

(Automatic translation)

Press release: State Secretary must process asylum applications from Palestinians

April 24, 2024

The Administrative Jurisdiction Division annuls the decision moratorium of 19 December 2023 announced by the State Secretary for (stateless) foreign nationals from the Palestinian territories. The State Secretary did not properly justify the moratorium because it is not based on the most up-to-date information. As a result, he did not sufficiently address the developments that took place up to 19 December 2023. This is the ruling of the Administrative Jurisdiction Division in a ruling today (24 April 2024). The ruling means that the Secretary of State must process asylum applications from Palestinian foreign nationals.

Decree moratorium on the Palestinian territories

The moratorium announced by the State Secretary meant that from 19 December 2023 he would not take a decision on asylum applications from (stateless) foreign nationals from the Palestinian territories for a period of six months. Procedures for applications from asylum seekers from these areas are then temporarily 'frozen', as it were. The State Secretary announces such a moratorium when the security situation in a country is uncertain for a short period of time and it is unclear how it will develop further.

Uncertain situation and up-to-date information

The European Procedures Directive stipulates that the State Secretary must properly substantiate that there is an uncertain situation that is expected to be temporary. In carrying out this assessment, he must have precise and up-to-date information at his disposal. According to the State Secretary, the situation in the Palestinian territories on December 19, 2023 was still uncertain and it was unclear how it would develop further. Some foreign nationals from Gaza who have applied for asylum here believe that the situation there is not uncertain, but unsafe and not temporary, which means that the State Secretary should not decide on a moratorium, but should simply decide on the asylum applications within the normal timeframe.

Inadequate reasoning

In the opinion of the Administrative Jurisdiction Division, the State Secretary did not properly substantiate his decision. The information he took into account in his decision was no longer up-to-date enough. As a result, the State Secretary did not comment on the developments that took place in Gaza from the beginning of November to 19 December 2023 and also after the end of the

pause in fighting at the end of November 2023, in light of both the fighting that took place and the deteriorating humanitarian situation.

Ruling on the period up to 19 December 2023

Today's ruling of the Administrative Jurisdiction Division only covers the period up to 19 December 2023. From that date, the decision moratorium applied. All subsequent developments in the Palestinian territories do not play a role in this trial.

Consequences of the ruling

The Administrative Jurisdiction Division annulled the moratorium on decisions. This means that the State Secretary must process asylum applications from Palestinian foreign nationals.