

Input by civil society to the 2021 EASO Asylum Report

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D e a r

C o l l e a g u e s ,

The production of the *EASO Asylum Report 2021* is currently underway. The annual [Asylum Report series](#) present a comprehensive overview of developments in the field of asylum at the regional and national l e v e l s .

The report includes information and perspectives from various stakeholders, including experts from EU+ countries, civil society organisations, UNHCR and researchers. 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, policy or practice in 2020 (and early 2021) by topic as presented in the online survey.

Please note that the EASO 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. Your input can cover practices of a specific EU+ country or the EU as a whole. You can complete all or only s o m e o f t h e s e c t i o n s .

All submissions are publicly accessible. For transparency, 2021 contributions will be published on the EASO webpage. Contributions to the 2020 EASO 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 EASO Asylum Report is subject to terms of reference and volume limitations. Contributions from civil society organisations feed into EASO's work in multiple ways and inform reports and analyses beyond the Asylum Report.

Your input matters to us and will be much appreciated!

Nina Gregori - *EASO Executive Director*

*Please complete the online survey and submit your contribution to the 2021 EASO Asylum Report by **Thursday, 25 February 2021**.*

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 2020 and new or remaining challenges; and
- Changes in policies or practices, transposition of legislation or institutional changes during 2020.

Please ensure that your responses remain within the scope of each section.

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)

Reports of the pushback and collective expulsion of people-on-the-move from Croatian territory has been extensively documented by Are You Syrious (AYS) since the closure of the so-called Balkan route in 2016. In order to systematize reports from 14 grassroots NGOs and collectives in the area, in 2017 we have co-founded the Border Violence Monitoring Network (BVMN).

In 2020, BVMN members alone have collected 124 pushback testimonies from Croatia, detailing the treatment of 1827 people. The total number of pushbacks from Croatia (including reports obtained by NGOs such as Danish Refugee Council, UNHCR and the statistics published by state authorities) is estimated at over 20.000 individual victims.

Victims testimonies from the BVMN database indicate the widespread and systematic use of torture and inhuman treatment by Croatian authorities, with up to 87% of all pushback being impacted by one or more forms of torture or ill-treatment.

In 2020, the BVMN documented the use of excessive and disproportionate force in up to 89% of all pushback cases from Croatia (1), (2), which is a 10% increase from 2019. Cases documented by BVMN included prolonged attacks by groups of police officers for up to six hours at a time, unmuzzled police dogs being released and encouraged to attack, food being rubbed into the open wounds of pushback victims and their heads being spray-painted with crosses.

The use of forced undressing (3), (4) impacted up to 45% of all pushbacks carried out by Croatian authorities. Testimonies collected by the BVMN attest that forced undressing is being used as a punitive and indiscriminate policing tactic. As within previous years, BVMN has documented cases involving the forced undressing of minors, the burning and destruction of clothes and Croatian police forcing people-on-the-move to cross borders in a complete state of undress.

In 2020, we have continued to see Electric Discharge Weapons being used as a punitive and coercive policing tactic (5), (6) against compliant persons in situations where there is no risk against police officers or

third persons. Testimonies collected by BVMN regularly attest to Croatian police using EDWs during lengthy attacks against people-on-the-move. BVMN further reiterates our concerns that victims of EDWs are routinely denied follow up medical care, without consideration of their age or health status, and thus placed at additional risk of harm.

Following several instances in 2019 of Croatian authorities shooting or discharging their firearms at people-on-the-move (7), (8), AYS is concerned about the continued use of firearms to threaten and intimidate people-on-the-move. In 2020, BVMN has identified that up to 31% of all pushbacks from Croatia involved the use of excessive force or threats with a firearm, often in the presence of small children and minors.

In 2020 inhuman treatment inside police vehicles (9), (10) has continued with up to 41% of all pushback testimonies from Croatia. The use of extreme driving, prolonged confinement and the manipulation of temperature within the police vehicle is now viewed as a common method of abuse used to purposefully punish and intimidate people-on-the-move. BVMN has further identified the purposeful use of overcrowding in police vehicles, with testimonies indicating that up to 30 people may be forced into the same vehicle for several hours.

Of increasing concern is the indiscriminate nature of the violence and abuse, with 39% of observed pushbacks involving minors, the youngest of whom was just 5 months old (11). We have also recorded cases of 13-year olds being forcibly undressed before the pushback from Croatia to Bosnia or Serbia.

In almost 30% of cases recorded by the BVMN, victims are pushed back in a chain manner from Italy or Austria, through Slovenia (12) and then from Croatia out of the EU territory. This process usually starts by formal returns based on bilateral readmission agreements between Slovenia and neighbouring countries. After being handed over to Croatian authorities, victims are put in police vans and pushed back from Croatian territory without any due procedure, far from official border crossings.

Prior to being pushed back, victims are often taken to police stations or held in informal detention sites without basic facilities, such as the garage near the police station in Korenica (13). Particularly concerning is the fact that some people have been returned from Croatia to the locations close to the minefields, mostly in the vicinity of Bihac and Velika Kladusa, in the territory of Bosnia-Herzegovina. This practice has been corroborated by Amnesty International (14).

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

58% of victims of pushbacks observed by the BVMN have expressed intention to ask for asylum in Croatia before being pushed back (15). Their appeals are mostly disregarded by the Croatian police officers, and sometimes they are told "there is no asylum in Croatia" or even that the "Croatian government is preventing new asylum claims" (16). The informal refusals to process the asylum claim are happening with no legal support available, and in most cases without a translator. In some cases, people are tricked into signing the papers they don't understand, thinking they're signing the asylum claim, and in the end they are pushed back with no papers given (17).

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)

As indicated within section (1) evidence collected by BVMN in 2020 suggests that procedures for third-country nationals upon entry in Croatia are routinely not followed. Collective expulsions are carried out in absolute lack of identification and documentation, deny access to the asylum system, and violate the procedural rights for interpretation and legal assistance. Due to the non-implementation of the legal procedures, there are no remedies available.

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)

RECEPTION CONDITIONS

Asylum seekers in Croatia are accommodated in two reception centres - one in Zagreb and another in Kutina. Rooms are shared and because of old infrastructure it's not allowed to have larger electrical devices (such as a fridge or portable electric stove), which are necessities for families with small children. Moreover, fruit in reception centre restaurant are available only for children and milk for kids up to three years old. Financial support for asylum seekers is still low, around 13 euros per month for single person. During COVID-19 pandemic, distribution of clothes in reception centres (provided by the Red Cross) was reduced. Are You Syrious through our Free shop distributed clothes, shoes and hygiene items to asylum seekers.

Since 17 October 2020 by decision of the Ministry of the Interior, non governmental organisations are prohibited from entering the facilities of the International Protection Seeker Shelters in Zagreb and Kutina. This ban restricts entry to all organisations except the Croatian Red Cross and Doctors of the World (Medecins du Monde). This led to a lack of educational support for asylum seeker children, as organisations did not have access to the Shelters, and due to the absence of available WiFi networks, activities could not be carried out online. All of the above led to difficult integration, since for part of the school year children attended exclusively online, without additional support from organizations and without the possibility of learning the language through contact with peers.

ACCESS TO LABOUR MARKET

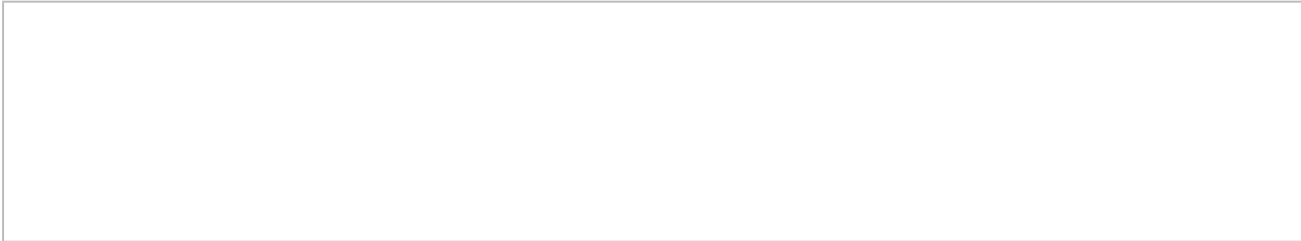
Asylum seekers can acquire the right to work after 9 months from the day of lodging an asylum application. Integration to the labour market is one of the crucial integration areas and the 9 month waiting period is too long. Moreover, if a person gets a negative decision on his or her asylum claim before 9 months, they can't work until they get international protection, which in some cases takes more than a year from starting the legal appeal.

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)

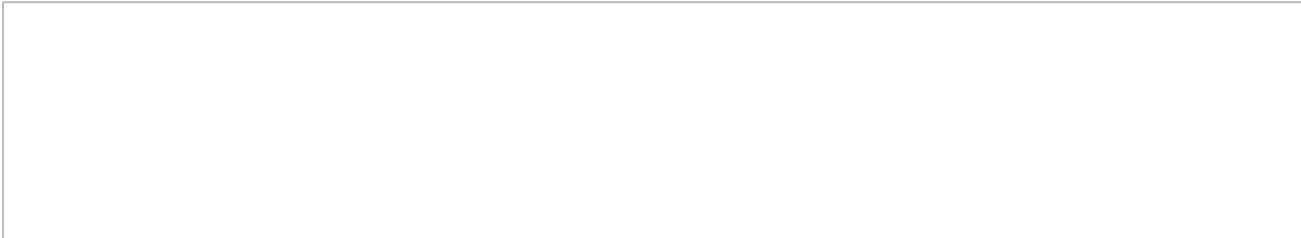
BVMN regularly records testimonies that depict how, before being pushed back, people-on-the-move are often detained by the Croatian police. BVMN asserts that detention occurs in both formal detention facilities such as police stations and the Trilj and Tovarnik detention centres but also in informal and inadequate facilities such as the notorious garage near Korenica police station. Data collected in 2020 indicates that up to 48% of cases resulted in detention, of which 66% of dentition cases were held with no access to food, water or toilets.

8. Procedures at first instance (including relevant changes in: the authority in charge, organisation of the process, interviews, evidence assessment, determination of international protection status, decisionmaking, timeframes, case management - including backlog management)

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



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



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)

Unaccompanied minors between 12 and 16 are accommodated in corrective facilities for children with behavioral issues, and unaccompanied minors over the age of 16 are often placed in the Asylum Seeker Shelter for adults. In facilities for children with behavioral issues, minors do not have access to education and individual support. The environment in which juvenile delinquents are placed is not suitable for children that experienced various traumas on their way to Croatia.

Also, in 2020 we have witnessed multiple cases of separation of families during crossing of the border, where parents were push-backed to Bosnia and Herzegovina, and children with other members of the group were allowed to ask for asylum in the Republic of Croatia. The main difficulty proved to be that in such cases was that family reunification is not possible and that the children were separated from their parents for months, until they were able to seek international protection.

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)

ACCESS TO HEALTH SYSTEM

Persons under international protection are entitled to health care to the same extent as Croatian citizens (18). However, if they are not employed, they fall under the special jurisdiction of the Ministry of Health instead of being insured through the Croatian Health Insurance Fund. Consequently, they don't have health cards or the health insurance registration numbers, and doctors can not enroll them in the Central Health Information System. Here we encounter two problems: (1) doctors see the absence of health cards as an absence of right to healthcare, and refuse to accept the patient or (2) they can not enroll patients, do not know how to issue referrals etc. Pharmacies are also not informed about the procedure for dispensing medicines to people under international protection and therefore often refuse them. Translators are not provided for patients who don't speak Croatian.

EDUCATIONAL SYSTEM

For students with insufficient knowledge of the Croatian language, the schools are obliged to organize preparatory classes (19), but the process is extremely long, so children often wait months before accessing classes. Some children are forced to go to another school for preparatory classes and therefore lose part of their regular classes at their own school. Furthermore, a maximum fund of 140 hours of preparatory classes is not sufficient for most pupils. Some schools are enrolling refugee children the same as any other students, but others are not officially enrolling them until they finish language preparatory classes. Main reason for the different practices is the non-existence of clear guidance and support from the Ministry of Science and education.

Textbooks suitable for non-native speakers are not available, so teachers are forced to improvise the materials themselves. During COVID-19 outbreak, school classes were organized partly on national TV and partly online. There was no support for international pupils, so refugee children couldn't follow the TV classes. In this period, preparatory classes were not organized, so refugee children lost one year of formal education.

HOUSING

People under international protection have the right for free housing for two years from the day the decision of asylum is delivered (20). If a person works and earns more than 329 euros (for single men) or 197 euros (per family member), they need to participate in costs of accommodation. This is discouraging people from finding jobs and integrating in the first two years.

The COVID-19 epidemic brought at least 80 refugee families on the verge of homelessness, as many of them have worked in services that were stopped during lockdown. On April 28th, together with 7 other associations, we applied for an extension of subsidized accommodation for people who lost their incomes. The Ministry of Demography, Youth and Social Policy sent a letter to the Office for Human Rights and Rights of National Minorities with a proposal to organize an urgent meeting and amend the Law on International and Temporary Protection. However, by the end of 2020 no progress had been made.

INTEGRATION INTO LABOUR MARKET

Because of poor language proficiency, persons under international protection are often forced to accept unskilled jobs. They are often registered by the employment service as persons without a high school diploma, since they often cannot obtain documentation for nostrification, which reduces their chances of entering the labour market through employment offices. Before December 2020, they were included in active employment policy measures, but the new set of measures excluded people under international protection.

LANGUAGE INTEGRATION

People under international protection have the right to attend a course in Croatian language, history and culture (21), organized by the state. The official language course, conducted by the Zagreb Open University, is not certified. The course that started in December 2019 has not continued for months, due to epidemiological measures. The language courses are organized exclusively for beginners, but most people have mastered the beginner level of Croatia independently and need to continue learning language at an advanced level, in order to be applicable for a permanent residence.

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

16. National jurisprudence on international protection in 2020 (please include a link to the relevant case law and/or submit cases to the [EASO Case Law Database](#))

17. Other important developments in 2020

Despite overwhelming evidence, Croatian State Attorney's Office continues to reject our criminal complaints played on behalf of migrants, and the Ministry of Interior continuously states that they did not find any misconduct or breaching of the law but not giving any argumentation or showing that an unbiased investigation was conducted. This is why we believe that Croatian institutions either do not have the capacity or will to objectively investigate human rights violations at Croatian borders.

Furthermore, since mid-2018, the Ministry of the Interior has been continuously denying access to data to the Ombudswoman (22), during her NPM (National Preventive Mechanism) visits, disabling thus her investigations, even though unannounced visits of detention institutions and free access to the data regarding the persons deprived of liberty are the key tools at the NPM disposal according to the national and international legal duty accepted by the Republic of Croatia.

Since 2018, employees and volunteers of our organisation have been subjected to numerous instances of police harassment, including unlawful detention and intimidation in police stations and unannounced police questioning of staff members and beneficiaries in our premises (23). In March 2018, the Minister of the Interior, Davor Božinović accused our organisations of encouraging illegal migration to Croatia. The statement was reported by numerous media, seriously damaging the reputation of the NGOs. Not long after its publication, AYS was subjected to judicial harassment, where the Ministry of Interior implicitly sought to ban the work of the NGO (24). On 17 April 2018, the evening before a press conference on police pressure and intimidation hosted by CPS and AYS, police officers arrived at the private address of the announced speakers. They summoned them to an interview with officers from the Croatian National Police Office for Suppression of Corruption and Organised Crime scheduled to take place at the same time as the announced press conference.

At the moment, there are two court procedures in Croatia directly targeting human rights defenders from the NGO Are You Serious.

The first case concerns a volunteer of AYS who approached a police control in March 2018 near the Croatian border to alert police to a family of 14, including 11 small children, who were in Croatian soil and wanted to ask for asylum. Observing access to asylum procedures in the field was a regular part of AYS' activities, upon the request of asylum seekers who were afraid of pushbacks if they would present themselves to police officers without the presence of human rights defenders (25). However, in April 2018, the Ministry of Interior pressed charges for "facilitating illegal migration" and recommended the highest prescribed penalty for the volunteer, including imprisonment, an EUR 43,000 fine, and the ban of AYS' work. In September 2019, the court found the volunteer guilty on the grounds of "unconscious/inadvertent negligence", but rejected the recommended penalties, issuing a smaller EUR 8,000 fine. AYS has challenged this decision and is awaiting the outcome of the appeal.

The second case concerns a volunteer of AYS, who is an asylum grantee in Croatia since 2018. In 2019, the volunteer was summoned to the police station for an interview allegedly concerning "the register of persons who have entered the Republic of Croatia". There he was questioned about his relationship with his partner Tajana Tadić (26), who works in AYS as a Programme Manager. He was also asked to continue meeting informally at a cafe, to help state authorities by providing them with information about other refugees. When he refused to become an informant, the police officer confiscated his residence permit despite the fact that such an action was illegal, and returned it only after Tajana Tadić's intervention. On 11 May 2020, the volunteers asylum status was revoked on allegations that he represented a "threat to national security" and was given 30 days to leave the country. Neither he nor his attorney has been given access to a part of his file which has been classified as "secret", after the Ministry of Interior objected to their requests. The volunteer has challenged this decision and is awaiting the outcome of the second-instance appeal.

The Croatian Government position paper on the New Pact on Asylum and Migration, shared with the European Affairs Committee of the Croatian Parliament in February 2021, proposed that "activities of NGOs need to be more clearly defined by prescribing clear rules of conduct" in order to avoid further criminalisation of human rights defenders, thus continuing its efforts in shrinking civil society space. Shrinking space for civil society, in addition to ineffective and often biased formal mechanisms, have left little room for independent monitoring of pushbacks and other forms of abuse.

References and sources

18. Please provide links to references and sources and/or upload the related material in PDF format

- (1) BVMN. (2020). Case example involving excess use of force 1:
<https://www.borderviolence.eu/violence-reports/may-27-2020-0500-near-road-42-in-karlovac-county/>
- (2) BVMN. (2020). Case example involving excess use of force 2:
<https://www.borderviolence.eu/violence-reports/may-27-2020-0200-blata-hr/>
- (3) BVMN. (2020). Case example involving forced undressing 1:
<https://www.borderviolence.eu/violence-reports/august-25-2020-0000-zupanja-croatia/>
- (4) BVMN. (2020). Case example involving forced undressing 2:
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- (5) BVMN. (2020). Case example involving EDW misuse 1:
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<https://www.borderviolence.eu/violence-reports/february-2-2020-1500-near-gornji-ostrc-croatia/>
- (7) BVMN. (2020). Case example involving misuse of firearms 1:
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- (8) BVMN. (2020). Case example involving misuse of firearms 2:
<https://www.borderviolence.eu/violence-reports/march-13-2020-0500-near-to-krizevci-croatia/>
- (9) BVMN. (2020). Case example involving mistreatment in police vehicles 1:
<https://www.borderviolence.eu/violence-reports/september-2-2020-0002-near-zagreb-croatia/>
- (10) BVMN. (2020). Case example involving mistreatment in police vehicles 2:
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- (11) BVMN. (2020). Case example of pushback of small children:
<https://www.borderviolence.eu/violence-reports/october-17-2020-0018-12-hours-walking-from-the-border/>
- (12) InfoKolpa. (2019). Report on Illegal Practice of Collective Expulsion on Slovene-Croatian Border.
<https://www.borderviolence.eu/wp-content/uploads/Report-on-illegal-practice-of-collective-expulsion-on-Slovene1.pdf>
- (13) H-Alter. (2020) Torture Garage for Migrants.
<https://www.h-alter.org/vijesti/torture-garage-for-migrants>
- (14) Amnesty International. (2019). Pushed to the Edge: Violence and Abuse Against Refugees and Migrants Along the Balkan Route.
<https://www.amnesty.org/download/Documents/EUR0599642019ENGLISH.PDF>
- (15) BVMN. (2020) Black Book of Pushbacks, Vol II.
<https://www.borderviolence.eu/launch-event-the-black-book-of-pushbacks/>
- (16) BVMN. (2020). Case example involving denial of asylum claim:
<https://www.borderviolence.eu/violence-reports/december-13-2020-0400-near-drenovac-osredacki-croatia/>
- (17) BVMN. (2020). Case example involving fake processing of asylum claim:
<https://www.borderviolence.eu/violence-reports/october-19-2020-0000-14-kilometers-into-croatia/>
- (18) Croatian Parliament. (2013). Act on mandatory health insurance and health care of aliens in the Republic of Croatia
<http://www.mvep.hr/files/file/dokumenti/prevodenje/zakoni/zakon-o-obveznom-zdravstvenom-osiguranju-i-zdravstvenoj-zastiti-stranaca-u-rh-nn-80-13-eng.pdf>
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- (20) Ministry of Social Policy and Youth of the Republic of Croatia. (2016). Ordinance on the methods and conditions for exercising the right to accommodation of asylum seekers, parties under subsidiary protection and aliens under temporary protection and the participation of asylum seekers, parties under subsidiary protection and foreign parties in accommodation costs (in Croatian)
https://narodne-novine.nn.hr/clanci/sluzbeni/2016_01_3_24.html
- (21) Ministry of Interior of the Republic of Croatia. (2018). Act on International and Temporary Protection (Article 64)

<https://www.refworld.org/pdfid/4e8044fd2.pdf>

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(23) Are You Syrious. (2018). When Governments Turn Against Volunteers - the Case of AYS.

<https://medium.com/are-you-syrious/ay-s-special-when-governments-turn-against-volunteers-the-case-of-ays-81fcfe0e80e7>

(24) Osservatorio Balcani e Caucaso Transeuropa. (2018). Croatia: Criminalisation of Solidarity.

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19. Feedback or suggestions about the process or format for submissions to the EASO Asylum Report

Please upload your file

The maximum file size is 1 MB

Contact details

* Name of organisation

Are You Syrious (AYS)

Name and title of contact person

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

Useful links

[EASO Asylum Report 2020 \(https://easo.europa.eu/asylum-report-2020\)](https://easo.europa.eu/asylum-report-2020)

[Executive Summary -EASO Asylum Report 2020 \(https://easo.europa.eu/sites/default/files/EASO-Asylum-Report-2020-Executive-Summary.pdf\)](https://easo.europa.eu/sites/default/files/EASO-Asylum-Report-2020-Executive-Summary.pdf)

[Bibliography for the EASO Asylum Report 2020 \(https://easo.europa.eu/sites/default/files/easo-asylum-report-2020-bibliography.pdf\)](https://easo.europa.eu/sites/default/files/easo-asylum-report-2020-bibliography.pdf)

[Summary of legislative, institutional and policy developments in asylum in EU+ countries in 2019 \(https://easo.europa.eu/sites/default/files/easo-asylum-report-eu-developments.pdf\)](https://easo.europa.eu/sites/default/files/easo-asylum-report-eu-developments.pdf)

[Online database with data and latest asylum trends \(https://easo.europa.eu/asylum-trends-easo-asylum-report-2020\)](https://easo.europa.eu/asylum-trends-easo-asylum-report-2020)

[Online database for EU+ developments \(https://easo.europa.eu/eu-developments\)](https://easo.europa.eu/eu-developments)

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