



# ACCESS

The Role of Courts in Shaping Access to Asylum

## NATIONAL REPORT Template

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# INTRODUCTION: OBJECTIVES OF ACCESS AND DATA COLLECTION

[ACCESS](#) investigates the role of courts in shaping access to asylum. It seeks to understand how courts globally interpret State-developed barriers in light of the Refugee Convention (RC) and other international norms, what socio-legal factors influence asylum access adjudication, and how the emerging jurisprudence shapes international refugee law (IRL) and migration governance.

ACCESS adopts a comparative approach as it relies on data collected from 19 countries, theoretically selected to cover all geographical regions, various legal systems and adjudication models, and different forms of participation in the international refugee law regime.<sup>1</sup>

Given the project's comparative, socio-legal approach, we aim to collect data through multiple methods that will ensure comparability, comprehensiveness, and reliability of data: case summaries, report, focus groups and/or questionnaires, interviews.

**National Report:** this aims to provide information on the existent barriers, relevant caselaw on barriers to accessing asylum, and the socio-legal factors influencing adjudication. The first part of the report aims to identify, understand, and select barriers to accessing asylum. The purpose of the second part is to provide an overview of the type of courts and other major stakeholders involved in asylum access adjudication, the litigation strategy behind these cases, and patterns of divergence and convergence in adjudication. The third part aims to identify, understand and analyse the wider socio-legal factors influencing asylum access adjudication in selected jurisdictions.

## DEFINING TERMS

'Asylum' denotes the protection a state grants on its territory to non-citizens who seek it. It includes a legal status that protects against refoulement and provides a right to stay. In several jurisdictions, e.g. those that do not have a domestic asylum legislation or system, this status might not be labelled 'asylum'. The research nevertheless includes such equivalent protection under the term 'asylum'. Similarly, if a national system that includes an asylum status provides for additional protection statuses that provide for a set of rights closely similar to those the 1951 Convention provides for refugees lawfully staying, the research includes those statuses under 'asylum'.

'Accessing asylum' describes using legal and practical avenues to move towards the territory of potential host states, or to enter procedures and other arrangements for obtaining such status (labelled as asylum or not) implemented by a state or on its behalf. Territorial asylum processing (sometimes referred to as refugee status determination or RSD) itself or equivalent practices, however, are not studied here.

'Barriers to accessing asylum' refers to measures, arrangements, approaches, implementation practices, or structures that impede access to asylum. They can be implemented by state actors and others (if tolerated by the state); be of a practical or legal character; incorporate socioeconomic and cultural elements; and pertain to administrative or judicial spheres. Barriers implemented after the formal start of territorial asylum processing can be considered, if the processing is conducted as a sham or pretence rather than allowing effective access to asylum.

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<sup>1</sup> Australia; Kenya, South Africa, Tunisia (Africa); Austria, Greece, Italy, Poland, Spain (Europe); India, Malaysia, Pakistan, Turkey (Asia); Argentina, Brazil, Chile, Ecuador, Mexico (Latin America), USA.

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‘Pushbacks’ denote the removal or non-admittance of individuals trying to access asylum, without a substantive assessment of risks or potential rights violations. They can occur both on land and sea, including on international waters.

‘Pullbacks’ are the dragging back of individuals approaching a destination state to the territory of a state from which they had departed without a substantive assessment of risks or potential rights violations. Such practices are often implemented in cooperation between two or more countries. While typically practiced at sea, such as in the territorial waters of the state of departure, pullbacks can also occur on land.

‘Walls and fences’ include physical barriers that prevent access to territory at or near borders, irrespective of the specificities of the construction or the materials used.

‘Detention’ is the imprisonment or other limitations of the right to liberty and security of person of individuals, territorially or extraterritorially, in connection with their asylum accessing.

‘Externalization of asylum processing’ denotes outsourcing procedures and transferring individuals to other jurisdictions to assess protection claims. Under such a practice, for example, potential destination states disallow asylum procedures on their territory, dismiss the corresponding applications, and deport individuals to cooperating countries. Externalized asylum processes can be based on formal and informal agreements between states.

‘Procedural barriers’ refers to any administrative practice or arrangement which, after individuals (attempt to) claim asylum, impedes the formalization of the application or the commencing of a procedure for obtaining asylum. This barrier can, for example, take the form of sham processes or processes based on the safe third country concept, or a lack of mechanisms for ensuring appointments at registration offices.

‘Judicial or quasi-judicial body’ is the body that reviews/assesses the legality of the decisions, actions, or omissions of state authorities. This term encompasses the wide range of institutions adjudicating asylum barriers, including government/executive bodies, UNHCR, etc.

‘First instance judicial or quasi-judicial body’ is a court, tribunal, or other quasi-judicial body that hears appeals against administrative or executive decisions. ‘Second instance judicial or quasi-judicial body’ is a court or tribunal or other body that hears appeals against decisions made by a first instance judicial or quasi-judicial body. ‘Third instance judicial or quasi-judicial body’ is a court or tribunal (possibly a constitutional court) or another body that hears onward appeals, i.e., appeals against decisions already made by a judicial or quasi-judicial body of at least a second instance. In some jurisdictions there might be further levels of appeal.

‘Legal system’ refers to deeply rooted, historically conditioned attitudes about law’s nature and role, the legal system’s organization and functioning, and how the law is developed, applied, and interpreted (Merryman, 1985). The most common legal systems are the common law, civil law, Islamic, indigenous and socialist legal traditions (*idem*).

‘Asylum access adjudication’ refers to judicial examination and review by courts or quasi-judicial bodies of administrative decisions made by executive or immigration authorities regarding asylum.

‘Socio-legal factors’ refer to macro, meso, and micro factors influencing asylum access adjudication in the selected jurisdictions. They can originate at the macro level (state), at the meso level (judicial or quasi-judicial body), and at the micro level (individual). For example, adjudication may be influenced by the level of independence of the judiciary (macro factor) or the specialization of the asylum adjudication system (e.g., specialized courts); or availability of judicial or quasi-judicial bodies resources such as time, funds, human resources (meso factors); or individual characteristics of the actors involved, such as background or gender of adjudicators (micro factors).

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'Judicialization of politics' refers to the increasing reliance on courts and judicial means for addressing core moral, political, and public policy questions (Hirschl 2013). For an overview of the meanings of judicialization, please refer to Hamlin and Sala (2018), who trace various forms in which judicialization of politics can occur (e.g., expanding the jurisdiction of courts, judicial activism, or due to the large number of cases decided by courts).

'Forced migration' refers to 'a migratory movement which, although the drivers can be diverse, involves force, compulsion, or coercion' (IOM, 2019:77). Although it is not an international legal concept and the use of the term is debated because of the controversial dichotomy of voluntary/forced movements, in this report we refer to forced migration including the movement of refugees and asylum seekers, as well as other displaced persons (including those displaced by disasters or victims of human trafficking) who will not attempt to lodge an asylum application. When referring to 'other displaced persons', we mean those forced migrants who are not registered as asylum seekers or refugees, etc., despite being present in the country.

## PART 1: BARRIERS TO ACCESSING ASYLUM

Date of Draft:

Date of Final Submission:

### I. IDENTIFYING BARRIERS

The project considers some barriers to accessing asylum as generally relevant. Thus, if applicable, each jurisdiction covered by the project will assess them. These barriers are pushbacks, pullbacks, walls and fences, detention, externalization of asylum processing, and procedural barriers that hinder the commencing of asylum proceedings, all as defined above.

Beyond these, the research considers barriers that are particularly significant to specific jurisdictions. Among these could be, for example, visa systems or carrier sanctions; applications of artificial intelligence; lack of access to technological tools to raise an asylum claim; restrictions on freedom of movement (not amounting to detention); discriminatory policies against specific groups; legal fictions (such as of non-entry); practical impediments to registering an asylum claim.

This section identifies all barriers to accessing asylum relevant to this jurisdiction that have been applied between 2010 and 2024; only if relevant, barriers predating 2010 could be included. Please only consider discontinued barriers if they have been assessed by case law.

#### A. Barriers of general relevance

*Which of these barriers are implemented in this jurisdiction?*

Pushbacks:

Pullbacks:

Walls and fences:

Detention:

Externalization of asylum processing:

Procedural barriers:

#### B. Barriers of specific relevance to this jurisdiction

*What barriers, besides those listed under A, are implemented in this jurisdiction? Please provide a title and a brief definition.*

Barrier 1:           Definition:

Barrier 2:           Definition:

Barrier 3:           Definition:

Barrier 4:           Definition:

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## II. UNDERSTANDING BARRIERS

The questions below aim to better understand the barriers in this jurisdiction and their relevance for investigating how courts shape access to asylum. Each question will be addressed in relation to each of the relevant barriers.

1. **Functioning:** What is the barrier's specific functioning? How does it prevent individuals from accessing asylum?
2. **Time:** What is the implementation period of the barrier? Is it still in use? Is there a time frame for its planned termination?
3. **Place:** Where is the barrier implemented?
4. **Actors:** Who are the key institutional and other actors implementing the barrier? Are there relevant actors from other jurisdictions or international actors?
5. **Interaction:** How does the barrier interact with other barriers and the country's asylum system?
6. **Development:** What has been the historical and political context for introducing the barrier, and how have its implementation and its character developed over time? (Please consider e.g. corruption, economic or human resources available to implement the barrier, resistance or support by local actors - officials or local community)
7. **Rationale:** What are the stated purposes (e.g., in legislative preambles, government/executive, or judicial statements) the barrier is designed to serve?
8. **Legal Status:** What legal status does the national legal framework provide to individuals prevented by this barrier from accessing asylum? For example, do they fall under a specific (protected or unprotected) category within national law, such as asylum seekers or refugees before formal recognition, or are they treated under the general framework for non-citizens?
9. **Specific Impact:** What is the impact of the barrier on specific groups, such as children, women, LGBTQ+ individuals, or people with disabilities? How does it differ from the barrier's general impact?
10. **Reach:** How many individuals have been affected by this barrier since 2010, both in absolute numbers and relative to the number of procedures for determining protection status in the same period? Has the barrier contributed to less movement of displaced persons towards the country? Please provide an informed estimate if reliable statistics or studies are unavailable.
11. **Source:** What is the legal basis or source of the barrier? Is it grounded in or approved by domestic, international, or supranational law (even if its legality might be contested)?
12. **Justification:** What justifications has the government/executive branch provided for the barrier? Are there official statements or documents that outline these justifications?
13. **Domestic and International Reactions:** What have been the reactions or interventions from domestic actors, international bodies, or other countries?
14. **Other:** Is there any further information you consider crucial for understanding this barrier to accessing asylum and its relevance?

*For each barrier (general and specific, as listed below), please answer the above questions (1-14) to the best of your ability and leave fields blank if not applicable. Please indicate the main sources of information (e.g., legislation, treaties, reports of IOs/NGOs, jurisprudence, academic literature, your observations or experience, etc.).*

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A. Barriers of general relevance

**Pushbacks**

1. Functioning:
2. Time:
3. Place:
4. Actors:
5. Interaction:
6. Development:
7. Rationale:
8. Legal Status:
9. Specific Impact:
10. Reach:
11. Source:
12. Legitimization:
13. International Reactions:
14. Other:

**Pullbacks**

1. Functioning:
2. Time:
3. Place:
4. Actors:
5. Interaction:
6. Development:
7. Rationale:
8. Legal Status:
9. Specific Impact:
10. Reach:
11. Source:
12. Legitimization:
13. International Reactions:
14. Other:

**Walls and fences**

1. Functioning:

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2. Time:
3. Place:
4. Actors:
5. Interaction:
6. Development:
7. Rationale:
8. Legal Status:
9. Specific Impact:
10. Reach:
11. Source:
12. Legitimization:
13. International Reactions:
14. Other:

### **Detention**

1. Functioning:
2. Time:
3. Place:
4. Actors:
5. Interaction:
6. Development:
7. Rationale:
8. Legal Status:
9. Specific Impact:
10. Reach:
11. Source:
12. Legitimization:
13. International Reactions:
14. Other:

### **Externalization of asylum processing**

1. Functioning:
2. Time:
3. Place:
4. Actors:

Jurisdiction: **Errore. L'origine riferimento non è stata trovata.** Author: **Errore. L'origine riferimento non è stata trovata.**

5. Interaction:
6. Development:
7. Rationale:
8. Legal Status:
9. Specific Impact:
10. Reach:
11. Source:
12. Legitimization:
13. International Reactions:
14. Other:

B. Barriers of specific relevance to jurisdiction

**Barrier 1 (use the same title as under I.B):**

1. Functioning:
2. Time:
3. Place:
4. Actors:
5. Interaction:
6. Development:
7. Rationale:
8. Legal Status:
9. Specific Impact:
10. Reach:
11. Source:
12. Legitimization:
13. International Reactions:
14. Other:

**Barrier 2 (use the same title as under I.B):**

1. Functioning:
2. Time:
3. Place:
4. Actors:
5. Interaction:
6. Development:

Jurisdiction: **Errore. L'origine riferimento non è stata trovata.** Author: **Errore. L'origine riferimento non è stata trovata.**

7. Rationale:
8. Legal Status:
9. Specific Impact:
10. Reach:
11. Source:
12. Legitimization:
13. International Reactions:
14. Other:

**Barrier 3 (use the same title as under I.B):**

1. Functioning:
2. Time:
3. Place:
4. Actors:
5. Interaction:
6. Development:
7. Rationale:
8. Legal Status:
9. Specific Impact:
10. Reach:
11. Source:
12. Legitimization:
13. International Reactions:
14. Other:

**Barrier 4 (use the same title as under I.B):**

1. Functioning:
2. Time:
3. Place:
4. Actors:
5. Interaction:
6. Development:
7. Rationale:
8. Legal Status:
9. Specific Impact:

Jurisdiction: **Errore. L'origine riferimento non è stata trovata.** Author: **Errore. L'origine riferimento non è stata trovata.**

10. Reach:
11. Source:
12. Legitimization:
13. International Reactions:
14. Other:

### III. SELECTING BARRIERS

Please write a paragraph describing which barriers, from those identified above, you suggest should be selected for further research—specifically in relation to the analysis of case law and an understanding of the socio-legal factors influencing judicial decision-making—and explain why these barriers are more relevant.

The relevance of a barrier may be determined by its extent, frequency over time, geographic scope, the populations affected, and the availability and impact of associated case law. Barriers classified as generally relevant (Section I.A of Part 1) should be assumed to hold significance unless an alternative argument is provided.

## PART 2: CASE LAW ANALYSIS

Date of Draft:

Date of Final Submission:

### I. IDENTIFICATION OF BARRIERS IN THE CASE LAW

In this Section, national experts are requested to provide an overview of how and to what extent judicial or quasi-judicial bodies in their jurisdiction have dealt with the barriers to asylum identified in the first part of the Report titled “Barriers to Accessing Asylum”.

#### A. Description of the barriers in the case law

Which of the selected barriers mentioned in “Part 1: Barriers to Accessing Asylum” have been addressed by case law in this jurisdiction? How many decisions of judicial or quasi-judicial bodies have been issued since 2010 on the legality of asylum barriers? If reliable statistics are not available, please provide an informed estimate. Please also indicate the type of judicial or quasi-judicial body (i.e. first instance, appeals or cassation/apex/supreme judicial or quasi-judicial bodies).

Pushbacks:            Definition:            Number:            Type of body:

Pullbacks:            Definition:            Number:            Type of body:

Walls and fences:            Definition:            Number:            Type of body:

Detention:            Definition:            Number:            Type of body:

Externalization of asylum processing:            Definition:            Number:            Type of body:

Procedural barriers:            Definition:            Number:            Type of body:

Other barriers:            Definition:            Number:            Type of body:

*If there are no cases related to one or more identified barriers, please provide a brief description of why you think it is (examples could be obstacles to access judicial or quasi-judicial bodies, high cost of the procedure, administrative hurdles etc).*

#### B. Institutional settings

Please describe which judicial or quasi-judicial bodies are responsible for the adjudication of the barriers identified in Part 1 of the Report in your jurisdiction. Please specify the name of the judicial or quasi-judicial body at each level (first instance, second instance, etc.).

##### **Pushbacks:**

- **First instance judicial or quasi-judicial body:** Yes  No
- **Second instance judicial or quasi-judicial body:** Yes  No
- **Third instance judicial or quasi-judicial body:** Yes  No
- **Constitutional Court:** Yes  No

If *yes*, please provide the original name and its English translation of the judicial or quasi-judicial body/bodies:

##### **Pullbacks:**

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- **First instance judicial or quasi-judicial body:** Yes  No
- **Second instance judicial or quasi-judicial body:** Yes  No
- **Third instance judicial or quasi-judicial body:** Yes  No
- **Constitutional Court:** Yes  No

If *yes*, please provide the original name and its English translation of the judicial or quasi-judicial body/bodies:

**Walls and fences:**

- **First instance judicial or quasi-judicial body:** Yes  No
- **Second instance judicial or quasi-judicial body:** Yes  No
- **Third instance judicial or quasi-judicial body:** Yes  No
- **Constitutional Court:** Yes  No

If *yes*, please provide the original name and its English translation of the judicial or quasi-judicial body/bodies:

**Detention:**

- **First instance judicial or quasi-judicial body:** Yes  No
- **Second instance judicial or quasi-judicial body:** Yes  No
- **Third instance judicial or quasi-judicial body:** Yes  No
- **Constitutional Court:** Yes  No

If *yes*, please provide the original name and its English translation of the judicial or quasi-judicial body/bodies:

**Externalization of asylum processing:**

- **First instance judicial or quasi-judicial body:** Yes  No
- **Second instance judicial or quasi-judicial body:** Yes  No
- **Third instance judicial or quasi-judicial body:** Yes  No
- **Constitutional Court:** Yes  No

If *yes*, please provide the name of the judicial or quasi-judicial body/bodies:

**Procedural barriers:**

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- **First instance judicial or quasi-judicial body:** Yes  No
- **Second instance judicial or quasi-judicial body:** Yes  No
- **Third instance judicial or quasi-judicial body:** Yes  No
- **Constitutional Court:** Yes  No

If *yes*, please provide the name of the judicial or quasi-judicial body/bodies:

**Other barriers (please provide their names):**

- **First instance judicial or quasi-judicial body:** Yes  No
- **Second instance judicial or quasi-judicial body:** Yes  No
- **Third instance judicial or quasi-judicial body:** Yes  No
- **Constitutional Court:** Yes  No

If *yes*, please provide the name of the judicial or quasi-judicial body/bodies:

*Are executive bodies involved in asylum access adjudication in your jurisdiction? If so, please list them and specify their competence.*

*If executive bodies involved in asylum access adjudication vary according to the selected barriers, please specify which ones are involved in case law regarding pushbacks, pullbacks, walls and fences, detention, externalization of asylum processing, procedural barriers, and barriers specific to the selected jurisdiction.*

*Are international or regional organizations (such as IOM, Frontex, Regional Economic Communities in Africa, UNHCR etc) involved in asylum access adjudication? If so, please list them and specify their competence.*

*If the involvement of international or regional organizations varies depending on the type of barrier, please specify which organization(s) are involved in the case law related to pushbacks, walls and fences, detention, externalization of asylum processing, and any barriers specific to the selected jurisdiction.*

### C. Legal context and legal system

*The legal system of your jurisdiction is:  civil law;  common law;  Sharia law;  other (if mixed or if it varies according to regions or federal states, please elaborate).*

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*Which international legal frameworks, sources, and legal grounds do judicial or quasi-judicial bodies commonly reference or omit when evaluating the legality of asylum barriers?*

*In what ways does membership in regional treaties that include the right to asylum influence the interpretation and application of the Refugee Convention by judicial or quasi-judicial bodies? Please provide specific examples or case references where such treaties have contributed to the interpretation of asylum rights.*

*Do judicial or quasi-judicial bodies invoke foreign cases or legislation? If so, for what purposes and to what extent?*

*How frequently do national judicial or quasi-judicial bodies make reference to decisions from international or supranational tribunals (e.g., CJEU, ECtHR, IACtHR, ACtHPR) when adjudicating on asylum barriers? Please specify any trends or notable cases where these references significantly impacted the outcome.*

*To what extent do national judicial or quasi-judicial bodies cite international human rights standards established by supranational courts when addressing barriers to asylum? Discuss the relevance of these references in cases where asylum seekers' rights are weighed against national or regional interests.*

D. Laws and norms at the domestic level

*Is the country a signatory State to the Refugee Convention and/or the related New York Protocol? If yes, please explain their role in asylum access adjudication.*

*Is the principle of non-refoulement:*

*recognized at the constitutional level;*  *recognized in legally binding domestic acts;*  *recognized by jurisprudence;*  *not recognized?*

*Explain the role of the principle of non-refoulement in your jurisdiction as it relates to asylum access adjudication.*

*Is the right to asylum:*

*recognized at the constitutional level;*  *recognized in legally binding domestic acts;*  *recognized by jurisprudence;*  *not recognized?*

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*If recognized nationally, explain the entitlements that asylum confers on refugees, particularly as regards access to asylum. Additionally, specify the legal sources of these entitlements (e.g. domestic asylum law, constitution, jurisprudence, etc.).*

*What are the main sources of international refugee law that are relevant to asylum access adjudication, and how are they incorporated in the domestic legal order?*

*Do other human rights obligations, in addition to the Refugee Convention, apply to refugees in your jurisdiction? If yes, what is their role in asylum access adjudication in your jurisdiction?*

*Do other obligations (i.e. stemming from general public law, criminal law, humanitarian law, civil law, administrative law etc), in addition to the Refugee Convention, apply to asylum seekers in your jurisdiction? If yes, what is their role in asylum access adjudication?*

*Is the State a member of a regional or other international organization that provides legally binding acts and human rights obligations relevant to asylum? If yes, what are they, and what has been their role in the field of asylum in your jurisdiction? Please briefly elaborate.*

*What is the role that soft law (such as UNHCR Guidelines) has played in asylum access adjudication? Please provide some concrete examples.*

#### E. Legal standing

*What legal procedures and/or remedies in this jurisdiction allow litigants to bring cases before judicial or quasi-judicial bodies when challenging barriers to asylum access?*

#### F. The influence of international Courts

*What influence, if any, do supranational courts' rulings on the decision-making of national judicial or quasi-judicial bodies have had on asylum access barriers?*

*How has the jurisprudence of supranational courts shaped procedural protections or the interpretation of asylum rights in this jurisdiction? Include examples where supranational decisions have introduced, reinforced or limited, or modified procedural requirements (e.g., right to appeal, legal aid).*

#### G. Comparative insights

*Are there any notable divergences among judicial or quasi-judicial bodies in this jurisdiction regarding the legality of specific asylum barriers? If so, please describe these differences and*

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*provide potential reasons, such as variations in legal interpretation, procedural approaches, or institutional mandates, supported by case examples where possible* (the answer to the second question will help to understand the issues that we should pursue further during the interview phase. It does not have to be exhaustive, short answers are enough).

*Are there divergences between national courts and supranational rulings regarding asylum access? If so, please describe specific cases and explain the reasons, such as differences in legal interpretation.*

*In what ways do national decisions align or diverge from the broader principles established by international bodies concerning the right to asylum? Provide case examples illustrating alignment with, or divergence from, international principles upheld by these bodies.*

*Are there any best practices or lessons learned from the adjudication of asylum barriers in your jurisdiction that could be applicable in other jurisdictions?*

#### H. Role of expert testimony

*In what ways does expert testimony (e.g., from human rights experts, medical professionals) impact the decisions of judicial or quasi-judicial bodies regarding asylum barriers? Please provide specific examples or cases, if available, to illustrate how such testimony influences legal reasoning or outcomes.*

#### I. Future Directions

*Are there emerging trends or evolving issues in asylum law in your jurisdiction that are likely to affect how judicial or quasi-judicial bodies address barriers in the near future (e.g. changing legislation, government, etc)?*

## II. IDENTIFICATION OF LEADING DECISIONS

This Section allows for a deeper analysis of the relevant decisions on barriers to accessing asylum in your jurisdiction. Per each barrier mentioned in “Part 1: Barriers to Accessing Asylum” of the Report, please select at least one or two leading decisions and respond to the questions below. Leading cases for each barrier should be identified according to the following criteria: reasoning; its impact on national legislation, policy, and jurisprudence; impact on other jurisdictions; whether it established a judicial precedent or rule that others have followed or referred to. The selection can also refer to negative or restrictive decisions that are shaping a judicial trend.

### **Identification information of the selected decisions (e.g. number and/or name of the case):**

Pushbacks:

Pullbacks:

Walls and fences:

Detention:

Externalization of asylum processing:

Procedural barriers:

Other barriers (please specify):

### A. Description of the barriers in the selected decisions

*Was the barrier formally or informally established, according to the judicial or quasi-judicial body? What actors were involved in its establishment?*

Pushbacks:

Pullbacks:

Walls and fences:

Detention:

Externalization of asylum processing:

Procedural barriers:

Other barriers:

*Were there any administrative obstacles faced by the applicant(s) in the cases reviewed (e.g., delays, complex procedures)? If yes, how did these limitations impact the adjudication process and the applicant(s)'s ability to access asylum?*

Pushbacks:

Pullbacks:

Walls and fences:

Detention:

Externalization of asylum processing:

Jurisdiction: **Errore. L'origine riferimento non è stata trovata.** Author: **Errore. L'origine riferimento non è stata trovata.**

Procedural barriers:

Other barriers:

*Did the applicant(s) face challenges related to their legal standing or capacity to bring the case? How did these challenges affect the case?*

Pushbacks:

Pullbacks:

Walls and fences:

Detention:

Externalization of asylum processing:

Procedural barriers:

Other barriers:

*Was the applicant(s) heard by the judicial or quasi-judicial body? If yes, was it an in person or video transmitted hearing?*

Pushbacks:

Pullbacks:

Walls and fences:

Detention:

Externalization of asylum processing:

Procedural barriers:

Other barriers:

*Was there legal aid provided to the applicants? Did this affect the case?*

Pushbacks:

Pullbacks:

Walls and fences:

Detention:

Externalization of asylum processing:

Procedural barriers:

Other barriers:

*Was the applicant(s) considered vulnerable? Did it influence the adjudication process?*

Pushbacks:

Pullbacks:

Walls and fences:

Detention:

Jurisdiction: **Errore. L'origine riferimento non è stata trovata.** Author: **Errore. L'origine riferimento non è stata trovata.**

Externalization of asylum processing:

Procedural barriers:

Other barriers:

B. Impact of the judicial or quasi-judicial body's decision

*Has the decision influenced subsequent case law or legal practice in your jurisdiction? If yes, how and to what extent?*

Pushbacks:

Pullbacks:

Walls and fences:

Detention:

Externalization of asylum processing:

Procedural barriers:

Other barriers:

C. Consistency with previous jurisprudence

*Is the specific decision(s) in line with the previous jurisprudence of the same adjudicating body or does it diverge from it?*

Pushbacks:

Pullbacks:

Walls and fences:

Detention:

Externalization of asylum processing:

Procedural barriers:

Other barriers:

*If there are divergences, what are the reasons and extent of these differences? Which specific aspects have been interpreted or evaluated differently by the judicial or quasi-judicial bodies?*

Pushbacks:

Pullbacks:

Walls and fences:

Detention:

Externalization of asylum processing:

Jurisdiction: **Errore. L'origine riferimento non è stata trovata.** Author: **Errore. L'origine riferimento non è stata trovata.**

Procedural barriers:

Other barriers:

*If the case was decided by a higher instance judicial or quasi-judicial body, are first instance judicial or quasi-judicial bodies required to follow the divergence in future cases? In other words, does the divergence establish a binding precedent?*

Pushbacks:

Pullbacks:

Walls and fences:

Detention:

Externalization of asylum processing:

Procedural barriers:

Other barriers:

*Does this decision align with or differ from rulings on similar barriers issued by other judicial or quasi-judicial bodies in this jurisdiction? If there are differences, in what are the specific elements or aspects that differ?*

Pushbacks:

Pullbacks:

Walls and fences:

Detention:

Externalization of asylum processing:

Procedural barriers:

Other barriers:

*Does this decision fit well in the current (evolutive/restrictive) approach to asylum barriers endorsed by the judicial or quasi-judicial body? Please briefly explain why. Please support your opinion with existing data/sources of literature.*

Pushbacks:

Pullbacks:

Walls and fences:

Detention:

Externalization of asylum processing:

Procedural barriers:

Jurisdiction: **Errore. L'origine riferimento non è stata trovata.** Author: **Errore. L'origine riferimento non è stata trovata.**

Data Collection Questionnaire for the ACCESS project

Part 2: Case Law Analysis

Other barriers:

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Jurisdiction: **Errore. L'origine riferimento non è stata trovata.** Author: **Errore. L'origine riferimento non è stata trovata.**

## PART 3: SOCIO-LEGAL FACTORS

Date of Draft:

Date of Final Submission:

Relying on existing research, the ACCESS team identifies relevant institutional, organizational, and socio-legal factors – originating at the macro (state), meso (court), and micro (individual) levels – that shape asylum access adjudication. This section aims to collect data related to these factors and information on how they influence asylum adjudication in the selected jurisdictions. To answer the following questions, the experts should rely on relevant existing sources including academic research and grey literature (e.g. report of International Organizations, NGOs, lawyer associations, statistics, or any other public source). Experts should state if information is unavailable or limited, and always provide concrete examples and include references in the reply. If relevant, they should also refer to the analysis already provided in part two of the Report, as well as to information on barriers to access asylum provided in part one.

This third part of the Report is divided into four sections: I) Procedures in asylum access adjudication; II) Judicial or quasi-judicial bodies in asylum access adjudication; III) Other actors in asylum access adjudication; IV) Socio-political context.

In *Section I*, experts are asked to focus on procedural aspects shaping the functioning of asylum access adjudication in the selected jurisdiction. Procedures should be considered here through a socio-legal perspective, always stressing the discrepancies (if any) between what occurs in law and in practice. Experts should rely on legal texts, academic research and grey literature describing relevant procedural aspects in asylum access adjudication. Additionally, relying on the relevant sources, experts are asked to provide their assessment of the implications that these procedural aspects have on adjudication in the jurisdiction. If relevant, they can also refer to part two of the Report.

*Section II* focuses on judicial or quasi-judicial bodies responsible for asylum access adjudication. As mentioned in the ‘Defining terms’ section, for convenience, we use the term judicial and quasi-judicial bodies to refer to all courts, tribunals, or quasi-judicial bodies reviewing/assessing the legality of the decisions, actions, or omissions of state authorities regarding access to asylum. Thus, executive bodies responsible for first instance decisions are not directly included in the analysis. Relying on relevant sources, experts should answer questions regarding the institutional and organizational configuration of these bodies and should assess the implications (if any) of the configuration of judicial and non-judicial bodies on asylum access adjudication (e.g. the implications of specialization or independence). Finally, they should assess the role of these bodies in the policy field of asylum according to the existing sources, considering the impact of judicial decisions and judicialization. If relevant, they can also refer to case law analysed in part two.

In *Section III*, experts should provide information on actors other than judicial and quasi-judicial bodies who are involved in asylum access adjudication, such as executive branch bodies, international or regional organizations, NGOs, and bar associations. They should rely on academic research and grey literature. If relevant they can also refer to case law analysed in part two.

In the last section, *Section IV*, experts should describe how academic research and grey literature assess relevant macro social and political aspects that can influence asylum access adjudication, such as the phenomenon of asylum in the country, policies in place regarding barriers to access asylum, and the political context in which the barriers have been implemented. Additionally, experts are asked to provide information on the implications that the socio-political context has on adjudication in the field according to relevant sources. If relevant, they can also refer to case law analysed in parts one and two.

Jurisdiction: **Errore. L'origine riferimento non è stata trovata.** Author: **Errore. L'origine riferimento non è stata trovata.**

## I. PROCEDURES IN ASYLUM ACCESS ADJUDICATION

To answer the questions, **always refer to what occurs in law and in practice**. Reply according to barriers to accessing asylum; where there are no differences among barriers, please specify. For each barrier, please consider that the replies can vary according to the appeal stages and the involved judicial and quasi-judicial bodies (e.g., judicial bodies at the first instance or second instance, criminal courts, or administrative courts adjudicating on the same barrier). Thus, when it occurs, please specify it by highlighting these variations.

### A. Access to judicial or quasi-judicial bodies

*Are there barriers to accessing asylum whose legality cannot be assessed by judicial or quasi-judicial bodies? If so, please explain which barriers and why. Consider, for example, cases in which detention is not subject to any scrutiny because no judicial or quasi-judicial body is mandated to adjudicate on the legality of this barrier (or difficulties in accessing IT tools for lodging the appeal).*

Pushbacks:

Pullbacks:

Walls and fences:

Detention:

Externalization of asylum processing:

Procedural barriers:

Other barriers:

*Does time represent a challenge to access to judicial or quasi-judicial bodies in asylum access adjudication? If yes, to what extent and how?*

Pushbacks:

Pullbacks:

Walls and fences:

Detention:

Externalization of asylum processing:

Procedural barriers:

Other barriers:

*Do costs for legal representation undermine access to judicial or quasi-judicial bodies in asylum access adjudication?*

Pushbacks:

Pullbacks:

Walls and fences:

Detention:

Jurisdiction: **Errore. L'origine riferimento non è stata trovata.** Author: **Errore. L'origine riferimento non è stata trovata.**

Externalization of asylum processing:

Procedural barriers:

Other barriers:

*Do spatial and geographical issues (e.g., remoteness of detention centres, being outside of the country after experiencing pushbacks) undermine access to judicial or quasi-judicial bodies in asylum access adjudication?*

Pushbacks:

Pullbacks:

Walls and fences:

Detention:

Externalization of asylum processing:

Procedural barriers:

Other barriers:

*Have asylum seekers or actors involved in asylum access adjudication (e.g., bar associations, NGOs) adopted practices to overcome these challenges to accessing justice? If so, describe these practices.*

Pushbacks:

Pullbacks:

Walls and fences:

Detention:

Externalization of asylum processing:

Procedural barriers:

Other barriers:

*Relying on relevant sources, please assess the implications (if any) of difficulties accessing justice in asylum access adjudication. Consider, for example, how these barriers can affect the types of cases in the selected jurisdiction or the influence that these barriers have in explaining the role of judicial or quasi-judicial bodies in the field. Highlight divergences (if any) according to judicial or quasi-judicial bodies or types of barriers.*

#### B. Legal aid

*Please explain the procedural aspects in law and in practice for obtaining legal representation in asylum access adjudication.*

Pushbacks:

Pullbacks:

Walls and fences:

Jurisdiction: **Errore. L'origine riferimento non è stata trovata.** Author: **Errore. L'origine riferimento non è stata trovata.**

Detention:

Externalization of asylum processing:

Procedural barriers:

Other barriers:

*Is free legal aid available, and under what circumstances?*

Pushbacks:

Pullbacks:

Walls and fences:

Detention:

Externalization of asylum processing:

Procedural barriers:

Other barriers:

*Summarize the main challenges asylum seekers face in obtaining legal representation in asylum access adjudication in the jurisdiction. Stress potential divergences according to judicial or quasi-judicial bodies or types of barriers in the reply.*

*According to relevant sources, please assess the implications (if any) of the availability, quality, and accessibility of legal aid on asylum access adjudication. Consider factors such as compulsory representation, free legal aid, and the actual ability of asylum seekers to secure competent legal assistance. Highlight divergences according to judicial or quasi-judicial bodies or types of barriers.*

### C. Lodging the appeal

*Describe the relevant procedural aspects regarding the registration/lodging of the appeal in asylum access adjudication. Additionally, if information is available, describe potential discrepancies between law and practice. Consider, for example, requirements for lodging the appeal, deadlines, and digital or paper procedures for appealing.*

Pushbacks:

Pullbacks:

Walls and fences:

Detention:

Externalization of asylum processing:

Procedural barriers:

Other barriers:

*According to relevant sources, assess the implications (if any) of the procedure in law and practice regarding the procedural aspects for lodging the appeal in asylum access adjudication. Consider,*

Jurisdiction: **Errore. L'origine riferimento non è stata trovata.** Author: **Errore. L'origine riferimento non è stata trovata.**

*for example, the influence that procedural aspects can have in determining which cases the judicial or quasi-judicial body will consider. Emphasize any divergences according to judicial or quasi-judicial bodies or types of barriers.*

#### D. Hearing

*Describe whether the procedures require a hearing and provide information on what the hearing consists of in law and in practice (e.g., it is an oral hearing, whether it occurs in person or online, public or closed doors, panel or single judges, if appellants participate, etc). If procedures in law and in practice vary among judicial and quasi-judicial bodies responsible for the same barrier (e.g. first instance courts and second instance courts) please specify.*

Pushbacks:

Pullbacks:

Walls and fences:

Detention:

Externalization of asylum processing:

Procedural barriers:

Other barriers:

*Relying on relevant sources, assess the implications (if any) of the procedure in law and practice regarding the hearing on asylum access adjudication. Consider, for example, how conducting the hearing (or not) can influence decision-making and outcomes in asylum adjudication or how procedures requiring the presence of the appellants during the hearing can be an obstacle to an effective remedy due to practical difficulties for the appellant to be present (e.g. due to long distance to reach the courtroom).*

#### E. Deliberation

*Describe the relevant procedural aspects regarding deliberation (e.g., panel or single decision-making, formal dissenting opinions, the composition of the panels) in asylum access adjudication. Additionally, if information is available, describe potential discrepancies between law and practice.*

Pushbacks:

Pullbacks:

Walls and fences:

Detention:

Externalization of asylum processing:

Procedural barriers:

Other barriers:

Jurisdiction: **Errore. L'origine riferimento non è stata trovata.** Author: **Errore. L'origine riferimento non è stata trovata.**

*Relying on relevant sources, assess the implications (if any) of the procedures in law and practice regarding the deliberation on asylum access adjudication. Consider, for example, differences between panel and single-judge decisions and whether and how it has influenced decision-making.*

F. Review of decisions

*Describe the relevant procedural aspects regarding the judicial (or quasi-judicial) review (e.g., deadlines, or legal representation for judicial review) in asylum access adjudication. Additionally, if information is available, describe potential discrepancies between law and practice.*

Pushbacks:

Pullbacks:

Walls and fences:

Detention:

Externalization of asylum processing:

Procedural barriers:

Other barriers:

*Relying on relevant sources, assess the implications (if any) of the functioning of judicial (or quasi-judicial) review mechanisms on asylum access adjudication. Consider, for example, aspects such as the extent to which higher courts influence lower-level judges' interpretations in practice, producing effects on jurisprudence, such as for example its consistency or variation.*

G. Procedures in decentralized states

*If the state is decentralized (e.g. federal state), please specify whether and how procedural aspects vary depending on the territory.*

Pushbacks:

Pullbacks:

Walls and fences:

Detention:

Externalization of asylum processing:

Procedural barriers:

Other barriers:

*If procedural aspects vary by territory, please assess the implications (if any) of these procedural divergences according to relevant sources.*

Jurisdiction: **Errore. L'origine riferimento non è stata trovata.** Author: **Errore. L'origine riferimento non è stata trovata.**

#### H. Influence of procedures in practice and the role of courts

*Based on the previous replies, please summarize whether and how concrete practices (e.g., hearing conduct, legal representation) diverge from formal procedures and what implications (if any) procedures in practice have on asylum access adjudication.*

*How has the jurisprudence of judicial and quasi-judicial bodies shaped procedural protections or the interpretation of asylum rights in this jurisdiction? Include examples where supranational decisions have introduced, reinforced, or modified procedural requirements (e.g., right to appeal, legal aid).*

*How has the jurisprudence of supranational courts shaped procedural protections or the interpretation of asylum rights in this jurisdiction? Include examples where supranational decisions have introduced, reinforced, or modified procedural requirements (e.g., right to appeal, legal aid).*

#### I. Other procedures

*Are there other procedural aspects to be considered when studying asylum access adjudication? If so, what implications do they have for adjudication in the field according to relevant sources?*

## **II. JUDICIAL OR QUASI-JUDICIAL BODIES IN ACCESS TO ASYLUM**

Consider all judicial or quasi-judicial bodies already listed in Section II(B) of part two of the Report. For some questions, experts are asked to reply according to the adjudication stage (first instance, second instance, third instance, etc). If replies do not vary according to stages of appeals, specify it and write your response only in the first box (first instance judicial or quasi-judicial body/bodies). If, at one stage, more than one judicial or quasi-judicial body is responsible for asylum access adjudication, consider all of them by stressing their commonalities and differences (if any). Additionally, in the replies always specify potential divergences according to the selected barriers to accessing asylum discussed in Part one of the Report.

#### A. Institutional configuration

*Describe the institutional configuration of judicial and quasi-judicial bodies responsible for asylum access adjudication already listed in part 2 section B. Consider, for example, whether they are courts, tribunals or quasi-judicial bodies and the governance of these bodies, referring to the institution it belongs to (e.g., Ministry of Justice, Ministry of Migration).*

- *First instance judicial or quasi-judicial body/ bodies:*
- *Second instance judicial or quasi-judicial body/ bodies:*
- *Third instance judicial or quasi-judicial body/ bodies:*

Jurisdiction: **Errore. L'origine riferimento non è stata trovata.** Author: **Errore. L'origine riferimento non è stata trovata.**

*Relying on relevant sources, please assess the implications (if any) of the institutional configurations of bodies responsible for assessing the legality of the barriers to access asylum in asylum access adjudication. Consider, for instance, the implications that the type of body may have on relations with other bodies (e.g., government) and their degree of independence.*

*Describe the power/competences of the judicial or quasi-judicial bodies responsible for asylum access adjudication. Consider, for example, if they can decide on merit or only on points of law, and if it can/must re-send the case to the administrative body, or whether and to what extent their decisions are binding on the government/executive branch.*

- *First instance judicial or quasi-judicial body/ bodies:*
- *Second instance judicial or quasi-judicial body/ bodies:*
- *Third instance judicial or quasi-judicial body/ bodies:*

*Relying on relevant sources, please assess the implications (if any) of the available types of remedies on asylum access adjudication. Consider, for instance, sources investigating their influence in defining the power distribution among involved actors or the extent of guaranteed scrutiny.*

- *First instance judicial or quasi-judicial body/ bodies:*
- *Second instance judicial or quasi-judicial body/ bodies:*
- *Third instance judicial or quasi-judicial body/ bodies:*

## B. Independence

To answer the following questions, refer to relevant sources where available.

*Assess the legal basis of the independence of judicial or quasi-judicial bodies responsible for asylum access adjudication. Consider formal guarantees of independence, such as constitutional guarantees.*

*Assess the autonomy of the managing authority of the judicial or quasi-judicial bodies in the field of access to asylum. Consider the independence of managers and middle managers of these bodies.*

*Assess the financial independence of the judicial or quasi-judicial bodies in the field of access to asylum. Consider aspects such as independence concerning the management of funds and budget.*

*Assess the independence concerning human resource decisions about adjudicators and managers in judicial or quasi-judicial bodies in asylum access adjudication. Consider aspects such as selection, appointment, dismissal, promotion, evaluation, training, and transferability.*

Jurisdiction: **Errore. L'origine riferimento non è stata trovata.** Author: **Errore. L'origine riferimento non è stata trovata.**

*Assess the internal independence of the judicial or quasi-judicial bodies responsible for asylum access adjudication. Please consider aspects such as the influence of higher-ranked adjudicators and managers, or of guidelines, on decision-making.*

*Assess the implications (if any) of various aspects of independence of judicial or quasi-judicial bodies responsible for asylum access adjudication. Consider, for example, the influence of a lack of independence on outcomes or on the possibility for judicial and quasi-judicial bodies to overturn executive decisions.*

*Assess the independence of the whole judicial system and whether and how the field of access to asylum deviates from it. For instance, judicial independence guarantees might be elevated at the general level. Still, they might not apply at the same level to the field of asylum or to judicial or quasi-judicial bodies responsible for assessing the legality of a specific barrier (e.g., detention).*

#### C. Centralization/decentralization

*Specify if the judicial or quasi-judicial bodies are centralized (composed of one local unit) or decentralized (composed of more than one local unit). If decentralized, please specify the number and location of local units.*

- *First instance judicial or quasi-judicial body/ bodies:*
- *Second instance judicial or quasi-judicial body/ bodies:*
- *Third instance judicial or quasi-judicial body/ bodies:*

*Relying on relevant sources, assess the implications (if any) of the centralization/decentralization of judicial or quasi-judicial bodies on asylum access adjudication. Consider, for example, the influence of the geographical position of local units or a heterogeneous allocation of resources that may characterize decentralized systems.*

*In case the jurisdiction has a decentralized political system (e.g., federal states), describe whether judicial or quasi-judicial bodies vary according to regions/states or whether their structure is the same across regions/states.*

- *First instance judicial or quasi-judicial body/ bodies:*
- *Second instance judicial or quasi-judicial body/ bodies:*
- *Third instance judicial or quasi-judicial body/ bodies:*

*In case the jurisdiction has a decentralized political system (e.g., federal states), relying on relevant sources, please assess the implications (if any) of variations of structures between federal states/regions on asylum access adjudication.*

#### D. Specialization

Jurisdiction: **Errore. L'origine riferimento non è stata trovata.** Author: **Errore. L'origine riferimento non è stata trovata.**

*Provide information on the institutional specialization on asylum of the judicial or quasi-judicial bodies responsible for asylum access adjudication. More precisely, specify whether these bodies are specialized, not specialized, or partially specialized. If specialized, provide information on the nature and form of this specialization (e.g., specialized judicial or quasi-judicial body, specialized court section, specialized panels, specific training for adjudicators, exposure to asylum cases, docket management to ensure specialization).*

- *First instance judicial or quasi-judicial body/ bodies:*
- *Second instance judicial or quasi-judicial body/ bodies:*
- *Third instance judicial or quasi-judicial body/ bodies:*

*Do adjudicators and other professionals involved in asylum access adjudication have access to specialized training in asylum? If so, provide details of the relevant aspects of the training if information is available. Consider, for example how often is it organized and by whom, whether it is compulsory for adjudicators, or open to other professionals, if it provides information on access to asylum.*

*Relying on relevant sources, assess the specialization of adjudicators and other professionals involved in asylum access adjudication (e.g. clerks or lawyers). If information is available, specify if it varies according to judicial or quasi-judicial bodies and/or barriers to accessing asylum.*

*Identify in relevant sources discrepancies (if any) between the specialization provided on paper and the actual specialization of the judicial or quasi-judicial bodies (for instance certain courts can decide of themselves to have specialized sections).*

- *First instance judicial or quasi-judicial body/ bodies:*
- *Second instance judicial or quasi-judicial body/ bodies:*
- *Third instance judicial or quasi-judicial body/ bodies:*

*Relying on relevant sources, assess the implications of the (lack of) specialization for asylum access adjudication. Consider, for example, the influence on the quality and consistency of decisions. If information is available, specify if it varies according to the judicial or quasi-judicial bodies and/or barriers to asylum access.*

#### E. Human resources

*Please describe the profile of the group of adjudicators responsible for asylum access and their main characteristics. Consider, for example, the number of adjudicators and their socio-demographic characteristics (e.g. gender balance), or professional characteristics (e.g. administrative, civil judges, non-professional judges.).*

- *First instance judicial or quasi-judicial body/ bodies:*
- *Second instance judicial or quasi-judicial body/ bodies:*
- *Third instance judicial or quasi-judicial body/ bodies:*

Jurisdiction: **Errore. L'origine riferimento non è stata trovata.** Author: **Errore. L'origine riferimento non è stata trovata.**

***How are the adjudicators selected and appointed in judicial or quasi-judicial bodies responsible for asylum access adjudication?***

- *First instance judicial or quasi-judicial body/ bodies:*
- *Second instance judicial or quasi-judicial body/ bodies:*
- *Third instance judicial or quasi-judicial body/ bodies:*

***Relying on relevant sources, please assess the implication of the characteristics of adjudicators and their appointment system in asylum access adjudication. Consider for example sources reflecting on the influence of gender in adjudication, or studies considering the influence of the appointment system in specialization or independence, and thus their potential indirect effect on adjudication. If no relevant information is available in existing sources, please specify it.***

***Do judicial or quasi-judicial bodies responsible for asylum access have clerks, or experts supporting the adjudication function? If so, provide relevant information (if available) on their appointment, characteristics, and tasks.***

- *First instance judicial or quasi-judicial body/ bodies:*
- *Second instance judicial or quasi-judicial body/ bodies:*
- *Third instance judicial or quasi-judicial body/ bodies:*

***Relying on relevant sources, please assess the interpretation service in quasi-judicial bodies responsible for asylum access. Consider, for example, the availability and expertise of professional interpreters during hearings. If relevant information is unavailable on existing sources, please specify it.***

***Relying on relevant sources, please assess the quality and availability of human resources in judicial or quasi-judicial bodies responsible for asylum access. Consider factors such as specialization and available human resources, also considering the caseload.***

***Relying on relevant sources, please assess the implications (if any) of human resources in judicial or quasi-judicial bodies responsible for asylum access. Consider aspects such as the influence of a shortage of human resources (e.g., adjudicators, interpreters) and factors such as the selection and characteristics of human resources (e.g., specialization or professional background) in decision-making. If relevant information is unavailable on existing sources, please specify it.***

#### F. Tools supporting adjudication

***Describe the key organizational tools supporting asylum adjudication in responsible judicial or quasi-judicial bodies. Consider various tools, such as agreements with other actors to facilitate exchanges of information (e.g., bar associations, executive bodies) or instruments for exchanging information within the judicial or quasi-judicial bodies.***

- *First instance judicial or quasi-judicial body/ bodies:*

Jurisdiction: **Errore. L'origine riferimento non è stata trovata.** Author: **Errore. L'origine riferimento non è stata trovata.**

- *Second instance judicial or quasi-judicial body/ bodies:*
- *Third instance judicial or quasi-judicial body/ bodies:*

***Among these tools, describe the functioning, role, and implementation of IT tools supporting asylum access adjudication.***

- *First instance judicial or quasi-judicial body/ bodies:*
- *Second instance judicial or quasi-judicial body/ bodies:*
- *Third instance judicial or quasi-judicial body/ bodies:*

***Relying on relevant sources, assess the implications (if any) of organizational tools (especially IT tools) in asylum access adjudication. Consider, for instance, IT tools used for oral hearings or for sharing documents among parties and their potential influence on adjudication.***

#### G. Management

***Provide information on judicial or quasi-judicial bodies' managers and middle managers in judicial and quasi-judicial bodies responsible for asylum access adjudication. Describe who they are (e.g., court presidents, section presidents) and what their tasks are.***

- *First instance judicial or quasi-judicial body/ bodies:*
- *Second instance judicial or quasi-judicial body/ bodies:*
- *Third instance judicial or quasi-judicial body/ bodies:*

***Relying on relevant sources, assess if managers have a direct or indirect influence on asylum access adjudication. Consider factors such as potential influence on decision-making, docket management, and adjudicators' career paths, or evaluation of adjudicators' performance.***

- *First instance judicial or quasi-judicial body/ bodies:*
- *Second instance judicial or quasi-judicial body/ bodies:*
- *Third instance judicial or quasi-judicial body/ bodies:*

***Are professional performance measures (for e.g., judges, clerks) in place in judicial and quasi-judicial bodies responsible for asylum access adjudication? If so, relying on relevant sources, assess the implications (if any) in asylum access adjudication. Consider, for example, the potential influences on the quality of decisions and scrutiny of cases or independence of judges.***

- *First instance judicial or quasi-judicial body/ bodies:*
- *Second instance judicial or quasi-judicial body/ bodies:*
- *Third instance judicial or quasi-judicial body/ bodies:*

#### H. Caseload and delays

***Please describe the caseload of judicial or quasi-judicial bodies responsible for asylum access adjudication.***

- *First instance judicial or quasi-judicial body/ bodies:*

Jurisdiction: **Errore. L'origine riferimento non è stata trovata.** Author: **Errore. L'origine riferimento non è stata trovata.**

- *Second instance judicial or quasi-judicial body/ bodies:*
- *Third instance judicial or quasi-judicial body/ bodies:*

*Relying on relevant sources, assess the implications (if any) of caseload on asylum access adjudication. Consider, for example, the impact of the caseload in combination with scarce human resources and its possible effects on the quality of justice.*

*Please describe the delays and backlogs characterizing judicial or quasi-judicial bodies responsible for asylum access adjudication.*

- *First instance judicial or quasi-judicial body/ bodies:*
- *Second instance judicial or quasi-judicial body/ bodies:*
- *Third instance judicial or quasi-judicial body/ bodies:*

*Relying on relevant sources, assess the implications (if any) of backlog and delays in asylum access adjudication. Consider factors affecting all actors involved, including judges, lawyers, and applicants. For instance, delays may facilitate the collection of evidence or hinder asylum seekers' access to justice.*

#### I. Influence of judicial or quasi-judicial bodies on access to asylum

*Relying on relevant sources, assess the impact (if any) of case law in the field of asylum access adjudication on legislation. Consider, for example, changes in asylum law or related legislation.*

*Relying on relevant sources, assess the impact (if any) of case law in the field of asylum access adjudication on asylum policies. Consider, for example, changes in border control or the asylum system.*

*Relying on relevant sources, assess the impact (if any) of case law in the field of asylum access adjudication on executive practices related to barriers to access. Consider, for example, changes in the practices of executive bodies responsible for registering asylum applications or border management.*

#### L. Judicialization of politics

To reply to the following questions, **consider judicialization as a neutral term**, aiming to grasp a process (increasing influence of the judiciary in a policy field) instead of a certain outcome (e.g. higher protection of human rights). Please see the section 'Defining terms' for the definition of 'judicialization of politics'.

*Do conflicts concerning access to asylum exist between the executive branch and the judiciary? If so, please provide details on the extent and form of these conflicts according to relevant sources. Consider, for example, the government's public criticisms of judicial or quasi-judicial bodies or adjudicators, judicial or quasi-judicial bodies authorities' declarations, and public statements about government measures related to access to asylum.*

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*Have legislators recently restricted or expanded the jurisdiction or competence of judicial and quasi-judicial bodies responsible for asylum access adjudication according to existing sources? If information is available, please specify if divergences occur between the whole judiciary and the field of migration and asylum.*

*Despite there being no expansion (or even a restriction) of the jurisdiction and competence, have judicial and quasi-judicial bodies responsible for asylum access adjudication proactively found ways to influence policy outcomes in the field according to relevant sources? If information is available, please specify if divergences occur between the whole judiciary and the field of migration and asylum.*

*Do judicial and quasi-judicial bodies responsible for asylum access influence policy outcomes in practice, particularly given the volume of cases they decide and review? According to relevant sources, if available, please indicate whether divergences exist between general judicial practices and those specifically within the field of migration and asylum.*

*How do relevant sources assess the judicialization of politics in the country? Among these sources, is there any reference to the field of migration and asylum? If so, discuss (according to these sources) what occurs in the field, whether and how it diverges from other fields.*

#### M. Other relevant aspects of judicial and quasi-judicial bodies

*Are there other aspects concerning the institutional and organizational configuration, characteristics, and role of judicial and quasi-judicial bodies relevant to studying asylum access adjudication? If so, what implications do they have in adjudication in the field according to relevant sources?*

### III. OTHER ACTORS IN ASYLUM ACCESS ADJUDICATION

#### A. Bodies of the executive branch in asylum access adjudication

To answer the following questions, refer to the list of the involved executive bodies in asylum access adjudication provided in Part two Section B. Please see the section 'Defining terms' for the definition of 'judicialization of politics'.

*Specify whether the executive bodies listed in Part two Section B are specialized in asylum/migration or human rights. Offer a brief overview of their main characteristics (e.g., expertise, composition, resources) in the selected jurisdiction according to relevant sources, if available.*

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*Relying on relevant sources, assess the extent of involvement, efforts, and interests that executive bodies display in asylum access adjudication when they are one of the parties involved in the trial. Please specify also what can explain the extent of their involvement according to existing sources. For instance, executive bodies can play a different role depending on available resources or interest in the specific case. Please specify if there are differences among barriers to accessing asylum or differences within the national territory.*

*Relying on relevant sources, assess the role of executive bodies and their implications (if any) in asylum access adjudication. Consider, for example, aspects such as their active involvement in hearings or in providing evidence as one of the parties in the trial and how this can affect decision-making in judicial or quasi-judicial bodies.*

#### B. International or regional organizations

To answer the following questions, refer to the list of the involved international and regional organizations in asylum access adjudication provided in Part two Section B.

*Referring to the list of involved international organizations in Part two Section B, specify whether they are specialized in asylum/migration or human rights. Additionally, offer a brief overview of their main characteristics (e.g., expertise, composition, resources) in the selected jurisdiction according to existing sources, if available.*

*Relying on relevant sources, assess the extent of involvement, efforts, and interests that international and regional organizations display in asylum access adjudication. Please specify also what can explain the extent of their involvement according to existing sources. For instance, UNHCR/EUAA can play a different role according to the relationships with the executive branch or their mandate in the jurisdiction. Please specify if there are differences among barriers to access asylum or differences within the national territory.*

*Relying on relevant sources, assess the role of international or regional organizations and their implications (if any) in asylum access adjudication. Consider, for example, aspects such as rule interpretation, involvement of experts, and collection of evidence.*

#### C. NGOs and bar associations

*Based on case law, are NGOs and bar associations involved in asylum access adjudication in the selected jurisdiction?*

yes;  no

*If yes, please list the involved NGOs and bar associations and specify whether they are specialized in asylum/migration or human rights. Additionally, offer a brief overview of their main characteristics (e.g., expertise, composition, resources) in the selected jurisdiction according to existing sources, if available.*

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*Relying on relevant sources, assess the extent of involvement, efforts, and interests that NGOs and bar associations display in asylum access adjudication. Please specify also what can explain the extent of their involvement according to existing sources. For instance, NGOs can play a different role according to their available resources or their expertise. Please specify if there are differences across barriers to access asylum or differences within the national territory.*

*Relying on relevant sources, assess the role of NGOs and bar associations and their implications (if any) in asylum access adjudication. Consider, for example, aspects such as rule interpretation, involvement of experts, and collection of evidence.*

*Is there any form of organized or formal involvement of civil society, apart from NGOs, in asylum access adjudication according to relevant sources? If yes, how?*

#### D Supranational courts

*According to existing sources and based on case law analysed in Part two, what influence, if any, have supranational courts' rulings had on national judicial approaches to asylum barriers, such as pushbacks, detention, or externalization practices? Provide examples of cases where supranational case law guided or altered national court rulings on these issues.*

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#### E. Other actors

*Are there other actors involved in asylum access adjudication? If so, what is their role and the implication of their involvement according to relevant sources?*

### IV. THE SOCIO-POLITICAL CONTEXT

#### A. Migratory routes and entry points

*Is the country mainly a:*  sending country;  receiving country;  transit country.

*Please explain the main migration routes towards the country since 2010. Refer to relevant changes and trends over the years.*

*Please locate forced migration routes (see definition in section 'Defining Terms') towards the country within the region.*

*Please describe the main entry points (e.g., air, sea, or land) in the country since 2010. More precisely, list the name of the main entry localities or areas (e.g., for Italy, it would be Lampedusa,*

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*Trieste, Pozzallo, etc.) and according to entry points. Consider for example the presence/absence of physical barriers in the various entry points (e.g. walls, detention centres), the implementation of formal and informal mechanisms of border control (e.g. police, IT mechanisms), practices adopted at the entrance for asylum seekers (e.g. information, registration of the application, etc.), as well as actors present at the entry points (police, NGOs, etc.).*

*Relying on relevant sources, assess the implications (if any) that migratory routes towards the country have on how judicial and quasi-judicial institutions assess the legality of barriers to access asylum in the jurisdiction. Consider, for example, the political relationships with neighbouring countries and how they can influence decision-making, such as in cases of chain pushbacks. Please if needed, differentiate between barriers and/or judicial and non-judicial bodies.*

*Relying on relevant sources, assess the implications (if any) that entry points in the country have on what occurs in judicial and non-judicial institutions responsible for assessing the legality of barriers to access asylum in the jurisdiction. For example, in decentralized or federal states, the place where the asylum seeker enters the country can influence the legal norms applicable to the case, or the type of courts responsible for adjudicating the appeal. Moreover, formal or informal practices adopted at a certain territorial border of the state by police or IT border management instruments can be crucial in explaining courts' decision making on the legality of barriers to access asylum. Please if needed, differentiate between barriers and/or judicial and non-judicial bodies*

#### B. Composition and spatial distribution of forced migration population

*Provide information (if available) on the number of asylum seekers (those who have applied for asylum but whose RSD is not completed yet) and recognized refugees. Additionally, describe (if available) the composition of this population (country of origin, gender, minors, families) since 2010, differentiating between asylum seekers and refugees according to relevant sources. In case data are easily available online in English, Spanish, or French (e.g., charts on official websites, policy documents, or reports), the expert can simply provide the hyperlink to access the source.*

*Relying on relevant sources, assess the implications (if any) that the number of asylum seekers and refugees has on what occurs in judicial and non-judicial institutions responsible for assessing the lawfulness of barriers to access asylum in the jurisdiction. Consider, for example, the consequences that a mass influx of displaced persons in a short period can have on adjudication outcome and process (e.g., access to information, backlog, or lack of resources in courts).*

*Relying on relevant sources, assess the implications (if any) that the number of asylum seekers and refugees has on what occurs in judicial and non-judicial institutions responsible for assessing the legality of barriers to access asylum in the jurisdiction. Consider, for example, the impact that a significant presence of vulnerable persons or minors may have on access adjudication, for instance in terms of legal norms raised in court cases. Or consider the influence that the*

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*composition of forced migration in terms of nationality and country of origin can have on decision-making.*

*Are there displaced persons in the selected jurisdiction who are not asylum seekers or recognized refugees according to relevant sources? If yes, provide information on whether these persons have been affected by the barriers to accessing asylum already analysed in Part I of the Report. Additionally, if available, provide information on the number and composition of this population (e.g. country of origin, gender). In case data on number and composition are easily available online in English, Spanish, or French (e.g., charts on official websites, policy documents, or reports), the expert can simply provide the hyperlink to access the source.*

*How are displaced persons, including asylum seekers and non-registered displaced persons, distributed within the territory, according to relevant sources? (To answer, refer to variances between local regions/federal states, cities/rural areas, and border/non-border zones.) In case data on the spatial distribution are easily available online in English, Spanish, or French (e.g., charts on official websites, policy documents, or reports), the expert can simply provide the hyperlink to access the source.*

*Relying on relevant sources, assess the implications (if any) that the spatial distribution of the forced migration population has on asylum access adjudication. For example, displaced persons in peripheral areas may face challenges in accessing justice or obtaining legal representation or judicial or quasi-judicial bodies may experience different types of cases, or caseloads, according to the distribution of displaced persons in the country, especially in decentralized systems.*

#### C. Political and public debate in the country

*Relying on relevant sources, assess the relevance of the topic of access to asylum in political debate. Consider, for example, available sources investigating if and to what extent the implementation of barriers to access asylum has been central in electoral campaigns and the executive's political agenda.*

*Relying on relevant sources, assess the relevance of the topic of access to asylum in public debate. Consider, for example, research or reports on the relevance of border control and barriers to asylum in the media.*

*Relying on relevant sources, assess the relevance of the topic of access to asylum in public opinion. Additionally, provide (if available) a brief overview of pro and anti-immigrant and refugee sentiments in the country according to relevant sources. Consider reports or surveys describing public opinion on barriers to access asylum (e.g. the construction of a wall or externalization policies) and pro or anti-immigrant sentiments in the country.*

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*Relying on relevant sources, assess the implications (if any) that political debate and public opinion have on what occurs in judicial and quasi-judicial bodies responsible for deciding on the legality of the barriers to access asylum. Consider, for example, the influence of public opinion about migration, pressures on courts by media or politics, or the influence that frequent and electorally guided reforms have on the clarity of legal norms and, consequentially, on adjudication.*

#### D. Corruption

*Relying on your replies in Part one of the Report, please summarize whether and how corruption intervenes in access to asylum. Consider, for example, corruption during the migratory route (e.g. in the issuing of visas), at the entry points, in detention centres, or at registration offices.*

*Are there relevant sources focusing on corruption in asylum access adjudication in the selected jurisdiction?*

*Relying on relevant sources, assess whether and how corruption among the various actors involved in asylum access adjudication influences decision-making in judicial and quasi-judicial bodies.*

#### E. Other socio-political factors

*Are there other factors to consider when referring to the influence of the socio-political context on asylum access adjudication according to relevant sources? Please consider any other factor that originates outside the judicial system at the country level and can be relevant for understanding asylum access adjudication in the country (e.g., religious or cultural factors, or other social and political factors not addressed in the previous questions).*