

Input by civil society to the EASO Annual Report 2018

Fields marked with * are mandatory.

Input by civil society to the EASO Annual Report on the Situation of Asylum in the EU+ 2018

EASO has started the production of the 2018 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). [Previous reports are available at EASO's website](#)

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.

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 2018 (and early 2019) in the areas listed on the online survey. The topics listed there reflect the structure of Chapter 4 of the EASO Annual 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. You can fill in all or only some of the points. Overall, the EASO Annual Report is not meant to describe the national asylum systems in detail, but present key developments in 2018, 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 2017 Annual Report](#). If you do not consent on EASO making your submission available, please indicate so in the relevant part of the online survey.

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 completing the online survey by **Thursday, 28 February 2019**.

Instructions

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.

Prior to completing the survey, please take a moment to review the list of areas and the types of information that needs to be included in each area.

Please contribute your feedback online or copy and paste your answers from an editable type document

Questions

1. Access to territory and access to asylum procedure (including first arrival to territory and registration)

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

4. Providing interpretation services

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

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

6. Reception of applicants for international protection (including information on reception capacities – rise/fall/stable, material reception conditions, i.e. housing, food and clothing and financial support, contingency planning in reception, access to labour market and vocational training, medical care, schooling and education, residence and freedom of movement)

REPORT PUBLISHED BY THE DUTCH ADVISORY COMMITTEE ON MIGRATION AFFAIRS:

PEAKS AND TROUGHS (sustainable system for the reception of asylum seekers and the housing and integration of asylum residence permit holders.): <https://acvz.org/en/pubs/pieken-en-dalen-naar-een-duurzaam-systeem-voor-opvang-van-asielzoekers-en-huisvesting-en-integratie-van-vergunninghouders/>

Summary of the advisory report on a sustainable system for the reception of asylum seekers and the housing and integration of asylum residence permit holders.

From 2014 onwards – in 2015 and early 2016 in particular – several of the EU Member States, the Netherlands included, were faced with a substantial increase in the number of asylum seekers. In order to keep the number of asylum seekers at a manageable level, various measures were implemented in a short period of time, many of which were ad-hoc. In the Netherlands, the existing reception system turned out to lack sufficient flexibility to be able to quickly place all asylum seekers in regular reception centres.

Recommendations:

- 1 a) Acknowledge, and communicate at the political level, that the nature and size of the influx of asylum seekers is, as a rule, subject to fluctuation;
 - b) In developing a sustainable vision for the reception of asylum seekers, the housing and integration of asylum residence permit holders and the return policy (and the way this policy is to be implemented), take into account the lessons that can be learned from the way that previous peaks and troughs in the number of asylum seekers have been handled at the political/administrative level;
 - c) In developing this sustainable vision, and the policy adjustments required, the shared social and individual interest should be the guiding principle. This means limiting the duration of reception and providing intensive, future-oriented (meaning aimed at integration or return to the country of origin) supervision and support to asylum seekers at, and during their stay in, the reception facilities.
2. Ensure that high-quality, unambiguous and current facts and figures, including analysis of this data, is publicly available on an ongoing basis. Establish who is responsible for producing, updating and communicating which types of information.
 - 3 Ensure coordination between the various ministries involved about the development of the number of asylum seekers, and the implications of this for the activities of those organisations responsible for providing housing to asylum residence permit holders and promoting their integration in a broad sense, including during periods in which the number of asylum seekers is relatively low.

7. Detention of applicants for international protection (including detention capacity – rise/fall /stable, practices regarding detention, grounds for detention, alternatives to detention, time limit for detention)

REPORT PUBLISHED BY THE DUTCH ADVISORY COMMITTEE ON MIGRATION AFFAIRS:

BALANCING PUBLIC ORDER POLICY: <https://acvz.org/en/pubs/gewogen-gevaar-2/>

The Advisory Committee on Migration Affairs (ACVZ) was recently prompted to reassess public order policy by three developments in the area of national and European public order policy.

Based on the research carried out, the ACVZ recommends the following legislative amendments:

1. Provide a legal basis for ex nunc present threat assessments by adjusting the sixth paragraph of Article 3.86 of the Dutch Aliens Decree.
2. Apply the EU personal conduct and present threat criterion across the full spectrum of immigration law. This will serve to assuage criticism on the perceived proportionality and effectiveness of the sliding scale. Include a legal provision establishing that migrants will be deemed a threat to public order when posing a present threat to one of the fundamental interests of society.
3. Include a legal provision specifying that any application of the personal conduct and present threat benchmark or effort to balance individual interests should take account of the EC Citizenship Directive guidelines and guiding principles of the European Court of Human Rights (ECHR) as well as the sliding scale. Elaborate these provisions into a public work instruction in support of executive staff.
4. Review the current practice of revoking the right of residence with retroactive effect. In the case of an approach based on EU law, the Division must remain prepared for new developments that could positively or negatively impact the existence of a personal conduct and present threat all the way through the appeals phase.

8. Procedures at First Instance (including relevant changes in: the authority in charge, organisation of the process, interviews, evidence assessment, international protection status determination, decision making, 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)

REPORT PUBLISHED BY THE DUTCH ADVISORY COMMITTEE ON MIGRATION AFFAIRS:

SEARCH FOR SAFE(R) COUNTRIES: <https://acvz.org/en/pubs/op-zoek-naar-veiliger-landen/>

This study was requested by the Minister for Migration and comprises three case studies into motives of asylum seekers from Albania, Georgia and Morocco that applied for asylum in the Netherlands. Based on this study, the Advisory Committee on Migration Affairs makes the following recommendations to the Dutch Minister for Migration.

1. The primary focus should be on removing the push factors: these are, after all, powerful factors in themselves and, moreover, they are stronger than the pull factors that make asylum seekers choose the Netherlands as a destination country. Where possible, the root causes of migration should be tackled – preferably by way of international partnerships, such as the EU in particular – and a tailored approach should be provided for each country. The Netherlands and the EU should consider legal migration pathways (employment and vocational training) for countries that cooperate on return policy, such as Albania and Georgia. Countries that do not cooperate on return policy, such as Morocco and Algeria, should, in principle, be excluded until they make and implement agreements with regard to return policy.
2. Both for reasons of principle (equality and credibility) and practicality (preventing asylum shopping), the Netherlands should make a strong commitment to achieving a harmonised EU definition of a ‘safe country’ and an uniform application thereof. The Netherlands should be committed to creating a more level playing field in the EU, both with regard to the processing times of asylum applications from safe countries, the outcomes of the applications, and the reception and return facilities.
3. The lengthy processing times of Dublin applications of asylum seekers from safe countries should be shortened or those asylum applications should be handled by the Netherlands in the safe countries track to prevent asylum seekers from remaining in facilities longer than necessary.
- 4.a) Commitment within the EU should be strengthened regarding return policy agreements with safe countries, particularly regarding difficult return countries.
b) A tailored approach should be used when imposing entry bans. An analysis should be conducted for each safe country to ascertain whether restricting/scrapping return support would be effective or counterproductive, partly in order to achieve more voluntary returns to difficult return countries.
5. (Joint) information campaigns should be targeted not only at residents still in the country of origin, but also at migrants already on their way and located elsewhere in Europe.

11. Vulnerable applicants (including definition, special reception facilities, identification mechanisms/referral, applicable procedural standards, provision of information, age assessment, legal guardianship and foster care for unaccompanied and separated children).

12. Content of protection – situation of beneficiaries 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)

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PEAKS AND TROUGHS (sustainable system for the reception of asylum seekers and the housing and integration of asylum residence permit holders.): <https://acvz.org/en/pubs/peiken-en-dalen-naar-een-duurzaam-systeem-voor-opvang-van-asielzoekers-en-huisvesting-en-integratie-van-vergunninghouders/>

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Recommendations:

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b) In developing a sustainable vision for the reception of asylum seekers, the housing and integration of asylum residence permit holders and the return policy (and the way this policy is to be implemented), take into account the lessons that can be learned from the way that previous peaks and troughs in the number of asylum seekers have been handled at the political/administrative level;

c) In developing this sustainable vision, and the policy adjustments required, the shared social and individual interest should be the guiding principle. This means limiting the duration of reception and providing intensive, future-oriented (meaning aimed at integration or return to the country of origin) supervision and support to asylum seekers at, and during their stay in, the reception facilities.

2. Ensure that high-quality, unambiguous and current facts and figures, including analysis of this data, is publicly available on an ongoing basis. Establish who is responsible for producing, updating and communicating which types of information.

3 Ensure coordination between the various ministries involved about the development of the number of asylum seekers, and the implications of this for the activities of those organisations responsible for providing housing to asylum residence permit holders and promoting their integration in a broad sense, including during periods in which the number of asylum seekers is relatively low.

(.....)

13. Return of former applicants for international protection

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b) A tailored approach should be used when imposing entry bans. An analysis should be conducted for each safe country to ascertain whether restricting/scrapping return support would be effective or counterproductive, partly in order to achieve more voluntary returns to difficult return countries.
5. (Joint) information campaigns should be targeted not only at residents still in the country of origin, but also at migrants already on their way and located elsewhere in Europe.

14. Resettlement and humanitarian admission programmes including EU Joint Resettlement Programmes; national resettlement programme (UNHCR); National Humanitarian Admission Programme; Private sponsorship programme/scheme and Ad-hoc special programmes)

15. Relocation (any relevant developments concerning persons transferred under the EU relocation programme and relocation activities organised under national schemes/on bilateral basis)

*** 16. Other relevant developments**

1 character(s) minimum

REPORT PUBLISHED BY THE DUTCH ADVISORY COMMITTEE ON MIGRATION AFFAIRS:
Full text of the report in English: <https://acvz.org/en/pubs/onwards-to-2030-migration-futures-study/>

Future study on Migration

Although migration will be part of our future, its causes, origins, intensity and methods of migration are constantly changing. The way forward for any future-proof migration system can only be charted if politicians, business leaders and citizens bear this reality in mind. The futures study 'Onwards to 2030' of the formal yet independent Dutch Advisory Committee on Migration Affairs offers ways to deal with the uncertain future of migration.

References and Sources

*** 17. Please provide links to references and sources and/or upload the related material in pdf format using the following box**

SEARCH FOR SAFE(R) COUNTRIES: <https://acvz.org/en/pubs/op-zoek-naar-veiliger-landen/>

2030 MIGRATION FUTURE STUDY: <https://acvz.org/en/pubs/onwards-to-2030-migration-futures-study/>

BALANCING PUBLIC ORDER POLICY: <https://acvz.org/en/pubs/gewogen-gevaar-2/>

PEAKS AND TROUGHES (sustainable system for the reception of asylum seekers) : [https://acvz.org/en/pubs/peaks-and-troughs-sustainable-system-for-the-reception-of-asylum-seekers](https://acvz.org/en/pubs/pieken-en-dalen-naar-een-duurzaam-systeem-voor-opvang-van-asielzoekers-en-huisvesting-en-integratie-van-vergunninghouders/)

Please upload your file

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Consent for making the input publicly available

* Do you consent on making your input available on the EASO website?

Yes

No

Case law

Please include relevant case law and/or submit cases to [EASO Portal IDS on Caselaw](#)

Contact details

* Name of the contributing stakeholder

Dutch Advisory Committee on Migration Affairs
www.acvz.org

Contact person, Role

* Email

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

Contact

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