

Member State comments to the 2023 AIDA country report on Portugal

The Asylum Information Database (AIDA) is managed by the European Council on Refugees and Exiles (ECRE). It aims to provide up-to date information which is accessible to researchers, advocates, legal practitioners and the general public through the dedicated website www.asylumineurope.org. It covers 23 countries, including 19 EU Member States (AT, BE, BG, CY, DE, ES, FR, GR, HR, HU, IE, IT, MT, NL, PL, PT, RO, SE, and SI) and 4 non-EU countries (Serbia, Switzerland, Türkiye, and the United Kingdom). The database also seeks to promote the implementation and transposition of EU asylum legislation reflecting the highest possible standards of protection in line with international refugee and human rights law and based on best practice. Each report documents asylum procedures, reception conditions, detention and content of international protection in the country it covers.

Based on the final draft for the [AIDA country report on Portugal](#), we would like to offer you the opportunity to provide your comments on the facts and legislative information presented in the report.

ECRE will only be able to consider comments provided in English within two weeks from the date of receipt, to avoid delays in publication.

Upon request from the Member State, the comments will be published in a separate annex to the country report on the AIDA website.

Comments

Overview of the main changes since the previous report update

Page 25 / 3rd paragraph

The report mentions:

According to CPR's analysis, while the transition process was quite long, it was neither gradual, nor participatory. Notably, it did not include a sustained strategy of cooperation with other relevant public entities and with civil society organisations.

AIMA suggestion:

According to CPR's analysis, while the transition process was quite long, it was neither gradual, nor participatory. CPR consider that it did not include a sustained strategy of cooperation with other relevant public entities and with civil society organisations. [Nevertheless, according to AIMA, the process involved close consultation with organisations throughout the process which occurred before AIMA entered into force.](#)

Page 25 / 5th paragraph

The report mentions:

With regards to asylum in particular, CPR observed multiple gaps in the implementation of legal norms concerning the asylum procedure and reception conditions, without proper account to the need to ensure the continuity of services despite institutional reforms. Furthermore, there have been notable difficulties in obtaining information regarding the procedures adopted by the Agency, and a structural lack of adequate communication both with civil society organisations and with applicants for international protection. CPR also observed a growing tendency for narratives focused on the need to contain and limit the number of asylum applications, which is highly concerning.

AIMA suggestion:

With regards to asylum in particular, CPR observed multiple gaps in the implementation of legal norms concerning the asylum procedure and reception conditions, without proper account to the need to ensure the continuity of services despite institutional reforms. Furthermore, there have been notable difficulties in obtaining information regarding the procedures adopted by the Agency, and a structural lack of adequate communication both with civil society organisations

and with applicants for international protection. CPR also observed a growing tendency for narratives focused on the need to contain and limit the number of asylum applications, which is highly concerning.

AIMA indicates that meetings have been maintained with all main hosting entities of asylum seekers and refugees after the 29th October and the hosting capacity was actually expanded after AIMA initiated its activities. The procedures to process asylum claims were strengthened to promote more effective decisions, at a time when the pressure on the asylum system was high due to a strong increase in the number of asylum applications since the end of 2023. During this time AIMA met regularly with UNHCR, who provided recommendations on the actions.

Page 25 / 6th paragraph

The report mentions:

The permanent financial instability and lack of predictability of funding led to reduced capacity to respond to the needs of applicants for and beneficiaries of international protection and has, at times, undermined their subsistence.

AIMA suggestion:

CPR mentions the permanent financial instability and lack of predictability of funding led to reduced capacity to respond to the needs of applicants for and beneficiaries of international protection and has, at times, undermined their subsistence.

AIMA indicated that after initiating its activities hosting capacity was expanded to respond to increasing needs and that all the necessary procurement procedures were adopted to ensure transparency in public spending. The transition between the multiannual financial frameworks and the start of AMIF 20230 created some constraints that are now regularized.

Page 28 / 1st paragraph

The report mentions:

Since the beginning of AIMA's operation, CPR has observed/received reports of concerning practices pertaining to the **registration** of asylum applications, namely, provision of incorrect information, difficulties in registering asylum applications due to practices adopted by the services/lack of knowledge, and late registration (see: Asylum Procedure: Registration of the asylum application).

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AIMA suggestion:

In accordance with the Asylum Law, AIMA improved the asylum procedures and was able to deal more effectively with the pressure on the asylum system that resulted from a strong increase in the number of applications. The applications are registered within three working days after their submission. Despite this time, all the requests are registered on the same day that they are submitted, when asylum seekers present their requests in AIMA's facilities. Information on rights and duties is available in several languages (Arabic, English, French, Lingala, Portuguese, Spanish, Russian and Ukrainian), and AIMA is working to make them available in more languages. Interpreters are present whenever necessary.

Page 28 / 2nd paragraph / 5th point

The report mentions:

Refusal by the interviewing officers to receive evidentiary elements despite the applicant's attempts on the grounds that it would not be necessary (no written decision/explanation provided).

AIMA comment:

This statement reveals lack of knowledge and does not correspond to the procedures carried out by AIMA; all interviewing officers ask for evidence, are available to receive them by email or make photocopies of the documents, adding these elements to the request, to be considered in the analysis. We would like to kindly ask that this remark is rephrased.

Page 28 / penultimate paragraph

The report mentions

While according to CPR's observation AIMA has not explicitly used the safe country of origin concept to reject asylum applications in accelerated procedures, the organisation has received reports of applicant's that described being told by AIMA officials that no positive decisions are issued to applicants from certain nationalities, notably Gambia and Senegal. AIMA did not provide information on its practices in this regard.

AIMA comment:

This statement does not correspond to the procedures carried out by AIMA; Decisions are made based on merit, which is observed from the analysis of interviews, including the grounds claimed to apply for asylum, documentary evidence and the situation in the country of origin available in countries of origin reports and other international documents if necessary. We would like to kindly ask that this remark is rephrased. .

Page 29 / 4th paragraph

The report mentions

CPR has received consistent reports of significant issues impacting asylum applicants within this context, namely: lack of information, lack of access to material reception conditions, instances of withdrawal of accommodation immediately following notification of a negative decision (in violation of the applicable legal framework), frequent and often unannounced changes of place of accommodation, and lack of response to specific needs (including access to health care).

AIMA suggestion:

CPR has received consistent reports of significant issues impacting asylum applicants within this context, namely: lack of information, lack of access to material reception conditions, instances of withdrawal of accommodation immediately following notification of a negative decision (in violation of the applicable legal framework), frequent and often unannounced changes of place of accommodation, and lack of response to specific needs (including access to health care).

AIMA informs all asylum seekers of the accommodation available, their locations and conditions as soon as possible and accommodation

Accommodation was offered to all the PII who requested it. In some cases, the accommodation offered was refused because it was located outside of Lisbon.

To deal with the pressure on the asylum system new solutions for accommodation have been found that might require change of accommodation. However, whenever there is a change of accommodation, particularly in Hostels, the applicants are duly informed of the change of accommodation.

Regarding healthcare, all the cases are referred to the corresponding authority and we are working to improve access to medication.

Page 30 / 5th paragraph

The report mentions

CPR has also received reports of unaccompanied children provided accommodation directly by AIMA in general facilities used by the Agency for the accommodation of asylum seekers (such as hostels), despite being underage. To the extent of CPR's knowledge, such children are provided assistance by organisations specialised in child-care but it is unclear whether further adaptations are made by the authorities to ensure compliance with the rules applicable to the reception of unaccompanied children. Information regarding the reasons/criteria underlying this practice.

AIMA suggestion:

CPR has also received reports of unaccompanied children provided accommodation directly by AIMA in general facilities used by the Agency for the accommodation of asylum seekers (such as hostels), despite being underage. To the extent of CPR's knowledge, such children are provided assistance by organisations specialised in child-care but it is unclear whether further adaptations are made by the authorities to ensure compliance with the rules applicable to the reception of unaccompanied children. Information regarding the reasons/criteria underlying this practice.

AIMA indicates that all procedures related to the accommodation of asylum seekers under the age of 18 have been coordinated with the relevant authorities, namely the Institute of Social Services (that has the competency in the national system of child protection), the public prosecution office, and the national police force. In all cases unaccompanied minors are referred to the competent authorities. These entities have met regularly and are working together in the definition of standard operating procedures to better deal with the current scale of unaccompanied minors seeking asylum in Portugal.

Asylum Procedure

A. General

Page 38 / 4th paragraph / 2nd point

Instead of “High Commissioner for Migration” should be “[High Commission for Migration](#)”.

Page 38/ 6th paragraph

The report mentions:

Notably, it did not include a sustained strategy of cooperation with other relevant public entities and with civil society organisations.

AIMA comment:

This paragraph is repeated – it first came at page 25 / 3rd paragraph. Please take into account our comment previously made.

Page 38 / last paragraph

The report mentions:

CPR also observed a growing tendency for narratives focused on the need to contain and limit the number of asylum applications, which is highly concerning

AIMA comment:

This paragraph is repeated – it first came at page 25 / 5th paragraph. Please take into account our comment previously made.

C. Procedures

2. Dublin

Page 70

AIMA comments:

This point mentions that applicants subject to the Dublin procedure are checked on a monthly basis and that non-attendance entails a reduction/withdrawal in the reception conditions. This procedure is in conformity with the Asylum Law, Article 60. If applicants are unable to attend on the scheduled date, they can always notify AIMA and ask to be rescheduled. In these cases, no communication is made to the organisation in charge of reception. It is worthy to note that the applicants who are subject to the Dublin procedure may at any time be transferred to the responsible Member State.

4. Border procedure

Page 84 / paragraph 4

The report mentions:

In response to media reports and outcry regarding the situation at the border, AIMA affirmed, inter alia, that it was not able to do much regarding detention conditions at the border, and that the Agency was adjudicating applications filled at the border in less than 3 days at the time. This short delay for the analysis is highly concerning and raises serious doubts regarding the quality of the analysis conducted by the authorities.

AIMA suggestion:

In response to media reports and outcry regarding the situation at the border, AIMA affirmed, inter alia, that it was not able to do much regarding detention conditions at the border, and that the Agency was adjudicating

applications filled at the border in less than 3 days at the time. This short delay for the analysis is highly concerning and raises serious doubts regarding the quality of the analysis conducted by the authorities.

AIMA clarifies that the responsibility for border control lies within the competent police force. Asylum applications presented at the border are processed by AIMA within the minimum number of days possible to minimize the number of days in detention. AIMA has strengthened the teams and improved procedures to respond quickly while ensuring the quality of the analysis.

Page 88 / Yellow table

AIMA request:

Please point out that there is also free legal assistance for representation in the interview.

5. Accelerated procedure

Page 90, 1st paragraph

The report mentions:

The wording of the law does not seem to be fully in line with the recast Asylum Procedures Directive and with the applicable international standards as its literal application may lead not only to the accelerated processing but also to the automatic rejection of applications based on grounds such as the delay in making the application.

AIMA suggestion:

The wording of the law does not seem to be fully in line with the recast Asylum Procedures Directive and with the applicable international standards as its literal application may lead not only to the accelerated processing but also to the automatic rejection of applications based [on grounds such as entering or remaining illegally in national territory and not submitting the application for international protection as soon as possible, without valid reasons](#).

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Page 91, 1st paragraph

The report mentions:

In practice all applications are channelled through the accelerated procedure where the specific grounds provided in the law apply. The significant application of accelerated procedure continued to be registered since the beginning of AIMA's tenure. CPR has even received reports of applicant's that described being told by officials that no positive decisions are issued to applicants from certain nationalities.

AIMA comment:

This statement does not correspond to the procedures carried out by AIMA; Decisions are made based on merit, which is observed from the analysis of interviews, including the grounds claimed to apply for asylum, documentary evidence and the situation in the country of origin available in countries of origin reports and other international documents if necessary. We would like to kindly ask that this remark is rephrased.

Page 93 / Yellow table

Please point out that there is also free legal assistance for representation in interview.

D. Guarantees for vulnerable groups

Page 94 / 5th paragraph

The report mentions:

The questionnaire used by SEF/AIMA in first instance asylum includes two questions on the applicant's self-assessed health condition and capacity to undergo the interview. Dublin interview forms also contain a couple of questions on health-related vulnerabilities. According to CPR's observation, there is no clear link between the answer provided by the applicant and the adoption of special procedural guarantees in practice.

AIMA suggestion:

The questionnaire used by SEF/AIMA in first instance asylum includes two questions on the applicant's self-assessed health condition and capacity to undergo the interview. Dublin interview forms also contain a couple of questions on health-related vulnerabilities. According to CPR's observation, there is no clear link between the answer provided by the applicant and the adoption of special procedural guarantees in practice. [AIMA indicates that depending on the specific case, if a particularly vulnerable person or a particular health situation is identified, the appropriate referral mechanism will be put in place.](#)

Page 94 / 6th paragraph

The report mentions:

According to the information provided by SEF in previous years, its caseworkers received training on the identification of vulnerable persons, and specific interviewing techniques under the EASO training curriculum. It is unclear whether AIMA's caseworkers received similar specific training. UNHCR reported having provided training covering the identification and referral of asylum seekers and refugees with special needs to AIMA, PSP, GNR, ISS and entities involved in the reception of unaccompanied children.

AIMA suggestion:

According to the information provided by SEF in previous years, its caseworkers received training on the identification of vulnerable persons, and specific interviewing techniques under the EASO training curriculum. It is unclear whether AIMA's caseworkers received similar specific training. UNHCR reported having provided training covering the identification and referral of asylum seekers and refugees with special needs to AIMA, PSP, GNR, ISS and entities involved in the reception of unaccompanied children.

[AIMA indicates that its case officers received training from UNHCR on the identification and referral of asylum seekers and refugees with special needs, namely: identification of special needs / vulnerability / higher vulnerability profiles / main elements of the identification process / identification system and referral of special needs / specific procedure in relation to the unaccompanied child. EUAA training is also being planned to be implemented until the end of 2024.](#)

Page 104 / 1st paragraph

The report mentions:

According to CPR's observations, since the resumption of the application of border procedures, even if an applicant alleges that they were victims of torture and/or serious violence, AIMA does not conduct an assessment of the need of special procedural guarantees or exempts them from the border procedure.

AIMA suggestion:

According to CPR's observations, since the resumption of the application of border procedures, even if an applicant alleges that they were victims of torture and/or serious violence, AIMA does not conduct an assessment of the need of special procedural guarantees, or exempts them from the border procedure.

[AIMA clarifies that in a situation where it is found that the person has been a victim of torture or serious violence, AIMA considers that the application for international protection is considered to have merit and the person enters national territory. After entering national territory, the person is given documentation certifying that the request for international protection has been accepted. The applicant can benefit from all the rights provided for in legislation as a beneficiary of international protection and, if applicable, is forward to partners so that they can be given all the support, social and/or psychological according to the vulnerability.](#)

Page 105 / 2nd paragraph

The report mentions:

According to CPR's observations, the procedures and criteria followed by the authorities in order to request medical evaluations (including concerning mental health) were also unclear. AIMA did not provide information regarding its procedures to request medical examinations or reports *moto proprio*.

AIMA suggestion:

According to CPR's observations, the procedures and criteria followed by the authorities in order to request medical evaluations (including concerning mental health) were also unclear. AIMA did not provide information regarding its procedures to request medical examinations or reports *moto proprio*.

AIMA indicates that depending on the specific case, if a particularly vulnerable person or a particular health situation is identified, the appropriate referral mechanism will be put in place. The applicant vulnerability is identified so that, together with partner institutions, the appropriate social and/or psychological/psychiatric support can be provided.

Page 106 / 6th paragraph

The report mentions:

CPR has also received reports of unaccompanied children provided accommodation directly by AIMA in general facilities used by the Agency for the accommodation of asylum seekers (such as hostels), despite being underage. To the extent of CPR's knowledge, such children are provided assistance by organisations specialised in child-care but it is unclear whether further adaptations are made by the authorities to ensure compliance with the rules applicable to the reception of unaccompanied children. Information regarding the reasons/criteria underlying this practice.

AIMA suggestion:

CPR has also received reports of unaccompanied children provided accommodation directly by AIMA in general facilities used by the Agency for the accommodation of asylum seekers (such as hostels), despite being underage. To the extent of CPR's knowledge, such children are provided assistance by organisations specialised in child-care but it is unclear whether further adaptations are made by the authorities to ensure compliance with the rules applicable to the reception of unaccompanied children. Information regarding the reasons/criteria underlying this practice.

AIMA indicates that all procedures related to the accommodation of asylum seekers under the age of 18 have been coordinated with the relevant authorities, namely the Institute of Social Services (that has the competency in the national system of child protection), the public prosecution office, and the national police force. In all cases unaccompanied minors are referred to the competent authorities. These entities have met regularly and are working together in the definition of standard operating procedures to better deal with the current scale of unaccompanied minors seeking asylum in Portugal.

F. The safe countries concept

Page 111, 2nd paragraph

The report mentions:

While according to CPR's observation AIMA has not explicitly used the safe country of origin concept to reject asylum applications in accelerated procedures, the organisation has received reports of applicant's that described being told by AIMA officials that no positive decisions are issued to applicants from certain nationalities, notably Gambia and Senegal. AIMA did not provide information regarding its practices in this regard.

AIMA comment:

This statement does not correspond to the procedures carried out by AIMA; Decisions are made based on merit, which is observed from the analysis of interviews, including the grounds claimed to apply for asylum, documentary evidence and the situation in the country of origin available in countries of origin reports and other international documents if necessary. We would like to kindly ask that this remark is rephrased.

Page 111, last paragraph

The report mentions:

The number of inadmissibility decisions on safe third country grounds is generally low.

Countries such as Brazil, China, Ecuador, Morocco, Mozambique, South Africa, United Arab Emirates, United Kingdom, United States of America, and Turkey have been deemed as safe third countries by the Portuguese authorities.

AIMA request:

Please, remove China.

G. Information for asylum seekers and access to NGOs and UNHCR

Page 114 / Yellow table

Regarding question 1, Is sufficient information provided to asylum seekers on the procedures, their rights and obligations in practice? please, indicate “YES”

AIMA comment:

Whenever a request for international protection is registered, the applicant is informed of their rights and duties, as well as provided with any clarification requested. This information is available in several languages. Whenever there is no translation in the applicant's mother tongue, AIMA informs of the rights and duties in the language the applicant understands best. When necessary, AIMA uses the support of AIMA's telephone translation line, which provides 71 languages and dialects, or face-to-face interpreters.

Reception conditions

Please kindly take into account the previous comments to review:

- After AIMA initiated its activities the hosting capacity to face the pressure on the asylum system was expanded following public procurement and therefore there are other hosting institutions to be considered in future reports.
- Accommodation is provided taking into account the existing capacity and what is established in the Asylum Law.
- The situation with unaccompanied minors has been thoroughly explained in previous sections.
- The transfer of cases to the Social Security Services are made through the sub-group of the Steering Group.

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Content of international protection

A. Status and residence

Page 177 / 1st paragraph

The expression is *provisory residence permit*, instead of *temporary residence permit* (which is a different permit, and it is within the Foreign Law, related to Temporary Protection)

B. Family reunification

Page 185, point 1.2 / 2nd paragraph:

The report mentions:

The sponsor in Portugal must apply for family reunification at SEF's/AIMA's regional office in their residence área if the family member is living abroad at the time of application. Until the end of October 2023, if the family

member is in Portugal at the time of application, the sponsor must apply for family reunification at SEF-GAR, in Lisbon. **AIMA's practice in this regard is not yet clear.** Applications are *not* accepted at Portuguese embassies.

AIMA comment:

With the entry into force of AIMA, when the sponsor wishes to reunite family members who are outside national territory, applications for family reunification can be submitted to any AIMA Store for analysis and instruction.

If the application is granted, the sponsor will receive a letter from AIMA to their address by registered mail. From this date, the family member who is outside the national territory has a period of 90 days in which to go to the chosen Portuguese diplomatic representation in the country where they are/or the competente diplomática representation in order to obtain a residence visa for family reunification.

When the family member arrives in Portugal with a residence visa for family reunification, they contact any AIMA Store and request an extension of their international protection status (Refugee or Subsidiary Protection) under the terms of asylum law. This request is always sent internally to the CNAR - AIMA.

If the applicant wants to reunite with family members who are already in Portugal, they can go to any AIMA Store and request an extension of their international protection status (Refugee or Subsidiary Protection), under the terms of asylum law. This request will be forwarded to CNAR - AIMA.

In either situation, the legal requirements must be duly met.

Content of International Protection

Extract from the country report	Page and section	Comments
<p>In 2023, CPR continued to notice significant difficulties in booking appointments for the renewal of residence permits. According to CPR's experience, this has often caused challenges to beneficiaries of international protection, notably regarding access to employment and access to certain services.</p> <p>According to CPR's observation, the average waiting period for issuance of residence permits following such appointments is overall reasonable. Following the appointment and until the issuance of the renewed residence permit beneficiaries are issued a declaration certifying their application for the renewal of a residence permit.</p> <p>The delays in the issuance and renewal of residence permits have been flagged by the UN Human Rights Committee. ⁹¹⁶ Such delays, with impacts in access to services and assistance, have also been identified by the Statistical Report of Asylum 2020.</p> <p><small>⁹¹⁶ Human Rights Committee, <i>Concluding Observations on the fifth periodic report of Portugal</i>, CCPR/C/PRT/CO/5. 28 April 2020, par 34(a), available at: https://bit.ly/2Q1ftn8.</small></p>	<p>Page 173</p> <p>Section A. <i>Status and residence</i></p> <p>Point 1. <i>Residence permit</i></p>	<p>AIMA is improving monitoring procedures to guarantee the timely renewal of residence permits and expanding the services that can issue them. While before they were centralised at GAR-SEF at AIMA they can be issued at any AIMA service that is close to the residence of the applicant.</p>
<p>In recent years, significant challenges in obtaining appointments and extremely long waiting times for appointments at for the purposes of family reunification had been observed by CPR. This has continued to happen in 2023.</p>	<p>Page 185</p> <p>Section B. <i>Family reunification</i></p>	<p>AIMA is committed to improving procedures for family reunification including waiting times for appointments. This is one of the pledges that Portugal submitted at the</p>

	<p>Point 1.2. <i>Family reunification Procedure</i></p>	<p>Global Refugee Forum which recognises the need to streamline and implement facilitated family reunification procedures for refugees.</p>
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