



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 **AND** 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: Danish Refugee Council, Asylum Department, Denmark
[Contact details]

1) Access to territory and access to asylum procedure

2) Access to information and legal assistance

3) Providing interpretation services

4) Dublin procedure

5) Specific procedures (border, accelerated, admissibility)

6) Reception of applicants for international protection

Denmark has begun to accommodate 17- year-old unaccompanied children at adult centers during the asylum procedure. Although extra staff is allocated to the group and they are accommodated in their own buildings at the centers, DRC still believes that this vulnerable group should be accommodated with other children separate from adults who are not related to them

7) Detention of applicants for international protection

The Danish police has started a new practice during 2017 of detaining especially Iraqi rejected asylum-seekers to “motivate” them to cooperate on their return to Iraq. A specific aim of the detention is to motivate them to contact the Iraqi embassy in Denmark and apply for travel documents, since the Iraqi authorities do not accept the forcible return of rejected asylum-seekers to Iraq. The detention is done pursuant to para 36, section 5 of the Danish Aliens Act. The DRC is trying to obtain accurate statistics on the numbers but the trend is very clear. The use of detention for this purpose is very worrying, since it is clear from experience (also documented by the police), that this form of “motivation” does not work.

8) Procedures at First instance

9) Procedures at Second Instance

10) Availability and use of Country of Origin Information

11) Vulnerable applicants

In accordance with Danish law (section 9 c (3)(1)), unaccompanied minors who are considered too immature to undergo an asylum procedure have not had their asylum claim processed until they were deemed sufficiently mature at a later stage. They were instead granted a temporary residence permit as an unaccompanied child, since they would otherwise be in an “emergency situation” upon return to their country of origin. In 2016/17 the practice was changed (not the law), so that they were no longer granted a temporary residence permit if they at some stage had explained to the authorities, that they had contact with family in their country of origin. Since

they cannot be returned either before their asylum claim has been adequately assessed, they remain in the asylum centre without knowing what will happen to them. We have brought this problematic situation to the attention of the Danish Ombudsman who has referred our letter to the Ministry on Immigration and Integration on 1 June 2017. We are still waiting for their reply. In the meantime, the Danish Refugee Appeals Board has stated that all children belonging to this group should be allowed to insist on having their application for asylum decided upon. They base this statement on several guidelines and comments from UNHCR and the Committee on the Rights of the Child and previous preparatory work to Danish legislation. The Danish Immigration Service has therefore decided to call all the applicants from this group to new interviews to assess their maturity and to inform them about this possibility.

12) Content of protection – situation of beneficiaries of protection

The Danish Immigration Service continues to withdraw subsidiary protection status from Somalis who are considered no longer to have a need for protection because the general security situation in Southern and Central Somalia is deemed to have improved. This process started in 2016. Although up to 800 refugees and their families could be affected by these decisions, the Danish government is not able to return them to Somalia if they do not cooperate themselves. It is highly problematic that the authorities continue to withdraw status for families who risk ending up in deportation centres because the return decision cannot be implemented in practice. According to newspaper reports, the Danish government has entered into some sort of secret agreement with the Somali authorities, but the content of this agreement is not known to the public.

13) Return of former applicants for international protection

The DRC continues to be concerned about the growing number of rejected asylum seekers who are waiting for long periods in Denmark because their country of origin does not accept to admit them back into their countries. Whereas some of the rejected asylum-seekers could probably be returned if they cooperated, there are others who cooperate, but where the authorities of their country of origin still do not allow them back or react to the contacts made by the Danish police. Although there is a provision in the Danish Aliens Law (para 9, section c 2) that could be used to grant persons in this situation a temporary residence permit, this has not been done since 2012 without any apparent reason.

Denmark has entered into agreements with several organizations either through ERIN or bilaterally to provide reintegration assistance for rejected asylum seekers who return to their home country, which is a very positive development. Denmark can now offer reintegration assistance in Afghanistan, Pakistan, Nepal, Iraq, Somalia, and Ethiopia.

14) Resettlement and humanitarian admission programmes

The Danish parliament adopted a change to the Aliens Law on 20 December 2017 whereby the Minister on Immigration and Integration can decide on her own, whether Denmark should receive resettled refugees any given year. The decision will only be taken in the middle of the financial year and the criteria are very loosely defined which risks undermining the predictability of any remaining resettlement programme. The government has explained the change with the large number of asylum-seekers who arrived in Denmark in 2015, although only 3.479 asylum-seekers came to Denmark in 2017 and 6.266 came in 2016. The change of law has been heavily criticized by NGOs and UNHCR.

15) Relocation

16) Other relevant developments

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