Rapporteur stated that the human rights situation in Eritrea is not improving. Hence, the Committee ruled that the complainants return to Eritrea would violate Article 3 of the Convention.

Bulgaria: While in 2022 the Afghan applicants for the first time in a decade enjoyed a significantly higher recognition rate than in previous years, with 49% overall recognition (14% refugee recognition / 35%
subsidiary protection rate), in 2023 the overall recognition rate once more lowered, going to 14 (5% refugee recognition / 9% subsidiary protection) with the rejection rate standing at 84%. This likely motivated most of them (68%), though less than in 2022 (95%) to abscond before their first instance decision, issued on the merits in just 2% of the caseload.

**Sweden:** In 2023 the number of first-time applications was 12,491, a decrease from 16,734 applications in 2022. In 2023, out of the total number of applicants, 1,343 came from Afghanistan, 996 from Iraq, 953 from Syria, and 775 from Uzbekistan.

At first instance, the recognition rates in cases decided on the merits was 34 % in 2023, compared to 37% in 2022. The recognition rates for major countries of origin were as follows: 63 % for Afghans, up from 60 % in 2022, 25 % for Iraqis, up from 21 % in 2022, 84 % for Syrians, down from 90 % in 2022, 25 % for Iranians, down from 32 % in 2022.

In 2021, the Swedish Migration Agency changed its position regarding refugee claims from Syria based on risks due to military service, as an adjustment to the CJEU case EZ v. Germany, meaning refugee status in general was granted to those who would be enrolled in military services. The Swedish Migration Agency maintained this position in 2023.

On 6 December 2022 the Swedish Migration Agency published an updated legal position on protection assessment regarding Afghanistan, stating that, women and girls shall be granted refugee status due to the overall discriminatory human rights violations in Afghanistan. Asylum claims from men are boys are assessed individually, and the Migration Agency has no general position on granting refugee status to male family members to female refugees. In September 2023, the Migration Court of Appeal found that the principle of family unity does not necessitate the granting of refugee status to other family members, the principle was sufficiently attained by granting him a subsidiary protection status and a thirteen-month residence permit.

In October 2023, the Swedish Migration Agency decided to halt all deportations to Gaza, due to the armed conflict between Israel and Hamas. However, there is no general stay on decision-making regarding Gaza.

On 22 December 2023, SMA published a new legal position to re-start decision-making in ordinary asylum cases relating to Ukraine. The SMA halted decisions in regular asylum and protection status cases, as well as deportations to Ukraine in 2022 due to the security situation in Ukraine following the Russian invasion 24 February.

**Romania:** In 2022, as in previous years, in Timișoara it was reported that all Syrian nationals were granted a form of protection. In Giurgiu, Rădăuți, Șomcuta Mare and Galati asylum applications of Syrian nationals are also rejected, according to the directors of these centres. In Rădăuți the majority of Syrian asylum seekers are rejected, including unaccompanied children; only one or two were granted a form of protection. In Galati only a few Syrian national asylum seekers’ applications were rejected.

In the case of Syrian asylum seekers, in 2023, according to IGI-DAI, 748 applications were admitted and the asylum seekers were granted a form of protection (605 in Bucharest, 60 in Galati, 12 in Giurgiu, 10 in Rădăuți, 21 in Șomcuta Mare, 40 in Timișoara) and 377 applications rejected (287 in Bucharest, 183 in Galati, 51 in Giurgiu, 8 in Rădăuți, 130 in Șomcuta Mare, 5 in Timișoara).

**Belgium:** The CGRS uses the accelerated procedure for nationals of safe countries of origin. The list has been renewed by the Royal Decree of 7 April 2023 (see Safe country of origin).
Burundi: In a judgment of 22 December 2022, the CALL, in a chamber composed of 3 judges, stated that the mere fact of having applied for asylum in Belgium constitutes a sufficient reason to prove a well-founded fear of persecution in Burundi. The CALL considered that country of origin information shows that the Burundi regime considers this category of persons as opponents. The CGRS has introduced a ‘cassation appeal’ before the Council of State (see Onward appeal to the Council of State) against the judgment of the CALL, stating that it does not agree with the legal motivation and that the judgment would have the undesirable consequence that all people with the Burundi nationality would almost automatically receive a status of international protection in Belgium. It announced that it will continue to examine Burundi applications on an individual basis. Nevertheless, in 2023 the first instance protection rate for Burundian applicants remained high at 81%.

Afghanistan: The protection rates continued to drop in 2023: 35.1% of Afghan applicants received refugee status, whereas only 13 applicants received the subsidiary protection status. 64.6% of the decision given to Afghan applicants were a negative decision in 2023.

The Belgian authorities do not organise forced returns to Afghanistan. Fedasil is currently the only voluntary return partner that organises voluntary return, IOM having suspended its voluntary return programme since August 2021. IOM has confirmed this suspension in 2023 after an internal evaluation indicating that the economic and humanitarian crisis in Afghanistan have reached unprecedented levels.

Palestinians: The past few years, there has been a lot of discussion about the granting of international protection to UNRWA-registered Palestinian applicants, the practice of the CGRS and the case-law of the CALL diverging on certain points (see AIDA report Belgium 2022 update). In January 2023, the CGRS announced it would change the policy towards UNRWA-registered Palestinian applicants, using a more individualised approach. It considers that after having analysed the situation, the almost systematic granting of international protection on the mere basis of origin of these applicants is no longer justified.

Following the escalation of the Israeli-Palestinian conflict in October 2023, the CGRS first decided to temporarily suspend decisions to grant or refuse subsidiary protection status in Palestinian cases. This suspension only concerned cases of Palestinians from the Gaza Strip and the West Bank, in which the CGRS would have concluded to refuse refugee status on the basis of the Geneva Convention according to its policy as determined before 7 October. In December 2023 the CGRS completed the assessment, and it unblocked the suspended cases. According to the CGRS the situation in Gaza clearly indicates a need for international protection. The situation in the West Bank also merits a deeper assessment. However, the CGRS will thoroughly assess the individual need for protection in each case. In practice, this means that Gazan Palestinians have an increased chance of obtaining refugee status.

Ukraine: In 2023, the treatment of asylum applications by Ukrainian applicants remained frozen.

Germany: In 2023 the debate on prioritisation of applicants resurfaced again. In October 2023 the Conference of Federal State Prime Ministers demanded the Federal government to reduce the application process for asylum applicants from countries of origin with low recognition rates to three months. According to their plans, the BAMF should then prioritise these applications in order to ensure that they are dealt with within the shortened time frame. While the Federal government generally agrees to the importance of short proceedings, it has not included the idea of making the length of the procedure dependent on the countries of origin in its most recent legislative package on facilitated return from October 2023. As of February 2024, only safe countries of origin should be prioritised in the decision making.

In the first half of 2023, the average duration of procedures was 6.6 months. The duration was significantly shorter for asylum seekers from some of the European ‘safe countries of origin’ and from Georgia:
Albania: 3 months  
North Macedonia: 2.9 months  
Montenegro: 2.5 months  
Kosovo: 3.8 months  
Bosnia and Herzegovina: 3 months  
Serbia: 2.3 months  
Georgia: 3.6 months  
Moldova: 2.1 months

This seems to imply that asylum applications from ‘safe countries of origin’ are fast-tracked as provided for by Section 30a Asylum Act, however this does not seem to be the case for all ‘safe countries of origin’ since procedures at the BAMF for asylum seekers from Ghana and Senegal were not faster than on average (12.8 months for Senegal, 8.9 months for Ghana).

On the other hand, the average duration of procedures was considerably above the average for asylum seekers from these countries of origin:

- Nigeria: 16.2 months  
- Iran: 10.5 months  
- Russia: 9.8 months  
- Somalia: 9.7 months  
- Afghanistan: 9.5 months  
- Iraq: 9.5 months  
- Ghana: 8.9 months

Syria: While the percentage rose again in the following years, 11.2% of Syrian applicants were granted asylum or refugee protection in 2023 (as opposed to 48.1% in 2020, 27.6% in 2021, 22.6% in 2022). Conversely, the rate of Syrians being granted subsidiary protection rose from 0.1% in 2015 to 41.2% in 2016, and 56% in 2017. Since then, it has decreased again in the years 2018-2021 (39.7% in 2018, 33.1% in 2019, 39.6% in 2020, 34.7% in 2021). The years 2022 and 2023 saw a considerable increase in the rate of subsidiary protection to 77% in 2022 and 75.8% in 2023.

In 2023 and 2022, the number and share of subsequent applications by Syrian nationals decreased considerably, with 1,670 in 2022 and 1,631 in 2023 subsequent applications compared to 15,259 in 2021 (see also Subsequent applications). The number of ‘upgrade appeal’ cases and decisions continue to be high, however, likely as a result of long court procedures. Between January and the end of May 2023, courts decided on 5,736 such appeals, and in 806 cases (14%) granted asylum or refugee protection, while in 4,930 cases (86%) the appeal did not lead to an improvement in the protection status. 9,525 such appeals of Syrian nationals were pending as of 31 May 2023, a similarly high number to the end of 2022 (9,4589).

The removal statistics for the first half of 2023 indicate that 410 removals of Syrian nationals took place. However, Syria is not listed as a country of destination for removals in the first half of 2023, meaning that the removals of Syrian nationals took place to other countries, for example to other EU Member States in the form of Dublin transfers or removals following a refusal of entry. As of February 2023, the Federal Government declared that it currently sees no possibilities for removals to Syria.

Ireland: The Department of Justice has specified that applications from persons from Syria, Iraq, Afghanistan, Iran, Libya, Eritrea and Somalia may be prioritised on the basis ‘of country-of-origin information, protection determination rates in EU member states and UNHCR position papers indicating the likely well-foundedness of applications from such countries.’ Priorityisation of protection applicants from these states continued throughout 2023.

In the experience of the Irish Refugee Council, the IPO dispensed with interviews for many Afghan nationals, who were subsequently issued with Declarations of Refugee status on a papers-only basis. This practice
continued throughout 2023 in some, but not all cases. It was also announced that Afghan nationals facing transfers to other EU countries pursuant to the Dublin III procedure would have their applications for international protection examined in Ireland on compassionate grounds. However, the extent to which this applied, or continues to apply in practice, remains unclear as data regarding the nationalities of those subject to the Dublin procedure is not readily accessible.

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

**Appeal authorities**

**Greece:** An application for Annulment with regards inter alia to the compliance with the Greek Constitution of the single member/Judge Appeals Committee was filed by GCR before the Council of State in 2020. The hearing, initially set for 28 March 2023, has been re-scheduled following several postponements for 14 May 2024. GCR is aware of at least two occasions of postponement of a hearing of an annulment case before the First Instance Administrative Court, pending a decision by the Council of State under the pilot procedure which was triggered by the First Instance Administrative Court of Thessaloniki.

**Croatia:** In 2023, the training of administrative court judges, financially supported by UNHCR, was held. The topic of the training was appropriate gender considerations in the procedure for international protection and strict appliance of gender-sensitive procedures. A total of 9 judges and judicial advisors from the administrative courts in Zagreb, Osijek and Rijeka and High Administrative Court participated at the training.

**Second instance procedure**

**Greece:** The practice of the Appeals Committees in 2022 and 2023 showed that the requirement of a separate request for suspensive effect under Article 104(2) IPA and Article 110(2) Asylum Code has introduced a superfluous procedural step, as the Committees systematically dismiss requests for suspensive effect as having no object (άνευ αντικειμένου), after having issued a positive or negative decision on the merits of the appeal, since the abovementioned application is examined on the date of the hearing of the case and the relevant ruling is included in the decision issued upon the appeal.

**Croatia:** During 2023, the High Administrative Court received 19 appeals in international protection cases.

**Germany:** Onward appeals: Until January 2023, the Federal Administrative Court only reviewed the decisions rendered by the lower courts on points of law.

As of 1 January 2023, with the entry into force of the 2022 Act on the acceleration of asylum court proceedings and asylum procedures, the Federal Administrative Court can also decide on the facts of the case as they pertain to the situation in the country of origin or destination. This only applies if the Higher Administrative Court grants leave for revision and if the Higher Administrative Court’s appreciation of the situation in the respective country differs from that of other High Administrative Courts or of the Federal Administrative Court. The reform was introduced in an effort to unify jurisprudence when it comes to the situation in countries of origin or destination. PRO ASYL criticises the change as it stands in the way of an appreciation of circumstances in each individual case and hampers the appreciation of circumstances “in real time” if lower administrative courts are bound by earlier decisions by the Federal Administrative Court. PRO ASYL thus expects the change to not enhance legal certainty, but to lead to legal disputes on the scope of Federal Administrative Court decisions regarding the situation in a given country. Over the course of 2023, the Federal Administrative Court has announced the launch of three revision procedures based on the new
provision. Two concerned the situation of persons who have been granted international protection in Italy and whose asylum request has been rejected as inadmissible by the BAMF, and where different higher administrative courts have come to different assessments of the situation in Italy. The first of these procedures was stopped however as the claimants failed to send the reasons and documentation for the revision to the court in time. The second revision procedure is still ongoing as of February 2024. The third case of such a revision, which concerned the situation in Afghanistan for young men who do not belong to a particularly vulnerable group, was withdrawn by the claimants just before a scheduled hearing on the case.

**Switzerland**: Different obstacles in appeals have been identified. One important obstacle is the fact that the Court may demand an advance payment (presumed costs of the appeal proceedings, usually amounting to 750 Swiss francs (around 755 Euros as of February 2023), under the threat of an inadmissibility decision in case of non-payment. Only for special reasons can the full or part of the advance payment be waived.

**Length of second instance procedure**

**Sweden**: Average processing time for the appeal body to make a decision in 2023: 9.5 months.

**Belgium**: Average processing time for the appeal body to make a decision in asylum cases (full judicial review competence) in 2023: 6 months.

**Croatia**: The average processing time for asylum cases before Administrative Court in Zagreb was 181 days in 2020 and 120 days in 2023. The average processing time for asylum cases before Administrative Court in Rijeka was 42 days.

**Germany**: In 2023, the average processing period for appeals was 21.3 months, compared to 26 months in 2022 and 26.5 months in 2021 (2020: 24.3 months). This seems to indicate a decrease in 2023 after a strong rising trend over the previous years. However, according to the BAMF; this cannot yet be attributed to the 2022 Act on the acceleration of asylum court proceedings and asylum procedures enacted as of 1 January 2023 with the aim to accelerate the asylum and court procedures, as the statistics only include cases that were concluded before 31 August 2023 and of which the great majority had started before 2023. The high increase in 2020 and 2021 is likely related to the Covid-19 pandemic.

It should be noted that a high number of appeal procedures (62.2% between January and the end of August 2023) are terminated without an examination of the substance of the case, and therefore often without a hearing at the court. These terminations of procedures take place, for instance, if the appeal is withdrawn by the asylum seeker. Therefore, it has to be assumed that the average period for appeals is considerably longer than the averages referred to above, if the court decides on the merits of the case.

**Ireland**: The median processing time for appeals in 2023 was 5 months.

**France**: During 2023, the average processing time was 6 months and 26 days for the regular procedure; and 4 months and 29 days for the accelerated procedure.

**Romania**: In 2023, IGI-DAI statistics indicate that on average, appeal procedures lasted 60 days.

**Bulgaria**: First instance appeal courts must issue their decisions within one month. The Cassation Court is not bound by such a deadline. However, even for the first instance court this deadline is indicative and therefore in the past it was not respected, with an average duration of an appeal procedure before the court at both judicial instances up to 12 months. In 2023, this practice drastically changed, with both regional and Supreme administrative courts issuing their decision in a period of less than a month. If the court reverts the first instance decision back, the SAR has 3 months to issue a new decision, complying with the court’s instructions
on the application of the law. As in previous years, SAR did not fully observe these deadlines, although in 2023 it did not issue any repeated refusals going against the court’s instructions. In the past, repeated appeal procedures against the second SAR negative decision issued in breach of the court instructions, caused some asylum procedures to extend for over 2-3 years. Therefore, the fact that, in 2023 as in 2022, SAR observed court instructions, significantly improved the effectiveness of the judicial control in particular, and in general the length of the asylum procedure.

**Backlog at second instance**

**Greece:** A total of 191 applications for annulment before the Administrative Court of Athens and Thessaloniki were lodged against second instance negative decisions in 2023.

**Germany:** At the end of the year 2017, 361,059 cases were pending before the Administrative Courts. It appears that courts are still trying to address this backlog, with 120,247 cases pending as of October 2023 (compared to 124,169 pending cases in January 2023, 191,110 pending cases at the end of 2020 and 252,250 at the end of 2019).

**Ireland:** Throughout 2023, the IPAT issued a total of 4,412 appeal decisions. Of these, 430 appeals were granted, while 3,982 were upheld. As of the 1st of December 2023, a further 3,343 appeals were pending before the Tribunal.

**Bulgaria:** In 2023, the SAC issued negative decisions in 87% of asylum cases examined, which still represents the majority of the asylum cases brought before this highest court instance. Thus, in practice, asylum seekers did not enjoy a two-instances court revision, as the control exercised from the Supreme Administrative Court’s 4th department in the vast majority of the cases continued to be purely formal and superficial.

**France:** In 2023, the CNDA registered 64,685 appeals and took 66,358 decisions, compared to 61,552 appeals and 67,142 decisions in 2022. The number of decisions taken by the Court in 2021 is the higher number ever known since its creation.

The appeal is processed by a panel of three in the regular procedure, while in the Admissibility Procedure and Accelerated Procedure only one single judge – either the President of the CNDA or the President of the relevant section – rules on the appeal. In 2023, the CNDA took 34,807 decisions in collegial function, up to 38,320 collegial decisions in 2022. It further took 31,550 single-judge decisions (i.e. 55% of total decisions) with 10,397 decisions following a hearing and 21,153 by order, compared to 18,390 in 2022 (10,432 following a hearing and 18,390 by order).

Onward appeals before the Council of State: In 2023, the Council of State received the following appeals:
- Total number of appeals: 652
- Total number of decisions: 607
- Admissible: 62
- Not admissible: 545
- Decisions on admissible appeals: 49
- Positive decision for asylum seeker: 40

**Cyprus:** In 2023, 8,159 appeals were registered (regular and accelerated procedure) and 9,880 decisions were issued, including rejections, positive decisions, order to review and implicit and explicit withdrawals. The top 5 nationalities registering an appeal were Nigeria, Bangladesh, Pakistan, Democratic Republic of Congo and Nepal. An additional, 1,324 appeals were registered as part of the accelerated procedures and 797 decisions
were issued, including rejections, positive decisions, implicit and explicit withdrawals; the majority of which were explicit withdrawals. The top 5 nationalities registering an appeal under the accelerated procedures were Bangladesh, Pakistan, India, Sri Lanka and Nepal.

**Romania:** In 2023, a total of 674 appeals against IGI-DAI decisions were filed before the Regional Courts.

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<td><strong>Romania</strong></td>
<td>In 2023, a total of 674 appeals against IGI-DAI decisions were filed before the Regional Courts.</td>
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### Oral hearings

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<td><strong>Sweden</strong></td>
<td>In 2023, 1,390 cases where oral hearings had been held were concluded in the Migration Courts. This is a significant reduction compared to 2021, when 2,490 oral hearings were held in Migration Courts.</td>
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<td><strong>Italy</strong></td>
<td>From the beginning of 2023, the entry into force of the civil procedure reform (the so-called Cartabia reform) allowed the replacement of the hearing with written notes in each procedure.</td>
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<td><strong>Germany</strong></td>
<td>With the Act on the acceleration of asylum court proceedings and asylum procedures which entered into force on 1 January 2023, personal hearings can be dispensed with if the applicant is represented by an attorney and if they do not concern a ‘simple’ rejection application or a withdrawal/revocation, e. g. in cases of rejection as ‘manifestly unfounded’ or inadmissible. However, a hearing has to take place if the applicant requests so.</td>
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As of 1 January 2023, the rules for filing a bias motion against the competent judge have changed so that the hearing can take place with said judge if a bias motion was filed three days or less before the hearing. If the judge is found to be biased after the hearing, the hearings that took place after the filing of the motion must be repeated.

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<td><strong>Ireland</strong></td>
<td>As of January 2023, the vast majority of appeals continued by way of remote hearing, save at the request of the applicant or whereby to conduct the appeal remotely would be contrary to the interests of justice.</td>
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<td><strong>France</strong></td>
<td>Out of the total of 66,358 decisions taken by the CNDA in 2023, 45,205 of them were issued following a hearing, of which 34,807 hearings were held in collegial function and 10,397 in single-judge format. The remaining 21,153 decisions were taken by order (ordonnance), i.e. 32% of all decisions. The CNDA held 263 video hearings in 2023, up from 267 in 2022.</td>
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<tr>
<td><strong>Romania</strong></td>
<td>According to the data provided by the courts, in 2023, the number of asylum cases in which hearings took place was the following:</td>
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<td>- Court Baia Mare: 54 cases;</td>
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<td>- Court Galați: 53 cases</td>
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<td>- Court Giurgiu: 26 cases</td>
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<td>- Court Râdăuți did not indicate an exact number; it only stated that the practice of this court is to have hearings of the asylum seekers in each case, if they are present in the courtroom and have not illegally left the IGI-DAI reception and accommodation centre or the residence chosen on the territory of Romania.</td>
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<td>- Court Bucharest district 4 indicated that it does not keep record of the number of cases with hearings of asylum seekers.</td>
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<td>- Court Timişoara: 27 cases.</td>
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Regarding the hearings, the courts did not provide any further information for 2023.

### Appeal outcomes
**Sweden:** In 2023, the Migration Agency changed its decision in one case out of 9,585 cases. This demonstrates that the Migration Agency almost never changes its initial position. When the Migration Agency does not change its decision, the appeal is forwarded to the Migration Court which can independently decide if further translation is necessary. In 2023, the Migration Agency took an average of four days to either make a decision on reconsideration or transfer the appeal to the Migration Court. In 2021, a total of 9,695 cases were forwarded to the Migration Courts. In 2022, the total number of forwarded asylum cases was 7,855. And in 2023 this increased to 9,469 cases being forwarded to the Migration Court.

In 2023 a total of 5,293 appeals were made to the Migration Court of Appeal in asylum cases and the latter decided upon 5,231 cases.

**Germany:** Until the end of August 2023, 9.6% of all court decisions led to the granting of a form of protection to the applicant. If formal decisions (without examination of the substance) are not considered, the success rate for appeals was 25.4%.

Afghan protection rate: The already high success rate of appeals before Administrative Courts against negative decisions in the asylum procedure increased considerably in 2023. From the start of 2023 until the end of August 2023, 618 Afghan nationals were granted a form of protection by courts, compared to 194 rejections of appeals. In total, 21.6% of appeals were successful in the first half of 2023 (the rate was 40.6% in 2022 and 45.2% in 2021). If only decisions on the merits are counted, 76.1% of appeals resulted in the granting of protection (2022: 94.8%, 2021: 77.8%). Most of the cases were not decided on the merits but resolved in other ways such as completion (71.6%). In the first half of 2023 the appeal statistics show large differences between courts. Whereas the administrative court Greifswald (Mecklenburg – Western Pomerania) has a positive decision rate of 6.5% the administrative court of Augsburg (Bavaria) has 0% positive decisions. 20,496 appeals of Afghan nationals were pending at the courts of 31 May 2023. A considerable increase compared to the number of appeals in 2022 (7,546). In the first half of 2023 659 Afghan nationals have been removed from Germany but no removal to Afghanistan took place in 2023. Persons without a protection status regularly receive a toleration (Duldung).

**Cyprus:** In 2023, the IPAC issued 14 decisions granting refugee status, 5 decisions granting subsidiary protection and 23 decisions ordering review.

**Romania:** For breakdown of appeals outcome, see table under 1.4.1. Appeal before the Regional Court.

Onward appeals: In 2023, according to the information provided by the courts, the number of appeals was 354: Bucharest: 163; Galati: 50; Maramures: 37; Giurgiu: 62; Sceava: 30; Timisoara: 12. In 2023, IGI-DAI reported an average duration of 3 months.

According to statistics provided by the courts, in 2023, a total of 272 decisions were issued. [see table ‘Decisions by Administrative Country Court’]

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

Nothing to report.
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)

**Statistics**

**UK:** The total number of unaccompanied children seeking asylum cared for by local authorities in England is published regularly. At the end of March 2023 this figure was 7,290 which is almost 9% of the total population of children cared for by local authorities in England. An additional 110 are in the care of local authorities in Wales. The governments of Scotland and Northern Ireland do not publish statistics of this kind.

**Sweden:** In 2023, a total of 4,592 women applied for asylum and the recognition rate for women was (compared to 4,243 women and 38% recognition rate in 2021 and 5,142 women and 43% recognition rate in 2022).

339 unaccompanied minors sought asylum in 2023.

**Romania:** In 2023, IGI-DAI reported 939 vulnerable persons: 579 minors, of whom 284 unaccompanied minors, 7 elderly persons, 13 pregnant women, 41 single parent families, 8 persons subjected to a form of violence (the type of violence was not specified), 7 persons in other vulnerable situations (no further details were provided on what these other situations of vulnerability consisted of) IGI-DAI mentioned that during 2023 in the case of vulnerable persons there were no situations of asylum applications examined under the accelerated procedure.

**Croatia:** In 2023, 1,516 unaccompanied children expressed intention to apply for international protection.

**Identification of vulnerabilities**

**Greece:** A new General Secretariat for Vulnerable Persons and Institutional Protection (GSVP) falling under the responsibilities of the Deputy Minister of Migration and Asylum was established with article 6(1) of P.D. 77/2023 (A’ 130/ 27-06-2023) to which the services of the Special Secretariat for the Protection of Unaccompanied Minors of article 39 of the P.D. 106/2020 were transferred.

The number of asylum seekers registered by the Asylum Service as vulnerable in 2023 was not provided, nor was the number and type of decisions taken at first instance on cases of vulnerable applicants. The number of first instance decisions granting refugee status or subsidiary protection to vulnerable applicants in 2023 was not provided either. The only statistical information available for vulnerable persons for 2023 (1 January-31 December 2023) regarded the number of registered children in general and unaccompanied children in particular and the number/type of first and second instance asylum decisions, which is as follows:

- the number of registered children in 2023 amounted to a total number of 14,631, thus 23% in a total of 64,212 registered asylum applications
- the number of registered unaccompanied children in 2023 amounted to a total number of 2,937 (2,895 registered UAMs for first asylum applications & 42 for subsequent asylum applications), thus 4,3% in a total of 69,043 registered asylum applications. (Note: the number of the total registered asylum applications is higher here compared to the relative number mentioned above, because it includes also December 2022)
- the number of 1st and 2nd instance decisions granting refugee status and subsidiary protection to
  children amounted to a total of 7,557 (7,366 decisions granting refugee status & 191 decisions
  granting subsidiary protection), thus 29% in a total of 25,813 positive asylum decisions.
- the number of 1st instance decisions granting refugee status and subsidiary protection to UAMs
  amounted to a total of 1,163 (1,133 decisions granting refugee status & 30 decisions granting
  subsidiary protection), of which 902 decisions regarded male UAMs and 261 regarded female UAMs.

The low quality of the process of medical and psychosocial screening, if any, has remained a source of serious
concern also in 2023.

Based on GCR’s information from the field, in 2023, the main problems arising out of the Reception and
Identification procedures continue and include the lack or complete absence of psychosocial assessment, the
difficulties in carrying out referrals from RIS to public hospitals, the low quality of the medical screening and
psycho-social support, the classification of vulnerability and non-vulnerability and the lack of information on
the outcome of the procedure. As mentioned in the Regular procedure and Fast-track border procedure,
many asylum seekers continue being forced to attend their personal interview with the Asylum Service
without a prior assessment of their vulnerability, including pregnant women.

Chios: In Chios CCAC (Vial camp), the Medical Unit has no doctor since March 2021. In 2023, periodically, the
doctor of Leros CCAC Medical Unit was visiting Chios CCAC only to sign vulnerability assessment documents
and medical cards, without carrying out a substantive assessment of the medical condition of the asylum
applicants. Shortages of medicines and medical equipment (e.g., for blood pressure/diabetes) are observed
in the Medical Unit of RIS (Vial). While a state budget is foreseen for intra-island transport costs, the Ministry
does not make use of and all transportation to and from Chios General Hospital is covered by NGO Open
Arms. Rub halls with single room and no beds (only mattresses on the floor) are used for the accommodation
of nuclear families together with mono-parental families and single men. RIS encounters problems with
interpretation in the majority of languages; the only interpretation available is for Arabic and Somali.
Moreover, according to a report of RSA: “[…] The vulnerability evaluation procedure seems to be inadequate,
as in an attempt to find a solution to the serious shortage of medical staff, nursing staff is called upon to fill
the gap, by asking asylum seekers questions. Then, the relevant documents are signed by a doctor who visits
the structure from Chios’ hospital or from a National Public Health Organisation Unit”.

Samos: On 30 November 2023, on case of D.S. v. Greece [Application no. 2080/2019], the ECtHR ruled against
Greece for violation of article 3 and 13 of the ECHR for the living conditions of a young single woman refugee
in the old camp of Samos and her lack of access to an effective remedy. The case was represented before the
ECtHR by GCR. In particular, the Court rejected the Greek Government’s arguments that the applicant had
not been identified as a vulnerable person by the authorities and observed that the applicant’s lawyer had
informed the authorities of her fragile state and had requested, since the moment of her arrival, that the
applicant receives decent accommodation and psychological assistance.

Regarding the living conditions and vulnerability assessment in Samos CCAC, see Joint Statement of 20 civil
society organisations (p. 1-4), MSF (p. 12-13), GCR and OXFAM submission to the Ombudsman (p. 15)

Kos: Shortcomings related to understaffing were also reported in 2023 in the RIS of Kos, as there was no EODY
doctor, nor a psychologist, resulting in medical services currently being provided by an army doctor and
medical missions of the Hellenic National Public Health Organization medical teams deployed from other
CCACs. Thus, vulnerability assessments were signed in mass when a visitor doctor from EODY arrived at the
RIS. Only obvious vulnerabilities were identified (e.g., pregnant women, elderly people); while victims of GBV
or Female Genital Mutilation were often identified as vulnerable by RIS only after issuance of a first instance
negative decision on their asylum application.

Moreover, according to a joint submission of GCR & OXFAM to the European Ombudsman on March 2023:
“[…] Kos, a doctor from Leros island occasionally visits the facility. This makeshift solution jeopardizes
residents’ health, as there is no one to provide medical first aid or to assess daily health risks in the CCAC. [...] Moreover, the lack of full-time medical staff hinders adequate and timely vulnerability and age assessments, procedural safeguards that have a significant impact on the outcome of individuals’ asylum procedure”.

On 12 December 2023, in a case represented by GCR before the ECtHR, the Court pursuant to Rule 39 of the Rules of the Court granted Interim Measures with regards to two Afghan women and their five accompanied minor children residing at the CCAC of Kos in absolutely inadequate conditions. The Court ordered the Greek authorities to ensure that the Applicants “have full access to reception conditions which respect human dignity and take into account their multiple vulnerabilities”.

Leros: “According to the UNHCR, at the end of March (2023) there were two doctors and a psychologist inside the CCAC. At the local hospital, staff shortages, which make the medical care of all patients problematic, have been repeatedly denounced. The hospital does not have an interpreter”.

Lesvos: see Joint Statement of 16 NGOs, Fenix Humanitarian Aid (p. 13-14), and Fenix Humanitarian Aid (p. 46)

Rhodes: see Refugee Support Aegean

Crete and Gavdos: see Refugee Support Aegean

As mentioned above, due to significant gaps in the provision of reception and identification procedures in 2023, owing to a significant understaffing of EODY units and other issues, GCR has found that for a considerable number of applicants the asylum procedure was initiated without a proper medical screening and/or a psychosocial assessment having been concluded.

As far as GCR is aware, in 2023 Article 72(3) of the Asylum Code (exemption from the fast-track border procedure and referral to the regular procedure due to vulnerability) was not applied by the Asylum Service to any case without a prior lifting of the geographical restriction. It was also noted that after the lifting of the geographical restriction for reasons not related to vulnerability, Article 72(3) of the Asylum Code was applied in several cases by the Asylum Service and the case was referred to the regular procedure without the person being identified as vulnerable. If the interview of first instance had already been conducted before the decision to lift the geographical restriction and the referral to the regular procedure due to vulnerability, it was not conducted again in accordance with the guarantees provided by Article 72(2) of the Asylum Code.

Identification of vulnerabilities on the mainland: On 13 July 2022, the new Asylum Service launched a new registration platform, through which any appointment for lodging an asylum application in the mainland, even for vulnerable asylum seekers, needs to be booked. According to the Ministry’s announcement, the registration of applicants staying in Southern Greece was to take place in the facility of Malakasa (Athens), while the registration of applicants staying in Northern Greece would take place in the facility of Diavata (Thessaloniki). Appointments were available from 1 September 2022. However, in practice, appointments were available several months later, depending on the language of the applicant. In the meantime, between November 2021 - September 2022, access to the asylum procedure on mainland Greece, Crete and Rhodes was suspended⁴ for the majority of third country nationals. and then suspended again between May 2023 – beginning July 2023

According to a recent report of Refugee Legal Support and Mobile Info Team assessing the implementation of reception and identification procedures on mainland Greece: “Under the new procedure […] at one of two RICs on the Greek mainland, […] applicants are unable to exit the facility for a maximum of 25 days while they undergo screening consisting of a police interview, medical check, vulnerability assessment, and the registration of an asylum claim […]. Restriction of movement is applied as a blanket measure […] including (to) vulnerable persons […] meaning that people with a disability, pregnant women, victims of human trafficking, people with serious illnesses and torture survivors, among others, are subjected to de facto
detention within the RICs for periods up to 25 days (and in practice possibly longer). [...] assessment of vulnerability within the screening procedure is inadequate [...]”.

According to a report of FENIX dated April 2023 regarding identification and certification of victims of torture: “practice over the years has demonstrated serious deficiencies in the identification and certification of victims of torture of applicants in Greece [...]. Additionally, structural deficiencies are also observed in the specific process to certify VoTs, namely due to restrictive legislation limiting only public authorities to provide certification for VoTs in accordance with the Istanbul Protocol, whilst national authorities and bodies do not have the qualification or training and lack of interpretation to proceed with this certification. At the same time, non-governmental organisations, namely Metadrasi, hold the appropriate expertise to provide certification for VoTs according to the Istanbul Protocol [...] Nonetheless, [...] the VoT certification provided by NGOs may be taken into consideration by asylum authorities for the purposes of the asylum procedure, but it is at the discretion of each decision maker [...]”.

According to a report of FENIX – Humanitarian Legal Aid entitled Unrecognised Vulnerability- Greece’s systematic failure to identify and certify Victims of Torture of April 2023: “Despite national law, the certification of VoTs systematically does not occur. Article 67(1) of Law 4939/2022 imposes that only public authorities are competent to provide certification. This is a restriction to Article 25 of the Reception Conditions Directive, which only specifies that the competent authorities have ‘appropriate training’. This is an unnecessary restriction of the competent authorities which provide certification and a violation of Article 4 of the Reception Condition Directive. The restriction creates further barriers to the identification and certification of VoTs, especially considering that no public authority in Greece currently has qualified personnel or is competent for this type of certification of VoTs. [...] The gap in the identification and certification of VoT is not only verified on the islands of Lesbos; it is also verified on the mainland, including in Athens. The Forensic Service of Athens and several public hospitals systematically reply to requests submitted by Fenix legal representatives that they cannot proceed with the identification and certification of VoTs according to the Istanbul Protocol due to a lack of specialised training and knowledge [...] there is no public authority with qualified professionals willing to assume the required competence to proceed with the certification process of VoTs”.

Switzerland: According to UNHCR, there remain wide margins for improvement in the screening and identification of vulnerable applicants. Similar concerns were also raised by the National Commission for the Prevention of Torture (NCPT), which published its latest report on federal reception centres in April 2023.

A general document, detailing the State Secretary for Migration’s guidelines for the identification and protection of particularly vulnerable asylum seekers should have been available to the public in 2023, but its preparation and publication were postponed once more. It is to date unknown if and when these guidelines will ever be published.

Croatia: In 2023, three meetings of the Coordination Group for Sexual and Gender-Based Violence were held to discuss recorded data on the number of cases of sexual and gender-based violence reported in receptions centres for applicants for international protection and to evaluate the efficacy of the Standard Operating Procedure for prevention and response in the case of sexual and gender-based violence in reception centres for applicants for international protection in Croatia. So far, the implementation of SOP has proven to be effective.

The Croatian Red Cross (CRC) provides psychosocial and practical support and assistance to applicants for international protection in Reception Centres for Applicants for International Protection, based on the identified needs of individuals and families. CRC identifies vulnerable groups (children, unaccompanied children, the elderly, single women, people with physical and mental disabilities, people who have experienced trauma or torture, potential victims of trafficking, victims of domestic violence) and plans work
Tailored to their specific needs. However, CRC reported that working with vulnerable categories of applicants was challenging in the course of 2023 due to extremely large influx of people who stayed in the Reception Centre for a very short time, which made difficult identification of vulnerabilities (persons with disabilities, pregnant women, single parents with children, etc.). However, in 2023, during the initial and individual interviews conducted by CRC, as particularly vulnerable, following groups were identified: unaccompanied children, parents with children who were temporarily separated from the rest of the family, single parents and children of single parents, people with severe psychological difficulties (acute psychotic conditions, suicide attempts, etc.), people with serious health problems (cerebral palsy, limb amputations…), pregnant women, victims of torture, victims of gender-based violence, single women and people with addiction problems.

In 2023, the implementing partner of the UNICEF Office for Croatia, Centre for Psychological Counselling, Education and Research- Sirius, printed posters and leaflets promoting the foster care of unaccompanied children. The poster and leaflets are in Croatian.

**Portugal:** In 2022, a new SOG sub-group was created to address the area of vulnerabilities within the asylum system. The group is composed by ACM, CPR, ISS, SCML, SEF, and UNHCR. According to the information available at the time of writing, during the first semester of 2023, the sub-group will be led by UNHCR and will identify services and mechanisms to address specific vulnerabilities.

CPR collects statistical information on asylum seekers who self-identify or are identified as vulnerable based on information received from SEF in accordance with the law, collected directly from the applicants or shared by other service providers. In 2023, of the 2,565 asylum applicants whose cases were communicated by the asylum authority, 482 were identified as vulnerable [see table].

**Belgium:** In 2023, unaccompanied children were signalled, compared to 6434 in 2022.

**Slovenia:** In 2023, due to a large increase of arrivals, identification of unaccompanied minors in mixed migration flows posed a serious systematic issue. The Police Directorate Novo mesto which operates with 6 police stations and one for Compensatory Measures processed 78.5% irregular crossings of the border in 2023 (47,543 irregular crossings). During the visit of the police station for Compensatory Measures in 2023 the Ombudsperson noted that the Police observed that unaccompanied children often claim to be of age in order to not be separated from the group they are traveling with. While they can obtain the help of 3 officers from the Specialized unit for border control they aim to train 5 more police officers for vulnerability identification who would be permanently stationed at the police station.

In practice the Police did not conduct a sufficient identification of unaccompanied minors. If a child stated during the police procedure that they are of age they were processed as an adult. During the year children as young as 14 would be processed as adults by the Police and were only identified as unaccompanied minors in the Asylum Home or its branch. In addition, children were often not processed by the Police as unaccompanied but as traveling with an adult family member such as a cousin or uncle. This meant that before lodging the application children were often accommodated in the Asylum Home, which is inappropriate for accommodating children (see: Reception conditions) instead of its branches Logatec or Student Dormitory Postojna that are a little bit more suitable for children.

In practice 2023, identification of unaccompanied minors in mixed migration flows posed a serious systematic issue. In practice, young children would identify as adults and adults would identify as unaccompanied minors. In both cases they would be processed by the Police based on their statements even in cases when it was evident that the statements were false. Some were then identified as unaccompanied minors in the Asylum Home or during the asylum procedure (see: Screening for vulnerability).
**Bulgaria:** In 2023 the overall lack of vulnerability assessment and identification remained the most significant omission during the asylum procedure. The SAR’s social experts attended 50% of the registrations of asylum seekers. Out of them 24% related to cases of unaccompanied children. Only in 6% of all these cases the files of vulnerable asylum seekers contained vulnerability identification and needs assessment, with an attached individual support plan. In none of these cases (0%) the established vulnerability was taken into account in the first instance decision. In the remaining 50% of the cases the registration of asylum seekers was carried out without the presence of a SAR social expert and without any guarantees for early identification of their vulnerabilities, if such existed. Thus, in practice the vulnerability assessment is still missing in 50% of the monitored cases. Additionally, needs assessment as well as planning and provision of support measures with respect to applicants with identified vulnerabilities are carried out only sporadically. In the remaining 50% of the monitored cases. Additionally, needs assessment as well as planning and provision of support measures with respect to applicants with identified vulnerabilities are carried out yet sporadically than systematically. However, unaccompanied children’s files continue in many cases to lack the mandatory best interest assessment and individual social report by the respective statutory child protection service from the Agency for Social Assistance (ASA). It has been confirmed that these reports are prepared in practice, but in the majority of the cases they are not only formal, but also not shared with SAR case workers. The social reports, if properly prepared and communicated, could play a vital role not only in the asylum procedure, but also after it to outline the measures which need to be taken with respect to the child depending on the outcome of the procedure – rejection or recognition. Such mandatory social reports with needs assessment were present in 86% of the monitored children’s files in 2023. However, in 83% of these cases these reports were purely formal and with no indication that a proper best interest assessment and determination or risk mitigation measure was realised. The failure of the statutory social services to implement this basic safeguard vis-à-vis unaccompanied asylum seeking and refugee children have continued for over a decade. Although moderate, the efforts made for the vulnerability identification resulted in a notable increase in the absolute number of asylum seekers formally recognised to have special needs or vulnerabilities. While this concerned 797 asylum seekers in 2019; 1,259 in 2020, 3,928 asylum seekers in 2021 and 5,482 considered as vulnerable in 2022, the number rose to 6,155 considered as vulnerable in 2023 (27% of all new applicants). However, it has to be noted that 3,843 of them were unaccompanied children, i.e. cases where the vulnerability identification is straightforward and almost automatic as it derives from the child’s statement about his or her age, or from the identity documents, if available.

**Germany:** Prior to the revision of the law on counselling in 2023, the BAMF claimed that the counselling service for asylum-seekers, consisting of general information on the procedure as well as the opportunity to make individual appointments with BAMF staff (see Information for asylum seekers and access to NGOs and UNHCR) has led to vulnerabilities ‘being partially identified more often’ as counsellors inform applicants about rights of vulnerable applicants during the procedure. As of 1 January 2023, the BAMF provides additional funding for independent counsellors providing support for vulnerable groups. The independent counsellors are required to transmit personal information to the BAMF and the Federal States agencies responsible for the accommodation of asylum seekers which is relevant for the identification and support of vulnerable groups, if the applicant consents. However, no details were given concerning the number or the type of vulnerabilities which were identified in the course of the new advice service. According to information provided by the BAMF, no data are collected on vulnerabilities detected during the counselling nor on the number of vulnerable persons applying for asylum in Germany. The BAMF affirms that the funding for independent counsellors is dependent on relevant certifications and qualifications for the identification of vulnerabilities, which should guarantee the effectiveness of the identification of vulnerabilities. In the past the lack of a systematic identification processes for vulnerable applicants has been subject to recurring criticism from NGOs and international organisations, and described as especially problematic in the context of the airport procedure by NGOs (see Border procedure (border and transit zones)). In 2023 the Federal working group on psycho-social centres for refugees and victims of torture in cooperation with
several NGOs acknowledged that there have been attempts mainly by the Federal States to address these shortcomings. However, the working group repeated the criticism of no systematic approach. Along with these policy demands, the associations introduced a toolbox on vulnerabilities which provides guidance for counselling and the identification of vulnerabilities.

As of 2020, only three Federal States (Berlin, Brandenburg and Lower Saxony) had a structured procedure in place to identify particularly vulnerable asylum seekers. A number of States conduct screenings, offer psychiatric or psychological consultations or refer to the general care infrastructure, and some Federal States have integrated identification in their concepts for protection from violence in reception centres (Hamburg, Hesse, North Rhine Westphalia, Rhineland-Palatinate, Saarland, Saxony, Schleswig-Holstein). Since 2021, a project led by the Federal working group on psycho-social centres for refugees and victims of torture in cooperation with several NGOs as well as the BAMF and local authorities has developed a concept to identify vulnerable applicants in reception centres and in psycho-social centres. The concept was piloted in two reception centres in North Rhine Westphalia and Bremen and the findings were published in March 2023 in a toolbox of guidelines which provide guidance for counselling and the identification of vulnerabilities. The working group continues its work, and the Federal government affirms that it supports those Federal States who are interested in implementing the guidelines. However, the guidelines are not legally binding, and the government does not systematically monitor the implementation of the guidelines in the Federal states.

Ireland: At the end of January 2021, a pilot project to assess the vulnerability of applicants was established at Balseskin reception centre in Dublin. The pilot scheme was subsequently extended to all new international protection applicants throughout the state and aims to determine whether the applicant has special reception needs arising from any vulnerabilities identified. As of January 2023, the pilot programme continued. For the period from 1st February 2021 to 1st November 2023, 4,050 vulnerability assessments have been undertaken.

Throughout 2023, in the experience of the Irish Refugee Council, many applicants who have sought vulnerability assessments under the revised procedure have yet to be contacted by IPAS’ Resident Welfare Team, despite numerous applicants presenting with evident and significant vulnerability. The Irish Refugee Council also remains concerned about the lack of information provided to applicants regarding the assessment. It has become apparent in our contact with clients that many individuals undergoing the vulnerability assessment are not aware of the purpose of the assessment, nor do they understand what the information acquired will be used for. In many cases, individuals undergoing vulnerability assessments have recently arrived in the State, often have limited English. The lack of available information is particularly troubling as applicants are not properly equipped to fully communicate their circumstances.

Cyprus: In early 2023, the EUAA in collaboration with the Asylum Service finalised the SoPs for the identification of vulnerable persons in Pournara. According to the new procedure a flagging (screening) system has been introduced to prioritize individuals with vulnerabilities. Specifically, upon entry and registration, all individuals receive a short interview by EUAA officers. The interview includes questions regarding personal data and information regarding relatives in the EU for the Dublin procedure. Furthermore, people are requested to briefly state the reasons they left their country and based on the response they are flagged as vulnerable. Only individuals that fall into the following categories are flagged: women, single parents (both men and women), victims of human trafficking, accompanied minors, unaccompanied minors, applicants who are survivors of rape and sexual violence, applicants who are survivors of psychological or physical violence, applicants who are survivors of shipwreck, applicants who are victims of torture, applicants who are elderly (65+), applicants with incurable serious diseases, applicants with mental illnesses, applicants with physical disabilities, women with new-borns, and pregnant women.

Persons who are flagged as vulnerable will then undergo a vulnerability assessment by the vulnerability assessment team. For the first half of 2023 the vulnerability assessment team is comprised of 6 vulnerability
officers 4 from EUAA; 1 officer from UNHCR; 1 officer from CyRC and a coordinator appointed by EUAA. In the second half of 2023, the members of the vulnerability assessment team from EUAA were reduced to 3 officers.

In 2023, a total of 3,839 vulnerability assessments were carried out in Pournara during the registration of their asylum application and 2,706 persons were identified as vulnerable.

The new procedure also includes a referral procedure when special procedural and/or reception needs are identified. For this purpose, a new Referral Form has been introduced that is attached to the vulnerability assessment Form and is to be completed when the vulnerability officer identifies such needs and can include procedural guarantees such as prioritization of asylum interview or specific interpretation needs, specific reception needs (accommodation, disability mobility assistance) and other needs such as medical or psychological support. The time needed for the action is also included (e.g. urgent, medium).

In practice, however significant gaps remain to address the identified needs and often persons are identified as vulnerable but do not necessarily receive the required support, whether special reception conditions and/or procedural guarantees. The main - and often only - support received is temporary accommodation and emergency financial allowances upon exiting Pournara by the Social Welfare Services. However, even this is not always provided, and in many cases, vulnerable individuals are released from Pournara without being assisted by an officer of the Social Welfare Services stationed at the centre. The serious gaps in the Reception system and the provision of material reception conditions have a direct impact in the response to the identified needs.

**Age assessment procedures**

**Greece**: The number of appeals submitted against age assessment decisions in 2023 is not available, as at the time of writing the Greek authorities had not provided GCR with this information it requested. During regular parliamentary scrutiny procedures, though, the deputy minister for Migration and Asylum replied to the member of parliament who asked the relevant question that between 28/04/2021 and 29/03/2023 a total of 1,024 decisions were issued following an appeal against an initial age assessment decision.

GCR provided legal aid for three cases of unaccompanied children in 2023 in all of which the RIS authority accepted the child’s appeal against the age assessment decision on the grounds that lack of staff does not constitute legal justification for skipping the second step stipulated in law (see above). The decision on the appeal annulled the initial age assessment as “the psychosocial assessment included in the file [...] does not reflect a reason to doubt the age assessment result, apart from 'impossibility of determining age due to lack of staff'. [Therefore] the decision to refer [the child] to the third stage of medical examination took place without adequate reasoning of the authority’s inability to reach a conclusion at the second stage of the psychosocial assessment”.

**Italy**: The recent amendments made by Decree-Law 133/2023, converted by Law 176/2023, introduced exceptions in ascertaining the age of unaccompanied foreigners in the case of large, multiple and close arrivals, following search and rescue activities at sea, or tracing at the border or in transit zones. In such cases, wide discretion is granted to the public security authorities in the identification procedures, by carrying out anthropometric or other health assessments, including X-rays, aimed at identifying age. The only limit for the public security authorities is the request for authorisation to be sent in writing to the Public Prosecutor’s Office at the Juvenile Court. In particularly urgent cases, authorisation may be given orally and only subsequently confirmed in writing.

ASGI pointed out how the new provisions introduced by Law Decree 133/2023 run the risk of nullifying the rules and protocols that were in force until then, which, although not formally affected, are weakened in
In 2023, SAR revived the efforts to create a formal national age assessment procedure based on a multidisciplinary approach. In July SAR convened an inter-institutional working group which revised the previous age assessment draft, developed in 2019. A bilateral Age Assessment Instruction was formally adopted by SAR and State Agency for Child Protection (SACP) and published in December 2023, which enforcement will take effect on 1 March 2024. The instruction introduces a structured multi-disciplinary age assessment rules and procedures and is the first ever formally adopted one in the European context. The Age Assessment Instruction is widely endorsed by all national stakeholders, including UNHCR and UNICEF.

France: In 2023, the UN Committee of the rights of the Child denounced some shortcomings of the current ‘social evaluation’ procedure applied in France.

Germany: In 2023 it has been criticised that due to the discretion to what ‘qualified inspection’ means in practice, many children have been determined as being adults. Additionally, it has been witnessed that they did not have sufficient access to legal remedies to challenge this decision. In this stage of ‘preliminary taking into care’, the local youth welfare office examines which youth welfare office is ultimately responsible and whether the minor can be subjected to the federal distribution procedure (for details see Age assessment). In 2023 it has been criticised that children remain in this preliminary stage for up to eight months due to
overburdening of local authorities in urban areas. In this preliminary stage children only have access to emergency psychological assistance, legal representation and youth care services and are often not enrolled for school.

**Cyprus:** In 2023, an amendment was made to the Refugee Law and a provision was added according to which in the event of the applicant’s refusal to consent to an examination, the person in question shall be presumed to be an adult and, at any subsequent stage, the applicant shall have the right to submit additional evidence as to their age and/or to request a medical examination to determine their age, which the Asylum Service must examine. The provision is intended to address possible abuse of the system where adult applicants maybe claiming to be minors; however concerns were raised by the Commissioner for the Rights of the Child, UNHCR and national NGOs on the necessity of the provision and whether it is in line with EU and International Law and standards. In practice the provision does seem to have had a significant impact. In 2023, 188 UASC were referred for age assessment, out of which 128 UASC were further referred for medical examinations as part of the age assessment. Of the 128 UASC, 27 were found to be minors, 94 were found to be adults, 6 refused to sign consent to undergo the medical examinations, and 1 withdraw his application.

**Human trafficking victims**

**Spain:** A report published by the network ‘Alarm Phone’ in January 2023 described the sexual and labour exploitation that migrants suffer in transit and destination countries around the Western Mediterranean, that is Spain, Morocco, and Algeria, showing how similar conditions and mechanisms of exploitation exist on both sides of the Mediterranean and Atlantic areas.

An analysis of case-studies published in May 2023 by the NGOs ‘Proyecto Esperanza’ and ‘Sicar.Cat’ on the international protection needs of trafficked persons led to a set of recommendations to improve their rights, assistance and protection, concretely the need to generate common agreements or Memorandums of Understanding (MoU) between organisations, authorities and key actors in Southern European countries, which are the gateway to the EU for refugees and migrants, and organisations, authorities and key actors located in the countries of subsequent reception. Also, a Standard Operating Procedure (SOP) for transnational referral to ensure that transnational referral procedures are coordinated, consistent and centred on the rights of the victims or potential victims needs to be established. And finally, the training of key actors should be strengthened (both traditional and non-traditional), to improve the early identification of potential victims of trafficking, in the context of asylum procedures, and their ability to refer victims or potential victims safely and quickly. Awareness of the transnational dimension of human trafficking among frontline professionals is critical to advancing access to rights for trafficked persons.

In 2021, the Group of Experts on Action against Trafficking in Human Beings (GRETA) of the Council of Europe started its third evaluation round of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Spain. The country visit was carried out in July 2022 and the evaluation report was published in June 2023. Among the recommendations made, GRETA urged the Spanish authorities ‘to put in place and operationalise a National Referral Mechanism (NRM) and to ensure that, in practice, formal identification of victims does not depend on the presence of sufficient evidence for the initiation of criminal proceedings. It also called on the Spanish authorities to strengthen the proactive detection of victims of trafficking among asylum seekers and migrants arriving in Ceuta, Melilla and the Canary Islands.

On the World Day against Trafficking in Persons, the Forum for the Social Integration of Migrants (Foro para la Integración Social de los Inmigrantes) asked the new Government formed following the general elections to make the fight against trafficking a priority and to increase the State budget to guarantee assistance and protection to all victims, independently of the purpose of exploitation. The NGO ‘CEAR’ also called on the Government to adopt the proposal for a comprehensive law against trafficking, to put in place measures for the identification and protection of trafficked persons through multidisciplinary teams, and to guarantee
trafficked persons access to the asylum procedure. The same call for the adoption of the proposal for a comprehensive law against trafficking was made also by Amnesty International and the Spanish Network against Trafficking in Persons in May 2023.

**Netherlands:** A new Work Instruction (2021/18, 12 October 2021) on the ‘assessment of the plausibility of the human trafficking account’ came into effect. The Work Instruction is a manual for the assessment of applications for a humanitarian non-temporary residence permit based on special individual circumstances (after residence as a victim or victim-declarant of human trafficking). This Work Instruction was followed in March 2023 by Work Instruction 2023/5, the content of which remained virtually the same.

**Croatia:** The Centre for Peace Studies (CPS) reported that in 2023 they observed deficiencies in the identification of applicants for international protection as victims of human trafficking despite the existence of statements, documentation and other evidence that point to the existence of the said criminal act. The CPS also reported that the system of identifying vulnerable groups within the Reception Centre for Applicants for International Protection, and especially in the Reception Centres for foreigners, is not adequate.

**Switzerland:** GRETA visited Switzerland in the summer of 2023, for its third Evaluation Round. The final report is expected by mid-2024.

In its Concluding observations, published in July 2023, the UN Committee against torture (CAT) reiterated that consistent and full use of the Istanbul Protocol in asylum evaluations should be ensured as a matter of course.

**UK:** In the first nine months of 2023, only 32% of cases decided by the Immigration Enforcement Competent Authority were confirmed as victims of trafficking, as opposed to over 79% of cases considered by the Single Competent Authority.

**Slovenia:** The Inter-ministerial Working Group for Combating Trafficking in Human beings prepared the Action plan for combating trafficking in human beings, which foresees preventative measures, detection, investigation and prosecution and a call for systemic solutions and legislative changes. In practice, applicants who are victims of trafficking in human beings are rarely identified or recognized as such. In practice, the Police does not identify asylum seekers as victims of trafficking as it is their position that the criminal act was committed before entering Slovenia therefore the victim ceased to be a victim as the criminal act has already been committed. Due to this position traffickers are often processed for smuggling instead of trafficking while the risk of being a victim of trafficking in the future is not assessed. Issues regarding the identification of victims of trafficking were also highlighted in the 2023 GRETA report. The report highlighted the need for additional training of relevant stakeholders, engaging a sufficient number of trained interpreters, providing information to asylum seekers as well as adequate and safe living conditions. Lack of effective identification of victims of trafficking was also addressed by the Committee against Torture during the 2023 fourth periodic review. The Committee recommended that authorities should intensify its efforts to prevent and combat trafficking in persons, including by strengthening the procedure for early identification and referral of victims among persons in vulnerable circumstances, such as asylum-seekers and migrants, including unaccompanied minors, and by providing specialized assistance to children who are victims of trafficking, including adequate accommodation in facilities adapted to their specific needs. It should also enhance its efforts to investigate and prosecute all cases of trafficking and provide adequate redress to the victims.

In order to ensure that people are informed about the dangers of human trafficking the UOIM started a project through which Special information sessions (called PATS) following the asylum application should be conducted with unaccompanied children and other potential victims of trafficking. Until 2022, the project was implemented both by the NGO Institute for African Studies, and UOIM the staff of UOIM. In 2022, this information sessions were conducted by UOIM staff. The aim of the sessions was informing potential victims of the dangers of trafficking, and to identifying potential victims. In general, these sessions should be
conducted with all unaccompanied minors, single women and identified victims of trafficking. In practice, due to the lack of translators and the high absconding rate of asylum seekers, the information sessions were not carried out with most of the eligible applicants. In 2023, a new public call was issued by the UOIM, and the activity was conducted by Društvo Ključ and NGO specialised in human trafficking.

**Cyprus:** In 2023, 133 of persons were identified as potential victims of trafficking within the vulnerability assessment procedure in Pouranra.

**Poland:** In 2023, GRETA published its evaluation report concerning Poland (third round).

**Legal representation of unaccompanied children**

**Greece:** Under the new law, the provision of guardianship is relegated to a list of legal entities appointed by the Public Prosecutor (i.e., public entities, NGOs, international organisations) who collaborate with persons acting as guardianship mandated persons (henceforth referred to as “guardians”). The Public Prosecutor can also appoint a child’s family member or friend to be responsible for their everyday care.

In late autumn 2023 (end of October) METAdrasi and Praksis NGOs were announced by the Ministry of Migration and Asylum as the finalist candidates entrusted with the implementation of the National Guardianship scheme, following a public procurement procedure. The project officially begun on 1st November 2023 and according to its design the first two months would consist of preparatory actions (trainings, prioritisation of cases etc).

The project’s implementation involves a phased approach to recruit guardianship mandated persons over three stages and now, at this first stage, 60 guardians for UASCs are placed at Greece's main entry points (the 5 Aegean islands and Evros area) and/or to other reception facilities under pressure (e.g., in Serres, northern Greece). At the time of writing (February 2024) guardians are now deployed and started work, supporting unaccompanied children on the move with a focus on separated children, vulnerable children with medical issues, children below the age of 14 and girls, regardless their age. The next group of guardians is expected to start in the beginning of March 2024, covering more of the identified needs.

Assigning the additional task of guardianship to prosecutors has proved to be particularly disastrous over the years, especially given the number of prosecutors and their workload as prosecuting authorities, therefore, this development is positive, but it also needs to be sustainable. The General Secretariat for Vulnerable Persons and Institutional Protection has replied to GCR that funding for this project is ensured by the end of 2023, but it’s in the Secretariat’s aspirations that funding is not going to be a problem for the project’s sustainability.

The total number of applications for international protection lodged by unaccompanied minors before the Asylum Service in 2023 is 2,937 (of which 42 are subsequent), while only 1,163 unaccompanied children received positive decisions during the same year. As some decisions spill over from previous years and the number of negative decisions is not publicly available, nor was this number shared with GCR by the asked Greek authorities, one cannot estimate the actual scale of the issue at hand.

**UK:** Provisions of the Illegal Migration Act 2023 that are not yet in force will make the Secretary of State for the Home Department responsible for the children instead, with the power to transfer this responsibility to the local authority. They should be looked after according to the same standards as other young people in the care of local authorities.

**Switzerland:** In November 2023, the SEM released the Handbook on the accommodation and support of unaccompanied asylum-seeking minors in federal asylum centers. The content of the new handbook is based
on a study commissioned by the SEM. According to the new guidelines, which have already been implemented in all six federal centers, the welfare of children in the centers falls under the responsibility of the asylum center's management, hence the SEM. The SEM can delegate all or part of these responsibilities, as well as corresponding decision-making and representation powers, to members of the care team (usually social workers). Their tasks encompass the daily work of education and support. The Adult and Child Protection Authority (APEA, the cantonal offices) may be involved following a report from the SEM or legal protection, as it does not intervene automatically but only in cases where the child is at risk. Legal representation / the person of trust only has authority for representation in the asylum procedure. In all other aspects of life, they can only "advise and assist" the unaccompanied minor. These changes are commendable as they seek to clarify the roles and responsibilities of all actors involved in caring for children within the center. Given the crucial responsibility of the SEM and the educational teams, it is hoped that the care and support of children in various centers will be more extensive and effective than before, with sufficient resources to cover even periods of high influx.

**Croatia:** In 2023, amendments of the LITP prescribed for the appointment of the representative of an unaccompanied child to be done immediately upon child expresses intention. To According to the knowledge of Croatian Law Centre in some cases during 2023, challenges arise in practice. Although a special guardian is appointed immediately after a child is found on Croatian territory, s/he is appointed up until an unaccompanied child is accommodated in a social welfare institution. After accommodation, a new guardian should be appointed, which sometimes takes several days.

In 2023, the Croatian Law Centre (CLC) implemented the project "Legal Assistance and Capacity Building for Access to Territory and Asylum in Croatia" with the financial support of the UNHCR. Within the project, the legal advice and/or information were provided also to unaccompanied children, although only in several cases. In addition, it was observed that unaccompanied children were quickly leaving the institutions where they were accommodated and consequently Croatia.

**Bulgaria:** In December 2023, NLAB conducted training of 18 additional lawyers vis-à-vis its planned expansion of Article 25 limited list of representatives. In September 2023, the non-governmental organisation Bulgarian Helsinki Committee communicated its first annual report assessing the quality of the representation provided by Article 25 legal aid lawyers. The report was based on a formal agreement, endorsed by UNHCR and funded by UNICEF. It covered the period from 1 July 2022 until 31 August 2023 with feedback collected from 215 interviews with unaccompanied children at Sofia and Harmanli reception centers. The report provided both general findings about the overall quality of the legal representation as well as individual assessment of each 23 acting legal aid lawyers from the limited NLAB list. The general feedback from children remained predominantly positive with respect to legal aid lawyers acting in Sofia reception centres and predominantly reserved to negative with respect to legal aid lawyers acting in Harmanli reception centre. On 14 March 2023 the NLAB Executive Committee will hold a review of the report to consider amendment of its internal rules to allow striking of underperforming representatives out of the limited Article 25 list.

In practice in 2023, legal aid to initiate and undergo a Dublin procedure was only provided to unaccompanied asylum-seeking children in order to assist their reunion with parents, relatives or family members in other European countries. This special legal aid was provided under the adopted 2020 amendment to the law, when the obligation to represent unaccompanied children was shifted from the municipalities to the National Legal Aid Bureau (see section Regular Procedure: Legal Assistance). The statutory legal aid lawyers who represented unaccompanied children were assisted with training, interpretation and support to make sure that they are able to provide adequate and child-friendly information, and to manage their Dublin cases in accordance with the ad-hoc arrangements established jointly by BHC and SAR’s Dublin Unit since August 2019. These ad-hoc arrangements were funded by UNICEF and ended on 31 December 2023.
However, in 2023 the timely appointment of a representative to unaccompanied children was again delayed, this time due to delays by SAR in sending of the appointment requests to NLAB. Monitoring established that in 46% of the cases SAR requested the appointment within a week from the registration date, however in 22% of the cases this request was made within two weeks from the registration and in the rest 32% - after more than two weeks. It represented a significant retreat from practice in 2022, when in 100% of the monitored cases SAR made this request within two weeks. In total, 3,081 out of all 3,843 unaccompanied children who applied in 2023 plus 413 unaccompanied children, registered in December 2022 (72%) were appointed legal aid and representation, although due to the high rates of absconding in practice just 388 unaccompanied children were represented in practice during asylum procedure or after recognition.

The immediate and written provision of information to unaccompanied children regarding the appointment of the respective representative and their contact details is a legal obligation of the SAR. Fully omitted until the very end of 2021, when such information began to be partially provided in Ovcha Kupel and Voenna Rampa safe zones, in 2023 81% of monitored children were duly and timely informed about the appointment of their representative. This represented a retreat from the practice in 2022 when 96% of unaccompanied children were duly provided this information.

Germany: In the majority of cases, the youth welfare office acts as guardian for the minor. Often, guardians appointed by the youth welfare offices are not in a position to sufficiently support the children in the asylum procedure, because of overburdening, as some guardians in youth welfare offices are responsible for up to 50 minors at the same time. In 2023 it has been noted that the maximum number of 50 is not kept anymore because there are not enough legal representatives available.

The total number of unaccompanied foreign children and young adults under the care of youth authorities remains at a lower level compared to 2016 where 64,045 were taken care of, but their number is on the rise again, with 30,221 in December 2023 compared to 25,084 in December 2022, 27,862 in December 2021 and 21,276 in December 2020. No exact differentiation is available for December 2023, but in December 2022 out of these unaccompanied children 29.6% were older than 18 years but still fell under the competence of youth welfare offices because they were entitled to youth welfare measures.

Cyprus: The number of UASC arriving in the country increased significantly in 2021 and again in 2022, reaching approximately 1200 UASC. In 2023, 957 applications were submitted by UASC bringing the number of UASC in the country at end of year to 1,298.

This has led to the number of Guardians once again being insufficient to adequately respond to their needs. In 2022, there was an increase in the number of Social Welfare Officers assigned as Guardians. In 2023 the increase in Guardians was maintained with the total number being 33, of which 8 are stationed in the First Reception and Registration Center in Pournara, however the number remains insufficient, and the lack of knowledge of the asylum framework and procedures continue to be an issue.

Romania: For 2023, Save the Children Romania provided the following information:

Galaţi: the legal representative only participates in administrative/legal procedures, accompanies the minor to the IGI-DAI interview, but does not cover the child's needs, therefore the child does not receive adequate support from the legal representative appointed by the DGASPC. There are many cases where minors meet the legal representative for the first time at the interview at IGI-DAI, without knowing what duties he/she has in the child's life.

Bucharest: the legal representative participates in administrative/legal proceedings and tries to provide support to children whenever necessary. The minors from which the organisation received feedback said that
the legal representatives came to the centre to give information and that they are able to contact him/her if needed.

Timișoara: the legal representative appointed by the DGASPC is only formally involved and accompanies the minor to the IGI-DAI interview, without adequate support to the child.

Rădăuți: from the information Save the Children Romania has, it can be concluded that the legal representative is involved in all legal and administrative procedures concerning the child.

Maramures – Șomcuta Mare: the legal representative designated by the DGASC is only formally involved and accompanies the minor to the IGI-DAI interview, without adequate support to the child. NGOs are the ones who take care of the child’s needs in terms of food, clothing, other basic needs, school enrolment. These deficiencies are indicated also by CNRR for the same year.

The CNRR flagged the following issues concerning unaccompanied minors in 2023. At Regional Centre Timișoara there were situations where the asylum applications of unaccompanied minors were not analysed swiftly. In the case of unaccompanied minor asylum seekers, communication between them and the legal representatives appointed by the DGASPC is not constant and tends to be limited to the measures and activities necessary for the asylum procedure. According to the information available to CNRR, the unaccompanied minors accommodated in the regional centres in Timișoara, Giurgiu, Șomcuta Mare and Rădăuți either have no contact with the legal representative or there is a very limited contact, and the only counselling they receive is from NGOs. The times when minors have contact with the legal representative appointed by the DGSPC are when the IGI conducts interviews in the administrative phase of the asylum procedure, or at court, when the legal representatives are required by law to be present. At the centre in Galați, a slightly more favorable situation could be observed in terms of communication between the legal representative and the unaccompanied minors, who showed a greater interest in the situation of minors, both legally and socially/culturally.

Progress has been made in 2023 through the issuance of the Order No 119/20.643/2023 on the conditions of appointment, role, tasks and requirements of education, training and professional experience for persons appointed as representatives for unaccompanied foreign minors who apply for or are granted a form of international protection. The Order outlines fundamental principles which should be taken into consideration by the DGAPSCs, particularly with regard to the time taken to respond to situations of unaccompanied children arriving at reception centers and maintaining regular contact between the appointed legal representatives and the child regardless of where they reside.

Reception of vulnerable applicants and specialised reception facilities

Greece: Since December 2023, the waiting period for the placement of UAMs residing in several island CCACs in shelters for minors was reported to have increased up to an average of two months (Samos, Leros, Kos). Concerns have also been expressed about the absence of creative activities during the day and confinement in a non-child friendly, prison–like environment, especially when the waiting time for placement has increased.

From the beginning of 2022 until 31 October 2023, the National Emergency Response Mechanism launched in April 2021 with the aim to trace UAM in precarious conditions and provide them with access to necessary protection, managed to identify and accommodate 3,173 children who were living in precarious conditions or were homeless. Since 2 March 2022, the National Emergency Response Mechanism received 577 referrals for separated and unaccompanied children from Ukraine.
The emergency accommodation facilities were funded from December 2021 until February 2023 through a grant from the Danish Ministry of Foreign Affairs. From March 2023, they are funded by the Swiss Government and the Ministry of Migration and Asylum within the framework of the Swiss-Greek Cooperation Programme.

The total number of referrals of unaccompanied children received by the SGVP in 2023 were reported at 5,043, according to the sum of respective monthly statistics, marking a 21% decrease compared to the same period in 2022 (6,350). At the same time, the number of accommodation spaces, specifically designated for unaccompanied minors was also slightly decreased, reaching a total of 2,260 places by the end 2023, as opposed to 2,511 by the end of 2022. Of these, roughly 91.1% (2,060) concerned long-term accommodation (including SILs), while the rest (200) concerned temporary/emergency accommodation under the relevant mechanism established by the MoMA in April 2021. Based on updates by EKKA, by the year’s end the majority of referrals regarded UAM from Somalia, Afghanistan, Syria and Egypt.

Challenges remained regarding the proper identification of UAM upon arrival, and as a consequence cases where UAM have been accommodated alongside the adult population continued to be observed in 2023, at least on the islands, amongst others due to the lack of specialised medical staff. For the situation of UAMs see also the chapter on Guarantees for Vulnerable Groups.

By 30 March 2023, a total of 1,368 out of the 1,600 relocation pledges for UAM had been successfully implemented, primarily to France (501), Portugal (380), Germany (204) and Finland (111).

As per data published by the General Secretariat for Vulnerable Persons & Institutional Protection operating under the MoMA, out of the 2,260 total available places for unaccompanied children in Greece by the end of 2023, 1,808 were in 63 shelters, 252 were in 63 Supported Independent Living apartments (SILs) for UAM over the age of 16, and 200 places were in 5 emergency accommodation facilities operating under the National Emergency Response Mechanism (NERM).

Spain: In order to respond to the increasing number of arrivals, from 2018 the Spanish Government put in place resources in order to manage arrivals and to carry out the identification of persons’ vulnerabilities in the first days of arrival. Specific facilities for emergency and referral have been created: these are referred to as Centres for the Temporary Assistance of Foreigners (Centros de Atención Temporal de Extranjeros, CATE) and Centres for Emergency Assistance and Referral (Centros de Atención de Emergencia y Derivación, CAED). As of February 2022, there was a total of eleven CAED managed by NGOs (i.e., CEAR, Red Cross, etc.). In 2023, the Directorate-General for Humanitarian Assistance and Social Inclusion of Migrants plans to reduce the number of such facilities as well as the number of reception places due to the decrease in the occupancy. The plan is to reduce the capacity from 1,410 to 1,060, and the number of facilities to 9.

In a report launched in June 2023, the State Observatory of Disabilities at the Ministry of Social Rights and Agenda 2030 called for the implementation of measures, protocols and tools aiming at improving the asylum procedure and the asylum reception system in line with the needs of persons with disabilities and removing those barriers that impede their inclusion.

UNHCR supported the Ministry of Inclusion, Social Security and Migrations (MISSM) and NGOs managing reception centres for refugees and asylum seekers in the implementation of national standard operating procedures to prevent and respond to gender-based violence in the reception system, enhancing the reception personnel capacity to adequately detect, refer, and intervene in GBV cases with a survival-centre approach. A few guidelines (data collection tool, pocket guide, a leaflet for professionals, and posters and leaflets for refugees, asylum seekers and stateless persons) were developed. A plan to disseminate the guidelines through targeted trainings will be rolled out in 2023.
In April 2023, the implementation of such a protocol was extended to the facilities for humanitarian assistance to migrants.

In June 2023 the Directorate-General of the Management of the Asylum Reception System at the Minister of Inclusion, Social Security and Migration renewed an agreement with Save the Children until the 30 of June 2024 in order to implement the programme ‘0-6’ at the CAR of Mislata (Valencia). The project aims at tackling the emotional and phyco-social protection of children aged 0-6, their physical protection, at fostering access to education and learning, and the relation with parents and the community.

Following a proposal made by the Minister of Inclusion, Social Security and Migration, in July 2023 the Council of Ministers approved the funding of EUR 1.5 million until 2026 to the Spanish Olympic Committee with the aim of promoting sports within the reception systems for migrants and refugees.

In October 2023 the NGO Kifkif, specialised in aiding LGTBIQ+ migrants and asylum seekers, closed due to alleged embezzlement by its founder.

The Fundación Cruz Blanca opened one centre in Las Palmas de Gran Canaria with 140 places for women and mothers with underage children, and another facility with a capacity of 400 places for men. The latter was closed at the end of December 2022, while the facility for women was announced be closing in June 2023.

A report published in May 2023 by EuroMed Rights denounced the ‘extremely inadequate and unequipped conditions of reception services for unaccompanied migrant children to deal with large numbers of pending applications and age assessments, with poor sanitary conditions and a lack of access to health and education services.

The Government and the Autonomous Communities agreed to transfer 400 UAMs from Ceuta and the Canary Islands to reception facilities in mainland, due to the situation of overcrowding. In addition, other 374 UAMs will be transferred in 2023.

Due to the increase in arrivals to the Canary Islands in 2023, especially during the fall, also many (presumed) UAMs also arrived at the archipelago, including young children (i.e. less than 14 years old). This resulted in the UAMs’ protection system in the Canary Islands accommodating more than 4,400 UAMs in November 2023, and the accommodation of many UAMs in facilities for adults because they were not identified as minors. Following the challenges that arose because of the substantial increase, different organisations (i.e., the Platform for Childhood, UNICEF, and Save the Children) expressed concerns about the situation, and asked different institutions to take effective measures to guarantee children’s rights.

Amnesty International denounced the situation in the archipelago and the lack of guarantees of UAMs’ rights, concretely the lack of information provision on their rights, including the right to asylum, the lack of age assessment procedures, the accommodation of presumed UAMs in centres for adults, the lack of legal assistance and appropriate interpretation, etc. In October, all the Autonomus Communities reached an agreement to share the reception of 450 UAMs from the Canary Islands. The Government of the archipelago assessed the agreement positively, but considered the number of UAMs to be transferred very low compared to the migratory situation it is facing.

Another issue denounced relates to the separation of children from their parents. This was a practice of the Public Prosecutor following boat arrivals at Las Palmas de Gran Canaria (Canary Islands). Children were separated from their parents during many months in order carry out DNA tests, which was heavily criticised. During this time, children were hosted in centres for unaccompanied migrant children, while their parents were in centres for adults. In the case of one family, in January 2023 the High Court of Justice of the Canary Islands (Tribunal Superior de Justicia de Canarias) condemned Canary Islands Government to pay a EUR
210,000 compensation for the moral suffering of the parents deriving from the separation from their three children for 14 months.

In May 2023, the Council of Ministers adopted the National Strategy for the Rights of Childhood for the period 2023-2030, with the aim of fully guaranteeing such rights. Among other things, the strategy foresees a set of measures to protect migrant children, including those in need of international protection.

Bulgaria: In 2023 a total of 43 unaccompanied children were accommodated during the course of the year in specialized childcare centres, of whom 2 were asylum seeking children and 41 children granted international protection. Altogether eleven licensed childcare centers have engaged in this practice in localities across the country, namely in Sofia, Burgas, Vidin, Ruse, Kardzhali, Novo Selo and Zvanichevo. At the same time the lack of specialized training of the childcare centre’s staff to work with unaccompanied children seeking or granted protection should be acknowledged and taken into account as well as the lack of secured interpretation at least for the initial period of accommodation and adjustment.

Families, single women and traumatised asylum seekers are not accommodated in separated facilities, but in separate floors in the reception centers’ facilities, mainly due to the overall lack of SAR reception capacity. There is no formal policy to prevent mixed-sex accommodation, however in practice the single women and the families are accommodated in separate floors in Sofia centers and separate buildings in Harmanli reception center. These floors are equipped with separate toilets and bathrooms. No specific measures are put in place in reception centres to prevent gender-based violence, except separate accommodation of single women, families and safe-zone for the unaccompanied children. All SAR social workers are female; however the interviewers and the interpreters often are not from the same sex as the asylum seeker, neither the information about the right to have one from the same sex is provided in all cases, but just in 9% of the cases about the possibility to request the same sex interviewer and only in 20% about the possibility to request an interpreter of the same sex or gender.

At the end of 2022, the SAR management and UNICEF agreed to cooperate for the opening of a third safe zone for unaccompanied children in Harmanli reception centre through funding provided by Swiss Federal Service. The zone is expected to become operational in March 2024, after the completion of the necessary refurbishment and logistics.

Switzerland: In 2023, children in school age were generally able to attend school either within the federal centres or in regular schools, however due to the emergency situation the time or frequency of schooling was sometimes reduced. In addition, few leisure activities exist for children, especially under and above school age. The general tension that exists within the centres, due to the high psychological pressure asylum seekers are living under, the coexistence of persons with very different backgrounds, or even alcohol or drug issues that may occur in the centres, can make the situation very difficult for children, single women or other vulnerable persons.

In its report published in April 2023, the NCPT drew its conclusions on the visits carried out between 2021 and 2022 in 17 federal asylum centres. The Commission recognises the challenges posed by the current situation (Ukraine crisis, increasing numbers of asylum seekers, high numbers of unaccompanied minors) and calls for the need, at the political level, to ensure enough resources. Analysing the situation in the centres, it notes that there is considerable potential for improvement in many areas, such as the prevention of violence (particularly sexual violence), the application of security measures (body-searches, use of force, confiscations), the protection of persons suffering from addiction, or persons at risk of suicide or self-harm. The report focuses especially on the situation on unaccompanied minors, highlighting severe shortcomings in their support and declaring itself highly worried about the situation. The observations concerning minors and other vulnerable groups are discussed below.
In December 2023, the NCPT has published four new reports on individual visits carried out in six temporary centres (see below section on “Accommodation crisis in 2022 and 2023”).

In November 2023, UNHCR has published a report with recommendations for federal asylum centres. In the report, based on 12 visits conducted in federal asylum centres between 2021 and 2022, UNHCR identifies several areas of improvement such as the identification and consideration of special needs of vulnerable persons, the prevention of violence, health care, education and the participation of residents and civil society.

Not only are minors sometimes moved to remote locations away from the federal asylum centres but, due to lack of resources, centres are in dire need of social workers and educators to work with them during the time they are in the centres. Also, contact with the person of trust (legal representation) is more challenging in practice when the minors are placed in different locations. These circumstances pose the risk of further alienation, discomfort, and isolation for the minors, which may in turn enhance the risk of them leaving the centres unannounced and unnoticed. The Swiss Refugee Council and other NGO closely relevant developments, and exchange views with national authorities and legal protection actors.

These problems were confirmed by NCPT in a report published in April 2023. Drawing conclusions on the visits conducted in 17 federal asylum centres between 2021 and 2022, the Commission expressed high concern for the situation of unaccompanied minors, who are not able to get any personalised support at least since February 2022. Indeed, the socio-educational workers have found themselves managing 70 to 100 minors at a time, together with some unspecialised staff members. The NCPT clearly states that the treatment of minors is in violation of the Convention on the Rights of the Child (CRC) because the best interests of the children are not enough considered and their rights to protection, rest, leisure, play and recreational activities are not guaranteed. The situation of girls is of particular concern given their small number, they are often accommodated with adults and left to themselves, receiving no support from the socio-educational staff. According to the NCPT, the current system of support for unaccompanied minor asylum seekers must be reviewed and adapted so that professional and continuous assistance of all children is guaranteed even in the event of a large influx. The report also points at the transfer of minors into adults’ accommodation after an age assessment concluding for the adult age, defining this practice as illicit before a decision on the age of the applicant is entered in force.

Concerning other vulnerable groups, the NCPT expressed concerns regarding the provisory suppression, in several centres, of rooms accessible only for women to make space for more dorms, as well as the accommodation of several families in the same room. The Commission is also very critical about the treatment of persons with disabilities, as in several centres the mobility was strongly reduced for people in a wheelchair.

During 2023, the NCPT visited some temporary federal asylum centres, two of which (Les Rochats, a military barrack, and Aesch, an underground civil protection shelter) accommodate unaccompanied minors aged 16 and 17 and two of which (the underground civil protection shelter of Steckborn and the centre of Via Motta 7 – 11 in Chiasso) house also families with children. As explained above, the reports confirm that the material conditions are generally insufficient and not at all suitable for children. Furthermore, at the time of the CNPT’s visit, there were no specialised staff (social educators) in the centres for unaccompanied minors. The centre of Via Motta 7-11 in Chiasso was found to be in appalling condition, with no outdoor space or place for children to play. The NCPT has concluded that these conditions are not compatible with the UN Convention on the Rights of the Child and has recommended refraining from housing children in underground shelters.

**Croatia:** In the course of 2023, the problems with the inadequate accommodation of unaccompanied children continued. The UNICEF office for Croatia reported that the accommodation of unaccompanied children is still a special challenge in the social care system, given the general increase in the number of children removed from their families and the increase in requests for accommodation in social care homes, as well as the fact that this is still most often realized in social care homes for children with behavioural problems. Social care
homes where unaccompanied children are accommodated reported an increase in the number of unaccompanied children in 2023 and that children stay in that accommodation for a very short period of time.

The UNICEF Office for Croatia also reported challenges that this office found out about in communication and cooperation with the UNICEF Office in Bosnia and Herzegovina and which was confirmed by Croatian side i.e., Reception centres for applicants for international protection and social welfare institutions that accommodate unaccompanied children, as well as from the Border Directorate of the Croatian Ministry of the Interior. According to that information, unaccompanied children from third countries who find themselves on the territory of Croatia often present themselves as adults. By presenting themselves as adults, unaccompanied children are accommodated in the Reception Centers for applicants for international protection or the Reception Centers for Foreigners or Transit Reception Centers for foreigners in Tovarnik and Trilj. In addition to inadequate accommodation, an unaccompanied child, presenting as an adult, is not appointed a special guardian and remains unrecognized in the social welfare system. This puts unaccompanied children at risk, and it is difficult to respond to their specific needs and exercise their rights. The UNICEF office for Croatia also reported that the monitoring of data on unaccompanied children in the Republic of Croatia continues to be a problem. Although the relevant ministries, primarily the Ministry of Interior and the Ministry of Labour, Pension System, Family and Social Policy, consistently maintain data on unaccompanied children through well-developed information systems, the data between state bodies are neither comparable nor harmonized.

The Centre for Peace Studies (CPS) reported continued problems of inadequate accommodation provided to unaccompanied children in social care homes for children with behavioural problem. In addition, CPS reported that most children who were older than 16, were placed in reception centres for applicants for international protection, which means together with adults.

In 2023, the National Action Plan to implement the EU Council Recommendation on establishing a European Child Guarantee (NAP) was adopted. The aim is to enable access to services for children at greatest risk of poverty and social exclusion in Croatia, and therefore children in need are the focus of this National Action Plan.

The NAP is a comprehensive national document that forms the basis for the implementation of measures and activities in key areas of intervention arising from needs and development potentials related to combating child poverty and social exclusion, with an emphasis on cross-sectoral cooperation and joint action. Six general objectives were defined in NAP: 1. improved access to early childhood education and care; 2. Ensured access to education and support for children at risk of poverty and social exclusion; 3. Ensured access to quality meal nutrition for children at risk of poverty and social exclusion; 4. Ensured access to health services for children at risk of poverty and social exclusion; 5. Ensured access to adequate housing for children at risk of poverty and social exclusion; and 6. Improved accessibility of social services in the community to children at risk of poverty and social exclusion.

Children with a migrant background (unaccompanied children, children seeking international protection, asylum seekers, aliens under subsidiary and temporary protection who are under the age of 18) have been identified as children in need.

In May 2023, MdM issued its publication entitled “Physical and mental health of applicants for international protection in the Republic of Croatia - new trends, observations, challenges and recommendations”, developed with support of the European Union’s Asylum, Migration and Integration Fund (‘AMIF’) and Government of Croatia (Ministry of Health).

In 2023, the Rehabilitation Centre for Stress and Trauma (RCT) provided psycho-social support to victims of torture. Some of the RCT’s beneficiaries during 2023 were victims of torture who experienced physical and psychological trauma in their countries of origin, and as a result have health and psychological problems such as heavy thoughts, periods of depression, insomnia, burnout. RCT provided them with more significant support through individual psychotherapy and support.
The practice changed during the year 2023 and depended heavily on the number of new arrivals of both asylum seekers and temporary protection holders. Before the unaccompanied minor is accommodated in one of the centres, the UOIM must obtain the opinion of the social services regarding the suitability of the centre. In practice, this provision is only a formality as unaccompanied minors were often accommodated in the Asylum Home which is not an appropriate accommodation for vulnerable groups.

Large-scale centres are used for the accommodation of asylum seekers in Slovenia. The Student Dormitory Postojna, where unaccompanied minors can be accommodated, is an institutional care arrangement where a special part of the student dormitory is used for unaccompanied minors. An accommodation centre for unaccompanied minors was not established in 2023, meaning that there is still no appropriate accommodation for unaccompanied minors in Slovenia.

The lack of appropriate accommodation for unaccompanied minors was also highlighted by the Committee against Torture. The Committee noted that there is a lack of individualized approach based on an assessment of the best interest of the child in asylum centres and student dormitory. In its concluding observations the Committee urged the Government to continue its efforts to provide appropriate accommodation for unaccompanied and separated children, develop a multidisciplinary system of care based on the best interest of the child and individualized needs assessments and provide sufficient protection safeguards.

During 2022, the interdepartmental working group for the establishment of a systematic form of accommodation for the treatment of unaccompanied minors was activated again. In 2023, the new Decree on providing appropriate accommodation, care and treatment of unaccompanied minors was adopted. The Decree forms the legal ground for establishing a systematic form of accommodation of unaccompanied minors. According to the Decree three types of accommodation for unaccompanied minors will be established: a reception center for unaccompanied minors, accommodation units for unaccompanied minors and youth apartments. According to the Decree the reception center can have the capacity for up to 50 children. Before accommodation in the reception center the child has to go through a medical examination. The child can be accommodated in the reception center for up to 3 months. Children will be accommodated based on their age, gender and vulnerability and 24-hour care will be provided. The accommodation units will be intended for longer accommodation of children. The maximum capacity of the accommodation unit can be up to 10 children. Children will be accommodated based on their age, gender and vulnerability and 24-hour care will be provided. Children older than 16 can be accommodated in the youth apartments if the multidisciplinary team will assess that they are ready for independent living. In each youth apartment up to 6 children can be accommodated. They will be guided and monitored by UOIM counsellor who will visit them on a daily basis. If, after a certain period, it is determined that this form of accommodation is not suitable for the minor he/she can be returned to the accommodation units.

Upon accommodation each child will be assigned their own counsellors, responsible for monitoring the child’s development. Each counsellor can be responsible for up to 5 children. Each child will have their personal file with all documentation relating to accommodation and care of the child. In 5 days after arrival the individual plan for care and treatment of the child should be prepared. The plan should also include the assessment of the best interest of the child, identified vulnerabilities, special needs or risks that can affect the accommodation process or security and benefits of the child. The plan is amended during the accommodation of the child and has to be adapted to the child’s age, gender, needs, other circumstances and experiences of the child, the child’s wishes and interest. It also has to include all the relevant information regarding the provision of professional support, care planning, medical care, education, career path and his hobbies and interests. The individual plan also includes a plan for further accommodation and the definition of short-term, medium-term and long-term goals. Cooperation of different stake holders and individuals working with the child is foreseen. The cooperation will be coordinated by the UOIM that can also organize a multidisciplinary team for consultation on the future treatment of the child.
January 2024 UOIM opened a public call for additional capacities for unaccompanied children, namely the reception center, accommodation units and youth apartments. In December, January and February 2024 UOIM also published a public call for additional employment of counsellors for unaccompanied minors.

**Portugal:** To ensure response to the reception needs, young applicants at more advanced stages of the integration process may be transferred from CACR to CAR or CAR 2 in a process of growing autonomy. Furthermore, changing arrangements in rooms allowed to expand the capacity of the facility while preserving adequate accommodation standards. In some instances, unaccompanied children have to be provisionally accommodated at CAR due to shortage of places at CACR or other imperative motives. Despite all efforts, there were instances in 2023 where CPR informed the authorities of the lack of capacity to provide adequate reception conditions to unaccompanied children. In such cases, unaccompanied children were referred to other reception facilities within the child-care system. In 2023, CACR accommodated a total of 62 unaccompanied children.

**Netherlands:** Normally, unaccompanied children do not stay in Ter Apel for a long period of time after lodging their application for international protection. In 2022 and 2023, however, there have been several instances where children had to stay in Ter Apel for multiple days or even weeks. The conditions in Ter Apel in the fall of 2022 were harrowing: children staying there had to sleep on plastic chairs and did not have access to sanitary facilities. The Ombudsperson for Children has raised concerns on multiple occasions, stating that the situation in Ter Apel constitutes a severe violation of children’s rights. The situation for children in Ter Apel had become so worrisome that Nidos decided to evacuate 150 of them, even though it was not their legal obligation to provide shelter for the children. The situation improved in 2023, however, there were still too many unaccompanied minors at the reception centre in Ter Apel. Formally, there is room for 55 unaccompanied minors in a special area of the reception centre with additional guidance and security. At some moments in 2023, there were more than seven times as many unaccompanied minors staying in Ter Apel. COA and Nidos have called on municipalities to create more reception locations for minors. Although unaccompanied minors did not have to sleep on the floor in 2023, they have had to move from one temporary reception centre to another, which is unbeneﬁcial for their wellbeing.

In 2023, UAMs were especially affected by the reception crisis. In the COL location in Ter Apel there is space for 55 UAMs and capacity for guidance of 120 UAMs. Throughout the year this location generally hosted 100-300 UAMs with a peak of approximately 370 UAMs in October.

Reports of overcrowding continued in 2023. Stichting Nidos, the guardianship agency, published a joint letter with the COA urgently requesting all municipalities to provide reception places for UAMs. Additionally, the Inspections of the Ministries of Justice and Security, Healthcare and Youth and Education as well as the Dutch Labour Inspection sent another letter to the Ministry on the situation of the children staying in Ter Apel and in emergency locations, in which they conclude that the reception for children does not meet minimal quality requirements. Access to education and health care are insufficiently guaranteed, the child’s individual best interests receive inadequate attention and the overcrowding of locations leads to safety issues. UAMs are residing in Ter Apel for longer than intended, leading to a delayed start of education. Several months later the Inspections recounted their concerns about UAMs in Ter Apel, detailing amongst other things that the housing of UAMs in Ter Apel is structurally full over capacity, and that under these conditions the physical and emotional wellbeing of the UAMs cannot be guaranteed.

The COA had accommodated 5,557 unaccompanied children by the end of 2023, almost twice the number registered at the end of 2022 (3,246) and more than quadruple the number registered at the end of 2021 (1,305).

In December 2023, the Directorate-General on Migration published a quantitative analyses of the high number of UAMs arrivals since the summer of 2021. The analysis was based on figures from EUROSTAT, IND...
figures and the answers to an EMN-questionnaire, and it was accompanied by a qualitative report on the reasons for (increased) arrival UAMs in the Netherlands. In 2023 (until September), the Netherlands received 13% of the arriving UAMs in the EU. Other member states also saw a high influx of UAMs with an even bigger jump compared to previous years than the Netherlands – for example Germany. The qualitative research identified no clear overarching reason for UAMs to come to the Netherlands as opposed to other EU countries.

The investigative journalist platform Argos reported that at least 360 UAMs had left reception centres without reason between January 2022 and March 2023, of which 237 disappeared from Ter Apel and 36 from (crisis) emergency locations. Counting from January 2018 to March 2023, a total of 1,807 UAMs have disappeared from reception locations.

**Austria:** The government programme issued in January 2020 includes a plan to better ensure the protection of unaccompanied minors in the admissibility procedure, but this was still not implemented as of March 2023 and is not likely to happen before the next general elections in 2024. The number of unaccompanied children, including asylum seekers, rejected asylum seekers and persons with a protection status, receiving Basic Care on 31 December 2023 was as follows: Total basic care recipients: 78,830; Unaccompanied children receiving basic care: 1,879.

**Sweden:** The special needs of LGBTQI+ persons are currently being addressed more seriously in the context of housing. The Swedish Federation for Lesbian, Gay, Bisexual, Transgender, Queer and Intersex rights (RFSL) have successfully lobbied for LGBTQI+ persons’ interests and more effort is being made to find suitable solutions, which sometimes can consist in living in student-like corridor facilities. LGBTQI+ persons can be accommodated in specific centres on an individual basis or together with other vulnerable groups in the special centres established by the Swedish Migration Agency. In 2023, at least one centre in Västerås has special apartments for LGBTQI+ persons and activities arranged with specialised organisations.

The Swedish Migration Agency have updated their internal guidelines. In 2023, their policy was to not place men and women in accommodations together if they were not in the same families. Thus, while there has been improvement in identifying victims of gender-based violence, their accommodation remains an issue.

The Swedish Refugee Law Center has, in 2023, received reports from individuals complaining of sexual harassment and gender-based violence at the Swedish Migration Agency’s accommodations.

**Belgium:** According to the Guardianship Service, asking minors without access to reception to undergo an age assessment was not justified. As a result, these minors were not given access to the reception network and could not dispute the doubt about their minority. In the second week of January 2023, Caritas International Belgium reported that 24 of these minors were gone missing.

**Germany:** In 2023 a new reception center has opened in Berlin, that has been praised for the above average child-care ratio, language courses and leisure opportunities. However, this center remains an exception as the reception capacities for unaccompanied children and adolescents have been exhausted since September 2021.

**Ireland:** In January 2024, it was reported that there had been, according to Tusla, the child and family agency, an ‘unprecedented increase’ in the number of unaccompanied children presenting to its Separated Children Seeking International Protection Service (SCSIP Service). According to statistics, in the period between January and August 2023, 280 unaccompanied minors had arrived in Ireland and sought international protection. In 2022, Tusla received 597 referrals to its SCSIP service. 301 of these referrals were minors from Ukraine, while 227 were from other countries including Afghanistan, Algeria, Congo, Georgia, Somalia and Zimbabwe and involved children ages 12-17 years old.
Separately, it was reported that 200 unaccompanied children living in state care had been accommodated in unregulated Special Emergency Accommodation. Throughout 2023, a shortage of places in group care homes and foster caring arrangements meant that Tusla became increasingly reliant on emergency arrangements, whereby unaccompanied minors were housed in B&Bs, rental properties or holiday homes. While providers of accommodation for unaccompanied minors are generally required to register with Tusla prior to caring for minors, there exists an exception under the Child Care Act 2001, whereby a child is at risk of imminent homelessness and Tusla is satisfied that ‘there is not accommodation available elsewhere.’ Whereby it is later determined that the placement is suitable as an ongoing accommodation arrangement for the child, the provider will then be required to register the setting with Tusla as a children’s residential care centre.

According to reports, an internal Department of Children briefing concerning the unregulated emergency accommodation settings express concern that such placements ‘may not adequately meet the needs of children’ and further meant that ‘vulnerable children could be placed with private organisations without oversight for a period of up to three months.’

Concerns were also raised regarding the number of unaccompanied children seeking international protection who went missing from state care. Throughout 2023, 49 children were reported missing from State care and as of January 2024, 20 of those children had not returned or been accounted for. An investigation conducted by The Journal determined that in many cases, no public appeals for missing children were made by Garda Síochána.

In October 2023, the Ombudsman for Children’s Office (OCO) published a Special Report on the Safety and Welfare of Children in Direct Provision. It is the first report of its kind since the OCO was established in 2004. The Special Report sought to highlight concerns regarding the lack of progress on the OCO’s previous three recommendations, issued in 2021 following an investigation into the administrative actions of IPAS and Tusla regarding children residing in IPAS accommodation. The report, while acknowledging that the influx of arrivals from Ukraine has created unprecedented challenges for government in respect of the accommodation system, nevertheless expresses concern for the potential adverse effects on the rights and welfare of children residing within state-provided accommodation. The report establishes three key recommendations to be implemented by IPAS, including, to no longer use commercial hotels for the purpose of accommodating children, and plan for accommodation capacity pressures, to put in place robust quality assurance mechanisms, including an independent inspectorate, and further, to take into account the vulnerability of children within the international protection process when planning and providing for their accommodation needs.

**Cyprus:** In 2023, there were reports of UASC who preferred to reside outside the safe zone with adults they knew, to avoid conflicts emerging in the safe zone with other children accommodated there. During 2023, the main issue with regards to UASC accommodated in the Safe Zone remained their prolonged stay in Pournara which in some cases was longer than 3 months. Currently, there are approximately 110 UASC accommodated in Pournara.

The requirement to present a valid address in order to exit Pournara continues to cause important difficulties and often prevents exit for the most vulnerable persons including large families who have increased difficulties identifying private accommodation.

During 2023, due to the decrease of numbers of residents, all single women were placed in the Safe zones, and all families were accommodated in Housing units.

**Poland:** In 2023, Special Rapporteur on the human rights of migrants, Felipe González Morales, published a report concerning his visit in Poland in 2022, when he visited several detention centres, but also one reception centre: in Biała Podlaska. The Rapporteur recommended using reception facilities rather than guarded centres in case of unaccompanied children, children with their families, pregnant women and persons with...
mental health conditions. He also suggested redirects funding financial resources used now for building new
detention centres in Poland “to invest in alternative reception and care centres for children, including family
inclusive centres”.

Since 2008, the Office for Foreigners has a special agreement with the Police, UNHCR, “La Strada” Foundation
and Halina Niec Legal Aid Centre aiming to better identify, prevent and respond to gender-based violence in
reception centres. Special teams have been created in all reception centres, consisting of one representative
from the Office for Foreigners, the Police and an NGO. Their task is to effectively prevent acts of violence in
reception centres and quickly respond to any which do occur. In 2023, approx. 20 cases of violence (any
violence, not only gender-based) were discussed by the special teams. According to the Office for Foreigners,
they concerned violations of the rules of stay in the reception centre, conflicts between adults living in the
centres, domestic violence, peer violence and identification of the victims of human trafficking.

In 2023, as stated by the Office for Foreigners, all persons asking to enter the reception centres to work with
minors there were checked in the Sexual Offenders’ Registry. None of them was identified in this registry.

Currently, unaccompanied asylum-seeking children can be placed in youth care facilities throughout the
country. In 2023 they were accommodated in: Warsaw (6 children placed), Lublin (3 children placed), Elk (2
children placed), Białystok (2 children placed), Łódź (2 children placed), Dziekanów Leśny (2 children placed),
Stoczek Lukowski (1 child placed), Gdańsk (1 child placed), Zambrów (1 child placed), Białowieża (2 children
placed), Poznań (1 child placed).

Romania: In 2023, the Ombudsman did not carry out monitoring visits in the centres. IGI-DAI stated that in
all regional centres are ramps for persons with disabilities.
Efforts are made to ensure that nuclear families can stay together during the asylum procedure. Families are
accommodated in separate rooms. In 2023, according to IGI-DAI, families are accommodated separately in
all centres.

Asylum procedures of vulnerable applicants

Greece: According to GCR’s observations, inadequate interview conditions continued to be reported in the
premises of RAO and AAUs in 2023. Notably, registrations and interviews were conducted without
consideration of potential vulnerabilities and relevant needs. Certain interviews and registrations took place
simultaneously in different spaces within the same container, which does not provide proper sound insulation
and is not in line with the principle of confidentiality.

The Appeals Committees further contribute to the non-implementation of special procedural guarantees
through a strict interpretation of Article 72 Asylum Code. Several Committees have ruled that the onus is on
the asylum seeker to establish exactly what evidence he or she would have been able to submit in his/her
specific case if procedural guarantees had been provided during the procedure.
According to a decision of the 10th Committee of the Appeals Authority dated 13 November 2023 regarding
the second instance examination of the asylum case of a vulnerable person from Siera Leone, the vulnerability
of the applicant “was not assessed, since on the day of his registration he was subjected to an extremely
superficial, non-thorough and faulty medical examination […] Therefore […] at the time of his oral interview,
the procedures of first reception had not even been initiated, let alone completed, and specifically his
assessment as vulnerable by the competent EODY psychosocial unit. Thus, an essential type (of the
procedure) was violated, as the assessment and recognition of vulnerability constitutes a special procedural
guarantee in favour of the asylum seeker and a special procedural obligation of the Administration, the
violation of which affects the validity of the examination of the application for international protection,
making it ineffective and non-specialized […] In view of these, the Committee judges necessary to postpone
the issuance of its final judgment so that the applicant can undergo at his own initiative medical examinations and present medical certificates on his state of health during the new scheduled discussion of the case [...].”

All decisions rejecting minors’ claims have troubling similarities. Procedural deficits (absence of a guardian, of appropriate legal representation and legal aid during the process), as well as substantial deficits regarding the determination of refugee status (lack of any reference to the Best Interest of the Child or lack of assessment thereof, obvious lack of knowledge regarding forms of child persecution in general and in countries of origin in particular or the lack of a proper assessment of a minor’s credibility), make it almost impossible for unaccompanied minors undergoing the procedure themselves to qualify for international protection. The number of decisions granting refugee status or subsidiary protection to unaccompanied children and the number of in-merit rejection decisions issued throughout 2023 is not available. What is available is only the number of 1s instance decisions granting refugee status and subsidiary protection to UAMs, which amounted to a total of 1,163 (1,133 decisions granting refugee status & 30 decisions granting subsidiary protection).

On the consistent failure of appeals committee to exempt vulnerable applicants from special procedures: decision issued by the Supreme Administrative Court of Pireus (decision A65/2023) in the case of a vulnerable woman from Iraq, whose decision recognizing her vulnerability and referring her to the normal procedure was not taken into consideration by the Asylum authorities, even if it was issued before the issuance of 1st instance decision rejecting her asylum application. According to the Court: “the legislator establishes special treatment for applicants for international protection, who are proven to belong to the category of vulnerable persons. [...] the applicant’s application for international protection was referred to the normal procedure, as it was judged that she [...] suffers from a mental illness. Both the Regional Asylum Office of Lesvos, which examined in first instance her application for the granting of international protection, issuing its decision [...] after the issuance of the above decision, as well as the Independent Appeals Authority that examined her appeal, should have refrained from issuing a decision and refer the case back to the competent authorities, in order to re-examine the asylum request, based on the guarantees of the normal procedure (longer deadline, possible search for legal assistance), after conducting a new interview of the applicant by an employee of the Asylum Service specialized in vulnerability issues [...]”.

Decision 593/2023 of First Instance Administrative Court of Thessaloniki cancels second instance asylum decision rejecting the asylum claim of a family from Iraq, among other reasons, because of violation of an essential type of the asylum examination, consisting in non-referring one of the applicants to the competent service in order to be certified as a victim of torture. In particular, the Court stated that: “during his interview the applicant made specific allegations about torture he suffered in the past. However, nothing in the file indicated that he was informed of his possibility to be examined, on his own initiative and at his own expense, by a legally competent medical service, for the examination [...] of the existence of symptoms and signs of torture, nor was he competently referred at any stage of the procedure, for relevant consideration. [...] thus [...] the decision should be cancelled and referred back to the Administration, in order to comply with the type of the procedure [...]”.

Spain: In July 2023 the Spanish Committee of Representatives of Persons with Disabilities (Comité Español de Representantes de Personas con Discapacidad – CERMI), Amnesty International and the ONCE Foundation signed an agreement with the aim of tackling the needs of persons with disabilities in the promotion and protection of human rights, with a specific focus on the international protection of persons with disabilities.

Croatia: Amendments of LITP in 2023 established the possibility to submit a medical report in the procedure. Previously the provisions of the Law on General Administrative Procedure only regulated that possibility. According to the amendments of LITP, Ministry of Interior (MoI) with the consent of the applicant for international protection may organize a medical examination in order to determine the exposure to persecution or the risk of suffering serious harm in accordance with the Law on the General Administrative
Procedure, and the costs of the medical examination shall be borne by the MoI. When the MoI assesses that a medical examination is not necessary, the applicant must be informed in writing, or orally on the record if they are illiterate, that he/she can organize such an examination on their own initiative and at their own expense.

**Switzerland:** In September 2023 UNICEF Switzerland and Lichtenstein published their guidelines on the participation of children and young people in the asylum procedure. The guidelines are oriented to legal representatives and staff of the SEM, which decides on asylum applications.

For the year 2023, the duration of the basic training on gender-based persecution for SEM caseworkers has been reduced to 3 hours and a new concept of specialised training has been implemented (online courses followed by two days of face-to-face courses).

**Bulgaria:** Although in 2023 a needs assessment was carried out in 50% of the cases, the assessment of applicants established as vulnerable or having specific needs was included only in 6% in their personal files. However even in these cases the assessment was not taken into consideration by caseworkers in their decision-making process in 100% of the monitored cases.

Despite the 2015 reform of the law which stripped the statutory social workers of the child protection services from the responsibility to represent unaccompanied children in asylum procedures (see Legal Representation of Unaccompanied Children), their obligation to provide a social report with an opinion on the best interests of the child concerned in every individual case remains nonetheless under the provisions of general childcare legislation. In all of the cases monitored in 2023, these reports were produced but in their vast majority not included to the files nor shared with the SAR’s caseworkers for further consideration.

The number of unaccompanied child applicants rose to 3,843 unaccompanied children in 2023. Out of all unaccompanied children dealt whose asylum claims were assessed in 2023, 3 children were recognised as refugees, 297 were granted subsidiary protection, 297 were rejected international protection and 3,868 children absconded prior their decision, therefore their procedures were terminated.

Despite unaccompanied children being better informed about their rights and the asylum procedure, the vast majority (91%) still abandoned the asylum procedure and moved irregularly to the countries of their final destination.

Registration and determination of asylum seekers in immigration detention: The approach was maintained in 2023, with just 1 procedure conducted in Lyubimets detention centre.

**Sweden:** In a decision of 17 February 2023, the Migration Court of Appeal found, with reference to, among other things, the principle of the best interests of the child and the right to be heard, that the Migration Court should not have rejected a child’s request for an oral hearing.

In October 2023, the Migration Court of Appeal referred a case back to the Migration Court. The court had granted a child and one of the parents refugee status and residence permit in Sweden but had rejected the other parent’s application for residence permit. Referring to, inter alia, the CRC, the Migration Court of Appeal found that the Migration Court had not made any assessment of the best interests of the child and the consequences of the expulsion of the parent for the child. This was considered a serious deficiency in the court’s handling of the case.

The UN Committee on the Rights of the Child issued its recommendations and comments to Sweden in February 2023.
On 8 March 2023, the Swedish Refugee Law Center published a report based on a study of 41 cases concerning gender-based asylum claims; Kvinnor i asylprocess - vikten av ett genusperspektiv (“Women in the asylum procedure - the importance of applying a gender perspective”).

During the year, GREVIO proceeded with a follow-up thematic evaluation round of Sweden. A number of civil society organisations submitted a shadow report in November 2023, where the Swedish Refugee Law Center was a contributing organisation with regards to asylum-seeking and migrant women. GREVIO reports and adoption of recommendations will be published during 2024.

On 14 December 2023, the Government commissioned the Swedish Agency for Public Management (Statskontoret) to conduct a review of the asylum process with the aim of strengthening quality, uniformity and legal certainty. The review will include cases involving converts and LGBTQI people, as well as other asylum cases. The assignment must be reported to the Government Offices (Ministry of Justice) no later than 7 October 2024.

Ireland: Officials from the International Protection Accommodation Service (IPAS) are carrying out assessments with the assistance of a social worker from the IPO. For the period from 1st February 2021 to 1st November 2023, 4,050 vulnerability assessments have been undertaken.

Cyprus: In recent years, improvements have been noted in the examination of cases of vulnerable persons including the personal interviews. The Asylum Service has set up a specialised unit for vulnerable people and children; in 2023, it consisted of 7 caseworkers, for vulnerable persons, 2 of which are placed in Pournara and 6 caseworkers for unaccompanied children. EUAA examiners also assess the needs of vulnerable persons, but it is unclear how many experts work in this capacity.

Romania: In 2023, according to data provided by IGI-DAI, in the case of asylum-seeking vulnerable persons, reports issued by psychologists working for non-governmental organisations (e.g. ICAR Foundation) are accepted.

With regard to 2023, the CNRR flagged the following issues concerning unaccompanied minors. At Regional Centre Timisoara there were situations where the asylum applications of unaccompanied minors were not analysed swiftly. In the case of unaccompanied minor asylum seekers, communication between them and the legal representatives appointed by the DGASPC is not constant and tends to be limited to the measures and activities necessary for the asylum procedure. According to the information available to CNRR, the unaccompanied minors accommodated in the regional centres in Timisoara, Giurgiu, Somcuta Mare and Radauti either have no contact with the legal representative or there is a very limited contact, and the only counselling they receive is from NGOs. The times when minors have contact with the legal representative appointed by the DGSPC are when the IGI conducts interviews in the administrative phase of the asylum procedure, or at court, when the legal representatives are required by law to be present. At the centre in Galati, a slightly more favorable situation could be observed in terms of communication between the legal representative and the unaccompanied minors, who showed a greater interest in the situation of minors, both legally and socially/culturally.

Germany: As of June 2023, a total of 1,267 BAMF had one or more roles as special officers. This corresponds to roughly a third of full-time equivalent positions allocated to the first instance procedure (see Number of staff and nature of the first instance authority). The distribution among areas of responsibilities was the following: Unaccompanied children (410), victims of gender-specific persecution (312) traumatized persons and victims of torture (291), victims of trafficking (254).

Detention of vulnerable applicants.
**Italy:** In October 2023, a delegation of the Asylum and Immigration Table visited the Pozzallo hotspot and its Contrada Cifali extension for unaccompanied foreign minors, finding a condition of social isolation and de facto deprivation of liberty of these minors.

The European Court of Human Rights, in its decision of 23 November 2023 rendered in Case No. 47287/17 (A.T. and Others v. Italy), condemned Italy for unlawfully detaining several unaccompanied foreign minors in the Taranto hotspot (Art. 5, paras. 1, 2, and 4 of the European Convention on Human Rights), for having used inhuman and degrading treatment in arranging their reception measures (Art. 3 of the Convention), for not having appointed a guardian nor having provided them with any information on the possibility of challenging this condition in court (Art. 13 of the Convention, in relation to Art. 3). Despite the fact that the judgement refers to events in 2017, the persistent situation in which previous repressive approaches to the detention of unaccompanied foreign minors in hotspots have not been changed requires respect for the rights guaranteed by the Convention.

As of 31 March 2023, 9 women were detained in the CPR; only 3 of them were returned, while 4 were released after the non-validation of the detention ordered by the judges, 1 released because she was not identified by the deadline and 1 as she applied for international protection.

According to the National Guarantor for the rights of detained persons’ report to the Parliament, Women represent a minority in hotspots, representing only 10% of the total number of persons held in hotspots in 2021 (5,278 out of 55,135). The most represented nationalities were Ivorian (2,155), Guinean (1,181), Tunisian (709), Cameroonian (369), Syrian (154) and Nigerian (109). In 2020, 1,641 women were held in hotspots, representing 6% of the hotspot population. In 2021, ASGI has documented a critical situation in Lampedusa’s hotspot. The report found that overcrowding, the condition of promiscuity also for what concerned shared bathrooms, the prevalent presence of male police personnel, the absence of places to conduct interviews in a protected setting, the lack of access to adequate mediation and information and structured mechanisms of identification and referrals, expose women to a high risk of experiencing (in some cases, further) violence. As highlighted in the report, these situations also risk significantly undermining the determination of women who intend to seek protection, as they could flee from a gender-based violence experience (as they could be controlled by a trafficking network, experience domestic violence, or suffer abuse) or because, due to the aforementioned conditions, they might experience an accident, abuse or feel unsafe within the facilities.

**Greece:** In 2023, GCR has supported various cases of vulnerable persons in detention whose vulnerability had not been taken into account.

Since the start of the implementation of the new legislation, unaccompanied children as a rule do not remain in administrative detention and they are transferred to reception facilities. However, even in 2023 a small number of unaccompanied children, according to official statistics, has been detained, albeit for very short periods. At the end of 2023, 14 unaccompanied children were detained, in most cases for very short periods. In total, 508 unaccompanied children were kept in PRDCs countrywide during 2023.

Despite the constant case law of the ECtHR with regard to the detention of families in the context of migration control, families with children are in practice detained. Among others, GCR has supported cases throughout 2023 of single-parent families, families with minor children or families where one member remained detained. For instance, there have been cases of families remaining detained for periods exceeding one month following a shipwreck before they were transferred to open accommodation facilities.

**Spain:** In March 2023, the Platform CIEsNO reported that a young Moroccan man, who had been under the guardianship of the Autonomous Community of Madrid while underage, was detained for 1 month at the CIE of Valencia, despite the High Court of Madrid (Tribunal Superior de Justicia de Madrid) suspending his
deportation. The political party Unidas Podemos also criticised the issue before the Congress. Following a claim lodged by the campaign CIEsNO, the Ombudsman started an investigation into this detention.

During the same month, the campaign CIEsNO denounced the risk for a homosexual man from Kosovo detained at the CIE of Valencia to be subjected to degrading and inhuman treatment if deported to Serbia. The man was detained even though he applied for international protection and was waiting for a decision on the claim.

In June 2023 a file against the Chief of the National Police of Irún (País Vasco) was open after he issued an order suggesting providing days off to police officers facilitating the detention of any migrant in irregular situation. A gathering of around 200 persons asking for the opening of an investigation was also organised in front of the Police Station.

During the same months, the passengers on a flight from Gran Canaria to Casablanca (Morocco) prevented the deportation of a migrant from Guinea Conakry.

In November the Platform ‘CIEsNO’ called for the release of a 68-year-old man detained at the CIE of Valencia, due to their serious health conditions and the impossibility for him to access appropriate medical assistance and treatment at the facility. Despite that, the Minister of Interior instead decided to anticipate their expulsion to Bolivia. The political party ‘Compromís’ denounced the fact that the hastening of the deportation was decided without any justification. Following a claim lodged by the inmate’s lawyer, the first instance Judge nº 28 of Valencia suspended his deportation due to health reasons.

A report published in March 2023 by the NGO Mundo en Movimiento focusing on the presence of women at the CIEs, highlights that the 42 out of the 43 women assisted by the organisation during 2021 and 2022 suffered violence (mistreatment or assault) during their stay in these facilities.

**Netherlands:** At Schiphol, detained women and men are accommodated together. In its 2023 report on the periodic review of the Netherlands, the CPT considered that women should, as a matter of principle, be accommodated in an area which is physically separate from that holding men at the same establishment. The Minister did not adopt this recommendation because he believes that segregating men and women only makes the regime stricter and because the ‘common areas’ are already essentially separated.

**Germany:** Between 1 January and 31 October 2023, 2,338 children (under 18 years) were deported to third countries or transferred to another state under the Dublin Regulation. These measures usually involve that children are taken into custody for a few hours on the day the transfer takes place. Furthermore, 335 minors were returned to neighbouring countries after being refused entry on the territory, out of which 120 were unaccompanied by parents or legal guardians. The immediate returns (Zurückweisungen) or removals (Zurückschiebungen) are usually preceded by an arrest and a short-term apprehension.

**Cyprus:** In a 2023 case the IPAC ordered the release of an asylum seeker from Cameroon who was detained on the basis that her asylum application was submitted solely to obstruct her return although she was arrested immediately upon entering RoC. The IPAC accepted that there was no evidence justifying the detention of the applicant and found among other things, that a note in her file mentioning that she was a victim of violence in her country of origin to be inconsistent with the legal basis of the detention and thus problematic (A.M.A. v. Republic of Cyprus, Case No. ΔΚ 33/2023, 5/1/2023).

**Romania:** In 2023, IGI-DAI reported that there were no children detailed in Arad or Otopeni. The Public Custody Centre in Arad indicated that in 2023, out of the total of 993 foreigners detained, there were 37 women and 1 person with disabilities. Further details were not provided.
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)

Bulgaria: In 2023, 1,538 children were detained in pre-removal detention centres. Among them, the Bulgarian Helsinki Committee identified 823 unaccompanied children, including children detained as “attached” to an adult or wrongly registered as adults. However, another 2,305 unaccompanied children were safeguarded from detention due to the gradual improvement in the implementation of the referral mechanism, regulated in the law. Thus, 78% of all unaccompanied children, who arrived in the country, were safeguarded from detention vs. 22% who unduly suffered it (2022: 24% detained vs. 76% who avoided detention; 2021: 28% detained vs. 72% who avoided detention; 2020: 37% detained vs. 63% who avoided detention).

Residence permits

Spain: In view of the reform of the Ruling of the Immigration Law, in early 2021 different organisations presented a set of proposals for reforming the provisions related to unaccompanied migrant children, especially regarding their registration and documentation in order to ensure their effective integration in Spain. The reform was finally adopted in October 2021. It facilitates access to residence and work permits for unaccompanied migrant children, as well as those for who arrived as children and aged out and are between 18 and 23 years old and allows access to work also for children turning 16. The change is expected to improve living conditions and integration prospects for thousands of young people. From the entry into force of the reform until 30 June 2023, a total of 16,211 children and young adults aged between 16 and 23 years old had a residence permit, 60% of which were related to the labour market.

In May 2023 the Platform ESencialES presented the popular initiative to the Congress. In December 2023, Caritas urged the Government to reactivate the process to regularise 500,000 migrants in an administrative irregular situation.

Italy:
Following the 2023 reform through Law 50/2023, special protection permits are now granted to persons who, according to the law, cannot be expelled or refouled. This covers cases where a person risks being persecuted for reasons of race, sex, sexual orientation and gender identity, language, citizenship, religion, political opinions, personal or social conditions, or may risk being sent back to another country where he or she is not protected from persecution. It also covers cases where a person risks to be sent to a country where there are reasonable grounds to believe that he or she risks being subjected to torture or inhuman or degrading treatments or if they recur the constitutional or international obligations referred to in Article 5 (6) TUI. Significantly, the decree law 20 of 10 March 2023, converted with amendments into Law 50 of 5 May 2023, cancelled the possibility to directly request this kind of permit to a Questura and to consider, in releasing such permits to stay, if there are good reasons to believe that the removal from the national territory involves a violation of the right to respect for his private and family life, unless that it is necessary for national security reasons, public order and safety as well as health protection. Even if the amendment does not exclude the application of international and European guarantees, such as the application of Article 8 of ECHR, the new wording of the law will lead, according to ASGI, to a significative limitation in the number of cases in which this form of protection will be recognised.

Additionally, the DI 20/2023 and the conversion L. 50/2023 changed the provisions related to the renewal of this permit. These permits will still be granted for two years, and they are renewable but, according to the new law, beneficiaries will not be able to transform them in work permits (see Residence Permit).
The new provisions however do not apply to the procedures already pending as of 10 March 2023. The law also specifies that for those titles which were released directly from Questura, the special protection permits will be renewed only once for a duration of one year, after which they have to be converted in a different permit (such as a work permit).

**Greece**: Data concerning the total number of applications for renewal and the respective positive decisions was not provided by the Asylum Service for the year 2023. Data on applications for renewal and the relevant outcome have since not been provided by the MoMA, even though GCR has requested it on a yearly basis. Instead, following the latest such request sent by GCR in January 2024, the MoMA replied by referring GCR to the Ministry’s website “and in particular at the link: https://migration.gov.gr/statistika/ [where] the monthly newsletters are published, alongside relevant annexes, which include summary and detailed statistical data on the work of the First Reception Service, the Asylum Service and the Appeals Authority [...]”.

Yet a closer look at the public sources referred by the MoMA highlights the specific data is not available. Nevertheless, data concerning the number of renewal applications were provided by the Asylum Service only in response to the intervention submitted by 16 NGOs. According to the letter of the Director of the Asylum Service, 4,029 renewals applications are pending, out of which only 1,871 are under examination. Also, 300 renewals applications out of 4,029 have not even given protocol number, while 1,858 renewals applications out of 4,029 are in the process of being charged to an employee of the Asylum Unit of International Protection of Beneficiaries.

The Headquarters of the Hellenic Police in response to GCR’s request, provided, among others, data on renewal applications. In particular, during 2023, 345 applications for renewal of residence permits of refugees were submitted before the Headquarters of the Hellenic Police, of which 272 applications were granted positive decisions. 9 applications out of 345 were rejected, while 64 are still pending. Furthermore, during 2023, 200 applications for renewal of residence permits of beneficiaries of subsidiary protection were submitted before the Headquarters of the Hellenic Police, of which 145 applications were granted positive decisions. 3 applications out of 200 were rejected, while 25 applications are still pending. It was stressed by the Headquarters of the Hellenic Police that an individual assessment is made for each renewal application.

**Portugal**: In December 2022, the Government amended Decree-Law 10-A/2020, determining, inter alia, that:

- Visas and documents related to the residency of foreign nationals expired since the entry into force of the Decree-Law, or within the previous 15 days, are accepted as valid until 31 December 2023;
- After 31 December 2023, such documents will continue to be accepted providing the holder has an appointment for its renewal;
- This regime does not apply to documents concerning temporary protection.

It was further amended in November 2023, extending the above-mentioned dates until 30 June 2024.

**Netherlands**: There is a backlog in registration at the BRP-straat. This problem continues in 2023, having gone on for a few years, since the period of COVID-19. The “BRP-straat” was temporarily closed on several occasions in 2020 and from that time on has been always a backlog. Due to limited capacity, logistical problems (the COA must transport people from the reception centres to the “BRP-straat”, but the service is not functioning well, so people cannot reach the “BRP-straat” for their appointments), the duration of the asylum procedure (people are waiting longer so the identification process of the IND takes place at a later moment than before), the backlog was still present at 2023. The Dutch authorities are trying to reduce the backlog by increasing the capacity of the BRP-straat and by presenting a better process of planning the appointments. It is not known if the backlog has already decreased.

In 2023 there were no big delays in the issue of residence documents by the IND.
**Sweden:** On 1 December 2023, restrictions were introduced on the possibility for both adults and children to be granted a residence permit on humanitarian grounds. Under this provision adults could previously also be granted a residence permit if they had resided in Sweden with a residence permit for a longer period of time but did not meet the requirements for a permanent residence permit and there were no other grounds for an extended residence permit. Explicitly mentioned in the preparatory work was the situation when a temporary residence permit had been granted under Chapter 5, Section 16 of the Aliens Act after a relationship has ended, e.g., because the foreigner had been subjected to violence or other serious violation.

On 5 October 2023, The Swedish Government instructed an official report of the Government to present an overview of the national legal framework on asylum and how it can be adjusted to the minimum EU-level. The official report shall examine the possibility of discarding permanent residence permit for certain migrants, as well as the possibility to withdraw permanent residence permit. The report shall present its findings in January and October 2025.

On 21 November 2023, the Swedish Government instructed an official report of the Government to present an overview of the legal possibilities to deny and withdraw residence permits due to “vandel / dishonorable conduct or other reasons. The report shall present its findings in January 2025.

1,047 first time applicants were granted permits for these reasons in 2023.

The vast majority of beneficiaries of international protection applying for a renewal of their temporary residence permits have had it granted. In 2023, the Migration Agency received 66,623 applications and took decisions in 67,377 cases. However, this statistic includes 32,784 decisions to renew temporary protection permits. The acceptance rates in cases examined on the merits was 98 %. Besides Ukrainians, who were granted temporary protection, the majority of decisions concerned Syrians (10,173 decisions, of which 9,689 were granted, or 98% of those tried on the merits), Afghans (6,115 decisions, of which 5,489 were granted, or 94% of those tried on the merits), Eritreans (3,813 decisions, of which 3,593 were granted, or 98% of those tried on the merits), Stateless persons (2,901 decisions, of which 2,768 were granted, or 98% of those tried on the merits), Iraqi (2,244 decisions, of which 2,123 were granted, or 98% of those tried on the merits). The average processing time for applications to extend residence permits based on protection status was 199 days in 2023.

**Ireland:** In January 2022, a new Immigration Service appointment scheduling system, which will streamline and further improve the registration process, was announced. The interim ISD Registration office Burgh Quay created a free phone number to call, so applicants residing in Dublin could book a first-time registration appointment. As of January 2023, the revised appointment and scheduling system was fully operational, however, applicants continued to experience significant delays in obtaining appointments in order to register their permission. As of February 2024, these delays had largely alleviated with most applicants waiting approximately 2-4 weeks for an appointment to register.

**Cyprus:** In early 2023 the operation of online platform was gradually terminated due to abuse (by officers selling appointments). Throughout 2023, the procedure and time to submit an application for the issuance or renewal of residence permits differed among cities; in Nicosia an appointment is not required and persons are served on first-come first served basis whereas in other cities an appointment must be made at the Aliens and Immigration Unit of the city by email or telephone and appointments are often given in 2-3 months.

In 2023, the CRMD initiated a practice by which they grant humanitarian status to the spouse and/or parent of BIP, according to which the “special residence permit” is valid for 12 months, granting the right to remain, access to health under the same conditions as an asylum seeker and access to the labour market but subject to the authorisation of the Labour Department. Furthermore, the residence permit will be issued only once and before the expiration of the 12 months, the applicant has to apply for a residence permit for employment reasons, which requires a specific employer to support the application.
**Poland:** Refugee status is granted for an unlimited period of time. Recognised refugees obtain a 3-year residence permit (karta pobytu). The first permit is issued ex officio and is renewed after this period for another 3 years upon request. As of 23 February 2024, the amendment in this regard is planned – a residence card for refugees will be valid for 5 years. Subsidiary protection is also granted for an unlimited time. Subsidiary protection beneficiaries obtain a 2-year residence permit (karta pobytu). The first permit is also issued ex officio, and is renewed after this period for another 2 years upon request. As of 23 February 2024, the amendment in this regard is planned – a residence card for beneficiaries of subsidiary protection will be valid for 3 years.

As of 31 December 2023, there were 2,726 persons holding a valid residence permit for refugees, 9,729 persons holding a valid residence permit granted to subsidiary protection beneficiaries and 1,879 persons under the humanitarian protection scheme.

Failure to renew a residence permit can be punished through a fine, but this does not happen in practice. There have been no such cases in 2015-2023.

In 2023, the Commissioner for Human Rights noticed that third-country nationals wait approx. 6 months to receive a new residence card.

**Romania:** IGI-DAI issued 1,374 residence permits to refugees and 1,798 to subsidiary protection beneficiaries in 2023. These were residence permits issued for the first time; beneficiaries had not held another residence permit in the previous 6 months.

According to the legal counsellor in Galați, beneficiaries are unable to open bank accounts at some banks as it appears there are certain third countries whose nationals (Syrian, Iraqi, Iranian and Afghan nationals) are not offered services for security reasons. Only one small bank agrees to open bank accounts for beneficiaries of international protection. In 2023 as in 2022 it was observed that even the small banks were not opening bank accounts for beneficiaries of international protection and third country nationals. As a consequence, they were unable to renew their residence permits. Beneficiaries with working contracts did not encounter any problems in opening a bank account.

**Civil registration**

**Sweden:** Total number of citizenship grants in 2023: 58,215.

**Long term residence**

**UK:** The guidance on revoking indefinite leave to remain was amended in 2023.

**Poland:** The EU long-term residence permit (zezwolenie na pobyt rezydenta długoterminowego UE) is issued on a foreigner’s demand if he or she:

1. Resides in Poland legally and continuously for at least five years immediately prior to the submission of the application for the EU long-term residence permit,
2. Has stable and regular resources which are sufficient to maintain him or herself and the dependent family members;
3. Has appropriate medical insurance;
4. Knows the Polish language at least on level B1 (the documents confirming having this knowledge are required). In 2023, the rules concerning the language requirement were changed. More possibilities to
confirm knowing the language were introduced. They are specified in the Ordinance of the Ministry of Internal Affairs and Administration of 31 May 2023, in force since 24 June 2023.

In 2023, the proceedings regarding the EU long-term residence permit lasted, on average, 250 days, and the proceedings concerning the permanent residence permit 202 days. Thus, these proceedings often take many months, if not years. The backlog of cases before the Voivodes is still rising, leading to significant delays in decision-making. The administrative courts, thus, have to deal with a rising number of complaints on the excessive proceedings. One court – in Łódź – intervened in this regard before the respective Voivode, indicating on the constant violation of rights of third-country nationals. Moreover, in reaction to the war in Ukraine and the large numbers of people seeking temporary protection in Poland, all the time limits in the cases already considered by Voivodes and the Office for Foreigners were suspended. In new cases, the time limits did not start to run. In 2024, this suspension was prolonged until 30 June 2024. The suspension affected the third-country nationals’ right to complain about excessive proceedings.

Naturalisation / nationality

Spain: As of 30 September 2023, a total of 213,834 applications for nationality were pending for a decision.

Sweden: Number of citizenships through naturalisation in 2023: 47,699.

The Migration Court of Appeal published a decision in May 2023 (case MIG 2023:7) in a case where the Migration Agency had rejected an application for Swedish citizenship. During his asylum procedure, the applicant had first said he was born in 1998, but later in the process said he was born in 1992. The Migration Agency did not find the information credible and registered his year of birth as 1989. When applying for citizenship the applicant handed in a passport with the same date of birth as registered by the Migration Agency. The Migration Court of Appeal found that the passport could prove his identity due to the conflicting information regarding his date of birth. The fact that the applicant himself had provided the inconsistent information regarding his age also led the Court to conclude that he had not made his identity probable and could not be granted Swedish citizenship.

The Migration Court of Appeal published a decision in June 2023 (case MIG 2023:8), where it found that a person who had been enrolled in unarmed service in the Syrian Army during the armed conflict should be denied Swedish citizenship until a substantial time has elapsed since that service. As he had been active in an organisation that committed systematic and grave violations, the practice of a substantial time shall apply. According to previous rulings, this time is 25 years.

In September 2023 the Government instructed an official report of the Government to suggest new and more restrictive conditions for Swedish citizenship, including a longer habitual residency in Sweden and stricter demands for a good character. The report shall leave its recommendations by latest on 30 September 2024.

In 2023, the SMA registered 71,183 new applications for Swedish citizenship. A total of 72,242 first instance decisions were issued in 2023, out of which 58,215 granted citizenship. The majority of citizenship were granted to applicants from, Syria (11,680), Eritrea (8,964), Afghanistan (3,663), Somalia (2,950). The SMA had 94,798 requests pending at the end of the year.

The average number of days from application to decision at first instance was 435 in 2023, compared to 452 days in 2022.

Bulgaria: Number of citizenship grants to beneficiaries in 2023: 136
Belgium: Legal discussions exist on the application of article 10 on Palestinian children born in Belgium. According to one vision, children from Palestinian parents born in Belgium have the Palestinian nationality, whereas others claim it is impossible for them to receive Palestinian nationality because Palestinian legislation on this matter is non-existent. Legal case-law on this matter is inconsistent, and a ruling of the Court of Cassation is expected. On the basis of the second point of view, article 10 has indeed been applied to children from Palestinians born in Belgium. In 2023, the Immigration Office has sent 55 letters to local administrations who had granted the Belgian nationality in such cases, stating that these children have the Palestinian nationality and asking to change the nationality granted to these children. The federal Ombudsman has intervened, stating that the Immigration Office is not legally competent to instruct local administrations on the matter of nationality, this competence being reserved to the Central Authority for nationality or the public prosecutor. In a reaction, the Secretary of State has stated that the letters do not instruct local administrations in these cases, but only provides information and advice, local administrations remaining exclusively competent to take the final decision. However, the federal Ombudsman finds that the Immigration Office has composed these advisory letters in the same way as its (binding) instructions to local administrations in other matters concerning asylum and migration, and thus created confusion and chaos among local administrations, some communes having decided to ignore the letter whereas others have withdrawn the Belgian nationality of the persons involved. The Ombudsman advises the Immigration Office to stop sending these letters and to contact local administrations having received such a letter, to inform them that it does not dispose of any advisory competence in this matter and the received letter should not be considered.

In 2022, 48,482 aliens have acquired Belgian citizenship. This represents an increase of 24% compared to 2021 (during which 39,448 aliens acquired Belgian citizenship) and is one of the one of the first steep peaks since 2000-2002. Provisional data on 2023 indicate that this trend continues, with Belgian citizenship being granted to 46,414 persons between January and October 2023.

Ireland: Number of Citizenship grants in 2023 (as of October 2023): 12,500.
As of February 2023, there were approximately 26,000 applications on hand at the Citizenship Unit at various stages of processing. The median processing time for applications was 19 months. As of October 2023, there had been 12,500 grants of naturalisation. The median processing time for applications remained at 19 months. An exact breakdown of the number of individuals with refugee and subsidiary protection status who became naturalised was not available at the time of writing.

In August 2023, the Courts and Civil Law (Miscellaneous) Provisions Act 2023 was enacted and established a range of amendments and updates in relation to Irish nationality and citizenship law. Children born in Ireland who do not have an automatic right to citizenship were previously required to reside in Ireland for a minimum of 5 years before applying for citizenship. Under the Act, this requirement has been reduced to 3 years, but the law stipulates that the minor must have a period of one year’s continuous residence in Ireland immediately prior to the date of their application and during the eight years immediately preceding that period, have had a total residence amounting to two years. Additionally, all applicants for citizenship, including minors, are now permitted to be outside Ireland for a minimum of 5 years prior to applying for citizenship. This is an increase from the previous permissible 6 weeks.

Additionally, in October 2023, it was announced that citizenship application process had begun to operate digitally with a view to reducing processing times. The online application service allows applicants to complete the necessary supporting documentation and pay the application fee online. The extent to which this has reduced processing times in practice remains to be seen.

Cyprus: Citizenship can only be acquired by decent and not by being born on territory. Citizenship can be applied for and the decision to grant citizenship is issued by the Minister of Interior. In 2023, the Law was amended and the requirements for applying for naturalisation have increased significantly.
It was also noted that although the requirements for nationality prior to the amendment do not include financial criteria, an applicant’s financial situation is a primary consideration. Also, if the person is a recipient of State benefits, including persons with special needs, disabilities, and survivors of torture and trafficking etc, they will most probably be rejected. In the decision it is cited that they are a ‘burden on the state’. In 2021, 2022 and 2023 a rise in the rejection rates regarding applications for nationality by BIPs - all persons living in the country for periods of well over 10 years – was noted. Such cases included young adults that were born or grew up in Cyprus, completed public school, speak fluent Greek and are studying in university; in these cases, the motivation for rejection referred to the fact that their parents had or were receiving State support, even if the applicants involved were not. Furthermore, single persons were rejected, and the justification mentioned the fact that they had no sufficient ties to the country as they had not formed families. In other cases, the applicant was found to be of non-good character, although they had submitted a clean criminal record as required and the finding of non-good character was based on reports supposedly provided by the Central Intelligence Service but with no evidence to support this and no access to such reports. Some of these cases have been appealed before Court and are currently pending.

Poland: Both, refugees and subsidiary protection beneficiaries, to be declared as a Polish citizen, have to prove that they know the Polish language. Foreigners should present a document confirming that they have graduated from a Polish school or that they have passed the State exam for the Polish language as a foreign language (B1 at least). Those examinations are rarely organised (4 times per year in 2021 -2023) and they are costly.

Romania: In 2023, CNRR highlighted again that under Article 8 of Law 21/1991, beneficiaries of international protection have the right to apply for Romanian citizenship. The same article offers more favourable conditions to persons with refugee status, with the possibility of shortening the eligibility period from 8 years of residence to 4 years. However, in the case of persons with subsidiary protection, this shortened period does not apply. Moreover, there is a lack of clear procedure stipulated in the legislation regarding access to Romanian citizenship for certain vulnerable categories, such as disabled or elderly people, as well as stateless persons. Vulnerable persons have to take the interview for which they must acquire a thorough knowledge of history, geography, culture and knowledge of the Romanian Constitution. For example, a person suffering from dementia or Down’s syndrome is unable to take the interview due to their condition, yet the interview is foreseen by law as a compulsory step in the procedure to obtain Romanian citizenship. In 2023, CNRR organized a citizenship course for beneficiaries of international protection, divided into 4 modules related to the topics addressed in the specific interview (history of Romania, geography of Romania, culture of Romania and the Constitution of Romania); the course was attended by 40 people.

Cessation procedures

Germany: With its entry into force on the 1st of January 2023, the grounds for Cessation (Erlöschen) have been amended in the context of the Act on the Acceleration of asylum court proceedings and asylum procedures (see Regular procedure). The aim of the legal reforms was to relieve courts and the Federal Office for Migration and Refugees from case overload. Elsewhere (See Overview) the Act has been criticised by civil society organisations that the relief for the authorities comes at the price of restricted legal protection for asylum seekers and refugees. Concerning grounds for cessation and revocations however, the reforms seem to extend the protection of the status, since the grounds for cessation and revocation have been restricted. The Federal government emphasises in the draft of the Act, that the amendments of the cessation grounds also serve to a more coherent and certain legal framework in line with Directive 2011/95/EU and respectively extended the scope of the cessation clause to beneficiaries of subsidiary protection. Following the reforms, cessation is only possible if the refugee has acted voluntarily. Cessation (Erlöschen) of a protection status is defined in Section 72(1) of the Asylum Act as follows:
Recognition of constitutional asylum and international protection (including refugees and beneficiaries for subsidiary protection) shall cease to have effect if the foreigner:

- Unequivocally, voluntarily and in writing declares in front of the Federal Office for Migration and Refugees the renunciation of the status.
- has obtained upon his application the German nationality.

According to the new Act, the authorities may only start the cessation procedure upon application or declaration of the refugee. In this case the authorities ask them to hand in the residence permit, travel documents and other documents relating to the asylum procedure. It is possible to appeal the decision at an Administrative Court and the appeal has suspensive effect.

**Bulgaria:** In 2023, a total of 166 cessations were made. The cessations affected individuals from the following countries of origin: Syria, Ukraine, Morocco.

**Greece:** In 2023 GCR observed a number of cessation decisions concerning beneficiaries of the so-called “old procedure”. Beneficiaries whose countries of origin were included in the list of safe countries of origin by Joint Ministerial Decisions were served with decisions of a few paragraphs long without an individualised assessment, citing only the Joint Ministerial Decision as reasoning.

In October 2020, a recognised refugee from Senegal since 2014 (victim of female genital mutilation, forced marriage and sexual violence), submitted an application for the renewal of her residence permit and her three children before the Headquarters of the Hellenic Police. A year later, in November 2021, their renewal application was rejected based on the applicable at that time JMD 778/20.01.2021 pursuant to which Senegal was included in the list of safe countries of origin, without any individualised assessment and prior hearing. In December 2022, their appeal, submitted in December 2021, was examined by the 1st Appeals Committee. In March 2023 their appeal was rejected, and their refugee status was revoked (Decision 180064/28.03.2023 of the 1st Independent Appeals Committee). During 2021-2023 the refugee and her children had no access to the labour market, social security and healthcare, since they only hold a certificate that they had lodged an appeal against their revocation decision. In June 2023, following the negative decision, they lodged an Application for Annulment before the Administrative Court of Athens, which is going to be examined on June 2023.

Contrary to the above, in a similar case of a recognised refugee from Senegal, since 2016 (victim of forced marriage and sexual violence), the outcome was different. Specifically, the refugee submitted an application for the renewal of her residence permit and her two children before the Headquarters of the Hellenic Police. In September 2022, their renewal application was rejected based on the applicable at that time JMD 78391/10.02.2022 pursuant to which Senegal was included in the list of safe countries of origin, without any individualised assessment and prior hearing. In September 2023 their appeal, submitted in November 2022, was examined by the 13th Appeals Committee (Decision no. IP/159138/02.10.2023 of the 13rd Independent Appeals Committee). In October 2023 a positive decision on their appeal was issued and their residence permits were renewed. The decision of the 13rd Committee had no retroactive effect and left a one-year-gap in her residence permit, not allowing the refugee to apply for the Greek citizenship through the naturalisation procedure since her stay in the country is not considered legal and permanent for the years 2022-2023. During this year, the refugee and her children had no access to the labour market, social security and healthcare.

Furthermore, revocation of international protection status can take place in cases of national security, as analysed above. In a case of a Syrian refugee, who had been granted refugee status in 2017 due to his political beliefs imputed to him as a conscientious objector, his status was revoked on the grounds of national security. In August 2022, i.e. after almost six (6) years of legally residing in Greece, the applicant received a summons following the issuance of a classified document, on the basis of which his asylum status might be revoked because he was considered to be "a danger to the national security of the country" (art. 13 para. 4a, Law
4939/2022). In September 2022, decision of the Returns and Revocations Directorate, Revocations and Exclusions Department of the Asylum Service, was served to the refugee, pursuant to which his international protection status was revoked, his residence permit and travel document recalled, and he was ordered to return to Syria. In October 2022 the refugee filed an appeal before the Appeals Authority. However, his appeal was rejected in March 2023 by the 9th Appeal Committee (Decision no. 186250/30.03.2023 of the 9th Independent Appeals Committee), despite the fact that at no stage of the administrative procedure, had he been informed of the substantive content of the reasons for the revocation of his refugee status and as such, he was deprived of the effective exercise of the right to an effective remedy, hearing, and defense, as well as the procedural guarantees provided in Article 23(1) of Directive 2013/32/EU. The refugee filed an Application for Annulment and Suspension before the Administrative Court of Athens. As his application was rejected, he lodged application for interim measure (Rule 39) before ECtHR. Interim measures were granted by the Court in December 2023 and the application was lodged in February 2024.

The Headquarters of the Hellenic Police in response to GCR’s request, provided, among others, data on revocation decisions. In particular, during 2023, were issued 10 decisions for the revocation of refugee status while no decision was issued for the revocation of subsidiary protection status.

**Poland:** In 2023, 8 persons had their refugee status ceased or withdrawn (2 Russian citizens, 2 Egypt citizens, 2 Syrian citizens and 2 Uzbek citizens). 67 beneficiaries had their subsidiary protection status ceased or withdrawn (including 63 Russian citizens, 2 Belarusian citizens, 1 Iraqi citizen and 1 Pakistani citizen). Statistical data for 2022 and 2023 provided by the Office for Foreigners did not allow to differentiate between cases in which the protection status had been ceased or withdrawn.

In 2023, 113 Russian citizens were granted refugee status in Poland, and 79 – received subsidiary protection. Approx. 100 Russian citizens obtained international protection in Poland in 2022, 89 in 2021, 66 in 2020. In 2018-2021 Russian citizens were deprived of refugee status predominantly due to having voluntarily accepted protection from the Russian Federation. They were deprived of subsidiary protection predominantly because the circumstances which were the reason for granting subsidiary protection no longer existed or changed in such a way that a foreigner no longer required protection (in 150 cases in 2018, 97 in 2019, 94 in 2020 and 28 in 2021). Based on data received for 2022, it is not possible to establish how many similar cases were registered throughout the year. In 2023, 63 Russian citizens were deprived of subsidiary protection due to the change of circumstances.

In 2023, a case concerning a deprivation of the subsidiary protection of a Russian national was communicated by the ECtHR (no. 9323/19, N.M. v. Poland). The return decision was issued based on the fact that the military conflict in Chechenia finished and the applicant was considered a security threat. For the latter reason, the appeal against the return decision did not entail a suspensive effect. Relying on Article 13 of the ECHR, in conjunction with Article 3 of the ECHR, the applicant complained about the lack of an effective remedy with a suspensive effect to appeal against the decision ordering his return to Russia.

In 2023, 14 persons complained about having their international protection ceased. Only in one case, the court revoked the second instance and the first-instance decision, in the remaining cases it dismissed the beneficiaries’ complaints.

**Romania:** The law does not prescribe a systematic review of the protection status and cessation did not occur systematically in 2018-2023.

In 2023, IGI-DAI indicated a total of 84 cessation decisions issued, however the institution did not provide the breakdown between refugee status and subsidiary protection. The people against whom these decisions were taken came from Syria (36), Ukraine (47) and Iran (1).
### Withdrawal procedures

**Sweden:** On 21 November 2023, the Swedish Government instructed an official report of the Government to present an overview of the legal possibilities to deny and withdraw residence permits due to dishonourable conduct or other reasons. The report shall present its findings in January 2025.

In a Government Bill in November 2023, the Government proposed that it shall be possible to withdraw a residence permit if it can be assumed that the person will engage in corporate espionage conducted by a foreign state or activity relating to terrorism.

In 2023, SMA withdrew international protection for 280 individuals (217 refugee status, 63 subsidiary protection) The most common nationalities regarding refugee status were Afghanistan (43), Iraq (28), Syria (23), regarding subsidiary protection status the most common nationalities were Syria (27), Afghanistan (18), and Somalia (5).

**Bulgaria:** The procedure for withdrawing status in the law is the same as for Cessation of status. In 2023, a total of 20 withdrawals were made.

**Germany:** With the Act on the Acceleration of asylum court proceedings and asylum procedures, the grounds and the procedure for revocations (Widerruf) have been changed drastically. Since the aim of the reforms was to relieve the workload of the authorities, the routine revision of the status under the former Section 73 (2a) Asylum Act has been abandoned completely. Prior to the reforms a revision of the status was initiated automatically by the BAMF three years after the first final decision on the status. Additionally, the grounds for revocation (Widerruf) shall be bound more closely to the concrete events.

More importantly, the Asylum Act also contains a ‘ceased circumstances’ clause in Section 73(1), and the procedure for the respective loss of status is called revocation (Widerruf) in German. Responsibility for the revocation procedure lies with Department for revocations and cessation at the BAMF. The law distinguishes between revocation grounds for refugees in Section 73 (1) Asylum Act, for beneficiaries of subsidiary protection in Section 73 (2) Asylum Act and revocation grounds for family members of beneficiaries of international protection in Section 73a Asylum Act. The procedure for revocations and cessations is now regulated in Section 75b Asylum Act.

Additionally, for all beneficiaries of international protection (refugees and subsidiary protection holders) revocation is also possible after they have been granted the status, they are found to have committed offences which fulfil the criteria of exclusion from refugee status, e.g., acts that violate the aims and principles of the United Nations or serious criminal offences in Germany (see section on Withdrawal). In the vast majority of these cases, the BAMF found no reason to revoke or withdraw the protection statuses. The total number of revocation or withdrawal decisions affected a total of 2,040 persons in 2023. 109,044 revocation procedures were still pending at the end of 2023. Nationalities with a comparatively high number of revocations in 2023 include Syria, Iraq and Afghanistan. Up until 30 June 2023 890 court decisions regarding challenges of revocation decisions were registered. Only 111 appeals against revocation or withdrawal decisions by the BAMF were successful (12.48%). This rate is comparable to previous years (2022: 12.5%, 2020: 8.9%, 2019: 9.6%, 2018: 12.6%). In 351 cases (39.44%), the BAMF decision to withdraw or revoke a protection status was upheld by the courts, and in 428 cases (48.09%) of appeal procedures were terminated for other reasons, e.g., because the appeal was withdrawn by the claimant, or because a settlement out of court took place. Nationalities with a comparatively high rate of successful appeals up until 30 June 2023 included Afghanistan (28.7%, 31 successful appeals) and Russia (25.8%, 8 successful appeals).

**Ireland:** Data provided by the International Protection Office in March 2023 indicated that less than 5 decisions were made in respect of withdrawal of international protection status throughout 2022.
Cyprus: In 2023, according to statistics, refugee status was withdrawn in 6 cases, concerning 8 persons and subsidiary protection was withdrawn in 15 cases, concerning 20 persons.

Romania: In 2023, IGI-DAI issued 2 withdrawals of protection status (1 person coming from Syria, 1 person coming from Afghanistan).

Family reunification

Portugal: In recent years, significant waiting times for appointments at SEF for the purposes of family reunification has been registered by CPR. Significant difficulties in this regard continued to be observed in 2023.

Greece: the refugees who cannot objectively provide certified copies of travel documents of their family members, they are not given alternative solutions (e.g., laissez-passer). Nevertheless, according to the response of the Ministry of Foreign Affairs to GCR’s request in January 2024, the former replied that “In 2023, two temporary travel documents were provided by Greek Consular Authority and in one case three temporary travel documents were provided (Emergency Travel Documents (ETD) of the Red Cross to family members for family reunification”.

As far as the Emergency Travel Documents of the International Committee of the Red Cross, are concerned, doubts are raised as to the reliability of the data provided. In particular, ETDs cannot be issued without a prior positive family reunification decision, while pursuant to P.D. 131/2006, copies of travel documents must be submitted as a prerequisite for the issuance of positive family reunification decision. According to GCR’s knowledge, there is only one positive family reunification case to date, issued in November 2023 by the Asylum Service, where the commitment letter of the Red Cross for the issuance of three ETDs has been accepted. In this particular case, the process for the issuance of ETDs has started but they have not been issued yet.

Case of recognised refugee from Eritrea: After 12 years and 2 Court decisions (ΔΠΑ 861/2022 & 59/2018), in May 2023 the family reunification decision was issued by the Hellenic Police Headquarters. The family was reunited in December 2023.

Case of recognised refugee from DRC: After 7 years and a court decision (ΔΠΑ 493/2020), in December 2020 the family reunification decision was issued by the Hellenic Police Headquarters. The family was reunited in December 2023.

Case of recognised refugee from Sudan: In May 2023 the family reunification decision was issued. It is the only case of Sudanese nationals who, despite the internal armed conflict and the obstacles set by Greek Consulate in Cairo, managed to be reunited in December 2023.

Case of an unaccompanied minor - recognised refugee from Syria: In March 2023 the first family reunification decision of UAM was issued, including not only his parents but also his siblings, even though it is not provided for in P.D. 131/2006. The family was reunited in July 2023.

Case of recognised refugee from DRC: After 5 years the family reunification decision was issued and after 6 years, namely in October 2023, the family was reunited.

Three family reunification cases have been brought before the ECtHR in 2023. The first one concerns a stateless Rohingya unable to issue travel documents (ECtHR, Suji v. Greece, communicated case - 13250/23). The second one concerns a case of an Afghan national, unable to issue family reunification documents other than those issued by Taliban regime, which are not recognised by the Greek State and are not certified by the
competent Greek Consulate (ECtHR, Dotani v. Greece, communicated case - 31077/23). The third case concerns a refugee from Burundi and his family members are asylum seekers in South Africa and as a result, they cannot issue travel documents required by law (ECtHR, Ndikumana v. Greece - 41855/23). All the aforementioned cases were prioritized by the Court as pilot cases of exceptional importance and the first two have been communicated to the Greek Government.

Furthermore, a damages action (συγωμήσης) for a recognized refugee from DRC regarding the delay of the enforcement of the family reunification decision for more than 6 years from its issuance was submitted before the Administrative Court of Athens in December 2023, which is still pending.

In response to GCR’s request in January 2024 to the Ministry of Foreign Affairs, the latter replied that “In 2023, in only one case a DNA test was carried out to prove the family link in a family reunification case in 2022. It should be noted that it is not always possible to carry out a DNA test to prove the family link.”

**Netherlands:** In 2023, the INS made public the general instructions for handling applications for family reunification by holders of an asylum permit, in order to become more transparent.

Regarding the three-month time limit: A legislative proposal dated 23 September 2016, which involved extending the time limit for applying for family reunification from 3 to 6 months and the decision period from 6 to 9 months, was withdrawn after the ruling of the CJEU of 7 November 2018. A new legislative proposal was submitted in April 2023. This proposal extends the decision period from 6 to 9 months and lays a legislative basis to determine a late submission of an application objectively excusable.

In 2023 problems regarding waiting times for visa issuance at the Dutch embassies did not occur to the same extent as the years before. The waiting period at the embassy in Lebanon (which was damaged in the bomb blast of August 2020) had already been reduced in 2022. However due to the Gaza war, the embassy has suspended its services as of October 2023. An exception was made for family members that were already in Lebanon, however family members that were still in Syria were requested to go to Dutch embassies in Jordan, Iran or UAE for visa issuance.

Visa issuance at the Dutch embassy in Sudan is also suspended due to the security situation since April 2023.

Positive news is the pilot set up by the Ministry of Foreign Affairs to issue visas at the Dutch consulate in Erbil, Irak. As of September 2023, a limited number of family members can go to the consulate. The waiting time at Erbil has however increased to several months, due to its limited capacity.

Also, positive news are the efforts of the Dutch Ministry of Foreign Affairs to get family members out of Gaza. The ministry started preparations for about 10 cases (around 35 family members) in December 2023. At the beginning of January 2024, the first families were admitted to cross the border into Egypt by the Israeli/Palestine/Egyptian authorities. Within 72 hours from the moment of entry, the family members had received their travel documentation and had left Egypt for the Netherlands. In this context it is noteworthy that INS gave priority treatment to the applications for family reunification of Gazan beneficiaries of international protection, because of the security situation in Gaza. The applications were approved by INS within 1-2 months after the war started.

**Bulgaria:** Since 2022, beneficiaries of international protection, mainly from Syria began reporting that their family members experienced serious problems to even approach the Bulgarian consulate services in Istanbul, Ankara and Bursa in Türkiye in order to apply for reunification visas or laissez-passers. A joint NGO communication to MFA raised concerns and requested transparent rules of work to be adopted by these services, however no answer or measures were undertaken in this respect until the end of 2023.
In 2023, a total of 1,165 family reunification applications were submitted to the SAR, out of which 1,116 were approved and 49 rejected.

**Sweden:** In general, the right to family reunification is limited to core family members only, although other family members may be accepted under special circumstances. It also includes requirements on incomes and housing (i.e., the size and standards of housing) The right to family reunification is available to both refugees and beneficiaries of subsidiary protection. For refugees, these requirements must be met when family members apply for family reunification more than three months after the beneficiary was granted protection status. Until 1 December 2023, beneficiaries of subsidiary protection were also exempted from these requirements within the same time limit as refugees. However, since 1 December 2023, beneficiaries of subsidiary of protection are not exempted from these requirements.

As from 1 December 2023, residence permit may be denied if one of the spouses or cohabiting partners are under 21 years.

Income requirement for family reunification: For 2023, the standard amount as from 1 January was: SEK 5,717 for a single adult:
- SEK 9,445 for spouses or partners living together
- SEK 3,055 for children aged 6 years or younger
- SEK 3,667 for children aged 7 to 10 years
- SEK 4,279 for children aged 11 to 14 years
- SEK 4,889 for children aged 15 years or older

In 2023, the average waiting time from applications to decisions was 346 days for first time applications, and 195 days for subsequent applications.

In 2023, a total of 42,379 applications for residence permits based on family ties were lodged (of which 26,260 were first time applications). The SMA issued a total of 39,946 decisions (of which 29,475 were first time applications). 53% of the first-time applications and 92% of subsequent applications were approved. By the end of the year 2023, a total of 41,186 family reunification applications were pending (of which 30,324 first time applications). Across all instances, 1,555 residence permits were granted in family reunification cases where the person in Sweden was a former asylum seeker.

For family members of refugees, there is the possibility to obtain a subsidy to cover travel costs to Sweden. In 2023, 71 applications for subsidies were granted by the SMA. The budget for travel grants for relatives in 2022 was SEK 3 million SEK, and SMA will use the remaining of that sum to cover travels during 2024. For family members of persons with subsidiary protection, during 2023 the Swedish Red Cross was able to assist 8 families (representing a total of 48 individuals) to reunite in Sweden.

**Germany:** In 2023 a total of 22,637 visas for family reunification were issued to beneficiaries of international protection, out of which 10,570 for beneficiaries of refugee protection and 12,067 for beneficiaries of subsidiary protection. The number of visas issued in 2023 was again higher than 2022 (19,449) and in the years 2020 and 2021 where Covid impacted the family reunification procedure, but is still a little below the 2019 numbers (24,835). 4,125 visas for family reunification purposes to refugees were granted to Syrian nationals, 991 to Afghan nationals, 1,776 to Turkish, 361 to Iraqi and 299 to Iranian nationals.

Until 12 December 2023, 12,067 visas were issued to family members of beneficiaries of subsidiary protection. In contrast to the time between August 2018 and April 2021, where only 20,600 visas were granted (62% of the total of 33,000 visas that the law would have foreseen for this period), the quota of 12,000 per annum is thus fulfilled in 2023. In 2022, 8,900 visas were issued, i.e., 74% of the quota of 12,000 per year. Around 17,594 requests for appointments at embassies were pending as of June 2022. Since it is
likely that many people have asked for appointments several times, the actual number of persons applying for visa for this purpose is likely to be lower. 10,778 of those visas in 2023 were granted to Syrian nationals, 176 to Afghan, 54 to Turkish, 83 to Iraqi and 2 to Iranian nationals.

**Romania:** For a breakdown of family reunification in 2023 per regional centre: [See table at Content of International Protection]

With regard to 2023, the CNRR flagged the following issues concerning unaccompanied minors. At Regional Centre Timisoara there were situations where the asylum applications of unaccompanied minors were not analysed swiftly. In the case of unaccompanied minor asylum seekers, communication between them and the legal representatives appointed by the DGASPC is not constant and tends to be limited to the measures and activities necessary for the asylum procedure. According to the information available to CNRR, the unaccompanied minors accommodated in the regional centres in Timisoara, Giurgiu, Somcuta Mare and Radauti either have no contact with the legal representative or there is a very limited contact, and the only counselling they receive is from NGOs. The times when minors have contact with the legal representative appointed by the DGSPC are when the IGI conducts interviews in the administrative phase of the asylum procedure, or at court, when the legal representatives are required by law to be present. At the centre in Galati, a slightly more favourable situation could be observed in terms of communication between the legal representative and the unaccompanied minors, who showed a greater interest in the situation of minors, both legally and socially/culturally.

This has an important impact on the family reunification procedure. In the case of unaccompanied minors, Art. 72 from the Law 122/2006 on the asylum procedure in Romania states that IGI has the competence to start the procedure for the family reunification of unaccompanied minors. The Order No 119/20643/2023 on the conditions of appointment, role, tasks and requirements of education, training and professional experience for persons appointed as representatives for unaccompanied foreign minors applying for or granted a form of international protection indicates that the legal representative needs to initiate steps for the immediate identification of the minor's family and verifying the possibility of reunification with them. However, in practice, the CNRR is not aware of any ex officio proceedings made by the legal representatives, finding that there is limited proactive behaviour of the legal representatives accompanied by ignorance of the law in some cases. Thus, legal representatives call on the services of NGOs that are active in the field of asylum and refugee assistance.

In 2023, IGI-DAI reported a total of 245 applications for family reunification, of which 192 admitted and 53 rejected (countries of origin were not indicated).

**Ireland:** Throughout 2023, there were persistent delays in the processing of family reunification applications. These delays occurred both in the issuing of questionnaires, and in the acknowledgment and processing of applications, meaning that in many cases, applicants were required to wait lengthy periods for a decision to be issued in respect of their application. In the experience of the Irish Refugee Council, such delays have a detrimental impact on the enjoyment of family life for both applicants and their family members, who continue to face separation for prolonged periods. This is particularly concerning in cases whereby family members were vulnerable or facing persecution in their country of origin.

**Cyprus:** at the end of 2022 and continuing in 2023 the procedure remains slow exceeding 9 months.

**Travel documents**

**Ireland:** In July 2022, the State suspended for a period of 12 months visa-free entry for individuals with refugee status traveling on Convention Travel from 20 so-called ‘safe’ European countries. In July 2023, the suspension was renewed for a further 12 months and will be reviewed once again in July 2024.
**Greece**: The Headquarters of the Hellenic Police in response to GCR’s request, provided, among others, data on the renewal and initial issuance of travel documents. In particular, during 2023, in total 20,332 travel documents were issued and renewed by the Headquarters of the Hellenic Police.

**Cyprus**: regarding beneficiaries of subsidiary protection, due to an influx of requests, the Department announced that travel documents would only be issued for subsidiary protection holders who do not have access to a national passport and a preliminary examination would be carried out to examine this prior to issuing travel documents.

Throughout 2022 and 2023, the issue remains problematic as in most cases the procedure to apply cannot even be accessed as the application will not be received and as a result the CRMD does not issue a negative decision which would require justification. Evidently, to date no travel documents have been issued by the CRMD for beneficiaries of subsidiary protection, including cases of a stateless person and persons with medical issues.

**Romania**: In 2023, IGI-DAI issued 2981 travel documents

**Bulgaria**: During the period between 1 January 2014 and 31 December 2023, the Ministry of Interior issued 12,424 refugee travel documents and 19,399 travel documents for subsidiary protection holders.

**Housing**

**Spain**: At the occasion of the 2023 International Day for the Elimination of Racial Discrimination, the organisation Accem warned about the obstacles that migrants and asylum seekers face in renting an apartment.

**Greece**: For beneficiaries of international protection, the HELIOS programme -which to this day remains the only nationwide integration programme- includes a housing component that can support people towards independent accommodation in apartments rented in their name through two initial instalments aimed at contributing to the start of independent living (e.g., household equipment) and subsequent contributions to rental costs for up to a total of 12 months. The said programme is implemented by the International Organisation for Migration (IOM) in partnership with several non-governmental organisations. However, in December 2023 HELIOS programme suspended its implementation, but it started again in January 2024.

According to IOM statistics, as of June 2023, the beneficiaries enrolled in HELIOS programme were 44,613 since the beginning of project implementation (Households benefitting from HELIOS Rental Subsidies: 2,567 / Individuals benefitting from HELIOS Rental Subsidies: 4885 / Helios Unique Houses: 1966). As of January 2024, 45254 beneficiaries have been enrolled in HELIOS programme since the launch of its implementation (Households benefitting from HELIOS Rental Subsidies: 1,637 / Individuals benefitting from HELIOS Rental Subsidies: 2,983 / Helios Unique Houses: 1327).

**Portugal**: The average length of stay in the centre has increased in recent years (no less than 8 months in 2023, compared to 4.5 months in 2019), namely due to challenges in accessing housing in the private market. These difficulties have also been compounded by rent increases and evictions of families that had already left the reception centre.

**Bulgaria**: At the end of 2023, the number of beneficiaries staying in reception centres was 2,736.

**Netherlands**: There is a backlog in housing for beneficiaries of international protection. During the first half of 2023, the backlog consisted of 5,100 BIPs waiting in COA facilities to be housed by a municipality.
The country experienced its first reception crisis in 2015, due to the high number of asylum applications. It was therefore decided that beneficiaries who were awaiting housing could also temporarily stay with families and friends. The so-called Hosting Arrangement (“Logeerregeling”) was introduced. The scheme is still in place, being renewed during the last years. The Arrangement was last renewed in December 2023.

As previously described, in 2022 and 2023 there also was a shortage of places at reception centres. In May 2022, “Hotel- en accommodatieregeling”(HAR), was therefore prolonged for 3 months, and the target group covered by the measure was extended. The arrangement is now also open for status holders with children, status holders who still wait for family reunification and status holders who received a positive decision about their request for family reunification. The status holder still receives an additional payment of € 75 per week from the COA. If it concerns a whole family, the first person receives € 75, the second person of the family receives € 25, the third € 12,50 up to a maximum of € 125 for a whole family. The municipality still receives a payment (€ 8,280 plus € 1,000 for guidance) for every status holder participating in this arrangement. The arrangement was prolonged again throughout 2022. The HAR was supposed to continue up until 1 July 2023 only. Until then it was arranged that the HAR would continue until 2,500 status holders had left the reception of the COA by means of this arrangement. However, on 1 July 2023 the HAR was again prolonged and this time until 1 January 2025. It is now arranged that until 1 January 2025, every six months up to a maximum of 5,000 people can be placed in this arrangement. The COA has the supervision. There are no figures available.

Sweden: Number of beneficiaries staying in reception centres as of 31 December 2023: 1,006. In 2023, a total of 7,689 persons were assigned to be received in municipalities throughout Sweden after receiving a residence permit, including 541 who were resettled, 2,397 who had been staying in reception centres, 2,513 who had been residing in accommodation that they had arranged themselves and 1,404 relatives and 834 “other”.

The average time between the granting of a permit and being settled in a municipality was 62 days in 2023, the same as in 2021, and just above the two-month deadline for leaving Migration Agency accommodation. A total of 1,006 beneficiaries with residence permits were living in Migration Agency accommodation at the end of 2023, down from 1,587 in 2022.

Romania: A total of 431 beneficiaries of international protection were residing in the Regional Centres at the beginning of 2023. If the local public administration authorities cannot provide a social home, the beneficiary may rent housing within the respective local community. IGI-DAI subsidises up to 50% of the rent, subject to availability of funding, for a maximum period of one year. In 2022 and 2023, no beneficiary benefitted from this aid.

Timișoara: Requests for social housing have been submitted, but until now no one has benefited from this. The local public administration authority has no social houses available; the list of requests for social housing is endless. In order to benefit from financial aid from IGI-DAI for the rent, beneficiaries have to prove that they have requested social housing and they have to have a rental contract registered at the tax authorities. According to the director of the Regional Centre Timișoara, in 2022, IGI-DAI granted subsidies (50% of the rent) to a single case.

Belgium: According to an article written by Fedasil, by the end of 2023 at least 2,600 recognised refugees were stuck in federal reception centres due to a shortage of housing in Flanders, Brussels and Wallonia.

On top of the housing crisis, a new allocation system in social renting applies from 2023. For 80% of allocations, a ‘local tie’ will be required. This means you will be given priority if you have lived continuously in the housing company’s municipality or operating area for at least 5 of the past 10 years. For newcomers,
this implies entering the (social) housing market with unequal opportunities. The Council of State was very critical of this new allocation system. It pointed out that a priority scheme with long-term residence ties could be a serious obstacle to free movement and freedom of establishment within the European Union.

From the start of 2024, new conditions for social renting apply in Flanders, including meeting conditions for Dutch language proficiency and being registered at the employment service if the applicant is not yet working.

**Ireland:** Throughout 2023, many individuals with international protection status or humanitarian leave to remain who were residing in Direct Provision accommodation after receiving their status were served with notice to source their own accommodation or failing this, be transferred to alternative IPAS accommodation, usually to emergency or tented accommodation. The purpose of the policy was to release accommodation capacity for those in the international protection process who were awaiting determination on their application. However, transfers of this nature gave rise to significant issues for those affected. In the experience of the Irish Refugee Council, many people who received transfer notices left Direct Provision without arranging a sustainable tenancy. Many stayed with friends or family temporarily and given the precariousness of such arrangements, this often led to homelessness. Whereby individuals took up the transfers, progress in education and employment, as well as other integration indicators, were lost when people were transferred. Many people were transferred several hours away from where they worked or had educational opportunities, or indeed where they made local connections in the community, to an isolated, unknown area. This meant that they lost the social capital which could assist them when searching for somewhere to live. Finally, the policy also failed to acknowledge the reality of the housing market. According to available statistics, just 27 properties were available to rent within the discretionary rate of the Housing Assistance Payment (HAP) scheme as of September 2023. The Irish Refugee Council wrote to IPAS and the Department of Housing to outline these concerns, however, at the time of updating, the policy continued to operate. As of December 2023, there were 5,960 persons with status residing in Direct Provision centres around the company.

In January 2023, persons living at particular Direct Provision Centres, whereby points or vouchers are issued to residents to cover the cost associated with purchasing groceries, were advised by IPAS that any resident who had obtained international protection status or permission to remain in Ireland and remained living in IPAS accommodation for a period of 8 weeks or more, would have their points or vouchers revoked. Residents were advised that this new policy would be rolled out on a phased basis and persons affected would be provided with 8 weeks’ notice prior to their points being removed. This policy continues to operate as of February 2024.

**Cyprus:** In 2023 securing private accommodation remained difficult for refugees who have recently been granted protection, as well as refugees living in the community. This is due to the extremely high rent prices that continued to increase over 2023, making it harder to identify appropriate accommodation, as well as the reluctance on the landlords’ side to rent properties to refugees, even when they have a regular income. Although instances of homelessness are much more frequent among asylum seekers, BIPs also face this risk and assistance and guidance are required in order to secure shelter.

BIPs have a right to apply for financial aid through the national Guaranteed Minimum Income (GMI) scheme, which may include a rent allowance. However, in order to apply for the rent allowance a property must already have been contracted. In addition, rent deposits are not covered through the GMI scheme. Furthermore, throughout 2023, examination of GMI applications including the rental allowance continued to be very long, often reaching or passing 12 months; even in cases of vulnerable persons or homeless persons it is rare the application is examined faster. During the examination period, an emergency allowance is provided which varies from district to district and is extremely low, at about €100-150 for one person per month and approximately €150-280 for a family per month. The amount cannot be determined in advance and depends on the amount that is provided to the Welfare Office every month by the Ministry of Labour, Welfare and Social Insurance. Furthermore, the examination of the emergency application takes
approximately one to two weeks and is subject to the approval of the supervisor of the welfare office. The application is valid only for one month and must be submitted every month, until the decision for the GMI is issued. The delays in examination of GMI applications have a serious negative impact on living standards and integration efforts and in some instances lead to homelessness.

Access to the labour market

**Spain:** In March 2023, the municipal public transport entity ‘ETM’ of Valencia launched, together with the NGO ‘CEAR’ the initiative ‘ETM Refugio’, consisting in the provision of free passes for public transports to asylum seekers and refugees, with the aim of improving their social and labour inclusion.

The NGO ‘CEAR’ continued to denounce the challenges that migrants, asylum seekers and refugees face in accessing employment, mainly due to prejudices and stereotypes, slow administrative asylum procedures, precarious and insecure jobs they usually access.

Accem launched the campaign ‘Tents of Hope’ to raise awareness on the value that refugees bring to the labour market and to the society.

On the occasion of the World Refugee Day, UNHCR and the Ministry of External Affairs organised the ‘Forum Spain with Refugees’, with the aim of mobilising and making visible projects and good practices in the inclusion of asylum seekers and refugees in Spain. In addition, the ticket of the Spanish national lottery of 17 June was dedicated to the World Refugee Day.

In June, Spain took part to the 2nd Unity Euro Cup, a football competition organised by the UNHCR and UEFA, with 11 refugees (9 men and 2 women).

In December the Government of Cataluña launched a call to look for mentors, with the aim of supporting asylum seekers and beneficiaries of international protection in their integration process.

**Greece:** However, as mentioned in Reception Conditions: Access to the Labour Market, high unemployment rates and further obstacles that might be posed by competition with Greek-speaking employees, prevent the integration of beneficiaries into the labour market. Third-country nationals remain over-represented in the relevant unemployment statistical data. Specifically, in December 2023, the total number of the registered unemployed third country nationals was 126,610 according to the Public Employment Service (Δημόσια Υπηρεσία Απασχόλησης). This number was increased in the first month of 2024, as the total number of registered unemployed third country nationals reached 126,382.

**Sweden:** In December 2023, a total of 9,785 persons were attending The Public Employment Service (Arbetsförmedlingen) “etableringsprogram”.

In 2023, the general unemployment rate increased to 7.7%, compared to 7.5% in 2022. However, when it comes to individuals born abroad, it is higher. In the first quarter of 2023, the unemployment rate was 13.5% for women and 10.9% for men in this group.

**Slovenia:** The Integration strategy adopted in 2023 includes the following measures to improve integration of foreigners into the labour market: establishing an INFO point at the Employment Offices of the Republic of Slovenia, additional programs of social activation for foreign women, improving the prosecution of labour law violations and establishing a mentorship scheme for employment of foreigners in culture.

**Bulgaria:** In 2023, the SAR issued 579 labour permits to asylum seekers pending status determination who were looking to support themselves while their asylum claims were being processed. Out of them, only 2 asylum seekers alongside 17 persons granted international protection were employed through employment
programs, while the rest found work independently and on their own initiative. At the same time a total of 1,484 persons with temporary protection were employed through employment programs.

**Romania**: IGI-DAI and the National Employment Agency do not have statistics on the number of beneficiaries of a form of protection working in Romania. CNRR indicates that in November 2023 a Job Fair organised by the National Employment Agency took place, offering a variety of jobs for skilled and unskilled people. CNRR accompanied 8 people from Somalia in finding a job.

According to CNRR in 2023, beneficiaries of international protection in Romania are mainly employed in the HORECA (it is the acronym for the hospitality industry: Hotels, Restaurants, Catering), and construction. They are generally paid the minimum wage, which does not allow a decent living, especially in the case of families with several children. Beneficiaries of international protection have the possibility to follow the "Second Chance" educational programme in order to complete their studies and to follow vocational training courses. In practice, these are not accessed as they lack the financial resources to support themselves during the programme, preferring to take unskilled jobs. It is even more complicated for single mothers with several children. For educated people, accessing the labour market is easier, however they also face certain difficulties because they are unaware of the legal provisions and of their rights, and are victims of pressure from employers to work overtime or to accept delayed pay, for example.

**Germany**: For 2023 the Federal government decided to spend in total 81.5 million € for the ‘Migration counselling measures for immigrated adults’. For 2024 the Federal government announced severe cuts and wanted to limit the funding to EUR 57 million. Social welfare associations heavily criticised that the cuts in funding stand in contrast to the rising need due to the increased numbers of immigrants in the last years. Following political pressure by the opposition and the welfare associations, the funding was raised to EUR 77.5 million for 2024.

Research on labour market integration of refugees over the last decade points to a relatively successful integration in the long run: a ‘brief analysis’ on the integration of refugees into the labour market was published in February 2020 and updated in 2023. It is based on the ‘IAB-BAMF-SOEP-survey’, a long-term study on the living conditions of persons who have come to Germany as asylum seekers between 2013 and 2019. The main conclusions of the updated study from 2023 include the following:
- About 54% of the persons surveyed found employment within six years of their arrival and up to 62% within seven years of arrival.
- Whereas Covid-19 originally slowed down the process of integration in the job market it accelerated again starting in 2021.
- There are substantial differences in the employment rates between women and men. Six years after arrival 67% of men are employed, whereas only 23% of women have an employment. Reasons for the substantial difference are the unequal distribution of care work for children, unequal financial investments in the language and education, different educational background in the country of origin.
- Within 6 six 70% found ‘skilled labour’. However, compared to their employment in their country of origin, still 41% of the employed persons carried out jobs which are less qualified than the one they had in their country of origin.

**Ireland**: In October 2023, it was announced that holders of “Stamp 4” residence permission holders, including refugees, beneficiaries of subsidiary protection and leave to remain, would be permitted to take up employment in the civil service. The expansion of eligibility criteria comes following research undertaken by the Public Appointment Service (PAS) and a government interdepartmental working group seeking to increase diversity across the civil service.
Cyprus: In 2023, the CRMD initiated a practice by which they grant humanitarian status to the spouse and/or parent of BIP, according to which the “special residence permit” is valid for 12 months, granting the right to remain, access to health under the same conditions as an asylum seeker and access to the labour market subject to the authorisation of the Labour Department, and therefore not under the same conditions as a BIP. Furthermore, the residence permit will be issued only once and before the expiration of the 12 months, the applicant has to apply for a residence permit for employment reasons, which requires a specific employer to support the application.

Employers are not adequately familiarized with BIPs rights of full access to the labour market, which places an additional obstacle for beneficiaries to find a job. In order to address this gap, the Cyprus Refugee Council in collaboration with the UNHCR Representation in Cyprus has launched an online platform ‘HelpRefugeesWork ’ that connects employers and training providers with beneficiaries and acts as an advocacy tool to familiarize employers with BIPs’ rights of full access to the labour market and engage them to collaborations that promote refugee labour integration. Between 2018 and 2023, more than 1000 International Protection Holders registered in the platform, applied for jobs and received employment-related guidance and support, whereas more than 300 well-known businesses covering a wide spectrum of employment sectors have registered in the platform.

Access to education

Spain: In July 2023 the Autónoma University of Madrid announced the inclusion of asylum seekers and beneficiaries of international protection among those students that can apply and benefit for financial support and scholarships. In December, the Office for Education, Universities and Employment of the Autonomous Community of Valencia increased to 6,000 the scholarships for public and private universities ‘Manuela Solís’, easing the criteria to grant them to certain categories of students, including asylum seekers, refugees and statelessness persons.

Slovenia: The Integration strategy adopted in 2023 envisages additional measures to ensure better linguistic integration of foreigners including renovation of the Program for the initial integration of foreigners, establishing new language programs for vulnerable groups, enlarging the number of language course hours, enabling individuals to attend the language classes during their working hours etc. In addition, the Integration strategy envisages measures that will improve the integration of foreigners in education. The measures include additional language hours in primary school and secondary school, additional learning support, employment of needed staff etc.

Romania: For the year 2023, IGI-DAI has indicated that it does not have statistics on the number of children benefiting from international protection who are registered in the Romanian educational system. From the information provided by the organisation Save the Children, regarding children in regional centres, the following points emerge.

Bucharest: In 2023 asylum seeking children benefited from Romanian language courses offered by NGOs and School No 25. Save the Children encountered difficulties in enrolling these children as auditors in the Romanian education system, the reason invoked by the schools being the lack of available places in classes. The children have difficulties adapting to school because they have learning gaps.

In 2023, IGI-DAI reported that the implementation of the integration programme consisted of a set of measures and activities necessary to facilitate the social integration of foreigners who have obtained international protection in Romania, a programme carried out at their request, implemented through cooperation between public institutions, local communities and non-governmental organisations working in this field under the coordination of the General Inspectorate for Immigration. The objectives of the integration programme consist of participation in the Romanian language learning course and cultural
orientation sessions, participation in counselling and assistance sessions for access to education and the labour market, participation in counselling and assistance sessions for access to medical and psychological assistance, counselling for housing, participation in counselling sessions for access to social benefits and the provision of material assistance. 738 adults newly registered in the integration programme in 2023 and 761 adults who had registered in 2022 continued the programme in 2023. 16 unaccompanied minors followed the integration programme in 2023. The main countries of origin were Syria, Somalia, Afghanistan, Ukraine and Iraq.

In 2023, CNRR mentioned that community empowerment activities were organised in Bucharest and in other cities of Romania, having diverse thematic such as: information about the labour contract and employees’ rights (tips & tricks for the Somali community, about 15 participants attended the event), women’s reproductive health, an event organised by CNRR in partnership with ANAIS organisation (about 10 participants), Somali cultural evening during with which the Somali community had the opportunity to share its culture and values and to learn more about Romanian culture (50 participants). CNRR also organised two legal education workshops for children aged 11-14 and 15-18, attended by 34 children from Syria, Afghanistan, Iraq and Somalia. Through interactive exercises, the children were explained the provisions of the law on domestic violence, the risks of consuming prohibited substances and how people under 18 can be held accountable if they commit illegal acts. Also, in partnership with the organisation Active Random, a series of creative workshops were organised for children beneficiaries of international protection (photography, digital art, musical instruments). These events took place over 3 months and ended with an exhibition of photos taken by the children. During 2023, 6 children BIPs attended English language courses through a partnership concluded between CNRR and the British Council.

Healthcare

Spain: In May 2022, the organisation CEAR and the Fundación Sanitas signed an agreement to provide comprehensive health assistance to refugees. Concretely, more than 75 refugees will be provided with mental healthcare, dental assistance and support for their emotional well-being. The project continued to be implemented during 2023.

Greece: As of March 2023, the “Evangelismos” General Hospital of Athens, the “Aiginio” Hospital and “Dromokaitio” Psychiatric Hospital of Athens had no interpreters. Conversely, the “Dafni” Psychiatric Hospital of Athens only had interpretation for Arabic and the “Alexandra” General Hospital of Athens covered Arabic, Farsi, French and Lingala. Thus, the access to health care is extremely difficult is extremely difficult to beneficiaries of international protection.

Portugal: According to CPR’s experience within the provision of support to resettled refugees, access to healthcare by beneficiaries of international protection worsened within the context of the pandemic given the overburdening of healthcare services. These challenges continued to be registered in 2023. According to the publicly available information, such difficulties are common to the whole population and not particular to refugees.

Germany: From the age of one year the state is by law obliged to provide a place in a nursery or kindergarten. However, since the introduction of the obligation the state has been unable to provide enough nursery or kindergarten places. A study from 2023 concludes that there is currently a lack of 430,000 places.

Romania: AIDRom reported that sometimes language barriers in healthcare lead to miscommunication between the medical professional and the beneficiary of international protection. AIDRom also pointed out that family doctors are reluctant to register foreigners. This was still the same in 2023.

Social welfare
**UK:** After a grant of refugee status, under law asylum support can be stopped 28 days after the decision. In August 2023 the Home Office made a change in practice that was not publicly announced. They started counting the 28 days from the date of the decision instead of from receipt of the biometric residence permit. As in many cases the permit would take longer than 28 days to arrive, this meant that many refugees were made street homeless shortly after receiving their grant of refugee leave. This change resulting in a 223% increase in people sleeping rough after leaving asylum housing. Towards the end of 2023 an internal change was made at the Department for Work and Pensions which allowed newly recognised refugees to claim public funds before receiving their biometric residence permit.

**Germany:** Both refugees and beneficiaries of subsidiary protection are entitled to social benefits, in particular unemployment benefits, on the same level as German nationals. There have been substantial reforms of the legal framework governing social benefits in Germany through the so called ‘citizens benefits law’ (Bürgergeld Gesetz) which entered into force on 1 January 2023. They entail changes to social benefits which respectively apply for German nationals as well as for beneficiaries of international protection. By way of example, the amount of financial benefits has been lifted from € 449 to € 502 for single adults, € 451 for spouses, children between 14 and 17 years € 420 and children between six and thirteen € 348 and children under six years € 318. Additionally, grounds for penalties upon non-compliance with obligations to cooperate have been reduced and the amount of financial reserves and extra income next to the unemployment benefits has been raised.

**Greece:** Birth allowance: The birth allowance is granted to any mother who is legally and permanently residing in Greece and amounts to € 2,000 for every child born in Greece. Third country nationals are entitled to receive this allowance if they can demonstrate 12 years of permanent stay in Greece. Exceptionally for the births that will take place in the years 2020-2023 the allowance will be granted to any mother – third country national, who has been permanently residing in Greece since 2012. The permanent stay is proved with the submission of tax declarations. Hence, the vast majority of beneficiaries of international protection are practically excluded from this benefit.

**Romania:** IGI-DAI indicated that 1,500 beneficiaries of international protection were enrolled in the integration programme in 2023. Out those 1,500 persons, 739 were beneficiaries of international protection newly enrolled in the integration programme in 2023, and 761 continued in 2023 the integration programme they started in 2022. 16 were unaccompanied children. BIPs enrolled in the integration programme in 2023 mainly came from Syria, Somalia, Afghanistan, Ukraine and Iraq. Further information was not provided by IGI-DAI (e.g., regarding non-refundable financial aid in 2023).

For 2023, information was provided by CNRR and IOM Romania. CNRR states that beneficiaries of international protection receive superficial support in terms of access to health services. From the counselling activities that CNRR carried out in 2023, in most cases it was found that beneficiaries are not fully aware of how to access this right. For beneficiaries of international protection who are not working, access to health services is extremely difficult. Also, in hospitals, beneficiaries who speak rare languages do not have access to an interpreter, often interpreting through acquaintances. Moreover, there have been cases when family doctors refused to register beneficiaries of international protection. IOM highlighted that they support beneficiaries of international protection by paying for medical services / purchasing medicines / covering the (partial) cost of medical insurance through the project budget (e.g., InterACT- Active participation and integrated assistance for migrants in Romania, a project implemented by IOM in partnership with AIDRom). However, the amount paid is not always sufficient to cover the needs of the beneficiaries, especially those with chronic health problems. IOM also underlined that communication with doctors is hampered by the language barrier. It is therefore necessary to accompany beneficiaries to doctors’ offices and to provide an interpreter. In such situations it is essential that doctors are also willing to work with an interpreter.
The JRS representative in Rădăuți reported difficulties regarding the identification of family doctors. Family doctors refuse to register beneficiaries of international protection, including children, because they have to register patients for at least six months and are afraid that beneficiaries will leave Romania. Beneficiaries who decide to stay for long term have family doctors. For the ones who have no health insurance ICAR Foundation covers the costs of medical consultations and treatment if necessary.

**Freedom of movement**

**Germany**: according to an evaluation by the BAMF from 2023, the obligation to take up residence in specific places does not have a positive effect on integration. To the contrast, due to the general shortcomings in housing, the obligation fosters a prolonged stay in accommodation centres, since refugees cannot find private housing in the assigned places. Furthermore, the obligation to reside in specific places has a negative impact on the access to the labour market.

**Integration**

**Bulgaria**: Since 2013 and up to 2023, Bulgaria followed a “zero integration policy”. The first National Programme for the Integration of Refugees (NPIR) was adopted and applied until the end of 2013, but since then all beneficiaries of international protection have been left without any integration support. This resulted in extremely limited access or ability by these individuals to enjoy even the most basic social, labour and health rights, while their willingness to permanently settle in Bulgaria was reported to have decreased to a minimum. In 2023, 46% of asylum applicants abandoned their status determination procedures in Bulgaria, which were subsequently terminated. In comparison, this percentage was 45% in 2022, 26% in 2021, 39% in 2020, 83% in 2019, and 79% in 2018.

Following relentless advocacy efforts by UNHCR, the Refugee Council and the Red Cross with the support of the SAR, in 2021 and 2022 the Vitosha and Oborishte Districts (Sofia municipality) provided this integration support, although in 2023 the only provider was Vitosha District. The support itself consisted of rent expenses covered by the municipalities and the fee for the Bulgarian language courses, covered by the Red Cross. In 2023, just 22 individuals benefitted from these integration agreements.

**Croatia**: The previous Action plan for the integration of beneficiaries of international protection, which covered the period from 2017-2019 expired at the end of 2019. By the end of 2023, the new Action Plan was still not adopted.

In May 2023, the City Assembly of the City of Zagreb adopted the Action Plan of the City of Zagreb for the implementation of the Charter of Integrating Cities for 2023 and 2024. The general objective of the Action Plan is to encourage and implement the integration of applicants for international protection, persons granted international or temporary protection, and foreign workers residing in the City of Zagreb, into society, and to contribute to the development of the entire migration policy in the Republic of Croatia. The specific objectives of the Action Plan are elaborated through 7 thematic areas: 1. Information and exercise of rights; 2. Social and health care; 3. Language learning and education; 4. Intercultural learning; 5. Preparation for job search and employment; 6. Strengthening of local integration capacities; and 7. Intercity and international cooperation.

In February 2023, the Office for Human Rights and the Rights of National Minorities issued a brochure “The Rights of Persons Granted International and Temporary Protection”. The brochure contains information on the available mechanisms for the protection and promotion of human rights and the suppression of discrimination in Croatia, especially in the context of international and temporary protection. The brochure is available in twelve languages: Arabic, English, Farsi, Filipino, French, Hindi, Croatian, Nepali, Pashto, Spanish, Turkish and Ukrainian.
13. Return of former applicants for international protection

N/A

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)

Resettlement

Spain: In February 2023, the Council of Ministers approved the National Programme for Resettlement of Refugees in Spain for 2023, foreseeing a quota of up to 1,200 persons. At the beginning of March 2023, a total of 89 Syrian refugees living in Türkiye and affected by the earthquake were resettled to Spain. Very few cases of humanitarian visa have been issued by Spain for Afghans after the evacuation, but it is not a commonly applied measure. In May 2023 the Government announced the programme’s extension for next three years, with the aim of receiving more refugees, specifically those coming from Central and South America.

In October 2023, the Minister of Inclusion, Social Security and Migration started to implement a project, together with Accem and the Council of the City of Valladolid to foster access to the job market for more than 100 Nicaraguan refugees resettled from Costa Rica to Spain, specifically in the field of renewable energies. In December, 74 persons arrived in Spain in the framework of such a project.

During the ‘X Parade for Dignity’ organised in Ceuta to commemorate the incidents occurred at the borders of the city on 6 February 2014, which resulted in the death of at least 14 migrants who were beaten back by the Guardia Civil, a call to the EU for the creation of safe and legal pathways was made.

In April, Spain informed about its participation, together with Canada and Mexico, in the US program to foster regular pathways of migration for persons coming from Central and South America.

During the same month, the Commissioner for Human Rights of the Council of Europe published a report following a country visit to Spain. The report addresses, amongst other things, the rights of refugees, asylum seekers and migrants, and the Commissioner urges the authorities to make sure that those in need of protection can access the territory through legal and safe ways.

After the earthquake in Morocco and the flooding in Libya in September 2023, the NGO ‘CEAR’ called for the European Union and Spain to guarantee the protection to those refugees fleeing the two countries, also by granting humanitarian visas, facilitating the lodging of asylum at embassies and consulates, and by making the criteria for family reunification more flexible. The same organisation called for guaranteeing protection and legal pathways for Palestinians fleeing from Gaza following the forced expulsion of the population by Israel in October 2023.

In November, 167 Syrian refugees arrived in Spain from Lebanon and Türkiye. So far, a total of 699 were resettled in Spain in 2023 within the resettlement programme.
In January 2024 the Government approved the National Programme for the Resettlement of Refugees in Spain, with the commitment to resettle 1,200 refugees in Spain during 2024.

As specified in the section on Differential treatment, after the Taliban takeover in Afghanistan, Spain started to transfer persons fleeing the country, also by issuing visa to Spain to Afghans at the embassies and consulates in Iran and Pakistan.

**Portugal:** According to publicly available information, for 2023, Portugal pledged to resettle 300 persons, and to receive 100 persons under the humanitarian admission scheme.

**Switzerland:** In 2022, 641 persons entered Switzerland under the Resettlement programme, most of them from Syria (436), followed by Afghanistan (95) and Sudan (49). For 2023, 1,179 places are available.

**Slovenia:** In October 2022 the Slovenian Government made the decision to resettle 50 persons from Turkey. People from Afghanistan and Syria were eligible for resettlement according to the decision of the Government. Based on the decision 23 persons resettled in Slovenia in 2023 and, 27 persons resettled in Slovenia in January 2024. Relocation was not carried out since 2021.

**Bulgaria:** In 2022, no new relocations were implemented mainly due to mass arrivals from Ukraine, but in 2023 94 Syrians were relocated from Cyprus, while 76 applicants from Greece and 10 from Italy. Thus, the number of relocated persons reached a total of 180, with another 70 evacuees from Afghanistan. The countries of origin varied from Syria and Afghanistan to Iraq, Eritrea, Pakistan, Egypt and Stateless persons. Out of all the relocated persons, except those relocated from Afghanistan, 78 individuals have been recognised as refugees so far, 44 individuals have been granted subsidiary protection (“humanitarian status”), 2 individuals were rejected, 1 individual accepted a voluntary return to his country of origin, 53 procedures are pending, and 1 procedure was terminated.

Regarding resettlement, the government decided to resettle 100 Syrians from Türkiye on 29 March 2017, based on the arrangements outlined in the 2016 EU-Türkiye deal. Up until 31 December 2023, Bulgaria resettled a total of 94 Syrian nationals from Türkiye, with 9 new resettlements implemented in 2022. All of them were granted international protection.

**France:** In 2023, 3,191 persons were resettled according to the ministry of Interior (UNHCR database count 3,003 resettlements). People arriving under European commitment are previously heard by OFPRA in the country of asylum. In 2022, 26 OFPRAS’s missions were carried out in Turkey (4), Chad (4), Cameroon (3), Egypt (3), Jordan (3), Lebanon (3), Ethiopia (2), Niger (2) and Rwanda (2). In 2023, 23 missions took place. People coming with this program are recognized as beneficiaries of international protection when they arrive in Paris and then have complete rights like other refugees in France. However, people arriving in the framework of agreement with UNHCR, not heard previously by OFPRA, are considered as asylum seekers at arrival: their asylum claim is processed quickly and always give rise to protection but the limited access to rights as asylum seekers for several weeks can cause difficulties (particularly in terms of access to health care).

**Netherlands:** The Netherlands take part in the UNHCR resettlement programme; prior to 2021, it aimed at resettling 500 refugees per year. The new Dutch government announced in its Coalition Agreement for 2021 until 2025 the will to increase the number of resettled refugees from 500 to 900 per year. In 2022, 717 refugees were resettled to the Netherlands, 437 of which came from Syria. In the first eleven months of 2023, 773 refugees were resettled to the Netherlands, 428 of which are Syrian. Asylum seekers selected to resettle to the Netherlands arrive at International Airport Schiphol. Following the mandatory health and identity checks at Schiphol, they are immediately granted an asylum permit, and can directly move into their allocated
house in the responsible Dutch municipality. At this point, their rights and obligations are the same as permit holders that have undergone the Regular Procedure.

**Sweden**: The Swedish Migration Agency resettled 297 refugees in 2023 in comparison to 3,744 refugees in 2022, 6,411 refugees in 2021, and 3,599 refugees in 2020. The annual quota was lowered from 5000 to 900 for the year of 2023. However, in practice much less were resettled. The focus of the selections is determined by the Swedish Government but the Swedish Migration Agency, in collaboration with UNHCR, determines which refugee groups will be considered for resettlement from different countries. In 2023, in addition to lowering the number of quota refugees, the government introduced new integration criteria that should be taken into account in the assessment. Among other things, entrepreneurial spirit, skills, education and work experience and values important for integration into Swedish society may be taken into account.

Sweden does not have any relocation operations in place.

**Belgium**: Over the period 2013-2022, Belgium resettled 4,501 refugees. This involves mainly Syrians from the neighbouring Turkey, Jordan and Lebanon, and Congolese from the Great Lakes region. Belgium initially pledged to resettle 1,250 persons in 2022, 1,400 in 2023 and 1,500 in 2024. The pledges for 2023 and 2024 were afterwards lowered to 500 in both years, due to the reception crisis. For 2025, Belgium pledged to resettle 1,000 persons.

Due to the ongoing reception crisis (see Constraints to the right to shelter) the resettlement programme is severely impacted. During 2022, only 71 out of 1,250 resettlements (6%) were effectively executed. These 71 were mainly Syrian refugees being transferred from Jordan, Egypt or Lebanon. In 2023, 287 persons were resettled to Belgium. The majority of resettled individuals are Congolese refugees transferred from Rwanda, followed by the Syrian refugees, mainly relocated from Jordan and Egypt.

In 2023, Fedasil opened a reception centre dedicated to the reception and support of resettled refugees. It also started to invest in a Community Sponsorship program in collaboration with Caritas International, as an alternative reception model to secure the effective implementation of resettlement programs in the future.

**Germany**: Germany pledged a total of 6,500 resettlement places in 2023, which is higher than in previous years. Out of the 6,500 places, up to 2,950 places are allocated to the national resettlement programme, up to 200 places are foreseen for the NesT programme, up to 3,000 places are allocated for admission of Syrian nationals from Türkiye under the EU Türkiye statement, and 500 places are allocated to admission programmes of the Federal states of Berlin (300) and Brandenburg (200). A total of 874 persons were admitted until May 2023. Over the course of 2022, 4,770 persons were admitted. Out of these, 1,603 persons were admitted through the national resettlement programme and the NesT programme, 2,857 persons were admitted through the humanitarian admission programme for Syrians in Türkiye, and 310 persons were admitted through the programmes led by Schleswig-Holstein (8), Berlin (112) and Brandenburg (190). Over the course of 2021, a total of 5,369 persons was admitted to Germany through the various resettlement programmes. Out of these, 2,377 came through the resettlement programme; 69 persons were admitted under the private sponsorship programme NesT; 2,192 were admitted from Türkiye and 731 persons were admitted through admission programmes of the Federal States of Berlin, Brandenburg and Schleswig-Holstein.

In August 2022, Germany pledged to admit 3,500 persons from Italy under the new EU Solidarity mechanism initiated by the French Council presidency. A total of 212 were admitted to Germany through this mechanism in 2022 according to the BAMF. Additionally, 876 persons were relocated under this scheme from Italy, Cyprus and Spain until April 2023.
<table>
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<tr>
<th>Country</th>
<th>Description</th>
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<tr>
<td><strong>Ireland</strong>:</td>
<td>Ireland’s pledge for resettlement and humanitarian admissions, along with forecasted resettlement numbers for 2024-2025 was submitted to the European Commission on the 7th of October 2023. Ireland has pledged to support the arrival of 800 refugees under the UNHCR resettlement process from Lebanon and Jordan, with a further 100 humanitarian admissions from Afghanistan.</td>
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<td><strong>Romania</strong>:</td>
<td>According to Government Decision no. 1596/2008 on the resettlement of refugees in Romania, the resettlement quota set for the period 2022-2023 was 200 refugees in need of resettlement. During 2021, 75 people were resettled to Romania and the operations are to continue in 2022. In 2022, 81 Syrians were resettled to Romania – 41 from Lebanon and 40 from Türkiye. According to the information provided by the IGI-DAI, in 2023, 154 Syrian refugees were transferred to Romania - 54 from Türkiye, 25 from Jordan and 78 from Lebanon.</td>
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<tr>
<td><strong>Humanitarian Admission Programmes</strong></td>
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<tr>
<td><strong>Portugal</strong>:</td>
<td>For 2024-2025, Portugal pledged to resettle 600 persons and to receive 400 persons on humanitarian grounds within the context of the 2024-2025 EU resettlement and humanitarian admission scheme.</td>
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<td><strong>Belgium</strong>:</td>
<td>In the context of the war in Gaza that started in October 2023, several academics and lawyers have urged the Belgian government to allow Palestinians with Belgian family members to apply for humanitarian visa from distance, via e-mail, as has exceptionally been permitted for applications for family reunification. In a recent ruling of 2 February 2024, the Brussels Court of first instance has imposed on the Belgian state the obligation to allow a Palestinian family in Gaza to apply for humanitarian visa via all possible telecommunication means, exempting them in the first phase of introducing the application of a personal appearance in the embassy, and exempting them from providing documents that they cannot obtain in the current context in Gaza. Until the time of writing, the Belgian government has not made an exception for the applications for humanitarian visa.</td>
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<td><strong>France</strong>:</td>
<td>Regarding pledges for resettlement and humanitarian admission of Afghans in the EU ‘Afghan support scheme’, France committed to admitting 2,500 from mid-August 2021 to the end of 2022. During this period, 3,134 Afghans were admitted in France: 2,635 during Summer 2021, 526 from September 2021 to December 2021 and 1,095 in 2022. Since 2023, there was no specific scheme for admission of Afghans, but they can exceptionally benefit from humanitarian visas.</td>
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<tr>
<td><strong>Germany</strong>:</td>
<td>Afghanistan: When announcing the programme, the Federal Government declared that ‘the new programme is now to be implemented quickly’ and that it planned to approve around 1,000 requests per month, which is about the amount of permissions granted in the months preceding the announcement. The programme is planned to run until the end of the current government’s term in 2025. As of 30 June 2023, 229 persons have been selected for admission. As of October 2023, only 13 of them have been admitted, due to the pause of the admission procedure (see below). According to a press report, the NGOs Mission Lifeline and Luftbrücke Kabul alone have received around 32,000 requests as of early November 2022. In March 2023 the Federal Foreign office declared that all admission programs would be put to a halt for an indefinite time due to alleged abuse. The German newspaper Cicer and Bild published that according to information they received the admission programs had been used to bring radical Islamists to Germany. In April 2023 the Federal government rebutted these allegations. A speaker of the Foreigner’s Office declared that there was no evidence supporting a systemic misuse of the admission programs. Only in one case a person who applied for admission has been identified as a possible ‘threat’ (‘Gefährder’). Nevertheless, the Foreigners Office along with the Minister of Interior decided to introduce additional screening mechanisms and to halt the admission program until the screening mechanism is in place. The screening procedure...</td>
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involves an automatic data reconciliation with databases from the national security agencies and interviews with the German domestic intelligence service (Bundesamt für Verfassungsschutz), Federal Criminal Police Office (Bundeskriminalamt), the Federal Police or BAMF officers acting on behalf of these national security services. The admission programs were restarted from 26 June 2023. In the first months of the newly introduced screening procedure (26 June – 21 July 2023) 99 screening interviews took place, no security concerns have been identified among those. The Federal government further states that the capacities for the screening mechanism have been expanded since its start. Accordingly, as of August 2023 several hundred screenings can be conducted per month. One year after the official launch, in October 2023, several NGOs reflected on the development of the program. They demanded that the originally envisaged number of 1,000 admissions per month should be fulfilled, that the procedure should be more transparent and that in additional admission schemes are necessary to meet the needs for protection.

In addition to the Federal Government, several Federal States (Thuringia, Berlin, Hessen and Bremen) have implemented admission programmes based on family ties to Afghans living in the respective Federal States (for more information see Family Reunification). However, the programs in Thuringia and Bremen expired in December 2023 and end of January 2024. Afghan nationals can also benefit from funding and admission programmes for students and scholars at risk; however, access to such programmes is difficult in practice, especially for persons who are still in Afghanistan.

**Ireland**: Regarding the Afghan Admissions Programme: As of 8 November 2023, the Department of Justice had issued 234 positive decisions in respect of 623 beneficiaries. A further 32 negative decisions in respect of 109 individuals were issued. In addition, 68 applicants had been informed that their applications in respect of 183 individuals were not eligible under the terms of the Programme. As of 8 November 2023, 178 applications in respect of 555 beneficiaries were pending. While initially anticipated that AAP would largely be concluded by the end of 2023, as of January 2024, the Department of Justice continues to process remaining applications. In the period between January and October 2023, a total of 476 Long Stay Join Family were also issued to Afghan nationals.

**France**: As mentioned on OFPRA website, a foreign national can apply for an asylum visa at a French representation in their country of origin. In practice, this possibility (considered as a favour and not as a right) is only available in a few embassies, following specific commitments by France. A report on immigration sent by the Ministry of the Interior to the French Parliament in 2023, covering 2021 data, mentions the implementation in 2021 of visa programmes for 327 Syrians and 17 Iraqis in addition to specific operations implemented for Afghans (see supra). Moreover, a protocol signed between the French authorities and religious organizations in 2017 allowed the arrival of 504 people via humanitarian corridors. It was renewed in April 2021 for a target of 300 Syrians or Iraqis from 2021 to 2023. In November 2023, 103 persons (including 41 children) have been admitted in France under this new protocol.

Public data on this type of visa does not allow for a clear understanding of this issue, as the "humanitarian visa" category (excluding figures on visa for health issues) includes all these different legal pathways to the territory (including family reunification and resettlement): 2023:
- Refugee and stateless persons: 5942
- Subsidiary protection and territorial asylum: 3637
- Total humanitarian visas on asylum: 9579

15. Relocation (ad hoc, emergency relocation; developments in activities organised under national schemes or on a bilateral basis)
**Netherlands:** During the military evacuations between 15 and 26 August 2021, 1,860 people were evacuated (both Dutch and Afghan nationals who worked for the Dutch government). Between 26 August 2021 and 4 July 2023, a total of 2,677 people were transferred from Afghanistan to the Netherlands. On 4 July 2023 105 persons were still being considered for transfer to the Netherlands, but their transfer was deemed exceedingly difficult due to (most of) them not possessing a valid travel document.

On 14 September 2022 and 22 February 2023, the Council of State ruled that the e-mails rejecting requests for evacuations of Afghans were formal decisions that could be appealed for those belonging to the groups named in the Letter to the parliament of 11 October 2021, in which the evacuation criteria were summed up. In 2023, dozens of court cases regarding rejections of Afghan asylum requests were published. Until now, in most of the cases the judge confirmed the rejection, because the asylum seeker did not meet the criteria outlined above. According to the Regional Courts, the Dutch government was free to establish their own criteria, because it had no obligation to evacuate people and the policy was beneficial.

In 2023 there was also some political discussion regarding Afghan guards who worked for the Dutch military, the Dutch embassy or EUPOL. In October 2023 a critical evaluation report of the Dutch evacuation process was published. Subsequently, the Dutch government announced in two letters of December 2023 that they would propose new criteria for the evacuation of these groups at the end of February 2024.

**Cyprus:** In 2023, 1773 persons have been relocated mainly to Germany and France, and lesser to Romania, Bulgaria, Belgium, Finland, Norway, Portugal. Persons relocated are mainly nationals from Syria, Afghanistan and smaller numbers from Iraq, Congo, Cameroon, Somalia, Nigeria, Siera Leone, Djibouti, Palestine. The Program is expected to continue in 2024 with the existing Pledges from the supporting countries for 2023 still in place. In January 2024, 15 persons were transferred and there are more persons scheduled to be transferred in February and March 2024.

In view of the rise of asylum seekers from Syria requesting relocation to other EU Member States, upon arrival, in mid-2023 the government decided to exclude new asylum seekers from the voluntary relocation Program to act as a deterrent to future arrivals. Persons arriving in Cyprus from January onwards are not eligible to the Program.

**Croatia:** a new Decision on relocation of the third country nationals or stateless persons who meet the conditions for approval of international protection was adopted in July 2022. In accordance with the aforementioned decision, Croatia will participate in the relocation of 60 third-country nationals or stateless persons who meet the conditions for granting international protection from Greece, Cyprus, Italy, Malta and Spain. Based on that decision, on 1 March 2023, Croatia accepted 10 applicants for international protection from Italy, as a part of voluntary programme of solidarity with EU Member states under great migration pressure. Applicants are citizens of the Ivory Coast (three married couples, one of whom has a minor child, and three single men). The mentioned persons arrived in Croatia accompanied by IOM employees.

**France:** France also contributes to relocations from Greece to other European countries through a voluntary relocation scheme. From August 2020 to March 2023, 501 unaccompanied minors and 510 members of families (417 asylum seekers and 93 beneficiaries of international protection) were relocated from Greece in this context. This specific program has ended in 2023.

In the framework of the Declaration on a voluntary solidarity mechanism endorsed by 19 EU countries and 4 Schengen associated countries in June 2022, France is committed to relocating 3,000 persons in one year but at the end of 2022 only 38 people had been relocated from Italy and 225 others have been selected for relocation by French authorities in Spain, Italy and Cyprus and waited for transfer. However, IOM reports that 184 have been relocated to France in 2022. According to OFPRA, 8 missions to identified people in need
of international protection to relocate have been carried out in Cyprus, Greece and Spain in 2022 and 10 missions in 2023.

16. 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)

General

The European Database of Asylum Law (EDAL) is an online database, managed by the European Council on Refugees and Exiles (ECRE) and containing case law from 22 European states interpreting refugee and asylum law as well as from the CJEU and ECtHR. EDAL summarises relevant case law in English and the Member State’s national language and provides a link to, and/or pdf. of the full text of the original judgment where available.

EDAL is searchable in English and the original language of the decision. The website interface is available in English only. The case summaries are searchable by a free text / full text search, as well as by keyword, applicable legal provisions, country of decision, country of applicant and date.

- EDAL is available at: [https://www.asylumlawdatabase.eu/en](https://www.asylumlawdatabase.eu/en)

Moreover, the ELENA Weekly Legal Update (WLU) provides information about important recent developments in international and European asylum law. The update covers the asylum-related judgments of the European Courts and domestic case law as well as asylum legal news from across Europe.

- EWLU is available at: [https://www.ecre.org/our-work/elena/weekly-legal-updates/](https://www.ecre.org/our-work/elena/weekly-legal-updates/)

Thus, the national jurisprudence which is provided below is strictly limited to selected cases documented through AIDA. For a more comprehensive, detailed and up-to-date overview of national jurisprudence on international protection in 2021, EDAL and the EWLU should be consulted.

Access to territory

**Poland:** In an increasing number of judgments issued in 2022 and 2023 courts condemned pushbacks at the Polish-Belarusian border, also in cases concerning pushbacks from Polish hospitals. In judgment no. IV SA/Wa 615/22, the Provincial Administrative Court in Warsaw considered a case of a Syrian national who was pushed back to Belarus in November 2021 after a short stay in a Polish hospital and in spite of his pleadings for asylum. In Belarus, he was subject to violence from the Belarusian authorities forcing him to go back to Poland. A decision ordering his immediate removal was issued and challenged by the Helsinki Foundation for Human Rights’ lawyer. The court annulled the decision, explaining that the Border Guard did not rigorously assess the factual situation of the foreigner, in particular, the circumstances of his arrival to Poland and his situation upon return. The court highlighted that the principle of non-refoulement still applies at the Polish-Belarusian border. A case concerning a pushback from a hospital was also communicated to the Polish government by the ECtHR in June 2022. Another case was decided by the Provincial Administrative Court in Białystok in May 2023. It concerned a pushback of a third-country national, who was seeking help for an Ethiopian woman in a worsening medical condition. He was apprehended by the Border Guard and pushed back to Belarus. The Border Guard did not seek the ill woman. Her body was found couple days later by the activists. The court considered the pushback to be illegal and ineffective.

**France:** Following a request from NGOs, the Council of State has requested a preliminary ruling to CJEU about the legal framework applicable in this situation. CJEU stated in September 2023 that where a Member State has reintroduced controls at its internal borders, it may adopt, in respect of a third-country national who presents himself or herself at an authorized border crossing point situated on its territory and where such
controls are carried out, a decision refusing entry, provided that the common standards and procedures laid down in the Return directive are applied to that national with a view to his or her removal. In February 2024, the Council of State cancelled the article of law which allowed entry refusals to be made in all circumstances and without any distinction in the context of the reestablishment of internal border controls. The Council notes that the provisions of Ceseda relating to withholding and retention are particularly applicable to them, which provide a framework and minimum guarantees. Finally, he recalls the obligation to respect the right to asylum. It is up to the legislator to define the rules applicable to the situation of people whom the police services intend to send back to a member state of the Schengen area with which France has concluded a readmission agreement – among others, Italy and Spain.

**Italy:** On 7 July 2023, the same practices that were reported by Lighthouse Reports (eg, pushbacks at the Adriatic ports, obligation to undress, detention on ferries) were the subject of an important decision adopted by the Court of Rome. The ruling essentially reaffirmed the illegitimacy of the use of informal readmissions that take place at the Adriatic ports because they are adopted without the issuance of an individual measure, because they undermine the right of access to asylum because they lack appropriate information, and because they are adopted without a previous individual assessment of the concrete case. From this point of view, the present case is particularly significant because the applicant was an unaccompanied foreign minor, moreover an applicant for international protection in Greece in possession of documentation certifying both conditions. Nevertheless, the Italian authorities informally readmitted the applicant, forcing him to strip naked and be detained in a ferry compartment for many hours before being returned to the Greek authorities.

The decision, in addition to accounting for all the violations indicated, is interesting because it requires the Italian government to take the necessary steps to ensure the applicant’s access to Italian territory, suggesting the issuance of a humanitarian visa under Article 25 of EC Regulation 810/2009 (Visa Regulation).

An interesting decision was taken by the ECtHR on 16 November 2023 with regards to an application submitted by four Sudanese applicants, granted of international protection in Italy. The events of the case referred to the situation in Ventimiglia in 2016, when, according to the so called “border relief policy”, and the concurrent signature of the Memorandum of Understanding between Italy and Sudan for the repatriation of irregular migrants of 24 August 2016, the Italian authorities implemented a strategy of singling out Sudanese nationals who were subjected to violent and inhumane and degrading methods of identification (confiscation of personal property, obligation to strip naked), forcibly transferred without being issued any order to the Taranto Hotspot (after a journey of nearly 1,200 km), re-identified and subjected to deportation procedures and concomitant removal order without being granted information or legal assistance. Within a few days the identified individuals were again transferred to Ventimiglia and then to Turin to be boarded without their knowledge to Khartoum. The four applicants managed by different circumstances not to be returned and to formalize asylum applications in CPR and obtain international protection. With the decision the Court declares the violation of art. 3 of the Convention (prohibition of inhuman and degrading treatments) with regards to the violations to which the applicants were exposed throughout the identification and transfer procedures and the violation of art. 5 §§ 1, 2 and 4 (right to liberty and security) due to the de facto detention to which the applicants were exposed.

On 30 March 2023, the European Court of Human Rights published its judgement in the case J.A. and Others v. Italy, condemning Italy for violating Articles 3, 5 and 13 of its Convention. The facts of the case originated from the arrival of four Tunisian citizens who, in October 2017, had been rescued at sea and transferred to the hotspot on the island of Lampedusa, where they were kept in de facto detention for ten days. The applicants had not received any information regarding their legal status or right to seek asylum, and were held in conditions of extreme discomfort, sleeping in the open, with no respect of their privacy, without sufficient functioning toilets, as the number of people present in the hotspot exceeded its maximum capacity. Classified as irregular migrants through pre-identification and the ‘information sheet’ filled upon arrival, the four Tunisian citizens were forced to sign the notification of a deferred rejection decision, which meaning
they did not understand, and were subsequently transferred to Palermo’s airport and forcibly repatriated to Tunisia.

In the judgement, the Court condemned Italy and ruled that the conditions of overcrowding and lack of guarantees and services inside the Lampedusa hotspot constituted a violation of the prohibition of torture and inhuman and degrading treatment, as set out in article 3 of ECHR. On this point, the Court stated that the possible situation of contingent and frequent arrivals of foreign nationals on the island did not justify the degrading conditions in which the applicants were detained.

Since it was not possible for the applicants to leave the facility - except illegally through a hole in the fence of the centre at the time of the events - there was no full freedom of movement, with the result that the prolonged detention inside the hotspot in the absence of a legal basis produced a violation of the right to liberty and security under article 5 of ECHR.

Lastly, the Court condemned Italy on the ground of lacking evidence that the applicants’ individual circumstances were adequately taken into account or that they had the opportunity to defend themselves against the removal order. On this point, the Court noted that the signing of the notification of the return order and the completion of the information sheet are not sufficient elements to satisfy the guarantee provided by Article 4 prot. 4 ECHR prohibiting collective expulsions, thus violated by the Italian authorities.

In 2021 and 2022, many Civil Courts - including that of Rome - suspended decisions related to the principle of no refoulement pending the CJEU preliminary rulings on questions raised by some courts regarding Article 17 (1) of the Dublin Regulation.

The Civil Courts of Rome and Florence asked the CJEU to clarify if Courts are entitled to order the application of the sovereignty clause in cases where the non-refoulement principle could be violated because the applicant could be repatriated to his or her country of origin, considered unsafe.

In both cases, the applicants were Afghan citizens who appealed against the transfer to, respectively, Germany and Sweden, where their asylum application was already rejected. They claimed that the execution of their transfer would have exposed them to irreparable damage because of the consequent repatriation to Afghanistan.

The CJEU published its judgement on 30 November 2023 and, recalling the principle of mutual trust, affirmed that the difference in the assessment by the requesting Member State, on the one hand, and the Member State responsible, on the other, regarding the existence of the conditions for protection, is not, in principle, relevant for the purposes of reviewing the validity of the transfer decision. Therefore, the Court observed that the Dublin III Regulation objectives “preclude the court examining the transfer decision from carrying out a substantive assessment of the risk of refoulement in the event of return”.

Following the CJEU decision the Civil Courts have resumed all the cases suspended pending this decision. The Civil Court of Bologna, on 20 February 2024, gave a time to the Dublin Unit to consider the possibility to apply the sovereignty clause due to the extraordinary circumstance of the long time passed waiting for the CJEU decision, postponing its decision after the Dublin Unit’s decision.

The Civil Court of Rome, on 21 February 2024, considering the long duration of the procedure for determining the responsible State, due to the wait of the CJEU decision, decided to apply the sovereignty clause and declare the Italian responsibility to the exam of the asylum request of the applicant also considering his integration in Italy.

Dublin procedure
**Netherlands**: In its judgment of 30 September 2023, the European Court of Justice reiterated the discretionary nature of Article 17, concluding that a judge cannot order a member state to make use of Article 17, as the State Secretary has the exclusive power to handle an asylum request without obligation.

On 21 September 2023, the Council of State ruled that original moment of expressing the need for international protection is to be considered the starting date for the Dublin time periods.

On 12 January 2023, the CJEU ruled that the ‘chain rule’ does not apply to Dublin cases. On 30 March 2023, the CJEU answered the preliminary questions about the transfer period and suspensive effect in Dublin cases. In the case of E.N., S.S. and J.Y. v. The Netherlands (C-556/21), the CJEU considered that the State Secretary can only request suspensive effect in the onward appeal stage if the first appeal had suspensive effect. In practice, this means that the State Secretary can only request to suspend the transfer deadline in Dublin cases when presenting an appeal against a judgment of the Council of State, if the first instance court had granted suspensive effect per request of the asylum seeker.

In the case of S.S. and N.Z v. Netherlands (C-338/21), the CJEU considered that suspensive effect that was granted in a procedure for a residence permit on regular grounds (in this case: a residence permit as a victim of human trafficking) does not lead to suspension of the Dublin transfer period.

Following the judgment of E.N., S.S and J.Y. v. The Netherlands, the IND changed their policy regarding suspensive effect of a provisional ruling. Prior to this decision, an asylum seeker was allowed to stay in the Netherlands to await the result of the provisional ruling, if that provisional ruling was requested within 24 hours of the negative decision. However, the provisional judge’s ruling was still decisive as to whether the transfer decision had suspensive effect. In other words, if the provisional judge decided to reject the request and not grant suspensive effect, the asylum seeker could be transferred to the responsible member state, even though the appeal was not yet decided upon by the court. As a result, the transfer period was not suspended if the provisional measure was rejected.

This change in policy amounted to the following. The State Secretary argued that the mere request of a provisional ruling amounted to suspensive effect as laid down in Article 27(3) Dublin Regulation, meaning that this resulted in the suspension of the transfer period (Article 29(1) Dublin Regulation). On 22 November 2023, the Council of State ruled that this policy was not in accordance with the Dublin Regulation, and that a judge’s decision regarding the request for a provisional ruling decided if it had suspensive effect, and not the mere request. As a result, the policy change was reverted to the situation as it was before.

Lastly, the Council of State also ruled in accordance with the ECJ’s judgment in E.N., S.S and J.Y. v. The Netherlands, that an onward appeal only has suspensive effect, if the transfer decision was suspended in appeal. Both the State Secretary and asylum seeker can thus only request a provisional measure in onward appeal, if a provisional measure was allocated in appeal.

**Suspension of Dublin transfers**

**Italy**: On 12 January 2023, the Civil Court of Rome confirmed its previous orientation, annulling the transfer to Romania considered unsafe.

On 3 November 2022, the Civil Court of Bologna cancelled a transfer to Germany on the basis of Article 3(2) of the Dublin Regulation and Article 4 of the Charter, considering the transfer unsafe for the individual risk of the applicant, vulnerable as disabled and as possible victim of trafficking for begging. The Court, recalling the jurisprudence of the CJEU related to the Article 4 of the Charter of Fundamental Rights of the European Union (CJEU 16.2.2017 C-587/16 PPU, C.K. v. Rep. Slovenia – CJEU 21.12.2011 C-411/10 and C-493/10 N.S. et al.) affirmed that even in the absence of serious reasons to consider that there are systemic deficiencies in the Member State responsible of the asylum application, the Dublin transfer of an asylum seeker can only be carried out in conditions in which it is excluded that the said transfer entails a risk of inhuman or degrading
treatments. In this case, according to the Court, the psychophysical conditions of the applicant would have exposed him to a real and established risk of deterioration of his health, such as to constitute an inhuman and degrading treatment because the transfer to Germany would have stopped the social path -started in Italy -of emancipation from the probable situation of exploitation in which he found himself since his departure from Nigeria, as well as the health care path, also undertaken in Italy.

**Netherlands**: On 26 April 2023, the Council of State judged that there was no more mutual trust vis-à-vis Italy. The main reason for the suspension is the lack of accommodation in Italy, where a transfer to that country could mean that an asylum seeker finds itself in a situation of severe material deprivation as outlined in the ECJ judgment Jawo. Following this decision, no more transfers of Dublin claimants have taken place.

On 6 September 2023, the Council of State judged that the Danish protection policy had changed in such a way that Syrian transfers to Denmark do not violate the prohibition of indirect refoulement anymore. The two countries’ protection policies could not be said to be ‘fundamentally different’ anymore. As such, Syrians can be transferred to Denmark again on the basis of the Dublin Regulation.

The Regional Court of Den Bosch has referred preliminary questions to the CJEU on the scope and purport of the principle of mutual trust in the context of the transfer of the applicant to the Member State responsible. The Court made specific reference to cases in which said Member State allegedly infringed fundamental rights with respect to the applicant and third-country nationals generally, in the form of, inter alia, pushbacks and detention. The Court also asked questions relating to the evidence the applicant has at their disposal and the standard of proof that applies when they claim that transfer should be prohibited under Article 3(2) of the Dublin Regulation. Because the IND decision in that case was withdrawn, the questions were also withdrawn and there will be no judgment from the CJEU in that case. However, the questions were asked again in a case about a Dublin transfer to Poland. The Council of State held a hearing on Dublin-Poland cases on 12 December 2022 and decided to wait for the CJEU case before issuing a judgment on the matter. The Advocate-General of the ECJ concluded on 13 July 2023 that the principle of mutual trust is ‘divisible’, meaning that it is possible that a member state infringes upon the rights of third-country nationals at the border in the form of pushbacks, but that the principle of mutual trust is still applicable for Dublin returnees as they will not be in contact with these rights’ infringements. The Court of Justice has not yet issued its judgment.

The Council of State ruled on 29 July 2021 that the Netherlands could still depend on the principle of mutual trust with regards to Romania. However, on 1 August 2023 the Regional Court of Utrecht ruled that this was uncertain due to reports of pushbacks on Romanian soil. A decisive factor in this case was information from NGOs stating that also Dublin returnees could be subjected to pushbacks. This judgment was followed by the Regional Court of Haarlem three months later. As a result, the State Secretary had to conduct research regarding the pushback situation in Romania. On 27 December, the Council of State ruled that the principle of mutual trust was still applicable to Romania. According to them, it did not follow from the available information that Dublin returnees are subjected to pushbacks, or that they could be transferred to Serbia on the basis of an agreement between the two countries. As such, Dublin transfers to Romania were continued.

On 20 January 2023, the State Secretary announced that Dublin transfers to Croatia would be resumed. The Croatian authorities had responded to questions put forward by the Dutch authorities and had assured that they will act in line with international obligations, according to the State Secretary. However, following the decision to resume the transfers, several Regional Courts ruled that the information provided by the Croatian government differed vastly from other publicly available information. Once again, the Council of State had to decide on the issue. In its judgment on 13 September 2023, it ruled that the conducted research was deemed sufficient and that the situation in Croatia was satisfactory enough to decide to continue Dublin transfers.
The Council of State ruled on 16 August 2023 that the State Secretary did not need to conduct further research regarding the Bulgarian situation, because the pushbacks in Bulgaria only happen at the borders. Dublin returnees have limited moving space, and as such will not be subjected to pushbacks. Additionally, the accommodation situation was not deemed severe enough to contradict the principle of mutual trust. As a result, Dublin transfers to Bulgaria continued again.

On 20 February 2023, the Regional Court of Rotterdam ruled that it is not clear whether the applicant will have access to reception facilities upon return to Belgium. It concluded that the applicant provided concrete indications of his risk of being treated contrary to Article 3 ECHR or Article 4 EU Charter if returned to Belgium. Consequently, the Court annulled the decision and requested the IND to justify its reliance on the principle of mutual trust. Following this judgment, multiple other Regional Courts decided likewise with regard to single men. For families, women and vulnerable people, the principle of mutual trust was still applicable as they received priority with regards to accommodation. Single men were placed on a waiting list, meaning they had to wait for a number of months. Appeals from men have therefore generally been successful, whereas women, families and vulnerable people can be transferred to Belgium. At least one case has been heard by the Council of State, so a judgement is expected to be published within the next few months.

Switzerland: In a leading judgment of March 2023, the Federal Administrative Court assumed that persons will have access to the asylum procedure in Croatia, regardless of whether they are transferred to Croatia by means of a take back or take charge procedure. The court denied the existence of systemic deficiencies in the Croatian asylum system and clarified that a transfer should only be dispensed with in exceptional cases if it can be shown that the general assumption does not apply in the individual case.

Croatia: On the 8th of May 2023, the Administrative Court of Braunschweig delivered its decision 2 A 269/22. The case concerned an Iraqi couple with six children who applied for asylum in Germany. Their asylum claims were rejected because they already submitted an asylum application in Croatia. Germany submitted take-back requests which were accepted by the Croatian authorities hence Germany issued deportation orders supplemented by entry-bans.

The Court first declared that arbitrary returns have been an integral part of Croatia’s interior migration management. It noted the systemic deficiencies in Croatia’s asylum system as the authorities regularly push asylum applicants back across the European Union (EU) external border without individually examining their asylum applications or deport them to Serbia and Bosnia and Herzegovina as part of chain deportations or collective expulsions. Due to available evidence, the mutual trust principle has been permanently shaken by the proven systemic deficiencies in Croatia’s asylum system and reception conditions. The Court emphasized that artificially separating risks to be faced by the Dublin returnees from those faced by the other asylum applicants is only justified if returnees are not threatened by them. However, trust in guarantees provided by Croatia is no longer justified, and a lack of independent knowledge by German authorities cannot be relied upon as it is the responsibility of the MS to conduct investigations. The Court therefore ruled that there is a considerable risk that the applicants will be denied access to the asylum if returned to Croatia while highlighting that there are insufficient indications that the cases of children might receive more consideration. Hence, the Court ruled that the deportation orders and entry-bans are unlawful.

Transfers of BIPs

Netherlands: Whether the IND is allowed to treat asylum seekers who are BIPs from Greece (but cannot be sent back to Greece) as first-time applicants is still up for discussion. On 30 August 2023, following preliminary questions from Germany, the Council of State sent the Court additional preliminary questions on how to deal with an asylum request of a TCN who has already been granted international protection in Greece but faces inhuman conditions in Greece.
**Greece:** on the 6th of March 2023, the ECtHR published application no 2633/23, J.G. v. Switzerland. The case concerns an Afghan national who was granted international protection in Greece as a minor and subsequently had to leave the provided accommodation, which caused homelessness. The lack of support by the authorities forced him to beg for food and water and as a result he became a victim of violence. The applicant moved to Switzerland where his asylum application was rejected and return to Greece was ordered. The applicant argues that his return would constitute a violation of Article 3 ECHR as he experienced traumatic events in Greece causing psychological problems and a risk of suicide. Furthermore, he is unlikely to have access to accommodation, medical care, work or assistance upon return to Greece.

**Germany:** Regarding removals to Bulgaria, most courts are of the opinion that removals of beneficiaries of protection are lawful. By way of exception, some administrative courts have found – in the case of the administrative court of Potsdam even before the outbreak of the war in Ukraine - that even non-vulnerable persons face destitution and homelessness upon arrival (Administrative Court of Frankfurt / Oder, 10 K 803/22.A, 6 January 2023; Administrative Court of Oldenburg, 12 A 849/22, 2 March 2023; Administrative Court of Saarland, 3 L 1057/23, 20 July 2023; Administrative Court of Potsdam, 12 K 2418/20.A, 11 January 2022; Administrative Court of Ansbach, 14 S 22.50126, 31 October 2022, available in German at: https://bit.ly/4738dJb; Administrative Court of Köln, 20 K 3733/22.A, 15 November 2022, available in German at: https://bit.ly/48nFdwU; Administrative Court of Freiburg, A 14 K 900/22, 19 September 2022, available in German at: https://bit.ly/3GRyCza). The Federal State government of Lower Saxony issued guidance on 21 February 2022 according to which transfers are only admissible for healthy persons who are fit to work, and not for single parents, families with minor children and persons unable to work.

For Hungary, in 2023 as in the previous year, some administrative courts have found that the situation of beneficiaries of international protection in Hungary bears the danger of violating Art. 3 ECHR or Art. 4 CFR as beneficiaries are likely not able to ensure a minimum of existence (Administrative Court of Meiningen, 8 K 529/23 Me, 25 April 2023; Administrative Court of Bremen, 3 K 491/18, 6 April 2022; Administrative Court of Aachen, 5 K 3571/18.A – asyl.net: M30632, available in German at: https://bit.ly/47nolWp; Administrative Court of Munich, M 6 K 18.33184, 10 May 2022, asyl.net: M30693, available in German at: https://bit.ly/41ufxfY).

**Subsequent applications**

**Germany:** The CJEU decided on the 8 February 2024 that in general the exceptions under which a subsequent application to be declared admissible should be interpreted broadly. More specifically, the court decided that CJEU rulings qualify as ‘new elements’ which may lead to a ‘new legal situation’ even if the only concern the interpretation of EU law. The Administrative Court of Minden (North Rhine Westphalia) also referred a question to the CJEU as to whether the first and second ground can be assumed to not be applicable if the applicant has returned to and lived in their country of origin for several years. In its judgment from May 2023 the CJEU ruled that the temporary return to the country of origin has no impact on the classification of a further application as ‘subsequent application’.

A further increase in such ‘upgrade appeals’ and in subsequent applications occurred in 2021 following a decision by the CJEU according to which there is a ‘strong presumption’ that refusal to perform military service in the context of the Syrian civil war relates to one of the reasons to be granted refugee status. Subsequent applications were deemed inadmissible in most cases, however (see also Subsequent applications). The majority of Higher Administrative Courts continued to decide that refusal as such is not enough to be granted refugee protection, and that the risk of persecution has to based on an established reason for persecution (e. g. political reasons, not just punishment for avoiding military service) and has to be stablished in each individual cases. This line of reasoning was confirmed by the Federal Administrative Court in January 2023.
**Greece:** According to Asylum Code, elements or claims related either to the applicant’s personal circumstances or to the situation in the applicant’s country of origin that did not exist during the examination of his/her previous application should be considered new in light of the first asylum procedure. Elements previously available to the applicant or claims that could have been submitted during the first asylum procedure should be considered new when the applicant provides valid reasoning for not presenting them at that stage. Furthermore, such new elements should be considered to be substantial if they lead to the conclusion that the application is not manifestly unfounded, that is to say, if the applicant does not invoke claims clearly not related to the criteria for refugee status or subsidiary protection.

Accordingly, the First Instance Administrative Court of Athens noted in its 54/2023 Decision that “in the present case, after the issuance of the... decision of the 12th Independent Appeals Committee... the aforementioned medical and psychosocial vulnerability assessment report of the doctor... was drawn up in 2018, according to which she falls under the certified cases of vulnerability of Law 4375/2016, as a victim of sexual and gender-based violence, as well as violent behaviour in general, and she needs better living conditions and psychological support, as she presents sleep and feeding disorders, intense anxiety and flashbacks, exposure to extreme psycho-traumatic events. Subsequently, the act of ...2018 was issued by Moria Reception and Identification Centre of Lesvos RAO regarding the referral of the applicant's application for international protection to the normal procedure.... Based on these data, the aforementioned vulnerability recognition documents of the applicant, which are included in the elements of the administrative file and support the relevant allegations... presented in the above subsequent application for international protection, constitute, first of all, new critical elements, the invocation of which was not objectively possible at an earlier point of time, since they arose after the issuance of the decision on the initial application for international protection... Following these, the subsequent application for international protection of the applicant was rejected illegally ...”.

The 10th Appeals Committee noted in its 65554/2023 Decision that “because, from the comparison of the reasons raised with the applicant’s applications for international protection in ...2020 and ...2022, it appears that the reason cited in his application in ...2022 regarding the fact that in his country will not be able to receive appropriate medical treatment for the mental illness from which he suffers in conjunction with the submitted medical opinions and medication prescriptions, which were issued after the ... decision of the 9th Independent Appeals Committee (by which was rejected at second instance his application of ...2020), is a new and substantial element, able to restart the examination procedure of his request. Following these, the applicant's application for international protection of ...2022 is deemed admissible.”.

In its 174800/2023 Decision, the RAO Crete noted that “In conclusion, when evaluating and comparing what the applicant initially stated and what she stated in the subsequent application, in combination with the information on the applicant's country of origin, it appears that the information cited in the subsequent application is new, as not only the phone numbers of the applicant’s relatives are being monitored so she cannot contact them, but also human rights violations of those who oppose the government have been systematically intensified.”.

In its 83587/2023 Decision, the RAO Thessaloniki noted that “The applicant claims in his subsequent application that Turkey is not safe for him because after the rejection of his first application by the Greek authorities he returned to Turkey and was imprisoned by the Turkish army with the intention of deporting him. From the comparative examination of the applicant's earlier and later application and from his relevant statements before the competent examination authorities regarding the reasons why he does not wish to return to Turkey, it emerges that the reasons presented are new and substantial elements as they relate to events that arose after the... decision of the Appeals Authority. With regard to the condition of the law as to whether these elements are substantial, the Service considers that these elements are substantial, taking into account the personal circumstances of the applicant, i.e., his vulnerability that arose in Greece (possible victim
of trafficking) because they significantly increase the possibility that Turkey is not considered safe in view of the applicant's situation.”.

Above positive decisions issued during 2023 are selected indicatively among cases represented by GCR and published in Greek Asylum Case Law Report.

Reception conditions

**UK:** In 2023, a challenge to the use of hotel accommodation for families unless exceptional circumstances could be established was dismissed. However individual challenges to the suitability of hotel accommodation for families can still succeed.

**Germany:** Additionally, criticism has been raised in the last years against restrictive house rules. Already in 2018, the German Institute for Human Rights published an analysis of common house rules in accommodation facilities and plead that the right to privacy under Art. 13 (1) of the German Constitution applies to collective accommodations and that therefore security personnel cannot unreasonably enter the private rooms. In 2022 the Higher Administrative Court Baden-Wuerttemberg agreed with the position. It decided that indeed private rooms in collective accommodations are protected under Art. 13 (1) of the German Constitution checks of private rooms therefore need to be regulated by law and justified, which is not the case if house rules generally allow for security personnel to enter private rooms. In June 2023, however, the Federal Administrative Court has restricted this protection again. The Court considered the broad access and control rights of the security staff to be permissible under fundamental rights. However, these restrictions would have to be regulated by law.

**Greece:** On 05/02/2024, in the case of H.T. and M.T. v. Greece (Application no.2868/24) the European Court of Human Rights granted Interim Measures with regards to an asylum seeking woman and her infant child, held in inhuman conditions in the Samos Closed Controlled Access Centre (CCAC) ordering Greek authorities to provide safe and suitable accommodation, following the mentioned above Interim Measures that were granted by ECtHR on 12/12/2023, with regards two Afghan women and their five accompanied minor children, residing at the communal area of the restaurant of the PRDC in the Closed Controlled Access Center (CCAC) of Kos in absolutely inadequate conditions. Significant acceleration of registration procedures the recent weeks improved the situation in CCAC Kos.

On 30 November 2023, on case of D.S. v. Greece [Application no. 2080/2019], the ECtHR ruled against Greece for violation of article 3 and 13 of the ECHR for the living conditions of a young single woman refugee in the old camp of Samos and her lack of access to an effective remedy. The case was represented before the ECtHR by GCR. In particular, the Court rejected the Greek Government’s arguments that the applicant had not been identified as a vulnerable person by the authorities and observed that the applicant’s lawyer had informed the authorities of her fragile state and had requested, since the moment of her arrival, that the applicant receives decent accommodation and psychological assistance. The Court further took into account but rejected the Greek Government’s arguments that the country had been facing an unprecedented migratory flow during the critical period which made the authorities’ choices difficult. On the contrary, the Court noted that, in view of the migration flow, the authorities did not do everything that could reasonably be expected of them to ensure decent material conditions for the applicant.

On 12 December 2023, in a case represented by GCR before the ECtHR, the Court -pursuant to Rule 39 of the Rules of the Court- granted Interim Measures with regards to two Afghan women and their five accompanied minor children residing at the CCAC of Kos in absolutely inadequate conditions. The Court ordered the Greek authorities to ensure that the Applicants “have full access to reception conditions which respect human dignity and take into account their multiple vulnerabilities”.

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On 5 October 2023, in the case of E. F. v. Greece represented by HIAS Greece, the ECtHR similarly found Greece in violations of articles 3 and 13 ECHR, in a case concerning a vulnerable HIV-positive woman who developed highly aggressive HIV-related blood cancer, as a result of the Greek authorities’ acts and omissions. The applicant, a victim of torture, who contracted HIV in her country of origin as a result of rape and was under antiretroviral treatment, which she was unable to receive in Lesvos, where she had arrived in December 2019. After being forced to leave in completely undignified conditions in Moria, she only ended up having access to medical treatment 6 months after her arrival, after fainting in a mainland camp she had been transferred at the time. As a result of the discontinuation of her treatment, her illness progressed from HIV to AIDS, and she developed advanced HIV-related highly aggressive blood cancer, which spread to her cervix, putting her life at risk. The Court found that the 6-month delay in ensuring her access to treatment was entirely attributable to the Greek authorities, who the Court found had failed to take all the measures that could reasonably be expected of them in order to protect the applicant’s health.

Access to the labour market

Netherlands: Nevertheless, end of 2023 one of the key barriers to effective access to work for asylum seekers was removed. Until then, asylum seekers in the Netherlands were only allowed to work 24 weeks per year. As a result, it was not attractive for employers to hire an asylum seeker. However, in November 2023, the Council of State determined in an onward appeal that this time restriction is contrary to Article 15 of the Reception Directive. This means that the provision of the 24-week limitation is null and void, and the Dutch government must adjust its policy. Since this ruling, asylum seekers with a valid employment-licence are allowed to work as long as their asylum procedure is ongoing, and they have lawful residence in the Netherlands.

Detention

Cyprus: In 2023, the Supreme Court again ordered the release of a Syrian asylum seeker who was detained for 1 year for reasons of ‘national security or public order’ based on indications that he was a member of a terrorist organisation. The Court found that no actions had been taken by the authorities to investigate or support these claims and neither were any steps taken to examine his asylum application. The Court found the duration of his detention unreasonably prolonged and therefore unlawful and ordered his immediate release.

The above-mentioned court decisions have not had an impact on the policies or practices followed with regard to the length of detention which continues to be indefinite.

In 2023, the IPAC ordered the release of asylum seekers who had been detained on grounds of public order due to their alleged involvement in fights that had broken out in Pournara on different incidents. The IPAC considered that the simple and only reference to the applicant’s participation in the fight that took place, without any other evidence and without any reference to their own action was not sufficient. In addition, the Court noted that no criminal proceedings were underway to verify their participation. The Court concluded that since no sufficient evidence is found from which it can be properly demonstrated that the applicant constitutes a real, present and sufficiently serious threat to the fundamental interest of society, their detention is not legal.

Slovenia: In 2023, the decision was made in a case of an applicant, who was de facto detained in the reception area of the Asylum Home in February 2023. After the police procedure the applicant was de facto detained for 7 days in the Asylum Home until lodging the application. Upon lodging the application, the applicant was detained in line with the provisions of the IPA. The applicant was detained in the reception area of the Asylum Home which was locked so the applicant could not go to the courtyard without the approval of the security. The Administrative Court found that based on the intensity the measure amounted to deprivation of personal freedom.
liberty not freedom of movement. The Court also noted that there was no legal ground for the deprivation of liberty (Administrative court decision, III U 62/2022).

**Italy:** The constitutional court rejected as inadmissible the question of constitutional legitimacy raised by the Court of Milan with regards to the requirement, for the Questura, to request the validation of the extension of an asylum seeker’s detention within 48h of his or her making an application for international protection while in detention.

A further conviction against Italy by the European Court of Human Rights (ECHR) on the 16 November 2023 ordered compensation of €27,000 against four Sudanese nationals who had been stripped naked, mistreated and deprived of their liberty in the summer of 2016 during the so-called operations to ‘relieve the pressure at the border’ in Ventimiglia, when hundreds of migrants were forcibly transferred to hotspots in southern Italy and, in some cases, transferred to CPRs and then returned to their country of origin.

The practice of the “double information paper”, whose impact on access to the procedure has already been addressed (see Different treatment of specific nationalities in the procedure), affects also the review of detention. For instance, in 2019 the Civil Court of Palermo assessed the legitimacy of the detention of some foreign citizens transferred from the Lampedusa hotspot to the Trapani CPR. During their stay in hotspot these persons had already expressed their will to seek asylum but before their transfer they were asked to sign an information sheet “scheda informativa” declaring to be no longer interested in seeking international protection. Transferred to the CPR of Trapani these persons again expressed their will to seek asylum before the Magistrate (Giudice di Pace) during the detention validation hearing. Their detention was validated as the Magistrates based their decision on the statements contained in the information sheet (scheda informativa). Only after about 20 days, they were able to lodge applications for international protection at the competent Questura. Deciding on the validity of their detention order, in two out of three cases the Civil Court of Palermo did not validate the detention, statement contained in the scheda informativa by considering it was not sufficient to fulfil the duty of information on the right of asylum pursuant to art. 10-ter TUI and in any case considering it was unreliable for the way it was hired. In 2020, in two relevant cases the Court of Cassation confirmed the inconsistency of “foglio notizie” to determine the legal status of migrants. The principle has been recently confirmed by the Civil Court of Cassation, decision n. 32070/2023, 20 November 2023.

**Registration**

**Germany:** The practice of screening applicants’ smartphones has been ruled illegal by the Federal Administrative Court on 16 February 2023, after the Gesellschaft für Freiheitsrechte (GFF, an NGO focused on strategic litigation for fundamental and civic rights) filed several lawsuits. The court ruled that the screening interferes with the fundamental right to guarantee the confidentiality and integrity of information technology systems and that it is not lawful when less severe means are available to the BAMF to establish applicants’ identity, such as other certificates and documents (e.g., marriage certificates), register comparisons and inquiries with the translator about linguistic abnormalities. Nevertheless, the Federal Government has passed a law for ‘improved removal’ in January 2024 that shall enable authorities to read out mobile devices and thus disregards the ruling of the High Court. The law and its corresponding infringements of fundamental rights of privacy and informational autonomy has been heavily criticised by NGO’s.

**Bulgaria:** In 2023, a decision of the Supreme Administrative Court referring to CJEU jurisprudence (Országos Idegenrendészeti Főigazgatóság and Others, C 159/21, 22 September 2022) upheld that the result of the SANS written opinion considering a certain person a threat to national security should not be mandatorily taken into account in SAR decisions. The court found that the asylum agency not only had the jurisdiction but also the obligation to assess whether the evidence for it was sufficient and satisfactory, and that SAR cannot
automatically uphold the SANS opinion, and exclude asylum-seekers from international protection only on these bases.

First instance procedure

Spain: In a decision taken in July 2023, the National Court (Audiencia Nacional) annulled a resolution denying international protection to an applicant for defencelessness, as the asylum interview was carried out only with phone interpretation and without a lawyer.

Netherlands: On 23 November 2022, the Regional Court of Den Bosch ruled in favour of the (first) general extension of the time limit for deciding. On the contrary, on 6 January 2023, the Regional Court of Amsterdam issued a judgement declaring the time limit extension unlawful. The IND argued that due to the numerous new arrivals – especially regarding Afghan and Ukrainian nationals, but also many individuals later channelled into the Dublin procedure – it was impossible to manage the existing caseload. Despite this, the Court maintained that, even though there was an increase in the amount of asylum applications, it was not of such magnitude that the threshold included in art. 42(4)(b) Aliens Act was reached. In the months that followed, numerous other courts followed the judgment of the Regional Court of Den Bosch. However, the State Secretary submitted an onward appeal with regards to the judgment of the Regional Court of Amsterdam, meaning the Council of State had to look into the issue. On 8 November 2023, the Council of State ruled that European Law was too ambiguous to determine whether the general extension of the time limit for deciding was legal. As a result, it referred preliminary questions to the European Court of Justice, asking for clarification regarding the definitions of ‘a large number of third-country nationals’, ‘simultaneously’ and ‘very difficult’ as laid down in Article 31(3)(b) of the Recast Asylum Procedures Directive. These questions have been referred to the ECJ vis-à-vis the first extension, but the answers are also relevant for the second extension in 2023 (WBV 2023/3) and the last extension (2023/26) concerning 2024. Until the ECJ answers these questions, the IND holds on to the time limit of 15 months.

Vulnerable people are not exempted from their asylum request being processed under the accelerated procedure (track 2). In addition, the medical examination is not mandatory in the accelerated procedure. However, in a judgment of 6 September 2023, the Council of State ruled that the State Secretary always needs to look out for signs that an asylum seeker is vulnerable. However, this does not mean that the asylum request should be handled in the regular procedure (track 4).

Safe country concepts

Netherlands: In 2023, the Dutch Council of Refugees saw one court case in which the Regional Court of Roermond ruled that Türkiye was a safe third country for Uyghurs with permanent residence permits.

Greece: On 2 February 2023, the Council of State issued its decision 177/2023, on an annulment application lodged by the Greek Council for Refugees and Refugee Support Aegean (RSA) against the aforementioned JMD. In its decision, the Council of State formulated preliminary questions to the CJEU regarding the national list which includes Türkiye as a safe third country for asylum seekers originating from Syria, Afghanistan, Somalia, Pakistan and Bangladesh, whose applications have been rejected as inadmissible. In particular, the Council of State submitted preliminary questions regarding the ‘influence on the legality of the national list of the fact that, for a long period (over 20 months), Türkiye has refused the readmission of applicants for international protection, while at the same time it is not clear whether the possibility of a change in Türkiye’s attitude in the near future has been taken into account’.

To the knowledge of GCR, in only a few decisions did the Appeals Committees deem applications for international protection admissible on the grounds that it was certain that Türkiye would not allow the appellants to enter its territory, in light the country’s general refusal to readmit rejected applicants who had

**Differential treatment of nationalities in asylum procedures**

**Belgium:** Concerning the risk of persecution for Afghans who fear being considered as ‘Westernised’ by the Taliban regime, the CALL has stressed that although applications of this group demand a careful approach, not all Afghans returning from Europe have adopted Western norms and values or would be considered as ‘westernised’ in Afghanistan. It is up to the applicant to prove that they have internalised Western values and norms or characteristics or behaviours in such a way that it cannot be expected of them to abandon these. Applicants in these situations cannot be considered as constituting a ‘certain social group’ in the sense of article 48/3, § 4, d) of the Aliens Act but can be granted refugee status based on their political or religious convictions. In two judgments rendered in January 2023, the CALL has further specified in which cases someone can be considered as ‘Westernised’.

**France:** In 2024, the CNDA reversed its 2021 case law, finding that the situation in several provinces did fall under subsidiary protection (indiscriminate violence).

**Age assessment procedures**

**Netherlands:** In 2023, various lower courts raised the question of whether the age assessment used in Dutch practice has a scientific basis and whether the results of the assessment can be regarded as a result of careful research. Hereby, lower courts also more regularly question the extent to which the aspects of the asylum seeker’s appearance, behaviour and statements noted by the AVIM/KMar/IND can actually lead to the conclusion of doubt about one’s age or lead to the conclusion of adulthood (see https://bit.ly/42CyLrC, https://bit.ly/48ar0s3, https://bit.ly/42CyoGi, https://bit.ly/3OEbgwX, https://bit.ly/49a6Gmr). Various lower courts have also pointed out the occasional contradictions between the observations of the AVIM/KMar on the one hand and the IND on the other, for example the presence of ‘striking’ crow’s feet and wrinkles according to the AVIM but not according to the IND. According to various courts, these inconsistencies lead to additional doubts about the accuracy of the inspection methods and the scientific basis of the age inspection (see https://bit.ly/3OEbgwX and https://bit.ly/49a6Gmr).

On April 26 2023 the Council of State ruled that an asylum seeker can also use indicative documents to demonstrate that the date of birth registered in another Member State is incorrect. The policy on copying age registrations from other Member States was therefore changed as a result of these Council of State rulings, resulting in Work Instruction 2023/6. Based on this new Working Instruction, lower courts regularly ruled that, due to the statements or documents provided by the asylum seeker, the age registration in another Member State cannot be assumed to be a genuine adult age registration. This includes, among other things, statements by the asylum seeker about inadequacies in the age registration in the other Member State, or about the reasons why an age of majority was stated there (see https://bit.ly/3OEbgwX, https://bit.ly/4bwHsAf, https://bit.ly/49ugHeS). Case law has also confirmed that indicative documents, such as birth certificates, extracts from population registers, or school reports indeed have evidentiary value (see https://bit.ly/4bwHsA, https://bit.ly/48cRe82, https://bit.ly/3uuJ790).

**Use of medical reports**

**Netherlands:** A relevant ruling is that of 7 November 2023, in which the Council of State upheld the appeal of an asylum seeker against a negative ruling of a lower court. The Council of State agreed that the State Secretary had not provided proper reasons for deciding not to start its own medico legal examination by
NFI/NIFP. It ruled that during the whole asylum procedure, the State Secretary had missed several signs of physical and psychological complaints by the asylum seeker brought forward during the interviews and in the asylum seeker handing over medical files. Therefore, it could not have ruled that the asylum story lacked credibility without any further medical examination.

The ruling of the Council of State from 13 December 2023 is also important. In a court procedure that spanned over many years, the Council of State ruled that the conclusion by iMMO that an enormous feeling of shame, caused the asylum seeker’s inability to speak earlier in the asylum procedure about sexual violence and torture, should be taken into account by the IND. The IND did not believe the torture and sexual abuse story due to the fact that the asylum seeker was able to talk about it only later in the procedure. The IND wrongfully neglected to take into account the medico legal report by iMMO that was introduced into the procedure.

In 2023 the DCR has another survey of the publicly available case law from the year 2023 on medical support evidence, medico legal reports, iMMO and MediFirst cases. What stood out the most is that the total number of cases dealing with the above-mentioned issues was much lower compared to the previous years (55 cases in 2023 versus around a 100 cases in 2022). What also stood out was the relatively high number of cases from the Council of State (13 out of 55). Most of these referenced and reaffirmed the 7 December 2022 decision in which the ‘component’ requirement’ was abandoned. Moreover, in cases dealing specifically with iMMO or with MediFirst issues, an overwhelming majority of lower court decisions (28 out of 41) ruled in favor of the asylum seeker. Therefore, it is safe to say that, according to numbers by iMMO, in over 2/3 of all the cases in which an iMMO-medical legal report is introduced, this will eventually lead to some form of residence granted to the asylum seeker by the IND.

Residence permits

Netherlands: On 25 January 2023, the Council of State ruled that not all omissions of facts lead to revocation. Asylum permits do not have to be withdrawn if incorrect identity details were provided, if they were not decisive for granting asylum. Subsequently, on August 2 2023, the Council of State ruled that the State Secretary, in revocations based on ‘false information’ (that was decisive for granting asylum), must examine within the revocation decision whether the person is entitled to a new permit. It is not allowed to simply refer to the possibility of a subsequent asylum request. What the start date of the new permit would be is still unclear.

Family reunification

Netherlands: On 26 August 2022 the Secretary of State announced several measures in response to the reception crisis. One of the measures concerned a waiting time to issue a visa to the family member, even if the application for family reunification was already approved. It entailed that if housing (other than an accommodation centre) was not available for the family member in the Netherlands, the INS would suspend visa issuance to the family member until housing became available, or at the latest until six months had passed since the approval of the family reunification request. The maximum waiting time was set at 15 months, from the date of application for family reunification to the date of visa issuance. After announcing this measure, several organisations pointed out that it was in violation of the Aliens Act, the Family Reunification Directive and the EU Charter of fundamental human rights. The Council of State finally ruled on 8 February 2023 that the measure was indeed unlawful. The measure, which was already suspended since January 11th, was finally abolished.

UK: In 2023 a challenge to the refusal to allow refugee children to bring their family to the UK was rejected.

Access to a travel document
Belgium: In the context of the war in Gaza that started in October 2023, several academics and lawyers have urged the Belgian government to allow Palestinians with Belgian family members to apply for humanitarian visa from distance, via e-mail, as has exceptionally been permitted for applications for family reunification. In a recent ruling of 2 February 2024, the Brussels Court of first instance has imposed on the Belgian state the obligation to allow a Palestinian family in Gaza to apply for humanitarian visa via all possible telecommunication means, exempting them in the first phase of introducing the application of a personal appearance in the embassy, and exempting them from providing documents that they cannot obtain in the current context in Gaza. Until the time of writing, the Belgian government has not made an exception for the applications for humanitarian visa.

Cessation of protection status

Netherlands: On 6 July 2023, the CJEU ruled on a preliminary reference by the Council of State on 15 June 2022, about the interpretation of ‘particularly serious crimes’. The CJEU ruled firstly that the degree of seriousness cannot be attained by a combination of separate offences, none of which constitutes per se a particularly serious crime by itself. Secondly, while it is in particular open to the Member States to establish minimum thresholds intended to facilitate the uniform application of that provision, such thresholds must necessarily be consistent with the degree of seriousness and must not, under any circumstances, make it possible to automatically establish that the crime in question is ‘particularly serious’ without the competent authority having carried out a full examination of all the circumstances of the individual case concerned. In response to this ruling, the policy (Aliens Circular) has been adjusted. However, the Aliens Circular still states that the assessment of ‘a (particularly) serious crime’ is based on whether the total sum of imposed sentences is at least the applicable norm. Additionally, the 10-month prison sentence for a particularly serious crime is still being applied.

Returns

Netherlands: As no laissez passers are issued by the Guinean authorities, no reasonable prospect of removal exists for third country nationals from Guinea, the Council of State ruled on 14 September 2023.

Switzerland: In July 2023, the Committee Against Torture (UN-CAT) published a decision ruling that a Swiss deportation order issued to an Eritrean national violates Article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The case concerned an Eritrean Tigrinya, who demonstrated an unequivocal political awareness and a clear dissent attitude towards the Eritrean regime. After the Eritrean authorities carried out a round up, he left Eritrea fearing to be forcibly recruited. He applied for asylum in Switzerland, but his application was refused after he became an adult. The Committee noted that persons who have not completed their military service are at risk by the mere fact of their desertion or refusal of service. The UN-CAT also observed that torture and ill-treatment of those who fled military service are acknowledged by Switzerland and several United Nations Bodies. The Committee specifically noted that the Special Rapporteur on the situation of human rights in Eritrea indicated that returned asylum-seekers would be subjected to severe sanctions including long periods of incommunicado detention, torture and ill-treatment. The UN-CAT highlighted that the Rapporteur’s expressed concern on the voluntary return in 2019 of 56 Eritreans who were staying in Switzerland as it could put these persons at risk because the conditions of their return could not be properly monitored. Furthermore, the Committee observed that the Rapporteur stated that the human rights situation in Eritrea is not improving. Hence, the Committee ruled that the complainants return to Eritrea would violate Article 3 of the Convention.

17. Other important developments in 2023
Reform of the asylum system

**Portugal:** The reform of the national asylum authority culminated in 2023 with the creation of the Agency for Integration, Migration and Asylum (AIMA), that began its operations on 29 October, and with the extinction of the Immigration and Borders Service (SEF). Until that date, SEF remained the national asylum authority.

From 29 October 2023, AIMA’s National Centre for Asylum and Refugees (CNAR) became the specialised determining authority in the field of asylum, in charge of:

(i) Receiving asylum applications and processing determination procedures;
(ii) Organising and processing applications for humanitarian residence permits;
(iii) Organising and processing Dublin procedures and, where necessary, issuing laissez passer;
(iv) Organising and processing submissions for resettlement of refugees and relocation;
(v) Issuing reasoned opinions on applications for the renewal and extension of refugee travel documents presented to Portuguese Consulates;
(vi) Ensuring AIMA’s connection to the EUAA and preparing the corresponding strategic planning;
(vii) Ensuring reception conditions according to the law; and
(viii) Developing quantitative and qualitative indicators to assess elements such as its performance.

The institutional change also entailed that existing general police forces became responsible for border control and for executing expulsion decisions. As such:
- The National Republican Guard (Guarda Nacional Republicana, GNR) became responsible for the surveillance and control of maritime and land borders, and for executing expulsion decisions within its jurisdiction;
- The Public Security Police (Polícia de Segurança Pública, PSP) became responsible for the surveillance and control of air borders, and for executing expulsion decisions within its jurisdiction;

Because of the reform, competencies regarding foreigners with a residence permit and the issuance of travel documents were attributed to the Institute of Registries and Notary (Instituto dos Registos e Notariado, IRN).

Within the context of the reform of the national asylum authority, UNHCR and CPR provided short trainings to staff joining the new asylum unit in October 2023 and January 2024.

**Slovenia:** Regarding the proposed amendments to the Foreigners Act, in February 2022, opposition parliamentarians submitted the provisions to the Constitutional Court for constitutional review. In July 2023 the new Government approved the opinion of the Ministry of the Interior regarding the legality of the amendments and lodged the opinion before the Constitutional Court. In the opinion the Ministry argued that the amendments of the Foreigners act are in line with the Constitution. The opinion and the procedure in which the opinion was approved by the Government was heavily criticized by the NGOs and the parliamentarians that lodged the Constitutional review and called on the minister to resign. The decision on constitutional review was not taken in 2022.3. In its fourth periodic review the Committee against Torture also recommended that the authorities consider amending or repealing the provisions. The Committee also noted that Slovenia should ensure that effective and appropriate measures based on individualized consideration and vulnerability screening are in place for properly trained immigration officials to identify, as early as possible, all victims of torture, ill-treatment, gender-based violence and trafficking among asylum-seekers and other persons in need of international protection during border procedures, and provide such persons with access to treatment for urgent conditions and with appropriate support.

Digitalisation of asylum procedures

**Germany:** Language or dialect detection software can also only be used when no identity documents are
provided, and only for applicants older than 14 years. Applicants have to speak into a telephone, and a speech analysis software then produces a report on the languages or dialects detected and the probability that these were indeed the spoken languages or dialects. As for smartphone screening, the results can never be used as proof or identity or country of origin, but merely as indications which will be raised during the personal interview in cases where the reports contradict the information given by the applicant. According to BAMF internal guidelines, as of January 2023 speech recognition is used for the main Arabic dialects (Maghrebian, Egyptian, Iraqi, Levantine and Gulf) and for Dari, Pashto and Persian. As of August 2022, the detection rate for these languages and dialects was around 80% for Arabic dialects, ca. 73% for Dari and ca. 77% for Pashto. Such a speech and dialect recognition software has been used for 29,632 cases in 2022 and for 22,947 cases from January until end of June 2023. The recognition rate for Arabic dialects rose to 87 % in 2023.

**Discrimination and hate crime**

**Spain:** Discrimination and hate crimes against migrants and refugees continued to be a reason of concern in 2023.

In a press release published in occasion of the 2023 International Day for the Elimination of Racial Discrimination, Amnesty International highlighted the discriminatory practices occurring in the context of migration and especially in relation to border management, and denounced how such practices demonstrates the institutional racism existing in Spain.

Several developments relating to discrimination and hate crime were reported throughout 2023 and at the beginning of 2024. An attack on three churches in Algeciras, which resulted in the death of a priest and the injury of four persons, committed by a Moroccan man, was used by the far-right wing party ‘Vox’ to blame migrants and to justify its position on migration. Considering that, different organisations expressed concerns regarding the hate and xenophobic messages expressed by leading politicians. In March, a group of activists placed different banners on the external walls of the CIE of Aluche in Madrid to denounce the deprivation of liberty suffered by migrants, as well as the mistreatments and tortures. In May, the organisation ‘CEAR’ denounced the structural racism existing in Spain and its increase in terms of accessing basic rights, such as education, housing, and employment, as well as the issue of underreporting of racist incidents. In June, Accem denounced the increase in discrimination, racism and xenophobia against migrants in Ávila and the barriers they face in accessing their rights. In July, different organisations and groups in Cataluña issued a press release under the slogan ‘#DoyConElPerfil’, to denounce the racism in the investigations carried out by the police. During the same month, two organisations denounced the aggression of a Moroccan migrant residing in Nijar (Almería) by the police while attempting to enter the patronal feasts. In addition, the Municipality of Ripoll (Girona) reported on Twitter the deportation of a migrant in an irregular situation as a victory. Following that, a member of the Municipality Government from the political party Candidatura de Unidad Popular – CUP presented a motion of censure against the far-right political party Aliança Catalana, which governs the Municipality, and asked for the dismissal of its Major. In September 2023 the first-instance Court nº 33 of Madrid condemned a school to pay EUR 10,000 for its insufficient action and protection of a Vietnamese girl who received racist insults for 5 years. During the same month, six police officers belonging to the Cataluña’s ‘Mossos d’Esquadra’ have been condemned and expelled from the police corps for the racist aggression of a migrant in 2019.

A report published in March 2023 by SOS Racisme in Cataluña denounced that migrants are three times more likely to be identified by the police than Spanish nationals.
The results of a survey published in May and carried out between November 2022 and January 2023 by the NGO ‘Rights International Spain’ showed the widespread and endemic existence of ethnic and racial profiling put in place by police in Spain.

During the same month, a report published by the NGO ‘Asociación Pro Derechos Humanos de Andalucía’ denounced the discrimination faced by migrants and ethnic minorities to access housing in Córdoba.

The annual report published by the organisation ‘SOS Racismo’ warned about the increase of 41.49% in cases of discrimination, racism and xenophobia compared to the previous reporting period, especially in relation to aggressions, access to social allowances, to public and private services, and to employment.

In July the Council of Ministers approved the Strategic Framework for Citizenship and Inclusion against Racism and Xenophobia for the period 2023-2027, which contains a set of measures also related to the humanitarian assistance of migrants and the reception conditions of asylum applicants, including vulnerable persons.

During the increase in arrivals to the Canary Islands in the fall of 2023, the Popular Party (Partido Popular) joined the discriminatory and racist discourse of the far-right wing party Vox in relation to migration.

The NGO ‘Médicos del Mundo’ identified 176 cases of institutional racism in Ibiza until November 2023. These refer to the barriers that migrants face in accessing rights and services. The organisation particularly underlines the obstacles in accessing health services and the enrolment in the municipal register (empadronamiento). The vast majority of the migrants affected by these issues were women.

On the occasion of the International Migrants Day, the NGO ‘CEAR’ denounced the discrimination that migrants, asylum seekers and refugees face in accessing rights and the inclusion process.

Following the announcement to build a facility for asylum seekers in Azuqueca de Henares (Guadalajara), around 200 personas gathered to protest the assignment of a parcel to that purpose.

Unaccompanied children also continued to face serious discrimination in Spain in 2023. A report published by the organisation ‘Solidary Wheels’ denounced the violence that unaccompanied migrant children suffer in Melilla by the police. In September 2023, the Provincial Court of Málaga condemned seven inhabitants of Melilla for disseminating violent and racist posts against unaccompanied migrant children in Facebook.

A report published in March 2023 by the organisation CEAR highlighted the challenges that asylum seekers face in opening a bank account, especially connected to the amount of documentation they are legally required.

Similarly, migrants continued to face challenging in accessing health, especially pregnant women and children, despite the legislation guarantee them such a right.

Discrimination and incidents against LGBTQI+ persons (including asylum seekers and migrants) increased in 2023. The 2023 ILGA report referred to an increase in the use of transphobic speech and anti-LGBTI hate crimes in Spain.

In January 2023 the regional police of Cataluña Mossos d’Esquadra initiated an investigation on a homophobic aggression suffered by a trans person in Barcelona. In June, a canvas representing a hand throwing to the garbage different flags, including the LGTBI+ one, was shown in Madrid by the far-right political party ‘Vox’ in view of the Spanish General Elections. The Electoral Commission of the city ordered its removal. In July, a LGTBI+ flag was burnt at the Municipality of Purullena (Granada).
In December 2022 the NGO ‘La Merced Migraciones’ launched the documentary film ‘Resistencias’ which collects testimonies of LGTBI+ migrants and refugees to raise awareness on their situation, as well as on the challenges and the discrimination they face in their inclusion process.

In occasion of the 2023 World Day against LGTBI-phobia, the National Federation of Lesbians, Gays, Trans, Bisexual, Intersexual and More (FELGTBI+, according to its initials in Spanish) published the results of a survey denouncing that more than 280,000 LGTBI+ persons suffered aggressions in the last 5 years in Spain. Despite the advanced legislation on the matter in Spain, LGTBI+ migrants and refugees continue to suffer discrimination in accessing their rights.

In view of the General Elections, Amnesty International asked all the political parties an unambiguously commitment to consolidate LGTBI+ rights after the elections.

**Germany:**
In addition to overall living conditions, the security of residents can also be an issue of concern. According to preliminary police statistics up to October 2023 30 attacks on accommodation centres were reported, compared to 65 in 2022, 61 in 2021, 84 in 2020 and 128 in 2019. In addition, 167 attacks on individual asylum seekers or refugees were recorded in 2021 (1,606 in 2020). Most of these attacks are classified as racially motivated crimes. Although the number of attacks on accommodation centres has lowered, the attacks on migrants, asylum seekers and refugees has risen from 1,371 in 2022 to 1,515 in 2023.

**Cyprus:** In 2023, there was a significant surge in violence against migrants in Cyprus, with incidents including pogrom-like demonstrations and violent attacks against racialized people, including migrants and refugees. The main incidents took place in Chloraka a village at the outskirts of Paphos city and then Limassol where migrant-owned shops were destroyed, and several people were attacked by mobs. There has also been a rise in attacks and reports of police profiling. Experts have blamed the increased mainstreaming of xenophobia in Cypriot politics and media, fuelled by the spread of disinformation and the mismanagement of the large number of people trying to reach Europe.

The European Commission on Racism and Intolerance (ECRI) in the latest report published on Cyprus in 2023, recommends that the authorities establish a comprehensive monitoring system for hate speech incidents, involving the police, the prosecution service, the courts, the equality body and relevant civil society organisations, especially those supporting refugees, asylum seekers and migrants. Furthermore, ECRI recommends that the authorities step up their efforts in encouraging public figures, in particular high-level officials and religious leaders, to firmly and promptly condemn the use of racist and other forms of hate speech, use counter-speech and alternative speech and promote intergroup understanding.

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**References and sources**

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

**ECRE Policy Notes**

- ECRE, Policy Note 44: [the Right to Education for Asylum Seekers in the EU](https://www.ecre.eu/2023/03/right-to-education-for-asylum-seekers-in-the-eu), March 2023

**ECRE Policy Papers**

ECRE, Policy Paper 12: The Right to Work for Asylum Applicants in the EU, January 2024

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ECRE, Policy Paper 9: Solidarity: The Eternal Problem – Recent Developments on Solidarity in EU Asylum Policies, January 2023

ECRE Legal Notes and interventions

ECRE Legal Note 15: The Rights of Refugees and Asylum Applicants with Disabilities – Article 26 of the EU Charter of Fundamental Rights and Beyond, March 2024

ECRE Legal Note 14: The right to suitable accommodation under the Temporary Protection Directive, March 2023

ECRE intervened in following cases:

- Z.H.R. v. Poland, Application No. 55558/22, Communicated on 16 May 2023
- S.M.H. v. Lithuania, Application No. 27915/22, Communicated on 17 May 2023
- K.A. and Others v. Greece and Türkiye, Application Nos 35090/22 and 38444/22, Communicated on 31 March 2023
- V.M. and Others v. Poland, Application No. 40002/22, Communicated on 10 January 2023
- K.A. v. Lithuania, Application No. 39943/22, Communicated on 2 December 2022
- B.T. v. Greece, Application No. 16089/20, Communicated on 30 December 2022
- B.C. v. Greece, Application No. 16186/20, Communicated on 30 December 2022

ECRE Working Papers


ECRE Working Paper 19, Focus on Eurodac: Disentangled from the ‘Package Approach’ bit is it Fit to Fly?, April 2023


ECRE statements

Joint Statement: Seven Priorities to Expand Resettlement and Safe Pathways to Europe, September 2023

Joint Statement: NGOs call on Member States and European Parliament: Go no Lower: Reject the Use of Legal Loopholes in EU Asylum Law Reforms, July 2023

Joint Statement: Extend the Current Temporary Protection Regime for Displacement from Ukraine until 2025, May 2023

Other publications

ECRE, Reception Conditions across the EU, Study requested by the LIBE Committee of the European Parliament, November 2023

ECRE’s Recommendations: EU’s response to the Displacement from Ukraine, October 2023
PICUM/ECRE, Revision of the Multiannual Financial Framework: Key Recommendations on Migration and Asylum, September 2023
ECRE, Information Sheet: Measures in response to the arrival of displaced people fleeing the war in Ukraine, February 2023
ECRE’s Recommendations: The EU’s Response to Displacement from Ukraine, January 2023

AIDA Country reports
- Austria, May 2023
- Belgium, April 2023
- Bulgaria, March 2023
- Cyprus, April 2023
- Germany, April 2023
- Spain, April 2023
- France, May 2023
- Greece, June 2023
- Croatia, June 2023
- Hungary, April 2023
- Ireland, May 2023
- Italy, May 2023
- Malta, April 2023
- Netherlands, May 2023
- Poland, May 2023
- Portugal, May 2023
- Romania, May 2023
- Sweden, April 2023
- Slovenia, May 2023
- United Kingdom, May 2023
- Switzerland, June 2023
- Serbia, May 2023
- Turkiye, July 2023

AIDA Country reports on the year 2023
- Austria, to be published in May 2024
- Belgium, to be published in May 2024
- Bulgaria, to be published in May 2024
- Cyprus, to be published in May 2024
- Germany, to be published in May 2024
- Spain, to be published in May 2024
- France, to be published in May 2024
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• United Kingdom, to be published in May 2024
• Switzerland, to be published in May 2024
• Serbia, to be published in May 2024
• Turkiye, to be published in June 2024

AIDA reports
• AIDA Statistical Update: The Implementation of the Dublin III Regulation in 2022, November 2023
• AIDA Comparative Report: Access to Socio-economic Rights for Beneficiaries of Temporary Protection, August 2023
• AIDA Overview: Asylum in Europe: The Situation of Applicants for International Protection in 2022, July 2023
• AIDA Fact-Finding Visit: Seeking refuge in Poland: a fact-finding report on access to asylum and reception conditions for asylum seekers, April 2023
• AIDA Comparative Report: Not there yet: Family Reunification for Beneficiaries of International Protection, February 2023

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

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