



Input by civil society organisations to the Asylum Report 2024

Dear Colleagues,

The production of the *Asylum Report 2024* is currently underway. The annual [Asylum Report series](#) presents 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, researchers and UNHCR. 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, policies or practices in 2023 by topic as presented in the online survey (**'Part A' of the form**).

We also invite you to share with us any publications your organisation has produced throughout 2023 on issues related to asylum in EU+ countries. These may be reports, articles, recommendations to national authorities or EU institutions, open letters and analytical outputs (**'Part B' of the form**).

Your input can cover information for a specific EU+ country or the EU as a whole. You can complete all or only some of the sections.

Please note that the Asylum Report does not seek to describe national systems in detail but rather to present key developments of the past year, including improvements and challenges which remain.

All submissions are publicly accessible. For transparency, contributions will be published on the EUAA webpage. For reference, contributions to the 2023 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 Asylum Report is subject to terms of reference and volume limitations. Contributions from civil society organisations feed into EUAA's work in multiple ways and inform reports and analyses beyond the Asylum Report.

Your input matters to us and will be much appreciated!

*Please submit your contribution to the Asylum Report 2024 by **Thursday, 30 November 2023**.*





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:

Part A:

- ✓ New developments and improvements in 2023 and new or remaining challenges;
- ✓ Changes in policies or practices, transposition of legislation or institutional changes during 2023;
- ✓ Across the different thematic sections feel free to make reference to issues related to the implementation of the Temporary Protection Directive at national level.

Part B:

- ✓ New publications your organisation produced in 2023

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.

PART A: Contributions by topic

1. Access to territory and access to the asylum procedure (including first arrival to territory and registration, arrival at the border, application of the *non-refoulement* principle, the right to first response (shelter, food, medical treatment) and issues regarding border guards)
 - Concerns regarding pushbacks
 - Failure of AFM to provide assistance to migrants in the Central Mediterranean – ignoring calls of distress in SAR zone
 - Malta's relationship with Libyan Coastguard
 - Prolonged El-Hiblu case
 - Criminalisation of asylum seekers arriving by air, and use of false documents
 - Use of accelerated procedure and manifestly unfounded decisions without option to appeal - Detained applicants channelled through the accelerated procedure now see their asylum procedure being decided within a few weeks or months.
 - No publicly available information regarding backlog of asylum cases
 - Lack of resources and expertise in assessing asylum claims leading to lengthy delays (up to 4 years).

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





- New visitor's policy for NGOs wishing to visit detention – increased bureaucratic requirements, placing more obligations on detainees themselves regarding requests to see NGO lawyers - The policy outlines new procedures for pre-Registration Process (All visitors are now required to pre-register their visit at least 72 hours in advance with a specific registration form), be requested by name by a detainee or official invitation from Detention Services Staff. Certain areas of our premises may be restricted.
 - This makes it considerably difficult for detainees to access legal assistance from NGO lawyers.
 - Information to those detained on health grounds does not explain the asylum procedure (and is very often in a language they don't understand) – sometimes they are not even provided with this basic document.
 - Unless they are visited by the UNHCR or NGOs, detained applicants will not be provided with information on the asylum procedure prior to the lodging of their application, during which they receive information about the asylum procedure and are given a leaflet on the Dublin procedure.
 - Legal Notice 488 of December 2021 introduced provisions for applicants held in detention facilities or present at border crossing points whereby “the relevant authorities shall provide them with information on the possibility to do so and shall make arrangements for interpretation to the extent necessary to facilitate access to the asylum procedure”. However, we have seen very little change in practice. For example, are the information materials produced by EUAA yet in circulation?
- 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)
- Interpreters for Sudanese, Bangladeshis, Somalis, Eritreans, Syrians, or Libyans – which are amongst the main nationalities of asylum seekers in Malta - are largely available. However, interpreters for other languages are not always readily available.
 - The quality of interpretation largely depends on the interpreter with some EUAA interpreters providing high quality services. Complaints on the quality of the interpretation are at times raised by legal representatives within the context of the interview or at appeal stage.
- 4.** Dublin procedures (including the organisational framework, practical developments, suspension of transfers to selected countries, detention in the framework of Dublin procedures)
- There is no clear rule on the application of the family unity criteria as it usually depends on the particular circumstances of the applicant.
 - All arrivals fingerprinted (even when fingerprints can't be taken – called back at a later stage)





- In registering their intention to apply for international protection, asylum seekers are also asked to answer a “Dublin questionnaire” wherein they are asked to specify if they have family members residing within the EU. Should this be the case, the examination of their application for protection is suspended until further notice.
 - The length of the Dublin procedure remains an issue since applicants are kept waiting for months, sometimes more than a year, before receiving a decision determining which Member State is responsible for their application.
- 5. Special procedures (including border procedures, procedures in transit zones, accelerated procedures, admissibility procedures, prioritised procedures or any special procedure for selected caseloads)**
- Use of accelerated procedures in detention and for those from safe countries rejected as manifestly unfounded (with no option to appeal) and rejections – such cases through Quality Assurance.
- 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)**
- Material reception conditions continue to be subpar – not suitable for those with mental and physical health conditions.
 - Information provision and some social work support provided in centres by AWAS – improvements in this regard though still some complaints regarding the quality of this information.
 - Reception still in theory regulated by the 2015 Reception Policy but since 2018 this has not been the case, and a policy of detention in place – despite very low numbers of arrivals.
 - 6 month time limit (though can be extended) in open centres problematic for many asylum seekers – not enough time to start working, learn a language if necessary and move out into the community and save enough money for deposits and rent payments.
 - Per diem allowance from AWAS very little to cover basic needs. Despite entitlement to this allowance in the community, knowledge of this is often limited.
- 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)**
- Detention practices have continued, including for health screening, which are sometimes prolonged and have no legal basis in the law.





- Difficult to challenge detention orders then given to asylum seekers – short time span.
 - At times, detention orders are given late and are not understood by detainees.
- 8.** Procedures at first instance (including relevant changes in: the authority in charge, organisation of the process, interviews, evidence assessment, determination of international protection status, decision-making, timeframes, case management – including backlog management)
- Continued problems with backlogs – attempts to rectify with increased use of accelerated procedures.
 - Extensive waits for asylum decisions (average times of around 2.5 years).
- 9.** Procedures at second instance (including organisation of the process, hearings, written procedures, timeframes, case management – including backlog management)
- Extensive backlogs for rejected asylum seekers awaiting appeal – current backlog of around 800 cases with the IPAT.
- 10.** Availability and use of country of origin information (including organisation, methodology, products, databases, fact-finding missions, cooperation between stakeholders)
- IPA continues to use out of date COI.
 - Relies on ACLED information and number of deaths in a country/region.
- 11.** Issues of statelessness in the context of asylum (including identification and registration)
- 12.** 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)
- Improvements in the provisions of care orders for unaccompanied minors, and majority housed at Dar il-Liedna, but still minors living in Hal Far Tent Village (not licenced to house minors).
 - Conflicts of interest within AWAS – responsible for vulnerability assessments, age assessments and day to day running of open centres (particularly the case with regard to unaccompanied minors).
 - The Vulnerability screening is not regulated by clear and publicly available rules.
 - Detention of minors and other vulnerable people : See ECHR case AD vs Malta.
 - On 12 January 2023, following an application filed by aditus foundation, the ECtHR issued an interim measure ordering Malta to ensure that six applicants claiming to be minors are provided “with conditions that are compatible with Article 3 of the Convention and with their status as unaccompanied minors”. The six minors had been detained with





adults in the so-called China house since their arrival on 18 November 2022, some 50 days after their arrival and AWAS was not aware of their existence before they were referred by aditus foundation in January 2023 and despite a disconcerting decision of the Immigration Appeals Board, dated 6 December 2022, confirming the detention of the minors but ordering the PIO to refer these applicants to AWAS.

- Asylum seekers arriving regularly, and therefore not accommodated AWAS open centres (or detention centres), may never be assessed and their vulnerability may never be identified.
 - Individuals receive little or no support other than psycho-social services from the AWAS Therapeutic Team. There is no facilitated or supported access to public services.
- 13.** Content of protection (including access to social security, social assistance, health care, 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)
- Short validity of work permits for asylum seekers – still a concern that this must be in the name of the employer for that specific job – can lead to exploitation.
 - Lack of specialized services for victims of torture in healthcare system
 - Healthcare accessible but language barriers and lack of interpreters and cultural sensitive healthcare provision.
- 14.** Return of former applicants for international protection
- Reports of coercion to sign voluntary return forms in detention (repeated visits from Returns unit, use of such coercion in isolation in detention).
- 15.** 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).
- 16.** Relocation (ad hoc, emergency relocation; developments in activities organised under national schemes or on a bilateral basis)
- Project between EU Commission and Malta to implement relocation out of Malta to other EU Member States saw a number of people relocated.
- 17.** National jurisprudence on international protection in 2023 (please include a link to the relevant case law and/or submit cases to the EUAA Case Law Database)





18. Other important developments in 2023.

Part B: Publications

1. If available online, please provide links to relevant publications produced by your organisation in 2023.

[CIL LOWRES SPREADS.pdf \(jrsmalta.org\)](#) (late 2022)

2. If not available online, please share your publications with us at:
Asylum.Report@euaa.europa.eu

3. For publications that due to copyright issues cannot be easily shared, please provide references using the table below.

	Title of publication	Name of author	Publisher	Date
1				
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I accept the provisions of the EUAA [Legal and Privacy Statements](#)

