



## Input by civil society to the EASO Annual Report 2017

EASO has started the production of the 2017 Annual Report on the Situation of Asylum in the European Union, in line with Article 12 (1) of the EASO Regulation. The report aims to provide a comprehensive overview of important asylum-related developments at EU+ and national level, and the functioning of all key aspects of the Common European Asylum System (CEAS). While the final product comes out of an analytical and synthetic process that takes place in-house, a critical part of information is elicited through valuable contributions by a multiplicity of stakeholders from EU+ countries, civil society organizations, UNHCR, and other actors possessing in-depth knowledge on main developments in asylum policies and practices in EU+ countries. Previous reports are [available for review at EASO's website](#).

We would like to kindly invite you to take part in this process, by sharing your observations **on developments in asylum law, policy or practice in 2017 (and early 2018) in the areas listed on page 2**. The topics listed there reflect the structure of Chapter 4 of the EASO report, which focuses on the 'Functioning of the CEAS'. To this end, your observations may concern national practices of specific EU+ countries or the EU as a whole. Overall, the EASO Annual Report is not meant to describe the national asylum systems in detail, but present key developments in 2017, including **improvements and new/remaining concerns**. In terms of format, your contributions would be preferably offered in the form of bullet points, which would facilitate further processing of your input.

Please, bear in mind that the EASO Annual Report is a public document. Accordingly, it would be desirable that your contributions, whenever possible, be supported by references to relevant sources. Providing links to materials such as analytical studies, articles, reports, websites, press releases, position papers/statements, and press releases, would allow for maintaining transparency. For your reference, you may review the [contributions offered by civil society actors for the 2016 Annual Report](#). If you do not consent on EASO making your submission available, please inform us accordingly.

In our effort to provide an inclusive overview of all relevant developments, we strive to incorporate as many contributions as possible. At the same time, the final content of the EASO Annual Report is subject to its set terms of reference and volume limitations. To this end, your submissions, which are gratefully received and acknowledged, may be edited for length and clarity so that the final product concisely serves the objectives of the Annual Report: to improve the quality, consistency, and effectiveness of CEAS. From our side, we can assure you that the valuable insights you offer feed into EASO's work in multiple ways and inform reports and analyses beyond the production of the Annual Report.

Please, kindly provide your input by filling in this document (with attachments, if needed) and returning it to [ids@easo.europa.eu](mailto:ids@easo.europa.eu) **AND** [consultative-forum@easo.europa.eu](mailto:consultative-forum@easo.europa.eu) **by 16 February 2018**.

Within each area, please highlight the following **type of information**:

- NEW positive developments; improvements and NEW or remaining matters of concern;
- Changes in policies or practices; transposition of legislation; institutional changes; relevant national jurisprudence.

*You are kindly requested to make sure that your input falls within each section's scope. Please, refrain from including information that goes beyond the thematic focus of each section or is not related to recent developments. Feel free to use Section 16 to share information on developments you consider important that may have not been covered in previous sections.*

Name of the contributing stakeholder: Sabine Jansen, COC Netherlands, Dutch national non-governmental organisation for lesbian, gay, bisexual, transgender and intersex people  
[Contact details]

#### 1) Access to territory and access to asylum procedure

#### 2) Access to information and legal assistance

The Dutch government plans to reduce legal assistance to asylum seekers to the second part of the procedure. Having to start the procedure without legal aid means a deterioration in the quality of the procedure, for asylum seekers in general and for LGBTIs in particular.

#### 3) Providing interpretation services

#### 4) Dublin procedure

#### 5) Specific procedures (border, accelerated, admissibility)

The Netherlands introduced the concept of safe countries of origin which leads to accelerated procedures. For several countries an exception is made for LGBTI asylum seekers: it is acknowledged that Algeria, Jamaica, Morocco, Senegal, Togo, Trinidad & Tobago and Tunisia are not safe countries for LGBTI people. Regarding Ghana and Brazil there is an 'increased attention' for LGBTI people originating from these countries. However, in case LGBTI asylum seekers cannot talk about their sexual orientation or gender identity immediately upon arrival, they risk expulsion before they have the opportunity to do so. In these cases the exception that was made for them, has no effect.

#### 6) Reception of applicants for international protection

#### 7) Detention of applicants for international protection

#### 8) Procedures at First instance

#### 9) Procedures at Second Instance

#### 10) Availability and use of Country of Origin Information

#### 11) Vulnerable applicants

Since a few years the main reason LGBTI asylum seekers are being rejected in the Netherlands is the consideration that their stated sexual orientation is not credible. The method to assess the sexual orientation is described in the policy rules (Werkinstructie WI 2015/9) which followed the CJEU judgement of 2 December 2014, A, B, C v. Staatssecretaris van Veiligheid en Justitie, C-148/13 – C-150/13, ECLI:EU:C:2014:2406. The focus of the enquiry is aimed at what the claimant has experienced with respect to supposed processes of self-realisation and self-acceptance. This policy has met critique from several parties, for instance the Dutch parliament recently adopted a motion to improve the assessment of the credibility of LGBTI asylum seekers (KST 34775 VI, nr. 67). See also the research *Trots of schaamte? De behandeling van LHBTI asielaanvragen door de IND na de arresten XYZ en ABC (Pride or shame? The handling of LGBTI asylum claims by the IND after the judgements XYZ and ABC)* performed by Sabine Jansen on behalf of COC Netherlands (forthcoming).

**12) Content of protection – situation of beneficiaries of protection**

**13) Return of former applicants for international protection**

**14) Resettlement and humanitarian admission programmes**

**15) Relocation**

**16) Other relevant developments**