

Table of contents

The objectives and target audience of the study.....	5
Executive summary	6
Recommendations	10
Methodology	11
Terminology and List of Abbreviations	16
<i>X. Y. Z. v Minister voor Immigratie en Asiel</i>	18
Introduction.....	19
Whether the existence of a law that criminalized homosexuality was sufficient evidence of persecution prior to X.Y.Z. .	20
Whether asylum seekers were expected to conceal their sexual identity to avoid the risk of persecution prior to X.Y.Z. .	22
An examination of policy and legislative changes following X.Y.Z.	24
Whether an applied term of imprisonment that sanctions homosexual acts constitutes an act of persecution following X.Y.Z.	26
What punishment constitutes persecution if homosexuality is criminalized but not actually enforced following X.Y.Z. .	27
Whether asylum seekers are expected to conceal their homosexuality to avoid a risk of persecution following X.Y.Z. .	28
Whether asylum seekers are expected to conceal their political opinions or religious belief to avoid persecution following X.Y.Z.	30
Whether criminal laws that target homosexuals need to exist before an applicant can be regarded as a member of a particular social group prior to and following X.Y.Z.	31
Conclusion	32
<i>A, B and C v Staatssecretaris van Veiligheid en Justitie</i>	35
Introduction.....	36
Assessing credibility in declared sexual orientation cases prior to A.B.C.....	37
Practice on an individualised assessment of the applicant prior to A.B.C.	39
Practice on late disclosure of sexual orientation prior to A.B.C.	39
An examination of guidance issued by Member States following A.B.C.	41
Member States practice on assessing credibility in declared sexual orientation cases following A.B.C.	43
Member States practice on late disclosure of sexual orientation following A.B.C.....	48
Conclusion	50
<i>CIMADE, GISTI v. Ministre de l'Intérieur, de l'Outre-mer, des Collectivités territoriales et de l'Immigration</i>	53
Introduction	54
Whether reception conditions were provided to applicants subject to a Dublin transfer prior to <i>Cimade and Gisti</i> .	54
An examination of policy and legislative changes following <i>Cimade and Gisti</i>	55
Whether reception conditions were provided to applicant's subject to a Dublin transfer following <i>Cimade and Gisti</i> .	59
Whether material reception conditions are provided to asylum seekers during the asylum procedure	60
Conclusion	63
<i>The use of the Charter of Fundamental Rights of the EU in selected Member States</i>	64
Introduction.....	64
The use of the EU Charter of Fundamental Rights when implementing EU legislation	64
Selected Member State practice	64
The use of the EU Charter of Fundamental Rights in asylum proceedings.....	66
Whether the EU Charter of Fundamental Rights was relied upon by specific Courts in a Member State	68
The relevance of the EU Charter of Fundamental Rights in the application and interpretation of the selected CJEU case law.....	69
Conclusion	71
<i>Annex I: Number of preliminary references lodged in the field of asylum</i>	72
<i>Annex II: Policy and legislative changes following the Judgments</i>	73
<i>Annex III: Questionnaires for national experts</i>	76