



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**.*





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

General Observations

Preliminary remark: The general information on the Swiss asylum system as well as the legal basics and explanations are to be found in the yearly update of the AIDA report¹ on Switzerland, written by the Swiss Refugee Council and edited by ECRE.

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?

Switzerland's asylum policy is continually adapting to developments at the international level. As a result, the main changes pertain to policies related to countries such as Syria, Afghanistan, and Sudan, as well as the Maghreb region. These changes will be explained in detail in the sections below.

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

No significant changes have been made in the treatment of 'vulnerable' asylum seekers, such as minors, LGBTQI+ individuals, women, victims of torture, and others. This is regrettable, as the practices concerning these groups remain behind international standards, as detailed below. The same applies to the implementation of the Dublin III Regulation, which remains restrictive.

¹ AIDA report on Switzerland, available in English at: <https://asylumineurope.org/reports/country/switzerland/>.





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 consultation process for implementing the relevant sections of the EU Pact on Migration and Asylum took place in 2024. The Swiss Refugee Council participated² in the consultation and urged Switzerland to utilize its remaining national margin of discretion in domestic implementation to enhance solidarity with refugees and safeguard their rights. Specifically, binding participation in the EU solidarity mechanism for refugee relocation is seen as essential.³

PART A: Contributions by topic

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)

Limited access to asylum centers on weekends: Federal Council Beat Jans announced in February 2024 that asylum applications can only be submitted during the week.⁴ The stated reason for this measure was to prevent individuals from being accommodated in asylum centers over the weekend and then leaving on Monday before their fingerprints could be taken. However, vulnerable asylum applicants, such as women traveling alone, families, unaccompanied minors, the ill, and the elderly, are still admitted on weekends.

² The Input of the Swiss Refugee Council of 14 November 2024 can be found here in French: Consultation procedure regarding the EU Pact on Migration: 14 November 2024, Approbation et mise en œuvre des échanges de notes entre la Suisse et l'UE sur la reprise des règlements (UE) 2024/1351, (UE) 2024/1359, (UE) 2024/1349, (UE) 2024/1358 et (UE) 2024/1356 (pacte européen sur la migration et l'asile) (développements de l'acquis de Schengen et de l'acquis « Dublin/Eurodac »), www.osar.ch/fileadmin/user_upload/Publikationen/Vernehmlassungsantworten/241114_SF_H_VNL_EU_Pakt_fr_final.pdf.

³ www.fluechtlingshilfe.ch/medienmitteilungen/sfh-fordert-solidaritaet-bei-schweizer-umsetzung-des-eu-pakts

⁴ www.sem.admin.ch/sem/de/home/sem/medien/mm.msg-id-100103.html





The Swiss Refugee Council criticized the measure.⁵ The measure was ultimately not implemented.⁶

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

The new 24-hour procedure (more on this in question 5 below), which applies to applicants from the Maghreb region (Morocco, Algeria, Tunisia, and Libya), presents significant challenges for the legal representatives assisting asylum seekers. The particularly short deadlines make it difficult for legal representatives to provide adequate assistance and support to the applicants.

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)

Since 1 January 2024, Article 29a of the Swiss Asylum Act allows the SEM to have interpreters and translators assessed regarding their trustworthiness.

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

The practice of the Swiss authorities, particularly the State Secretariat for Migration (SEM) and the Federal Administrative Court (FAC), remained restrictive in Dublin cases in 2024. Reports⁷ regarding the transfers conducted by Swiss authorities raise concerns about the respect of the principle of proportionality.

Family Criteria: The family criteria were applied narrowly, with strict interpretations regarding effective relationships and the definition of family members.

Vulnerabilities: Vulnerabilities were insufficiently considered, especially those that are not immediately visible, such as psychological illnesses.

Mutual Trust: The principle of mutual trust between Dublin countries was rarely questioned. Despite reports that should have raised doubts, the Federal Administrative Court seldom conducted its own research into conditions in other Dublin countries and rarely instructed the SEM to carry out in-depth investigations.

⁵ www.fluechtlingshilfe.ch/medienmitteilungen/sfh-lehnt-geplante-verschaerfungen-kategorisch-ab.

⁶ www.ejpd.admin.ch/ejpd/de/home/aktuell/mm.msg-id-100927.html.

⁷ <https://backend.nkvf.admin.ch/fileservice/sdweb-docs-prod-nkvfadminch-files/files/2024/09/12/f64f8f15-0b1f-4529-a398-cee01b2ab9a8.pdf>.





Greece: 2024, Swiss authorities issued Dublin-decisions to Greece for men from Turkey. The decisions were appealed, a reference judgment is expected in 2025 from the Federal Administrative Court. The Swiss Refugee Council is concerned about this development.

Italy: Since Italy continued to refuse Dublin transfers in 2024, Switzerland did not send asylum applicants to Italy under the Dublin Regulation.

Croatia: Transfers to Croatia continued in 2024 but were conducted exclusively via charter flights. Individuals transferred to Croatia on these special flights reported to the Swiss Refugee Council instances of disproportionate treatment during the transfer process.

General Concerns: In 2024, the Swiss Refugee Council received alarming complaints regarding Dublin transfers. These included cases where transfers were carried out despite ongoing medical treatment or against doctors' advice, even out of medical facilities.

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

In February 2024, Federal Councilor Beat Jans announced the introduction of so-called **24-hour procedures** for individuals from countries with very low recognition rates.⁸

The Swiss Refugee Council criticized this measure. In its view, if significant misuse of federal asylum centers is indeed an issue, alternative measures should be considered rather than restricting the right to asylum for all.⁹

In May 2024, the SEM announced that the 24-hour procedure would remain in effect.¹⁰ By September 2024, the Swiss Refugee Council called for an end to the 24-hour procedures. It argued that the measure had not resulted in fewer asylum applications from the Maghreb countries. The Swiss Refugee Council expressed ongoing concerns about the unequal treatment of asylum applicants and the risk that asylum claims cannot be adequately examined under such a rapid process. From the Swiss Refugee Council's perspective, the 24-hour procedure is failing to achieve its stated objectives and should be discontinued.¹¹

⁸ Maghreb region: Tunisia, Morocco, Libya, and Algeria, www.sem.admin.ch/sem/de/home/sem/medien/mm.msg-id-100103.html.

⁹ www.fluechtlingshilfe.ch/medienmitteilungen/sfh-lehnt-geplante-verschaerfungen-kategorisch-ab.

¹⁰ www.sem.admin.ch/sem/de/home/sem/medien/mm.msg-id-100927.html.

¹¹ www.fluechtlingshilfe.ch/publikationen/news-und-stories/ende-des-24-stunden-verfahrens.





- 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)

Regarding the **limited access to asylum centers on weekends**, see question 1.

The National Committee for the Prevention of Torture (NCPT) criticized the living conditions in temporary asylum centers, particularly in civil defense shelters. The reports confirm the Swiss Refugee Council's concerns about these facilities. Conditions in the shelters are challenging: limited space, no natural light, no clear separation of sleeping, eating, and communal areas, lack of privacy, and inadequate ventilation, among other issues. Such circumstances increase the risk of conflict, yet violence prevention measures are notably lacking.¹² Additionally, alleged cases of violence reported to the NCPT have been poorly documented and insufficiently investigated.¹³

A project launched by the SEM, aimed at allowing asylum seekers in the centers to anonymously report any incidents of violence they have been involved in or witnessed, was evaluated in February 2024. According to the report, while the initiative is promising, more should be done to increase its efficiency and transparency.¹⁴

Three years after it became known that **violence** had been inflicted on people seeking protection in Swiss federal asylum centres by external security personnel, Amnesty International has been documenting new cases of alleged human rights violations in a report published in October 2024.¹⁵

The new permanent **asylum center** in the “Zona Pasture” opened its doors on 3 June 2024, it offers accommodation for 350 persons.¹⁶

In October 2024 the SEM announced that **9 temporary asylum centers will be closed** as the numbers of asylum application was lower than expected.¹⁷

¹² www.nkvf.admin.ch/nkvf/de/home/publikationen/schwerpunktberichte/bundesasylzentren.html.

¹³ Communication of the Swiss Refugee Council: www.fluechtlingshilfe.ch/publikationen/news-und-stories/temporaere-asylunterkuenfte-oft-unangemessene-und-schwierige-lebensbedingungen.

¹⁴ Communication of the Swiss Refugee Council: www.fluechtlingshilfe.ch/medienmitteilungen/mehr-transparenz-fuer-einen-besseren-umgang-mit-vorfaellen-in-bundesasylzentren?_gl=1*170y9hb*_gcl_au*ODE4NzI0NjYxLjE3MzQ5NDcxNjA.*_ga*MTkyNTYxOTk0Mi4xNzI3MTY0NjAy*_ga_VWXXLLB7NE*MTczNjI0NTY2Mi4yMy4wLjE3MzYyNDU2NjluMC4wLjA.

¹⁵ www.amnesty.ch/de/laender/europa-zentralasien/schweiz/dok/2024/kinderrechte-in-bundesasylzentren-muessen-besser-geschuetzt-werden.

¹⁶ www.sem.admin.ch/sem/de/home/sem/medien/mm.msg-id-101158.html.

¹⁷ www.sem.admin.ch/sem/de/home/sem/medien/mm.msg-id-102862.html.





Remote locations of centres: Several federal centers, such as Boudry, Giffers/Chevresses, Gloubenberg, and the Les Verrières center, are characterized by their isolation. The Boudry center is located in a complex that includes the asylum processing center and a former psychiatric hospital. It is several kilometers away from the surrounding village and about 15 km from the town of Neuchâtel. The Chevresses waiting and departure center is even more isolated. To reach it by public transport, one must take a 20-minute bus ride from the city of Fribourg. Once in the village of Chevresses, it is still a 20-minute walk to the center. There are two buses per hour to both centers, and asylum seekers receive a single ticket each week to travel to Neuchâtel or Fribourg, along with 3 CHF of pocket money per day, except for persons from EU/EFTA countries or visa-exempt countries, who do not receive any pocket money.

Emergency aid is provided in the form of non-cash benefits wherever possible. People under emergency aid are housed in specific shelters. Under this aid, individuals may have to live on about 8 CHF per day, which must cover expenses for food, transportation, household items, and other needs. This amount is extremely low compared to the high living costs in Switzerland. A further limitation is that the entire amount is provided as non-cash benefits or vouchers, which can only be used at a particular supermarket chain, as required by national legislation. This restriction on reception conditions creates significant challenges for asylum seekers whose (subsequent) procedures are still ongoing. Long-term stays under emergency aid are known to have disastrous effects on the integration and health of asylum seekers, despite the possibility of being granted legal status at the end of the process.

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)

Living conditions in emergency accommodation for asylum seekers jeopardize the well-being and development of children and young people. This is incompatible with both the Swiss Federal Constitution and international conventions. This is demonstrated by two publications from the Federal Commission on Migration (FCM): the study by the Marie Meierhofer Institute for Child Research (MMI), which for the first time gathered data on the living conditions of minors in emergency shelters across Switzerland, and the legal opinion prepared by the University of Neuchâtel, which provides a legal analysis of the results.¹⁸

¹⁸ www.admin.ch/gov/fr/accueil/documentation/communiqués.msg-id-102569.html,
Comment of the Swiss Refugee Council: www.osar.ch/publications/news-et-recits/enfants-dans-laide-durgence.





- 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)

Too short deadlines in the accelerated procedure (24 hours for commenting on the asylum decision, 7 working days for an appeal): In the view of the Swiss Refugee Council the short deadlines cause excessive time pressure in the procedure and are therefore not conducive to the quality of the decision.¹⁹

Sudan: Considering the ongoing war in Sudan, the SEM decided in 2024 to suspend asylum applications from persons from Sudan to evaluate the situation. The Swiss Refugee Council criticized this decision and called for at least a temporary admission for persons from Sudan.²⁰ In December 2024, the SEM ended the suspension.

Syria: Due to the latest developments in Syria in December 2024, the SEM decided to suspend asylum applications from persons from Syria until a new evaluation of the situation is made. The Swiss Refugee Council called for the continuation of the asylum procedures and for people concerned to be granted at least a temporary admission status.²¹

Ukraine: The Federal Council decided on 4 September 2024 that the temporary protection (Status S) will be maintained at least until 4 March 2026.²²

On 2 December 2024, the Swiss parliament decided that in the future only people from Ukraine who can prove that they come from a contested or Russian-occupied territory should be granted temporary protection.²³

Mobile Data: 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.²⁴ In its meeting on 1 May 2024, the Federal Council decided on the amendments of the ordinance necessary for implementation, which will come into force on 1 April 2025.²⁵

¹⁹ Swiss Refugee Council, statement to the external evaluation of the new asylum system, August 2021, available in German at <https://bit.ly/3Yggy8k>.

²⁰ www.fluechtlingshilfe.ch/publikationen/news-und-stories/ein-vergessener-krieg-sfh-fordert-schutz-fuer-sudanesische-gefluechtete.

²¹ www.osar.ch/communique-de-presse/syrie-les-procedures-dasile-doivent-se-poursuivre.

²² www.admin.ch/gov/de/start/dokumentation/medienmitteilungen.msg-id-102322.html.

²³ www.parlament.ch/de/services/news/Seiten/2024/20241202192042892194158159026_bsd159.aspx.

²⁴ <https://bit.ly/3q21ZqH>.

²⁵ www.admin.ch/gov/fr/accueil/documentation/communiqués.msg-id-100848.html.





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

One instance - Federal Administrative Court (FAC): Swiss law provides an appeal mechanism in the regular asylum procedure. The sole competent authority for examining appeals against inadmissibility and merits decisions of the SEM is the Federal Administrative Court.²⁶ A further appeal to the Federal Supreme Court is not possible, except in cases involving extradition requests or detention, including in Dublin cases (Article 83(c)-(d) Federal Supreme Court Act). If the Federal Administrative Court accepts the appeal, it can either rule on the merits of the case and issue a new, final decision, or annul the decision and send the case back to the SEM for reassessment. Appeals are typically decided by three judges, while manifestly well-founded or unfounded cases are decided by one judge (with the approval of a second judge). Leading decisions (or coordination judgments) are made by five judges. An appeal to the Federal Administrative Court can be based on two grounds: the violation of federal law, including the abuse or exceeding of discretionary powers, and the incorrect or incomplete determination of the legally relevant facts.²⁷

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 francs²⁸, 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.²⁹ Appeals filed by legal representatives working for the organizations mandated by the SEM are usually not subject to such advance payment. An advance payment is mostly requested when the appeal is considered as *prima facie* without merit, which may be fatal to destitute applicants in cases of a wrong assessment. Such wrong assessments have been noted by the European Court of Human Rights (ECtHR).³⁰ No advance payment can be demanded for unaccompanied asylum-seeking children in appeal procedures.³¹

The fact that the appeal procedure **is exclusively conducted in writing** can pose an obstacle, as the appellant has no direct contact with the judges and can only express themselves in writing. While the Court has the option to order a hearing if the facts are

²⁶ Most judgments of the Federal Administrative Court can be found at: <http://bit.ly/1NgE8vb>.

²⁷ Article 106 AsylA.

²⁸ Around 799 Euros in January 2025.

²⁹ Article 63(4) APA.

³⁰ For example ECtHR, *MA v Switzerland*, Application No 52589/13, 18 November 2014. In this case, the Federal Administrative Court delivered an interim decision in which it declined the applicant's request for legal aid, reasoning that his application lacked any prospects of success. In its preliminary assessment of the case, The Court noted that the applicant was deprived of additional opportunities to prove the authenticity of the second summons and the Iranian conviction before the national authorities because the Federal Administrative Court ignored the applicant's suggestion of having the credibility of the documents further assessed. It did not follow up on the applicant's proposal to submit the copies to the Migration Board for further comments, but instead decided directly on the basis of the applicant's file and his appeal.

³¹ Federal Supreme Court, Decision 12T_2016, 16 October 2017.





insufficiently clarified, it rarely exercises this option in practice. As asylum seekers are often unfamiliar with the Swiss legal system and generally lack sufficient knowledge of the official languages, they rely heavily on external support. If their assigned legal representative withdraws their mandate, they must turn to civil society services, which are often underfunded.

Additionally, **in Dublin procedures**, the 5-day deadline for filing an appeal makes it extremely difficult for a new legal representative to gather all necessary documents and file a proper appeal, as the deadline is often less than 5 days once they become involved. Seeking legal advice from other offices outside the centers often takes time, as these offices may not be open daily, and this is especially challenging for individuals in remote centers.

Regarding Dublin procedures, the criticism of the Swiss Refugee Council regarding the restrictive practice also extends to the case law of the Federal Administrative Court.

10. Issues of statelessness in the context of asylum (including identification and registration)

Switzerland is a party to the 1954 Convention relating to the Status of Stateless Persons. It is not a party to the 1961 Convention on the Reduction of Statelessness. Swiss practice regarding stateless persons requires improvements in several areas. For example, Switzerland excludes from the protection of the 1954 Convention stateless persons who have voluntarily renounced their nationality and have no other means of reacquiring it. However, according to the terms of the 1954 Convention, the only decisive criterion for determining a person's statelessness is whether the person is considered a national by the relevant countries. The definition of statelessness used in Swiss practice is therefore more restrictive than that in the 1954 Convention. Furthermore, there is an administrative procedure to determine statelessness, but it is not established by law and does not follow best practices.³²

³² For more information on the current Swiss practice concerning statelessness people: <https://index.statelessness.eu/country/switzerland>.





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)

The law does not specifically provide for the screening of vulnerabilities and there is no standard procedure in practice to assess and identify them. Furthermore, since 1 March 2019, all but very complex asylum claims should be assessed and decided within 140 days. The fast-paced reformed procedure puts the administrative authorities and the legal representatives under increased pressure, which, coupled with the lack of standard identification tools, may result in overlooking potential vulnerabilities.

In May 2024, the UN Committee on the Rights of the Child (CRC) criticized³³ procedural deficiencies in the **assessment of the age** of a presumed minor asylum applicant. The Swiss Refugee Council had argued for years that the procedures for determining the age of refugees in Switzerland are inadequate.³⁴

In June 2024, The Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA) published its third report on Switzerland.³⁵ According to the report, despite improvements, there is still a need for action in Switzerland to protect **victims of human trafficking**.³⁶

In November 2024, the European Court of Human Rights has once again ruled against Switzerland³⁷ for its asylum practices regarding **LGBTQI+ persons**. The State Secretariat for Migration (SEM) and the Federal Administrative Court (FAC) have not carefully enough examined the willingness and ability of the Iranian authorities to protect LGBTQI+ individuals in the event of their return, the judges in Strasbourg criticised. The Swiss Refugee Council welcomed the ruling and hopes that it will finally lead to the practice of 'discretion' for LGBTQI+ asylum applicants being lifted.³⁸

³³ <https://shorturl.at/hKzxx>.

³⁴ www.fluechtlingshilfe.ch/publikationen/news-und-stories/umstrittene-altersbestimmung-uno-ausschuss-kritisiert-die-schweiz.

³⁵ <https://rm.coe.int/greta-evaluation-report-on-switzerland-third-evaluation-round-focus-ac/1680b079a5>.

³⁶ Communication of the Swiss Refugee Council: www.osar.ch/publications/news-et-recits/les-victimes-de-traite-des-etres-humains-ne-sont-toujours-pas-suffisamment-protgees-en-suisse.

³⁷ CASE OF M.I. v. SWITZERLAND, <https://hudoc.echr.coe.int/eng#%7B%22itemid%22%3A%22001-237905%22%7D>.

³⁸ www.fluechtlingshilfe.ch/publikationen/news-und-stories/schweiz-erneut-vom-egmr-geruegt.





12. Content of protection (including access to social security, social assistance, health care, housing and other basic services; integration into the labor market; measures to enhance language skills; measures to improve attainment in schooling and/or the education system and/or vocational training)

In general, **persons with the status of temporary protection** face many obstacles and disadvantages compared to persons who were granted asylum. The Swiss Refugee Council has been arguing for a more “positive” protection status instead of the temporary admission status for a long time.³⁹ With a judgement passed in August 2024, the Federal Supreme Court eased the conditions for granting a stabler B permit to young minors holding a temporary F permit.⁴⁰ The Court considered that, given the time spent in Switzerland with her family (10 years) and the age of a young adolescent (15 years), the “concrete” disadvantages of provisional admission status (F permit) infringe upon her fundamental rights to the extent that the status hinders the development of her future. Overall, these disadvantages result in an infringement of her private life, as protected by Article 8 of the ECHR, which justifies granting her a residence permit.⁴¹

Family reunification: According to the law, persons with a temporary protection status have to wait three years after having received temporary admission to apply to be reunited with their spouse and unmarried children under the age of 18. The requirements are that they all live in the same household as soon as the person arrives in Switzerland, the family has suitable housing (a big enough apartment, already at the time of the application), and the family does not depend on social assistance (income requirement). The spouse has to speak the national language at the place of residence or be registered for language support services.⁴² The application must be filed with the competent cantonal migration authority, which passes it on to the SEM. Certain deadlines apply to the application.⁴³ The 5 (or 1 for children 12 and over) year time limit to apply for family reunification starts at the end of the three-year waiting period. If the family / marriage was established after the waiting period of three years, the time limits start at the time the family / marriage was founded. In November 2022, the Federal Administrative Court decided in a leading judgment,⁴⁴ that for persons with a temporary admission, the statutory waiting period of three years is no longer strictly and automatically applicable. Applications for family reunification must already be examined after one and a half years if further waiting is disproportionate in individual cases. The

³⁹ See the latest positioning of the Swiss Refugee Council of 25 Mai 2022, available in French (and German) here: <https://bit.ly/3WZc0SQ>.

⁴⁰ Federal Supreme Court, 2C_157/2023, 23 July 2024, published on the 28th of August 2024.

⁴¹ Press release of the Supreme Court: 2c_0157_2023_2024_08_28_T_f_13_13_57.pdf.

⁴² Article 85(7) FNIA.

⁴³ Article 74(2)-(3) Ordinance on Admission, Stay and Gainful Employment.

⁴⁴ Federal Administrative Court, Decision F-2739/2022, 22 November 2022 (in French): <https://bit.ly/3PYPvf1>; media release in English (German, French and Italian) <https://bit.ly/3WMIkZr>.





judgment has immediate effect. The Federal Administrative Court adapted its case law to a ruling of the ECtHR.⁴⁵

In May 2024, the Federal Council suggested to adapt the law accordingly.⁴⁶ The Swiss Refugee Council welcomes the fact that the waiting period for family reunification for those with temporary admission has been reduced from three to two years. However, the planned change in the law must not result in those affected having less time to fulfil the other requirements for family reunification. The right to family life is a fundamental human right. From the Swiss Refugee Councils point of view, all persons entitled to protection in Switzerland should have the same right to family reunification without further conditions.⁴⁷

The legal situation of **victims of domestic violence** with regard to immigration law is to be improved. With this aim in mind, parliament passed an amendment to the Foreign Nationals and Integration Act (FNIA) during the summer session. The Federal Council enacted this amendment and the necessary ordinance adjustments at its meeting on 27 November 2024, bringing them into force on 1 January 2025. In addition, the Federal Council is withdrawing Switzerland's reservation on the application of the Istanbul Convention.⁴⁸

Rejected asylum applicants and young “sans-papiers” should be able to complete **apprenticeship** more easily. The Federal Council approved a corresponding amendment to the ordinance at its meeting on 1 May 2024. In the future, the persons concerned will only have to have attended compulsory school in Switzerland for two years instead of five in order to be able to submit a hardship application with a view to be admitted for an apprenticeship. The change came into force on 1 June 2024.⁴⁹

Travel documents and re-entry permits: For persons with temporary admission there are important legal and practical obstacles in obtaining travel documents and re-entry permits. They do not have an automatic right to a travel document, and their travel rights are very limited. If they want to travel outside Switzerland, they must first apply to the SEM (via the cantonal authority) for a return visa (permission to re-enter Switzerland). A return visa is only granted in specific circumstances (severe illness or death of family members and close relatives; to deal with important and urgent personal affairs; for cross-border school trips; to participate in sports or cultural events abroad; or for humanitarian reasons). A return visa can be issued for other reasons if the person has already been temporarily admitted for three years.⁵⁰ In addition to the return visa, the

⁴⁵ ECtHR, Application no. 6697/18, *M.A. v Denmark*, available at: <http://bit.ly/3HAjLKs>.

⁴⁶ www.sem.admin.ch/sem/fr/home/sem/medien/mm.msg-id-100865.html.

⁴⁷ www.osar.ch/communique-de-presse/le-regroupement-familial-des-personnes-admises-a-titre-provisoire.

⁴⁸ www.sem.admin.ch/sem/de/home/sem/medien/mm.msg-id-103312.html.

⁴⁹ www.sem.admin.ch/sem/fr/home/sem/medien/mm.msg-id-100864.html.

⁵⁰ Article 9 RDV.





person needs a valid travel document. Persons with temporary admission can apply to the SEM (via the cantonal authority) for a travel document if they can show that it is impossible for them to obtain travel documents from their home country, or that it cannot be expected of them to apply for travel documents from the authorities of their home country.⁵¹ The practice regarding this is very strict, it is only seldom recognised that the person cannot obtain travel documents from their home country. They must document very clearly what they have done to obtain travel documents (visits to the embassy etc.). In many cases, people do not succeed in proving their lack of documents, as the embassies of their home countries are reluctant to confirm in writing that they will not issue a travel document. This means persons with temporary admission are often unable to travel – for lack of documents, but mainly due to the strict regulation regarding return visas.

Social assistance: For the first time, a study has demonstrated a direct causal link between the amount of social assistance paid to refugees and the number of registered offences. If cantons pay refugees more money, the number of minor offences and drug-related crimes decreases.⁵²

13. Return of former applicants for international protection

Collaboration with Iraq: Federal Councillor Beat Jans signed an agreement in Bern on 24 May 2024 with Iraqi Deputy Prime Minister and Foreign Minister Fuad Hussein to strengthen bilateral cooperation on migration. The aim is in particular to facilitate readmission and to promote the voluntary return and reintegration of rejected asylum applicants.⁵³

Inappropriate practices: The Swiss National Commission for the Prevention of Torture (NCPT) criticized several practices in the returns of former applicants for international protection as not appropriate and inadequate.⁵⁴

The Commission highlights especially the lack of consideration for the interests of children in the event of forced repatriation by air.⁵⁵

14. Resettlement and humanitarian admission programmes (including EU Joint Resettlement Programme, national resettlement programme (UNHCR), National

⁵¹ Articles 4(4) and 10 RDV.

⁵² www.cesifo.org/DocDL/cesifo1_wp11051.pdf.

⁵³ www.sem.admin.ch/sem/fr/home/sem/medien/mm.msg-id-101150.html.

⁵⁴ <https://backend.nkvf.admin.ch/fileservice/sdweb-docs-prod-nkvfadminch-files/files/2024/09/12/f64f8f15-0b1f-4529-a398-cee01b2ab9a8.pdf>.

⁵⁵ www.nkvf.admin.ch/de/nsb?id=101795.





Humanitarian Admission Programme, private sponsorship programmes/schemes and ad hoc special programmes)

Access to **humanitarian visas** for Switzerland remains subject to high requirements and restrictive conditions and is hampered by formal and technical hurdles. The number of humanitarian visas has fallen sharply since 2016, from 228 visas in 2016 to only 94 visas in 2021.⁵⁶ As a result of the extremely restrictive practice in issuing humanitarian visas and the high rejection rate, the Swiss Red Cross has discontinued its advisory activities for applicants in this field in 2021.⁵⁷

An additional problem concerning applications for humanitarian visa are the hurdles for threatened persons to reach the Swiss embassy (especially those in Pakistan, Iran and Turkey) to make an appointment for applying.

The Federal Department of Justice and Police decided on 30th November 2022 to temporarily suspend admissions under the 2022-23 **resettlement** program, following a respective recommendation from the Special Task Force for Asylum (SONAS). The decision was officially justified with the current strain on the asylum system as a result of the influx of displaced persons from Ukraine and a general increase in asylum applications. While the continuation of the resettlement program was in principle decided for the period 2024-2025, the actual implementation remains suspended.⁵⁸

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](#))

Iraq: Reference judgement D-913/2021 of 19 March 2024⁵⁹

In a reference judgment, the FAC addressed the current security situation in the Kurdistan Region of Iraq (KRI). According to its landmark judgment ATAF 2008/4, the security authorities in northern Iraq are generally able and willing to protect the inhabitants of the three northern provinces from possible persecution. Regarding the current situation, the court stated that the relationship between the Iranian-backed federal government in Baghdad and the Kurdish forces in the north remains very fragile. The Kurdish parties have lost influence as they can no longer count on full US support, and external actors such as Turkey and Iran are increasingly gaining traction. Northern Iraq is predominantly ruled by two parties, the Partiya Demokrata Kurdistanê (Kurdistan Democratic Party, KDP) and Yekêtiy Nîştimaniy Kurdistan (Patriotic Union of Kurdistan, PUK). The region's existence and stability

⁵⁶ Swiss Refugee Council, *Analyse des Staatssekretariats für Migration zu komplementären Zugangswegen in die Schweiz - Stellungnahme der Schweizerischen Flüchtlingshilfe*, available in German at: <https://bit.ly/40rvJ0r>.

⁵⁷ See the Swiss Red Cross final report of December 2021 with recommendations based on 7 years of assisting persons applying for humanitarian visa: <https://bit.ly/3HQRTkv>.

⁵⁸ www.sem.admin.ch/sem/de/home/sem/medien/mm.msg-id-95775.html.

⁵⁹ https://bvger.weblaw.ch/pdf/D-913-2021_2024-03-19_d5929191-d34e-4a5e-863c-7d848d50152d.pdf.





mainly depend on the relationship between these two parties. The population's trust in the police is low. In principle, the KRI has a comprehensive judicial system, but the number of judges does not appear to be sufficient. Tribal justice continues to be practiced. The court addressed the ongoing human rights crisis in northern Iraq.

Based on this analysis of the situation, the FAC concluded that the KRI still provides a sufficient level of protection. Reservations would still have to be made if the alleged assaults were carried out by the two majority parties, their organs or members. Furthermore, a lack of willingness to protect could not be ruled out in the case of media professionals, dissidents or in the prosecution of honor crimes. Gender-based violence is on the rise.

With regard to the execution of the expulsion order, the court stated that there was no situation of generalized violence. With regard to Turkish military operations, individuals from rural mountain regions near the border should have their cases examined on an individual basis about an alternative residence. The FAC also took a closer look at the socio-economic situation in the KRI. It found that although the situation could be described as tense in certain areas, access to electricity, water, education and basic medical care could generally be assumed to be sufficient. The removal order therefore appears to be reasonable in general for single and healthy Kurdish men or couples who have been living in the KRI for a long time. However, a detailed examination is required for families with children, elderly or single women, in view of the tense economic situation and the various social and political tensions. It is necessary to examine whether certain favorable factors, such as previous professional integration, good education or a stable relationship network, enable reintegration and the securing of economic livelihood. For persons with serious health problems, particularly if there is a need for specialized knowledge or special medication, it must be examined whether necessary treatment is guaranteed, and livelihood security can be achieved.

Turkey, earthquake: Reference judgement E-1308/2023 of 19 March 2024⁶⁰ (earthquake)

In a reference judgment, the FAC addressed the question of whether it would be reasonable to enforce a removal order to the provinces in Turkey that are particularly affected by the earthquake of February 2023, with regard to housing, food supply, infrastructure, health care, the school system, the economic situation and employment. Based on this information, it is according to the court not possible to assume that it is generally unreasonable to enforce removal to the areas mentioned, including to the most severely affected province of Hatay. Rather, the individual circumstances of those affected should be assessed on a case-by-case basis. Due account should be taken of the situation of vulnerable persons – in particular, frail, disabled (or otherwise impaired) and chronically ill persons – especially in the case of persons who would have to return to the provinces of Hatay, Adiyaman,

⁶⁰ <https://bvger.weblaw.ch/cache?id=a602c955-c170-4f25-ac54-9d1c28d7ee53&guiLanguage=de&q=E-1308%2F2023%20&sort-field=relevance&sort-direction=relevance>.





Kahramanmaras and Malatya. Otherwise, a reasonable alternative residence should be examined.

Turkey, Reference judgement E-4103/2024 of 15 November 2024⁶¹ (criminal proceedings and provinces of Hakkâri and Şırnak)

In a reference judgment dated 15 November 2024, the FAC made two momentous decisions for asylum applicants from Turkey: firstly, the court concluded that individuals who are the subject of criminal proceedings in Turkey for ‘insulting the president’ and/or ‘propaganda for a terrorist organization’ are not generally subject to persecution in their home country that would entitle to an asylum status. On the other hand, the FAC has annulled the practice in place since 2013, according to which returns to the Turkish provinces of Hakkâri and Şırnak were generally excluded (BVGE 2013/2). Following a reassessment of the security situation, the FAC no longer considers deportations to these provinces to be generally unreasonable and has ruled that they should be examined on a case-by-case basis. The Swiss Refugee Council criticizes⁶² the FAC for using this far-reaching coordination ruling to confirm the SEM's increasingly restrictive practice regarding asylum applications from Turkish nationals. The Swiss Refugee Council notes that the human rights situation in Turkey has remained poor for years and that the Turkish judiciary is under massive pressure, meaning that fair and independent criminal proceedings are not guaranteed, as confirmed by current analyses of the situation on the ground. From the point of view of the Swiss Refugee Council, the fundamental change in practice regarding the expulsion of Turkish asylum applicants to the provinces of Hakkâri and Şırnak is incomprehensible. In view of the continuing insecurity in these border provinces with Iraq, the situation should be monitored continuously. For more information, see the media release of 15 November 2024.

Afghanistan, reflex persecution: With regard to reflex persecution in Afghanistan, the court clarified (FAC E-1749/2023 of 26 January 2024⁶³) that the risk of it could not be denied on the grounds that the person concerned had not suffered serious harm before leaving the country.

Morocco: The FAC confirmed its case law on the eligibility and willingness of the state to provide protection in the event of persecution by third parties, in particular in the case of violence against women (FAC D-2382/2021 of 22 January 2024⁶⁴).

⁶¹ https://bvger.weblaw.ch/pdf/E-4103-2024_2024-11-08_f90104a3-c1ce-4cc7-9ded-943935a6f7f2.pdf.

⁶² www.fluechtlingshilfe.ch/medienmitteilungen/sfh-kritisiert-verschaerfte-praxis-zu-asylgesuchen-aus-der-tuerkei.

⁶³ <https://bvger.weblaw.ch/cache?id=fd12bcef-a7da-4d69-9fb6-50a803619932&guiLanguage=de&q=E-1749%2F2023%20&sort-field=relevance&sort-direction=relevance>.

⁶⁴ <https://bvger.weblaw.ch/cache?id=e9a041c5-602a-4d62-839a-0f0cf4ee4557&guiLanguage=de&q=D-2382%2F2021%20&sort-field=relevance&sort-direction=relevance>.





Nigeria, human trafficking: In the appeal proceedings of a Nigerian woman, the court confirmed the Nigerian authorities' ability and willingness to protect victims of human trafficking (FAC D-3116/2021 of 29 February 2024⁶⁵)

Georgia: Regarding a married couple from Georgia who applied for asylum in Switzerland stating that the husband had cancer and needed medical treatment that was not sufficiently available in Georgia, the FAC ruled (FAC D-5768/2024, 3 October 2024⁶⁶) that, despite lower standards than in Switzerland, medical care in Georgia was adequate and that the chemotherapy drugs they needed were also available in Georgia. The husband could continue the chemotherapy in his home country, as it had already been started in Georgia. There was also state support for people with limited financial means.

No leading or landmark rulings were handed down on safe third countries during the reporting period. Notable judgments were handed down on **Dublin** transfers to **Denmark** (FAC F-4852/2021 of 31 January 2024⁶⁷; self-execution in the case of an ill, elderly man, supported by his son living in Switzerland) and **Germany** (FAC F-2210/2024 of 24 May 2024⁶⁸; the FAC confirmed the transfer despite an existing expulsion order, an entry and residence ban from Germany).

Age assessment: The court examined the probative value of the Afghan identity document **Tazkira** and emphasised that relying on this document alone was not sufficient to assess the alleged minority or majority (FAC E-2771/2023 of 19 January 2024⁶⁹).

⁶⁵ <https://bvger.weblaw.ch/cache?id=9f2c7898-5164-49b5-9ba2-70af404dc9e8&guiLanguage=de&q=D-3116%2F2021%20&sort-field=relevance&sort-direction=relevance>.

⁶⁶ www.bvger.ch/media-releases/fa22dd56-e64b-459f-95c2-e9f9b3462fb0/de/d-5768-2024_web.pdf.

⁶⁷ <https://bvger.weblaw.ch/cache?id=c937c1c0-8bae-4910-8855-ded9c0a1dff1&guiLanguage=de&q=F-4852%2F2021%20&sort-field=relevance&sort-direction=relevance>.

⁶⁸ <https://bvger.weblaw.ch/cache?id=2921b7b1-29e4-4c99-a259-cc279e5b8002&guiLanguage=de&q=F-2210%2F2024%20&sort-field=relevance&sort-direction=relevance>; see also FAC press release of 5 June 2024: www.bvger.ch/de/newsroom/medienmitteilungen/dublin-verfahren-schweiz-nicht-zustaendig-1256.

⁶⁹ <https://bvger.weblaw.ch/cache?id=792cb523-049e-4969-8cd3-d4ebaa2de3af&guiLanguage=de&q=E-2771%2F2023%20&sort-field=relevance&sort-direction=relevance>.





16. Other important developments in 2024

12 December 2024: Both chambers of the Swiss Parliament rejected for Switzerland to sign the UN Pact on Migration,⁷⁰ which is seen as incomprehensible by the Swiss Refugee Council.⁷¹

17 October 2024: The Swiss Refugee Council participated in the consultation on new rules for the introduction of border controls. It points out that internal border controls run counter to the idea of the Schengen area and should therefore only be carried out in justified exceptional cases and for a short period of time. Under no circumstances should access to the asylum procedure be restricted.⁷²

Part B: Publications

1. If available online, please provide links to relevant publications produced by your organisation in 2024:
 - ECRE: AIDA report on Switzerland, written by the Swiss Refugee Council, available in English at : <https://asylumineurope.org/reports/country/switzerland/>.
 - Swiss Refugee Council, Consultation procedure regarding border controls, 17 October 2024, Genehmigung und Umsetzung des Notenaustausches zwischen der Schweiz und der EU betreffend die Übernahme der Verordnung (EU) 2024/1717 zur Änderung der Verordnung (EU) 2016/399 über einen Unionskodex für das Überschreiten der Grenzen durch Personen (Weiterentwicklung des Schengen-Besitzstands) sowie weitere Änderungen des Ausländer- und Integrationsgesetzes (AIG)⁷³
 - Swiss Refugee Council, Consultation procedure regarding the EU Pact on Migration: 14 November 2024, Approbation et mise en œuvre des échanges de notes entre la Suisse et l'UE sur la reprise des règlements (UE) 2024/1351, (UE) 2024/1359, (UE) 2024/1349, (UE) 2024/1358 et (UE) 2024/1356 (pacte européen sur la migration et l'asile) (développements de l'acquis de Schengen et de l'acquis « Dublin/Eurodac »), www.osar.ch/fileadmin/user_upload/Publikationen/Vernehmlassungsantworten/241114_SFH_VNL_EU_Pakt_fr_final.pdf
 - Swiss Refugee Council, 31 January 2024, Géorgie : système de santé et accès aux soins

⁷⁰ www.parlament.ch/de/services/news/Seiten/2024/20241212105017416194158159026_bsd066.aspx.

⁷¹ www.fluechtlingshilfe.ch/publikationen/news-und-stories/migrationspakt.

⁷² www.fluechtlingshilfe.ch/fileadmin/user_upload/Publikationen/Vernehmlassungsantworten/241017_SFH_Vernehmlassungsantwort_SGK_und_AIG_de.pdf.

⁷³ www.fluechtlingshilfe.ch/fileadmin/user_upload/Publikationen/Vernehmlassungsantworten/241017_SFH_Vernehmlassungsantwort_SGK_und_AIG_de.pdf.





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- Swiss Refugee Council, 15 March 2024, Belarus: Gefährdung für regierungskritische Personen bei der Rückkehr,
www.fluechtlingshilfe.ch/fileadmin/user_upload/Publikationen/Herkunftslanderberichte/Europa/Weissrussland/240315_BEL_Gefaeohrdung_regierungskritischeRueckkehr_ende.pdf
 - Swiss Refugee Council, 21 March 2024, Sri Lanka : accès à des soins psychiatriques et de réhabilitation à Jaffna pour les victimes de la torture,
www.osar.ch/fileadmin/user_upload/Publikationen/Herkunftslanderberichte/Asien-Pazifik/Sri_Lanka/240321_LKA_soins_de_sante_mentale_Jaffna_rehabilitation_victime_torture.pdf
 - Swiss Refugee Council, 25 March 2024, Afghanistan: «Brückenbauer» der Volksaufstandskräfte «Khezesh-e Mardomi»,
www.osar.ch/fileadmin/user_upload/Publikationen/Herkunftslanderberichte/Mittlere_r_Osten_-_Zentralasien/Afghanistan/240325_AFG_Brueckenbauer_web.pdf
 - Swiss Refugee Council, 23 April 2024, Iran : déportations vers l’Afghanistan,
www.osar.ch/fileadmin/user_upload/Publikationen/Herkunftslanderberichte/Mittlere_r_Osten_-_Zentralasien/Iran/240423_IRN_Deportation_Visa_asylwiki_FR_01.pdf
 - Swiss Refugee Council, 30 April 2024, Kamerun: Einreisekontrollen an Flughäfen,
www.osar.ch/fileadmin/user_upload/Publikationen/Herkunftslanderberichte/Afrika/Kamerun/240430_KAM_Einreisekontrollen_VG.pdf
 - Swiss Refugee Council, 6 May 2024, Érythrée : risques au retour et accès à des soins de santé mentale pour une victime de la traite,
www.osar.ch/fileadmin/user_upload/Publikationen/Herkunftslanderberichte/Afrika/Eritrea/240506_ERI_retour_risques.pdf
 - Swiss Refugee Council, 16 May 2024, Chine: situation des personnes ouïghoures,
www.osar.ch/fileadmin/user_upload/Publikationen/Herkunftslanderberichte/Asien-Pazifik/China_inkl._tibetischer_Regionen/240516_CHN_Personnes_ouighoures_web.pdf
 - Swiss Refugee Council, 18 May 2024, Türkei: Überwachung der Diaspora, Demonstrationen und «Interpol-Notices»,
www.osar.ch/fileadmin/user_upload/Publikationen/Herkunftslanderberichte/Europa/Tuerkei/240518_TUR_Demos_Interpol_Haftbefehl.pdf
 - Swiss Refugee Council, 19 June 2024, Burundi : situation des personnes accusées de sorcellerie et protection de l’État,
www.osar.ch/fileadmin/user_upload/Publikationen/Herkunftslanderberichte/Afrika/Burundi/240619_BUR_sorcellerie.pdf
 - Swiss Refugee Council, 27 June 2024, Sri Lanka: Situation von Transgender-Menschen,





- www.osar.ch/fileadmin/user_upload/Publikationen/Herkunftslaenderberichte/Asien-Pazifik/Sri_Lanka/240627_LKA_Transgender.pdf
- Swiss Refugee Council, 28 June 2024, Cameroun : le culte/rituel des crânes, www.osar.ch/fileadmin/user_upload/Publikationen/Herkunftslaenderberichte/Afrika/Kamerun/240628_KAM__culte_des_cranes.pdf
 - Swiss Refugee Council, 28 June 2024, Mali: Sklaverei, www.osar.ch/fileadmin/user_upload/Publikationen/Herkunftslaenderberichte/Afrika/Mali/240628_MAL_Sklaverei.pdf
 - Swiss Refugee Council, 3 July 2024, Soudan du Sud: situation des personnes Nuer, www.osar.ch/fileadmin/user_upload/Publikationen/Herkunftslaenderberichte/Afrika/Soudan/240703_SSD_situation_des_personnes_Nuer.pdf
 - Swiss Refugee Council, 4 July 2024, Gambie : accès à des soins de santé mentale, www.osar.ch/fileadmin/user_upload/Publikationen/Herkunftslaenderberichte/Afrika/Gambie/240704_GAM__soins_psy.pdf
 - Swiss Refugee Council, 15 July 2024, Kuba: Einreisebeschränkungen für kubanische Staatsangehörige, www.osar.ch/fileadmin/user_upload/Publikationen/Herkunftslaenderberichte/Amerika/Kuba/240715_KUB_Regulada_Deutsch.pdf
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 - Swiss Refugee Council, 20 September 2024, Georgien: Situation für regierungskritische Menschen,





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