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LIMITE

VISA 3
ASIM 2
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COMIX 3

NOTE

From: General Secretariat of the Council
To: Visa Working Party/Mixed Committee (EU-Iceland/Norway and
Switzerland/Liechtenstein)
Subject: Notification by Iceland pursuant to Article 8(2) of Regulation (EU)
2018/1806

Delegations will find in the Annex a notification by Iceland concerning Venezuela pursuant to Article 8(2) of Regulation (EU) 2018/1806, transmitted to the European Commission on 20 December 2024.

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Mr. Magnus Brunner
Commissioner for Internal Affairs and Migration
1049 Bruxelles/Brussels
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Date 18. December 2024
Case number DMR24120124

Subject: Notification by Iceland concerning Venezuela pursuant to Article 8(2) of Regulation (EU) 2018/1806

Background

Prior to 2016, Iceland received fewer than one hundred applications for international protection annually. However, the number of applications began to rise significantly in 2016, reaching a peak in 2022 and 2023. Initially, this increase was largely fuelled by applicants from visa-free countries like Albania, North Macedonia, and Georgia, which are considered safe countries of origin. Since 2019, however, the primary driver of this surge has been the influx of applications from Venezuelan citizens.

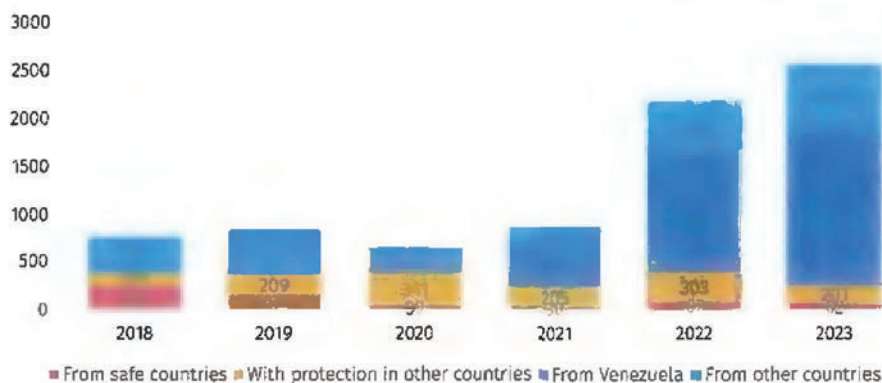
In 2022, Iceland received 4.518 applications, a record year for the number of applications for protection. Apart from Ukrainians, the largest group, were Venezuelan citizens with 1,210 applications, a threefold rise from the previous year. Apart from Ukraine (2.345) and Venezuela (1.210), the largest groups of applicants in 2022 came from Palestine (234), Somalia (95), Iraq (74) and Syria (72). This trend continued in 2023 when the number of Venezuelan applicants rose to 1.592, while applications from other countries of origin remained stable or decreased.

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COMPOSITION OF APPLICANTS FOR PROTECTION 2018-2023 (EXCLUDING APPLICATIONS FOR COLLECTIVE PROTECTION)



The exponential growth in applications from Venezuelan citizens has resulted in what can only be described as severe migratory pressure on the Icelandic asylum system. The number of first-time asylum applicants in Iceland reached 12 applicants per thousand people in 2022 and 11 in 2023, surpassing all EU member states except Cyprus.¹

Excluding Ukrainians that have applied for temporary protection, Icelandic statistics show that Venezuela exceeds any other nationality of asylum seekers and made up almost half of all asylum applications in Iceland for the past five years amount to 47% of all applicants for asylum in Iceland from 2019 to this date. During the peak years of 2022 and 2023, the ratio of Venezuelan applicants was 55,5% and 62% respectively. For further clarity, the number of Venezuelan applicants was seven times higher than the second most common nationality in the year 2023.

To provide a European context, Venezuelan citizens have become the third most common nationality among asylum applicants in the EU+ area. This is despite a negative recognition rate of 98,7%, making it the lowest recognition rate of all the top 20 countries of origin for asylum applicants². The most recent numbers published by EUAA demonstrate that the numbers continue to rise and reached an all-time high in October 2024³.

Measures implemented by Icelandic authorities

In response to the significant increase in Venezuelan citizens, Iceland implemented essential changes to its administrative procedures, where individual assessment seemed to be most effective. The changes led to a drastic decrease in applications, dropping from 1.592 applications in the year 2023 to 190 so far in 2024.

However, the cumulative impact has placed significant strain on the Icelandic asylum system due to the number of applicants arriving in the past years. Despite strict procedural deadlines and increased

¹ https://ec.europa.eu/eurostat/databrowser/view/mier_asvapp1m/default?lang=en [30.11.2024]

² <https://euan.europa.eu/latest-asylum-trends-asylum> [17.10.2024]

³ EUAA Analytical Brief, issue 9, 2024, page 6.

staffing, the accumulated number of applicants within the asylum system has continuously increased since 2020 resulting in extended processing time at both administrative levels.

The Icelandic government introduced measures to improve efficiency in processing and managing the return of Venezuelan citizens, the majority of whom received negative asylum decisions. These measures included adjustments to reintegration grants to encourage voluntary returns and enhanced collaboration with international organizations and agencies, such as Frontex and the IOM, to facilitate both voluntary and forced returns.

In addition to these administrative and internal measures, the Icelandic government has raised concerns at the EU level regarding the visa-free travel of Venezuelan citizens and the resulting migratory pressure on Iceland's national asylum system. This issue has been addressed within the Council, various working groups, and other platforms. Most recently, Iceland's Minister of Justice called for enhanced monitoring of visa exemptions under the visa suspension mechanism during the JHA Council meetings on 12 June 2024 and on 10 October 2024.

On 12 July 2024, the Nordic Ministers for Foreign Affairs and Ministers responsible for Migration jointly sent a letter to the European Commission, emphasizing the need for a whole-of-government approach to EU visa policy. The letter urged the Commission to strategically utilize available tools, including the visa suspension mechanism, with a focus on return and readmission processes. It also called for increased engagement with visa-exempt third countries that do not align their visa policies with the EU. Specifically, the letter highlighted the need for a revised visa suspension mechanism, as many unfounded asylum applications in the EU are made by individuals from visa-exempt countries -- an issue that has also impacted Iceland.

Cooperation from Venezuelan authorities

The voluntary return of Venezuelan nationals has been increasingly challenging for Icelandic authorities. This stems primarily from the fact that Venezuelan authorities have made minimal efforts to cooperate with Iceland and outright refused the return of their citizens. This lack of cooperation has significantly delayed both voluntary and forced returns, creating logistical difficulties, and placing additional financial strain on the asylum system. Moreover, it has hindered Iceland's ability to fulfil its obligations under the Return Directive, which requires the effective and timely removal of individuals with return decisions. Lastly, these challenges have strained diplomatic relations with other EU/Schengen countries by increasing the risk of absconding while individuals are in transit.

Since 2023, Icelandic authorities have increased their efforts in assisting individuals in organizing their return to Venezuela, keeping in mind that there are no direct commercial flights between Iceland and Venezuela. Icelandic authorities carried out a charter flight to Caracas, Venezuela, on the 15th of November 2023. This flight transported 180 individuals who had voluntarily agreed to return to their country of origin.

Continuing direct charter flights to Venezuela would have been optimal for both returnees and Icelandic authorities, as utilizing commercial flight routes is costly, time-consuming, and in most instances requires flight transits within Schengen. Considering this, Icelandic authorities have sought to organize charter flights for Venezuelan returnees, both directly to Venezuela and to Columbia. Authorities in both countries have refused to grant landing permits for prospective flights or cooperate on the readmission of Venezuelan citizens. Moreover, Iceland has made multiple diplomatic attempts to

encourage the Venezuelan government to facilitate the return of its citizens, but these efforts have largely been unsuccessful.

Iceland has also formally requested assistance from Venezuela's neighbouring countries, to facilitate the transit of voluntary return of Venezuelan citizens to no avail. Iceland therefore holds the view that diplomatic outreach has proved insufficient to remedy the situation at hand.

Visa Policy

Iceland shares the view of other EU/Schengen Member States that there is an undeniable link between visa policy and asylum policies and that misuse of legal pathways to the Schengen area should not be left unchecked. As mentioned in the Commission's communication on the monitoring of the EU's visa-free regimes published on 30 May 2023, "insufficient visa alignment with the EU visa policy can turn a visa-free country into a transit hub for irregular entries to the EU". No other country with visa-free access to the Schengen area lodges more asylum applications to Schengen states than Venezuela, and this rate has risen continually in the past decade. This trend has continued despite the consistently low recognition rate. Given the high volume of yearly applications for asylum, this poses a security risk for the asylum systems of the affected member states, including Iceland. It can also impact the responsiveness of internal systems tasked with maintaining robust and secure external borders of the Schengen Area, thereby undermining a well-functioning Schengen Area.

Conclusion

In light of the above, Iceland believes that the high number of asylum applications lodged by Venezuelan citizens in Iceland and the Schengen Area constitutes an abuse of the visa-free travel they are afforded under regulation (EU) 2018/1806. A significant number of Venezuelan individuals appear to be entering the Schengen Area with the specific intent of applying for asylum.

The Visa Suspension Mechanism under Article 8 of the Regulation serves as a safeguard against the abuse of visa-free travel. Over the past four years, Iceland has experienced a substantial increase in asylum applications from Venezuelan nationals. The rate of asylum applications from Venezuelans has rapidly grown over the past decade across the EU+ area, including in Iceland, despite consistently low recognition rates in the EU+ area and a sharply declining recognition rate in Iceland.

Article 8(2) states that a Member State may notify the Commission if it is confronted, over a two-month period, compared with the same period in the preceding year or compared with the last two months prior to the implementation of the exemption from the visa requirement for nationals of a third country listed in Annex II. When examining the number of applicants from Venezuela Iceland experienced an increase of 1.150% in January 2022 and 10.700% in February 2022 compared to the year before. The influx of applicants continued the following year when the increase in January 2023 amounted to 564% and 128% in February compared to the same period of previous year. Based on this data and other statistical evidence presented, Iceland believes that the conditions outlined in Article 8(2)(b) are clearly met.

Furthermore, Iceland believes that Venezuelan authorities are in breach of Article 8(2)(c) due to their lack of cooperation with Icelandic authorities and in the readmission of their citizens. The progress made by Icelandic authorities in the voluntary return of Venezuelan citizens has been achieved despite Venezuela's resistance, through cooperation with international organisations and agencies such as Frontex and the IOM, as well as other EU member states.

Given the increasing rate of asylum applications of Venezuelan citizens and the lack of cooperation from Venezuelan authorities in facilitating their return, Iceland also contends that the continued visa-free access of Venezuelan citizens to the Schengen Area must be recognized as a migration and security issue for the region if left unaddressed. Iceland therefore welcomes the conclusion of the 7th report under the visa suspension mechanism, where the Commission acknowledges the need to stem the flow of unfounded asylum applications from certain Latin American countries.

Visa-free travel should be regarded as a privilege, serving as a powerful tool in relations with third countries. It should not facilitate the abuse of the visa system and compromise the security of the Schengen Area, nor undermine the integrity of our asylum and migration systems. Through this notification, Iceland therefore urges the Commission to consider temporarily suspending the visa exemption for Venezuelan citizens.



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