

# ASYLUM REQUEST IN EUROPEAN UNION

## Frequently Asked Questions (F.A.Q.):

### **1. What are the steps of the asylum request procedure in EU?**

In all European countries, as well as in Serbia, the asylum procedure includes 3 main steps:

1. **REGISTRATION IN THE POLICE STATION:** the person has to go to any police station and seek asylum. Police officers will register him/her which includes taking his/hers picture, fingerprints and general identification information. At this point, police also visits the EURODAC database for fingerprints to check if another EU country is responsible for the case. If the person has previously left the fingerprints in some other EU country he/she can be deported back to that country under the Dublin regulation.

\* Serbia is not part of the EU and does not share a fingerprint database. So people should not be afraid to apply for asylum in Serbia.

2. **ASYLUM APPLICATION FORM,** it is either completed by an officer in the form of an interview or it will be written by the asylum seeker themself.
3. **HEARING:** if the form is ok and no inconsistency has been found, after a lapse of time that can vary (from few weeks to a few months normally) you are called for an interview.

At the end of the hearing, the record of the hearing will be typed down and you will be asked to sign it. Record are always typed in the native language of the country where you apply for asylum (german/french/serbian language). It is absolutely ok to ask the police and interpreter to translate back to you the whole records before you sign it. Also, you have the right to ask the police to correct every mistake that you notice in the records. Don't sign anything you don't understand, if you do, you can't change what has been written.

In all the phases you have the right to a translator in your language/ the language you are most comfortable with. If the translator is not acting impartially (e.g: they are making suggestions on how to answer, or you don't understand them because of a different dialect) you have the right to ask for a new one.

## **2. Do I need an identity document to apply?**

NO, it is beneficial to have a document (whatever type) with a picture that proves your identity (especially age and nationality), but it is not necessary. Even a picture of your ID/passport or an expired document will be accepted.

However, if you don't have it, identity and nationality can be proved in other ways (e.g: questions such as *“what's the name of the main square in Kabul?”* or *“how many afghani would you pay for a loaf of bread?”* can be asked by police to be sure you are from where you claim to be).

## **3. Can my job be a reason to get refugee status?**

NO, only persecutions due to ethnicity, nationality, religion, belonging to a specific social group or political belief are accepted as reasons to get refugee status. The logic behind it is that a job can be changed, a political belief cannot. e.g: if you worked/collaborated for the government or the USA, this won't facilitate the asylum procedure, BUT if you say you did this job because you believe Afghanistan should have more contacts with western countries it may help, because that is your political belief that can't be changed.

## **4. What's the main difference between the Refugee Status (a) and other forms of status (Subsidiary Protection (b), Humanitarian Status (c))?**

- a)** Refugee status (usually lasts 5-8 years): means you feared for your life in your country of origin because of ethnicity, religion, nationality, political belief, or belonging to a specific social group. Refugee status can eventually lead to citizenship. During the time you have Refugee Status you cannot officially come back to your origin country (e.g: you must meet your family in some other country) and you cannot be deported back.
- b)** Subsidiary Protection: occurs when there is well known violence/war in one place and it lasts for about 1-3 years. This level can be reassessed after three years. It is decided by police from resources they have. It can lead to citizenship it will take longer to receive than with refugee status. So until then there is the risk that the country they are fleeing from will at one point be declared safe again and they might be sent back.
- c)** Humanitarian status: is granted due to individual reasons (health issues) in order to protect people from being deported. They can work but cannot get citizenship through this level of status. Humanitarian status can be renewed every year indefinitely and deportation can happen at any time. Humanitarian status is not a form of asylum, people get it after their asylum case was rejected but there are some personal reasons why they can not be deported back to their country of origin.

## **5. What are the main reasons for an asylum application to be rejected?**

- **INCONSISTENCY:**

Two common reasons for inconsistency are that it is very easy to get confused about dates and times in regards to the Western calendar (in Afghanistan Persian calendar is used) and that most of them started their journey a long time ago and the memory isn't fresh anymore.

- **NON-COOPERATIVITY:** you cannot refuse to answer questions, to take fingerprints or to not give police access to your phone, documents and belongings. It is ok, though, to say “I don’t know” or “I don’t remember” to specific questions.

## **6. After submitting the asylum request, when can I start working?**

After 9 MONTHS, even while your application is still being processed.

## **7. I have been rejected, can I submit another application in another EU country? Can I appeal?**

NO, because The European Union (plus Norway, the UK and Switzerland) has an interconnected database for asylum applications and if you are rejected in one country you will be automatically rejected in the next. However, people on the move can apply for asylum in Serbia and still try other countries because Serbia has a different database than the EU. If you start an asylum process in one country you must complete it here. If you try to change your asylum process to another country you will be denied due to “asylum tourism”. If you are found in a country outside of where your fingerprints were taken you will be deported back to that country where you have been first filed. However, you have the ability to make a personal statement that you were not safe (e.g: you were beaten, you didn’t have access to medical care or translator) in a previous country where fingerprints were taken, but this only applies to Croatia, Greece, Hungary, and Bulgaria as there are international reports that showcase violent pushbacks in these countries. e.g: don’t say «I didn’t want to leave fingerprints but they forced me», but instead you can say «I personally was not safe in Bulgaria, I wanted to stay but I was not safe».

If the asylum process is rejected you can appeal. They can agree to process the appeal or immediately deny you.

### **8. Will I have a lawyer/free legal aid during the hearing of the asylum procedure?**

NO, a lawyer in the EU is provided only if the asylum request is rejected at first and you decide to appeal. In Serbia a lawyer is present at all phases of the asylum request application.

### **9. My uncle has a Refugee Status in France, can I ask for a family reunification?**

NO, because family reunification only works for what is considered a legal family, which means husband/wife and minor children. Children 18+ are considered as single adults and will have to open their own case. Their request can eventually lead to a different outcome. The age when you left the country of origin is not considered. Your age at the time of the application is the age that is used for your application.

You can ask for a family reunification only when one or more family members have the refugee status. This doesn't occur with different status such as Subsidiary Protection or Humanitarian Status.

### **10. Is it easier to get Refugee Status as a minor?**

NO, the Dublin Agreement doesn't differentiate between minors and over 18. Minors don't have better legal conditions, they may just have better accommodation in some cases and access to school. The only case where they have an advantage is when one parent has the Refugee Status in EU.

Lying about your age (even if you are very close to 18) may be a bad idea. They test every minor to see their age through collar bone assessments, dental, genitals, and in some countries also a psychologist interview.

### **11. Can I deny police access to my phone?**

NO, if you do you will be immediately rejected. They may ask you to unlock your phone and they are allowed to download all the information and use it to justify a rejection (e.g: you may say you stayed in Serbia for X months but your GPS may show a different information). It is advisable to destroy your phone before entering the police station because any information that does not align with your story will be used to deny your asylum.

## EXAMPLES OF TRICKY QUESTIONS YOU MAY BE ASKED BY POLICE:

*All countries are looking to reject people as a first response!*

- ➔ *«Did you leave your country legally?»* → if your answer is yes it may be problematic because if the government let you leave it suggests that the country is not a threat to your life. If you have the stamp on your passport, better to say you lost it or back it up with an explanation (e.g.: my friend is working at the airport/border crossing and he helped me).
- ➔ *«Can you get in contact with your embassy / government / university asking them to send you this or that document?»* → if your answer is yes it means you are not afraid of your country/your life is not in real danger. You must say you cannot contact them because they don't know you escaped and if they knew your life will be in serious danger (e.g: it you say you left your country 5 years ago but your passport is from 2 years ago you will be immediately rejected)
- ➔ *«Did you ask for protection in your country?»* → you have to say you did, otherwise you will be rejected. For example you can say you went to police and they refused to help you because of reasons linked to ethnicity, religion, nationality, political belief, or belonging to a social group (e.g: they said they don't want to help christians, that you deserve what happened to you and so on).
- ➔ *«You have fingerprints in Bulgaria. Why did you leave Bulgaria?»* → Dublin agreement says that for you to be considered a refugee instead of a economical migrant you have to stay in the first country that it is safe. Any other reason is not considered (you have family, there are better work opportunities for migrant, etc...). You have to say you wanted to stay in Bulgaria but it was not safe for you and you had to flee again. If they have the impression that you are picking and choosing where to go you will be rejected (asylum tourism).
- ➔ *«Why didn't you stay then in the first country you arrived after leaving Bulgaria and you are asking for asylum in France?»* → you must convince them that somehow you didn't have any choice, you can back it up with saying that you crossed all the other countries in a truck and when you could get out you were in France, or that a smuggler drove you to France directly and you couldn't get out of the car.

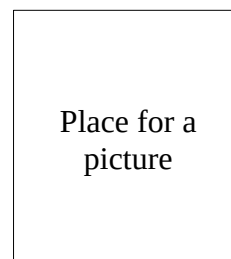
## FACTS

- ◆ The asylum process/acceptance rate is very uniform throughout the EU.
- ◆ About 30% of people are immediately rejected upon the first application (asylum application form), and another 30% after the second phase (hearing): this means 60% of asylum seekers are denied asylum!
- ◆ Situation in Afghanistan (29.08.2021) :  
BEFORE Taliban took over, the country was considered safe. Afghans had almost no chances to get the Refugee Status (except for Hazaras minority and other particular situations like single women that refuse to cover, or are working, etc...). Even people who were persecuted by Taliban were still rejected because they could a) move to another part of the country b) ask for protection from local authorities.  
NOW Taliban change of status also gives chance to POM who left before this. Currently Europe has stopped deciding on asylum cases of people from Afghanistan, and deportations to Afghanistan have stopped as well.
- ◆ Situation in Serbia:  
In 2019 only 200 asylum requests were submitted in Serbia, out of them only 20 were accepted. After you register at the police station they assign you to a specific camp and you have three days to reach it, otherwise your application will be cancelled. That's one reason why in Serbia not many people succeed in even applying.

## ASYLUM APPLICATION FORM SAMPLE

### **A) Personal information:**

1. Last name and name:
2. Father's name:
3. Mother's name:
4. Date and place of birth:
5. Sex:
6. Marital status (single/married/divorced/widow):
7. Address of the residency (temporary residency):
8. Information about the documents in the possession of the asylum seeker:
9. Citizenship:
10. Nationality:
11. Ethnic origin:
12. Religion:
13. Education:
14. Occupation:



### **B) Other information:**

1. Personal information about the family members:
2. Personal information about the persons accompanied by the asylum seeker:
3. Place of last residency in the country of origin:
4. Time, place and manner of leaving the country of origin:
5. Reasons for leaving the country of origin:
6. Possible consequences if being returned to the country of origin:
7. Stay in other countries, after leaving the country of origin and before entering France/Italy/Germany/Serbia/etc...
8. Time, place and manner of entering France/Italy/Germany/Serbia/etc...
9. Family, friends and acquaintances in France/Italy/Germany/Serbia/etc...
10. Family, friends and acquaintances in other countries:
11. Information about the previous submitted asylum applications in other countries:
12. Other notes:

Place and date of asylum application submission

Signature of the asylum seeker  
Signature of the authorized officer  
Signature of the legal representative (only for few places, like Serbia)  
Signature of the interpreter