**Input by civil society to the**

**2021 EASO Asylum Report**

Dear Colleagues,

The production of the *EASO Asylum Report 2021* is currently underway. The annual [Asylum Report series](https://www.easo.europa.eu/asylum-report) present a comprehensive overview of developments in the field of asylum at the regional and national levels.

The report includes information and perspectives from various stakeholders, including experts from EU+ countries, civil society organisations, 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 some of the sections.

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](https://easo.europa.eu/asylum-report-2020), 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. Do not include information that goes beyond the thematic focus of each section or is not related to recent developments

# Contributions by topic

1. **Access to territory and access to asylum procedures (including first arrival to territory and registration, arrival at the border, application of the non-refoulement principle, the right to first response (shelter, food, medical treatment) and issues regarding border guards)**

Especially at the southern border of Switzerland (e.g. in Chiasso) there have been several reports of pushbacks to Italy. In those reported cases the asylum seekers were immediately expelled at the southern border of Switzerland, their cases never considered by the national migration authority (SEM) and they were returned directly by the border guards without involving or informing the SEM. In conclusion, the evidence clearly shows that Switzerland, over many years already, has been violating the refoulement prohibition through pushbacks at its southern border. This is a very concerning development. Therefore, we have included this information in the questionnaire of the Special Rapporteur on the human rights of migrants (OCHCR)[[1]](#footnote-1).

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

The Swiss asylum system underwent significant changes on March 1, 2019, when it was restructured. The main objective was to accelerate the procedures by centralized accommodation of asylum seekers and shortening all deadlines. In the spirit of the rule of law, state-funded legal representatives were introduced to ensure the legal representation of all asylum seekers. A report by civil society organizations from October 2020 concluded that the new procedure is, however, often to the detriment of the asylum seekers[[2]](#footnote-2):

* The procedure in the first instance is in many cases too fast. As a result, the grounds for asylum - especially concerning the medical situation - are often insufficiently clarified by the State Secretariat for Migration (SEM) (violation of the principle of investigation), which is reflected in the high rate of cases returned by the Federal Administrative Court to the SEM[[3]](#footnote-3).
* Asylum seekers are often left alone without legal protection in those situations when they would actually need legal support: In principle, legal representatives may resign from their mandate if an appeal to the Federal Administrative Court appears to have low chances of success (which is in the legal representative’s discretion) or once an appeal was rejected. The very short deadlines (7 or 5 working days) render it hardly impossible to find another lawyer. Moreover, asylum seekers are left without legal representation during the period in which they would need legal representation the most - i.e. the removal procedure. During this time, they might also get criminal orders for illegal entry and stay, they might be taken into detention or be forcibly removed. It is rather questionable to ask legal representatives to resign in such a situation.
* Although state resources would be available for a full legal representation, (too) often other organizations have to step in and take over the unjustly resigned mandates - concretely, more than 50% of the filed complaints are not carried out by the state legal protection. The incentives set by the government to the organizations providing legal representation are misleading: The organizations get a lump sum payment per case - regardless of whether they submit an appeal or not. This incentivizes the legal service providers to submit as few appeals as possible. A high proportion of appeals (59% of those conducted by not state-mandated legal aid organizations) were judged by the Federal Administrative Court itself to be "not futile" and consequently should have been conducted by the state legal protection. It is questionable whether a system like this really fulfills the initial purpose of the amended act, i.e. legal representation for all asylum seekers.
* Whether the state-mandated legal protection files an appeal varies strongly from one region to another. The prospect of an asylum seeker filing an appeal is, for example, about four times higher in French-speaking Switzerland than in eastern Switzerland[[4]](#footnote-4).

As a consequence, there are still many deficits in Swiss law and practice regarding access to legal assistance for asylum seekers.

In addition to the above mentioned issues, access to lawyers for people in administrative detention is highly restricted by the SEM. Even though the Federal Administrative Court clearly stated in several rulings that the free legal protection must be accessible to people in administrative and criminal detention who are asking for asylum as well, the SEM willingly disregards this case law and continues to deny them access to free legal protection.

Apart from the legal representation in the actual asylum procedure, access to justice is also very difficult in other areas relevant for asylum seekers, be it administrative detention, criminalization of immigration, entry bans, police violence in camps, domestic violence, racial profiling by police and other authorities or legal support during the removal procedure. In these areas, access to lawyers is even more difficult than during the asylum procedure, since there is no state-mandated organization in charge of providing legal support at all, in combination with the remote locations of the asylum camps.

1. **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)**

Difficulties in relation to simultaneous translation have been reported. This includes partially incorrect translations, difficulties of comprehension taking into account the cultural context and the corresponding references. In this respect, the systematic presence of a legal representative during the interview should, in principle, strengthen the right of asylum seekers to be able to express themselves in a language they know sufficiently.

It was noted that interpreters are often not impartial. In some cases they even have close links to the regime in the country of origin. In other cases, it was reported that they do not work professionally (imprecise, no literal translation but rather a summary, lack of linguistic competence). Problems were also noted with regard to the difference in accent or dialect between the interpreter and the applicant, especially in cases where the applicant's mother tongue was Tibetan, Kurdish from Syria or Dari[[5]](#footnote-5).

During the Covid-19 pandemic, translation was oftentimes done by phone. Obviously this made it even more difficult for asylum seekers to trust the interpreter, which renders it also more challenging to speak about personal or critical topics.

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

The situation regarding Dublin procedures in Switzerland remains concerning for various reasons:

* Individual threats in the country of return are systematically disregarded. The SEM and the Federal Administrative Court refer to the international obligations of the receiving countries, without considering the case at hand with the diligence required.
* Returns to countries with reportedly deplorable living conditions for asylum seekers (e.g. Italy, France, Croatia, Bulgaria, etc.) are ordered on a regular basis, even for vulnerable people.
* Many cantons - which are responsible for the execution of the return - disregard the principle that voluntary transfers should have priority over forced ones, and they immediately organize forced transfers, without providing the possibility for voluntary transfer. In combination with this, the date of the transfer is oftentimes not disclosed to the asylum seekers, so that the pick up by the police comes as a surprise to them - which is, obviously, highly detrimental to their mental health and disables us as legal representatives to prepare for the arrival in the receiving country with our partner organizations in due course.
* Various cantonal authorities order administrative detention for any Dublin returnee, even though no grounds for detention are given. Since there is no mandatory judicial review of the detention, a large part of these cases remain undetected.
* There is a rising concern about returns of asylum seekers that are victims of human trafficking in the context of the new asylum procedure. The rushed Dublin returns do not guarantee the special handling that is requested for these persons[[6]](#footnote-6).
* The Swiss authorities extend the deadline for returns from 6 to 18 month in cases where it is not foreseen by the Dublin-III-Regulation. In particular, since there are strict rules of presence in the Federal Asylum Centers, they judge any absence of one or a few days from the Federal Asylum Center as absconding and use it as a basis for the extension of the deadline for return in an erroneous way. During the Covid-19 pandemic, this practice of extension was, in our experience, used even more frequently in order to prevent that Switzerland becomes responsible for cases where a return was not possible within 6 months due to Covid-19 related measures.
1. **Special procedures (including border procedures, procedures in transit zones, accelerated procedures, admissibility procedures, prioritised procedures or any special procedure for selected caseloads)**

Regarding the problematic situation at the border and especially pushbacks at the Swiss-Italian border, see comments regarding question No. 1.

As mentioned before (question No. 2), the extremely short deadlines for appeals are very problematic (5 or 7 working days).

1. **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)**

The conditions in the reception centers are due to various reasons alarming:

 *Police and sexual violence and failure to get adequate help*

* Numerous articles report on the frequently used police violence within asylum camps[[7]](#footnote-7), while the SEM does not consider there to be a problem of violence[[8]](#footnote-8).
* Other newspaper articles highlight the particular issue of sexual violence by staff or other inhabitants against women[[9]](#footnote-9). Here, too, the authorities concerned see no need for action (further information under question No.11). Thus, police violence in the camps and sexual violence against girls and women is systematically ignored by the migration authorities.

*Lack of mental health care*

* Asylum seekers are often unable to receive adequate medical treatment due to the limited access to medical care, especially for mental health problems[[10]](#footnote-10). This would, however, be all the more important for traumatised persons, as asylum seekers often are.

*Particularly strict Covid-19 measures in asylum camps*

While asylum seekers already before faced various restrictions in reception centres and other asylum centers[[11]](#footnote-11), the situation in shelters has been particularly worrying since the Covid-19 crisis:

* In various asylum centers situations occurred, where quarantine measures were ordered which went beyond the ones for non-asylum seeking people and which restricted the freedom of movement in an overly strict way.[[12]](#footnote-12) It is unheard of that barbed-wire was installed for the quarantine of non-asylum seeking people, or that compliance with the quarantine measures is monitored 24/7 by police officers - as it was the case in various shelters for asylum seekers.
* Hygienic measures in various asylum centers were far away from sufficient and put the inhabitants at additional risks, e.g. in an emergency shelter[[13]](#footnote-13) and an asylum center [[14]](#footnote-14) in Zurich. If volunteers tried to step in and, e.g., provide hand sanitizer and soap, they were sent away by the organizations running the camp and criticised in public[[15]](#footnote-15).

*Concerning Federal Administrative Court ruling*

* Particularly concerning is that the Federal Administrative Court ruled in its decision of April 20, 2020, that an asylum shelter with curfew, additional visiting restrictions, meal and curfew hours, as well as the division of household chores and shared sleeping quarters, and finally even the monitoring of the rooms by security personnel, does not constitute deprivation of liberty[[16]](#footnote-16). And this despite all these extreme restrictions on the freedom of movement of asylum seekers. This ruling is another indication that asylum seekers are dealt with quite differently from the majority of the population.
1. **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)**

During the Covid-19 pandemic, returns to many countries were not possible in the foreseeable future. Therefore, according to the law, administrative detention is unlawful. This is what the Swiss Supreme Court confirmed in various cases brought by AsyLex[[17]](#footnote-17) where it ordered the immediate release of the persons concerned. It is rather worrying that the cantonal authorities in charge did not release the persons concerned despite the obvious unlawfulness of the detention - especially for people detained who have no access to legal representation (which are many).

Those individuals who are nevertheless placed in administrative detention are ordered to undergo an initial quarantine of 10 to 14 days upon arrival at the detention center. This is highly problematic, however, as it is, in effect, solitary confinement - which is not allowed by law for administrative detention. Detainees who test positive for Covid-19 are also placed in solitary confinement[[18]](#footnote-18).

For a general overview on the situation of detainees in administrative custody, we refer to our commentary on the OHCHR Draft comment No. 5 (2020) on migrants’ rights to liberty and freedom from arbitrary detention[[19]](#footnote-19). Within this submission we describe the various restrictions which people in administrative custody face and show that despite the fact that the legal framework states that detention should always be used as a last resort and that if restrictive measures have to be imposed, alternatives to detention should be used first, in practice detention has become the frequently used and even normal instrument to ensure removal.

Finally, people in administrative detention often do not have access to legal counsel, which puts them at high risk of arbitrary decisions, making violations of their right to liberty inevitable. Therefore, a stand-by service should be established so that anyone who is subjected to custodial detention is granted access to justice and legal assistance.[[20]](#footnote-20)

1. **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)**

After the new asylum procedure came into force in March 2019 and completed an initial operational phase, legal aid NGOs made the following observations[[21]](#footnote-21):

* The low quality of the SEM's first-instance decisions is reflected in the high rate of appeals in which the Federal Administrative Court ruled in favour of the applicant and sent the case back to the SEM for a new decision. The success rate for appeals under the new asylum law before the Federal Administrative Court in the period from March 1, 2019, to February 28, 2020, was 15 percent, compared to 6.5 percent for cases handled under the old procedure. In the vast majority of cases in which judgments were overturned, the reason given was that the SEM had not sufficiently established the facts of the case, predominantly in relation to the grounds for asylum. The second most common reason was that the SEM had not sufficiently investigated the asylum seekers' medical problems.
* The SEM only allows the use of the extended procedure to a very limited extent (18% instead of the originally envisaged 40% of cases), which was a main reason for the many appeals before the Federal Administrative Court[[22]](#footnote-22).
1. **Procedures at second instance (including organisation of the process, hearings, written procedures, timeframes, case management - including backlog management)**

After the new asylum procedure came into force in March 2019 and completed an initial operational phase, legal aid NGOs made the following observations[[23]](#footnote-23):

* In many cases, the legal representatives provided do not appeal against the asylum decision, but resign unjustifiably their mandate at this very critical time, when the asylum seeker would be in urgent need of help.
* The time limit for filing an appeal is extremely tight at 5-7 working days. This is especially true in cases where assigned legal representatives refuse to file an appeal and asylum. The legal representatives normally inform the client about their resignation only after the asylum decision, meaning that only a few days are left for the asylum seeker to find another lawyer and file the appeal[[24]](#footnote-24).
* Thankfully, certain deadlines for appeals were extended during the Covid-19 pandemic. In particular, the deadline for appeals against material asylum decisions in the accelerated procedure was extended from 7 working days to 30 days. We suggest to turn this exceptional rule made during the pandemic into law in order to improve access to justice, particularly for those asylum seekers whose legal representative resigned from their mandate.
* Through the lump sum payments per case, the organisations providing legal representation to asylum seekers during their asylum procedure receive the same payment regardless of whether they file an appeal or not. Consequently, the defined incentives have the effect of ensuring that as few appeals as possible are filed.
* The procedures before the Federal Administrative Court under the amended asylum act are extremely quick. This is itself generally to be welcomed - however, the quality of the court’s rulings is, in our view, reduced due to the high time pressure. Since there is no second instance to appeal in asylum cases (which in itself is highly worrying), there is no mechanism of control for the quality of the Federal Administrative Court’s decisions.

Also under the revised asylum law, no oral hearings take place before the second instance. In our view, this is problematic in many cases, since the written files do not provide the same comprehensive impression of a person, and notably their credibility, as a personal hearing.

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

Documentation provided by EASO is a valuable source for our work. However, for some regions information is not always up to date, while sometimes political background affects reliability of data.

One specific issue regarding Dublin member states that we are concerned about is that the percentage of recognition of asylum seekers of a certain nationality still varies highly depending on which Dublin country a person seeks asylum in. Furthermore, establishing corporations with stakeholders in other Dublin member states has proven difficult. A closer collaboration, especially regarding Dublin returns, would be desirable.

1. **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**

The identification of vulnerable applicants remains a challenge in the Swiss asylum system. Women and girls who have experienced sexual violence in the past are often highly traumatized and therefore unable to talk about these horrific events. Combined with shortened asylum procedures, migration authorities thus often miss out on their specific need for protection. However, no mechanisms have been implemented to address this issue[[25]](#footnote-25). In addition, the Federal asylum camps do not provide over suitable structures for victims of domestic violence. Furthermore, there are alarming reports about (sexual) violence in federal asylum camps and access to mental health services remains difficult. These issues, however, are not taken seriously by the responsible migration authorities[[26]](#footnote-26).

1. **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)**

There has been no significant improvement since the previous report (2019) (See also Answer to Question No. 6). A recent newspaper report showed that the company in charge of integration measures in various regions of Switzerland, ORS, actually totally lacks any (financial) incentives to promote the integration - instead they benefit from people who do not manage to integrate well[[27]](#footnote-27). This is rather worrying, given their actual mandate by the local governments to support the integration.

1. **Return of former applicants for international protection**

We are highly concerned about ongoing returns to countries such as Ethiopia, which is on the brink of civil war. In January 2021, the United Nations Committees CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women) and CAT (Committee Against Torture) issued - upon our request - interim measures to immediately stop the deportation of two clients supposed to be returned to Ethiopia. Despite this clear verdict of international bodies, the Swiss authorities proceeded with the deportation of the other Ethiopian deportees which is highly worrying in the current situation.

We are further particularly concerned about the execution of returns of asylum seekers to countries such as Afghanistan, Sri Lanka or Turkey, where they are at a high risk of persecution and violence.

Generally, we denounce the way in which deportations are executed, in particular the use of force in combination with the fact that the legal representatives are not informed about the date of the foreseen deportation (also in cases of Dublin transfers). Regularly, rejected asylum seekers are picked up by surprise in the middle of the night by policemen - obviously such an approach is not only traumatizing for the deportee concerned, but also for everyone else who lives in the same accomodation (including children and highly vulnerable applicants).

Furthermore, the current practice of Switzerland regarding asylum seekers from Eritrea, Iran and Tibet is alarming, too: Swiss courts and authorities, in many instances, order the return of asylum seekers - potentially anticipating that a return will not be possible for various reasons. Accordingly, the people concerned will, in the end, stay in Switzerland for many years without having a permit - and therefore without the right to work and without any other integration possibilities at all.

1. **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)**

In November 2018 and May 2019, the Swiss Federal Council decided to continue the Swiss participation under the UNHCR’s resettlement programme. The Government decided to adopt a resettlement programme every two years within the range of 1,500 to 2,000 refugees. On 29 May 2019, the Federal Council approved the admission of up to 1,600 particularly vulnerable refugees for 2020/2021, primarily from crisis contexts in the Middle East and along the migratory route across the central Mediterranean[[28]](#footnote-28). Considering the country's capacities, AsyLex finds that the number of refugees that Switzerland accepts through resettlement every year is quite low. The resettlement procedure remains complex. The asylum seekers often have to pass two interviews: first the one conducted by UNHCR and secondly the one by the Swiss committee. Given that Switzerland only sends their committee to the specific country twice a year, asylum seekers experience long waiting periods.

Switzerland only accepts a few applications every year for a humanitarian visa. The requirements set for approval - especially if the person already fled their country and currently resides in a third country - are prohibitively high. A humanitarian visa must be requested in person at a Swiss embassy/consulate. This leads to the fact that especially those people who are particularly endangered to life and limb and who are therefore not able to undertake the sometimes long journey to the next embassy, are denied the possibility of a humanitarian visa - even more so in countries where no Swiss representation exists (e.g. Syria, Afghanistan). The Swiss authorities continue to only accept a deviation from this rule of “personal appearance” in absolutely exceptional cases. In view of the Covid-19 crisis and the resulting restrictions on travel, as well as the fact that Switzerland is not represented by an embassy/consulate in every country, written visa requests and/or video interviews should be an obvious alternative.

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

A very small number of unaccompanied minor asylum seekers (23) with familial ties to Switzerland was accepted by Switzerland from Greece during the first wave of the Corona crisis[[29]](#footnote-29). It is important to note that this was, however, not an act of humanitarian kindness but actually an obligation in application of the Dublin regulation (art. 8 Dublin-III-Regulation). Therefore, this cannot be considered as actual relocation, even though it has been presented like this by the Swiss government.

Civil society organizations called for actual relocation programs[[30]](#footnote-30), in particular to support Greece; however, Swiss politics in the end did not follow this call and did not go beyond the duties which Switzerland has anyways under the Dublin-III-Regulation.

1. **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**](https://caselaw.easo.europa.eu/Pages/default.aspx)**)**

As mentioned in question No. 7, during the Covid 19 crisis, several cantonal authorities (including the highest courts of those cantons) refused to free asylum seekers from administrative detention even though a return to the country in question was not possible in the foreseeable future. The Federal Supreme Court corrected such practices in various decisions, in particular in the leading decision regarding unlawful administrative detention:

* Decision of the Federal Court 2C\_386/2020, June 9, 2020

Furthermore, in a landmark decision, the Federal Administrative Court overturned the SEM's decision to revoke the provisional admission of an Eritrean without examining whether this order and its consequences for the person concerned were proportional:

* Decision of the Federal Administrative Court E-3822/2919, October, 28, 2020[[31]](#footnote-31).

With regard to the asylum procedure, the Federal Administrative Court has also ruled that complex asylum applications must be examined under the extended procedure[[32]](#footnote-32):

* Decision of the Federal Administrative Court E-6713/2019, June, 9, 2020

In another landmark ruling, the Federal Administrative Court defined another "special circumstance" that precludes the granting of family asylum:

* Decision of the Federal Administrative Court E-1813/2019, July, 1, 2020[[33]](#footnote-33).

Furthermore, as mentioned within question No. 6, the Federal Administrative Court decided that the placement in a special Asylum center is not a deprivation of liberty although the freedom of movement is severely restricted, a curfew is set and, in addition, visiting restrictions are in place, meal and curfew times are clearly defined, and the allocation of household chores and the communal dormitory are clearly determined and finally even rooms are monitored by security personnel[[34]](#footnote-34):

* Decision of the Federal Administrative Court F-1389/2019, April, 20, 2020.

Moreover, with regard to the return of an asylum seeker in need of protection to Italy, the Federal Administrative Court has ruled that the SEM did not sufficiently address the health condition of the complainant or did not sufficiently clarify the medical facts despite clear indications from the files that the complainant had a health impairment and was in need of protection. Based on this leading decision, the SEM must obtain individual assurances regarding the guarantee of the necessary medical care and accommodation for seriously ill asylum seekers who are in need of complete medical care immediately upon arrival in Italy.[[35]](#footnote-35).

* Decision of the Federal Administrative Court, F-1968/2020, August 4, 2020[[36]](#footnote-36)

Finally, the Federal Administrative Court has examined the situation of asylum seekers in Bulgaria in the context of Dublin transfers. It concludes that there are no systemic deficiencies in the asylum procedure and reception conditions in Bulgaria that would justify a complete suspension of transfers to that country. It is to be determined on the basis of a case-by-case assessment whether a transfer of the asylum seeker concerned to this country should be waived or not[[37]](#footnote-37)

* Decision of the Federal Administrative Court, F-7195/2018, February, 11, 2020
1. **Other important developments in 2020**

References and sources

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

*Please find the sources directly mentioned within the footnotes.*

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

# Contact details

**Name of Organisation: AsyLex**

**Name and title of contact person: Kalliopi Karakaidou, Legal Advisor / Caroline Reichelt, Head of International Cooperation**

**Email: international@asylex.ch**

**☒ I accept the provisions of the EASO** [**Legal and Privacy Statements**](https://www.easo.europa.eu/legal)

1. See <https://www.asylex.ch/docs/document_1_en.pdf>. [↑](#footnote-ref-1)
2. See https://bündnis-rechtsarbeit-asyl.ch/wp-content/uploads/2020/09/DOSSIER\_Rechtsarbeit\_DE.pdf. [↑](#footnote-ref-2)
3. Success rate of appeals 24% in the accelerated procedure; see also [https://www.nzz.ch/schweiz/neues-asylrecht-bundesverwaltungsgericht-weist-mehr-faelle-an-das-sem-zurueck-ld.154801](https://www.nzz.ch/schweiz/neues-asylrecht-bundesverwaltungsgericht-weist-mehr-faelle-an-das-sem-zurueck-ld.1548012) [↑](#footnote-ref-3)
4. See <https://xn--bndnis-rechtsarbeit-asyl-vsc.ch/wp-content/uploads/2020/09/DOSSIER_Rechtsarbeit_DE.pdf> and the website www.bündnis-rechtsarbeit-asyl.ch. [↑](#footnote-ref-4)
5. AIDA: Switzerland: Country Report, update 2019, April 2020, <https://asylumineurope.org/wp-content/uploads/2020/04/report-download_aida_ch_2019update.pdf> [↑](#footnote-ref-5)
6. See <https://www.tagesanzeiger.ch/sie-haben-die-hoelle-ueberlebt-jetzt-sollen-sie-zurueck-842004011000>. [↑](#footnote-ref-6)
7. See, e.g., <https://www.srf.ch/news/schweiz/gewalt-problem-pruegel-klima-in-basler-asylzentrum>. [↑](#footnote-ref-7)
8. See, e.g., <https://www.srf.ch/news/schweiz/gewalt-problem-pruegel-klima-in-basler-asylzentrum>. [↑](#footnote-ref-8)
9. See, e.g., <https://www.tagesanzeiger.ch/schweiz/standard/bericht-deckt-sexuelle-uebergriffe-in-asylzentren-auf/story/11923206> and <https://www.tagblatt.ch/ostschweiz/asylwesen-die-thurgauer-regierung-kritisiert-studie-ueber-sexuelle-gewalt-an-frauen-und-kindern-im-asylbereich-ld.2090490>. [↑](#footnote-ref-9)
10. See <https://www.admin.ch/gov/fr/accueil/documentation/communiques.msg-id-82013.html>;

<https://www.osar.ch/fileadmin/user_upload/Publikationen/Positionspapiere/210120_Unterbringung_Standards_SFH_def_fr.pdf>. [↑](#footnote-ref-10)
11. Restrictions such as restricted hours in which they may leave the center or receive visitors, being searched by the security guards upon arrival, limited opportunities for activities such as sports, etc. [↑](#footnote-ref-11)
12. See, e.g. <https://telebasel.ch/2021/02/17/darum-mussten-asylsuchende-in-bottmingen-so-lange-in-quarantaene/?channel=105100>, <https://www.blick.ch/news/schweiz/basel/basketballspiel-schulen-asylzentrum-das-sind-die-corona-hotspots-im-baselbiet-id16146089.html>, <https://www.srf.ch/news/schweiz/corona-quarantaene-zaun-um-asylunterkunft-zu-viel-oder-noetig>, <https://www.nau.ch/ort/solothurn/asylzentrum-selzach-so-steht-unter-quarantane-vier-positive-falle-65689774>. [↑](#footnote-ref-12)
13. See <https://www.20min.ch/story/corona-ausbruch-im-durchgangszentrum-urdorf-5837531198120>. [↑](#footnote-ref-13)
14. See <https://www.toponline.ch/news/zuerich/detail/news/wegen-corona-oberengstringen-liess-asylsuchende-ueberwachen-00140307/>. [↑](#footnote-ref-14)
15. See <https://www.20min.ch/story/helfer-kritisiert-weil-sie-desinfektionsgel-abgaben-706815762185>. [↑](#footnote-ref-15)
16. See <https://www.bvger.ch/bvger/de/home/medien/medienmitteilungen-2020/keinfreiheit.html>. [↑](#footnote-ref-16)
17. See, e.g., <https://www.bger.ch/ext/eurospider/live/de/php/aza/http/index.php?highlight_docid=aza%3A%2F%2F09-06-2020-2C_386-2020&lang=de&type=show_document&zoom=YES&>; <https://www.bger.ch/ext/eurospider/live/de/php/aza/http/index.php?highlight_docid=aza%3A%2F%2F12-06-2020-2C_414-2020&lang=de&type=show_document&zoom=YES&>; <https://www.servat.unibe.ch/dfr/bger/2020/200707_2C_510-2020.html>; <https://www.bger.ch/ext/eurospider/live/de/php/aza/http/index.php?highlight_docid=aza%3A%2F%2F10-07-2020-2C_518-2020&lang=de&type=show_document&zoom=YES&>. [↑](#footnote-ref-17)
18. See <https://www.globaldetentionproject.org/countries/europe/switzerland>. [↑](#footnote-ref-18)
19. See [OHCHR: Draft General comment No. 5 (2020) on migrants ...www.ohchr.org › CFI-GC5-2020 › NGOs › gc5-asylex](https://www.ohchr.org/Documents/HRBodies/CMW/CFI-GC5-2020/NGOs/gc5-asylex.docx). [↑](#footnote-ref-19)
20. See [OHCHR: Draft General comment No. 5 (2020) on migrants ...www.ohchr.org › CFI-GC5-2020 › NGOs › gc5-asylex](https://www.ohchr.org/Documents/HRBodies/CMW/CFI-GC5-2020/NGOs/gc5-asylex.docx). [↑](#footnote-ref-20)
21. See https://bündnis-rechtsarbeit-asyl.ch/wp-content/uploads/2020/09/DOSSIER\_Rechtsarbeit\_FR.pdf. [↑](#footnote-ref-21)
22. See [BVGer E-6713/2019 - Bundesverwaltungsgerichtwww.bvger.ch › bvger › 2020/06 › E-6713\_2019\_WEB](https://www.bvger.ch/dam/bvger/de/dokumente/2020/06/E-6713_2019_WEB.pdf.download.pdf/E-6713_2019_WEB.pdf) [↑](#footnote-ref-22)
23. See https://bündnis-rechtsarbeit-asyl.ch/wp-content/uploads/2020/09/DOSSIER\_Rechtsarbeit\_FR.pdf. [↑](#footnote-ref-23)
24. See <https://www.osar.ch/fileadmin/user_upload/Publikationen/Positionspapiere/SFH-Positionspapier_Kriterien_erweitertes_Verfahren_fr.pdf>. [↑](#footnote-ref-24)
25. See <https://www.unhcr.org/dach/wp-content/uploads/sites/27/2020/08/Besondere-Beduerfnisse-im-Asylverfahren.pdf>, p.32. [↑](#footnote-ref-25)
26. See, e.g., <https://www.tagblatt.ch/ostschweiz/asylwesen-die-thurgauer-regierung-kritisiert-studie-ueber-sexuelle-gewalt-an-frauen-und-kindern-im-asylbereich-ld.2090490>. [↑](#footnote-ref-26)
27. See [https://www.watson.ch/!803015155?fbclid=IwAR2F1B6bvnY4bM9u4ayuNNPRDIIxHZCOQ5cpL58x-OsIXy9qWdqOrMIJUCo](https://www.watson.ch/%21803015155?fbclid=IwAR2F1B6bvnY4bM9u4ayuNNPRDIIxHZCOQ5cpL58x-OsIXy9qWdqOrMIJUCo). [↑](#footnote-ref-27)
28. See <https://www.sem.admin.ch/sem/en/home/asyl/resettlement.html>. [↑](#footnote-ref-28)
29. See <https://www.sem.admin.ch/sem/de/home/aktuell/news/2020/2020-05-16.html>. [↑](#footnote-ref-29)
30. See <https://evakuieren-jetzt.ch/>. [↑](#footnote-ref-30)
31. See <https://www.bvger.ch/bvger/de/home/medien/medienmitteilungen-2020/asylurteilzuraufhebungdervorlaufigenaufnahme.html>. [↑](#footnote-ref-31)
32. See <https://www.bvger.ch/bvger/de/home/medien/medienmitteilungen-2020/triagebeibeschleunigtenasylverfahren.html>. [↑](#footnote-ref-32)
33. See https[://www.bvger.ch/bvger/de/home/medien/medienmitteilungen-2020/faireverfahrenbetreffendfamilienasyl.html](https://www.bvger.ch/bvger/de/home/medien/medienmitteilungen-2020/faireverfahrenbetreffendfamilienasyl.html). [↑](#footnote-ref-33)
34. See <https://www.bvger.ch/bvger/de/home/medien/medienmitteilungen-2020/keinfreiheit.html>. [↑](#footnote-ref-34)
35. See <https://www.bvger.ch/bvger/de/home/medien/medienmitteilungen-2020/strengere_kriterien_.html>. [↑](#footnote-ref-35)
36. See <https://jurispub.admin.ch/publiws/download;jsessionid=E035B09AFD09F53F07E5F7890EE52393?decisionId=706c48d5-5f18-4ae1-9166-1c980ae5b070>. [↑](#footnote-ref-36)
37. See <https://www.bvger.ch/bvger/de/home/medien/medienmitteilungen-2020/dublin-ueberstellungennach_bulgarien.html>. [↑](#footnote-ref-37)