



## Input by civil society organisations to the Asylum Report 2025

Dear Colleagues,

The production of the *Asylum Report 2025* is currently underway. The annual [Asylum Report](#) presents an overview of developments in the field of international protection in Europe.

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 your reporting on developments in asylum law, policies or practices in 2024 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 2024 on issues related to asylum in EU+ countries (**'Part B' of the form**).

These may be:

- reports;
- articles;
- recommendations to national authorities or EU institutions;
- open letters and analytical outputs.

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 and contributing organisations will be listed under the Acknowledgements of the report.

All contributions should be appropriately referenced. You may include links to supporting material, such as:

- analytical studies;
- articles;
- reports;
- websites;
- press releases;
- position papers.

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.

***NB: This year's edition of the Asylum Report will be significantly revamped to achieve a leaner, more analytical report with streamlined thematic sections. The focus will be on key trends in the field of asylum rather than on individual developments. For this reason, information shared by respondents to this call may be incorporated in the Asylum Report in a format different than in the past years.***

Your input matters to us and will be much appreciated!

\*Please submit your contribution to the Asylum Report 2025 by **Friday, 10 January 2025**.\*





## Contact details

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Name of organisation: GAMS Belgium

Name and title of contact person: Fabienne Richard / Keyla Lumeka / Jente Konings

Email: [Fabienne@gams.be](mailto:Fabienne@gams.be) / [Keyla@gams.be](mailto:Keyla@gams.be) / [Jente@gams.be](mailto:Jente@gams.be)

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## General Observations

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Before sharing information by thematic area, please provide your general observations on asylum developments as indicated in the following three fields:

**1. What areas would you highlight where important developments took place in the country/countries you cover?**

Gender affects all aspects of the migration process because of the gender roles and relations, expectations and power dynamics associated with women and men. The absence of a strong gender perspective in migration, asylum and integration policies can contribute to increased human rights violations and can expose women and girls to additional risks, discrimination and vulnerabilities and perpetuate or exacerbate gender inequalities. This is why the '[Gender and Migration Coalition](#)' was set up in 2024 by six feminist associations to join forces and work towards the integration of gender issues into Belgian policy-making and planning. This coalition gathers GAMS Belgium, La voix des femmes, Vrouwenraad, Collectif des femmes, Isala and Punt under the initiative of The Institute for the equality of women and men. (see also: Part B: publications)

The year 2024 also marks the adoption of Directive (EU) 2024/1712 of 13 June 2024 amending Directive 2011/36/EU on trafficking in human beings. As with the Violence Directive, Member States have three years to transpose the directive into national law. The aim of this update is to better reflect changes in the forms of exploitation and to step up the fight against this phenomenon by protecting victims. The directive also aims to strengthen prevention, by requiring Member States to conduct awareness-raising campaigns, with a particular focus on children. It invites the various authorities responsible for asylum and anti-trafficking to cooperate more closely in order to better identify victims among asylum seekers and to set up national plans to combat them. It also provides for an increase in safe accommodation for victims.





## **2. What are the areas, where only few or no developments took place?**

A number of problems have been highlighted, such as the shortage of places in reception centres for women asylum seekers in vulnerable situations due to violence, the lack of structural funding and the inability to integrate the issue of multiple discrimination across the board. (see also: Part B: publications)

## **3. Would you have any observations to share specifically about the implementation of the Pact on Migration and Asylum in the national context of the country/ countries you cover?**

The European Commission's Pact on Migration and Asylum provides for a strengthening of the externalisation of migration policies, in particular by allocating additional resources to Frontex, and facilitates expulsions and detentions. A number of civil society associations have warned of certain measures in the pact and its potential negative effects, particularly on migrant women.

The concept of flexible solidarity, which leaves total freedom to Member States in the way they implement EU policies, assumes above all mutual assistance in returning migrants. One of the resulting risks is the transfer of responsibility for receiving migrants to countries outside the European Union. In addition, the concept of safe third countries, central to the assessment of whether or not expulsion is appropriate, retains a vague and variable interpretation. Furthermore, the list does not take into account whether or not women's fundamental rights are respected in these countries, which may expose them to persecution, exploitation, sexual violence or even femicide if they return to one of these countries.

The Pact also provides for pre-selection at the borders where newcomers defend the reasons why they wish to enter the European Union as soon as they arrive at the borders. For a variety of reasons, it can be extremely complicated to be able to articulate what drives people to seek asylum. For women in particular, the violence and trauma they have suffered and the lack of information mean that they have almost no chance of fulfilling this requirement. All the more so as these pre-selections are carried out in stressful conditions that are ill-suited to meeting the (even basic) needs of the applicants.





## PART A: Contributions by topic

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Please share **your reporting on developments in asylum law, policies or practices in 2024 by topic**. Kindly make sure that you provide information on:

- ✓ New developments and improvements in 2024 and new or remaining challenges;
  - ✓ Changes in legislation, policies or practices, or institutional changes during 2024.
1. **Access to territory and access to the asylum procedure** (including first arrival to territory and registration, arrival at the border, application of the *non-refoulement* principle, the right to first response (shelter, food, medical treatment) and issues regarding border guards)
  2. **Access to information and legal assistance** (including counselling and representation)
  3. **Provision of interpretation services** (e.g. introduction of innovative methods for interpretation, increase/decrease in the number of languages available, change in qualifications required for interpreters)
  4. **Dublin procedures** (including the organisational framework, practical developments, suspension of transfers to selected countries, detention in the framework of Dublin procedures)
  5. **Special procedures** (including border procedures, procedures in transit zones, accelerated procedures, admissibility procedures, prioritised procedures or any special procedure for selected caseloads)
  6. **Reception of applicants for international protection** (including information on reception capacities – increase/decrease/stable, material reception conditions – housing, food, clothing and financial support, contingency planning in reception, access to the labour market and vocational training, medical care, schooling and education, residence and freedom of movement)
- In 2024, GAMS continued to give training to staff at Fedasil and Red Cross reception centres. These trainings are based on the publication of the trajectory for asylum seekers who have undergone or are at risk of Female Genital Mutilation (FGM) for the attention of the collective reception centres and local reception initiatives (LOI). ([FR](#) / [NL](#) / [ENG](#))
  - The new law of 14/03/2024 amends the law of 12 January 2007 on the reception of asylum seekers and certain other categories of foreign nationals : This right will be dissociated from the order to leave the country. Material assistance will be more limited. The aim is to give Fedasil more scope to find new places to house those receiving material aid.





7. **Detention of applicants for international protection** (including detention capacity – increase/decrease/stable, practices regarding detention, grounds for detention, alternatives to detention, time limit for detention)
8. **Procedures at first instance** (including relevant changes in: the authority in charge, organisation of the process, interviews, evidence assessment, determination of international protection status, decision-making, timeframes, case management – including backlog management)

- Expertise in genderbased violence

The Office of the Commissioner General for Refugees and Stateless Persons (CGRS) trains all their protection officers on genderbased violence as part of basic training. A smaller group of POs (protection officers) followed additional training to strengthen their expertise in this. They are assigned to more complex cases where there have been a minimum of four different forms of genderbased violence.

In 2024, a psychologist from GAMS Belgium was invited to further train this smaller group of POs with an expertise in genderbased violence. We welcome this initiative and hope that as many cases as possible where there is a mention of genderbased violence can be assigned to the specialised POs.

- FGM medical certificates

The CGRS also updated its policy on the validity of FGM medical certificates in 2024:

- Medical certificates confirming that a woman or girl has not been circumcised will be valid for 6 months (previously 2 months) during the asylum procedure.
- For a girl born in Belgium and aged under 2, a medical certificate will no longer be required to confirm that she has not been circumcised, unless there is a serious indication that such confirmation is still necessary.
- If the medical certificate is not available at the time of the personal interview, a deadline will be set for its submission to the PO. The applicant will be asked to provide the date of the appointment for the medical certificate.
- If the medical certificate confirms that the person has been circumcised, there is no specific validity period, unless the person is de-infibulated or undergoes reconstruction surgery. In this case, a new medical certificate is required.

Girls who are recognised as refugees by the CGRS because they fear they may be victims of FGM have to return every year for medical examinations. Soon, this check-up will only be necessary every three years. The CGRS will not suspend all follow-ups for three years in order to avoid an excessive workload every third year. Successions already in progress will be spread over the next three years. The girls' date of birth has been taken as the starting point to ensure that the oldest girls are contacted one last time before the end of their follow-up.





Finally, the CGRS has updated the list of doctors who issue FGM certificates. This list is available on request from GAMS Belgium. It is recommended that you use a doctor on this list, but certificates from other doctors are also accepted as long as the CGRS [model](#) is used. For more information, see the [website of the CGRS](#).

- Psychological attestations and vulnerabilities underpinning special procedural needs

The main task of the psychological assessment unit of CGRS was to advise and inform protection officers about the mental and psychological state of an asylum seeker when this state could have an impact on the examination of their asylum application or their hearing. This unit no longer exists, which has raised concerns about the assessment of the psychological aspects of an application for international protection.

In 2023, a [vulnerability unit](#) was set up within the CGRS. In 2024 they drew up a series of recommendations and tips on the form and content of medical documents submitted to the CGRS. These recommendations are communicated to various external stakeholders, in particular to professionals in the (mental) health sector who report medical findings as part of the asylum procedure. The recommendations also contain a brief explanation of the role and competences of the CGRS as part of the Belgian asylum procedure, as well as the possible relevance of medical elements in this context.

There was some criticism on these recommendations for example the condition that the attestation is made up by a medical professional when it is possible an applicant is in need of psychological support but still on a waiting list which can be confirmed by a social assistant. The CGRS has organised online interactive feedback sessions about the recommendations and has promised to take the feedback into account in future amendments of the recommendations.

- Tabula Rasa project ended in 2024

The aim of the 'tabula rasa' project was to improve operations and efficiency within the CGRS. By focusing more on getting the individual file in order/complete by means of preliminary questionnaires - i.e. before the personal interview takes place - the [CGRS](#) tries to eliminate the large backlog.

The pilot project ran from the beginning of September 2023 to the end of January 2024. Its evaluation has been ongoing since February this year. When this evaluation is complete, the CGRS will communicate about it during one of the contact meetings international protection. You can consult all the reports of previous contact meetings since 2006 [in the archives of the Federal Migration Centre Myria](#).

GAMS and other organizations have raised some issues on one of the proposals from its working groups concerning the introduction of a written declaration form. Applicants from specific countries of origin, including Guinea, Mauritania, ... which are among the countries with a high prevalence of FGM and the CGRSs assessment of any inaccuracies, omissions or contradictions in the declaration.





9. **Procedures at second instance** (including organisation of the process, hearings, written procedures, timeframes, case management – including backlog management)
  10. **Issues of statelessness in the context of asylum** (including identification and registration)
  11. **Children and applicants with special needs** (special reception facilities, identification mechanisms/referrals, procedural standards, provision of information, age assessment, legal guardianship and foster care for unaccompanied and separated children)
- For an in-depth analysis of the rights of unaccompanied minor asylum seekers, please see the publication of the Children's Rights Coalition Flanders to which GAMS Belgium contributed (see part B).
12. **Content of protection** (including access to social security, social assistance, health care, housing and other basic services; integration into the labour market; measures to enhance language skills; measures to improve attainment in schooling and/or the education system and/or vocational training)
  13. **Return of former applicants for international protection**
  14. **Resettlement and humanitarian admission programmes** (including EU Joint Resettlement Programme, national resettlement programme (UNHCR), National Humanitarian Admission Programme, private sponsorship programmes/schemes and ad hoc special programmes)
  15. **National jurisprudence on international protection in 2024** (please include a link to the relevant case law and/or submit cases to the [EUAA Case Law Database](#))

GAMS Belgium collects and analyses all national jurisprudence on international protection where FGM, forced marriage or other gender based violence play a relevant role in the demand. We summarize our findings in a complete overview of the [Dutch-speaking chambers](#) and the [French-speaking chambers](#) of the council for aliens disputes (de Raad Voor Vreemdelingenbetwistingen / le Conseil du Contentieux des Etrangers).

We noticed a positive trend in 2024 in the Dutch-language case law of both the Raad Voor Vreemdelingenbetwistingen and Raad van State (competent for the cassation procedure in migration law) regarding cases of international protection vis-à-vis Somalia regarding FGM. We will also highlight some relevant case law from the French speaking chambers of the Conseil du Contentieux des Etrangers , you can find a summary below.







- Raad voor Vreemdelingenbetwistingen

08/02/2024 301 242 <a href="#">Link to the case</a>	<ul style="list-style-type: none"> <li>- Applicant was already de-infibulated.</li> <li>- Personal circumstances making her vulnerable.</li> </ul> <p>→ Well-founded fear of persecution because of (ascribed) political or religious beliefs.</p>	RECOGNITION AS REFUGEE
20/02/2024 301 914 <a href="#">Link to the case</a>	The CGRS did not sufficiently investigate the risk of reinfibulation after a deinfibulation that already took place.	ANNULMENT OF DECISION - FILE RETURNED
8/03/2024 302 889 <a href="#">Link to the case</a>	<ul style="list-style-type: none"> <li>- Applicant was de-infibulated and re-infibulated several times (confirmed by medical certificate)</li> <li>- Application of Article 48/7 of the Residence Law of 15 December 1980.</li> </ul> <p>→ Well-founded fear of persecution due to risk of re-infibulation.</p>	RECOGNITION AS REFUGEE
6/06/2024 307 946 <a href="#">Link to the case</a>	The CGRS did not sufficiently investigate the risk of reinfibulation after a hypothetical deinfibulation of an applicant who is a minor.	ANNULMENT OF DECISION - FILE RETURNED
25/06/2024 308 758 <a href="#">Link to the case</a>	<ul style="list-style-type: none"> <li>- Applicant who is a minor and who has a wish to be de-infibulated but due to external circumstances this has not yet happened.</li> <li>- Application of Article 48/7 of the Residence Law of 15 December 1980.</li> </ul> <p>→ Well-founded fear of persecution due to risk of re-infibulation after hypothetical deinfibulation of an applicant who is a minor.</p>	RECOGNITION AS REFUGEE
1/07/2024 309 162 <a href="#">Link to the case</a>	<ul style="list-style-type: none"> <li>- Applicant was insufficiently questioned about risk of reinfibulation</li> <li>- CGRS did not sufficiently investigate risk of re-infibulation after deinfibulation.</li> </ul> <p>→ Enquiry needed into application of Article 48/7 of the Residence Law of 15 December 1980.</p>	ANNULMENT OF DECISION - FILE RETURNED





<p>18/07/2024 310 232 <a href="#">Link to the case</a></p>	<ul style="list-style-type: none"> <li>- Adult applicant who does not wish to undergo deinfibulation until she is certain that she will not be made to return to Somalia.</li> <li>- Application of Article 48/7 of the Residence Law of 15 December 1980.</li> <li>→ Well-founded fear of persecution due to risk of re-infibulation after hypothetical deinfibulation.</li> </ul>	<p>RECOGNITION AS REFUGEE</p>
<p>18/07/2024 310 233 <a href="#">Link to the case</a></p>	<ul style="list-style-type: none"> <li>- Applicant is westernised (reference to CJEU 11 June 2024, C-646/21, K.L. v Netherlands)</li> </ul>	<p>ANNULMENT OF DECISION - FILE RETURNED</p>

- Raad van State

<p>25/11/2024 261 439 <a href="#">Link to the case</a></p>	<ul style="list-style-type: none"> <li>- The decision accepted that Article 48/7 of the Residence Law of 15 December 1980 should be applied (reversal of the burden of proof).</li> <li>- Yet, in its assessment, it decides that the applicant's fear of persecution is not made plausible, which presupposes an application of Article 48/3 of the Residence Law of 15 December 1980, and the burden of proof is wrongly placed on the applicant.</li> <li>- The decision thus disregards Article 48/7 of the Residence Law of 15 December 1980 and the reversal of the burden of proof arising from the application of that provision.</li> </ul>	<p>ANNULMENT OF DECISION - FILE RETURNED</p>
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- Le Conseil du Contentieux des Etrangers

**Guinea :**

- Case no. [306 899](#) of 21/05/2024

Fear of retaliation - forced marriage in Guinea - recognised as refugee.

- Case no. [306 929](#) of 21/05/24:

Fear of being forced by paternal family to return to forced husband and of being mistreated for having had a child out of marriage - recognised as refugee.

Despite the grey areas that remain in the applicant's account, the Council considers that the benefit of the doubt should be given to the applicant.

The CGRS did not establish that the abuse suffered in the past was unlikely to be repeated (application of Article 48/7).





- Case no. [301 330](#) of 12/02/24:

Precarious situation for single mothers from traditionalist families

Opposition to female circumcision adds risk of persecution

Lack of effective protection by the authorities

- Case no. [300 255](#) of 18/01/2024

Particularly vulnerable profile established by a medical and psychological certificate.

Risk of repetition of past violence considered to be established

### **Ivory Coast :**

- Case no. [307 471](#) of 29/05/2024:

Fear of persecution linked to the risk of marginalisation in view of the recognised status of 'divorced or isolated and precarious woman in Ivory Coast'.

### **Mauritania :**

- Case no. [306 931](#) dated 21/05/24

Objective and significant risk of being subjected to female circumcision for a minor girl in Mauritania: risk of persecution of the girl for belonging to a social group, young Mauritanian girls threatened with female circumcision, within the meaning of art. 1, section A, §2 of the Geneva Convention:

Mother and Mauritanian authorities unable to protect girl from FGM.

Lack of effective protection sufficiently established by the prevalence rate and the absence of arrests or legal proceedings since the law banning FGM was adopted.

- Case no. [312 895](#) of 12/09/2024

*Female genital mutilation - Objective risk - Protective agents - Lack of effective protection by the authorities*

Certain factors help to reduce the risk of FGM. These include region of origin, place of residence (urban/rural), age, economic well-being and level of education.

However, these factors are not enough to rule out the objective risk of under-age girls undergoing female circumcision in Mauritania.

Parents do not provide protection within the meaning of article 48/5 of the law of 15 December 1980. The social and financial support offered by the family or clan cannot be considered as providing protection against acts of persecution.





## 16. Other important developments in 2024

On 01/09/2024, the new [law of 10/03/2024](#) entered into force introducing the derived right of residence for parents of a refugee minor.

This extension is mainly aimed at parents who seek to protect their daughter from female genital mutilation but who have not been able to demonstrate a current fear of persecution in their own right.

The following conditions must be met:

- the minor received international protection;
- the child is not married and resides in Belgium under the custody of one or both parents;
- the parent(s) and the child are living together in Belgium. (This condition is open to criticism for being contrary to CJEU case-law.)
- the child is still a minor on the date of the application by the parent(s). (Herein, this condition differs from that for parents of an unaccompanied minor which is again open to criticism because of the case law of the CJEU.)
- **the family ties already existed in the country of origin.**

This last condition could be interpreted to mean that the parents of a child born in Belgium and subsequently recognised as a refugee would be excluded from the application of this new law. However this is open to criticism as it does not respect the legislator's objective of acting in the best interest of the child.





## Part B: Publications

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1. If available online, please provide links to relevant publications produced by your organisation in 2024:

### **GAMS Belgium produced the following relevant publications during 2024:**

- Legal newsletter every trimester:

March 2024 ([FR](#) / [NL](#)), June 2024: ([FR](#)/[NL](#)), September 2024, December 2024

Relevant subjects: Analysis of the national jurisprudence about FGM-based asylum requests, updates about new laws like the law concerning family reunification for girls recognised as refugees based on a fear of FGM, country information of countries with a prevalence of FGM, policy of the asylum instances regarding medical attestations and psychological needs,...

- Protection and prevention of FGM and sexual violence against children, december 2024 ([FR](#))

5.7. The role of medical examination of the external genitalia in the prevention of sexual violence against children including FGM and the follow-up procedure by the asylum instances.

### **GAMS Belgium also contributed to the following relevant publications during 2024:**

- KIRECO (Kinderrechtencoalitie Vlaanderen), *A child first and foremost: better policies for unaccompanied children seeking asylum*, september 2024 [Standpunt-NBMV-voor-druk.pdf](#)

Part 1: rights, procedures and guardianship

Policy recommendations

Part 2: reception

Policy recommendations

Part 3: education

Policy recommendations

- Coalition gender and migration, *State of affairs: Gender mainstreaming in migration and integration policies in belgium*, december 2024, [FR/ NL](#)

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

[Asylum.Report@euaa.europa.eu](mailto:Asylum.Report@euaa.europa.eu)

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





	Title of publication	Name of author	Publisher	Date
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