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First instance authorities provided guidelines to assess requests for international protection lodged by specific groups of applicants, including nationals of Palestine, Venezuela, the Democratic Republic of the Congo and other African countries, as well as applicants invoking an illness.

In Belgium, the CGRS published updated guidelines in July 2021 on the processing of applications filed by Palestinians. The policy outlined that assistance would be assessed for Palestinians for whom a well-founded fear of persecution was not established and who depend on assistance from the UNRWA. The CGRS decided to revoke negative decisions for which an appeal was pending and to take new decisions after an additional examination. Furthermore, the guidelines noted that cessation of protection was possible when protection was given due to the lack of assistance from the UNRWA, since the CGRS established that the assistance was re-established on a permanent basis.570

In Iceland, the Directorate of Immigration announced a change in the assessment of applications for international protection made by Venezuelan nationals. These applicants are no longer automatically granted subsidiary protection due to the general circumstances in the home country. From 1 January 2022, a practice based on the Foreign Nationals Act, Article 37(2) is applied, whereby an application made by a Venezuelan national is assessed individually with reference to the provisions on subsidiary protection.571

In Sweden, the Migration Agency amended a legal position on the application of the ECHR, Article 3 in the assessment of an asylum application when an illness is invoked (RS/008/2020) 572 and another legal position on derived protection status (RS/020/2020).573

In October 2021, two policy updates were issued in Malta: one concerning applicants from Libya which provided guidelines on the application of the recast Qualification Directive, Articles 15(b) and 15(c) and another on Sudanese applicants on the application of the recast Qualification Directive, Article 15(c), focusing on the regions of Darfur, Blue Nile and South Kordofan.

In the Netherlands, the State Secretary for Justice and Security adjusted the policy on Turkey for one risk group, including persons who are active in politics, journalism or human rights and who express significant criticism of the authorities and attract negative attention from the authorities. The condition that they are the subject to negative attention was deleted.574

Courts were presented with specific categories of applicants for which they either provided interpretative principles on the assessment of their cases or they referred the cases to the CJEU for a preliminary ruling.

Although the CGRS may decide not to invite an applicant for a medical examination in cases when the applicant raises a medical issue, the Belgian Constitutional Court held in February 2021 that the CGRS refusal must be justified in accordance with Article 62(2)(1) of the Act of 21 November 2017 amending the Residence Act and the Reception Act. A court cannot force the CGRS to proceed with a medical examination, but if the reasons of the CGRS for not conducting it are found unacceptable, the CGRS will be mandated to organise a medical examination.

The Supreme Administrative Court of Czechia ruled that it is unlawful to consider an application implicitly withdrawn when the applicant did not comply with the ministry's order to appear at the reception centre for asylum seekers within 24 hours due to his wife's risky pregnancy, which amounted to a reason beyond the applicant's control.

The French CNDA decided that all children of a beneficiary of subsidiary protection should be eligible for the same type of protection, including children who are born after the protection was granted to the parent beneficiary. The CNDA thus decided that the mechanism for the automatic admission of accompanying children to the protection status granted to their parents, provided for in the CESEDA, Article L. 531-23 should also apply to children who are born after their parents have been granted protection.

The Irish International Protection Appeals Tribunal requested the CJEU to interpret relevant provisions for assessing applications, specifically provisions on the duty to cooperate, credibility assessments and the authority's obligation to provide a decision within a reasonable time.

In the Netherlands, the Council of State set stricter requirements for the assessment procedure and reasoning provided by the State Secretary for Justice and Security for decisions on asylum applications from religious converts. Previously, the State Secretary was allowed to attach decisive weight to the assessment of credibility on the reasons for and the process of the conversion, but now the State Secretary must include in the reasoning of the decision aspects concerning the knowledge of the new faith, the activities undertaken in relation to the conversion and include statements made by others about the conversion.

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