



European Asylum Support Office

# Annual Report on the Situation of Asylum in the European Union 2016



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# Annual Report on the Situation of Asylum in the European Union 2016

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## Executive Summary

The 2016 Annual Report on the Situation of Asylum in the European Union aims to provide a comprehensive overview of the number and nature of applications for international protection made in the EU+ <sup>(1)</sup>. It examines how those applications were processed and indicates important developments at EU+ and national level in order to describe the functioning of the Common European Asylum System (CEAS) in each of its key aspects.

### International Protection in the EU+

In 2016, almost 1.3 million applications for international protection were made in the EU+. This was a 7 % decrease compared to 2015 when close to 1.4 million applications were lodged. The highest numbers of asylum applicants recorded were citizens of Syria, Afghanistan, Iraq, Pakistan and Nigeria. 32% of applicants were under 18 years of age.

The crisis in Syria continued to be a key factor in the number of applications for international protection in the EU+. Syria was the top citizenship of applicants reported with its citizens accounting for 26 % of all applications in the EU+. In 2016, more than 48 000 Nigerian nationals applied for international protection in the EU+, a 51 % increase on 2015.

The significant increase in number of asylum applications lodged in the EU+ over the last two years drove the growth in the number of decisions issued at first instance in the EU+. In 2016, EU+ countries issued 1 148 680 first-instance decisions, an increase of 84 % compared to 2015 and the highest number noted since 2008 when such data was first comprehensively recorded.

Of all the first-instance decisions issued in 2016, 698 750 were positive, marking an overall recognition rate at first instance of 61 %. Compared to the previous year, the recognition rate was eight percentage points higher. The increase in positive decisions by 113 % compared to 2016 was mainly due to increases in the granting of subsidiary protection by 61 %, of refugee status by 44 %, and 8 % in humanitarian protection.

These increases in recognition rates were mostly caused by a rise in applications lodged by and decisions taken on citizenships with very clear grounds for asylum. Those citizenship groups with high recognition rates were Syrian (increase in decisions issued by 142 %), Eritrean (13 %) and Iraqi (289 %) nationals.

Also decisions issued in second instance rose in 2016 compared to 2015, by 21%, with a total of 228 155 decisions issued at second or higher instance.

### Major developments in 2016

At EU+ level in 2016 the transposition process of the recast asylum acquis was in principle finalised in the few remaining countries. In parallel, a proposal by European Commission outlined the intended reform of the CEAS, including changes envisaged to the Dublin and Eurodac systems, strengthened EASO's mandate as well as revisions to the Reception Conditions, Asylum Procedures and Qualification Directives – the latter two to be transformed into regulations.

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<sup>(1)</sup> EU Member States plus Switzerland, Norway, Iceland and Lichtenstein.



The Court of Justice of the European Union passed several important judgments relevant for asylum, including on issues of content of protection, relation between applications for refugee status and subsidiary protection, detention and various aspects of the Dublin system.

Initiatives launched under the European Agenda for Migration continued in 2016, including the relocation mechanism from Greece and Italy and the hotspot approach, while with regard to external dimension activities, the Commission set out to establish a new Partnership Framework with Third Countries. The EU-Turkey Statement was agreed on 18 March 2016 and has been implemented since. The European Resettlement Scheme also continued in practice, accompanied by a proposal for a permanent EU Resettlement Framework.

In 2016 EASO continued its operational support to Greece, Italy, Cyprus and Bulgaria, progressively expanding its presence and the scope of its involvement on the ground.

In several EU+ countries asylum systems underwent changes, including most notably internal restructuring, but also creation of new institutions and changes in mandates and competencies among national stakeholders. Also asylum legislation was revised in many EU+ countries, in particular as regards provisions concerning: content of protection (including family reunification of beneficiaries of international protection), reception, registration of asylum applications, special procedures, matters concerning vulnerable groups and conditions of return of persons whose applications for protection had been refused with a final decision. In parallel, some EU+ countries adopted special emergency legislation in case of sudden influx of migrants, including asylum seekers.

Other policy changes related to integrity (with a focus on combating fraud, including as regards age assessment, and detection of potential security risks), efficiency (in particular by channelling of cases into appropriate channels and establishing workflows for swift management of cases depending on their profile) and quality of asylum procedures (by adoption of various guidelines and instructions).

## Functioning of the CEAS

All key areas of the Common European Asylum System witnessed important changes in policies and practices, often driven by the number and profile of applicants received by a particular EU+ country. Hence, while the EU+ countries operate in the shared framework of international human rights and asylum law, their asylum systems often vary greatly in concrete terms, reflecting the various circumstances in which those systems are applied in practice.

Last year EU+ countries faced the significant challenge of registering and processing applications for international protection as a result of the unprecedented influx in 2015. While in 2016 the number of applications fell slightly, EU+ countries continued dealing with the backlog of persons who had arrived in 2015 and had been awaiting the formal lodging of their application.

2016 noted some shifts in the main destination countries for asylum applicants. The top five receiving countries – Germany, Italy, France, Greece and Austria – accounted for 81 % of all applications lodged in the EU+.

Although the number of arrivals at external borders of the EU significantly decreased since the peak at the end of 2015, the pressure on the external borders of the EU+ remained high. In 2016 EU+ countries continued to use temporary reintroduction of border control (when necessary) at internal Schengen borders. Access to procedure and management of migratory flows, both by land and sea, was once again a key challenge for EU+ countries. Given the backlog of applications to be lodged, national authorities dealt with significant challenges in registering and processing applications for international protection, particularly in EU+ countries that witnessed substantial and/or sudden increases in arrivals. That also required additional efforts from EU+ countries in the provisions of interpretation and in ensuring access to legal information and assistance.

Application of the Dublin system saw a number of organisational changes and practical arrangements in EU+ countries, as at EU+ level steps were taken towards gradual resumption of Dublin transfers to Greece.

While overall a record number of applications were processed in 2016, the use of specific types of special procedures (admissibility, accelerated and border procedures) varied among EU+ countries. Overall, special procedures were used in a relatively low number of cases (about 10% of all decisions issued) while those procedures still yielded a number of positive decisions. Several of the countries that use national safe country of origin lists revised such lists in 2016, often as a result of pronouncements of national courts.

EU+ countries adjusted their reception capacities accordingly, where the number of countries increasing and decreasing their capacity was roughly equal, again pointing to diverse circumstances of individual EU+ countries. 2016 was also characterised by approaches aimed at putting into practice provisions of the recast Reception Conditions Directive which were transposed into national laws on asylum and reception of asylum seekers the previous year. Those measures often included but were not limited to affording special benefits or special reception conditions to vulnerable applicants, including provisions and practices concerning application of detention conditions to those groups.

Outcomes of procedures conducted in EU+ countries strongly reflected differences in the profile of applicants received by those countries, including most importantly the nationality, but also within one nationality, different protection needs that may exist for various groups of citizens of the same country. Challenges in the assessment of country of origin information were reflected in developments in national Country of Origin Information (COI) units some of which were often reinforced in 2016 and equipped with new tools. As these differences may also stem from various national decision practices and approaches to the same legal concepts, such as internal flight alternative and others, often resulting from the position taken by national courts, the phenomenon of variations in recognition rates calls for further in-depth analysis of such differences and their potential for harmonisation, including via joint guidance and common training programmes.

In terms of procedures at second instance, main developments in 2016 referred to the creation of new judicial authorities and transforming the existing ones, as well as revision of procedural rules applies by them.

Special needs of vulnerable groups, in terms of procedures and reception, were also at the core of many developments in EU+ countries. While the overall number of applications by unaccompanied minors decreased in 2016 and several measures were put in place regarding early detection of vulnerabilities and their efficient referral for appropriate support, many challenges remain and respective concerns were voiced by civil society stakeholders and others.

As a general trend, several countries amended their legislation concerning the set of rights and benefits accorded to persons granted protection, including restrictions on residency permits and in terms of family reunification. In parallel, however, a number of countries introduced measures that facilitated better access to services to those entitled and provided more funding for integration-related activities.

Reflecting the importance of effective returns for persons willing to voluntarily return to the country of origin or those who were found not to be in need of protection, several EU+ countries revised their return procedures, including conducting respective agreements with third countries.

# 1. Introduction

The EASO Annual Report on the Situation of Asylum in the European Union is drawn up in accordance with Article 12.1 of the EASO Regulation <sup>(2)</sup>.

Its objective is to provide a comprehensive overview of the situation of asylum in the EU (including information on Norway, Switzerland, Liechtenstein and Iceland), describing and analysing flows of applicants for international protection, major developments in legislation, jurisprudence, and policies at the EU+ and at national level and reporting on the practical functioning of the Common European Asylum System (CEAS). As part of the Report EASO also indicates its activities undertaken in 2016 in respective thematic areas.

As in previous years, the report aims to provide analysis based on a wide range of sources of information – duly referenced - to help identify the areas where improvement is most needed (and thus where EASO and other key stakeholders should focus their efforts) in line with its declared purpose of improving the quality, consistency and effectiveness of the CEAS.

The production process follows the methodology and basic principles agreed by EASO Management Board in 2013.

Primary factual information was obtained by EASO from EU+ countries<sup>(3)</sup> in a process coordinated with the European Migration Network, to avoid duplication with the 2016 Annual Report on Migration and Asylum. Furthermore, the European Commission was consulted during the drafting process and actively contributed.

Statistical information was primarily derived from Eurostat, an overview of which is available in the annex to the Report. Selected statistical data at EU+ level was also obtained from the EASO Early Warning and Preparedness System (EPS) data collection for additional insights.

The report takes due account of information already available from relevant sources, whereas EASO collected information from EU+ countries, EU institutions and agencies, international organisations, and academia. Contributions were also specifically sought from civil society with an open call for input from the EASO Executive Director to the members of the EASO Consultative Forum and other civil society stakeholders, inviting them to provide information on their work relevant for the functioning of the CEAS.

EASO Network of Court and Tribunal members contributed to the report by providing relevant examples of national case law.

In accordance with its role under Article 35 of the Geneva Convention of 28 July 1951 relating to the Status of Refugees, which is reflected in the EU Treaties and the asylum *acquis* instruments, the United Nations High Commissioner for Refugees made a special contribution to this report (also referred to as UNHCR input).

All efforts were made to provide a broad coverage of key relevant developments in areas covered by the Report within its scope. Yet the report makes no claim to be exhaustive; in particular state-specific examples mentioned in the report serve only as illustrations of relevant aspects of the CEAS.

The EASO Annual Report covers the period from 1 January to 31 December 2016 inclusive, but also refers to major recent relevant developments in the year of writing. Whenever possible, information referring to 2017 was based on most up-to-date source available at the time of adoption of the Report by EASO Management Board.

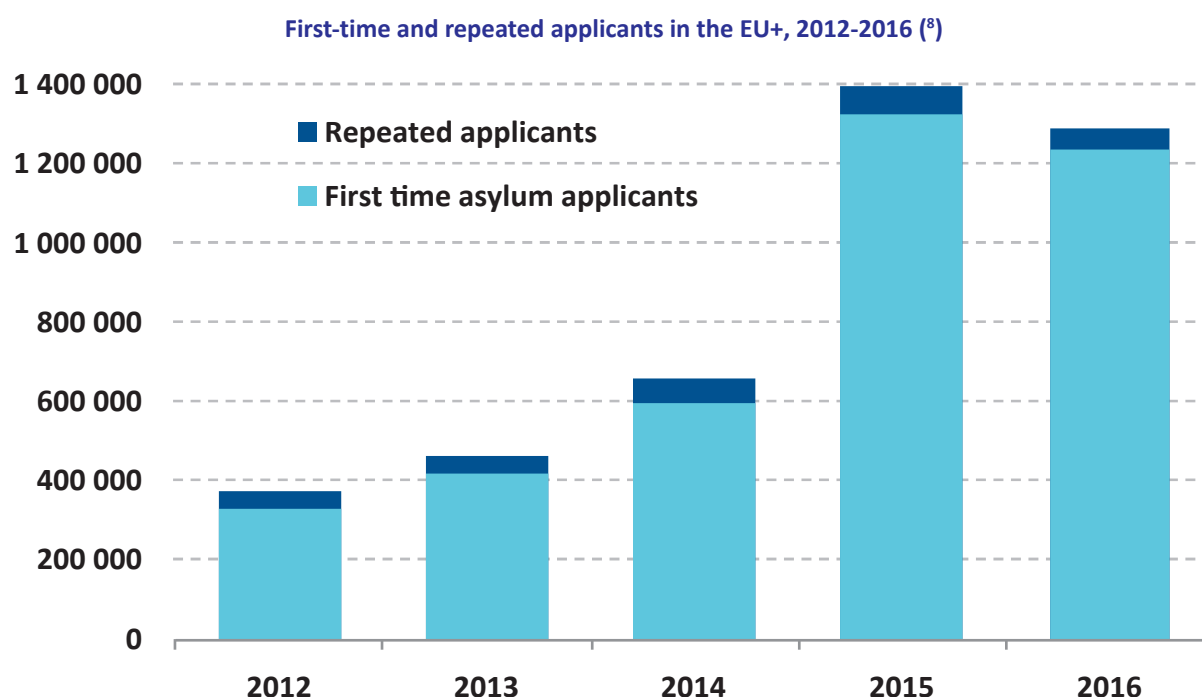
<sup>(2)</sup> Regulation (EU) No 439/2010 of the European Parliament and of the Council of 19 May 2010 establishing a European Asylum Support Office <http://easo.europa.eu/wp-content/uploads/EASO-Regulation-EN.pdf>.

<sup>(3)</sup> Unless otherwise stated, information on state practices refers to that input.

## 2. International Protection in the EU+

### 2.1. Applicants for international protection in the EU+ <sup>(4)</sup>

In 2016, EU+ countries <sup>(5)</sup> recorded 1 291 785 asylum applications <sup>(6)</sup> (or 2 483 applicants per million inhabitants). The number of applications decreased by 7 % compared to 2015 when an unprecedented number of close to 1.4 million applications were lodged in the EU+. Still, 2016 was the year with the second highest number of applications lodged since harmonised EU-level data collection <sup>(7)</sup> began in 2008.



**Figure 1: Small decrease in the number of applicants in the EU+ compared to 2015**

The high level of asylum applications in 2016 had a different background to 2015. While in 2015 most applications were related to persons who arrived from outside the EU+, in 2016 EU+ countries continued dealing with the backlog of persons who had arrived in 2015 and had been awaiting the formal lodging of their application, while in parallel the pressure on the external borders of the EU+ remained high.

Broadly speaking, in 2016 the EU experienced another year of intense migratory pressure at its external borders. Member States reported more than 511 000 detections of illegal border crossing, which corresponds to roughly 382 000 new arrivals from Africa, the Middle East and Asia <sup>(9)</sup>. Compared to 2015, the high migratory influx along the Eastern Mediterranean route eased significantly from 20 March 2016, when the EU-Turkey Statement entered into effect (overall number of irregular border crossings on that route dropped to 182 534 from 885 386 in 2015). The

<sup>(4)</sup> At the date of extraction, 11 May 2017, data from all EU+ countries were available.

<sup>(5)</sup> Unless otherwise stated, EU+ will be understood as EU28 plus Norway, Switzerland, Liechtenstein and Iceland.

<sup>(6)</sup> This figure does not include the number of citizens of EU+ countries who applied for international protection in another EU+ country.

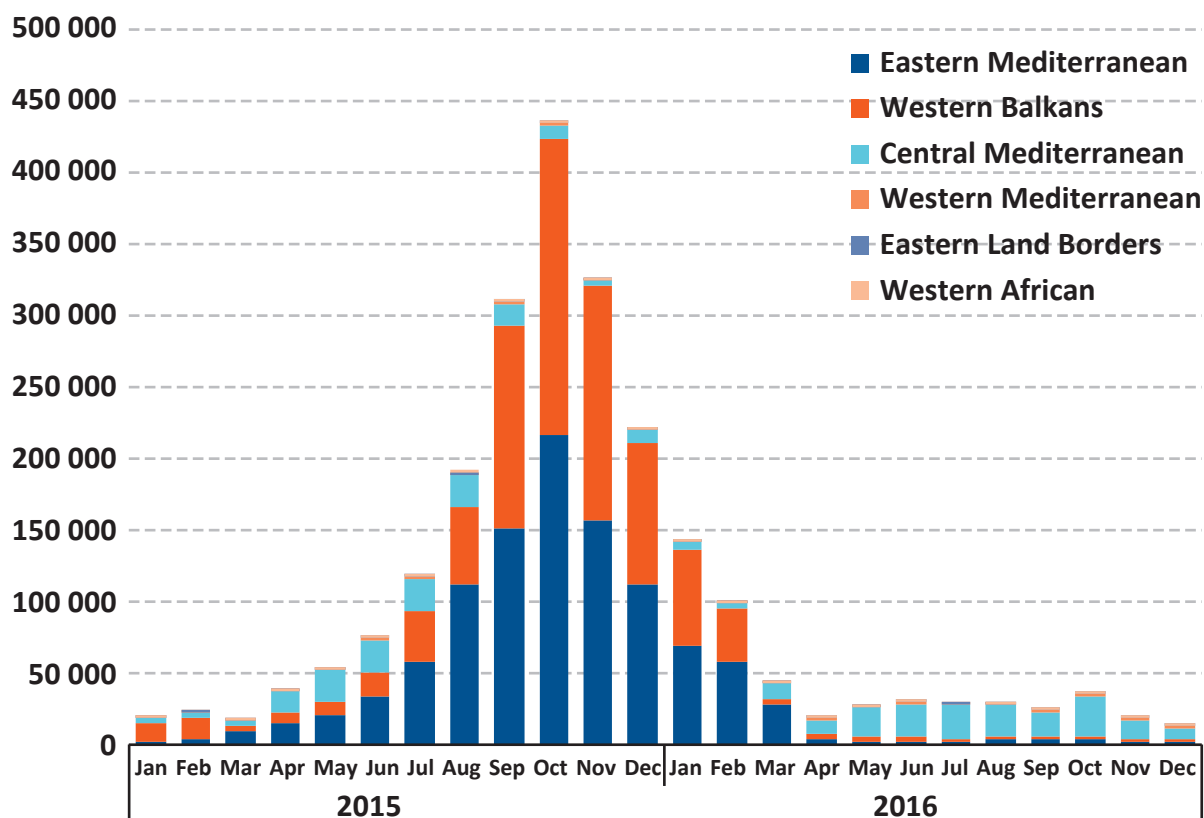
<sup>(7)</sup> As per Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32007R0862>

<sup>(8)</sup> When not available, figures for first-time applicants have been replaced with data on total applicants and vice versa.

<sup>(9)</sup> An overview of trends in arrivals into the EU in 2016, routes taken by migrants and related challenges is available from Frontex. *Frontex Risk Analysis for 2017* [http://frontex.europa.eu/assets/Publications/Risk\\_Analysis/Annual\\_Risk\\_Analysis\\_2017.pdf](http://frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2017.pdf)

situation was different in the Central Mediterranean route where in 2016 a record number of migrants, mostly from the sub-Saharan, West Africa and the Horn of Africa, were detected illegally crossing the border (181 459 migrants, an 18 % increase compared with 2015). This made the Central Mediterranean the main route for African migrants to the EU, with Italy as the main entry point.

**Detections of illegal border crossings in the EU+ by route, 2015-2016 <sup>(10)</sup>**



**Figure 2: In 2016 migratory pressure remained high in the Central Mediterranean route**

Similar to the situation in 2015, 4 % of all applications lodged in 2016 involved repeated applicants (compare Figure 1). The proportion of repeated applicants versus first-time applicants varied greatly with the citizenship of the applicant. For example, among the main citizenship groups of applicants, 98-99 % of applicants from Syria, Afghanistan and Iraq were first-time applicants, compared to 67 % of Serbian applicants.

Figure 3 shows that the monthly level of applications in the beginning of 2016 remained largely above levels reported in previous years. Rather than a seasonal trend, this reflected the delayed processing of persons who arrived in 2015 combined with continued new arrivals. During the summer months, EU+ countries continued to step up their processing capacity, while arrivals along the Central Mediterranean route peaked <sup>(11)</sup>, resulting in the highest monthly level of asylum applications in August 2016, when 141 000 applications were recorded in the EU+. From October, applications were lower and reflected the clearing of the registration backlog in Germany, while other countries were facing increasing numbers of applicants. The lowest monthly number (65 310 applications) was recorded in December.

<sup>(10)</sup> Data reported on a monthly basis by Member States and Schengen Associated Countries on detections of illegal border crossing on entry between BCPs of the external borders of the Member States of the EU and Schengen Associated Countries, and aggregated by routes.

<sup>(11)</sup> Frontex, *Detections of illegal border crossings*, accessed 5 April 2017.

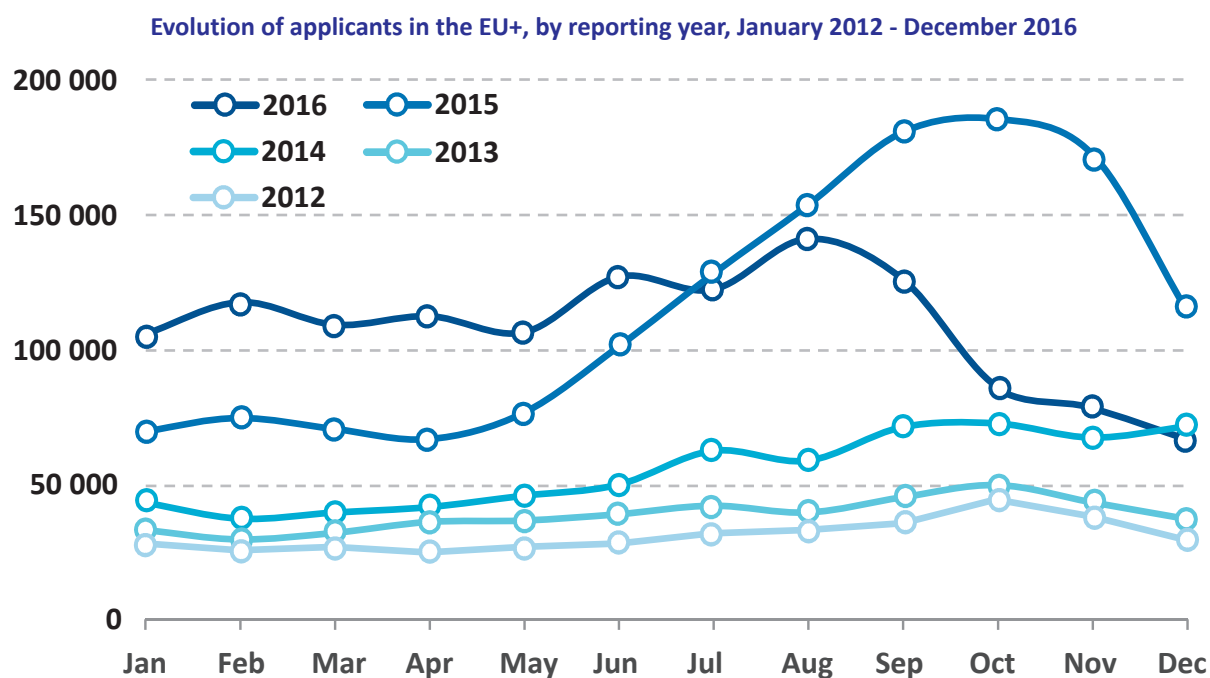
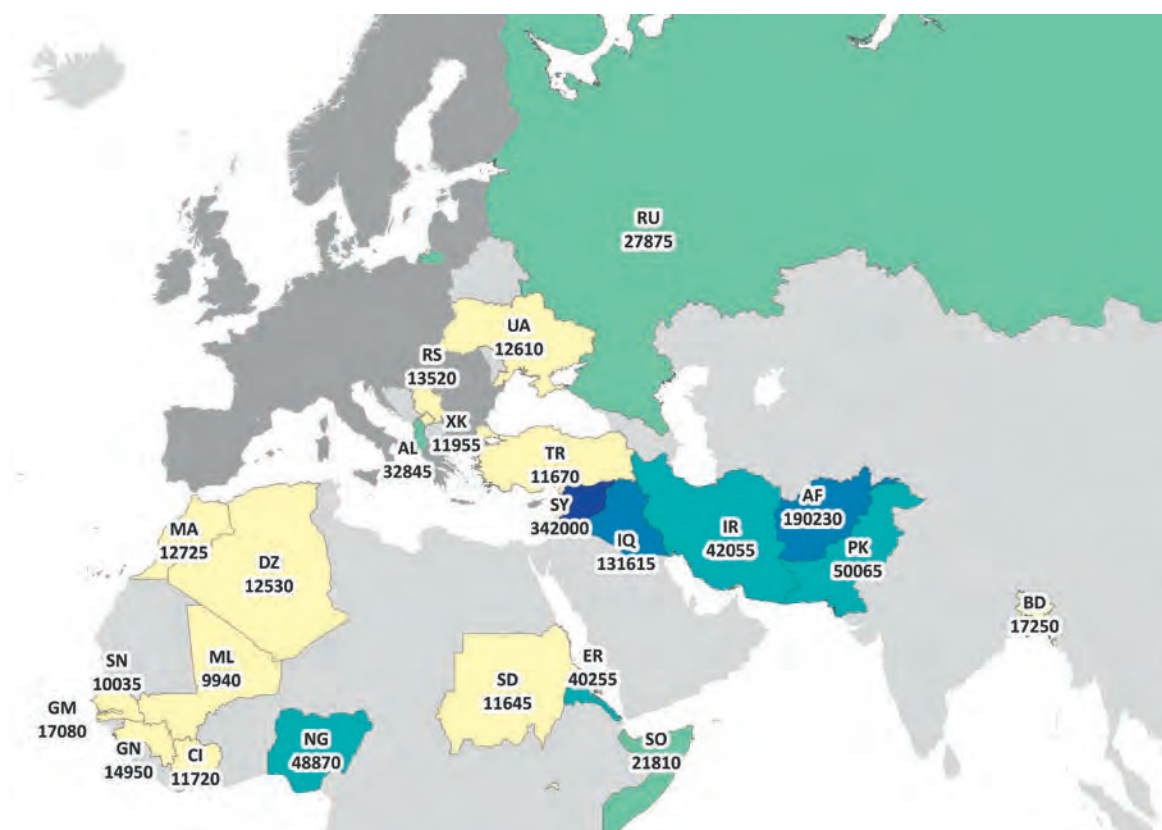


Figure 3: The monthly number of applicants significantly decreased in the last quarter of 2016

Map 1: Main countries of origin of applicants in the EU+ in 2016



Map 1 displays the main countries of origin of asylum applicants in EU+ countries in 2016. Syria was the top citizenship of applicants reported such that Syrian nationals accounted for 26 % of all applications in the EU+. Afghanistan ranked second (15 % of the EU+ total), followed by Iraq (10 %). A wide gap separated these three main countries of origin from the remaining top 10 citizenships of applicants in 2016, which consisted of citizens from Pakistan (4 %), Nigeria (4 %), Iran (3 %), Eritrea (3 %), Albania (3 %), Russia (2 %) and Somalia (2 %). Altogether, the top 10 countries of origin accounted for 72 % of all applications.

Main countries of origin of applicants in the EU+, 2012-2016

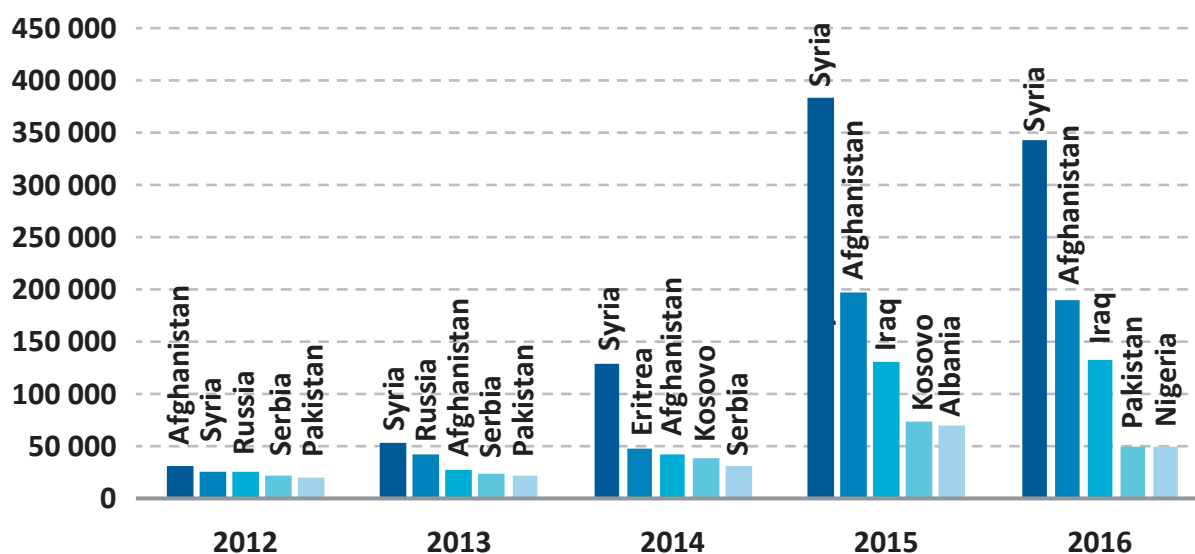


Figure 4: Syria remained the main country of origin of applicants

6 years after the start of conflict in Syria, the number of asylum applications lodged by **Syrians** in 2016 reached its second highest level with 342 005 applicants, an 11 % decrease compared to the previous year. Syria has remained the main citizenship of applicants of international protection since 2013. In Syria's neighbouring countries, Egypt, Iraq, Jordan, Lebanon, Turkey and in the northern African countries, UNHCR registered almost 4.8 million Syrian refugees by the end of 2016. Approximately 260 000 of those were newly registered during the year – which is a quarter less than the numbers of Syrian applicants in the EU+ <sup>(12)</sup>.

Although the number of applicants from **Afghanistan** dropped by 3 % compared to 2015, they ranked second for the second consecutive year. In the last 5 years, Afghan applicants have consistently been among the top five citizenships of origin. The number of Afghan applicants increased throughout the first part of year, culminating in 25 120 applications lodged in August, but subsequently decreased significantly in the second part of the year. In October 2016, the EU signed a Joint Way Forward on migration issues with the Afghan government, reflecting the joint commitment to step up cooperation on addressing and preventing irregular migration, and on the return of Afghan nationals who have no legal basis to remain in an EU Member State <sup>(13)</sup>.

**Iraq** was the third-ranked country of origin of asylum applicants in the EU+ in 2016. The number of applications by Iraqi citizens remained stable at 131 615 compared to 2015. The highest number of Iraqi applicants occurred in August with 14 455 applications, before decreasing in the last 4 months of the year.

**Pakistan** ranked fourth in 2016 with 50 055 applications lodged. Unlike the top three citizenships, Pakistani applications increased very slightly compared to the previous year – by 3 %, again entering the top five for the first time since 2013.

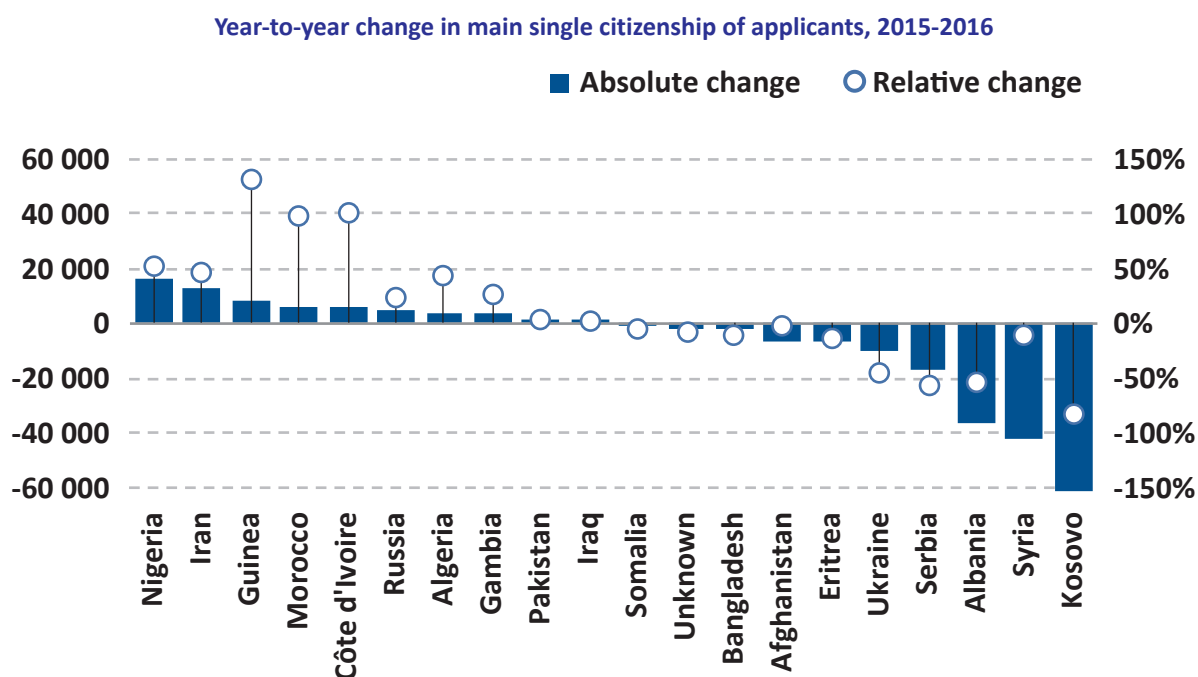
Another change involved **Nigerian** applications, which increased by 51 % and became the top five citizenship of origin for the first time since 2008 when EU data were first recorded. In total 48 885 Nigerian citizens lodged an application in the EU+ in 2016, becoming one of the top three nationalities of applicants by the end of the year.

<sup>(12)</sup> UNHCR, Syria Regional Refugee Response, Inter-agency Information Sharing Portal, <http://data.unhcr.org/syrianrefugees/regional.php>

<sup>(13)</sup> European External Action Service, *Joint Way Forward on migration issues between Afghanistan and the EU*, 2 October 2016, accessed on 27 March 2017.

As shown in Figure 5, among the 20 most frequent citizenships of asylum applicants in 2016, the largest absolute increases were recorded by Nigerian and Iranian applicants. The top five of citizenships with the largest absolute increases was completed by citizens from Guinea, Morocco and Côte d'Ivoire, which also noted the largest relative increases. The increase in applications from West African nationals (notably Nigerians, Guineans, Ivorians and Gambians) marked a trend which continued into early 2017 and is directly linked to increasing numbers of arrivals in Italy via the Central Mediterranean route <sup>(14)</sup>.

The largest absolute decreases in applications were noted for applicants from Kosovo, Syria and Albania, and the largest relative decreases were also noted for three citizenships from the Western Balkan region: Kosovo, Serbia and Albania. Applications by these Western Balkan citizens decreased in 2016 after the EU+ was faced with a massive influx in the first half of 2015. Despite decreases, Albanian applicants have remained among the top 10 citizenships of applicants in the EU+.



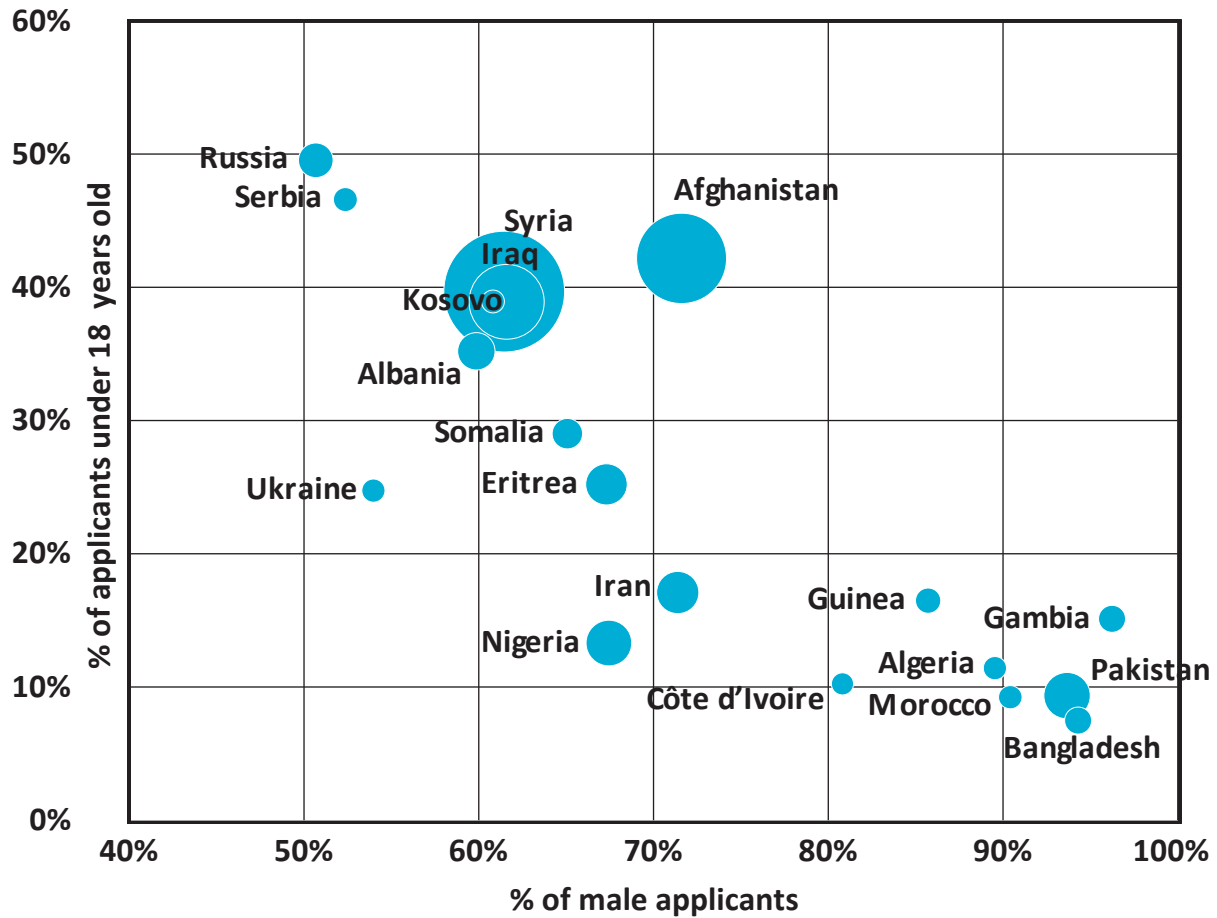
**Figure 5: In 2016, the number of applicants for 10 of the top 20 citizenships grew compared to 2015**

In 2016, 68 % of the EU+ applicants were male, while 32 % were under 18 years of age. The demographic profiles of asylum seekers varied by country of origin. Figure 6 shows the demographic profiles of the 20 main citizenships of applicants. Applicants from Pakistan, The Gambia, Bangladesh, Guinea, Morocco or Algeria were mostly male adults. Serbian, Russian, but also Iraqi, Syrian and Kosovar applicants were more gender-balanced and minors constituted half of these groups, indicating a larger number of families.

<sup>(14)</sup> Cf. Frontex, *Annual Risk Analysis 2017*, p. 9, accessed 8 April 2017.



**Demographic profile of 20 main citizenship groups of asylum applicants in the EU+**  
**Bubble size corresponds to number of applications lodged in 2016**



**Figure 6: 68 % of applicants were males and 32 % were under 18 years of age**

Further detailed data describing the receiving countries of applicants for international protection as well as information on measures undertaken by these countries relating to access to procedure can be found in Section [4.1. Access to procedure](#).

## 2.2. Pending cases awaiting a final decision <sup>(15)</sup>

Once a person has lodged an application for international protection their case is considered open until a final decision has been issued or the case has been otherwise closed <sup>(16)</sup>. A final decision means a decision that can no longer be appealed <sup>(17)</sup>. How long a case takes to be processed varies greatly depending on the nature and complexity of the case, but also on the structure and the functioning of the asylum system in each EU+ country. The current stock of pending cases is thus key information when considering the pressure on the asylum system of the country as well as the related workload on respective instances <sup>(18)</sup>.

<sup>(15)</sup> At the date of extraction, 11 May 2017, information for Austria (2014), Croatia (2011 and 2012), Cyprus (2011 and 2013) and the Netherlands (2013 and 2014) were not available.

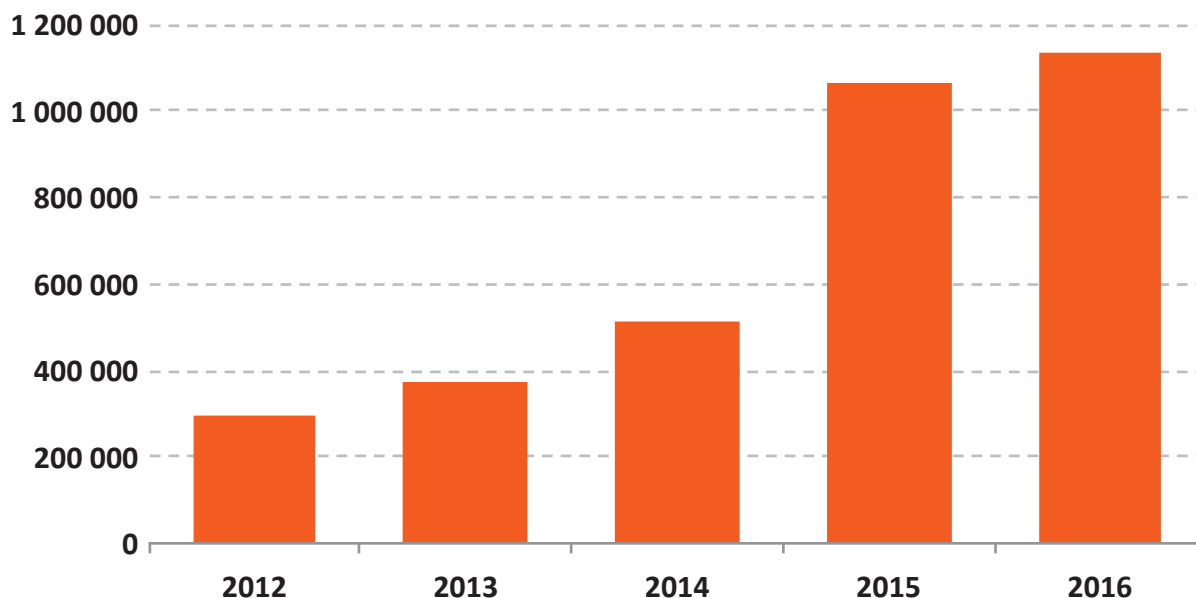
<sup>(16)</sup> For example, where the procedure is terminated and hence case is closed after contact with the applicant is no longer possible as in the case of an implicit withdrawal.

<sup>(17)</sup> At least in appeal procedures before a court or tribunal of first instance, as extraordinary means of appeal or review may still be available, depending on the national legal framework.

<sup>(18)</sup> This is the primary indicator of pressure on national asylum systems as even minor rises in absolute numbers can represent a very serious challenge to smaller systems.

At the end of December 2016, some 1 133 250 applicants were awaiting a final decision on their application for international protection in the EU+. This was 7 % more than at the end of 2015, and more than double the amount compared to the end of December 2014 (+ 121 %) <sup>(19)</sup>.

#### Pending cases in EU+ at the end of the year, 2012-2016

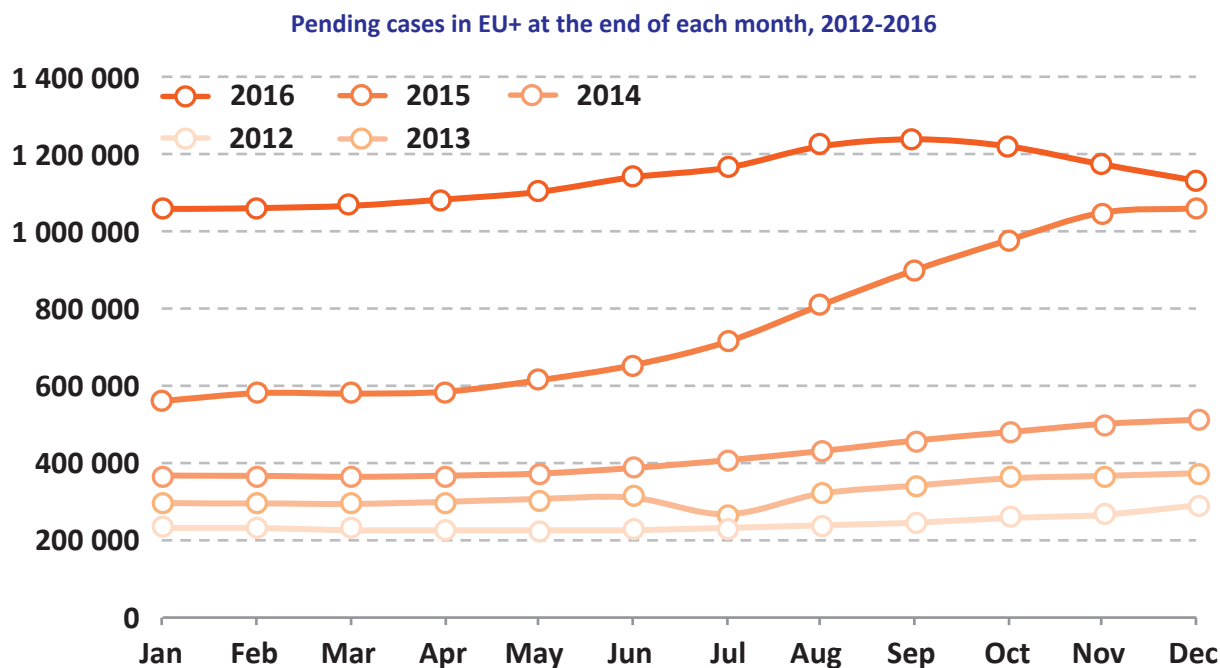


**Figure 7: In 2016 there was a 7 % increase in stock of pending cases compared to 2015**

As shown in Figure 8, the highest levels in the number of pending cases were observed in the second part of 2016 (in September 2016 the stock reached 1 240 850). However, due to an increase in the processing capacity and a significant decrease in the number of new applications, at the end of 2016 the number of pending cases decreased to a level similar to that of the end of the previous year.

According to data shared under EASO's Early warning and Preparedness System (EPS), at the end of December there were 875 929 pending cases at first instance, indicating that the majority of cases in the EU+ were awaiting first instance rather than final instance decisions (approximately 77 %). In addition, about 56 % had been pending for more than six months. This reflects the sharp rise in the numbers of applicants for international protection recorded since the beginning of the migration and asylum crisis in 2015, combined with the EU+ countries' capacity to adapt and to process such unprecedented inflow of asylum seekers.

<sup>(19)</sup> This figure concerns applications for international protection as defined under Regulation 862/2007 and does not include possible pending applications for other national forms of protection, such as political asylum stipulated in legal acts of a constitutional rank (constitutional asylum).



**Figure 8: The level of stock of pending cases awaiting a final decision at the end of year remained similar to 2015**

The three main groups of asylum applicants awaiting a final decision remained similar to the previous year with the exception of one change: **Afghan** applicants became the largest group of applicants (representing 21 % of the EU+) followed by **Syrians** (14 % of the EU+ total). The stock of pending cases for nationals from Afghanistan rose by 49 % from 159 395 at the end of 2015 to 238 015 at the end of 2016. Altogether 54 % of all cases of Afghan applicants awaiting a final decision were registered in Germany, 14 % in Sweden and 13 % in Austria. At the same time, pending cases for Syrian nationals decreased by 29 %. At the end of 2016, 157 675 Syrian cases were awaiting a final decision, 68 % of which were registered in Germany.

Applicants from **Iraq** constituted the third-largest group awaiting final decision in 2016 with 123 485 pending cases (11 % of the EU+), of which 55 % were registered in Germany, 11 % in Sweden and 8 % in Austria.

**Nigerian** and **Pakistani** citizenships ranked fourth and fifth in terms of pending cases. A total of 51 790 Nigerian nationals were awaiting a decision by the end of December 2016, a 61 % increase compared to previous year. The number of pending cases for applicants from Pakistan increased by 14 % to reach 50 270 by the end of 2016.

Compared to 2015 the only change in the citizenship ranking of most pending cases involved Nigerian and Eritrean applicants. Nigeria appeared for the first time in the top five of main countries of origin with most pending cases whereas Eritreans, with a 14 % decrease in number of cases awaiting decision left the top five and were ranked seventh with 36 245 pending cases. This reflected a 14 % drop in the number of asylum applicants lodged by Eritreans compared to 2015.

Distribution of pending cases by main countries of origin, 2012-2016

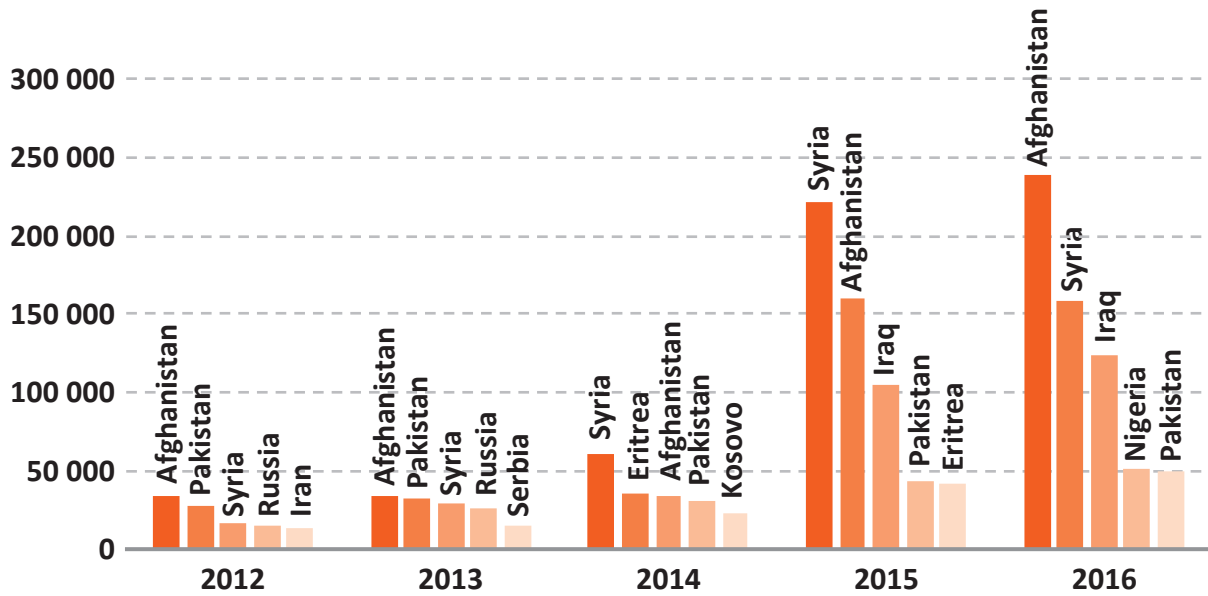


Figure 9: Afghan applicants became the largest citizenship group awaiting a final decision

The vast majority of pending cases were reported in Germany (53%), Italy (9%), Sweden and Austria (7% each). These four countries accounted for 76% of all pending cases in the EU+. The share of other countries was of less than 4% each. Apart from Sweden, the high stocks of pending cases were seen mainly in the EU+ countries facing the largest number of new applications in 2016, predominantly Germany and Italy.

**Germany**, which had 601 905 cases awaiting a decision at the end of December 2016, had the largest stock for the sixth consecutive year. Between 2014 and 2015 the stock of pending cases in Germany doubled and a further increase of 42% was observed in 2016 compared to the previous year. 21% of the cases pending in Germany involved Afghan applicants, 18% were Syrian applicants and 11% Iraqi applicants.

Distribution of pending cases by main EU+ countries, 2012-2016

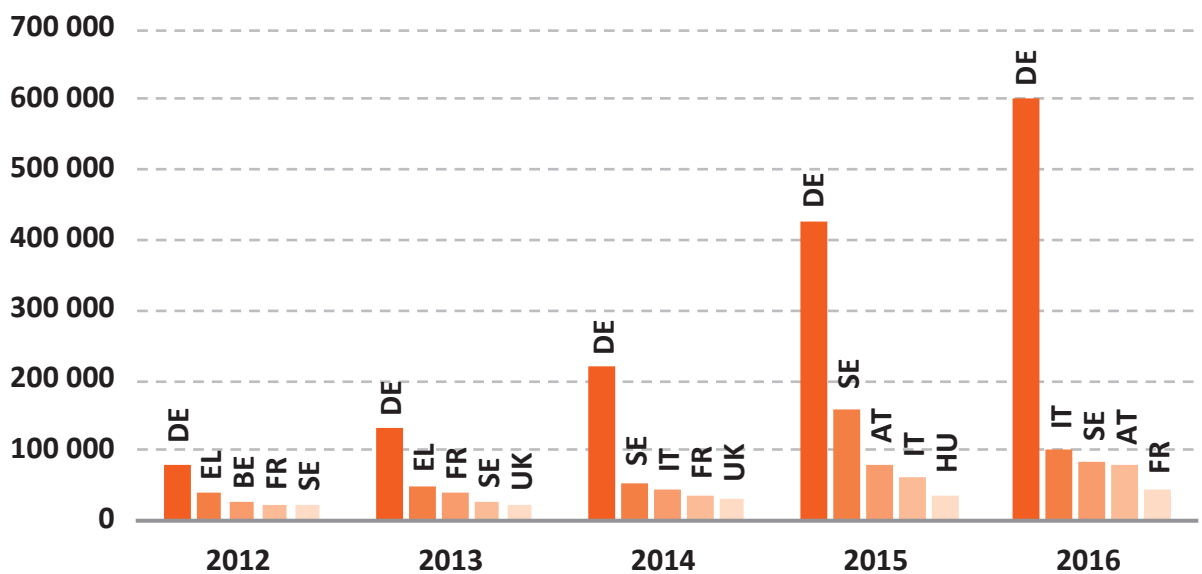
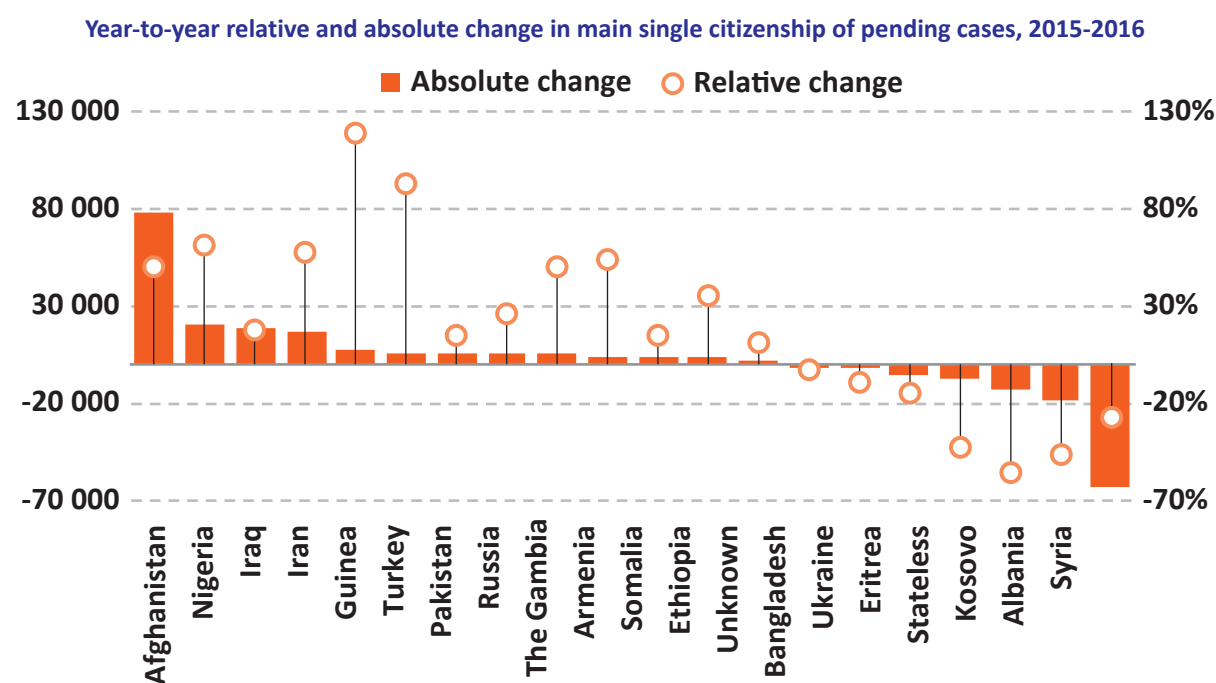


Figure 10: At the end of 2016, 53% of all applicants awaiting a final decision were in Germany

**Italy** increased its stock by 66 %; 99 920 cases were pending by the end of December 2016, of which 23 % were pending for Nigerian, 11 % for Pakistani and 8 % for Eritrean applicants. In contrast, in **Sweden**, the stock of pending cases halved to 82 960 compared to 2015 but remained higher than at the end of 2014. The majority of cases were pending for Afghan (41 %), Iraqi (17 %) and Syrian (9 %) applicants.

**Austria** was the country with the fourth-largest number of cases awaiting a final decision with 77 445 cases, a decrease compared to the previous year. 39 % of the cases were pending for Afghan applicants, and 13 % each for Syrian and Iraqi applicants. However, Austria expects the backlog to be cleared by mid-2018 and, as of mid-2018, the Federal Office predicts an average of three months for the asylum procedure. **France** entered the top five countries with most pending cases after its stock increased by 29 % to 44 070. <sup>(20)</sup> Applicants from Albania accounted for 10 % of cases in France, followed by Afghan (9 %) and Sudanese (7 %) applicants.

In relative terms, the largest change in pending cases occurred for the Guinean and Turkish caseload. The stock of Guinean and Turkish applicants more than doubled compared to the end of 2015. Conversely, the stock of pending cases of applicants from Nigeria, Iran, Armenia and Afghanistan increased by slightly more than 50 % compared to the end of 2015.



**Figure 11: The stock of Afghan cases marked a 50 % increase compared to the end of 2015**

The changes in stock of pending cases in the EU+ during 2016 were highly influenced by the changing asylum situation in Germany, and to a lesser extent by changes in Sweden, Hungary, and Italy (Figure 12). The largest drop in the number of pending cases compared to the previous year was in Sweden. The number of decisions made and the lower number of new applications during 2016 led to a 47 % decrease in the number of pending cases. On the other hand, the highest increase in the number of pending cases was observed in Germany, where the stock increased by 42 % compared to the previous year. In relative terms, Croatia registered the highest increase in number of pending cases, from 55 at the end of 2015 to 495 at the end of 2016, which reflected a ten-fold increase in the number of applications lodged.

<sup>(20)</sup> That was also due to a significant volume of new recruitments of case officers that implied the involvement of experienced case workers in their capacity building.

Year-to-year relative and absolute change in the EU+ countries' stock of pending cases, 2015-2016

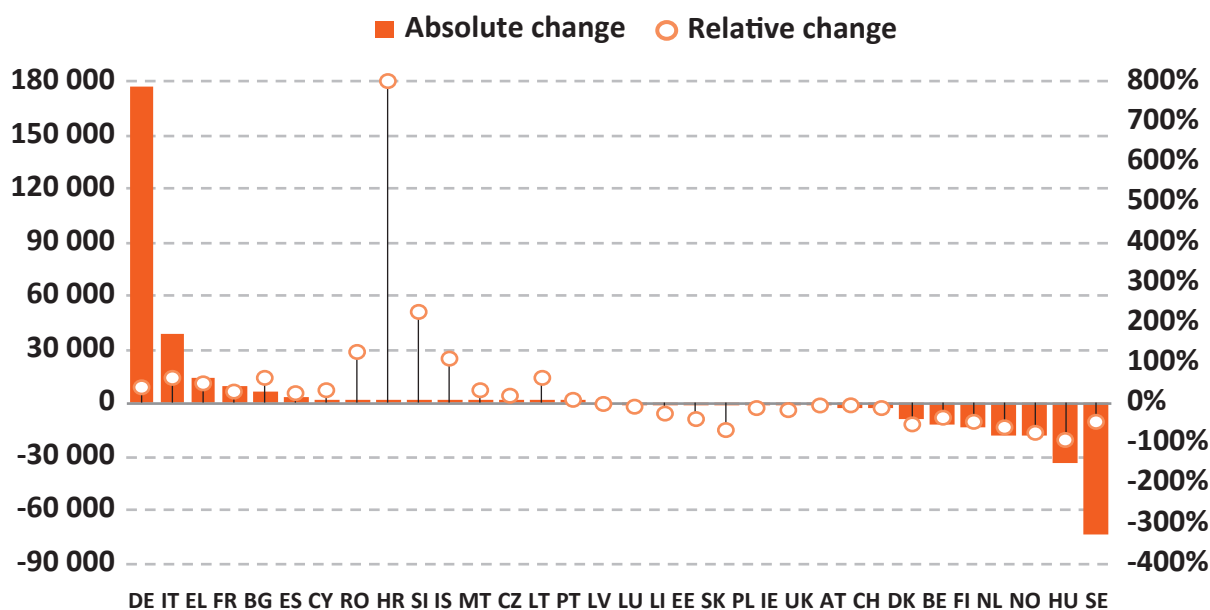


Figure 12: Croatia had the highest relative rise in stock of pending cases compared to end of 2015

On 17 March 2016 Germany introduced an accelerated procedure for certain asylum applicants, such as applicants from safe countries of origin, repeated applicants and un-cooperative applicants. In addition, measures were taken to improve the overall processing capacity (see Sections 4.5. *Special procedures* and 4.8. *Procedures at first instance*). The first effects of these measures started to be visible in the last quarter of 2016 and contributed to overall decreases in the EU+ stock of pending cases, as illustrated in Figure 13. In the first quarter of 2016 when the number of pending cases at EU+ remained stable, significant decreases in Hungary<sup>(21)</sup> balanced increases in the number of pending cases in other countries. In the last quarter of 2016, although an increase in the number of pending cases was observed in Italy, the decreases in Germany resulted in an overall decrease in pending cases at EU+ level.

Month-to-month changes in the number of pending cases in EU+ during 2016

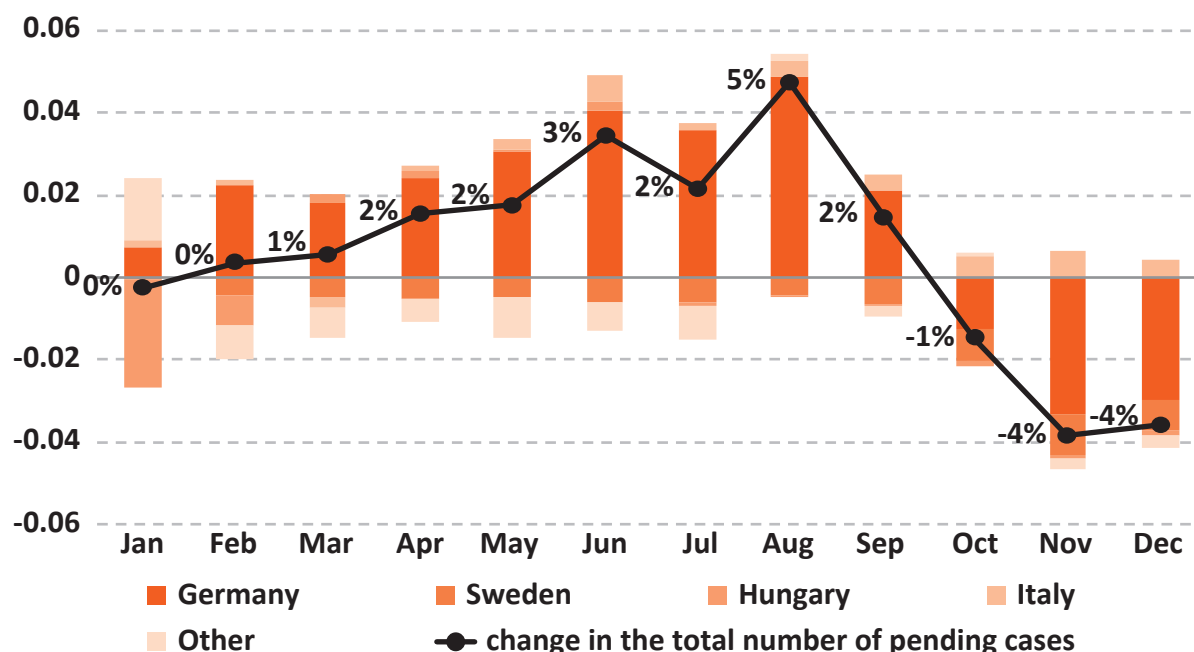
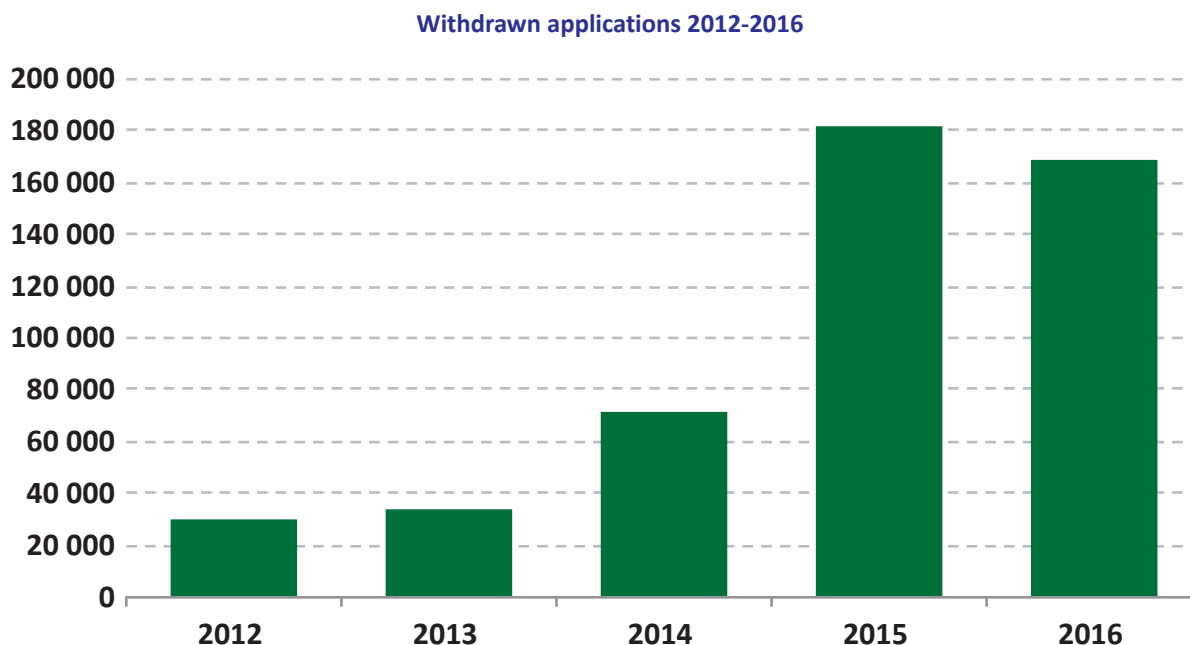


Figure 13: Increase in number of pending cases in Germany was a key factor in the EU+

<sup>(21)</sup> Except for changes in access to territory allowing authorities to return migrants apprehended within 8 km of the Serbian or Croatian borders and direct them to the nearest transit zone with limited entry per day, no other changes in legislation related to asylum procedure were reported by Hungary (EMN report). Hence lower numbers of arrivals and applications lodged translated into decreasing numbers in pending cases in Hungary.

### 2.3. Withdrawn applications <sup>(22)</sup>

Persons who have lodged an application for international protection may decide to withdraw it during the asylum procedure before a final decision is issued. In line with procedures laid down in national law, an application can be withdrawn either explicitly (where the applicant informs officially the determining body of their wish to discontinue their application) or implicitly (where an applicant can no longer be located and is judged to have abandoned the procedure).



**Figure 14: Withdrawn applications decreased by 8 % compared to 2015**

During 2016, 168 115 applicants for international protection withdrew their claim in EU+ countries, a decrease of 8 % compared to previous year when a record high of 182 055 applications were reported by EU+ countries. More than half of registered withdrawals were reported by only two destination countries – Germany and Hungary (27 % each). The ratio of applications withdrawn to the total number of applications remained similar to the previous year at 13 % of all applications made in the EU+ <sup>(23)</sup>.

The EPS data collection in 2016, though partial <sup>(24)</sup>, shows that, similar to previous years, most of the withdrawals were implicit. In 2016, 71 % of withdrawn applications were implicit, compared to 83 % in 2015 and 60 % in 2014. As in previous years there is high variation in the share of withdrawn applications among different citizenship groups. Among the top 20 citizenships with most withdrawals, applicants from Bosnia and Herzegovina had the lowest rate of withdrawn applications (14 % of the applications were withdrawn), while the highest rate of implicit withdrawals was reported for applicants from Bangladesh (92 %) and Syria (91 %). Generally, higher rates of explicit withdrawals were mostly observed among Western Balkan applicants.

<sup>(22)</sup> At the date of extraction, 11 May 2017, information for all countries was available.

<sup>(23)</sup> This ratio calculation is only illustrative because withdrawn applications in 2016 is not linked to applications lodged in 2016 (it is not cohort data). As a result, in 2016 the number of withdrawals reported by Hungary (44 905) was much higher than the number of applications lodged (29 430). Part of this difference may reflect the fact that administrative files are updated with regular delays i.e. the procedure may be terminated after 3 months from cessation.

<sup>(24)</sup> In the framework of the EPS collection, the indicator on withdrawn applications is disaggregated by citizenship and by type of withdrawal (explicit or implicit). Comparison of EPS information with EUROSTAT data is limited as the EPS indicator refers to applications withdrawn during the first instance determination process related to first-time decision-making while Eurostat's covers applications withdrawn at all instances of the administrative and/or judicial procedure. In addition, the reporting data differ: as for EPS, it is the date of decision on the withdrawn application while for Eurostat it is the date the application is considered withdrawn, which could occur at two different times. Thirdly, EPS collection does not cover Iceland and Liechtenstein.

Withdrawn applications and share of implicit withdrawals by 20 main citizenships, Jan - Dec 2016

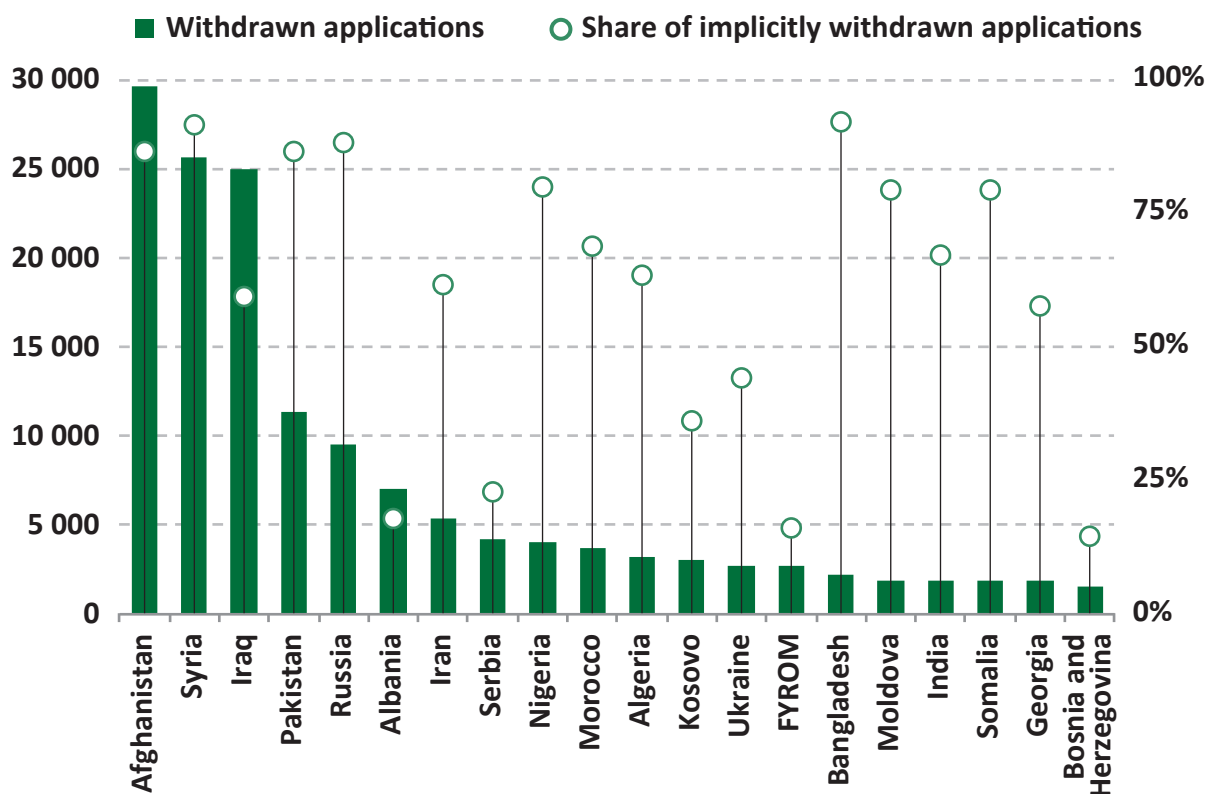


Figure 15: Share of explicitly withdrawn applications was higher for Western Balkan countries

Source: EPS data, January–December 2016

In the EU+ on average 66 % of all withdrawn applications were implicit. Figure 16 shows that above-average levels of implicit withdrawals were mostly observed in EU+ countries with external land or sea borders (i.e. Italy -100 %, Poland – 100 %, Hungary – 99 %, and Bulgaria – 89 %) as well as Austria (100 %). The reported shares of implicit withdrawals in Germany, Switzerland, France or Finland were between 32-36 %.

Withdrawn applications and share of implicit withdrawals in the EU+ countries, Jan - Dec 2016

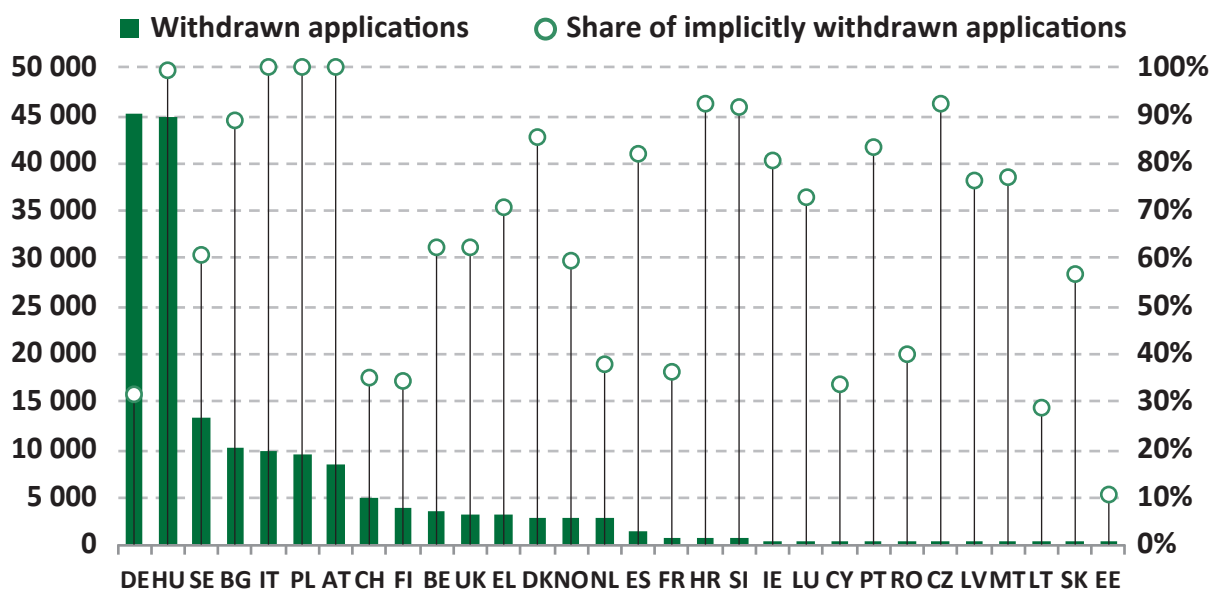


Figure 16: Most withdrawals of applications are implicit.

Source: EPS data, January–December 2016



## 2.4. Asylum decisions – first instance <sup>(25)</sup>

### 2.4.1. Recognition rate

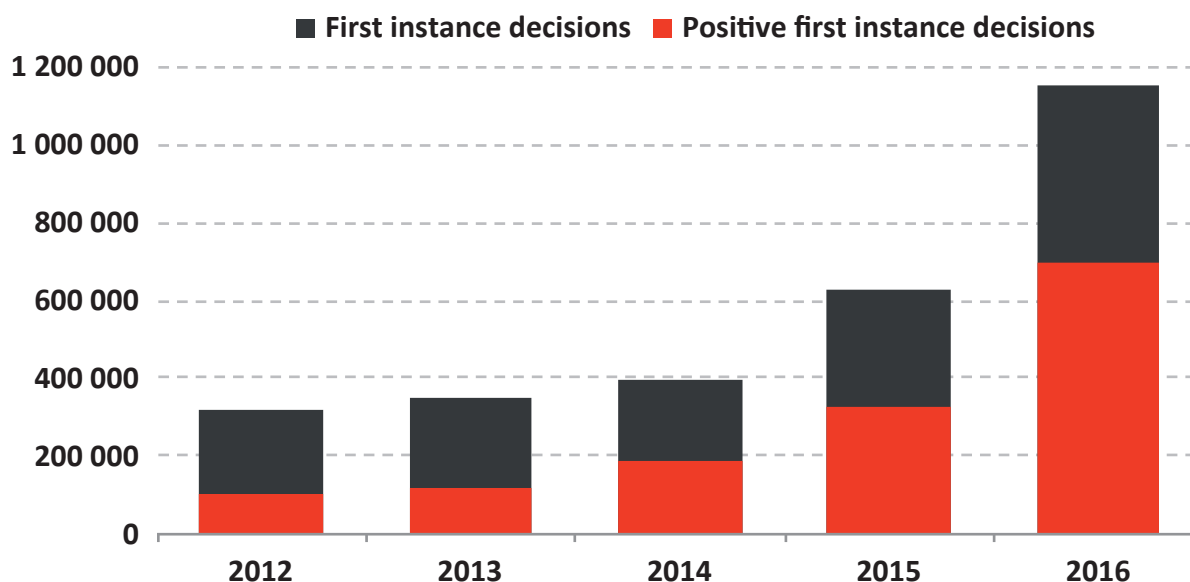
Regulation (EC) 862/2007 on Community statistics on migration and international protection and repealing Council Regulation No 311/76 on the compilation of statistics on foreign workers specifies that the following possible outcomes of international protection procedures should be notified by Member States:

1. granting of refugee status (under Geneva Convention);
2. granting of subsidiary protection status;
3. granting of an authorisation to stay for humanitarian reasons under national law concerning international protection (humanitarian protection) <sup>(26)</sup>;
4. temporary protection status (under EU legislation <sup>(27)</sup>);
5. rejection of the application.

The EU temporary protection mechanism has not yet been used since it was introduced into EU legislation so this section will focus on the granting of positive decisions via refugee status, subsidiary protection or authorisation to stay for humanitarian reasons under national law (referred to as ‘humanitarian protection’ in this document). Consequently, the recognition rate in this section was calculated as a share of positive decisions (grant of refugee status, subsidiary protection or an authorisation to stay for humanitarian reasons) within total decisions issued in 2016.

The significant increase in the number of asylum applications lodged in the EU+ over the last two years translated into the growth in the number of decisions issued at first instance in the EU+. In 2016, the EU+ countries issued 1 148 680 first instance decisions, an increase of 84 % compared to 2015.

**First instance decisions and positive first instance decisions in EU, 2012-2016**



**Figure 17: In 2016, 84 % more decisions were issued, reflecting an increased inflow of applicants**

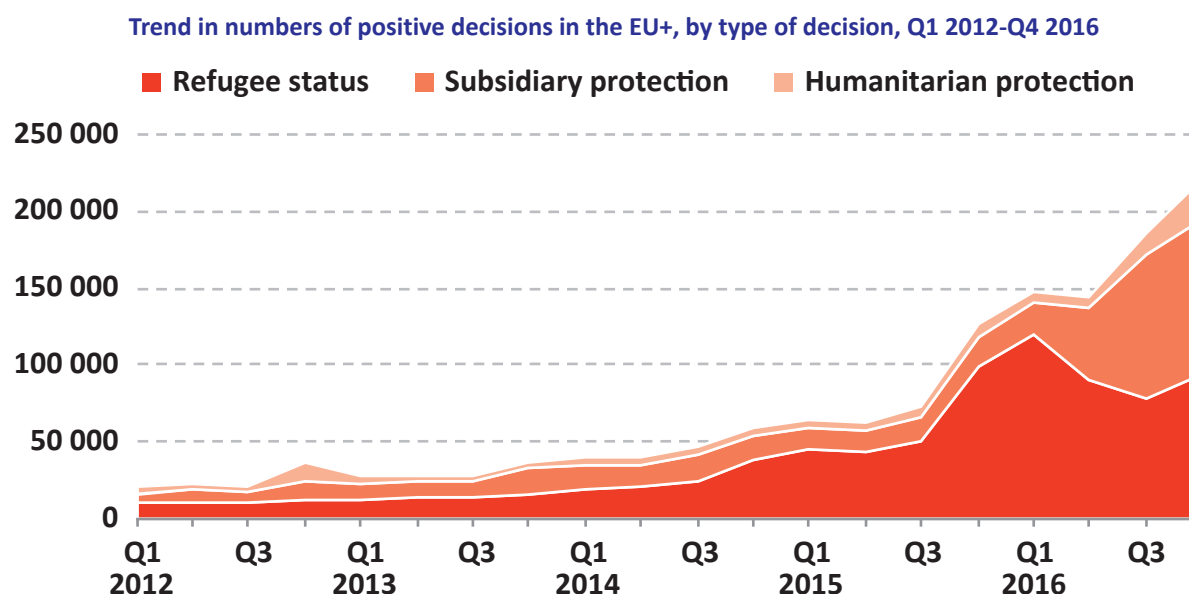
<sup>(25)</sup> At the date of extraction, 11 May 2017, information for all 32 EU+ countries was available.

<sup>(26)</sup> Throughout this report, and in particular when considering the rate of positive decisions at first instance, it should be noted that this latter type of protection is not harmonised at EU level and is only reported by 24 of the 32 EU+ countries (Austria, Cyprus, Croatia, the Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Hungary, Iceland, Italy, Liechtenstein, Lithuania, Malta, the Netherlands, Norway, Poland, Romania, Slovakia, Spain, Sweden, Switzerland, and the United Kingdom), though it sometimes represents a high proportion of the positive decisions issued (i.e. for Slovakia it is 78 %).

<sup>(27)</sup> Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2001:212:0012:0023:EN:PDF>

Of all the first instance decisions issued in 2016, 698 750 were positive, marking an overall recognition rate at first instance of 61 %. Compared to the previous year, the recognition rate was eight percentage points higher. The increase in positive decisions by 113 % compared to 2016 was mainly due to increases in the granting of subsidiary protection by 61 %, of refugee status by 44 %, and 8 % in humanitarian protection.

These increases in recognition rates were mostly caused by a rise in applications lodged by and decisions taken on citizenships with very clear grounds for asylum. Those citizenship groups with high recognition rates were Syrian (increase in decisions issued by 142 %), Eritrean (13 %) and Iraqi (289 %) nationals.



**Figure 18: In 2016, the rise in positive decisions was due to higher levels of subsidiary protection granted**

In 2016, 55 % of all positive decisions led to refugee status, 37 % led to subsidiary protection and 8 % led to humanitarian protection. Compared to 2015, the share of decisions granted refugee status in all positive decisions decreased by 19 percentage points, the share of decisions granted subsidiary protection increased by 19 percentage points, and the share of decisions granting humanitarian protection remained the same.

## 2.4.2. Recognition rate by country of origin <sup>(28)</sup>

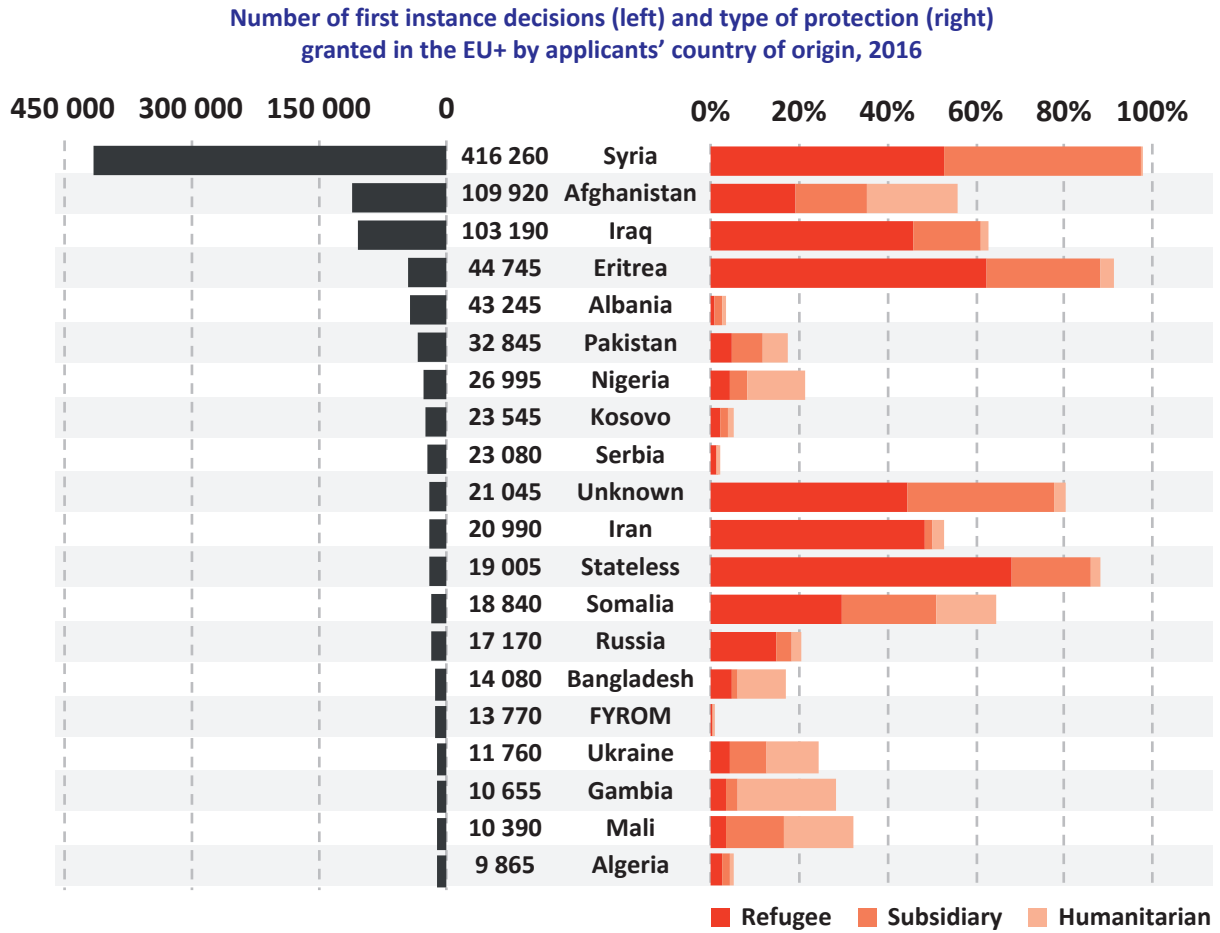
The overview of first instance decisions issued in the EU+ in 2016 for the 20 main citizenships of applicants also shows a high variation in recognition rates and in types of positive decisions granted to applicants of various nationalities. As in 2015, Syrian, Eritrean and stateless <sup>(29)</sup> applicants had the highest recognition rates with 98 %, 91 % and 88 %, respectively. The applicants with the lowest recognition rates were nationals of Western Balkan countries: the former Yugoslav Republic of Macedonia 1 %, Serbia 2 %, and Albania 3 %.

In analysing the recognition rates, it is important to also look at the underlying composition in terms of types of decision (Figure 19). For some nationalities (e.g., Iran, Russian Federation, Eritrea, Iraq, stateless), more positive decisions grant refugee status rather than subsidiary protection. For Syria, positive decisions are equally divided into decisions granting refugee status and those granting subsidiary protection. Humanitarian protection (a non-EU harmonised type of protection as explained above, which generally grants only a limited set of rights), represents a relatively high share of the (relatively low) recognition rate, especially for West African countries (The Gambia, Mali, Nigeria), Bangladesh, Ukraine, Somalia and Afghanistan.

<sup>(28)</sup> Citizenship is the statistical category used in data collection under Regulation 862/2007, whereas country of origin is the term used in the context of examination procedures for international protection. Both terms are used interchangeably in this section.

<sup>(29)</sup> This designation is mainly used by MS to indicate persons of Palestinian origin who have fled their residences in countries neighbouring the State of Palestine (UN Resolution of 2012).

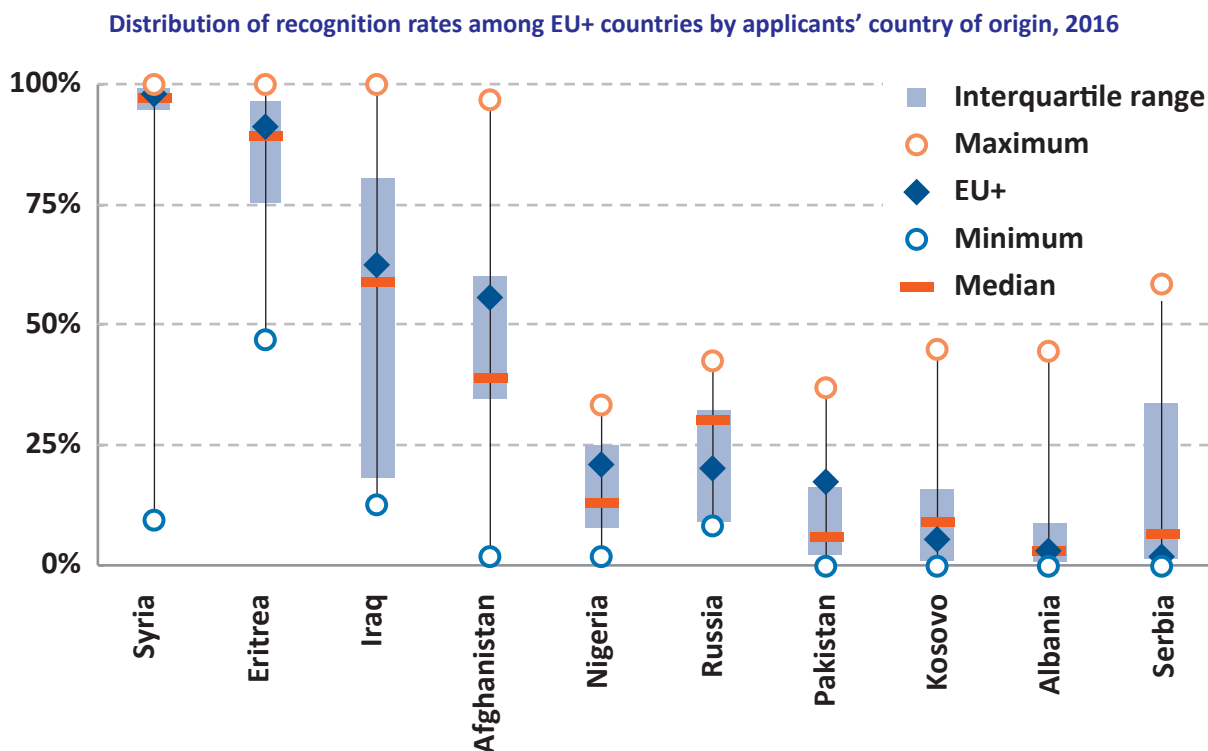
As further illustrated by data concerning specific nationalities, the choice of status granted (refugee status, subsidiary protection, humanitarian protection) to applicants from a specific country of origin also changes over time (for details see Section 2.8. *Data analysis on selected nationalities*).



**Figure 19: Recognition rates among main nationalities of applicants in 2016**

Figure 20 illustrates the distribution of recognition rates among EU+ countries for 10 main countries of origin of applicants who received decisions in 2016. It reveals some substantial disparities between countries. For example the EU+ median recognition rate for Syrian is 97 % but varies between countries from 10 % to 100 %, for Eritrean applicants the EU+ median is 89 % and varies from 47 % to 100 %. In Figure 19, it can be seen that for some third country nationalities, EU+ countries were relatively similar in terms of recognition rate (small interquartile range)<sup>(30)</sup>, while for others there were pronounced variations (wider interquartile range).

<sup>(30)</sup> The navy blue diamond indicates the recognition rate at EU+ level, the blue and red circles represent the lowest and the highest recognition rate reported among EU+ countries, respectively. The length of the light-blue band displays the interquartile range between the 25-percentile and 75-percentile of the recognition rate.



**Figure 20: At the EU+ level, data indicate a varying level of divergence in decision practices for applicants from selected countries of origin <sup>(31)</sup>**

The variation in recognition rates may to some extent suggest a lack of harmonisation across EU+ countries in terms of decision-making practices (due to a different assessment of the situation in a country of origin, a different interpretation of legal concepts, or due to national jurisprudence). But it may also indicate different profiles of applicants who have the same citizenship (e.g. states favoured as destination countries by specific ethnic minorities, or by people from certain regions within the country). A more detailed analysis of the divergence in recognition rates for the same nationality during the same period may be possible only when the detailed profile of each case is taken into account <sup>(32)</sup>. Such an in-depth analysis is being undertaken by EASO and EU+ countries in the framework of a pilot Country Guidance exercise on Afghanistan, which aims to reach a higher level of convergence of national decision practices by developing Country Guidance Notes on Afghanistan.

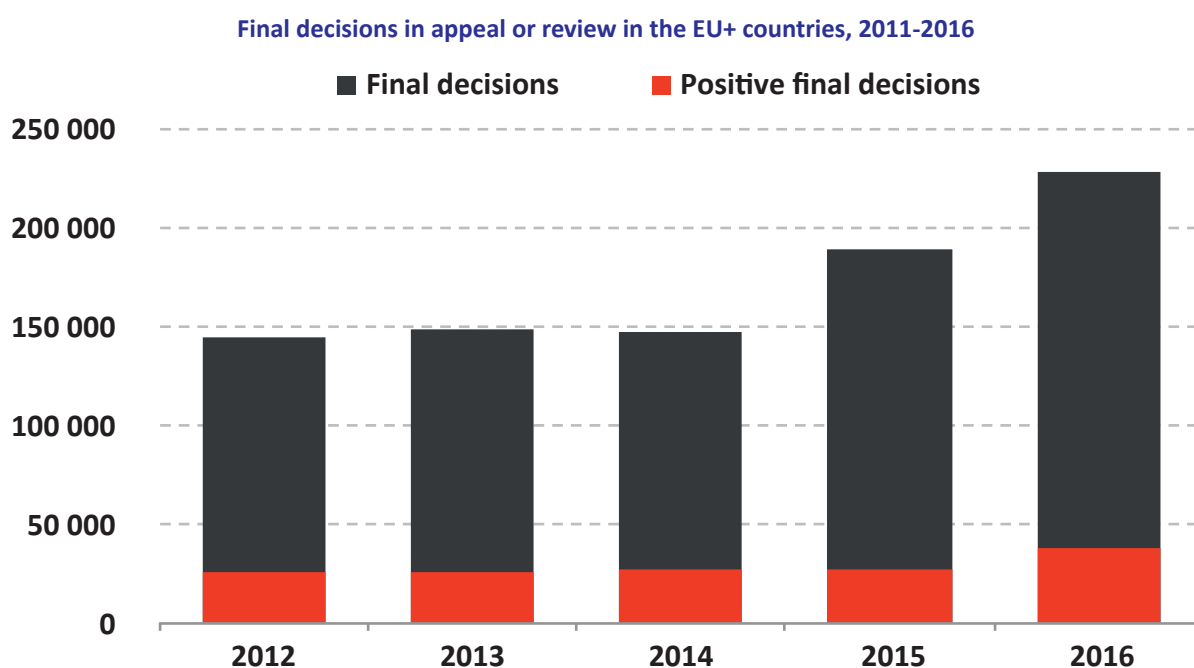
<sup>(31)</sup> Includes only countries for which at least 100 decisions were issued.

<sup>(32)</sup> UNHCR, 2002. Statistical Yearbook 2001, Geneva, Switzerland: United Nations High Commissioner for Refugees.

## 2.5. Asylum decisions – second and higher instance <sup>(33)</sup>

### 2.5.1. Recognition rate - second and higher instance

The current Asylum Procedures Directive does not prescribe any harmonised standards concerning the organisation of the appeal or the procedure to be followed. In some Member States the appeal instance examines the case *de novo* in fact and in law, while in others the appeal instance only examines the legality of the decision taken by the first instance. Thus, in some Member States, the relevant second instance bodies take a decision on the merits of the application while in others they may merely order the first instance body to review its decision. Eurostat data regarding second instance decisions is therefore difficult to analyse.



**Figure 21: In 2016, 21 % more decisions at second or higher instance were issued**

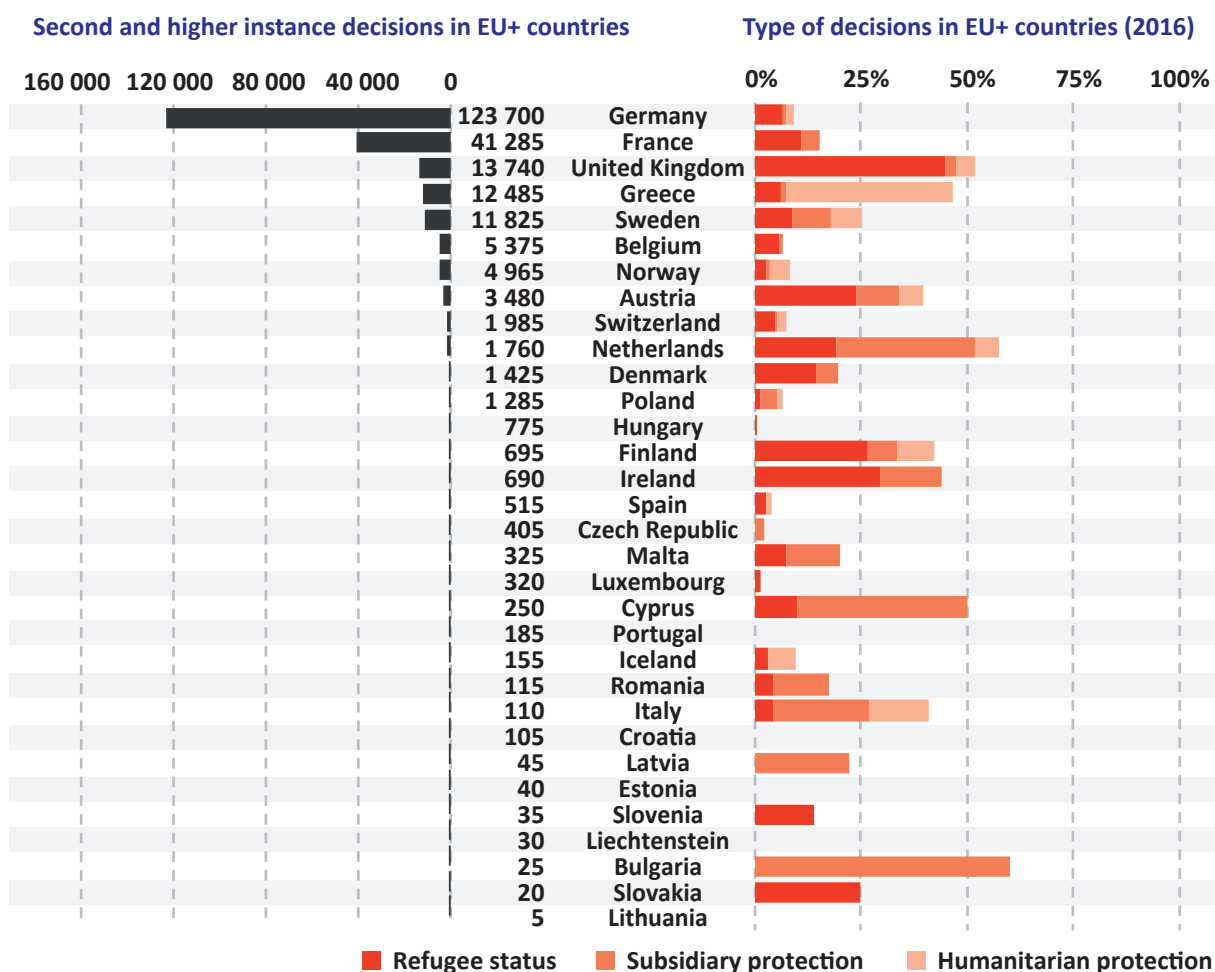
In 2016, EU+ countries issued 228 155 decisions at second or higher instance, a 21 % increase compared to 2015. Germany issued the most decisions in second or higher instance (54 % of total EU+), followed by France (18 % of EU+) and the United Kingdom (6 %).

The overall EU+ increase of 21 %, compared to previous year, was heavily influenced by the rise in the number of appeals in three countries: Germany (16 %), France (4 %) and Greece (3 %). In Germany an additional 29 860 second instance decisions were taken in 2016, 32 % more than in 2015. France recorded a 19 % increase in the number of second instance decisions taken compared to the previous year. Greece recorded an increase of 63 %.

Twelve out of the 32 EU+ countries reported a decrease in the taken number of decisions in appeal. Among the group of countries with more than 1 000 second or higher instance decisions taken in 2016 <sup>(34)</sup> the largest decreases in the number of issued decisions were reported by Austria, Poland and Belgium (- 32 %, - 31 % and -30 %, respectively).

<sup>(33)</sup> At the date of extraction, 11 May 2017, information for all EU+ countries was available.

<sup>(34)</sup> DE, FR, UK, EL, SE, BE, NO, AT, CH, NL, DK, PL.



**Figure 22: Germany issued the most second and higher instance decisions in 2016.**

Figure 22 presents an overview of the number of final decisions issued on appeal or review by the EU+ countries in 2016, the legal regimes used, as well as the proportion of positive outcomes on appeal or review.

In 2016, the recognition rate of cases on appeal or review was 17 %, two percentage points higher than in 2015. Compared to the recognition rate at first instance, it was 44 percentage points lower.

Among countries with more than 1 000 second instance decisions taken in 2016 more than half of first instance decisions were positive in the United Kingdom (52 % of total) and in the Netherlands (58 %). In three EU+ countries – Belgium, Switzerland and Poland – applicants for international protection who appealed against a decision issued at first instance had a less than 10 % chance of success.

Of the positive decisions, 61 % resulted in the granting of refugee status.

## 2.5.2. Recognition rate by country of origin – second and higher instance

The left-panel in Figure 23 displays the number of decisions issued at second or higher instance for the top 20 nationalities, while the right-panel illustrates the type of protection granted and the share of positive decisions. Nationals from Albania received the most decisions in appeal or review, 16 % of the total, followed by applicants from Kosovo (9 % of EU+), Serbia (7 %), Afghanistan and Pakistan (5 % each).

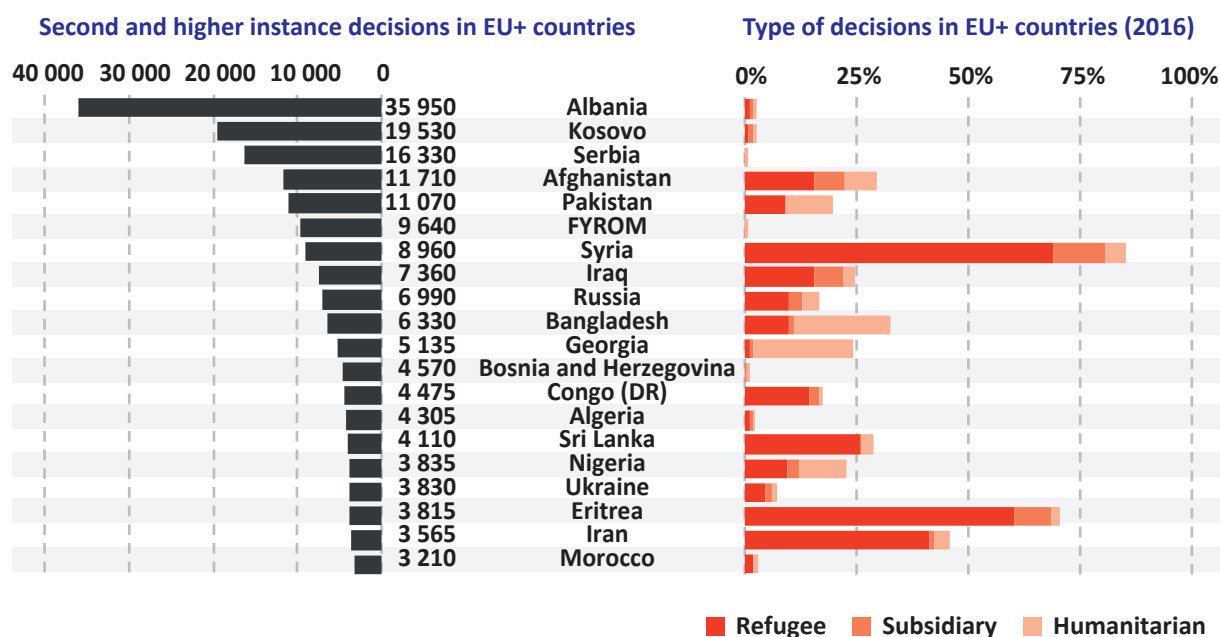


Figure 23: Recognition rates differ among the top 20 main nationalities of applicants

As in previous years, in 2016 citizens of certain countries of origin were more likely to appeal the first instance decision than others. Therefore the top countries of origin in terms of appeal or review do not exactly mirror the top countries of origin in terms of number of applicants for international protection.

Among the top 20 main nationalities of applicants for whom a second or higher instance decision was issued the chance of receiving positive decisions was highest for Syria and Eritrea nationals (85 % and 71 %, respectively), and lowest for Serbia and the former Yugoslav Republic of Macedonia (1 % each). Although only 29 % of decisions issued in second and higher instance to citizens from Sri Lanka were positive, 91 % of them were granted refugee status. The share of second and higher instance decisions granting refugee status was also high for nationals from Iran (90 %) and Eritrea (85 %).

Recognition rates for first instance, and for second or higher instance, for selected countries, 2016

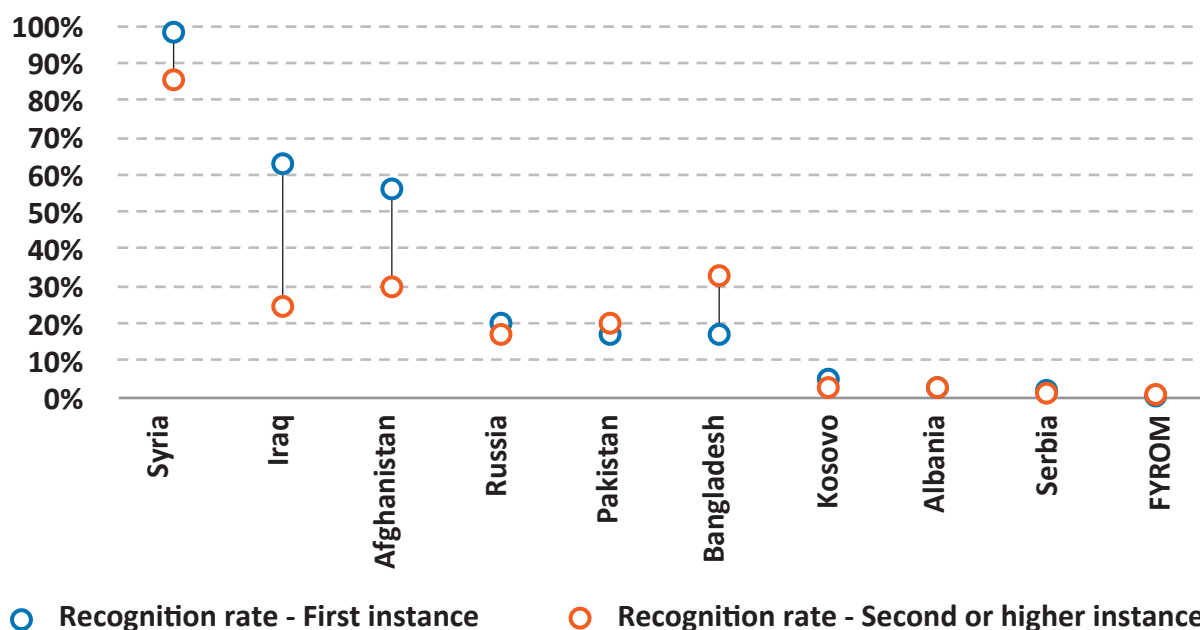


Figure 24: For citizenships with most second or higher instance decisions, first instance and second or higher instance recognition rates were relatively aligned

Figure 24 displays the recognition rates at first, and second or higher instance for the top 10 citizenship of applicants who appealed in 2016. The recognition rates at second and higher instance for Syrian, Iraqi, Afghan and Bangladeshi nationals are not consistent with recognition rates at first instance. Except for Pakistani and Bangladeshi nationals, the recognition rates for other citizenship groups at first instance are higher than in second or higher instance.

## 2.6. Dublin

At the time of writing comprehensive data on Dublin indicators in 2016 was not available from EUROSTAT.

## 2.7. Overview of developments in 2016 in main countries of origin

Taking into consideration a combination of quantitative and qualitative indicators (applications, pending cases, and decisions), a selection has been made of particularly relevant countries of origin of applicants for international protection in 2016. For each of these countries a short update is given of some major developments in 2016, with a focus on the human rights and security situation. As the scope of this report does not allow for an exhaustive coverage of all issues of concern, the following sections can only give an indication of potential grounds for international protection. It should be stressed that this information does not necessarily imply that asylum applicants in the EU+ have left their country of origin because of the developments listed below. Apart from the human rights and security issues – the severity of which may vary at geographically fine scales – many other reasons may exist for applicants to apply for international protection in the EU+, for example, in relation to individual circumstances in the applicant's private life.



## Syria

Two internationally brokered ceasefires in 2016 briefly reduced the number of airstrikes and civilian casualties in Syria. However, unlawful attacks on civilians continued throughout the year<sup>(35)</sup>. Since the conflict began in 2011, the death toll is estimated at 470 000 with more than 117 000 people detained or having disappeared since 2011<sup>(36)</sup>. The UN estimated in August 2016 that 600 000 civilians were trapped in besieged cities<sup>(37)</sup>, about 6.6 million people have been internally displaced and almost 5 million Syrians have fled the country as refugees<sup>(38)</sup>.

The conflict continued to evolve on numerous fronts, with the Syrian government fighting both opposition and IS/Daesh, and Russian forces supporting government operations<sup>(39)</sup>. US forces also carried out airstrikes against IS and other targets<sup>(40)</sup>. The Syrian government was responsible for widespread human rights violations in opposition-held territory<sup>(41)</sup>. The government used indiscriminate and deadly force against civilians in air and ground attacks<sup>(42)</sup>. Medical and civilian infrastructure in opposition areas were reportedly targeted and bombed by the government<sup>(43)</sup>. Rampant sexual violence, including against children, continues to be an aspect of the conflict<sup>(44)</sup>. Arrests of dissidents, as well as torture and ill treatment are widespread and the systematised nature of deaths in state detention documented by the UN amounts to crimes against humanity<sup>(45)</sup>.

The Syrian government and its allies reportedly employed internationally banned cluster munitions in more than 400 attacks since 2012, and also employed incendiary weapons against civilians in 18 attacks<sup>(46)</sup>. Government forces used indiscriminate barrel bombs dropped in opposition areas, and a UN investigation report released in 2016 found that both the Syrian military and IS/Daesh have used weaponised chemicals<sup>(47)</sup>.

IS continued to lose territory in the first half of 2016<sup>(48)</sup>. In government-held areas where it is present, civilians are the target of indiscriminate IED and suicide attacks by IS<sup>(49)</sup>. In territories controlled by IS and other jihadist groups, such as Jabhat al-Nusra, non-government armed groups are responsible for widespread abuses, torture, executions, abductions, and killings of civilians<sup>(50)</sup>. The UN determined that IS carried out genocide, war crimes, and crimes against humanity in its treatment of members of the Yazidi religious minority. More than 3 200 Yazidi women remain enslaved by IS<sup>(51)</sup>.

Since 2013, EASO has been managing a **COI Specialist Network** on Syria. In February 2016, EASO held a **COI workshop** for COI researchers on armed groups and exclusion-related topics in Syria.

<sup>(35)</sup> HRW, *World Report 2017 – Syria – Events of 2016*, 12 January 2017, accessed 28 February 2017; UN Human rights abuses and international humanitarian law violations in the Syrian Arab Republic (A/HRC/34/CRP.3), p. 4, 21 July 2016; both accessed 28 February 2017.

<sup>(36)</sup> HRW, *World Report 2017 – Syria – Events of 2016*, 12 January 2017, accessed 28 February 2017.

<sup>(37)</sup> UN Report of the Independent International Commission of Inquiry on the Syrian Arab Republic (A/HRC/33/55), 11 August 2016, accessed 27 March 2017, p.7.

<sup>(38)</sup> Ibidem, p.4.

<sup>(39)</sup> US DoS, *Country Reports on Human Rights Practices for 2016 – Syria*, 3 March 2017, p.4.

<sup>(40)</sup> Amnesty International, *Report 2016/17 – The State of the World’s Human Rights – Syria*, accessed 27 March 2017.

<sup>(41)</sup> Ibid.; US DoS, *Country Reports on Human Rights Practices for 2016 – Syria*, 3 March 2017, p.8.

<sup>(42)</sup> Ibid, p. 2, 4.

<sup>(43)</sup> Amnesty International, *Report 2016/17 – The State of the World’s Human Rights – Syria*, UN Human rights abuses and international humanitarian law violations in the Syrian Arab Republic, 21 July 2016-28 February 2017 (A/HRC/34/CRP.3), p.9.

<sup>(44)</sup> UN Report of the Independent International Commission of Inquiry on the Syrian Arab Republic (A/HRC/33/55), 11 August 2016, accessed 27 March 2017, p. 16.

<sup>(45)</sup> US DoS, *Country Reports on Human Rights Practices for 2016 – Syria*, 3 March 2017, p.7-9; UN Report of the Independent International Commission of Inquiry on the Syrian Arab Republic (A/HRC/33/55), 11 August 2016, accessed 27 March 2017, p. 12; HRW, *World Report 2017 – Syria – Events of 2016*, 12 January 2017, accessed 28 February 2017.

<sup>(46)</sup> Ibid.

<sup>(47)</sup> UN Fourth report of the Organization for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism, (S/2016/888), [https://www.un.org/ga/search/view\\_doc.asp?symbol=S/2016/888](https://www.un.org/ga/search/view_doc.asp?symbol=S/2016/888) p.7-8.

<sup>(48)</sup> UN Report of the Independent International Commission of Inquiry on the Syrian Arab Republic (A/HRC/33/55), 11 August 2016, accessed 27 March 2017, p. 5.

<sup>(49)</sup> Ibidem, p. 6.

<sup>(50)</sup> HRW, *World Report 2017 – Syria – Events of 2016*, 12 January 2017, accessed 28 February 2017; UN Human rights abuses and international humanitarian law violations in the Syrian Arab Republic (A/HRC/34/CRP.3), 21 July 2016, accessed 28 February 2017, p. 17-18.

<sup>(51)</sup> UN Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, “They came to destroy”: ISIS Crimes Against the Yazidis (A/HRC/32/CRP.2), accessed 27 March 2017, p. 1,2.

## Afghanistan

In the 15th year of armed conflict between the Government and Taliban, UNAMA recorded the highest total of civilian casualties since 2009. Ground engagements, particularly in areas populated or frequented by civilians, remained the leading cause of civilian casualties, followed by IEDs, and suicide and complex attacks. There was also a sharp rise in the killing and maiming of children from explosive remnants of war left behind on the battlefield<sup>(52)</sup>.

UNAMA recorded 1 118 civilian casualties from deliberate killings of civilians, including civilian government workers, education personnel, medical workers, tribal elders and humanitarian de-miners<sup>(53)</sup>. Both armed groups (including the Taliban), and regular and irregular pro-government forces continued to carry out summary killings, torture and other human rights abuses<sup>(54)</sup>.

In terms of civilian casualties, the conflict mostly affected the southern region, mostly in Kabul city<sup>(55)</sup>, followed by the central region. The latter saw a significant increase of civilian casualties due to suicide and complex attacks. In the southern region examples include the Taliban-claimed attack on the VIP Protection Directorate in April 2016 which caused 393 casualties, and the suicide attack on a demonstration in July 2016, claimed by the Islamic State Khorasan Province (ISKP), which led to 498 casualties<sup>(56)</sup>.

The Taliban pressured the Afghan National Security Forces (ANSF) by trying to take the provincial capitals of Helmand, Kunduz, Farah and Uruzgan but, due to significant international military support to the ANSF, only managed to capture Kunduz briefly<sup>(57)</sup>.

In addition, 2016 saw record levels of conflict-related displacement, accompanied by loss of livelihoods and property and restricted access to health and education<sup>(58)</sup>. Almost 600 000 individuals were internally displaced due to conflict. These new IDPs added to the estimated million long-term IDPs<sup>(59)</sup>. Additionally, 620 000 individuals returned from Pakistan and another 450 000 from Iran<sup>(60)</sup>.

Despite heavy US air strikes that reversed its gains in the east of Afghanistan<sup>(61)</sup>, ISKP found an increased capacity to strike beyond its areas of influence and presence in a few districts in Nangarhar. The nature of attacks perpetrated by ISKP is indicative of attempts to expand the conflict along sectarian lines<sup>(62)</sup>.

There was no substantive movement towards a peace process between the Government and the Taliban<sup>(63)</sup>. Political instability increased in 2016 amid growing rifts in the Government of National Unity between supporters of President Ghani and Chief Executive Abdullah<sup>(64)</sup>.

Since 2014, EASO has been managing a **COI Specialist Network** on Afghanistan. In 2016, EASO published updates of its **COI report** on the security situation in Afghanistan in January and in November. EASO also published a **COI report** on recruitment by armed groups in Afghanistan in September 2016<sup>(65)</sup>. In September 2016, EASO initiated a pilot project on **country guidance notes** on Afghanistan, with the objective to increase the level of convergence in decision practices among EU+ countries.

<sup>(52)</sup> UNAMA, *Annual Report on Protection of Civilians in Armed Conflict: 2016*, February 2017, p. 3, 8-9, 10.

<sup>(53)</sup> Ibidem, p. 8.

<sup>(54)</sup> Ibidem, p. 90-99; Amnesty International, *Amnesty International Report 2016/17 - Afghanistan*, 22 February 2017.

<sup>(55)</sup> Ibidem, p. 4.

<sup>(56)</sup> Ibidem, pp. 60-62.

<sup>(57)</sup> ISW, *Partial Threat Assessment*, 23 November 2016.; Ali, O., *The Taliban Assault on Kunduz city: Déjà vu, but why?*, 12 October 2016.

<sup>(58)</sup> UNAMA, *Annual Report on Protection of Civilians in Armed Conflict: 2016*, February 2017, p. 5.

<sup>(59)</sup> UN in Afghanistan, *Population Movement Bulletin*, 8 January 2017, p. 3.

<sup>(60)</sup> Ibidem, p. 2.

<sup>(61)</sup> BBC, *Afghanistan profile – Timeline*, 27 February 2017.

<sup>(62)</sup> Osman, B., *With an Active Cell in Kabul, ISKP Tries to Bring Sectarianism to the Afghan War*, 19 October 2016; UNAMA, *Annual Report on Protection of Civilians in Armed Conflict: 2016*, February 2017, p. 10.

<sup>(63)</sup> UN Secretary-General, *The situation in Afghanistan and its implications for international peace and security*, 13 December 2016, p. 3.

<sup>(64)</sup> Ibidem, p.2; Amnesty International, *Amnesty International Report 2016/17 - Afghanistan*, 22 February 2017; van Bijlert, M., *Afghanistan's National Unity Government Rift (2): The problems that will not go away*, 6 September 2016.

<sup>(65)</sup> The COI reports are available on the EASO website: <https://www.easo.europa.eu/information-analysis/country-origin-information/country-reports>

## Iraq

The armed conflict between the Iraqi government, paramilitary groups and IS continued to severely affect civilians, including through widespread abuses of civilians and violations of human rights by parties to the conflict <sup>(66)</sup>. UN figures cited by Amnesty International state that, during 2016, 6 878 civilian fatalities and 12 388 injuries occurred as a result of the armed conflict, car bombings and violence <sup>(67)</sup>. 3.6 million Iraqis have been internally displaced <sup>(68)</sup>.

Military operations were launched in February 2016 to retake control of Ramadi and, in June 2016, operations were launched to regain Fallujah. Further operations to retake Mosul began in October 2016 <sup>(69)</sup>. According to UNOCHA, since October 2017, 125 568 people have been displaced by the intensification of military operations to retake Mosul <sup>(70)</sup>.

Although it lost significant territory during the year, IS/Daesh continued to hold territory in north-western and western Iraq <sup>(71)</sup>. The group used civilians as human shields in attacks against their positions and recruited and used child soldiers <sup>(72)</sup>. IS also alleged to have used chemical weapons to attack the town of al-Qayyara following its recapture by Iraqi forces in 2016 <sup>(73)</sup>. In areas under its control, IS carried out killings of perceived opponents, abduction and torture, and implemented corporal punishments against those who transgressed IS codes and restrictions <sup>(74)</sup>. Self-appointed IS courts carry out extra-judicial sentences, including killings of those opposed to its ideology, those accused of adultery or alleged collaboration with the government, or against those attempting to flee the ‘caliphate’ <sup>(75)</sup>. There were also reports that IS executed (perceived) LGBT people <sup>(76)</sup>. Women and girls must follow severe restrictions on appearance and movement, with rules being enforced through beatings and fines <sup>(77)</sup>.

IS deliberately targeted and killed ethnic and religious minorities and subjected them to violence, attacks and abuses, with an estimated 1 934 Yezidi women and children being held captive in Iraq as of May 2016 <sup>(78)</sup>. Female Yezidi women and children captured by IS are reported to have been tortured, raped, sexually enslaved, or killed by IS <sup>(79)</sup>. During 2016 operations to liberate IS-controlled areas, paramilitary militia groups in support of the Iraqi security forces reportedly subjected civilians to physical violence, abuse, abduction and killings <sup>(80)</sup>.

In November 2016, Shiite militias known as the Population Mobilization units or forces (*Hash'd al-Shaabi*) were institutionalised by the Iraqi parliament as part of the Iraqi security forces <sup>(81)</sup>. Militia groups have reportedly been involved in abductions, torture, and extrajudicial killings, disappearances and deliberate destruction of property, mainly against Arab Sunni communities <sup>(82)</sup>. In the Kurdish autonomous region, security forces detained thousands of terrorism suspects, mainly Sunnis, and held them for prolonged periods, delaying judicial processes <sup>(83)</sup>.

<sup>(66)</sup> UNAMI/OHCHR, [Report on Protection of Civilians in the Ongoing Armed Conflict in Iraq](#), 1 November 2015 – 30 September 2016, 30 December 2016, p. 1-2; UNAMI/OHCHR, [Report on the Protection of Civilians in the Armed Conflict in Iraq: 1 May – 31 October 2015](#), p. 5, 14, 32.

<sup>(67)</sup> Amnesty International, [Report 2016/17 - The State of the World's Human Rights – Iraq](#), 22 February 2017.

<sup>(68)</sup> UNAMI/OHCHR, [Report on Human Rights in Iraq January to June 2016](#), 20 November 2016, p. 2.

<sup>(69)</sup> HRW, [World Report 2017 – Iraq – Events of 2016](#), 12 January 2017.

<sup>(70)</sup> UN OCHA, 1 January 2017, [Iraq: Mosul Humanitarian Response Situation Report #14](#) (26 December 2016-1 January 2017).

<sup>(71)</sup> Amnesty International, [Report 2016/17 - The State of the World's Human Rights – Iraq](#), 22 February 2017.

<sup>(72)</sup> Ibid.; HRW, [World Report 2017 – Iraq – Events of 2016](#), 12 January 2017.

<sup>(73)</sup> Amnesty International, [Report 2016/17 - The State of the World's Human Rights – Iraq](#), 22 February 2017, <https://www.amnesty.org/en/countries/middle-east-and-north-africa/iraq/report-iraq/>

<sup>(74)</sup> Ibid.

<sup>(75)</sup> UNAMI/OHCHR, [Report on Protection of Civilians in the Ongoing Armed Conflict in Iraq](#), 1 November 2015 – 30 September 2016, 30 December 2016, p. 10-14.

<sup>(76)</sup> HRW, [World Report 2017 – Iraq – Events of 2016](#), 12 January 2017; AMI/OHCHR, [Report on Protection of Civilians in the Ongoing Armed Conflict in Iraq](#), 1 November 2015 – 30 September 2016, 30 December 2016, p. 10-14.

<sup>(77)</sup> HRW, [World Report 2017 – Iraq – Events of 2016](#), 12 January 2017.

<sup>(78)</sup> UNAMI/OHCHR, [Report on Protection of Civilians in the Ongoing Armed Conflict in Iraq](#), 1 November 2015 – 30 September 2016, 30 December 2016, p. 15.

<sup>(79)</sup> HRW, [World Report 2017 – Iraq – Events of 2016](#), 12 January 2017.

<sup>(80)</sup> Ibid.; UNAMI/OHCHR, [Report on Human Rights in Iraq January to June 2016](#), 20 November 2016, p. 14.

<sup>(81)</sup> US Library of Congress, [Iraq: Legislating the Status of the Popular Mobilization Forces](#), [Global Legal Monitor](#), 7 December 2016; Amnesty International, [Report 2016/17 - The State of the World's Human Rights – Iraq](#), 22 February 2017.

<sup>(82)</sup> Ibid.

<sup>(83)</sup> Ibid.

Women continue to be subjected to widespread discrimination, violence, and honour killings <sup>(84)</sup>, and women facing domestic violence have little legal protection under the penal and criminal codes, which do not specifically address family violence <sup>(85)</sup>.

Since 2014, EASO has been managing a **COI Specialist network** on Iraq. In April 2016, a **COI workshop** on Iraq was held involving a number of expert speakers.

## Pakistan

Pakistan witnessed armed conflict and political violence, in particular in the provinces of Khyber Pakhtunkhwa, the Federally Administered Tribal Areas (FATA), Balochistan and Sindh. Operation Zarb-e-Azb, the Pakistan military's offensive against non-state armed groups that started in June 2014, continued in north Waziristan and Khyber tribal agency <sup>(86)</sup>. Armed groups continued to carry out targeted attacks against civilians, including government employees, which resulted in hundreds of casualties <sup>(87)</sup>. These attacks included an attack on the Bacha Khan University in Charsadda in January 2016 <sup>(88)</sup>, an Easter celebration in a park in Lahore in March 2016 <sup>(89)</sup>, a courthouse in Mardan in September <sup>(90)</sup> and a police academy in October 2016 <sup>(91)</sup>.

According to many sources, security forces committed human rights violations, such as extrajudicial killings, enforced disappearances, torture of detainees to obtain confessions, with almost total impunity <sup>(92)</sup>. There are allegations that enforced disappearance is often used to target political or human rights activists <sup>(93)</sup> as well as allegations of harassment and extortion of individuals who seek to file criminal cases, especially against members of the security forces <sup>(94)</sup>. Use of the death penalty continued in 2016 <sup>(95)</sup> – often after reportedly unfair trials <sup>(96)</sup> – after the government lifted an informal moratorium on capital punishment in 2014 and pushed through a constitutional amendment permitting military courts to prosecute civilian terrorism suspects <sup>(97)</sup>.

Human rights defenders, media workers and social media activists reported threats, harassment abuse and violence from both state security forces and militant groups <sup>(98)</sup>. State and non-state actors discriminated across a range of economic and social rights against religious minorities <sup>(99)</sup>. Pakistan's blasphemy laws continued to violate human rights, whether by state or non-state actors. Concerns were raised over the abuse of the laws by individuals apparently for other motives <sup>(100)</sup>. Despite a new law in Punjab to protect women from violence, so-called honour crimes, murders to protect family or community 'honour', continued being reported <sup>(101)</sup>. Human rights organisations even reported

<sup>(84)</sup> UNAMI/OHCHR, [Report on Human Rights in Iraq January to June 2016](#), 20 November 2016, p. 30.

<sup>(85)</sup> Ibidem, p. 2; HRW, [World Report 2017 – Iraq – Events of 2016](#), 12 January 2017.

<sup>(86)</sup> Amnesty International, [Amnesty International Report 2016/17 - Pakistan](#), 22 February 2017; Deutsche Welle, [Has Pakistan's Zarb-e-Azb military operation failed?](#), 2 September 2016.

<sup>(87)</sup> Jamestown Foundation, [Pakistan: Looking to the Domestic Threat](#), 27 February 2017; Amnesty International, [Pakistan: Wave of violence shows a horrific disregard for human life](#), 23 February 2017.

<sup>(88)</sup> BBC, [Pakistan attack: Gunmen kill 19 at Bacha Khan University](#), 20 January 2016.

<sup>(89)</sup> BBC, [Pakistan Taliban faction claims park attack on Lahore Christians](#), 28 March 2016.

<sup>(90)</sup> Deutsche Welle, [Fatal attack on Pakistan courthouse, Christian community](#), 2 September 2016.

<sup>(91)</sup> The Wall Street Journal, [Police Academy Attack in Pakistan Leaves at Least 61 Dead](#), 25 October 2016.

<sup>(92)</sup> United Nations Human Rights Committee, [List of issues in relation to the initial report of Pakistan](#), 15 November 2016, p. 3; Amnesty International, [Amnesty International Report 2016/17 - Pakistan](#), 22 February 2017; SATP, [Pakistan Assessment 2016](#), n.d.; HRW, ["This Crooked System" Police Abuse and Reform in Pakistan](#), 25 September 2016.

<sup>(93)</sup> United Nations Human Rights Committee, [List of issues in relation to the initial report of Pakistan](#), 15 November 2016, p. 3.

<sup>(94)</sup> HRW, ["This Crooked System" Police Abuse and Reform in Pakistan](#), 25 September 2016.

<sup>(95)</sup> HRCP, [Total Executions 2016](#), n.d.

<sup>(96)</sup> Amnesty International, [Amnesty International Report 2016/17 - Pakistan](#), 22 February 2017.

<sup>(97)</sup> HRW, [Dispatches: Pakistan's Death Penalty Hypocrisy](#), 27 July 2016.

<sup>(98)</sup> HRW, [Pakistan: Bloggers Feared Abducted](#), 10 January 2017; Amnesty International, [Amnesty International Report 2016/17 - Pakistan](#), 22 February 2017.

<sup>(99)</sup> Minority Rights Group International, [Reports from Pakistan: Tracing the challenges facing religious minorities](#), October 2016; US Commission on International Religious Freedom, [Annual Report 2016 – Pakistan](#), 2016; Amnesty International, [Amnesty International Report 2016/17 - Pakistan](#), 22 February 2017.

<sup>(100)</sup> Amnesty International, ["As Good As Dead" - The Impact of the Blasphemy Laws in Pakistan](#), 21 December 2016, pp. 10-12.

<sup>(101)</sup> Amnesty International, [Amnesty International Report 2016/17 - Pakistan](#), 22 February 2017.

a rise in ‘honour’ killings in the country in 2016 <sup>(102)</sup>. Homosexuality was punishable under the penal code and sharia law, while homophobia and violence against gay and transgender people were also reported in Pakistan <sup>(103)</sup>.

Since 2013, EASO has been managing a **COI Specialist Network** on Pakistan. In July 2016, EASO published a **COI report** on the Security Situation in Pakistan <sup>(103)</sup>.

## Nigeria

After ‘the first successful democratic transfer of power from a sitting president’ to President Muhammadu Buhari in 2015 <sup>(105)</sup>, Nigeria’s new government identified three priorities: to defeat the Islamist militant group Boko Haram (BH), combat corruption, and improve the living standards of the population <sup>(106)</sup>.

The military organisation was reformed to increase its effectivity in combating Boko Haram. By December 2015, the government said it had recaptured a ‘significant amount of territory’ and ‘rescued thousands of residents’ <sup>(107)</sup>, and announced a ‘technical’ defeat of Boko Haram. However, the group continued to carry out heavy attacks and suicide bombings against civilian and government targets <sup>(108)</sup>. The militant group has attacked, kidnapped and killed Christians and moderate Muslims, and imposed a harsh form of Islamic Sharia. According to human rights reports, the conflict has killed thousands of people annually, internally displaced between 1.8-2.5 million people <sup>(109)</sup>, and externally displaced about 191 000 Nigerians in neighbouring countries <sup>(110)</sup>.

In response to the insurgency and the overall criminality, ‘security services perpetrated extrajudicial killings and engaged in torture, rape, arbitrary detention, mistreatment of detainees, looting, and destruction of property’, US DOS and other human rights reports noted. Such human rights violations were often met with impunity <sup>(111)</sup>. However, HRW noted that in February 2016 the army established a human rights office to receive complaints of abuses against civilians. In August 2016, 20 soldiers were brought to trial for human rights violations, one of whom was convicted <sup>(112)</sup>.

Nigeria also suffered from ethnic, regional, and religious violence in other parts of the country. Fights and revenge killings between farmers and pastoralists continued in the Middle Belt and spread southwards, fuelled by a competition for power and resources. In the south, violence between government troops and militants in the Niger Delta on one side and a separatist pro-Biafra movement on the other caused many deaths and arrests <sup>(113)</sup>.

Discrimination of LGBT people by government and society and anti-LGBT violence has increased since the 2014 Same Sex Marriage (Prohibition) Act, according to Freedom House, and in northern states, same-sex relationships can be punished by death under Sharia statutes <sup>(114)</sup>. HRW notes that the law is used ‘to legitimise abuses against LGBT people, including mob violence, sexual abuse, unlawful arrests, torture and extortion by police’ <sup>(115)</sup>.

<sup>(102)</sup> HRW, [Pakistan: Prosecute Rampant ‘Honor’ Killings](#), 14 June 2016; The Express Tribune, [Honour killings: Murders on rise as govt sits on pro-women bills](#), 16 September 2016.

<sup>(103)</sup> ILGA, [State-sponsored Homophobia](#), May 2016, pp. 112-113.

<sup>(104)</sup> The COI reports are available on the EASO website: <https://www.easo.europa.eu/information-analysis/country-origin-information/country-reports>

<sup>(105)</sup> US DoS, [Country reports on human rights practices 2016 – Nigeria](#), 3 March 2017.

<sup>(106)</sup> Freedom House, [Freedom in the World – Nigeria](#), 7 March 2016.

<sup>(107)</sup> HRW, [World report 2017, Events of 2016 – Nigeria](#), 12 January 2017.

<sup>(108)</sup> Freedom House, [Freedom in the World – Nigeria](#), 7 March 2016.

<sup>(109)</sup> The US DoS report mentions 1.8 million IDPs, Freedom House more than 2 million and HRW 2.5 million. US DoS, [Country reports on human rights practices 2016 – Nigeria](#), 3 March 2017; Freedom House, [Freedom in the World – Nigeria](#), 7 March 2016; HRW, [World report 2017, Events of 2016 – Nigeria](#), 12 January 2017.

<sup>(110)</sup> Freedom House, [Freedom in the World – Nigeria](#), 7 March 2016; US DoS, [Country reports on human rights practices 2016 – Nigeria](#), 3 March 2017.

<sup>(111)</sup> US DoS, [Country reports on human rights practices 2016 – Nigeria](#), 3 March 2017; Freedom House, [Freedom in the World – Nigeria](#), 7 March 2016; HRW, [World report 2017, Events of 2016 – Nigeria](#), 12 January 2017.

<sup>(112)</sup> Ibid.

<sup>(113)</sup> Ibid.

<sup>(114)</sup> Ibid.

<sup>(115)</sup> HRW, [World report 2017, Events of 2016 – Nigeria](#), 12 January 2017.

The federal Violence against Persons Prohibition (VAPP) Act, initiated in 2015, punishes gender-based violence, harmful traditional practices (FGM), and socioeconomic abuse. However, the law is only applicable to the Federal Capital of Abuja until states adopt it <sup>(116)</sup>. The prevalence of FGM among women aged 15 to 49 was 25 % in 2016, whereas prevalence among girls up to the age of 14 was 17 % <sup>(117)</sup>.

Freedom of expression, media and association are under pressure in Nigeria. In 2015, two proposed draft bills sought to monitor and control Nigeria's civil society and social media <sup>(118)</sup>; the bill on social media was withdrawn in May 2016 <sup>(119)</sup> but the one to regulate civil-society organisations <sup>(120)</sup> is still pending <sup>(121)</sup>. Nigeria ranks 116 in the 2016 World Press Freedom Index, five places lower than in 2015. Despite incidental mob attacks on media and impunity of perpetrators, Nigeria has 'more than 100 independent media outlets' <sup>(122)</sup>.

The European Commission, in its Third Progress Report on the Partnership Framework with third countries, noted that Nigeria remains the most significant country of origin for non-EU victims of trafficking in the EU, and Nigerian traffickers are the most reported traffickers in the EU from non-EU countries <sup>(123)</sup>.

In November 2016, the kick-off meeting of a new **EASO COI Specialist network** on West Africa was held. This network shares sources and information on several West African countries such as Nigeria.

## Iran

In December 2016, President Rouhani signed a 120-article Citizens' Rights Charter, which identifies a number of rights and freedoms of Iranians, including the security of the individual, property, dignity, employment, legal and judicial processes <sup>(124)</sup>. However, the charter's provisions have reportedly not been implemented <sup>(125)</sup>. The most significant human rights problems reported in Iran were: severe restrictions of civil liberties, abuse of due process and unfair judicial procedures, arbitrary and unlawful killings, detention, torture, degrading treatment, and the use of capital punishment for non-serious crimes <sup>(126)</sup>. The judiciary remains under the heavy influence of the executive branch and religious authorities <sup>(127)</sup>. Torture and ill treatment continue to be legally condoned or ordered by the judiciary, including sentences such as flogging, amputations, and blinding, as well as the use of torture to extract confessions <sup>(128)</sup>. According to HRW, prisoners are frequently held in solitary confinement and denied access to counsel, and political prisoners have reportedly been denied medical care to extract confessions <sup>(129)</sup>. Security forces are rarely held accountable for human rights violations <sup>(130)</sup>. The death penalty continues to be implemented, with the UN reporting 530 executions in 2016, mainly for drug offences <sup>(131)</sup>. Iran reportedly sentences children to the death penalty but only executes them when they reach the age of 18 <sup>(132)</sup>. Non-violent crimes such as 'insulting the Prophet,'

<sup>(116)</sup> US DoS, [Country reports on human rights practices 2016 – Nigeria](#), 3 March 2017.

<sup>(117)</sup> UNICEF, [Female Genital Mutilation/Cutting: a global concern](#), 2016.

<sup>(118)</sup> HRW, [World report 2017, Events of 2016 – Nigeria](#), 12 January 2017.

<sup>(119)</sup> Pulse, [Senate withdraws controversial law](#), 17 May 2016.

<sup>(120)</sup> [Bill to provide for the Establishment of Non- Governmental Organizations \(NGOs\) Regulatory Commission in Nigeria](#), accessed 3 March 2017.

<sup>(121)</sup> CIVICUS, [Worrying legislation to restrict Nigerian civil society sector underway](#), 2 November 2016.

<sup>(122)</sup> RsF, [World Press Freedom Index 2016](#), accessed 3 March 2017.

<sup>(123)</sup> European Commission, Report from the Commission to the European Parliament, the European Council and the Council, [Third Progress Report on the Partnership Framework with third countries under the European Agenda on Migration](#), 2 March 2017.

<sup>(124)</sup> UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, [Statement at the 34th session of the Human Rights Council – 13 March 2016](#), accessed 27 March 2017; US DoS, [Country Reports on Human Rights Practices for 2016 – Iran](#), accessed 26 March 2017, p. 8.

<sup>(125)</sup> Ibid.

<sup>(126)</sup> Ibidem, p. 1.

<sup>(127)</sup> UN Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, [Statement at the 34th session of the Human Rights Council – 13 March 2016](#), accessed 27 March 2017; Freedom House, [Freedom in the World 2017 – Iran](#), accessed 27 March 2017.

<sup>(128)</sup> UN Report of the Secretary General, [Situation of Human Rights in the Islamic Republic of Iran](#), 13 March 2017, accessed 17 March 2017, p. 6-8.

<sup>(129)</sup> HRW, [World Report 2017 – Iran - Events of 2016](#), 12 January 2017, accessed 27 March 2017.

<sup>(130)</sup> Freedom House, [Freedom in the World 2017 – Iran](#), accessed 27 March 2017; US DoS, [Country Reports on Human Rights Practices for 2016 – Iran](#), accessed 26 March 2017, p. 1.

<sup>(131)</sup> UN Report of the Secretary General, [Situation of Human Rights in the Islamic Republic of Iran](#), 13 March 2017, accessed 17 March 2017, p. 3.

<sup>(132)</sup> Idem, p. 5; HRW, [World Report 2017 – Iran - Events of 2016](#), 12 January 2017, accessed 27 March 2017.

apostasy, and same-sex relations are punishable by death<sup>(133)</sup>. Two mass executions occurred in 2016, where 20 Kurds were executed on terrorism offences and 12 individuals for drug-related offences after trials that did not guarantee due process<sup>(134)</sup>. Freedom of expression is severely limited<sup>(135)</sup>. The government exerts high control over citizens and arrests journalists, writers, social-media activists, human rights defenders, and actual and perceived opponents, frequently on national security charges<sup>(136)</sup>. Women face discrimination under the law and in society<sup>(137)</sup>. There was a crackdown on women's rights activists in 2016, with several arrested and sentenced on charges related to national security<sup>(138)</sup>. Women must conform to strict dress codes and this enforcement leads to harassment, violence and imprisonment. Child marriage remains prevalent with the legal age being just 13<sup>(139)</sup>.

Members of ethnic and religious minority groups, such as Bahai, are reportedly systematically discriminated against, harassed and arrested, have their places of worship destroyed, and sometimes encounter violence from state security forces<sup>(140)</sup>. Consensual relationships outside marriage are outlawed and can result in the death penalty<sup>(141)</sup>. LGBT people remain hidden due to criminalisation and face discrimination, harassment, ill treatment or violence<sup>(142)</sup>.

Since 2014, EASO has been managing a **COI Specialist Network** on Iran.

## Eritrea

Eritrea is considered an authoritarian state with a highly centralised regime, no independent judiciary or press, no independent civil society, and where elections have not been held since 1993<sup>(143)</sup>. The UN Commission of Inquiry (CoI), established by the Human Rights Council, in its final report (May 2016) noted 'no improvement with respect to the most critical human rights violations in Eritrea' documented in its first report. The commission has reasonable grounds to believe that crimes against humanity, namely, enslavement, imprisonment, enforced disappearance, torture, other inhumane acts, persecution, rape and murder, have been widely committed in Eritrea since 1991'<sup>(144)</sup>.

Human rights organisations report a range of violations: open-ended and prolonged national service with forced or bonded labour; arbitrary arrests, prolonged detention and inhumane prison conditions, disappearances and killings; and severe restrictions on freedoms of expression, press, religion, and movement<sup>(145)</sup>. The CoI suggested that some of the violations could constitute crimes against humanity for which the Eritrean government bears no accountability. While legal procedures are in place, perpetrators are often not brought to justice<sup>(146)</sup>. There is no rule of law in practice; the security apparatus and justice system are arbitrary<sup>(147)</sup>.

<sup>(133)</sup> Ibid.

<sup>(134)</sup> UN Report of the Secretary General, [Situation of Human Rights in the Islamic Republic of Iran](#), 13 March 2017, accessed 17 March 2017, p. 3.

<sup>(135)</sup> Freedom House, [Freedom in the World 2017 – Iran](#), accessed 27 March 2017.

<sup>(136)</sup> UN Report of the Secretary General, [Situation of Human Rights in the Islamic Republic of Iran](#), 13 March 2017, accessed 17 March 2017, p. 10-13; Freedom House, [Freedom in the World 2017 – Iran](#), accessed 27 March 2017; HRW, [World Report 2017 – Iran - Events of 2016](#), 12 January 2017, accessed 27 March 2017.

<sup>(137)</sup> UN Report of the Secretary General, [Situation of Human Rights in the Islamic Republic of Iran](#), 13 March 2017, accessed 17 March 2017, 8-9; Freedom House, [Freedom in the World 2017 – Iran](#), accessed 27 March 2017.

<sup>(138)</sup> UN Report of the Secretary General, [Situation of Human Rights in the Islamic Republic of Iran](#), 13 March 2017, accessed 17 March 2017, p. 8-9.

<sup>(139)</sup> Idem, p. 9-10.

<sup>(140)</sup> UN Report of the Secretary General, [Situation of Human Rights in the Islamic Republic of Iran](#), 13 March 2017, accessed 17 March 2017, p. 14-15; Freedom House, [Freedom in the World 2017 – Iran](#), accessed 27 March 2017.

<sup>(141)</sup> Ibid.

<sup>(142)</sup> Ibid.; US DoS, [Country Reports on Human Rights Practices for 2016 – Iran](#), accessed 26 March 2017, p. 2, 43-44.

<sup>(143)</sup> (J)UN Human Rights Council, [Detailed findings of the commission of inquiry on human rights in Eritrea, A/HRC/32/CRP.1](#), 8 June 2016; UN Human Rights Council, [Report of the commission of inquiry on human rights in Eritrea](#), 9 May 2016, A/HRC/32/47, 9 May 2016

<sup>(144)</sup> Idem, p. 1.

<sup>(145)</sup> HRW, [World Report 2017 - Eritrea](#), 12 January 2017.

<sup>(146)</sup> UN Human Rights Council, [Report of the commission of inquiry on human rights in Eritrea](#), 9 May 2016, A/HRC/32/47, 9 May 2016., p. 16.

<sup>(147)</sup> EASO, [Eritrea Country Focus](#), May 2015; HRW, [World Report 2017 - Eritrea](#), 12 January 2017.

Human rights violations are cited as the main reason why Eritreans flee their country, particularly the infinite duration of enforced National Service<sup>(148)</sup>. Promises by the Eritrean authorities to limit the length of duty to 18 months have not yet been fulfilled. National service remains open-ended and conscription lasts for several years<sup>(149)</sup>. The treatment of deserters has reportedly become less harsh in recent years; those apprehended are usually detained for some time before starting a military training, which often takes place in camps with hazardous and detention-like conditions<sup>(150)</sup>. Eritrea ranks among the most repressive media environments in the world, according to Freedom House<sup>(151)</sup>, and has been ranked one of the lowest in RSF's press freedom index for many years<sup>(152)</sup>.

Since 2015 the government has attempted to engage more with the international community by inviting BBC journalists – while closely observing their movements – and by starting talks with the EU to reduce the flow of migrants out of Eritrea<sup>(153)</sup>. The EU and Eritrea signed a EUR 200 million- National Indicative Program (NIP) focusing on renewable energy and governance. The programme 'supports the efforts of the Government and people of Eritrea to increase productivity, encourage investments, create employment and business opportunities, and thus address some of the root causes of irregular migration'<sup>(154)</sup>. Regarding the current food crisis in the Horn of Africa region, the European Commission concluded, however, that at the moment conditions in Eritrea do not allow the Commission to provide emergency assistance in line with fundamental humanitarian principles, particularly those of humanity, neutrality, impartiality and independence<sup>(155)</sup>.

Since 2015, EASO has been managing a **COI Specialist Network** on Eritrea. In May 2016, a **COI workshop** was held on Eritrea, involving expert speakers. In December 2016, EASO published a **COI report** entitled *Eritrea – National service and illegal exit*, providing an overview on aspects related to national service and illegal exit in Eritrea<sup>(155)</sup>. The report updates and further expands on the relevant sections of the 2015 EASO COI Report *Eritrea Country Focus*.

## Russian Federation

According to the European Parliament Research Service, human rights abuses in Russia 'range from extrajudicial killings and inhuman treatment including torture, to confiscation of private property'. A dysfunctional justice system denies Russians the right to a fair trial; ethnic minorities, women and LGBT persons are heavily disadvantaged, in practice and in some cases also in law'<sup>(157)</sup>.

Freedom of expression, assembly and association has been further tightened. The state directly controls most of the media<sup>(158)</sup>, further targets independent critics, and adopts legislation to expand its control on online speech'<sup>(159)</sup>. The 'Foreign Agent' Law, which requires foreign-funded NGOs and advocacy groups to register as 'foreign agents' if they receive any overseas funding and engage in 'political activity', was again amended in May 2016 to further broaden the already extensive concept of 'political activity'<sup>(160)</sup>. By the end of 2016, 150 civil-society organisations were listed as 'foreign agents', the majority of which worked in the field of human rights<sup>(161)</sup>.

<sup>(148)</sup> Ibid.; Amnesty International, *Eritrea: Just deserters: Why indefinite National Service in Eritrea has created a generation of refugees*. 2 December 2015, Revised edition August 2016 (AFR 64/4794/2016); UN Human Rights Council, *Report of the commission of inquiry on human rights in Eritrea*, 9 May 2016, A/HRC/32/47, 9 May 2016, p. 18.

<sup>(149)</sup> EASO, Country of Origin Information (COI) Report, *Eritrea – National service and illegal exit*, 16 December 2016, p. 11.

<sup>(150)</sup> Ibid.

<sup>(151)</sup> Freedom House, *Freedom of the Press 2016- Eritrea*, 1 December 2016.

<sup>(152)</sup> RSF, 2016 *World Press Freedom Index*, n.d.

<sup>(153)</sup> Freedom House, *Freedom in the World – Eritrea*, 14 July 2016; UN Human Rights Council, *Report of the commission of inquiry on human rights in Eritrea*, 9 May 2016, A/HRC/32/47, 9 May 2016.

<sup>(154)</sup> EEAS (Delegation of European Union to the State of Eritrea), *Eritrea and EU sign landmark agreement on future development cooperation, promoting renewable energy and sound governance*, 29 January 2016.

<sup>(155)</sup> EEAS, *Humanitarian Aid*, archived on 11 August 2016.

<sup>(156)</sup> EASO, *Country of Origin Information (COI) Report, Eritrea – National service and illegal exit*, 16 December 2016.

<sup>(157)</sup> EPRS, *Human rights in Russia: No light at the end of the tunnel*, September 2016, p. 1, accessed 9 March 2017.

<sup>(158)</sup> Bertelsmann Stiftung, *Bertelsmann Stiftung's Transformation Index (BTI) 2016, Russia Country report*, 2016, accessed 9 March 2017.

<sup>(159)</sup> EPRS, *Human rights in Russia: No light at the end of the tunnel*, September 2016, p. 3, accessed 9 March 2017; HRW, *World Report 2017, Russia, Events of 2016*, 12 January 2017, accessed 9 March 2017.

<sup>(160)</sup> HRW, *Russia: Government vs. Rights Groups*, 21 February 2017, accessed 9 March 2017.

<sup>(161)</sup> Gov.UK, *Russia lists 150th Organisation Under 'Foreign Agents' Law*, 23 December 2016, accessed 9 March 2017.



Legislation adopted in December 2015 gave the Russian Constitutional Court authority to overrule decisions by the European Court of Human Rights<sup>(162)</sup>. On 7 February 2017, Russia adopted new legislation to establish that acts of violence committed within the family and do not cause severe injuries, or are reported only once a year, do not qualify as domestic violence<sup>(163)</sup>. The Council of Europe's Secretary General, Thorbjørn Jagland, expressed deep concern at the new law, stating that it 'would be a clear sign of regression within the Russian Federation and would strike a blow to global efforts to eradicate domestic violence'<sup>(164)</sup>. The Russian authorities continued to use discriminatory policies and legislation (including the 2013 'propaganda' law that banned dissemination of information on 'non-traditional sexual relationships') against LGBT people<sup>(165)</sup>, including in Crimea, 'where the situation substantially worsened following the Russian annexation'<sup>(166)</sup>.

In its 4 February 2016 resolution, the European Parliament (EP) reiterated 'its severe condemnation of the illegal annexation by Russia of the Crimean peninsula'<sup>(167)</sup>. On 19 December 2016, the European Council (EC) extended sanctions against certain economic sectors in Russia until 31 July 2017. The sanctions are directly linked 'to the complete implementation of the Minsk agreements'<sup>(168)</sup>.

The Chechen parliament dissolved in June 2016 so that the regional elections for the parliament would coincide with the federal elections for the State Duma on 18 September 2016<sup>(169)</sup>. Ahead of the September elections, there were reports of attacks on 'critics and those deemed disloyal to Kadyrov, including through abductions and enforced disappearances, ill-treatment, death threats, and threats of violence against relatives'. Assaults on journalists and human rights defenders were also reported across the republic<sup>(170)</sup>.

The Council of Europe described the human rights record and the rule of law in the North Caucasus region as 'one of the most serious in the entire geographical area covered [by COE]', where 'systematic human rights violations and the impunity of their perpetrators are bound to foster the further rise of extremism'<sup>(171)</sup>. Women remain among the most vulnerable in the region, with various sources reporting 'abductions, forced marriages and honour killings, as well as attacks on women failing to comply with Islamic dress codes', together with increased difficulties in accessing legal remedies, namely in divorce and custody of children<sup>(172)</sup>.

The death toll among civilians and militants in the North Caucasus increased in 2016. The Caucasian Knot estimates 287 victims of the conflict (202 casualties, 85 wounded) during 2016, compared to 258 victims in 2015. The majority of cases occurred in Dagestan (140 casualties and 64 wounded), followed by Chechnya and Ingushetia. In Karachay-Cherkessia and North Ossetia no victims were reported<sup>(173)</sup>.

Since 2014, EASO has been managing a **COI Specialist Network** on the Russian Federation. In March 2017, EASO published a **COI report** on the Russian Federation – State Actors of Protection.

<sup>(162)</sup> AI, [Amnesty International: Amnesty International Report 2015/16 - The State of the World's Human Rights – Russian Federation](#), 24 February 2016, accessed 16 March 2016.

<sup>(163)</sup> HRW, [A Slap is Only the Start](#), 14 February 2017, accessed 9 March 2017.

<sup>(164)</sup> CoE, [Russia: decriminalising domestic violence would be a clear sign of regression, says Secretary General Jagland](#), 16 January 2017, accessed 9 March 2017.

<sup>(165)</sup> HRW, [World Report 2017, Russia, Events of 2016](#), 12 January 2017, accessed 9 March 2017.

<sup>(166)</sup> EP, [European Parliament resolution of 4 February 2016 on the human rights situation in Crimea, in particular of the Crimean Tatar \(2016/2556\(RSP\)\)](#), 4 February 2016, accessed 8 March 2017.

<sup>(167)</sup> Ibid.

<sup>(168)</sup> EC, [Russia: EU prolongs economic sanctions by six months](#), 19 December 2016, accessed 7 March 2017.

<sup>(169)</sup> RFE/RL, [Chechnya Schedules Preterm Parliamentary Elections](#), 20 June 2016, accessed 8 March 2017; Jamestown Foundation, [Non-Chechen Candidates from Moscow Plans to Run for Seats Representing the North Caucasus in Upcoming Parliamentary Elections](#), 22 July 2016, accessed 8 March 2017; Meduza, [The Chechen parliament just decided to dissolve itself](#), 16 June 2016, accessed 8 March 2017.

<sup>(170)</sup> HRW, [World Report 2017, Russia, Events of 2016](#), 12 January 2017, accessed 9 March 2017.

<sup>(171)</sup> (Council of Europe, Parliamentary Assembly, [Human rights in the North Caucasus: what follow-up to Resolution 1738 \(2010\)?](#), 8 June 2016, p. 1, accessed 9 March 2017.

<sup>(172)</sup> EP, [Human rights in Russia: No light at the end of the tunnel](#), September 2016, p. 7, accessed 9 March 2017; ICG, [Chechnya: The Inner Abroad](#), 30 June 2015, p. 33, accessed 8 March 2017; Sokirianskaia, E., [Women in the North Caucasus Conflicts: An Under-reported Plight](#), 9 June 2016, accessed 8 March 2017; RJI and CAN, [Submission from Russian Justice Initiative \(RJI\) and Chechnya Advocacy Network Concerning the Russian Federation's Compliance with the CEDAW Convention in the North Caucasus Region](#), October 2015, p. 4, accessed 9 March 2017.

<sup>(173)</sup> Caucasian Knot, [Infographics. Statistics of victims in Northern Caucasus for 2016 under the data of the Caucasian Knot](#), 2 February 2017, accessed 9 March 2017; Caucasian Knot, [Infographics. Statistics of victims in Northern Caucasus for 2015 under the data of the Caucasian Knot](#), 8 February 2016, accessed 16 March 2016.

## Somalia

The Somali Federal Government (SFG) has been led by President Hassan Sheikh Muhamud since 2012. Much of the work within the government and with international partners has focused on the process of federalisation, including ‘ongoing political manoeuvring and infighting around the electoral process (...) largely detracted from progress in justice and security sector reform’<sup>(174)</sup>. Presidential elections were held on 8 February 2017.

During 2016, the armed conflict continued in central and southern Somalia between the Somali national army (SNA), African Union Mission in Somalia (AMISOM) peacekeepers, and the armed insurgent group al-Shabaab. Many civilians were killed or injured and more than 1 million Somalis are still internally displaced<sup>(175)</sup>. According to Amnesty International, ‘more than 50 000 civilians were killed, injured or displaced as a result of the armed conflict and generalized violence’<sup>(176)</sup>. Despite ‘significant gains made by the combined efforts of the Somali army and AMISOM’<sup>(177)</sup>, the US Department of State noted: ‘AMISOM and Somali security forces did not conduct any major offensive operations to liberate additional areas during the year’<sup>(178)</sup>. The US DoS noted that Al-Shabaab ‘blocked humanitarian access to 28 districts in southern and central Somalia, including critical transportation routes to areas liberated by AMISOM’<sup>(179)</sup>.

Human rights violations committed by Al-Shabaab included targeted killings, beheadings, and executions, particularly of those accused of spying and collaborating with the government, forced recruitment of children, and severe restrictions of basic rights in areas under its control<sup>(180)</sup>. In addition, Al-Shabaab increasingly attacked civilian targets, such as schools, hotels, and restaurants in Mogadishu, resulting in numerous casualties, and continued targeting journalists and independent media<sup>(181)</sup>.

Human rights organisations also reported abuses by governmental and foreign forces, such as sexual violence, torture, child recruitment, prolonged detention and large-scale evictions of IDPs<sup>(182)</sup>. HRW reported indiscriminate killings of civilians by AMISOM and other foreign forces, during operations against Al-Shabaab<sup>(183)</sup>.

The UN highlighted the plight of more than 20 million people in South Sudan, Somalia, Yemen, and north-east Nigeria who faced devastating food shortages. An estimated 6.2 million drought-affected Somalis are in need of assistance<sup>(184)</sup>.

EASO has been managing a **COI Specialist Network** on Somalia since 2013. In February 2016, EASO published a **COI report** on the security situation in Somalia, an update of which is foreseen for 2017.

## Ukraine

During 2016, violations by both parties of the ceasefire agreement resulted in ‘sporadic low-scale fighting’ in eastern Ukraine<sup>(185)</sup>. Since the beginning of the conflict in April 2014 to November 2016, the OHCHR’s conservative estimates indicate that there were 32 453 casualties (9 733 deaths and 22 720 injured) among civilians, Ukrainian armed forces and members of opposition armed groups<sup>(186)</sup>. In eastern Ukraine, the humanitarian and human rights situation

<sup>(174)</sup> HRW, *World Report 2016/17 – Events of 2016 – Somalia*, 12 January 2017

<sup>(175)</sup> Ibid.

<sup>(176)</sup> AI, *Amnesty International Report 2016/17 - Somalia*, 22 February 2017

<sup>(177)</sup> Freedom House, *Freedom in the World 2016, Somalia*, 9 August 2016

<sup>(178)</sup> US DoS, *Country Reports on Human Rights Practices for 2016 – Somalia*, 3 March 2017

<sup>(179)</sup> Ibidem.

<sup>(180)</sup> HRW, *World Report 2016/17 – Events of 2016 – Somalia*, 12 January 2017

<sup>(181)</sup> Ibid.

<sup>(182)</sup> Ibid.; AI, *Amnesty International Report 2016/17 - Somalia*, 22 February 2017; US DoS, *Country Reports on Human Rights Practices for 2016 – Somalia*, 3 March 2017.

<sup>(183)</sup> HRW, *World Report 2016/17 – Events of 2016 – Somalia*, 12 January 2017

<sup>(184)</sup> UN News Service, *Tackling hunger crises in South Sudan, Somalia, Nigeria and Yemen requires \$4.4 billion – UN*, 24 February 2017

<sup>(185)</sup> AI (Amnesty International), *Annual report, Ukraine 2016/2017*, 2017, accessed 15 March 2017.

<sup>(186)</sup> OHCHR, *Report on the human rights situation in Ukraine 16 August 2016 to 15 November 2016*, 3 March 2016, p. 6, accessed 15 March 2016.

remained dire due to an escalation in fighting along the contact line <sup>(187)</sup>. As a result, living conditions of civilians on both sides of the contact line are affected, including ‘access to adequate housing, safe drinking water, energy for cooking, heating, lighting, and access to essential medicine and basic health services, including psychological support’ <sup>(188)</sup>. The OHCHR documented cases of conflict-related sexual violence <sup>(189)</sup>. According to the OSCE, IDPs face numerous challenges ‘including survival and physical security, livelihoods or limited freedom of movement’, and ‘shared challenges faced by host communities and displaced persons such as lack of employment and inadequate housing opportunities have been identified as major potential triggers for strained relations and secondary displacement’ <sup>(190)</sup>.

Since 2014, there have been reports of ‘19 000 residents of Crimea becoming internally displaced within mainland Ukraine’, harassment of the Crimean Tatar population, killings and abductions, ill treatment, detention and non-respect for due process and fair trial as well as compelled military conscription’ <sup>(191)</sup>. OSCE reports that Crimean Tatar IDPs ‘face additional challenges to preserve and practise their language, culture and religion’ <sup>(192)</sup>. In its 4 February 2016 resolution, the European Parliament (EP) reiterated ‘its severe condemnation of the illegal annexation by Russia of the Crimean peninsula’ and also ‘strongly condemned the unprecedented levels of human rights abuses perpetrated against Crimean residents, most notably Crimean Tatars, who do not follow the imposed rule of the so-called local authorities, particularly under the pretext of combating extremism or terrorism’ <sup>(193)</sup>.

On 28 February 2017, a political agreement was reached between the European Parliament, the Council and the European Commission on the granting of a visa-free regime for Ukrainian citizens. The measure was due to enter into force by mid-June 2017, after necessary procedures are completed <sup>(194)</sup>.

Since 2015, EASO has been managing a **COI Specialist Network** on Ukraine.

## 2.8. Data analysis on selected nationalities

This section presents a more detailed overview of statistical data concerning four main countries of origin of applicants for international protection in EU+ countries in 2016.

It provides an overview of annual trends in the number of applications lodged since 2012, their distribution across EU+ countries in 2016, the number and types of decisions issued applicants of each respective nationality by individual EU+ countries. This is accompanied with a statistical overview of evolution of practices of first instance authorities in five main receiving EU+ countries in terms of types of protection accorded, accompanied with qualitative information on revisions of national legislation, policies and case law, whenever such information was available.

Information in this section should be read in conjunction with information on the methodology of calculating recognition rates in Section 2.4.2. *Recognition rate by country of origin*.

<sup>(187)</sup> OHCHR, *Press briefing notes on Myanmar and Ukraine*, 3 February 2017, accessed 15 March 2017.

<sup>(188)</sup> OSCE (Organisation for Security and Co-operation in Europe), *Hardship for conflict-affected civilians in eastern Ukraine*, February 2017, p. 1, accessed 21 March 2017.

<sup>(189)</sup> OHCHR, *Report on the human rights situation in Ukraine 16 August 2016 to 15 November 2016*, 3 March 2016, p. 18-19, accessed 15 March 2016.

<sup>(190)</sup> OSCE, *Special Monitoring Mission to Ukraine, Conflict-related Displacement in Ukraine: Increased Vulnerabilities of Affected Populations and Triggers of Tension within Communities*, July 2016, p. 4-5, accessed 22 March 2017.

<sup>(191)</sup> ICC (International Criminal Court), *Report on Preliminary Examination Activities 2016*, 14 November 2016, p. 38, accessed 15 March 2017.

<sup>(192)</sup> OSCE, *Special Monitoring Mission to Ukraine, Conflict-related Displacement in Ukraine: Increased Vulnerabilities of Affected Populations and Triggers of Tension within Communities*, July 2016, p. 5, accessed 22 March 2017.

<sup>(193)</sup> EP, *European Parliament resolution of 4 February 2016 on the human rights situation in Crimea, in particular of the Crimean Tatar (2016/2556(RSP))*, 4 February 2016, accessed 8 March 2017.

<sup>(194)</sup> EP, *Committee on Foreign Affairs, Delegation to the EU-Ukraine Parliamentary Association Committee, Joint Statement Mr David McAllister, Chair of the Committee on Foreign Affairs, Mr Dariusz Rosati, Chair of the Delegation to the EU-Ukraine Parliamentary Association Committee and Mr Jacek Saryusz-Wolski, AFET standing rapporteur on Ukraine*, 1 March 2017, accessed 15 March 2017; RFE/RL, *European Parliament Committee Approves Ukraine Visa Liberalization*, 9 March 2017, accessed 15 March 2017.

### 2.8.1. Syria

In 2016, Syrian nationals lodged 342 005 applications for international protection in the EU+. This is an 11 % decrease compared to 2015 but still almost three times the number of Syrian applications lodged in the EU+ in 2014. Syria was the main country of origin of asylum in EU+ countries for the fourth consecutive year. In comparison, 252 894 Syrians were newly registered in Syria's neighbouring region in the same period, leading to a total of more than five million Syrian nationals registered there <sup>(195)</sup>.

The high level of Syrian applications in 2016 reflected to a large extent the massive influx that took place in 2015. EU+ countries faced challenges in lodging such large numbers of applicants and had to step up registering capacity significantly. These initiatives led to an increase in the number of applications lodged in 2016 of people who had arrived earlier.

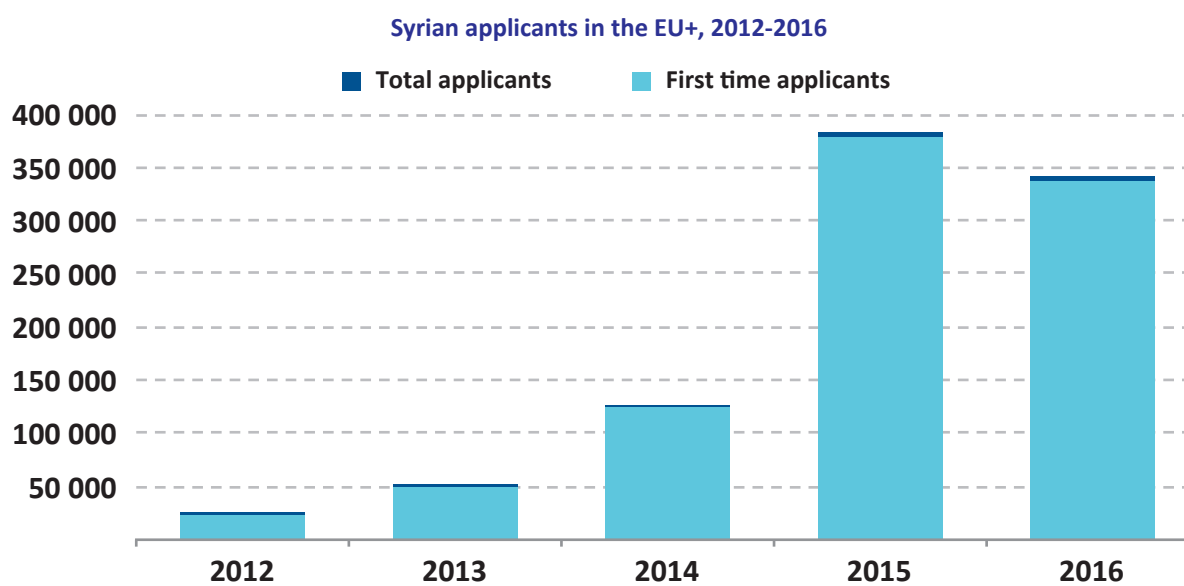


Figure 25: Syrian applications for asylum decreased slightly

Germany was one of the EU+ countries significantly stepping up the processing capacity throughout 2016 <sup>(196)</sup>. It recorded 79 % of all Syrian applicants in the EU+ in 2016, a 65 % increase, from more than 162 495 in 2015 to close to 268 795 applications in 2016. Greece became the second main receiving country for Syrian applicants (8 % of the EU+ total). It recorded a massive increase, from 3 500 Syrian applications in 2015 to 26 700 in 2016 (+ 663 %).

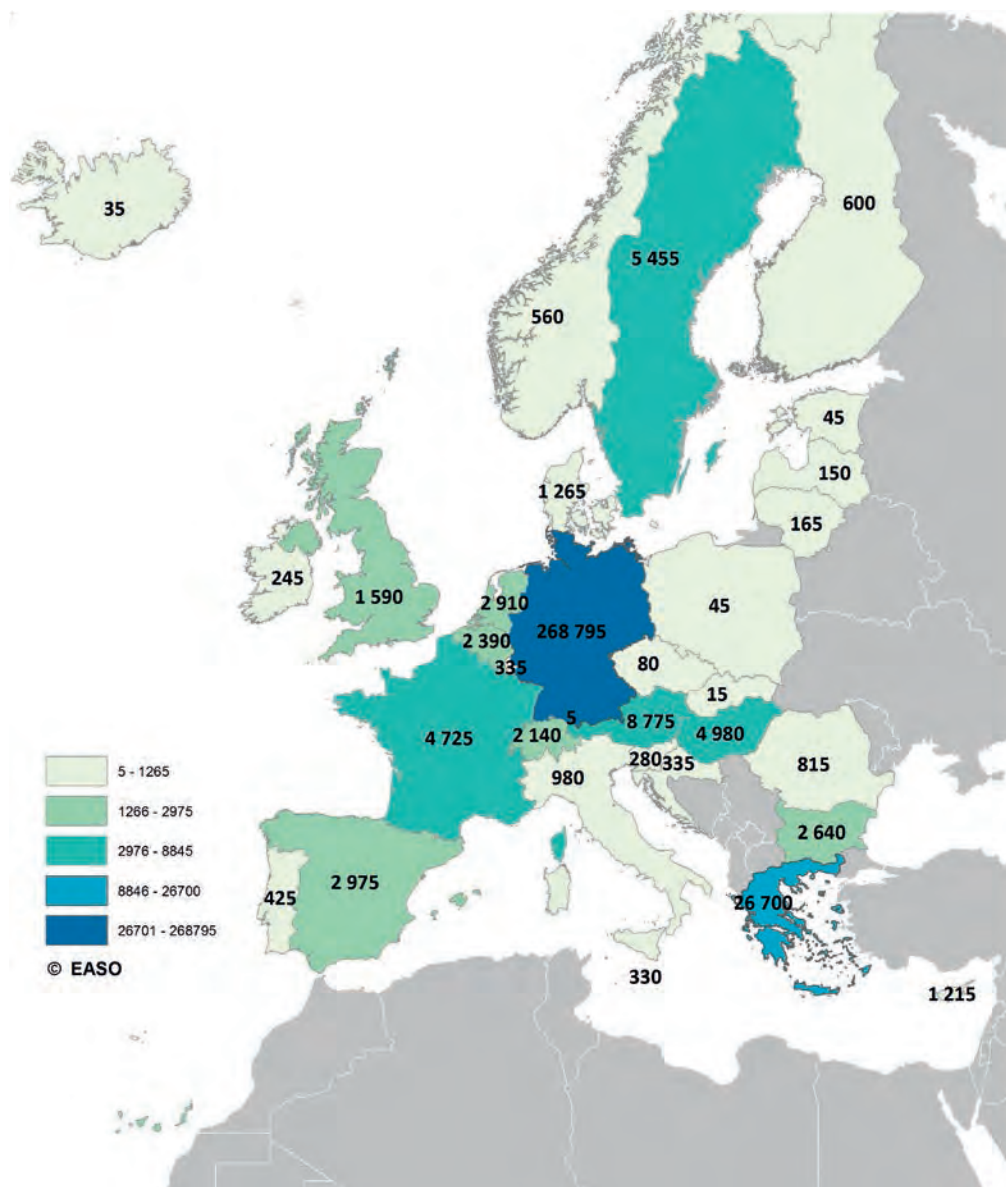
The other main receiving countries all recorded fewer Syrian applications and this reflected the changed situation in the EU. For example, Austria and Hungary, located on the Western Balkan route, were main receiving countries in 2015 but recorded 65 % and 92 % fewer applicants respectively in 2016. Sweden was among the main final destination countries in 2015 but recorded 89 % fewer Syrian applicants in 2016. Despite these significant decreases, and the low share in the EU+ as a whole, these countries still figured among the top five main destination countries for Syrian applicants in 2016.

<sup>(195)</sup> UNHCR, *Syria Regional Refugee Response: Inter-agency Information Sharing Portal*, accessed 5 April 2017.

<sup>(196)</sup> BAMF, *Trendwende im Bundesamt ist erreicht*, 12 October 2016, accessed 5 April 2017.

As in previous years, Syrian applicants consisted primarily of first-time applicants (99 %). Only 4 % of all Syrian applicants were reported to be UAMs. The monthly number of Syrian applicants was the highest in the beginning of the year, with a peak in February 2016, when 41 765 Syrian applications were lodged. Until September the monthly total continued to exceed 30 000. With backlogs of registrations being dealt with, the number of Syrian applications decreased in the last quarter of the year and dropped just below 10 000 in December.

#### Distribution of Syrian asylum applicants in the EU+, 2016



**Map 2: Germany and Greece were by far the main receiving countries of Syrian applicants**

98 % of all Syrian applications received a positive decision in first instance in 2016. However, among EU+ countries there were variations in the type of protection granted: for example in Austria, Belgium, Finland, Italy, Luxembourg, Norway, Romania and the United Kingdom Syrian applicants were mainly granted refugee status, while in Cyprus, Spain and Sweden, among others, they were most commonly granted subsidiary protection. In the Netherlands and France, there was a roughly equal distribution between refugee status and subsidiary protection. Switzerland was the only EU+ country mostly granting humanitarian protection status (55 % of total positive decisions).

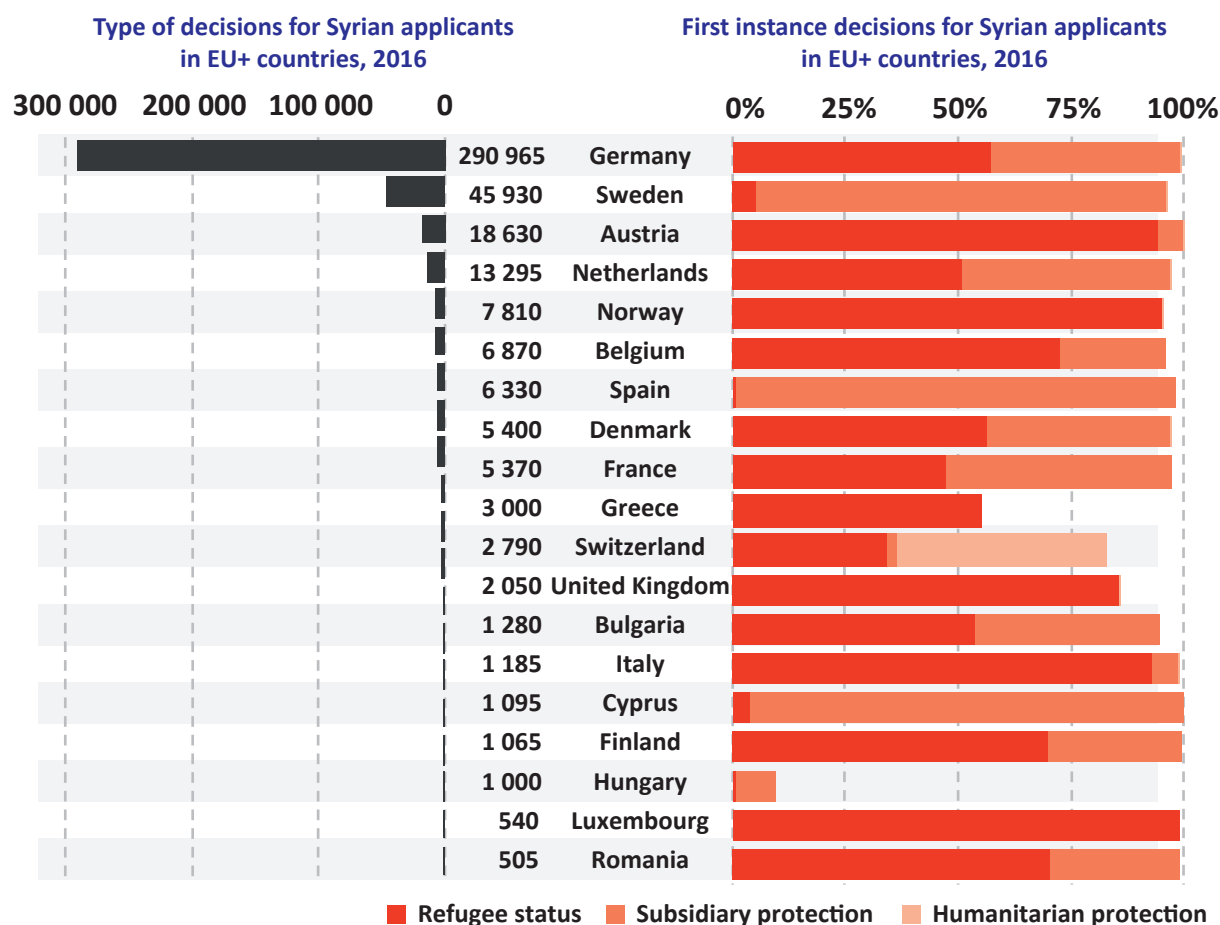


Figure 26: The use of legal regimes differed between EU+ countries

As Figure 26 and Figure 27 illustrate, the use of legal regimes can be quite different among EU+ countries. The type of protection granted to applicants in each EU+ country can also change over time. With respect to the evolution over the past two years (Figure 27), it is clear that in 2015, refugee status was increasingly granted as a proportion of positive decisions but this changed drastically in the second half of 2016 when the majority of the decisions granted subsidiary protection.

This change reflected the situation in Germany which issued 70 % of the decisions issued to Syrian applicants. The recognition rate in Germany remained very high throughout the past two years but the share of refugee status granted decreased significantly, from 99 % of all decisions in the first quarter of 2016, to 32 % of all decisions. Meanwhile, the share of subsidiary protection rose from near zero in the beginning of the year to 67 % in the third quarter.

This practice was reflected in the national case law, where several judgments handed down by courts in the federal states of Germany examined the forms of protection to be granted to Syrian applicants<sup>(197)</sup>.

<sup>(197)</sup> In its ruling of 23 November 2016 (3 LB 17/16), the Schleswig-Holstein Higher Administrative Court decided that there was no sufficient reason to assume that the Syrian government would suspect every returnee who left Syria without being persecuted of belonging to the opposition. The court found that only because returnees left illegally, applied for asylum and stayed in Germany for an extended period of time, there was no considerable probability that they would be persecuted by the Syrian government so that they would be eligible for asylum.

Therefore, the court ruled that the Federal Office correctly granted the plaintiff (only) subsidiary protection and not refugee status. In its rulings of 12 December 2016 (21 ZB 16.30338, 21 ZB 16.30364, 21 ZB 16.30371 und 21 ZB 16.30372) the Bavarian Higher Administrative Court decided that there was no considerable probability that Syrian applicants, if returning to Syria via the airport in Damascus, would be subject to political persecution because they applied for asylum and stayed in Germany for that purpose. Overall, the court considered the evidence against the threat of persecution more substantial than the evidence for such a threat. Therefore, the Bavarian Higher Administrative Court repealed rulings of the Regensburg Administrative Court and denied the appeal of Syrians to “upgrade” their protection status (from subsidiary protection to refugee status).

In its ruling of 16 December 2016 (1 A 10922/16.OVG) the Rhineland-Palatinate Higher Administrative Court also confirmed that subsidiary protection is the status to be granted. The court explained that there was no sufficient evidence to indicate that the Syrian security authorities would generally consider all returnees who illegally left Syria, applied for asylum and stayed abroad for an extended period of time to belong to the opposition. Given the fact that there are almost five million refugees, the court argued that this scenario would be unrealistic because even the Syrian government would know that most people left the country not as an expression of political opposition to the regime but for fear of the civil war. (National input to EMN report).

The policy change in Germany, which also affected other citizenships apart from Syrian nationals, coincided with a legislative change in March 2016 that suspended family reunification for beneficiaries of subsidiary protection until March 2018 <sup>(198)</sup>.

Austria and the Netherlands also decreased the share of refugee status granted in favour of subsidiary protection statuses but the share of subsidiary protection was already higher and the change was less noticeable than in Germany. Sweden was the country issuing the second-highest number of first instance decisions to Syrian nationals, representing 11 % of all decisions in the EU+. The situation in Sweden differed in that 91 % of all decisions led to the granting of subsidiary protection and this has been a stable trend over the past two years. In Norway, since the end of 2015, only refugee status was granted to Syrians and decreases in the recognition rate reflected stricter asylum policies <sup>(199)</sup>.

These cases illustrate that state policies and practices may change over time even concerning asylum seekers whose protection needs remain similar. It also raises a more general question on the relationship between refugee status and subsidiary protection as the two forms of international protection that are regulated under EU law. The definition of subsidiary protection in the EU *acquis* implies a sequence: that eligibility for subsidiary protection should be assessed after it has been established that a person does not qualify as a refugee. That aspect is particularly valid in light of a single determination procedure where the assessment of both forms of protection is done by one authority in one procedure <sup>(200)</sup>.

#### Syria, evolution in EU+ and five selected countries, by type of decision in first instance, Q1 2015 – Q4 2016

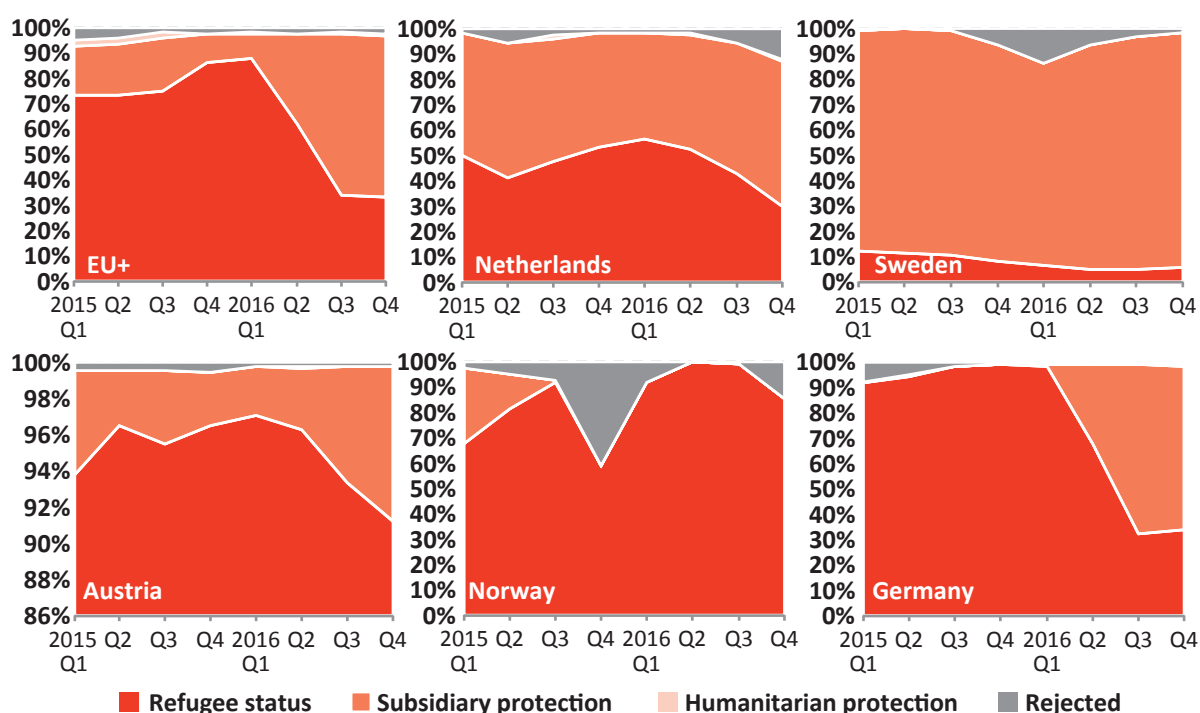


Figure 27: Evolution in types of protection granted to Syrian applicants

At the end of 2016, 157 675 cases of Syrian applicants were awaiting a final decision. This is a 29 % decrease compared to 2015 and, consequently, Syria became the second citizenship with most pending cases after Afghani. Despite this significant decrease, the stock remained high in absolute terms: more than 2.5 times higher than the stock at the end of 2014. 91 % of the cases were pending in five countries: Germany, Greece, Austria, Sweden and Switzerland.

The overall decrease in Syrian pending cases did not reflect all individual EU+ countries. Due to continued increases in applications and despite efforts in enhancing decision-making capacity, the stock of Syrian cases increased from 600 to

<sup>(198)</sup> AIDA, *Germany: Criteria and conditions*, accessed 6 April 2016.

<sup>(199)</sup> Government.no, *The Government announces a stricter asylum policy*, 30 October 2015, accessed 6 April 2017; Government.no, *Tightening of immigration rules*, 26 August 2016, accessed 6 April 2017.

<sup>(200)</sup> However, it should be noted that some EU+ countries apply a single-status system where content of protection is identical for refugee status and subsidiary protection.

more than 14 000 cases in Greece (+ 2 221 %) and from about 82 000 to almost 108 000 cases in Germany (+ 31 %). The countries where the stock decreased significantly were also the countries that saw the largest influx in 2015 but had fewer applications lodged and more decisions issued in 2016. The largest absolute decreases were recorded in Sweden (- 42 150), Hungary (- 17 740) and the Netherlands (- 11 650). The largest relative decreases in stock were seen in Hungary (- 95 %), the Netherlands (- 91 %), Denmark (- 90 %), Norway (- 88 %) and Sweden (- 86 %) <sup>(201)</sup>.

In order to process cases of Syrians in a more efficient way some countries introduced specific measures related to this caseload.

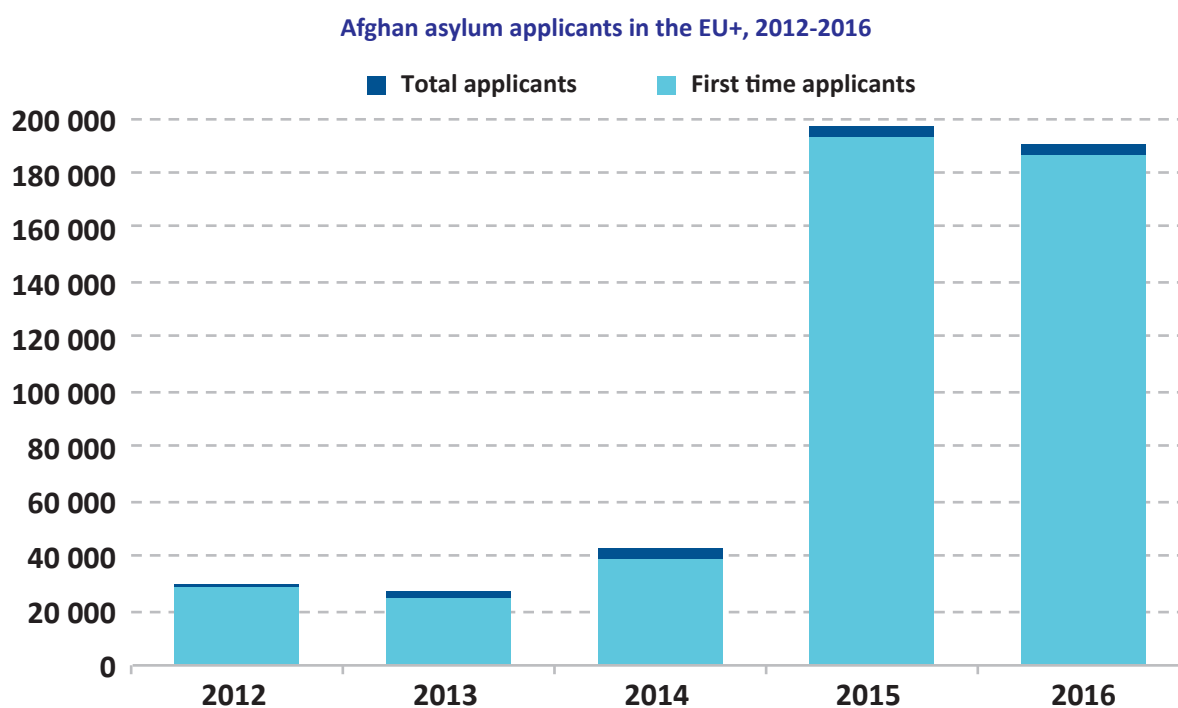
In June 2016 the **Belgian** CGRS doubled the number of interviews per day for Syrians and extended the time slots. The CGRS introduced this efficiency measure to increase the number of decisions, while guaranteeing a thorough individual examination of each case <sup>(202)</sup>.

The Fast Track-Syria Asylum Unit continued its operation in the **Greek** Asylum Service, being competent for receiving and examining applications for international protection of Syrian nationals and stateless persons whose previous country of habitual residence was Syria. Under the fast-track procedure a decision can be issued within one day if the applicant has a travel of identity document that establishes the country of origin or the country of habitual residence.

## 2.8.2. Afghanistan

In 2016, EU+ countries recorded 190 240 Afghan applicants for international protection. With a 3 % decrease compared to 2015, the total number remained relatively stable and Afghanistan remained the number two citizenship of origin. The number of Afghan applicants remained much higher than in the years preceding 2015, when they never exceeded 43 000 applicants on a yearly basis.

11 % of Afghan applicants were UAMs, down from 27 % in 2015. Nevertheless, more than 20 000 Afghan applicants were UAMs and they accounted for 38 % of all UAMs applying for international protection. (see Section [4.11 Vulnerable applicants](#) for further analysis).



**Figure 28: The number of Afghan applications only slightly decreased compared to 2015**

<sup>(201)</sup> A significant decrease means here a decrease by more than 10 000 cases or 80 % and a total of more than 500 pending cases by the end of December 2015.

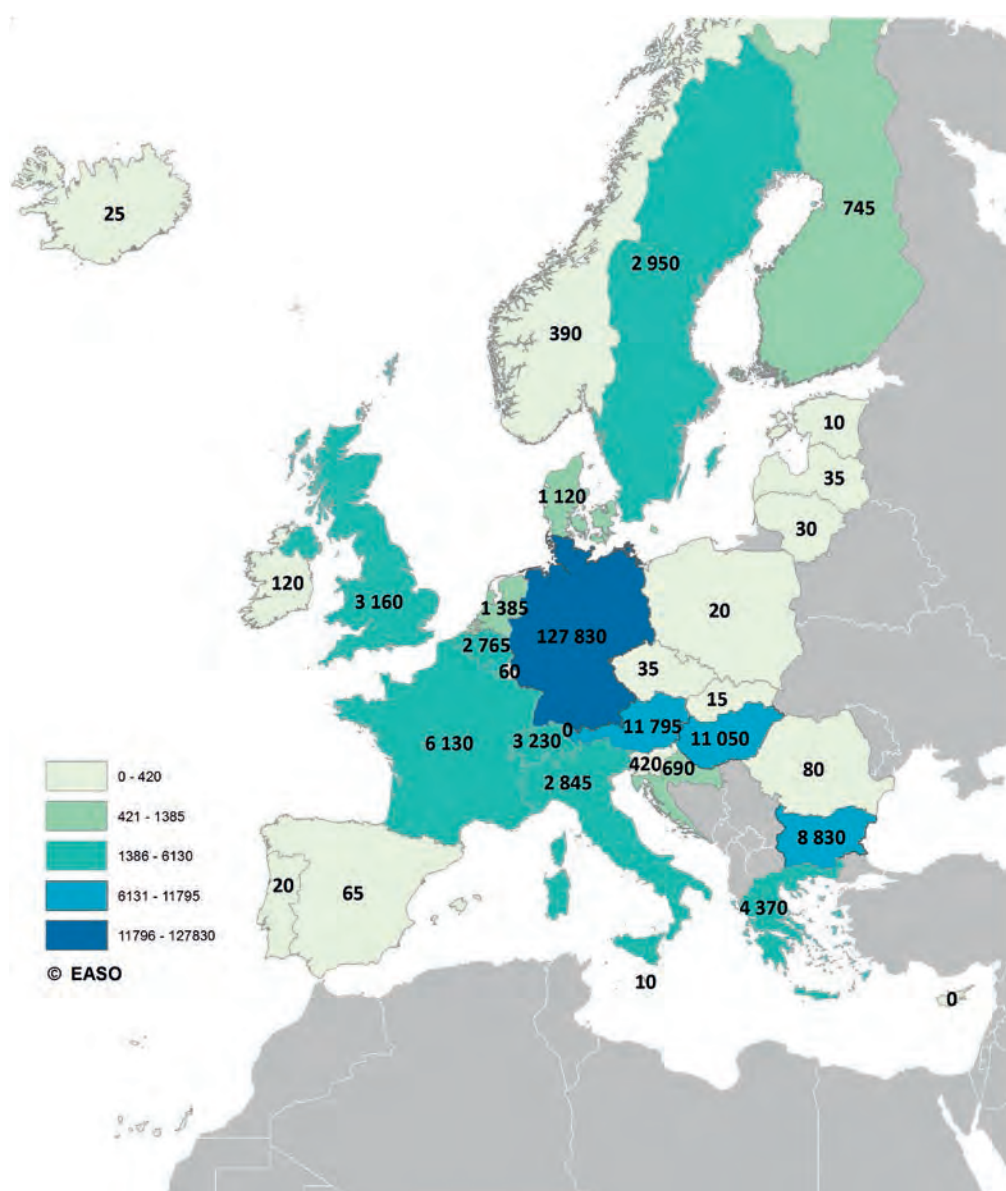
<sup>(202)</sup> CGRS, [Doubling of the number of interviews per day segment for Syrians](#)



Two out of three Afghan applicants lodged their application in Germany. Other main receiving countries were Austria, Hungary, Bulgaria and France. These five countries together accounted for 87 % of the total.

In 2016 just under half of all EU+ countries recorded fewer Afghan applicants than in 2015. The main absolute decreases took place in Hungary (- 35 180), Sweden (- 38 495), Austria (- 13 470), and the main relative decreases were in Norway (- 94 %), Sweden (- 93 %), Finland (- 86 %), Hungary (- 76 %) <sup>(203)</sup>. A number of EU+ countries saw a different trend and recorded much higher numbers of Afghan applicants. This mostly concerned Germany, where the number of Afghan applicants rose by almost 100 000 due to a registration backlog. Increases were also seen in France (+ 149 %), Greece (+ 153 %) and Bulgaria (+ 43 %). Slovenia and especially Croatia reported the highest relative increases, with Afghan applications rising from 10 to 690 in Croatia and from 50 to 420 in Slovenia. These increases were related to a diversion of the Western Balkan route after new measures implemented in Hungary.

### Distribution of Afghan asylum applicants in the EU+, 2016



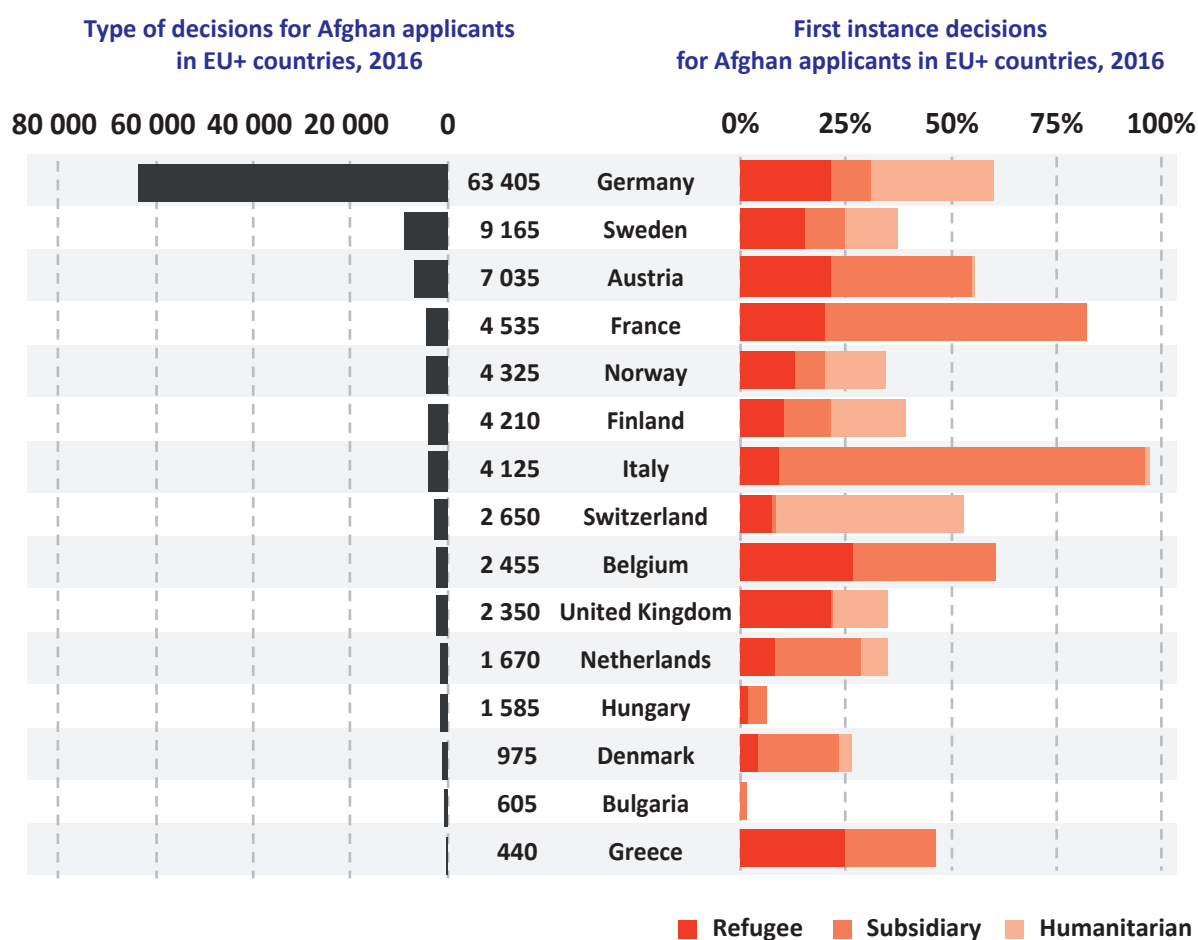
**Map 3: Germany recorded by far the largest number of Afghan applications**

Following the high number of Afghan applications since 2015, more first instance decisions were issued. The decisions rose from 21 660 in 2015 to 109 920 in 2016, a four-fold increase. More decisions were only issued to Syrian nationals.

<sup>(203)</sup> Significant means here a decrease of more than 75 % and a number of applications in 2016 exceeding 100.

Almost all EU+ countries issued a significantly higher or stable number of decisions. The largest increase was seen, again, in Germany, where close to 60 000 more decisions were issued to Afghan nationals in 2016 than in 2015 – rising from 3 900 to 63 405 in one year.

At the EU+ level, the recognition rate for Afghan applicants was 56 %, 10 percentage points lower than in 2015. Another change regarded the type of protection granted: the share of humanitarian protection increased, while refugee status and subsidiary status decreased. For the countries that issued more than 100 decisions to Afghans during 2016, the recognition rate varied between 2 % and 97 % (see Figure 18). Also, for reporting countries with a similar recognition rate, large differences could be observed in the type of protection granted. Such variation probably underlines the existence of various profiles of Afghan applicants as well as possible divergences in the interpretation of how protection should be given across EU+ countries. In order to reach more convergence in first instance decisions throughout the EU+, an EASO pilot project which focuses on decisions for Afghan applicants is ongoing.



**Figure 29: The recognition rate for Afghan applicants varied among EU+ countries**

Figure 30 focuses on the evolution in the type of legal regime used when granting protection to Afghan applicants since 2015 for the EU+ and for the five EU+ countries with most decisions. While at the beginning of 2015 the recognition rate for Afghan applicants was 70 %, at the end of 2016 it dropped to 60 %, reaching the lowest point in the second quarter of 2016 at 50 %. The recognition rate decreased while the influx of Afghan applicants remained high and the security situation within the country continued to worsen.

The types of protection granted varied between EU+ countries. Again, Germany, as the country issuing the majority of the decisions to Afghan applicants, determined the EU+ picture with, at the end of 2016, a higher share of humanitarian protection granted. Austria, Norway and Sweden all had lower shares of positive decisions than two years ago. Austria and France both granted lower levels of refugee status. France had the highest level of positive decisions (82 % in 2016), which remained stable despite the lower share of refugee status granted.

Afghanistan, evolution in EU+ and five selected countries, by type of decision in first instance, Q1 2015 – Q4 2016

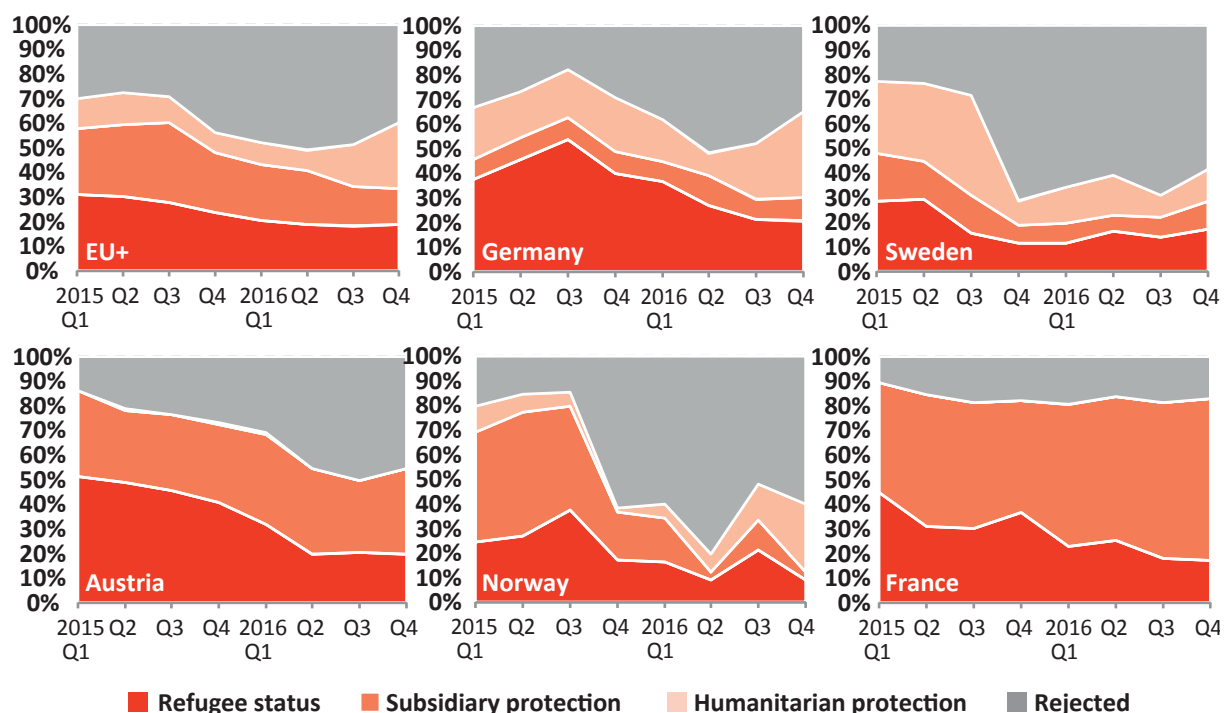


Figure 30: Evolution in types of protection granted to Afghan applicants

Some of the countries receiving Afghan applicants introduced specific instruments or policies:

In 2016 **Belgium** began to use a questionnaire for Afghan minors, sending a request for information to them and their guardian to be returned by registered mail within one month <sup>(204)</sup>. As of 3 November 2016, the CGRS has also increased the number of interviews of Afghan unaccompanied minors in order to increase the number of its decisions <sup>(205)</sup>.

In February 2016, the **Norwegian** immigration authorities (UDI) amended the Afghanistan Practice Guidance (PN 2014-004) introducing an assessment and conclusion concerning the general security situation in Afghanistan and the possibilities of internal flight alternatives. The Practice Guidance (PN 2014-004) was amended on 19 May 2016, in reference to UNHCR's Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Afghanistan of 19 April 2016 <sup>(206)</sup> especially concerning unaccompanied minors. The Practice Guidance (PN 2014-004) was further amended on 11 November 2016, in reference to the 1 October 2016 change in the Immigration Act which removed the requirement to consider reasonableness in the assessment of the possibility of an internal flight alternative. During 2016, Norway also significantly increased its issuance of temporary permits, with 23 % of all Afghan unaccompanied minors receiving a decision on their asylum application since the increased use of the Section 8-8 of the Immigration Regulations. This means that the children will have to return to their country of origin when they turn 18. For further information on UAMs, see Section 4.11 *Vulnerable applicants*).

Since October 2013, the **Greek** Asylum Service has issued guidelines to its caseworkers on the handling of the caseload from Afghan nationals, especially with reference to the granting of subsidiary protection and to the application of the Internal Protection Alternative (IPA). These guidelines have been regularly updated since then in line with the evolving security situation and general conditions in Afghanistan. A complete overhaul of the guidelines on Afghanistan is expected by the middle of 2017.

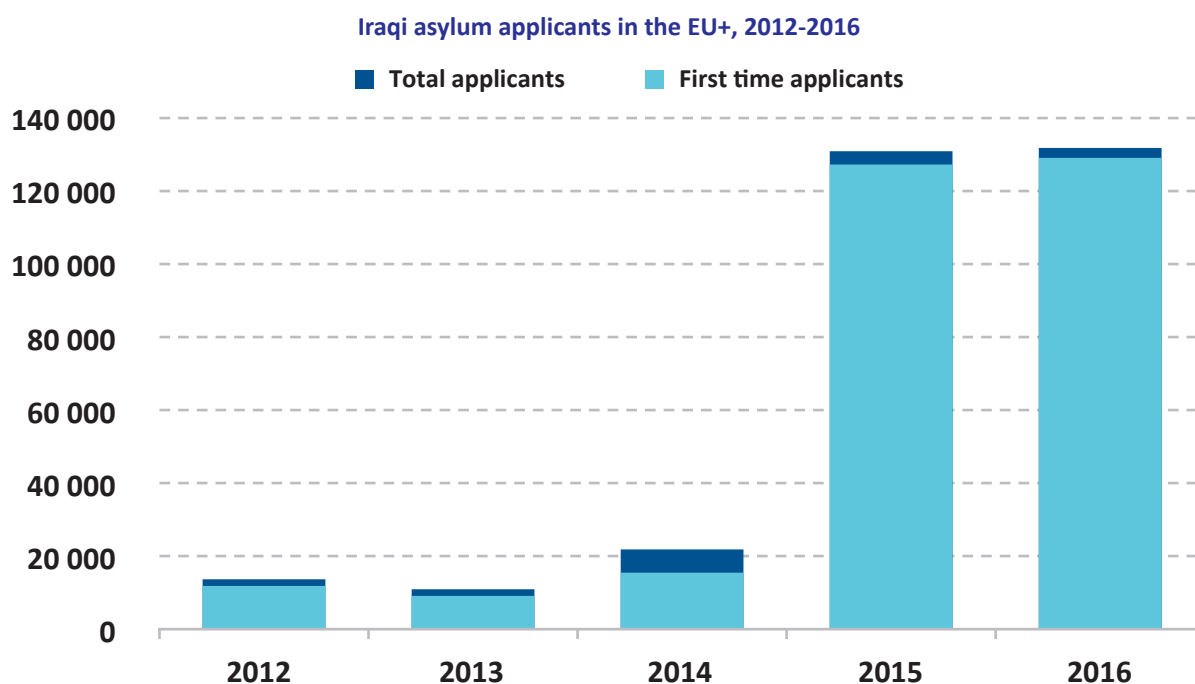
<sup>(204)</sup> CGRS, *Start of the use of a questionnaire for Afghan minors*

<sup>(205)</sup> CGRS, *Examination of asylum applications from Afghan minors*

<sup>(206)</sup> <http://www.refworld.org/docid/570f96564.html>

### 2.8.3. Iraq

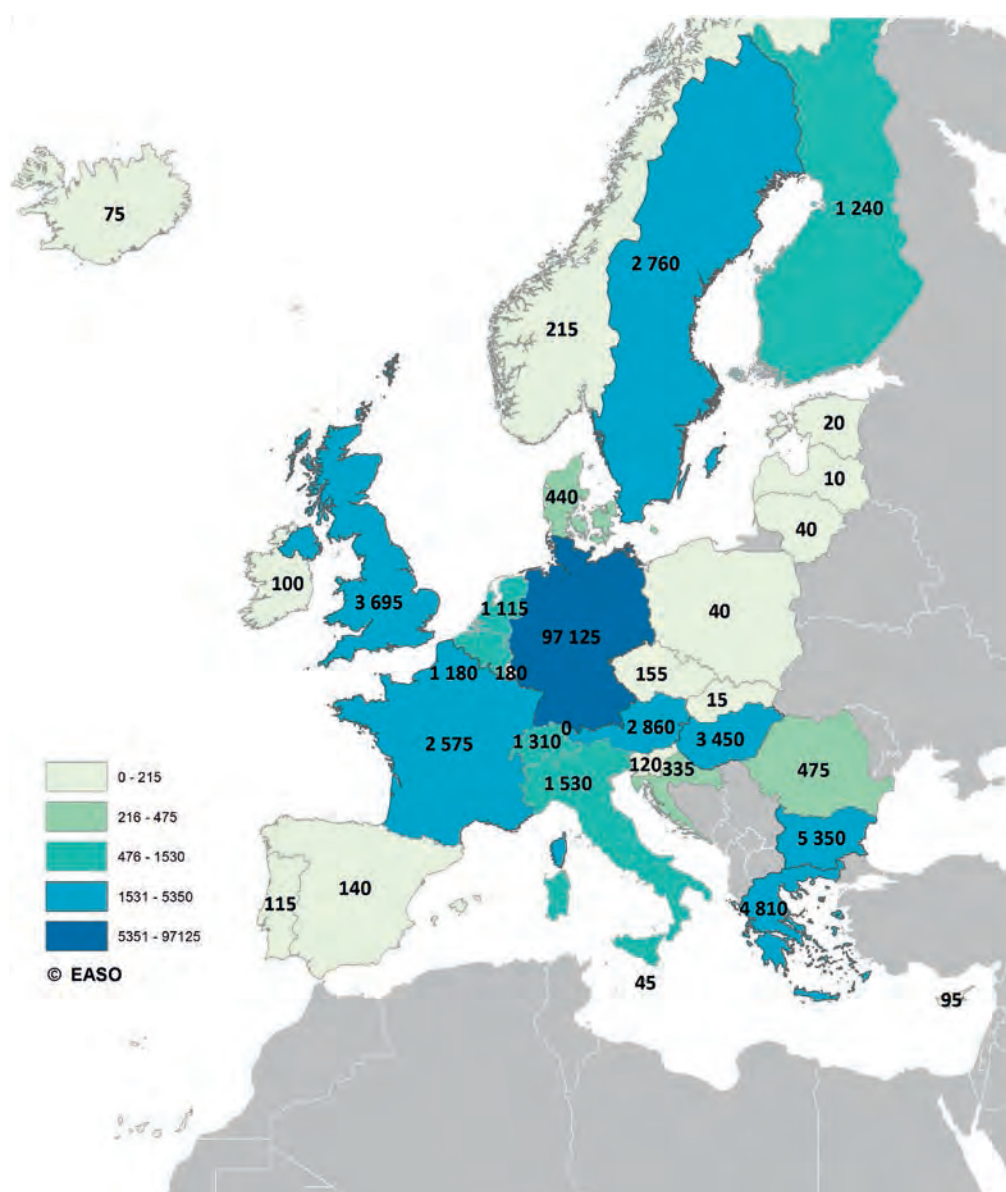
Iraq was the third-ranked country of origin of applicants for international protection in the EU+. The number of applications slightly increased compared to 2015 and reached 131 615, the largest number recorded for this citizenship since EU-wide data collection started in 2008. Iraqi applications in 2015 and 2016 were six times higher than in 2014 and the previous years.



**Figure 31: Iraqi applicants remained at a similarly high level as in 2015**

While the number of Iraqi applications remained almost the same as in 2015, the distribution over the EU+ receiving countries differed vastly. Germany continued to be the number one receiving country for Iraqi applicants but lodged almost three-quarters of all Iraqi applications in the EU+, while in 2015 this was one quarter. However, many of these applications were formal registrations for those who had previously arrived in Germany. Countries that were at the receiving end in 2015 saw results from measures they implemented to lower the number of asylum applications, decreasing the number of applications to a great extent. Sweden went from 20 780 Iraqi applications in 2015 to 2 760 in 2016; Finland from 20 465 to 1 240, and Austria from 13 545 to 2 835. The majority of the EU+ countries recorded fewer Iraqi applications. Greece, Germany and Italy were exceptions to this scenario. In Greece, Iraqi applications rose seven-fold and in Germany and Italy they increased three-fold.

## Distribution of Iraqi asylum applicants in the EU+, 2016



**Map 4: In 2016, 74 % of Iraqi applicants lodged their applications in Germany**

The number of first instance decisions issued to Iraqi applicants quadrupled, reaching 103 190. 61 % of the all these decisions were issued in Germany, where decisions quadrupled. Finland, a major destination country in 2015, went from issuing 715 decisions in 2015 to close to 12 000 in 2016, accounting for 11 % of the EU+ total. Also Sweden and Belgium stepped up the decision-making for Iraqis, quadrupling the decisions issued in 2016 compared to 2015. The recognition rate for Iraqi applicants stood at an average 63 % for 2016, which is a sharp drop compared to the 85 % recognition rate for the previous year. However, the disparity between different EU+ countries was significant, with a recognition rate ranging between 13 % and 100 % (showing the widest disparity in recognition rates of any citizenships across EU+ countries).

The types of protection granted also differed, reflecting – among others – varying profiles of applicants among one citizenship and their respective protection needs. Germany, Austria and France all exceeded the EU-wide average of share of positive decisions and granted more refugee status than the other types of protection. Italy, the country with the highest recognition rate, as well as the Netherlands, granted large shares of subsidiary protection. Switzerland had a relatively low recognition rate and granted mostly humanitarian protection. The recognition rate in the United Kingdom was among the lowest at 13 %.

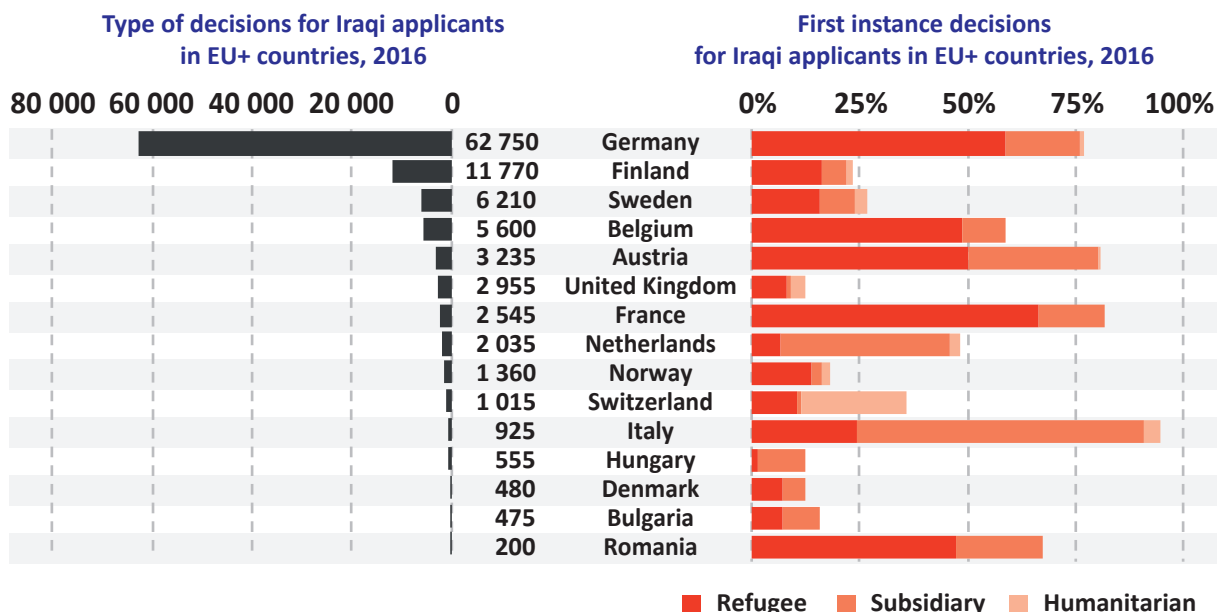


Figure 32: Recognition rate varied among EU+ countries

As mentioned, the recognition rate dropped over the past two years to 63 % at the end of 2016. This lower EU+ recognition rate for Iraqi applicants had important implications because it excluded Iraqi applicants from eligibility to the relocations scheme during 2016. The five countries issuing most decisions to Iraqi all had a lower recognition rate than two years ago but in some countries the change is much more significant than in others. In Germany the recognition was near 100 % and dropped significantly but still remained well above the EU+ average. However, Finland, which stepped up the decision-making capacity especially to deal with the large influx of Iraqi applicants since 2015, changed policies and issued new guidelines concerning, among others, Iraqi applicants <sup>(207)</sup>. In the second quarter of 2016, the recognition rate for Iraqi in Finland fell to a low of 21 %. In Sweden, the share of positive decisions was lower than the EU+ average at the beginning of 2015. After a sharp drop towards the end of 2015, it increased slightly, especially in relation to granting refugee status.

Iraqi applicants, evolution in EU+ and five selected countries, by type of decision in first instance, Q1 2015 – Q4 2016

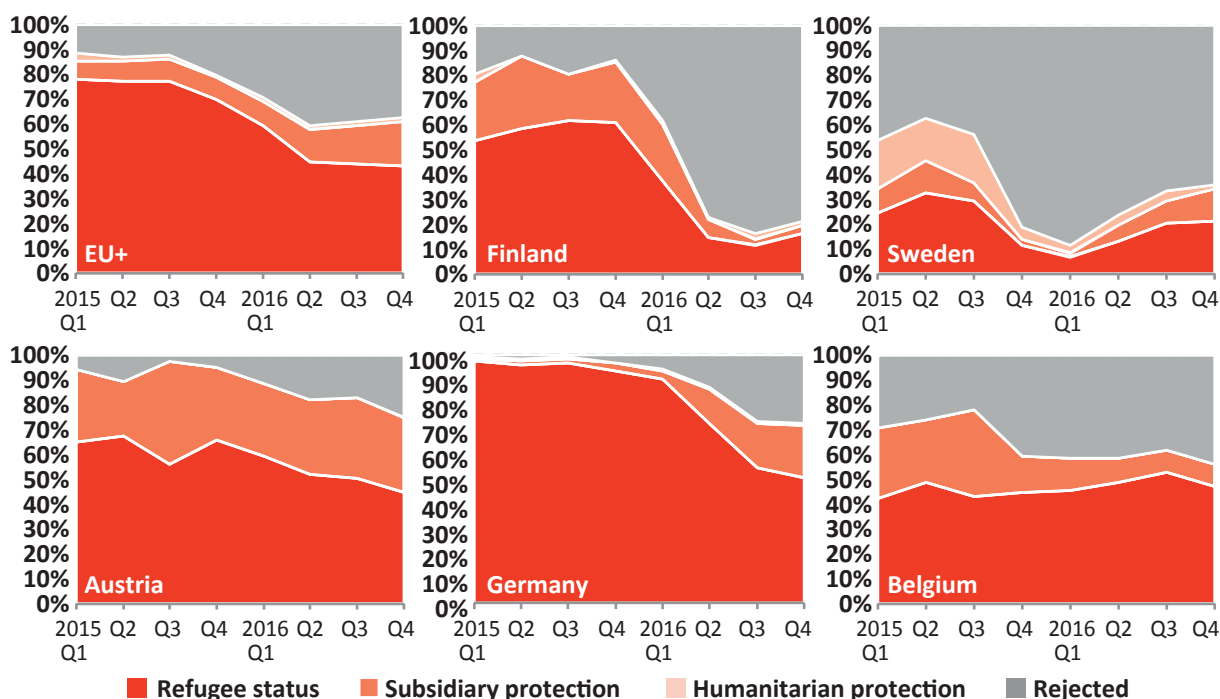


Figure 33: Evolution in types of protection granted to Iraqi applicants

<sup>(207)</sup> Finnish Immigration Service, *Humanitarian Protection No Longer Granted; New Guidelines Issued for Afghanistan, Iraq and Somalia*, Press Release: 17 May 2016, accessed 14 March 2017.

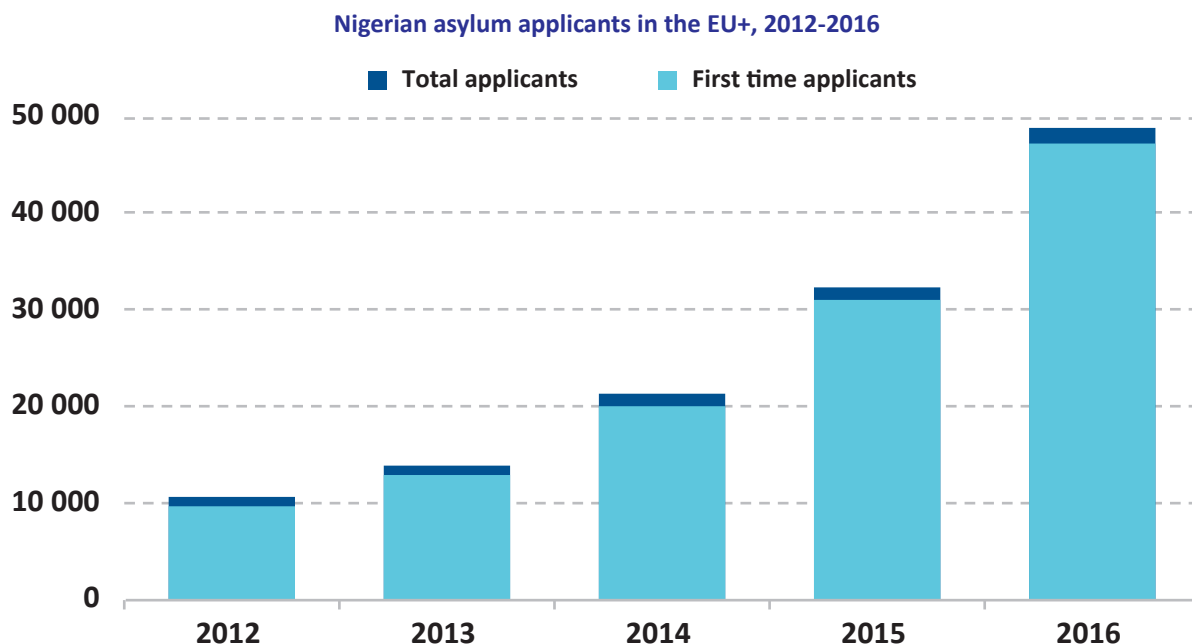
Some countries have adapted their decision practices regarding Iraqi applicants in 2016.

In April 2016, the **Norwegian** immigration authorities amended its Iraq Practice Guidance (PN 2016-001), as regards the general security situation in a number of provinces and the applicability of the internal flight alternative. In addition, the Norwegian Appeals Board lifted its suspension on returns to Iraq on 17 September 2015, which previously allowed Iraqi applicants with a negative decision to remain in Norway. This change enabled the immigration authorities to resume returns to Iraq.

In **Switzerland** the Federal Administration Court recognised collective persecution of Yazidi in Iraq, stating in a decision of 29 November 2016 that all members of the Yazidi Community in the province of Nineveh, Iraq were at risk of persecution <sup>(208)</sup>. In **Finland**, based on decisions by the Helsinki Administrative Court, internal flight to Baghdad is no longer considered an option for Sunnis who have left regions controlled by Isis <sup>(209)</sup>. At the end of November 2016, the Supreme Administrative Court issued two further decisions that support the Finnish Immigration Service's decision practice with regard to Iraq <sup>(210)</sup>.

#### 2.8.4. Nigeria

In 2016, the Central Mediterranean route was the main entry route for irregular migrants into the EU, with higher numbers recorded than in previous years. Of these, Nigerian nationals were among the main citizenships. This high influx was also reflected in an increasing number of applications for international protection by Nigerian nationals. In 2016, 48 885 Nigerian nationals applied for international protection in the EU+, becoming the fifth-ranked citizenship of origin. An increase of 51 % was noted compared to 2015, representing the highest year-to-year increase of the main countries of origin of applicants in 2016. In the first months of 2017, Nigerian applicants came to be even more prominent in the EU+ picture, becoming the second main citizenship of origin ahead of Afghan and Iraqi applicants in February 2017 <sup>(211)</sup>.



**Figure 34: Nigerian applications increased for the fourth consecutive year**

<sup>(208)</sup> Federal Administrative Court, Judgment of 29 November 2016 (D-4600/2014), available at: [www.refworld.org/pdfid/585256344.pdf](http://www.refworld.org/pdfid/585256344.pdf).

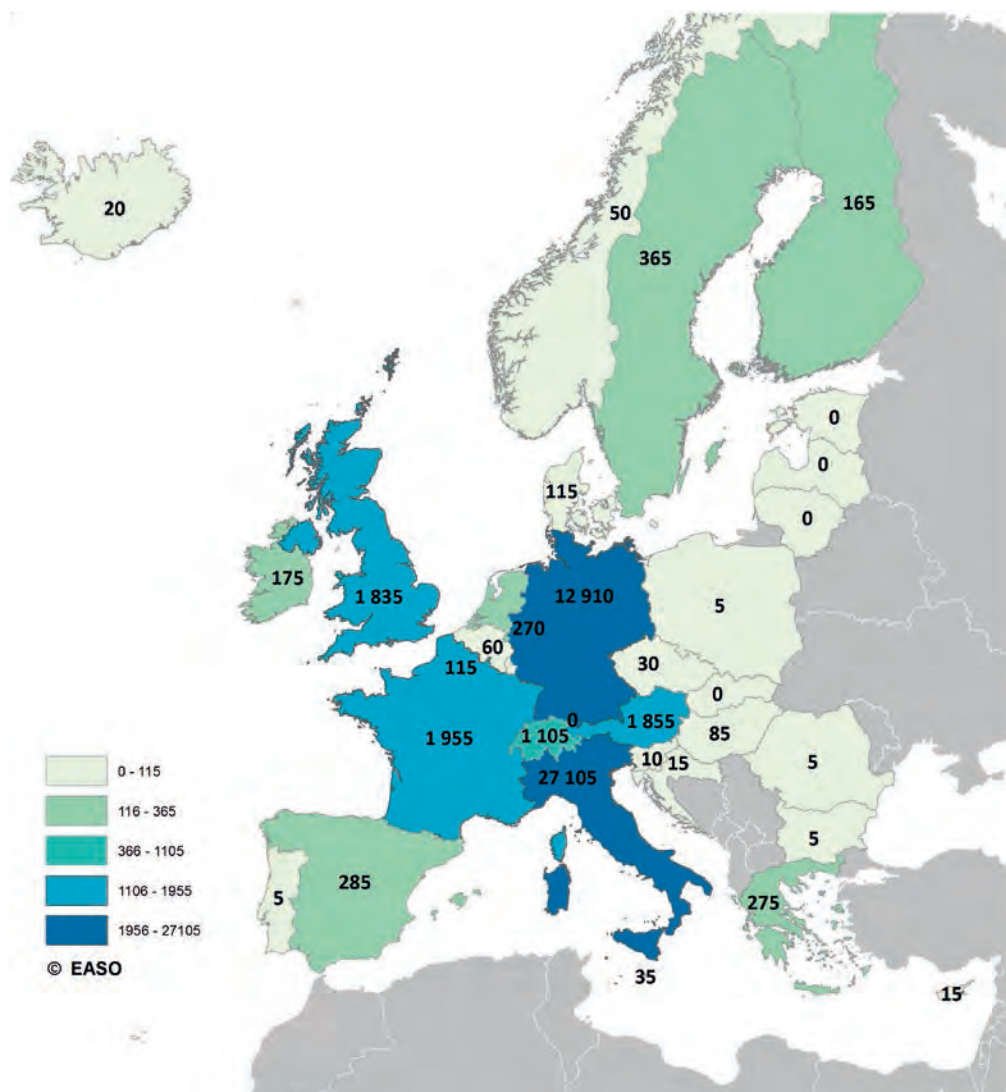
<sup>(209)</sup> Press release by Migri, at: [http://www.migri.fi/for\\_the\\_media/bulletins/press\\_releases/press\\_releases/1/0/country\\_information\\_reports\\_have\\_been\\_updated\\_the\\_finnish\\_immigration\\_service\\_adjusted\\_its\\_decision-making\\_practices\\_during\\_autumn\\_2016\\_71847](http://www.migri.fi/for_the_media/bulletins/press_releases/press_releases/1/0/country_information_reports_have_been_updated_the_finnish_immigration_service_adjusted_its_decision-making_practices_during_autumn_2016_71847)

<sup>(210)</sup> The Supreme Administrative Court considered that indiscriminate violence in Baghdad does not reach a level that it, as such, would constitute such a serious and personal risk for anyone residing in the region that it would require the granting of subsidiary protection solely on the grounds that the person is from the City of Baghdad. Nevertheless, when considering the criteria for granting subsidiary protection, each applicant's personal conditions must also be taken into account. The Supreme Administrative Court also stated that, on the basis of country of origin information (COI), persons of Sunni or Shia background cannot be considered to face a serious and personal risk of indiscriminate violence in Baghdad solely on the grounds of their religious identity. The Supreme Administrative Court also considered that a healthy Shia male who is able to work could be expected to resort to internal protection in southern Iraq.

<sup>(211)</sup> EASO, *Latest asylum trends – February 2017*, accessed on 12 May 2017.

All top 10 citizenships of applicants in the EU+ in 2016 lodged most applications in Germany, with the exception of Nigerian applicants. More than half of all Nigerian applicants were reported by Italy (55 %), with Germany following as the second receiving country (26 %). The number of applications in Italy increased by half compared to 2015 (from 18 145 to 27 105), and in Germany the increase was steeper but absolute numbers were lower (from 5 300 to 12 910). Also the other main receiving countries recorded more Nigerian applications, even though they remained at much lower levels than in Italy and Germany. The top five of receiving countries was completed by France, Austria and the United Kingdom.

#### Distribution of Nigerians asylum applicants in the EU+, 2016



Map 5: Italy was the main receiving country for Nigerian applicants

In 2016, 26 995 first instance decisions were issued for Nigerian applicants, which is 43 % more than in 2015. The large majority of the decisions were issued in Italy (18 390 or 68 % of all EU+ decisions). Italy also recorded 46 % more decisions than in 2015. Other countries all issued much fewer decisions than Italy. Germany was the second-ranked country with regards to the number of first instance decisions but with only 2 305 decisions. However, this low number represented an eight-fold increase compared to the previous year. The overall EU+ recognition rate for Nigerian applicants was 21 % in 2016. Of the EU+ countries issuing more than 100 decisions to Nigerian applicants in 2016, the recognition rate varied between 2 % and 35 % (see Figure 18).

Humanitarian protection was the type of status granted most often to Nigerian applicants (13 %) while refugee status and subsidiary protection were granted in very few cases (each 4 % of all decisions). In Italy, the country with most first instance decisions to Nigerian applicants, one in four applications received a positive decision and the majority of the positive decisions regarded humanitarian protection.



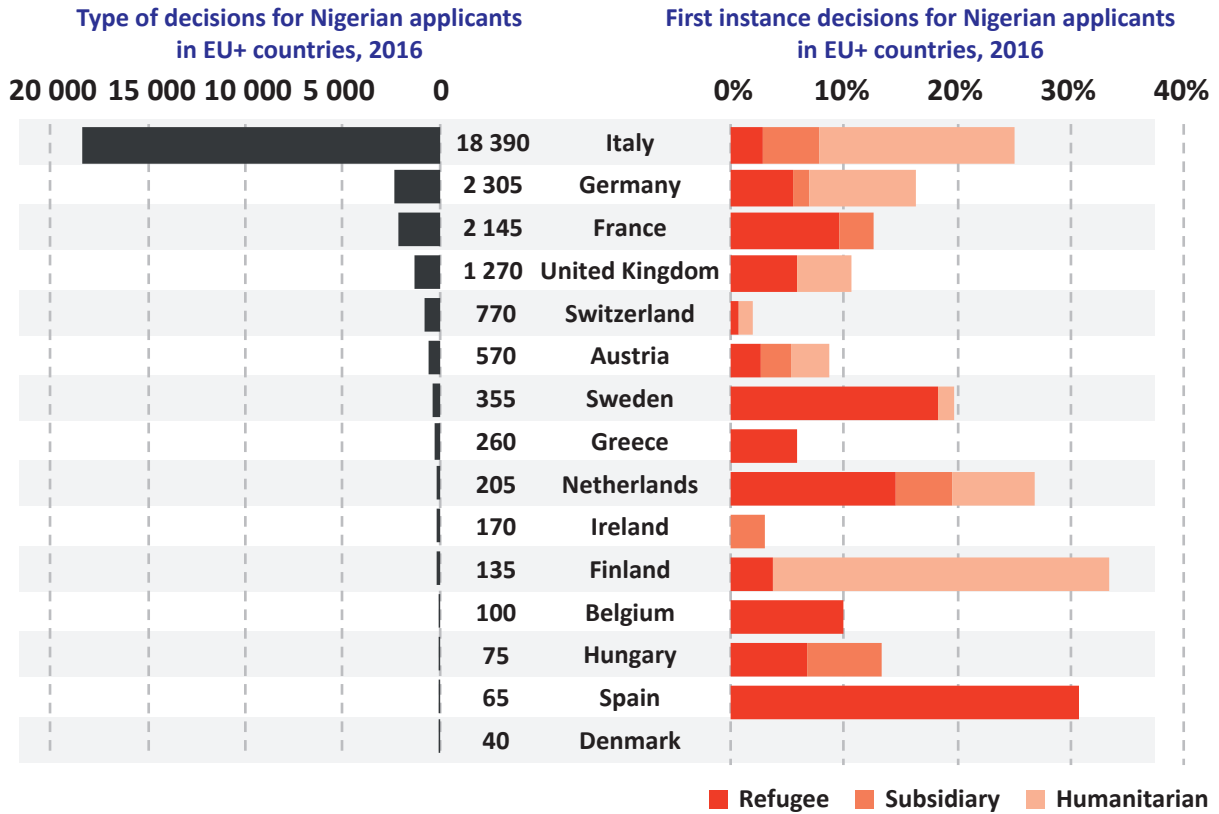


Figure 35: The recognition rate remained below 30 % in the majority of the countries

Figure 36 shows that the recognition rate for Nigerian applicants has been stable at relatively low levels throughout 2015 and 2016. Italy and Germany, the main receiving countries and also countries issuing most decisions, noted slightly lower recognition rates at the end of 2016 than two years earlier. It is worth noting the relatively high share of humanitarian protection granted to Nigerian applicants, especially in countries such as Italy and Germany.

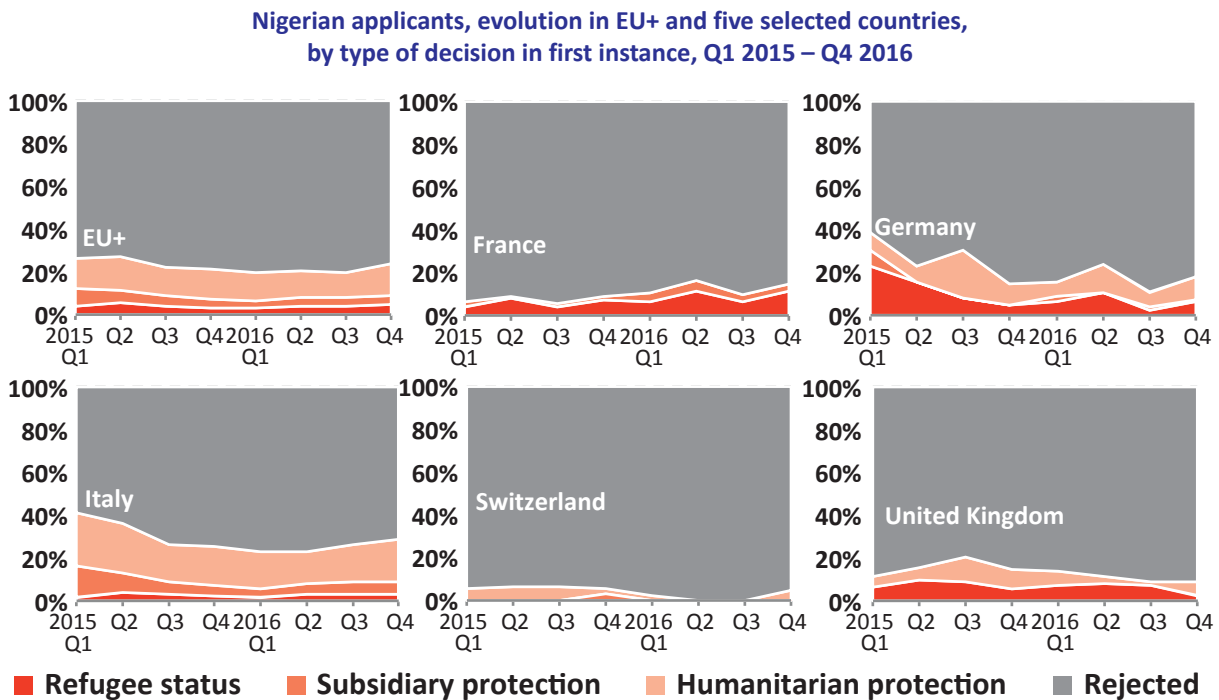


Figure 36: Evolution in types of protection granted to Nigerian applicants

## 3. Major developments in 2016

### 3.1. Important developments at EU+ level in the field of asylum

#### 3.1.1. Legislative

##### Reform of the Common European Asylum System

On 6 April 2016, in its Communication *Towards a reform of the Common European Asylum System and enhancing legal avenues to Europe* <sup>(212)</sup>, the Commission laid down five priorities to improve the Common European Asylum System (CEAS). One of these priorities was a strengthened mandate for the European Asylum Support Office (EASO).

On 4 May 2016 the Commission presented, as part of a first package of reform of the CEAS, a proposal for a new Regulation <sup>(213)</sup> that will transform EASO into a fully-fledged agency <sup>(214)</sup>, as well as proposals for the reform of the Dublin system <sup>(215)</sup> and for amendments to the Eurodac system <sup>(216)</sup>.

The intended reform of the Dublin system concentrates on efficient and effective determination of the responsible Member State by removing the clauses on cessation of responsibility and shortening applicable time limits. A corrective allocation mechanism would be introduced to be activated automatically when a Member States receive a disproportionate number of asylum applications. The proposal also envisages stricter obligations for applicants to apply in the first country of asylum or Member State of legal residence and remain present there to prevent misuse of the system and secondary movements. A revision of the Eurodac Regulation was necessary to ensure that the Dublin mechanism continued to have the fingerprint evidence it needed to determine the Member State responsible for examining the asylum application. In addition to this the Commission proposed an extension of the purpose of Eurodac to allow Member States to also monitor secondary movements of irregular migrants who have not sought asylum and to use that information to help facilitate re-documentation and return procedures.

With the proposal to strengthen the mandate of EASO, which will be renamed the European Union Agency for Asylum, the tasks of the Agency will be considerably expanded to address any structural weaknesses that arise in the application of the EU's asylum system. A renewed mandate could include a role in developing the reference key and operating the corrective allocation mechanism under a reformed Dublin System, strengthening the practical cooperation and information exchange between Member States, promoting Union law and operational standards regarding asylum procedures, reception conditions and protection needs, ensuring greater convergence in the assessment of applications for international protection across the Union through the analysis and guidance on the situation in countries of origin, monitoring the application of the CEAS and providing Member States with the necessary operational and technical assistance in particular in situations of disproportionate pressure.

The first package of reform was followed by legislative proposals for a reform of the Asylum Procedures and Qualification Directives as well as the Reception Conditions Directive issued on 13 July 2016 <sup>(217)</sup>. Those proposals are aimed at laying down a common procedure for international protection, uniform standards for protection and rights granted to beneficiaries of international protection and the further harmonisation of reception conditions in the EU.

<sup>(212)</sup> COM(2016) 197 final [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160406/towards\\_a\\_reform\\_of\\_the\\_common\\_european\\_asylum\\_system\\_and\\_enhancing\\_legal\\_avenues\\_to\\_europe\\_-\\_20160406\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160406/towards_a_reform_of_the_common_european_asylum_system_and_enhancing_legal_avenues_to_europe_-_20160406_en.pdf)

<sup>(213)</sup> COM(2016) 271 final [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160504/easo\\_proposal\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160504/easo_proposal_en.pdf)

<sup>(214)</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1485250747141&uri=CELEX:52016PC0271>

<sup>(215)</sup> [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160504/dublin\\_reform\\_proposal\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160504/dublin_reform_proposal_en.pdf)

<sup>(216)</sup> [http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1485250294958&uri=CELEX:52016PC0270\(01\)](http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1485250294958&uri=CELEX:52016PC0270(01))

<sup>(217)</sup> Commission press release [http://europa.eu/rapid/press-release\\_IP-16-2433\\_en.htm](http://europa.eu/rapid/press-release_IP-16-2433_en.htm)

The intended reform takes into consideration experiences to date with the CEAS and in particular the requirement for a system able to cater for normal and high migratory pressure in a fully efficient, fair and humane method.

To that end, the Commission proposed to replace the Asylum Procedures and Qualification Directives with Regulations that would be directly applicable in the national asylum systems of Member States, while the Reception Conditions Directive is to be revised.

Under the proposed Asylum Procedure Regulation <sup>(218)</sup>, the procedure for international protection would be carried out in a more streamlined way and along shorter deadlines, and with strengthened procedural guarantees for applicants (ensured right to a personal interview, free legal assistance and representation already at the administrative stage of the procedure and interpretation). Particular attention is provided for applicants in need of special procedural guarantees and in particular unaccompanied minors such as the provision for the swift appointment of a guardian. The best interests of the child continue to be a primary consideration in all procedures applicable to minors. In parallel, the applicant's duty to cooperate with national asylum authorities would be made clearer with stricter rules to prevent any misuse of the system and secondary movement. The Commission is also proposing to fully harmonise the application of safe country concepts, with a view to their designation at EU level.

The proposed Qualification Regulation <sup>(219)</sup> would align rights of beneficiaries of international protection granted across individual MS (including a proposal to harmonise the duration of respective residence permits, access to rights and social benefits and allowances and obligatory review of continued need for protection). The proposal includes also mechanisms for enhanced convergence of decisions issued through an obligation to follow common guidance on countries of origin and related internal protection alternatives.

The proposed recast of the Reception Conditions Directive <sup>(220)</sup> aims to ensure greater consistency in reception conditions across the EU. The proposal refers to the application by Member States of standards and indicators on reception conditions developed by EASO, as well as drafting and update of contingency plans for reception capacity. Measures linked to the possibility of assigning a residence to asylum seekers, limiting reception conditions or replacing financial allowances with those provided in kind are all aimed at discouraging absconding and secondary movement. At the same time, access to labour market would be provided at an earlier stage to prevent dependency on national social systems, while unaccompanied minors' provision with guardians would come with stronger guarantees and stricter deadlines.

### Continued transposition of recast asylum acquis

EASO's *Annual Report on the Situation of Asylum in EU 2015* <sup>(221)</sup> provided an extensive overview (in particular Section 3.1.1. *Legislative: transposition and entry into force of recast instruments*) of the transposition of the recast asylum *acquis* in 2015. During 2016, several Member States continued the process: **Estonia** transposed <sup>(222)</sup> the provisions of the recast Asylum Procedures Directive and the Reception Conditions Directive, as did **Latvia** <sup>(223)</sup>, **Lithuania** <sup>(224)</sup>, **Romania** <sup>(225)</sup>, **Slovenia** <sup>(226)</sup> and **Cyprus** <sup>(227)</sup>. **Greece** adopted a new Law on Asylum, implementing the provisions of recast Asylum Procedures Directive.

**Belgium and Greece** continue working on the implementation of the recast Reception Conditions Directive.

<sup>(218)</sup> [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160713/proposal\\_for\\_a\\_common\\_procedure\\_for\\_international\\_protection\\_in\\_the\\_union\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160713/proposal_for_a_common_procedure_for_international_protection_in_the_union_en.pdf)

<sup>(219)</sup> [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160713/proposal\\_on\\_beneficiaries\\_of\\_international\\_protection\\_-\\_subsidiary\\_protection\\_eligibility\\_-\\_protection\\_granted\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160713/proposal_on_beneficiaries_of_international_protection_-_subsidiary_protection_eligibility_-_protection_granted_en.pdf)

<sup>(220)</sup> [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160713/proposal\\_on\\_standards\\_for\\_the\\_reception\\_of\\_applicants\\_for\\_international\\_protection\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160713/proposal_on_standards_for_the_reception_of_applicants_for_international_protection_en.pdf)

<sup>(221)</sup> [https://www.easo.europa.eu/sites/default/files/public/EN\\_%20Annual%20Report%202015\\_1.pdf](https://www.easo.europa.eu/sites/default/files/public/EN_%20Annual%20Report%202015_1.pdf), pp. 56-59.

<sup>(222)</sup> Respective amendments to the Estonian Act on Granting International Protection to Aliens entered into force on 1 May 2016.

<sup>(223)</sup> Asylum Law - *Latvijas Vēstnesis*, No 2, 05.02.2016 – (came into force on 19.01.2016).

<sup>(224)</sup> Ministerial order (Order No 1V-131) on the 'Description of the Procedure for Granting and Withdrawing Asylum'.

<sup>(225)</sup> Legislative changes regarding G.D. No 1251/2006.

<sup>(226)</sup> In the beginning of 2016 a new International Protection Act was adopted.

<sup>(227)</sup> On 14 October of 2016, two amendment Bills of the Refugee Law were published in the Official Gazette of the Republic of Cyprus (Law 105(I)/2016, Law 106(I)/2014). Main changes concern: the possibility of an appeal before the Administrative Court with the right to remain until the deadline to file an appeal expires. The laws also lays down the reasons for detention of applicants for international protection and alternative measures for detention and guarantees for detained applicants, as well as a new mechanism for the identification of vulnerable persons and the provision of special reception guarantees and special procedural guarantees.

### 3.1.2. Jurisprudence

Challenges experienced with the practical implementation of the asylum *acquis* were reflected in the case law of the European courts – the Court of Justice of the European Union (CJEU) and the European Court of Human Rights (ECtHR) – interpreting and applying legal instruments of the CEAS and other related instruments <sup>(228)</sup>.

The CJEU has a primary role in ensuring that interpretation of EU law is correct and uniform. Specifically in the field of asylum, the CJEU fulfils its role by ensuring the consistent and harmonised application of the asylum *acquis* in all EU Member States (through preliminary rulings), as well as in the context of proceedings for failure by Member States to fulfil an obligation laid down in EU law (through infringement procedures) or even regarding cases where the legality of a piece of EU legislation is reviewed (through actions for annulment). In particular, the CJEU must safeguard the application of the Charter of Fundamental Rights of the EU, which establishes the right to asylum (Article 18), provides for the prohibition of torture and inhuman or degrading treatment or punishment (Article 4), the protection in the event of removal, expulsion or extradition (Article 19), rights of the child (Article 24), right to good administration (Article 41), and the right to an effective remedy and to a fair trial (Article 47).

Article 6(3) of the Treaty of the European Union (TEU) provides that ‘fundamental rights, as guaranteed by the ECHR and as they result from the constitutional traditions common to the Member States, shall constitute general principles of the Union’s law’. To that end, the ECHR is considered by the CJEU as a Treaty of special significance.

The ECtHR bases its judgments on its competence to ensure the observance of the State Parties of the provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). That includes specific provisions such as prohibition of inhuman or degrading treatment (Article 3), prohibition of collective expulsions (Article 4 of Protocol 4), right to liberty and security (Article 5), right to respect of family and private life (Article 8), and right to effective remedy (Article 13). Those aspects remain closely related to asylum, in particular as regards the principle of *non-refoulement* and reception/detention conditions.

In 2016 the European Court of Justice took a number of important decisions on various matters relevant to asylum:

In terms of content of protection as outlined in the Qualification Directive, in *Alo and Oso* <sup>(229)</sup> the Court looked into the relationship between the freedom of movement of beneficiaries of international protection and measures intended to facilitate their integration to conclude that a place-of-residence condition may be imposed on beneficiaries of subsidiary protection if they face greater integration difficulties than other non-EU citizens who are legally resident in the Member State that has granted such protection.

In *Danqua* <sup>(230)</sup> the Court examined the provisions of the Asylum Procedures Directive and stated that the principle of effectiveness must be interpreted as precluding a national procedural rule imposing a requirement for an application for subsidiary protection status to be made within 15 working days of notification, by the competent authority, that an applicant whose asylum application has been rejected may make an application for subsidiary protection.

Three key judgments of the Court in 2016 concerned the application of the Dublin system.

In *Mirza* <sup>(231)</sup> the Court established that Article 3(3) of the Dublin III Regulation must be interpreted as meaning that the right to send an applicant for international protection to a safe third country may also be exercised by a MS after that

<sup>(228)</sup> For the selection of jurisprudence throughout the report, EASO has referred, among other sources, to the Newsletter on European Asylum Issues for Judges (NEAIS) published by the Centre for Migration Law (CMR) of Radboud University Nijmegen in close cooperation with the University of Essex, Aarhus University and the Refugee Law Reader, available at: <http://cmr.jur.ru.nl/neais/>, and the Annual Report 2015 of the European Court of Human Rights, Council of Europe, available at: [http://www.echr.coe.int/Documents/Annual\\_Report\\_2015\\_ENG.pdf](http://www.echr.coe.int/Documents/Annual_Report_2015_ENG.pdf), and the respective judgments quoted in the text.

<sup>(229)</sup> Joint cases C-443/14 and 444/14 of 1 March 2016 Full judgment <http://curia.europa.eu/juris/liste.jsf?language=en&num=C-443/14>, press release of the Court <http://curia.europa.eu/jcms/upload/docs/application/pdf/2016-03/cp160022en.pdf>

<sup>(230)</sup> Case C-429/15 of 20 October 2016 Full judgment <http://curia.europa.eu/juris/liste.jsf?language=en&num=C-429/15>

<sup>(231)</sup> Case C-695/15 of 17 March 2016 Full judgment <http://curia.europa.eu/juris/liste.jsf?language=en&num=C-695/15> Press release <http://curia.europa.eu/jcms/upload/docs/application/pdf/2016-03/cp160032en.pdf>

MS has accepted that it is responsible in the context of a take-back procedure. Furthermore, the responsible Member State may send an applicant for international protection to a safe third country also when the MS who transferred the applicant back to that responsible Member State has not been informed during the take-back procedure, either of the rules of the responsible MS relating to the sending of applicants to safe third countries or of the relevant practice. Also, it was stated by the Court that there is no requirement in Article 18(2) to resume the procedure for examining the applicant's application after a transfer back at the stage at which it was previously discontinued.

Two other cases looked at the scope of the right to appeal in the Dublin procedure. In *Ghezelbash* <sup>(232)</sup> the Court confirmed that Article 27(1) of the Dublin III Regulation should be interpreted as meaning that an asylum seeker is entitled to plead, in an appeal against a decision to transfer him, the incorrect application of one of the criteria for determining responsibility laid down in Chapter III of the Dublin III Regulation. In *Karim* <sup>(233)</sup>, in reference to the *Ghezelbash* case, it was further confirmed by the Court that Article 27(1), read in the light of recital 19, provides an asylum seeker with an effective remedy against a transfer decision, including as concerns the examination of the application of the Regulation.

On 16 February 2017 the CJEU delivered a preliminary ruling in case C-578/16 <sup>(234)</sup> based on reference from the Slovenian Supreme Court <sup>(235)</sup> concerning the interpretation of Articles 3(2) and 17(1) of the Dublin III Regulation, Article 267 TFEU and Article 4 of the Charter of Fundamental Rights of the European Union ('the Charter'). In its judgment, the Court ruled that the question of the application, by a Member State, of the 'discretionary clause' laid down in the Dublin III Regulation is not governed solely by national law and by the interpretation given to it by the constitutional court of that Member State, but is a question concerning the interpretation of EU law. Article 4 of the Charter must be interpreted as meaning that: 1) even where there are no substantial grounds for believing that there are systemic flaws in the Member State responsible for examining the application for asylum, the Dublin transfer of an asylum seeker can take place only in conditions that exclude the possibility that that transfer might result in a real and proven risk of the person concerned suffering inhuman or degrading treatment, within the meaning of that article; 2) in circumstances in which the transfer of an asylum seeker with a particularly serious mental or physical illness would result in a real and proven risk of a significant and permanent deterioration in the state of health of the person concerned, that transfer would constitute inhuman and degrading treatment, within the meaning of that article; 3) it is for the authorities of the Member State having to carry out the transfer and, if necessary, its courts to eliminate any serious doubts concerning the impact of the transfer on the state of health of the person concerned by taking the necessary precautions to ensure that the transfer takes place in conditions enabling appropriate and sufficient protection of that person's state of health. If, taking into account the particular seriousness of the illness of the asylum seeker concerned, the taking of those precautions is not sufficient to ensure that his transfer does not result in a real risk of a significant and permanent worsening of his state of health, it is for the authorities of the Member States concerned to suspend the execution of the transfer of the person concerned for such time as his condition renders him unfit for such a transfer; and 4) where necessary, if it is noted that the state of health of the asylum seeker is not expected to improve in the short-term, or that the suspension of the procedure for a long period would risk worsening the condition of the person concerned, the requesting Member State may choose to conduct its own examination of that person's application by making use of the 'discretionary clause'. Therefore, the provisions of the Dublin III Regulation, read in the light of the Charter, cannot be interpreted as requiring, in circumstances such as those at issue in the main proceedings, that Member State to apply that clause.

The case of *JN* <sup>(236)</sup> (where the Court stated that EU law allows an asylum seeker to be detained when the protection of national security or public order so requires and the introduction of a fresh asylum application by a person who is subject to a return decision does not render that decision inoperative) was covered in EASO's *Annual Report on the Situation of Asylum in the EU 2015* <sup>(237)</sup>.

<sup>(232)</sup> Case C-63/15 of 29 July 2016 Full judgment <http://curia.europa.eu/juris/documents.jsf?num=C-63/15>

<sup>(233)</sup> Case 155/15 of 7 June 2016 Full judgment <http://curia.europa.eu/juris/liste.jsf?language=en&num=C-155/15>

<sup>(234)</sup> <http://curia.europa.eu/juris/document/document.jsf?text=&docid=187916&pageIndex=0&doclang=EN&mode=req&dir=&occ=first&part=1&cid=608798>

<sup>(235)</sup> By means of the decision of 28 October 2016, the Slovenian Supreme Court made a request for a preliminary ruling under Article 267 TFEU, which was received at the CJEU on 21 November 2016. This request has been made in reference to national proceedings concerning the transfer to Croatia, designated as the Member State responsible for examining the application for international protection in accordance with the provisions of the Dublin III Regulation.

<sup>(236)</sup> Case C-601/15 of 15 February 2016 Full judgment <http://curia.europa.eu/jcms/upload/docs/application/pdf/2016-02/cp160013en.pdf> Press release <http://curia.europa.eu/juris/liste.jsf?language=en&jur=C,T,F&num=c-601/15>

<sup>(237)</sup> [https://www.easo.europa.eu/sites/default/files/public/EN\\_%20Annual%20Report%202015\\_1.pdf](https://www.easo.europa.eu/sites/default/files/public/EN_%20Annual%20Report%202015_1.pdf), pp.102-103.

### 3.1.3. Practical cooperation: further operationalisation of EASO

EASO's primary role under its current Regulation – fostering practical cooperation among Member States and thus contributing to the CEAS – gained and developed several new dimensions in 2016, resulting in an unprecedented growth of EASO's operational budget and the scale of its activities.

Switzerland became an associate member of EASO as of 1 March 2016 <sup>(238)</sup>.

Continued support to the relocation mechanism brought enhanced EASO presence on the ground in Greece and Italy, including through the rollout of operational offices in Athens and Rome. Against that backdrop, EASO further developed its activities under permanent support to Member States with training, qualitative and quantitative information and analysis, programmes relating to external dimension of the CEAS, publishing reports and other materials, organising and facilitating meetings and workshops, including within specialised networks hosted by EASO on key areas of asylum.

This report presents an extensive coverage and examples of EASO work undertaken in 2016. A comprehensive overview of EASO activities and outputs in 2016 is also available in the *EASO Annual Activity Report*.

#### EASO Consultative Forum 2016

The EASO Consultative Forum, which was set up in 2011, allows for the exchange of information and pooling of knowledge between EASO, civil-society organisations, and relevant bodies operating in the field of asylum policy.

Throughout 2016 EASO further engaged with civil-society actors in its core business, inviting experts and representatives to attend thematic meetings, seminars and to contribute to the development of tools and materials, as well as exploring ways for an increased involvement of civil society in EASO's operational activities. EASO has strengthened its feedback system, providing information bilaterally and multilaterally to civil-society organisations approaching EASO.

In March 2016, EASO organised two information meetings targeting civil society organisations operating in Sicily. This helped to promote dialogue on key issues such as the relocation scheme and the implementation of the hotspots approach. A meeting to discuss best practices and lessons learnt between institutional and civil-society actors in the context of relocation was organised on 20 September 2016 in Lisbon, looking at the experience of Portugal regarding the relocation process from Greece. This meeting also heard from relevant NGOs, national authorities, IOM, UNHCR and relocated applicants.

EASO also participated in a number of meetings and platforms chaired by NGOs in Italy, Greece and other EU countries.

The 6th EASO Consultative Forum plenary meeting took place in Athens, Greece on 28-29 November 2016, with the participation of Commissioner Avramopoulos. This focused on the most significant developments in the European asylum context in 2016, such as the establishment of the European relocation programme, the hotspot approach and the different legislative proposals under discussion. The forum's objectives included: promoting information flows between institutional level and civil society, promoting the use of specific EASO tools and promoting the use of other relevant tools developed by other actors.

<sup>(238)</sup> [https://www.easo.europa.eu/sites/default/files/public/EASO-Switzerland\\_PR05.pdf](https://www.easo.europa.eu/sites/default/files/public/EASO-Switzerland_PR05.pdf)

### EASO activities relevant to Early Warning and Preparedness

EASO's Early warning and Preparedness System (EPS) aims to provide the EU+ countries, the European Commission, the Council of the European Union and the European Parliament with accurate, timely and complete monitoring of the practical functioning of the Common European Asylum System (CEAS) via a swift data collection and rapid analysis.

Since its creation in 2012, the EPS has been continuously expanded and its quality enhanced. When Stage III of the EPS came into effect in 2015 it introduced a series of new indicators required to provide a comprehensive overview of the practical functioning of the CEAS: access to procedure, reception system, first instance determination, return of failed asylum seekers, Dublin and resettlement. During 2017, the EPS will be further fine-tuned and completed with indicators on second- and higher-instances determination. The data are provided by all 30 EU+ countries on a monthly basis. An additional weekly data collection was set up in October 2015 and, since September 2016, also provides a full overview of all citizenships applying for international protection in the EU+ each week. This allows for a close follow-up of the situation to inform EASO's key stakeholders.

The role of the Group for Provision of Statistics, composed of EU+ countries' representatives, will be further developed by enhancing its efficiency, improving information exchange and developing its analytical function. Combined with continued cooperation with other European bodies and agencies, including EUROSTAT and the European Border and Coast Guard Agency, this network has a key role in improving the quality of statistics and analysis on international protection in the EU+.

### EASO research on pull and push factors

Thanks to the systematic roll-out of the EPS, EASO has increasingly accurate and timely information on flows of asylum seekers to and within the EU at all key stages of the CEAS. However, in order to enhance the quality of analyses of asylum-related migration flows and improve capabilities to develop forward-looking scenarios for asylum influx to support Member States' preparedness, EASO needs an improved understanding of the determining (push and pull) factors for asylum-related migration to EU+ countries.

With the endorsement of the Management Board, ensuring appropriate coordination with other research programmes, EASO has begun a Research Programme comprising a number of research activities carried out in collaboration with expert bodies in civil society and the academia. The programme is broken down into three major areas: 1. obtaining an overview of relevant work (desk research); 2. engaging in empirical work (including a social survey of asylum-related migrants); 3. building an empirical model for asylum-related migration.

The activities within the first area of work were concluded in 2016. The main outputs were a baseline overview of research on the push-pull factors relevant to asylum-related migration, prepared by the IOM in collaboration with Maastricht University<sup>(239)</sup>; and an overview of relevant asylum-related migration models, data and methods, carried out by the University of Southampton. A review of surveys of asylum-related migrants and a feasibility study of an EASO survey was commissioned to the University of Siena in collaboration with Kantar Public Brussels in December 2016, and will be completed in 2017. The work programme for 2017 also includes a feasibility study on the use of innovative data sources for enhancing early warning of migration, an analysis of the effects of asylum policies as pull factors for migration, and preliminary work on developing the EASO early warning model.

In implementing the Research Programme, EASO also aims at establishing synergies with other EU bodies and agencies, Member State authorities, international organisations, the academia and civil society. As part of this effort, EASO organised one conference on international migration research in May 2016 and a workshop on big data and early warning of migration in December 2016.

<sup>(239)</sup> Report can be downloaded at <https://www.easo.europa.eu/events-and-publications>

<sup>(240)</sup> More information can be found in EASO Newsletter for January 2016, available at: <https://easo.europa.eu/wp-content/uploads/EASO-Newsletter-January-2016.pdf>, p. 4.

### EASO Information and Documentation System (IDS)

EASO's Information Documentation System (IDS) is intended to be a searchable knowledge base that provides a comprehensive overview of each key stage of the asylum process as it practically functions in individual EU+ countries. A pilot version of the IDS software tool was developed in 2014 and was presented to the EASO Management Board and to civil society in the Consultative Forum.

In 2015, the structure and functionalities of the tool were finalised, and content covering various stages of the asylum process in all EU+ countries was inserted by EASO, based on sources such as Quality Matrix and EMN reports, Annual Report contributions (including from UNHCR and civil society) and information from national websites and databases. A kick-off meeting of the IDS Network was held at EASO in January 2016<sup>(240)</sup>. This network agreed to validate the IDS content in order to ensure the accuracy of the information stored and to help further develop a system that is intended to eventually become a European reference tool on EU asylum matters. A follow-up meeting was held in December 2016, where further developments and updates to the IDS were discussed.

In total, 21 EU+ countries are now part of the IDS network. Similar meetings are planned for 2017 where it is hoped the EASO IDS network will be expanded to include all EU+ countries.

## 3.2. Important developments at the national level

### 3.2.1. EASO operational support to national asylum systems under pressure

Information provided in this section concerns Member States where operational support was provided by EASO during 2016. A detailed presentation of EASO support activities related to the hotspot approach, relocation and implementation of EU-Turkey Statement is available in [Section 3.2.8](#), while specific examples of activities implemented in support of EU+ countries' national asylum systems are also mentioned in thematic sections of [Chapter 4](#). Additional details of EASO activities in terms of operational support and beyond are provided in the *EASO Annual Activity Report 2016*.

It should be noted that in addition to Member States listed below who received EASO support in 2016, other Member States have also faced significant pressure on their asylum and reception systems, in terms of both absolute and relative numbers, as illustrated by data presented in [Chapter 2](#).

#### 3.2.1.1. Bulgaria

EASO's support to Bulgaria began in 2013<sup>(241)</sup> and the current Special Operating Plan covers activities until June 2017.

During 2016 activities were implemented with regard to: capacity building via diverse training events (including under the EASO Training Curriculum modules on CEAS and on interviewing children), Bulgarian case officers attending workshops and conferences organised by EASO (among others on the issues of exclusion, identification of victims of torture, unaccompanied minors, and country of origin information (COI)). Professional development support was offered to both first instance and judicial instance, primarily with study visits made to the United Kingdom, Hungary, Belgium, Poland and France on closed reception facilities, vulnerable centres, and judicial practice in asylum<sup>(242)</sup>.

Assistance was also provided with regard to interpretation in non-European languages (i.e. Mongolian, Tamil and Sinhalese).

<sup>(241)</sup> EASO initially supported Bulgaria from October 2013 to September 2014 based on EASO Operating Plan to Bulgaria available at: <https://www.easo.europa.eu/sites/default/files/Operating-Plan-Bulgaria-SIGNED.pdf>. In December 2014 the current Special Support Plan was signed between EASO and the Minister of Interior of Bulgaria. <https://www.easo.europa.eu/sites/default/files/20160608%20EASO%20SSP%20to%20BG%20-%20Amendment%20No%201%20rev%20by%20BG%20EASO%20-%20signed%20version.pdf>. This plan will continue until June 2017.

<sup>(242)</sup> More information available in EASO Newsletter for April <https://www.easo.europa.eu/sites/default/files/newsletters/EASO-Newsletter-April-2016.pdf> and December 2016 <https://www.easo.europa.eu/sites/default/files/newsletters/Newsletter%20-%20December%202016%20V6.pdf>



### 3.2.1.2. Cyprus

EASO has been supporting Cyprus since 2014, and the most recent amendment to the Special Support Plan to Cyprus provides for activities to continue until the end of January 2018 <sup>(243)</sup>.

During 2016 activities provided: training sessions for the Administrative Court <sup>(244)</sup>, national training on reception, Eurodac training for police and asylum staff <sup>(245)</sup> and on-the-job training regarding guardianship systems <sup>(246)</sup>. A study visit on the electronic entry-exit system in an open reception centre was organised in Hungary and a study visit on women's shelters took place in Belgium.

### 3.2.1.3. Greece

Greece was first provided with emergency support by EASO in 2011 <sup>(247)</sup>. Support to Greece by EASO in the context of hotspots and relocation was launched on the basis of a Hotspot Operating Plan, signed in September 2015 and amended twice <sup>(248)</sup> to address the changing operational context in Greece.

Activities in 2016 were implemented in parallel under the Special Support Plan (until end of May 2016) and under the Hotspot Operating Plan.

Assistance under the Special Support Plan to Greece included: support with the reception procedure, a workshop on the best interest of the child, participation in the Trainers' Network meetings, support with EU funds and other financial resources, a practical workshop on exclusion, and a COI workshop on Syria.

EASO activities under the Hotspot Relocation Plan included provision of information in the hotspots, registration of applications for relocation (including participation in the pre-registration exercise), support to the Greek Dublin Unit, and support with document fraud detection. Measures in support of the implementation of EU-Turkey Statement concerned assisting the Greek authorities in conducting the admissibility procedure and eligibility procedure for nationalities with low recognition rates.

In December 2016 a single Operating Plan to Greece <sup>(249)</sup> was signed, serving as a uniform basis for EASO support activities to be implemented there in 2017.

To facilitate the implementation of its activities in Italy, EASO launched an operational office in Athens where several EASO staff are based. The office also provides a space for workshops and induction sessions for experts deployed in Greece, as well as for activities developed to support the Greek authorities.

For more information on hotspots, relocation and the implementation of the EU-Turkey Statement, see Section [3.2.8. Hotspots, relocation and implementation of the EU-Turkey Statement](#).

<sup>(243)</sup> The Special Support Plan to Cyprus was signed on 5 June 2014 available at: <http://easo.europa.eu/wp-content/uploads/EASO-CY-OP.pdf>. and was extended with three consecutive amendments to the plan. Amendment to EASO Special Support to Cyprus, available at: <https://www.easo.europa.eu/sites/default/files/20160408%20EASO%20SSP%20to%20CY%20-%20Amendment%20No%202%20without%20signature.pdf>. Done in April 2016 <https://www.easo.europa.eu/sites/default/files/20160608%20EASO%20SSP%20to%20BG%20-%20Amendment%20No%201%20rev%20by%20BG%20EASO%20-%20signed%20version.pdf>

<sup>(244)</sup> More information available in EASO Newsletter for July 2016 <https://www.easo.europa.eu/sites/default/files/newsletters/Newsletter%20July.pdf>

<sup>(245)</sup> More information available in EASO Newsletter for November 2016 <https://www.easo.europa.eu/sites/default/files/newsletters/November%20Newsletter%202016.pdf>

<sup>(246)</sup> More information available in EASO Newsletter for November 2016 <https://www.easo.europa.eu/sites/default/files/newsletters/November%20Newsletter%202016.pdf>

<sup>(247)</sup> EASO Operating Plan Phase I for **Greece**, available at: <https://www.easo.europa.eu/sites/default/files/20110401-EASO-OPI-Greece.pdf>, followed by two amendments to the Plan, available at: <https://www.easo.europa.eu/sites/default/files/20110926-EASO-OPI-Greece-Amendment-no-1.pdf> and <https://www.easo.europa.eu/sites/default/files/20121113-EASO-OPI-Greece-Amendment-no-2.pdf>. Activities continued under Phase 2 of the plan until the end of 2014. EASO Operating Plan Phase II for the deployment of Asylum Support Teams in Greece, available at: [https://www.easo.europa.eu/sites/default/files/EASO\\_SPECIAL%20SUPPORT%20PLAN%20TO%20GREECE\\_MAY\\_2015%20%28without%20signature%29.pdf](https://www.easo.europa.eu/sites/default/files/EASO_SPECIAL%20SUPPORT%20PLAN%20TO%20GREECE_MAY_2015%20%28without%20signature%29.pdf) and Amendment to EASO Operating Plan Phase II for the deployment of Asylum Support Teams in Greece Ref. 1, available at: <https://www.easo.europa.eu/sites/default/files/EASO-OP-II-Greece.pdf>. Activities continued under Phase 2 of the plan until the end of 2014.

<sup>(248)</sup> EASO Special Support Plan to Greece [https://www.easo.europa.eu/sites/default/files/EASO\\_SPECIAL%20SUPPORT%20PLAN%20TO%20GREECE\\_MAY\\_2015%20%28without%20signature%29.pdf](https://www.easo.europa.eu/sites/default/files/EASO_SPECIAL%20SUPPORT%20PLAN%20TO%20GREECE_MAY_2015%20%28without%20signature%29.pdf) First amendment in December 2015 <https://www.easo.europa.eu/sites/default/files/EASO%20HOTSPOT%20OPERATING%20PLAN%20TO%20GREECE-Amendment%20No%201.pdf> and second amendment in April

<sup>(249)</sup> [https://www.easo.europa.eu/sites/default/files/EASO%20Special%20Operating%20Plan%20to%20Greece%202017\\_%2014122016.pdf](https://www.easo.europa.eu/sites/default/files/EASO%20Special%20Operating%20Plan%20to%20Greece%202017_%2014122016.pdf)

### 3.2.1.4. Italy

EASO has been supporting Italy since 2013 <sup>(250)</sup>.

In 2016, final activities were implemented under the Special Support Plan – Phase 2. These focused on support to the professional development of the National Asylum Commission <sup>(251)</sup> and measures related to Country of Origin Information (COI).

In parallel, on the basis of the EASO Hotspot-Relocation Operating Plan to Italy <sup>(252)</sup>, signed by EASO and Italy on 17 December 2015, EASO provided technical and operational support to Italy in the context of the hotspots and the relocation programme. EASO provided specific support via joint processing of asylum cases by Asylum Support Teams (ASTs), composed of national experts deployed by EASO to Italy. Activities included support in information provision, registration of applications for international protection in view of relocation and handling Dublin ‘take charge’ requests.

In December 2016 a single Operating Plan to Italy <sup>(253)</sup> was signed, serving as a uniform basis for EASO support activities to be implemented there in 2017.

To facilitate the implementation of its activities in Italy, EASO launched an operational office in Rome where several EASO staff are based. The office also provides a space for workshops and induction sessions for experts deployed in Italy, as well as for activities developed to support the Italian authorities.

For more information on EASO support to hotspots and relocation in Italy, see Section 3.2.8. *Hotspots, relocation and implementation of the EU-Turkey Statement*.

## 3.2.2 Institutional changes

In 2016 several institutional changes were introduced in the asylum administrations of EU+ countries.

### Creation of new entities

The Greek Asylum Service, the determining asylum authority in **Greece**, underwent several changes in 2016.

With regard to the Appeals Authority (second instance procedure), Greece established <sup>(254)</sup> the Appeals Authority as an autonomous public service within the Ministry of Migration Policy reporting only to the Minister for Migration Policy. The new Appeals Authority and 12 new Independent Appeals Committees will examine appeals lodged against the first instance decisions of the Greek Asylum Service, examining claims that have been lodged since 21 July 2016, following the procedure stated in Law 4375/2016. This law establishes the independent Directorate ‘Reception and Identification Service’ (RIS) in replacement of the First Reception Service within the Ministry of Interior and Administrative Reconstruction. RIS falls under the mandate of the General Secretariat of the Reception under the new Ministry of Migration

The Ministry of Migration Policy was established by Presidential Decree No 123 (National Gazette 208/A/2016).

<sup>(250)</sup> Following the implementation of the EASO Special Support Plan to Italy EASO Special Support Plan to Italy, available at: <https://www.easo.europa.eu/sites/default/files/EASO-SPP-Italy-ELECTR-SIGNED.pdf>, and its consecutive amendments Amendment of the EASO Special Support Plan to Italy Ref. 1, available at: <https://www.easo.europa.eu/sites/default/files/1st-amendment-SPP-Italy-ELECTR-SIGNED.pdf>; Amendment of the EASO Special Support Plan to Italy Ref. 2, available at: <https://www.easo.europa.eu/sites/default/files/2nd-amendment-SPP-Italy-ELECTR-SIGNED.pdf>. In March 2015 EASO and Italy signed a further Special Support Plan - Phase 2 and EASO Special Support Plan to Italy available at: [https://www.easo.europa.eu/sites/default/files/20150311-SSP-PHASE-2-Italy-DEF\\_0.pdf](https://www.easo.europa.eu/sites/default/files/20150311-SSP-PHASE-2-Italy-DEF_0.pdf).

<sup>(251)</sup> More information in EASO Newsletter for January 2016 <https://www.easo.europa.eu/sites/default/files/public/EASO-Newsletter-January-2016.pdf>

<sup>(252)</sup> [https://www.easo.europa.eu/sites/default/files/EASO%20Hotspot%20Relocation%20Operating%20Plan%20to%20Italy\\_cleaned\\_17.12.15.compressed.pdf](https://www.easo.europa.eu/sites/default/files/EASO%20Hotspot%20Relocation%20Operating%20Plan%20to%20Italy_cleaned_17.12.15.compressed.pdf)

<sup>(253)</sup> <https://www.easo.europa.eu/sites/default/files/20161214%20EASO%20OP%20Italy.pdf>

<sup>(254)</sup> By virtue of Presidential decree 123/2016

**Cyprus** established an Administrative Court with the competence to act as appeal authority at first instance and to examine the substance of the case. The judges of the Court have been appointed and the Court began operating as of 1 January 2016. In **Ireland**, accompanying a major change in the organisation of the asylum procedure with the introduction of a single determination procedure (see [Section 4.8. Procedures at first instance](#) for details), the Office of the Refugee Applications Commissioner has been abolished and replaced by the International Protection Office, which comes under the aegis of the Irish Naturalisation and Immigration Service. The Refugee Appeals Tribunal has been replaced by a newly constituted and independent appeals body to be known as The International Protection Appeals Tribunal (IPAT).

**Malta** created a reception centre for migrants relocated to Malta, moving away from the former detention policy.

In **Italy** a dedicated Resettlement Unit was created to support the implementation of the national resettlement programme <sup>(255)</sup>, composed of three experts supported by a seconded UNHCR officer.

### Internal restructuring and transfer of competencies

In **Greece**, the following Regional Asylum Offices (RAO) and Asylum Units (AU) were restructured in 2016:

- Samos Regional Asylum Office, based in Vathi (Samos), competent for receiving and examining applications for international protection in the North Aegean Region of applicants residing in Samos, Ikaria and Fourni islands (14.1.2016);
- Chios Asylum Unit, based within the Reception and Identification Unit in Chios, competent for receiving and examining applications for international protection of applicants residing in Chios Reception and Identification Center (29.2.2016);
- Leros Asylum Unit, based within the Reception and Identification Unit in Leros, competent for receiving and examining applications for international protection of applicants residing in Leros Reception and Identification Center (11.3.2016);
- Kos Asylum Unit, based within the Reception and Identification Unit in Kos, competent for receiving and examining applications for international protection of applicants residing in Kos Reception and Identification Center (8.6.2016);
- Corinth Asylum Unit, based within the Pre-Departure Aliens Detention Centre of Corinth, competent for receiving and examining applications for international protection therein (28.7.2016);
- Piraeus Asylum Unit, based in Piraeus, competent for receiving and examining applications for international protection of people who have been pre-registered during summer 2016 (pre-registration exercise). The AU is also responsible for applications of Afghan and Iranian nationals, as well as for those who are exempted from the border procedure (Lesvos RAO, Chios AU, Samos RAO, Leros AU and Kos AU) (4.8.2016);
- Western Greece Regional Asylum Office, based in Patras, competent for receiving and examining applications for international protection for Western Greece, Peloponnese, Ionian Islands except Corfu Region (24.10.2016);
- The ‘Fast Track-Syria’ Asylum Unit based in Athens is competent for receiving and examining applications for international protection of Syrian nationals or stateless persons whose former habitual residence is Syria. This AU is responsible for examining applications of the abovementioned nationals only in cases that the country of origin or habitual residence is established by an official document. It is also responsible for cases of Syrians who are exempted from the border procedure of Article 60(5) of Law 4375/2016;
- Crete Asylum Unit based in Heraklion is competent for receiving and examining applications for international protection in the Region of Crete (15.12.2016) lodged by third country nationals under detention and by unaccompanied minors hosted in reception facilities in the Region of Crete.

<sup>(255)</sup> In 2015 the Italian Ministry of Interior has launched its National Resettlement Programme, funded by the EU Asylum, Migration and Integration Fund (AMIF), aiming to resettle 1 989 people by 8 December 2017 under the JHA Council Conclusions of 20 July 2015.

The **German** Office for Migration and Refugees expanded significantly, culminating in 24 arrival centres, 44 branch offices, four decision-making centres and seven other organisational units (waiting rooms, processing lines, delivery centres, and a training centre) at the end of 2016.

In **Austria** the Asylum Care Department within the Federal Ministry of the Interior was restructured and expanded in 2016. Regional management bodies were set up in the provinces of Austria to act primarily as liaisons with the department units in Vienna and to ensure quality standards. This change was accompanied with recruitment of a considerable number of new staff members.

In **Italy** following Law 190/2014 amending the system of reception of minors, since January 2015, the financial resources of UAMS' Reception National Fund have been transferred from the Ministry of Labour to the Ministry of the Interior.

In **Finland** new regional FIS service offices were established to take up tasks transferred from the local police (EU-citizens' registrations, continuation of permits, permanent residence permits, receipt of citizenship applications). Also, the National Assistance System for Victims of trafficking was merged into the FIS as from the beginning of 2017. Due to a significant decrease in applications, two regional sections (in Vaasa and Rovaniemi) opened in 2015 were closed in 2016.

In **Luxembourg** the Asylum Unit of the Directorate of Immigration of the Ministry of Foreign and European Affairs created geographical sections for interviewers and decision-makers (Africa, North Africa, Western Balkan, Asia, and Middle East). Within these sections, each interviewer and decision-maker has a certain number of countries to address.

The **Polish** Ministry of the Interior and Administration underwent structural changes. The Department of International Cooperation and European Funds was divided into the Department for International Affairs and the Department for Border Policy and International Funds <sup>(256)</sup>. The Department for Migration Policy was transformed into the Department of Analysis and Migration Policy <sup>(257)</sup>.

From 1 January 2017 the **Hungarian** Office of Immigration and Nationality is called the Immigration and Asylum Office. The nationality and naturalisation duties were taken over by the Government Office of the Capital City Budapest and by the Prime Minister's Office; otherwise the Immigration and Asylum Office's scope of authority remains unchanged.

On 1 March 2016, a new act for an effective and solidarity-based refugee reception system entered into force in **Sweden** (for more details see Section 3.2.4. *Major legislative changes in EU+ countries*) transferring the tasks of allocating recognised beneficiaries of protection to municipalities from the Swedish Employment Service to the Migration Agency as of 1 January 2017 <sup>(258)</sup>. The Prime Minister has also widened the mandate of the Minister for Employment and Integration, who since February 2016 has the mandate to coordinate and direct the government's work regarding the reception and integration of newly arrived beneficiaries of protection.

In **Greece**, Law 4375/2016 <sup>(259)</sup> establishes the independent Directorate 'Reception and Identification Service' (RIS) in replacement of the First Reception Service within the Ministry of Interior and Administrative Reconstruction. RIS falls under the mandate of the General Secretariat of the Reception under the new Ministry of Migration.

<sup>(256)</sup> Acting as the Responsible Authority for the Asylum, Migration and Integration Fund (AMIF) and the Internal Security Fund (ISF). Additionally, department supervises the Commander in Chief of the Polish Border Guard.

<sup>(257)</sup> Two new divisions were created: responsible for European Migration Network and counteracting human trafficking, as well as supervision and administrative proceedings, covering monitoring and control over the Head of the Office for Foreigners (OFF).

<sup>(258)</sup> The Swedish Government will decide how many beneficiaries of protection each Swedish county will have to accept. The 21 County Administrative Boards then decide how to distribute the beneficiaries of protection among the municipalities within their respective jurisdiction. In accordance with the new law, the County Administrative Boards shall also be responsible for providing sufficient capacities for the settlement of beneficiaries of protection. They shall also facilitate cooperation among municipalities within each region and follow-up on integration measures at regional and local level. Even under the new law, however, beneficiaries of protection may choose to arrange their own housing and decide by themselves where within Sweden to settle.

<sup>(259)</sup> Law 4375 on the organization & operation of the Asylum Service, the Appeals Authority, the Reception & Identification Service, the establishment of the General Secretariat for Reception, the transposition into Greek legislation of Directive 2013/32/EC, <http://www.asylumlawdatabase.eu/en/content/en-law-4375-organization-operation-asylum-service-appeals-authority-reception-identification>, accessed 8 April 2017

### 3.2.4. Major legislative changes in EU+ countries

In addition to changes in national legislation related to transposition of EU asylum *acquis* (described in Section 3.1.1. *Legislative*) EU+ countries introduced several new legal provisions in various areas of their asylum systems.

In **Austria** the new asylum law entered into force on 1 June 2016. Main elements of the new law include:

- Regarding access to procedure, the possibility to establish registration centres and introduce special border procedures in case of threats to public order and national security due to a disproportionate high number of applicants.
- Regarding content of protection, the new asylum law grants only a temporary residence permit for persons granted asylum – valid for three years, after which it may be prolonged for an unlimited period of time. Stricter rules were introduced for family reunification, as for applications for family reunification that are not lodged within three months after the refugee status has been granted, as well as those lodged by beneficiaries of subsidiary protection, now require presenting proof of having sufficient means, adequate accommodation and health insurance. A card for persons granted asylum was also introduced, serving as proof of identity and legal residence status
- The responsibilities of the Country of Origin Information Unit were modified to include support for the Federal Office for Immigration and Asylum when examining whether or not to initiate procedures for the withdrawal of asylum status <sup>(260)</sup>.

**Belgium** also revised the duration of residence permits granted to recognised refugees as of 8 July 2016 <sup>(261)</sup>.

In **Bulgaria**, according to the amendment to the Law on Asylum and Refugees which entered into force on 1 January 2016, ‘closed-type centres’ were established as territorial units of the State Agency for Refugees, where the free movement of the accommodated foreigners seeking international protection is restricted <sup>(262)</sup>. In addition, as of 6 December 2016, the deadline for access to the labour market was reduced from no later than nine months to no later than three months from the date when the application for international protection was lodged, provided the procedure was not finalised due to reasons outside of the applicant’s control.

In **Croatia** the Ordinance on the forms and data collections during the process of granting international and temporary protection (Official Gazette No 85/2016) came into force in 2016.

On 26 January 2016, the **Danish** parliament adopted a new law, amending the current Aliens Act. The rules concerning permanent residency were tightened and the right to family reunification has been postponed for 3 years (foreigners with temporary protection status do not have the right to family reunification within the first 3 years, unless special reasons so suggest). Asylum applicants’ belongings can also be seized, if they exceed DKK 10 000 (~EUR 1 350), to cover accommodation costs, cost of their or families’ maintenance and necessary healthcare services (items with sentimental value to applicant are exempt from seizure).

In line with changes in the mandate and institutional organisation of the **Finnish** Immigration Service (see Section 3.2.2. *Institutional changes*) some procedural tasks were also transferred to the FIS including the establishment

<sup>(260)</sup> Pursuant to Art. 3 para 4a Asylum Act, the Federal Office for Immigration and Asylum is required to prepare an evaluation at least once every calendar year to determine whether there has been any significant and lasting change in the specific conditions which were the main cause of fear of persecution among those persons granted asylum who originate from the countries accounting for the largest numbers of refugees arriving within the previous five calendar years. If the related evaluation demonstrates substantial and lasting changes to the specific causes that led to a refugee’s flight from a country of origin, the authority is required to initiate a procedure to withdraw asylum status from that individual (Art. 7 para 2a Asylum Act). It should be noted that the primary responsibility for determining the decisive facts of the case, as well as for evaluating whether the individual reasons for flight have ceased to exist, remains with the administrative official entrusted with a case.

<sup>(261)</sup> Persons recognised as refugees by the CGRS no longer receive a residence permit of unlimited duration (‘B card’). Instead, they obtain a temporary residence permit (‘A card’) with a validity of 5 years (starting from the moment the asylum application was lodged). After 5 years, the refugee will receive a residence permit of unlimited duration, unless the refugee status has been withdrawn. The law of 1 June 2016 modifies the Immigration Act and was published in the Belgian Official Gazette on 28 June 2016 [http://www.ejustice.just.fgov.be/cgi/article\\_body.pl?language=nl&caller=summary&pub\\_date=2016-06-28&numac=2016000388](http://www.ejustice.just.fgov.be/cgi/article_body.pl?language=nl&caller=summary&pub_date=2016-06-28&numac=2016000388)

<sup>(262)</sup> Foreigners seeking international protection can be accommodated in the centres temporary, and for the shortest possible period, upon decision of the Chairman of SAR.

of identity and travel route of the applicants <sup>(263)</sup> and serving positive decisions on international protection <sup>(264)</sup>. An important change concerned repealing in the Aliens Act the possibility of granting residence permits to asylum seekers on humanitarian grounds. Also, as of 1 September 2016, the right to have a free counsel present in the asylum interview was limited only to cases where the applicant is an unaccompanied minor or where there are exceptionally strong reasons.

In March 2016 **France** adopted a new law (*Loi n° 2016-274 du 7 mars 2016 relative au droit des étrangers en France*), including provisions related to admissibility grounds and to accelerated procedures (for details see Section 4.5. *Special procedures admissibility, border and accelerated*). The new law also explicitly confirmed that the National Court of Asylum Law is the competent jurisdiction over decisions to withdraw international protection. Concerning reception, under a decision of 1 July 2016, the Ministry of Justice determined targets applicable to local authorities for the accommodation of minors temporarily or definitively deprived of the protection of their families, which includes unaccompanied minors seeking asylum, in order to achieve a proportionate distribution within the territory. This decision enables the application of decree n° 2016 - 840 of 24 June 2016 which has completed law n° 2016-297 of 14 March 2016 on child protection. This decree defines the conditions for the assessment of the situation of abovementioned minors and the conditions of distribution of these minors in the respective territories.

**Germany** passed a number of important legal acts related to asylum during 2016:

- On 5 February 2016, the essential parts of the ‘Law for the improvement of the registration and the exchange of data for purposes relating to the right of residence and the right of asylum’ came into force forming the basis for the recording of personal data of asylum seekers, persons who irregularly crossed the border into Germany and irregular persons staying in the country. The law provides that further pieces of information will be recorded in the ‘central system for the recording of key data’ with regard to people in need of protection so they can be rapidly integrated into society and quickly access the labour market <sup>(265)</sup>.
- On 17 March 2016, the law implementing the so-called Second Asylum Package entered into force, introducing accelerated procedures for certain groups of applicants, such as applicants from safe countries of origin, repeated applicants and un-cooperative applicants. The accelerated procedures will be conducted in special reception facilities and decided within one week. Applicants’ (social) benefits are linked to their residence in the reception centre. The law also foresees a two-year suspension of family members’ right of immigration.
- Also on 17 March 2016, the Act Facilitating the Expulsion of Foreign Criminals entered into force, enabling the expulsion of foreigners who committed crimes against life, physical integrity, sexual self-determination, property or who resisted law enforcement officers, if sentenced to (suspended) imprisonment or juvenile detention.

On 8 July 2016, the German Bundestag also approved a Government’s proposal for a new integration law (see Section 4.12 *Content of protection* for details).

Also the **Greek** asylum legislation underwent significant changes, under new Law 4375/2016 <sup>(266)</sup>, bringing changes in a number of key areas, as outlined below.

- The ‘Reception and Identification Service’ (RIS) was established (for details see Section 3.2.2 *Institutional changes*). Additionally, a Joint Ministerial Decision issued on 28 April 2016 defined quality and operational standards for NGOs operating in Open Reception Facilities under the competence of the First Reception Service.
- EASO may support reception and identification procedures and actively engage in the conduct of interviews with applicants for international protection as well as any other asylum procedure through deployment of staff and interpreters. The procedure is further regulated by = Ministerial Decision 13257 (26.10.2016).

<sup>(263)</sup> Previously, the authority who received the application (Police or Finnish Border Guard) also conducted the establishment of identity and travel route, after which the processing of the application was transferred to the Finnish Immigration Service for subsequent decision-making.

<sup>(264)</sup> Before 16 May 2016, all decisions on international protection were served as a service of summons by either a police officer or a Border Guard officer.

<sup>(265)</sup> All data recorded in the central key data system will be made available to the authorities in order to fulfil their tasks. After their registration, asylum seekers will be given a proof of their arrival in form of an official paper with integrated forgery-proof elements.

<sup>(266)</sup> “Organisation and operation of the Asylum Service, the Appeals Authority, the Reception and Identification Service, the establishment of the Secretariat for Reception, the transposition into Greek legislation of the provision of Directive 2013/32/EC on common procedures for granting and withdrawing international protection” entered into force on 3 April 2016. The Law was further revised by Law 4399/22.06/2016 - slight changes were introduced in the procedures before the Independent Appeal Committees.

- Asylum seekers with long pending appeals are to be granted ‘humanitarian status’.
- Asylum seekers and beneficiaries of international protection do not need work permits to access the labour market, as was the case before.
- Considerable changes were also made to the legislative framework of the appeal procedure, in particular as regards the deadlines for lodging an appeal – Article 61, and examinations during the appeal procedure – Article 62 (for details see Section [4.9. Procedures at second instance](#)).

In September (9.9.2016), a Joint Ministerial Decision <sup>(267)</sup> defined the procedure for asylum seekers applying for legal assistance.

Following the EU-Turkey Statement (for details see Section [3.2.8. Hotspots, relocation and implementation of the EU-Turkey Statement](#)) and Law 4375/2016, new exceptional accelerated border procedures were introduced (for details see Section [4.5. Special procedures admissibility, border and accelerated procedures](#)).

In **Hungary** an amended act on asylum came into effect on 1 June 2016, limiting the duration of international protection status granted (introducing revision of that status every three years) as well as shortening the provision of accommodation and other services (maximum 30 days). The legal status of persons granted tolerated stay is now regulated under asylum law (and not under the legislation concerning third country nationals). Previous financial support is no longer available to those persons; only services and housing at reception centres and basic medical care. Legislative amendments also came into effect allowing authorities to return migrants apprehended within eight kilometres of the Serbian or Croatian borders and direct them to the nearest transit zone.

In **Ireland** the International Protection Act 2015 signed by the President on 30 December 2015 entered into force on 31 December 2016, introducing a single legislative instrument for the protection system in Ireland thereby replacing the previous more cumbersome framework which was based on the Refugee Act 1996. The key outcome of the new system is the introduction of a single determination procedure, whereby an applicant will make only one application, and will have all grounds for seeking international protection (refugee status and subsidiary protection status) and permission to remain in the state examined and determined in one process (for details see Section [4.8. Procedures at first instance](#)).

In **Latvia** the new asylum law came into force. It establishes that the interview on substance of the claim is conducted by the same authority (Office of Citizenship and Migration Affairs) which takes a decision on granting or rejecting protection <sup>(268)</sup>. The law also introduces a border procedure. The wish for international protection can be expressed not only to the State Border Guard, but also to the Office of Citizenship and Migration Affairs and the State Police or the Prison Administration. Duration of detention of asylum seekers according to the decision made by the State Border Guard was reduced from seven to six days. Further changes concerned accommodation of unaccompanied minors.

In **Italy** legislative changes <sup>(269)</sup> concerned extension of family reunification to same-sex migrant and refugee couples. A draft law concerning protection of unaccompanied children was under discussion in the Parliament <sup>(270)</sup>.

The **Dutch** Language Requirement Act entered into force on 1 January 2016. The language requirement in the Participation Act obliges beneficiaries of international protection to make an effort to learn the Dutch language. In the event of refusal to cooperate, the municipality may impose a sanction in the form of a withholding/deduction from the benefit payment. Also, In June 2016, the minister for migration further extended the possibility to revoke or refuse residence permits for asylum seekers in case of criminal offences. While before February 2016 the permits

<sup>(267)</sup> <http://asylo.gov.gr/wp-content/uploads/2016/10/apofasi-12205-9.9.16-FEK-2864.pdf>

<sup>(268)</sup> Previously, the interviews were carried out by the State Border Guard.

<sup>(269)</sup> Under the latest amendment to Italian legal provisions on same-sex unions and rules on partnerships, [Legge 20 maggio 2016, n. 76, Regolamentazione delle unioni civili tra persone dello stesso sesso e disciplina delle convivenze](#) (Regulation on civil unions and cohabitation).

<sup>(270)</sup> [The new law of 7 April 2017 no. 47](#) concerning protection of UAMs foresees the following changes: identification and registration of UAMs must be completed within ten days, their maximum stay in first reception centres is reduced from 60 to 30 days, the Ministry of Labour and Social Policies is to manage a national information system concerning unaccompanied children.

could only be refused or revoked if the applicant was sentenced to 24 months (refugees) or 18 months (beneficiaries of subsidiary protection) of prison, the minimum length was reduced to 10 and 6 months respectively. In June 2016 the minister decided to tighten the rules further. The permits of persons sentenced to a suspended sentence or a community service orders can now also be refused or revoked.

In **Norway** several elements of the Immigration Act were revised regarding asylum, including: internal flight alternative <sup>(271)</sup>, examination of asylum case as to its merits <sup>(272)</sup>, grounds for expulsion <sup>(273)</sup>, appeals <sup>(274)</sup>, and administrative detention <sup>(275)</sup>.

In **Romania** the legislative framework was modified in November 2016, providing for a more precise regulation of the rights of vulnerable applicants. Access to employment is now subject to the recognition of beneficiaries' qualifications, degrees, certificates etc. and new rules were introduced in regional reception centres to safeguard the rights of persons accommodated there.

In **Slovakia**, in July 2016, a new civil procedure code was adopted, and the Law on Asylum was amended. Changes include: immediate validity of first instance decisions upon issuing; a broader definition of applicants; a change in the suspensive effect of appeals; determination of powers and jurisdictions of the courts in asylum cases in the new Administrative Procedure Code; a more active role of the public prosecutor. Amendments on the Act on Residence of Foreigners and the Act on Employment Services, entered into force on 1 January 2016, simplifying the access of third country nationals to the Slovak labour market. In particular, the maximum period of temporary residence granted for the purpose of employment was extended from two to five years.

**Slovenia** adopted a new Law on International Protection. In addition the change to the Alien Act was adopted by the parliament in beginning of January 2017 after being negotiated among different stakeholders during 2016 and adopted by the government at the end of last year. This provides the activation of a special measure (Article 10b) in case of a huge migratory influx towards national borders and when public order and security of the state is threatened. Such measure will be activated for the six months with the possibility of extension, based on a pre-assessment of migration and security situation in the country and recommendations by the MOI and government. The final decision will be taken by the parliament.

In **Sweden**, in addition to entry into force on 1 January 2016 of provisions transposing the recast asylum acquis <sup>(276)</sup>, a temporary law amending the Aliens Act entered into force on 20 July 2016. It will be in force for three years (until 19 July 2019), and aims to temporarily adjust the Swedish asylum regulations to the minimum level as required under EU asylum directives. It primarily aims to reduce the number of asylum applicants in Sweden. According to the new regulations, beneficiaries of subsidiary protection receive temporary (with the possibility of extension) rather than permanent residence permits (refugees are granted permits for three years and beneficiaries of subsidiary protection for 13 months; the temporary legislation is not applicable if the applicant is a child or a grown-up who is part of the same family as the child and the asylum application was registered on 24 November 2015 or earlier). Criteria for family reunification are stricter (while recognised refugees' right to family reunification remained unchanged, persons enjoying subsidiary protection who applied for asylum after 24 November 2015 only have the right to be reunited

<sup>(271)</sup> On 1 October 2016, Art. 28 (5) was amended (the application of the notion of internal flight alternative). A foreign national, who has applied for international protection in Norway, can now be rejected protection if s/he can be referred to seek protection in other parts of his or her country of origin and the authorities are no longer obliged to assess whether or not this referral is reasonable. It is still required that the foreign national can obtain effective protection in the referred part of the country.

<sup>(272)</sup> On 1 September 2016, Art. 32 (5) was amended (refusal to examine an application for international protection on the merits) in case of extraordinary high arrivals at the border of Norway and other neighbouring Nordic country, the applications for asylum can be rejected without considering the merits of the application.

<sup>(273)</sup> A new section to Article 66, Article 66(1)(f) was added. This provision stipulates that foreign nationals that have had their applications rejected in accordance with Article 32(1) (a - the applicant has been granted asylum or another form of protection in another country,) or (the applicant has travelled to the realm after having stayed in a state or an area where the foreign national was not persecuted, and where the foreign national's application for protection will be examined.), or it is found that the applicant has misused the institute of asylum, can be expelled.

<sup>(274)</sup> A new provision - Article 94(a) of the Immigration Act - allows for a shorter time period given to the applicant to appeal a negative decision in case of a manifestly unfounded application for international protection.

<sup>(275)</sup> In line with Article 105(1)(e), a foreign national can be subjected to an obligation of notification/report, or required to stay in a specific place if their asylum application has been, or is likely to be, rejected without consideration of the merits of the application. In line with Article 106(1)(k), foreign nationals may be arrested and remanded in custody if their asylum application has been, or is likely to be, rejected without consideration of the merits of the application.

<sup>(276)</sup> Those included more specific rules regarding manifestly unfounded asylum applications, rules regarding the right to remain until a court has ruled on inhibition during the appeal of clearly unfounded decisions (and of subsequent applications), and rules providing that unaccompanied children always have a right to legal representation in the asylum procedure and when a new procedure is initiated after a subsequent application.



with their family in exceptional cases). As a result of these changes, the Migration Agency foresees a higher number of applications concerning extensions of temporary permits. The temporary law also limited the possibility of being granted a residence permit due to other protection needs (national protection on humanitarian grounds). This status can only be granted to children and families with children who applied for asylum on or before 24 November 2015, provided that the child in question is still under 18 when the decision is made. The Alien's act was amended in order to expel those misusing visa-free regimes.

New legislation was also passed in **Sweden** concerning distribution of beneficiaries of international protection across all municipalities on a mandatory basis, replacing a former optional system (for details see Section [4.12. Content of protection](#)).

The **Swiss** people accepted the revised asylum act <sup>(277)</sup> in a national referendum on 5 June 2016 by a majority of 66.8 % of the votes. The new law is foreseen to enter into force by 2019.

In the **United Kingdom** changes to the Immigration Act 2016 restricted the support available to individuals who have been refused asylum. The key changes are: those with children with them when their asylum claim and any appeal are rejected will no longer be treated as though they were still asylum seekers and will cease to be eligible for support through the asylum seeker support system (accommodation and a living allowance to cover other essential living needs). In parallel, all failed asylum seekers will only receive support if they are destitute and there is a practical obstacle that prevents them from leaving the UK. Support is available for those who need assistance to leave the UK.

### 3.2.5. Key policy changes, relating to integrity, efficiency and quality

#### 3.2.5.1. Integrity

Integrity measures concern Member States' activities and initiatives to prevent and combat unfounded claims for international protection, which may seek to fraudulently take advantage of legal guarantees in the national asylum systems. Such claims, unless detected, consume resources available to the national asylum authorities, taking up time and funds that could otherwise be used to ensure protection for those in genuine need.

A key aspect of integrity of procedures is the credibility assessment performed in order to establish if the applicant's statements substantiating the claim are truthful in the light of other circumstances of the case and other means of evidence. Integrity measures can also concern beneficiaries of protection, for instance as regards assessment of protection needs of persons who after being granted protection still maintain contact with the country of origin (including e.g. frequent travel to that country). As such circumstances provide grounds to assess the need of protection and its potential withdrawal. Some EU+ countries undertook specific measures in 2016 to address this issue.

Integrity measures may be linked to the detection of security concerns where false information may be presented during the asylum procedure by persons who constitute a threat to public security or public order.

Combating unfounded and fraudulent applications (including age fraud) continued to be one of the priorities in **Belgium** <sup>(278)</sup>. In that context, since August 2016, training on social media is being provided to the protection officers (case-workers) of the CGRS regarding the use of social media for the assessment of the credibility of an asylum

<sup>(277)</sup> In September 2015, the Swiss parliament adopted the law for an acceleration of the asylum procedure along the model of the pilot test procedure in Zurich, which is modelled partly on the Dutch system. The goal is to accelerate asylum procedures and get through 60 % of asylum requests in 140 days while at the same time guarding the asylum seekers' rights and therefore providing them with free legal representation. The changes also include new powers that will allow the Swiss federal government to use federal buildings to house refugees without prior approval from cantons and communes. Because enough signatures were collected against this legal change, a national referendum had to be held.

<sup>(278)</sup> As expressed in the State Secretary's for Asylum and Migration policy note. Belgian House of Representatives, General Policy Note on Asylum and Migration, 26 October 2016, DOC 54 2111/017, pp. 11-12.

application and to establish (elements of) the identity <sup>(279)</sup>. In the **Netherlands** at the beginning of 2016 the police carried out additional general and targeted checks (on the basis of relevant criteria) for possible dangers to national security. Equipment has also been acquired by the police for advanced face recognition. In 2016 **Croatia** conducted intensive procurement of specialised equipment for the detection of forged documents for border crossing points at the external border (through the Schengen Facility Fund – SFF). The FADO <sup>(280)</sup> system was installed and police officers were trained for its implementation.

The **Netherlands** further defined the rules for conducting Forensic Medical Examination (FMO) regarding indications of previous persecution or serious bodily damage which may be linked to the asylum application. In 2016 the IND signed a collaboration agreement with the Netherlands Forensic Institute (NFI) and the Netherlands Institute for Forensic Psychiatry and Psychology (NIFP) which are able to carry out an FMO. The Immigration and Naturalisation Service has also published an instruction for its staff, which describes when and how an FMO must be carried out and how the outcome of the examination should be taken into consideration in the credibility assessment of the asylum application.

Further measures concern methodology of age assessment in asylum procedures. As of 1 January 2016, the **Norwegian** Institute of public health (*Folkehelseinstituttet*) was given the overall responsibility for medical age assessments in Norway. The Institute conducts research on the quality of current methods and is considering both alternative and supplementary methods of age assessments <sup>(281)</sup>. In April 2016 the **Swedish** Government decided that the National Board of Forensic Medicine in Sweden will carry out medical age assessments of UAM asylum seekers in cooperation with the Migration Agency. The methods used include examining the applicants' teeth and knee joints. Examinations will be carried out with the consent of the applicant and their legal guardian. Medical age assessments in accordance with the new guidelines were expected to start in March 2017. In February, a new procedure was also introduced on age assessment for minor asylum seekers in **Greece** <sup>(282)</sup>.

### 3.2.5.2. Efficiency

Various initiatives were taken by EU+ countries in 2016 to improve the efficiency of the asylum process, i.e. to conduct procedures for international protection while using the available time and resources in the optimum way, so that decisions can be taken without delay and cost-effectively, by omitting steps and actions that are not needed in a specific case. Efficiency is relevant both for well-founded applications (where applicants should be granted protection as soon as possible and without overly lengthy procedures) and for applications that are not justified (where they should be swiftly detected and processed to avoid, *inter alia*, a pull effect). This was especially important in countries that received high numbers of applicants and/or who have been tackling backlog of cases from previous years.

The length of the procedure for international protection is also directly linked to costs of reception provided to an applicant while their case is processed. The same principle of efficiency applies to reception conditions: provision of extensive resources over a prolonged period to persons with unfounded claims comes at the expense of those in need of protection. Short procedures are also in the best interest of persons who have justified grounds for applying, so that they can be sooner provided with a more stable legal status in the country of asylum and gain access to all the rights connected to the status that was recognised.

Several coordinated measures were taken to enhance the efficiency of asylum procedures in **Germany** which noted the highest number of lodged asylum applications among EU+ countries in 2016.

<sup>(279)</sup> This research technique was found to provide valuable information, in particular in cases where there is a doubt regarding the credibility of the asylum motives and/or the country or region of origin, and in potential cases for exclusion. If the information on Facebook corresponds with the statements of the asylum applicant, this can be an additional reason to grant the protection status. Decisions based on information on Facebook have already been confirmed by the Council for Aliens Law Litigation.

<sup>(280)</sup> FADO (False and Authentic Documents Online) is a classified restricted system for the exchange of information between document experts on travel and identity documents, established pursuant to Council Joint Action 98/700/JHA. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:1998:333:0004:0007:EN:PDF>

<sup>(281)</sup> Oslo University Hospital has taken over the forensic institute, so it is not the National Institute of Public Health, which is longer responsible but the OUH. Medical specialists have concluded that the current methods for age assessment are not good enough in a report presented in March 2017. It is therefore a process in progress to find adequate good methods for reading age from the medical examinations

<sup>(282)</sup> (Joint Ministerial Decision, 16.2.2016 <http://asylo.gov.gr/wp-content/uploads/2016/02/%CE%91%CE%9D%CE%97%CE%9B%CE%99%CE%9A%CE%9F%CE%A4%CE%97%CE%A4%CE%91.pdf>

- More efficient data exchange in refugee management is based on a centralised data system on the model of the Central Register of Foreigners to which the federal, state and local authorities have access since May 2016. All new arrivals are issued a tamper-proof arrival certificate indicating that they have been registered (*Ankunftsnaachweis*). This prevents multiple registrations and misuse.
- The new workflow for the asylum procedure (integrated refugee management) has been implemented nationwide. At its core is the system of arrival centres where all processes are carried out under one roof and cases are processed according to the applicants' countries of origin (clusters) reducing the applicants' waiting times <sup>(283)</sup> as individuals are able to channel applicants into admission, asylum procedure, integration and, if applicable, return. In addition to BAMF and federal state authorities, the Federal Employment Agency is also represented at the arrival centres, therefore persons who are likely to remain in Germany receive immediate labour-market counselling.
- Germany has also developed, tested and implemented several projects to digitise the asylum procedure, such as planning and booking system for managing applicants; nationwide implementation of electronic data-sharing with administrative courts and electronic delivery of files; digital management system for interpreters; and using video software for interpretation.
- Personal data and fingerprints from all asylum procedure files are automatically transmitted to the federal security authorities for daily checks against their databases.

The **Swedish** Migration Agency started developing a new approach to the process of international protection in Sweden, aiming to increase its ability to make decisions more efficiently.

- Asylum cases will be divided by priority based on screening mechanisms, e.g. manifestly unfounded (asylum) applications, Dublin procedure, etc. Cases were also prioritised based on nationality and complexity, e.g. Syria and Eritrea; Iran, Somalia, Iraq and Afghanistan; manifestly unfounded applications. The new approach has been implemented on a small scale as of 2 May 2016.
- Asylum cases of 17-year-old unaccompanied minors were prioritised among cases of other UAMs, in order to avoid loss of rights in case the UAM reaches the age of 18 before the decision is taken.
- A standard for handling asylum cases with a high refusal percentage and the possibility for an uncomplicated return was also designed. This is to promote a fast and prioritised process for these applications. The applications concerned are not manifestly unfounded but have a high refusal percentage and the possibility for an uncomplicated return. In order to prioritise this type of applications, the Migration Agency has developed a special 'fast-track' and decided that such applications will be handled by the same units/teams that also handle unfounded applications. To support the initial screening a list of countries that may be relevant has been produced.

Other EU+ countries also took measures to increase the efficiency of their procedures.

The **Greek** Asylum Service created special Asylum Units for the faster processing of manifestly founded and frequently unfounded international protection applications. A unit to process fast asylum applications on the mainland is also operational since 2015. Cases of unaccompanied minors close to reaching adulthood encountered in the pre-registration scheme as well as relevant Dublin cases were examined in priority to other UAM cases to prevent loss of rights related to the status of a minor. As part of a larger project 'Videoconferencing for Identification' coordinated by the Immigration Office in **Belgium**, the CGRS started interviewing asylum applicants staying in the detention centre for persons in irregular stay in Merksplas through video conference to accelerate the planning of interviews and remove the need for the interviewers to travel to the centres. As of 16 May 2016, the **Finnish** Immigration Service can serve a positive decision by mail. As a proof of delivery, either the recipient will sign the postal item when received or the item will be handed to the recipient or their representative. This is a more efficient method than the earlier practice according to which a police officer or a border guard officer served all decisions on international protection by summons. Also in **Finland**, as of 1 March 2016, the examination of asylum applications is conducted in parallel both for the existing mass of applications filed before that date and for new applications that have been filed starting

<sup>(283)</sup> In particular asylum applications filed by people from countries with a high (50 % and higher) or low (lower than 20 %) acceptance rate can usually be processed and decided on within 48 hours.

from that date. Assuming that there is no sudden increase in the number of applications, this practice ensures that the existing application queue becomes shorter and no new queue is created.

### 3.2.5.3. Quality

In 2016 EU+ countries continued implementing internal measures to improve quality in their decision-making processes and the content of issued decisions, in particular by issuing decisions. Often quality mechanisms were aimed at specific caseloads and categories of cases.

#### *Creation of guidelines and instructions*

The guidelines on the handling of subsequent asylum applications were fine-tuned in **Belgium** and protection officers were trained accordingly. Asylum applicants with a specific profile (for example unaccompanied minors from Afghanistan) were assigned to a limited number of specialised protection officers. The CGRS continued their quality project, including **development of quality tools** and maintaining a quality unit <sup>(284)</sup>.

The **Greek** Asylum Service developed and provided a number of internet tools, guidance and templates for case workers, including: tools for nationality assessment concerning asylum seekers claiming Syria, Iraq or Eritrea as their country of origin or of previous habitual residence; guidance on the examination of asylum claims based exclusively on the lack of medical treatment as well as general guidance on subsidiary protection; guidance on the impact of serious crime, including people smuggling, on exclusion from or withdrawal of international protection; quality tools and template decisions concerning asylum claims from nationals of Morocco, Algeria, Pakistan and Bangladesh; and template decisions concerning asylum claims from nationals of Syria in the fast-track procedure. Subsequently, the Asylum Service also produced, for case workers deployed on the Aegean islands, templates for admissibility decisions concerning asylum claims submitted by Syrians and non-Syrians as well as Palestinians.

On 3 March 2016, the **Norwegian** Ministry of Justice and Public Security adopted an instruction regarding the authority of both the Immigration Directorate and the Appeals Board to withdraw refugee status <sup>(285)</sup>. A revised version was adopted on 30 September 2016. On 14 January 2016, the Ministry of Justice and Public Security adopted an instruction regarding the authority to withdraw refugee status and residence permits where the person concerned has travelled back to his country of origin contrary to the presupposed conditions in his/her case. On 9 December 2016, the government instructed the Immigration Appeals Board to strengthen the processing of some cases regarding religious conversion. This instruction provides a right to include an expert in the proceedings.

In order to increase overall efficiency, the **Swedish** Migration Agency has developed new templates to assist asylum case officers in writing shorter decisions while maintaining quality.

Assisted decision making was launched in the **United Kingdom** with a web-based application designed to assist decision makers to complete decision letters by asking a series of questions to make sure all relevant elements of the refugee status determination process are properly considered <sup>(286)</sup>.

The **Czech** Supreme Administrative Court in its judgment of 22 March 2016 (Ref. No 9 Azs 27/2016-37) stated that substantial grounds for believing that there are systemic deficiencies in the asylum procedure and reception conditions

<sup>(284)</sup> A specific quality guide has been elaborated, printed and handed out to all the protection officers and their supervisors. The 'quality guide' clarifies the roles and responsibilities between the protection officer and the supervisor. It specifies the quality criteria to be respected to ensure high quality decisions, including the content of the different training modules and it provides links with all the necessary internal guidelines. As regards the coaching role of supervisors, a guide has been elaborated to define their different roles (technical supervision, head of unit, coach, evaluator). Regular meetings at different levels of the CGRS were held to improve the overall quality of the decision-making process to identify good practices related to quality and to map and solve the difficulties/problems which might be an obstacle to deliver high quality decisions.

<sup>(285)</sup> Pursuant to the Immigration Act, paragraph 37, first paragraph, letters e and f.

<sup>(286)</sup> At present, it has been rolled out to every decision making unit and potentially covers 80 % of the decisions made by asylum operations. It is currently in a pilot phase which will run until March 2017 and development has been funded until then. Projected outcomes include savings for up to 1 hour per decision, as well as improvements in decision quality, consistency, training and the swift incorporation of new staff. It will also enable swift implementation of policy changes.

of applicants in a Member State may be based solely on the evidence of certain quality, not solely on newspaper articles.

**Austria's** Federal Office for Immigration and Asylum recruited 389 new employees in 2016, creating a total staff of 1 284. Seven additional branch offices were also set up in the provinces of Austria to handle asylum procedures. The office has its own system of training to ensure that each staff member receives continual specialist training. The office's basic and advanced training programme for administrative officials working in asylum procedures focused on these areas in 2016: interview techniques, investigation methods and administrative law, assessing plausibility, and issuing decisions. An additional focus was training on how to deal with vulnerable individuals. A basic training course, standardised throughout Austria for new staff working in asylum procedures, was also established in 2016. In addition to receiving four months of basic theoretical and practical training, newly trained staff are supported by team leaders or tutors <sup>(287)</sup>.

In **Italy**, the determining authority has provided updated guidance to the territorial commissions on case law regarding the recognition of international protection in case of serious harm. Moreover, it approved the Code of Conduct for the Chairs and members of the Territorial Commissions, and those for interpreters, support staff and other persons concerned by the asylum procedure. The Determining authority drafted operational guidelines to facilitate the identification of victims of trafficking, and enabled a reference procedure for them.

### EASO Quality Matrix

EASO aims to support EU+ states in the continuous improvement of the quality of asylum processes and in achieving common quality standards within the CEAS. The EASO Quality Matrix activities were launched in 2012 to comprehensively map the practices of EU+ states in implementing the common legal framework and to identify examples of good practice, quality tools and mechanisms and relevant projects and initiatives. The process further focused on the development of practical tools, supporting the daily work of asylum and migration officials by providing common guidance in various user-friendly formats.

An additional dedicated line of activities, introduced in 2016, is quality management, which allows the EASO Asylum Processes Network to further examine quality-management practices and design common quality-management tools. Following a mapping exercise of current systems and practices, a kick-off meeting on this topic took place in November 2016.

In 2016, the Quality Matrix mapping also focused on reception conditions, providing an overview of the practical implementation of the Reception Conditions Directive in EU+ states.

Building on the mapping, EASO developed the EASO Guidance on reception conditions: operational standards and indicators.

Another practical tool developed in the Quality Matrix context in 2016 is the *EASO Practical Guide: Exclusion*, providing guidance on all aspects of handling a potential exclusion case, from detection to drafting a decision and referring the case to other authorities where relevant.

Existing practical tools, such as the *EASO Practical Guide: Personal interview*, *EASO Practical Guide: Evidence assessment* and *EASO Tool for Identification of Persons with Special Needs (IPSN)* are available in additional EU languages.

The EASO practical tools are available at <https://www.easo.europa.eu/practical-tools>.

<sup>(287)</sup> In 2016 the Federal Office for Immigration and Asylum organised its annual training programme, co-funded by the Asylum Migration and Integration Fund (AMIF). The training program 2016 included 93 trainings for 1597 participants during 184 days, resulting in overall 3 576 training days and 2.9 training days per employee. Basic and advanced modules for case officers were offered, as well as ad hoc trainings and specialised trainings for different target groups. With regard to victims of trafficking training courses aimed at improving skills in identifying victims of human trafficking were held in 2016 for staff members of the Federal Office for Immigration and Asylum as well as for justices with the Federal Administrative Court, care staff of ORS Service GmbH and legal counsellors with Verein Menschenrechte Österreich and ARGE Rechtsberatung.

### 3.2.6. External dimension and third country support

The activities of EASO on the External Dimension of the CEAS are undertaken in the framework of the broader EU external relations policy in agreement with the European Commission and in line with the EASO External Action Strategy <sup>(288)</sup>.

EASO's Regulation gives it the mandate to coordinate the exchange of information and other actions taken on issues arising from the implementation of instruments and mechanisms relating to the external dimension of the CEAS. Pursuant to its mandate, and in accordance with Article 49 of the regulation, EASO sought cooperation with competent authorities of third countries in technical matters, in particular with a view to promoting and assisting capacity building in the third countries' asylum and reception systems and to support the implementation of regional protection programmes, and other actions relevant to durable solutions.

With regard to external dimension activities, the Commission set out, in its Communication of 7 June 2016, to establish a new Partnership Framework with Third Countries under the European Agenda on Migration <sup>(289)</sup>, and a new way to better manage migration with third countries based on policies and financial instruments jointly delivered as a European package.

In 2016 EASO implemented external dimension activities, including training and capacity building, with targeted neighbouring third countries identified in line with the Global Approach to Migration and Mobility and in agreement with the European Commission, as a follow-up to the Valletta Summit joint action plan of November 2015. In the Commission Communication of June 2016 on establishing a new Partnership Framework with Third Countries under the European Agenda on Migration, EASO has also been requested to increase its support of the EU approach under so-called 'Compacts' with key third countries. EASO engaged with the Commission to define the activities to be developed.

#### EASO External dimension activities

EASO external dimension activities in 2016 concentrated on stepping up capacity-building support to the Western Balkans (WB) and Turkey as the region increasingly became a priority for the EU. EASO became a crucial implementing partner of the Regional IPA II Programme on protection sensitive migration management (see box below). Under the External Dimension mandate of EASO, key actions were identified and carried out in order to prepare and complement the regional IPA II programme activities: in May 2016, EASO supported the participation of judges from the former Yugoslav Republic of Macedonia and Serbia to the annual conference and training organised by the International Association of Refugee Law Judges (IARLJ) in Oslo; a seminar on introduction to COI was delivered in Belgrade in May 2016 with participants from WB and Turkey, and EASO provided input and comments to the Serbian draft law on asylum.

One External Dimension Network meeting was held in May 2016 which brought together EU+ MS external dimension contact points. During the meeting EASO and Member States presented updates on current activities. All participants contributed in informative and fruitful debates and discussions, highlighting the importance of cooperation and coordination of activities in the external dimension. The meeting was followed by a multi-cultural communication workshop organised annually by EASO as a tool to equip EU+ MS experts with valuable skills when deployed in third countries. The workshop was very positively evaluated by participants so EASO organised an additional session in November 2016 and plans to organise similar workshops in 2017.

In 2016 EASO also translated a number of documents and training modules into six non-European languages including Turkish, Albanian, Serbian and Macedonian.

<sup>(288)</sup> <https://easo.europa.eu/wp-content/uploads/EASO-External-Action-Strategy.pdf>

<sup>(289)</sup> COM(2016) 385 final.

### **EASO ENPI Project**

Following the adoption of the EASO External Action Strategy by the EASO Management Board in November 2013, EASO engaged in a project financed by the European Neighbourhood Policy Instrument (ENPI) related to the participation of Jordan in the work of EASO and the participation of Tunisia and Morocco in work of EASO and Frontex.

The project aimed to contribute to a better understanding of the function, operations and activities of EASO and Frontex as operational agents. It assessed and identified the technical assistance needs of Jordan, Morocco, and Tunisia and the suitability of EASO and Frontex capacity-building tools to meet those needs, in close cooperation with EU+ MS actions.

The ENPI project was a first initiative for EASO to engage in within the External Dimension of the Common European Asylum System, with Mobility Partnership countries (Tunisia, Morocco and Jordan). The implementation period was 28 months (1 March 2014 – 30 June 2016). Key activities in 2016 included: CEAS national training in Tunisia delivered by EASO trainers in cooperation with Tunisian trainers (who became trainers following the successful completion of an EASO train-the-trainer course under the ENPI project); context analysis on the current legal framework, key policies and existing practices in the area of international protection/asylum in Egypt, Algeria, Tunisia and Morocco in the form of desk research (following a specific request from DG NEAR). The final activity of the ENPI project was the closing conference held in May 2016 in Brussels. This brought together representatives of the ENPI partner countries as well as EU Member States experts, the European Parliament, and the European Commission. During the conference, the partner countries identified key follow-up activities to ensure the continuation of EASO support beyond the project's implementation period. These requests informed EASO's External Dimension programming documents for 2017.

### **Regional IPA II Programme on protection sensitive migration management in the Western Balkans and Turkey**

The implementation phase of the Regional IPA II Programme started in 2016 with FRONTEX as leading partner in close cooperation with EASO, UNHCR and IOM. The programme runs until 2018 and has an overall budget of EUR 5.5 million under Contract 1 under which EASO leads the implementation of two specific interventions related to referral mechanism and supporting overall compatible EU asylum systems. Within this framework, EASO participated in the initial field visits during the first half of 2016 to assess the needs in the Western Balkan countries and discuss with the relevant stakeholders there how to best provide support under the regional IPA Programme. EASO also carried out several activities in the second half of 2016: Regional Seminar on Identification of Persons with Special Needs, November 2016; Regional Train-the Trainers on Interview Techniques, November 2016; Regional Seminar on EASO COI methodology, common EU best practices, and selected countries of origin (Afghanistan and Iran) in December 2016; Gap analysis on referral mechanisms and follow up mission to establish a National Roadmap in the former Yugoslav Republic of Macedonia, June and November 2016; Gap analysis on referral mechanism to establish a National Roadmap in Serbia, December 2016. The implementation of the regional IPA Programme will continue to be a priority for 2017.

### 3.2.7. Resettlement

In 2016, the implementation of the European Resettlement Scheme (based on the conclusion of the JHA Council on 20 July 2015 <sup>(290)</sup>) continued.

By 16 May 2017, 16 163 people had been resettled under the 20 July scheme to 21 Member States and Associated Countries <sup>(291)</sup>, including 3 377 persons resettled under the 1:1 mechanism of the EU-Turkey Statement (with 5 695 persons resettled under the Statement since it became applicable on 4 April 2016) <sup>(292)</sup>. People have been resettled mainly from Turkey, Jordan and Lebanon.

The Commission has reported regularly on the progress of resettlement as well as on the implementation of other programmes under the European Agenda on Migration <sup>(293)</sup>.

On 13 July 2016 the Commission proposed a permanent EU Resettlement Framework <sup>(294)</sup> to establish a common set of standard procedures for the selection of resettlement candidates and a common protection status for persons resettled to the EU to streamline and better focus European resettlement efforts.

In parallel to the implementation of the European Resettlement Scheme, EU+ countries continued to implement other programmes, mainly those operated by UNHCR. According to EUROSTAT data (available in Annex D.15 to this report, collected under Regulation 862/2007 <sup>(295)</sup>), a total of 18 170 persons have been resettled in 2016, the vast majority of them Syrians.

Some of the EU+ countries implemented additional admission programmes in 2016, consisting of provision of entry channels to migrants with humanitarian needs.

In **Austria** the second edition of the National Humanitarian Admission Programme was completed in 2016 <sup>(296)</sup>. Implementation also began at the end of 2016 on an additional Humanitarian Admission Programme (HAP III) that was approved the previous year <sup>(297)</sup>. On completion of all programmes, 1 900 refugees will have been resettled in Austria by the end of 2017.

As of 1 January 2016 the **Italian** Ministry of Interior and the Ministry of Foreign Affairs implemented the private sponsorship scheme - the *Humanitarian Corridors* programme <sup>(298)</sup> aimed at legally and safely transferring about 1 000 asylum seekers in two years. In 2016, 522 beneficiaries, mostly Syrians from Lebanon, arrived in Italy. A new Memorandum of Understanding was signed in January 2017 by the Sant'Egidio Community, the Italian Episcopal

<sup>(290)</sup> On 20 July 2015, following the Commission Recommendation of 8 June 2015 on a European resettlement scheme [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/e-library/documents/policies/asylum/general/docs/recommendation\\_on\\_a\\_european\\_resettlement\\_scheme\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/e-library/documents/policies/asylum/general/docs/recommendation_on_a_european_resettlement_scheme_en.pdf), 27 Member States together with Dublin Associated States agreed to resettle through multilateral and national schemes 22 504 displaced persons from outside the EU who were in clear need of international protection within two years. This marked the first common EU effort on resettlement. [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/e-library/documents/policies/asylum/general/docs/recommendation\\_on\\_a\\_european\\_resettlement\\_scheme\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/e-library/documents/policies/asylum/general/docs/recommendation_on_a_european_resettlement_scheme_en.pdf)

<sup>(291)</sup> Belgium, the Czech Republic, Denmark, Germany, Estonia, France, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, the Netherlands, Norway, Austria, Portugal, Spain, Finland, Sweden, Switzerland and the United Kingdom.

<sup>(292)</sup> [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170516\\_update\\_of\\_the\\_factsheet\\_on\\_relocation\\_and\\_resettlement\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170516_update_of_the_factsheet_on_relocation_and_resettlement_en.pdf). A more detailed overview, including also pledges and indication on third countries from which resettlement has taken place is available in Annexes to Commission's progress reports on the EU's emergency relocation and resettlement schemes, for the report published on 16 May 2017 see: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170516\\_twelfth\\_report\\_on\\_relocation\\_and\\_resettlement\\_annex\\_4\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170516_twelfth_report_on_relocation_and_resettlement_annex_4_en.pdf)

<sup>(293)</sup> Reports available at: [https://ec.europa.eu/home-affairs/what-we-do/policies/european-agenda-migration/press-material\\_en](https://ec.europa.eu/home-affairs/what-we-do/policies/european-agenda-migration/press-material_en).

<sup>(294)</sup> [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160713/resettlement\\_system\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160713/resettlement_system_en.pdf)

<sup>(295)</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1414508297956&uri=CELEX:32007R0862>

<sup>(296)</sup> With these two programmes Austria fulfilled its commitment to accept 1 500 refugees during this period.

<sup>(297)</sup> As a result of this Programme, 400 especially vulnerable Syrian refugees will be admitted from the transit countries of Jordan (200 refugees) and Turkey (200 refugees), in response to the request of UNHCR. HAP III is being carried out by the Federal Ministry of the Interior in cooperation with UNHCR and international organisations. The initial integration measures provided for the Syrian refugees under HAP III are funded by the Federal Ministry for Europe, Integration and Foreign Affairs and administrated in collaboration with ARGE Resettlement.

<sup>(298)</sup> Based on a Memorandum of Understanding signed in mid-December 2015 with the Community of Sant'Egidio, the Waldensian movement and the Federation of Evangelic Churches. The programme is self-financed through private donations.



Conference, the Italian Ministry of Interior and the Ministry of Foreign Affairs, for the implementation of a second Humanitarian Corridors programme. It will involve 500 potential asylum seekers currently residing in Ethiopia.

**Slovakia** and **Romania** continued operations of the Emergency Transit Centre (special facility established to provide emergency protection) in Humenné and Timișoara, providing humanitarian transfer through its territory for the purposes of resettlement of refugees and persons under the protection of UNHCR to countries of permanent resettlement. In 2016, 156 persons – including 75 minors – from Somalia, Eritrea, Sudan and Libya were accommodated in Slovakia in Humenné.

**France** has pledged for the admission of 2 000 Syrians from Lebanon (1 784 persons have been selected in that country; this comes in addition to the 109 “dossiers” received in 2016 through a bilateral framework agreement with the UNHCR, which allows for the resettlement of mostly non-Syrian cases, with a particular focus on emergency cases). In parallel, the French asylum visas programme continued to run. In 2016, France agreed to issue long-term visas for the purpose of seeking asylum in France to 1 514 Syrians (more than the 1 500 target), 1 343 Iraklis and 58 persons of other nationalities. **Spain** agreed to carry out resettlement out of Lebanon, in addition to Turkey.

Practical functioning of resettlement and humanitarian admission programmes up to and including the first half of 2016 was analysed by the European Migration Network in a study entitled: “Resettlement and Humanitarian Admission Programmes in Europe – what works?”<sup>(299)</sup>.

### 3.2.8. Hotspots, relocation and implementation of the EU-Turkey Statement

In May 2015 the European Agenda on Migration<sup>(300)</sup> was adopted by the European Commission with a series of policy proposals for immediate action to strengthen the Common European Asylum System.

In 2016 the implementation of mechanisms launched under the agenda continued, including of the hotspot approach and relocation scheme, with EASO playing a pivotal role. In all the areas where EASO has been called upon to do so, it continued to provide direct operational support in line with its mandate. In particular, EASO deployed experts from EU+ countries to support Italy and Greece on the ground. In 2016 there were 543 experts deployed in Greece<sup>(301)</sup> and 177 deployed in Italy<sup>(302)</sup>. EASO also deployed interpreters/cultural mediators to conduct its operations.

Details of EASO support in the broad context of the European Agenda on Migration are provided below, while information of other support measures is provided in Section 3.2.1. *EASO operational support to national asylum systems under pressure*.

#### Hotspot approach

The hotspot approach was launched in line with the [European Agenda on Migration](#) whereby arrivals by sea are directed to selected locations of disembarkation (hotspots) to channel migrants in a coordinated manner into respective appropriate procedures (including relocation), based on their legal status and needs. EU agencies (EASO, [Frontex](#) and [Europol](#)) are part of the hotspot approach, in line with their mandates.

<sup>(299)</sup> See: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european\\_migration\\_network/reports/docs/emn-studies/emn-studies-00\\_resettlement\\_synthesis\\_report\\_final\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/emn-studies-00_resettlement_synthesis_report_final_en.pdf).

<sup>(300)</sup> [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/communication\\_on\\_the\\_european\\_agenda\\_on\\_migration\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/communication_on_the_european_agenda_on_migration_en.pdf). Extensive information on the Agenda on Migration, legislative documents and fact sheets are available at: [https://ec.europa.eu/home-affairs/what-we-do/policies/european-agenda-migration\\_en](https://ec.europa.eu/home-affairs/what-we-do/policies/european-agenda-migration_en)

<sup>(301)</sup> 489 to support the relocation mechanism and the implementation of the EU-Turkey Statement and 54 under the Special Support Plan to Greece (for the latter see Section 3.2.1. *Pressures on national asylum systems*).

<sup>(302)</sup> 170 to support the relocation mechanism and 7 under the Special Support Plan to Italy (for the latter see Section 3.2.1. *Pressures on national asylum systems*).

Under the hotspot approach, Italy committed to setting up six hotspots. As of 12 April 2017 four hotspots are operational in Lampedusa<sup>(303)</sup>, Trapani<sup>(304)</sup>, Pozzallo<sup>(305)</sup> and Taranto<sup>(306)</sup>. Standard Operating Procedures<sup>(307)</sup> were developed for those locations. In **Greece**, five hotspots were made operational (on the islands of Lesbos<sup>(308)</sup>, Chios<sup>(309)</sup>, Samos<sup>(310)</sup>, Leros<sup>(311)</sup> and Kos<sup>(312)</sup>).

EASO established its presence in Greek and Italian hotspots by deploying EASO staff, national experts deployed by EASO as well as cultural mediators/interpreters. Activities in the hotspots were aimed at supporting the relocation process and implementation of the EU-Turkey Statement – as described below – and were complemented by several other actions in Italy and Greece.

### Relocation

A key emergency mechanism launched under the Agenda concerned responding to high volumes of arrivals to the EU, which put particular pressure on frontline Member States, through relocation activities. Relocation was established as a temporary and exceptional mechanism<sup>(313)</sup> consisting in the transfer of up to 160 000<sup>(314)</sup> applicants in clear need of international protection from Greece and Italy over two years until September 2017. Council decisions on relocation<sup>(315)</sup> define the principles of the mechanism and specific obligations of Member States bound by the decisions in terms of the number of persons to be relocated to their territory<sup>(316)</sup>.

**Ireland** decided to opt in to the relocation mechanism<sup>(317)</sup> as of 5 October 2015. **Norway** and **Switzerland** participated in the relocation scheme with Greece and Italy, based on bilateral arrangements agreed with Italy in 2016. In parallel, **Austria**<sup>(318)</sup> and **Sweden**<sup>(319)</sup> obtained a temporary suspension of their obligations on relocation.

As of 19 May 2017, actions brought by **Hungary** and **Slovakia**<sup>(320)</sup> before the Court of Justice of the EU in late 2015 to review the legality of the second Council Decision on relocation and seeking its annulment remained pending.

<sup>(303)</sup> Operational since 1 October 2015, official capacity of 500 persons.

<sup>(304)</sup> Operational since 22 December 2015, official capacity of 400 persons.

<sup>(305)</sup> Operational since 19 January 2016, official capacity of 300 persons.

<sup>(306)</sup> Operational since 29 February 2016, official capacity of 400 persons.

<sup>(307)</sup> <http://www.libertaciviliimmigrazione.dlci.interno.gov.it/it/hotspot>

<sup>(308)</sup> Official capacity of 1 500 persons.

<sup>(309)</sup> Official capacity of 1 100 persons.

<sup>(310)</sup> Official capacity of 850 persons.

<sup>(311)</sup> Official capacity of 1 000 persons.

<sup>(312)</sup> Official capacity of 1 000 persons.

<sup>(313)</sup> Article 78(3) on the Treaty on the Functioning of the European Union <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012E%2FTXT> enables a distribution mechanism for persons in need of international protection within the EU, according to a distribution key. The criteria for triggering Article 78(3) are defined in the Treaty: one or more Member State(s) must be confronted with an emergency situation, characterised by a sudden inflow of third countries nationals. It is clear from the wording of this provision that this is a mechanism to be triggered in exceptional circumstances when, based on clear indications such as statistical data, the asylum system of a given Member State can be endangered by a consistently high inflow of migrants arriving on its territory, and in particular of those in clear need of international protection. See more: [http://europa.eu/rapid/press-release\\_MEMO-15-5038\\_en.htm](http://europa.eu/rapid/press-release_MEMO-15-5038_en.htm)

<sup>(314)</sup> In total, under the first and second Council Decisions 39 600 persons are allocated for relocation from Italy and 66 400 from Greece. As a follow-up to the EU-Turkey Statement, a decision was adopted in September 2016 referring to the remaining 54 000 places that had not yet been allocated to the Member States, and making them available for the purpose of legal admission of Syrians from Turkey to the EU.

<sup>(315)</sup> Council Decision (EU) 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece (OJ EU L 248/80) <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32015D1601> and Council Decision (EU) 2015/1523 of 14 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and of Greece (OJ EU L 239/149) [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ%3AJOL\\_2015\\_239\\_R\\_0011](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ%3AJOL_2015_239_R_0011).

<sup>(316)</sup> Defined in the annexes to both decisions in line with the agreement reached in the Council Conclusions of 20 July 2015.

<sup>(317)</sup> In line with their special position under Protocols 21 and 22 of the Treaty on the Functioning of the European Union, both the United Kingdom and Ireland are not bound by the decision.

<sup>(318)</sup> One-year suspension of relocation of 1 065 applicants (30 % of the allocated quota) on the basis of Council Decision 2016/408 of 10 March 2016 <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32016D0408>

<sup>(319)</sup> Suspension of relocation obligations until 16 June 2017 on the basis of a Council decision 2016/946 of 9 June 2016, <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32016D0946&from=EN>

<sup>(320)</sup> Slovakia v Council of the European Union C-643/15 (action brought on 2 December 2015) and Hungary v Council of the European Union C-647/15 (action brought on 3 December 2015). In the absence of those actions' suspensive effect, relocation obligations under the decisions remain valid. Decision of the Court is expected in 2017.

Eligible for relocation are applicants of certain nationalities, in principle nationals (or in case of stateless persons – former habitual residents) of countries that have an average recognition rate of 75 % at EU level <sup>(321)</sup>. Initially, eligible nationalities were Syrians, Eritreans and Iraqis <sup>(322)</sup>. As of 19 May 2017, nationalities eligible for relocation are Antigua and Barbuda, Bahrain, British overseas countries and territories, Eritrea, Grenada, Guatemala, Syria and Yemen.

By the end of 2016, 7 280 persons have been relocated from Greece and 2 654 from Italy. By 16 May 2017 the numbers rose to 12 707 from Greece and 5 711 from Italy – a total of 18 418 persons relocated since the launch of the programme.

The European Commission reports regularly on the progress of the relocation mechanism via publicly available communications <sup>(323)</sup>, including information on the number of persons relocated from Italy and Greece <sup>(324)</sup>, and sets targets for the participating countries to ensure steady and effective pace of the programme.

The 10th report published by the Commission on 2 March 2017 <sup>(325)</sup> provided a comprehensive reflection on the first year of implementation of the programme, outlining the state of play and identifying achievements and challenges <sup>(326)</sup>. The most recent evaluation report available at the time of writing (12<sup>th</sup>, published on 16 May 2017) provided further insights on the practical functioning of the relocation scheme and provided an update on figures and level of fulfilment by Member States of their respective commitments <sup>(327)</sup>. It also provided detailed recommendations for individual Member States concerning the need to, respectively, continue, (re)start pledging or pledging in higher numbers, show more flexibility regarding expressed preferences to avoid formulating those in an overly restrictive manner, limit requirements causing delays in the transfer procedure and give priority to applications concerning vulnerable applicants, particularly unaccompanied minors. Overall, while progress continues to be made, certain challenges remain and require a concerted effort of all stakeholders to meet the targets set to ensure that all those eligible are relocated over the coming months, including by swiftly registering all eligible applicants in Italy who may not have been registered yet.

The European Parliament published a commissioned study concerning the implementation of the EU relocation mechanism <sup>(328)</sup>. The European Court of Auditors in 2016 performed an audit of the hotspot approach and published its special report, *EU response to the refugee crisis: the ‘hotspot’ approach*, including a set of recommendations <sup>(329)</sup>.

<sup>(321)</sup> Recognition rate at EU level is calculated on the basis of EUROSTAT data for the latest quarter. Due to the lack of a minimum number of decisions for calculating the EU-wide average, the current formula for determining eligible nationalities proved to be unpredictable, as also nationalities with very few (but positive) decisions easily fall under the scope of the Council Decisions on relocation, see: <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1485252465470&uri=CELEX:52016DC0222>.

<sup>(322)</sup> As the international protection recognition rate for Iraqis fell below the 75 % threshold, Iraqis are only eligible for relocation if they have applied for international protection before 6 July 2017.

<sup>(323)</sup> All reports are available at [https://ec.europa.eu/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package\\_en](https://ec.europa.eu/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package_en).

<sup>(324)</sup> As of 28 February 2017, there have been 3 936 persons relocated from Italy and 9 610 relocated from Greece, together 13 546, representing 14 % of commitments envisaged in both decisions for Italy and Greece [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170302\\_tenth\\_report\\_on\\_relocation\\_and\\_resettlement\\_annex\\_3\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170302_tenth_report_on_relocation_and_resettlement_annex_3_en.pdf)

<sup>(325)</sup> [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170302\\_tenth\\_report\\_on\\_relocation\\_and\\_resettlement\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170302_tenth_report_on_relocation_and_resettlement_en.pdf)

<sup>(326)</sup> The main overall challenge was stated to lie in the uneven implementation rate among participating countries, with some countries pledging regularly and in proportion to their allocation, while others pledge irregularly or not at all. This resulted in a slower than desired rate of implementation of the mechanism. While relocation of vulnerable applicants is a priority clearly indicated in the relocation decisions, there were several difficulties impeding the process, related to selective pledges made by some countries who declared no availability for vulnerable applicants, such as married minors, the need to put in place solutions regarding guardianship arrangements, and the assessment of the best interest of the child in the case of unaccompanied minors. Other challenges included incorrect use of preferences by Member States (asking for relocation candidates only from certain nationalities or profiles or otherwise refusing certain candidates in an unfounded way), lengthy response time to relocation requests, and unjustified rejections of candidates for arbitrary reasons. In Italy, challenges were noted regarding facilitating additional security checks. Here, channelling applicants towards dedicated registration hubs was recommended to speed up the processing of cases. While good progress was made in Greece with the pre-registration exercise (with the involvement of UNHCR and EASO), further efforts are needed as outlined in the Joint Action Plan, endorsed by the European Council in its conclusions of 15 December.

<sup>(327)</sup> Overview of pledges made formally by participating countries and the level of legal commitment effectively relocated is available in Annexes 1 (for Greece) [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170516\\_twelfth\\_report\\_on\\_relocation\\_and\\_resettlement\\_annex\\_1\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170516_twelfth_report_on_relocation_and_resettlement_annex_1_en.pdf) and 2 (for Italy) [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170516\\_twelfth\\_report\\_on\\_relocation\\_and\\_resettlement\\_annex\\_2\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170516_twelfth_report_on_relocation_and_resettlement_annex_2_en.pdf) to Commission's twelfth report.

<sup>(328)</sup> LIBE Committee (E. Guild et al) *“Implementation of the 2015 Council Decision establishing provisional measures in the area of international protection for the benefit of Italy and Greece”*, 2017. This Study examines the EU's relocation mechanism in the context of the Dublin System, the hotspot approach, and the EU-Turkey Statement, recommending that asylum seekers' interests, and rights be duly taken into account, as it is only through their full engagement that relocation will be successful. See: [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/583132/IPOL\\_STU\(2017\)583132\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/583132/IPOL_STU(2017)583132_EN.pdf)

<sup>(329)</sup> Press release available at: [http://www.eca.europa.eu/Lists/ECADocuments/INSR17\\_6/INSR\\_MIGRATION\\_HOTSPOTS\\_EN.pdf](http://www.eca.europa.eu/Lists/ECADocuments/INSR17_6/INSR_MIGRATION_HOTSPOTS_EN.pdf). Full report available at: [http://www.eca.europa.eu/Lists/ECADocuments/SR17\\_6/SR\\_MIGRATION\\_HOTSPOTS\\_EN.pdf](http://www.eca.europa.eu/Lists/ECADocuments/SR17_6/SR_MIGRATION_HOTSPOTS_EN.pdf)

From their side, civil society organisations have also closely followed the developments concerning the implementation of the hotspot and relocation programme and several reports and statements were published during 2016 pointing to assessed deficiencies in the system and the need for improvements <sup>(330)</sup>.

EASO provided a wide range operational support to the relocation process in Greece and Italy since the launch of the process and EASO activities have significantly expanded during that period.

In **Greece**, EASO has supported operations on the islands (Lesvos, Samos, Chios, Leros and Kos) and on the mainland (in Athens, Thessaloniki and Alexandroupoli).

EASO's activities in Greece supported the implementation of the relocation scheme in four areas: provision of information in the hotspots, registration of applications for relocation, support to the Greek Dublin Unit, and support with document fraud detection. All deployed personnel received necessary training and materials developed to support their activities. Registration officers were seconded to the Greek Asylum Service to enhance registration capacity. The EASO Asylum Support Teams register applicants and support the registration process through an escalation desk with specialists on Dublin/family unity, exclusion and document fraud.

In **Italy**, EASO implemented activities related to three main stages of the relocation process.

Pre-identification of persons eligible for relocation and support to provision of relevant information to them was provided in the four hotspots of Lampedusa, Trapani, Pozzallo (opened in January 2016), and Taranto (opened in February 2016) and by a mobile team based in Catania covering Sicilian ports (including Catania, Augusta, Syracuse and Messina) where most arrivals were concentrated. Another EASO mobile team provided information to migrants accommodated in reception centres in Rome.

Support to the registration of applicants for international protection in the Italian Vestanet system, in view of the relocation procedure, was provided in regional hubs in Villa Sikania/Agrigento, Milan, Bari and Crotone, as well as in Rome. In 2017, registration support has been extended to Trapani as well. A roving team was deployed by EASO to any other location as requested by the Italian authorities where ad-hoc registration support was needed (24 locations all over Italy covered by the end of 2016 and 30 by 12 April 2017), as well as induction for the local Immigration Police to build their own capacity to perform registration for relocation.

Finally, an asylum support team in the Dublin Unit in Rome supported the preparation of 'take-charge' requests for relocation cases to be submitted by Italy to other countries, as well as preparation of decisions on relocation. EASO also supported deployment of interim staff in the Dublin Unit.

In addition to practical operational support, EASO was also an active member of a working group on relocation led by the Italian Ministry of Interior <sup>(331)</sup>, and contributed to the development of Standard Operating Procedures for Italian hotspots and their ongoing revision (including aspects relevant to the situation of unaccompanied children in the hotspots). EASO also contributed to the relocation protocol developed for Italy, and participated in capacity-building meetings for stakeholders in the hotspots held in the summer of 2016.

<sup>(330)</sup> See, among others: Oxfam, IRC and NRC "The reality of the EU-Turkey Statement; how Greece has become a testing ground for policies that erode protection for refugees". The report highlights i) the growing difficulty to seek protection, ii) a convoluted and constantly changing process that lacks oversight, checks and balances, as well as iii) the increasing vulnerability of those stranded in the Greek islands. Concerns also relate to the provision of info (little reliable and accessible info) and lack of legal assistance (too few lawyers available). Concerns are also expressed about the level of training and expertise of EASO case-workers, including a lack of their cultural sensitivity during interviews. See: <https://www.nrc.no/resources/briefing-notes/how-eu-policies-are-eroding-protection-for-refugees-in-greece/>; Joint policy brief, several NGOs *More than 6 months stranded – what now?*, October 2016. In this paper, several NGOs highlight some of the most pressing concerns contributing to the increased vulnerability of displaced persons stranded in Greece, and offer recommendations for improving the delivery of the critical services and support they need. The report emphasises poor reception conditions, obstacles to access protection and a lack of information.

See: <http://reliefweb.int/sites/reliefweb.int/files/resources/More%20than%20Six%20Months%20Stranded%20-%20What%20Now%20-%20English%20final.pdf>; Amnesty international published a report *Hotspot Italy: How EU's flagship approach leads to violations of refugee and migrant rights*, November 2016 referring to violations when implementing the EU hotspot approach. See: <https://www.amnesty.org/en/documents/eur30/5004/2016/en/>.

<sup>(331)</sup> Together with national authorities, Frontex, Europol, United Nations High Commissioner for Refugees (UNHCR) and the International Organisation for Migration (IOM).

In Greece and Italy, EASO also supported information and communication campaigns and provision and distribution of relevant materials. Brochures were drafted and made available in a variety of languages, a relocation website was developed, as was a mobile app on relocation. EASO maintained a constant presence on social media to report on all relevant developments – to both migrants and the general public.

EASO also provided technical support to increase the workspace available via provision of mobile offices (containers), necessary furniture and equipment. In Italy five mobile offices (containers) were installed and 25 work stations were made available to Italian authorities to support registration. In Greece, EASO assisted the authorities by hiring additional security staff and delivery of construction work to enhance security conditions in the hotspots.

To support the Member States of relocation, EASO developed templates for the pledging procedure (where Member States indicate to Greece and Italy the number of persons that can be swiftly relocated to their territories) and guidance for the expression of preferences (to support the matching process based on possible language and cultural links of applicants to a particular Member State) in the relocation procedure. A practical tool providing guidance aimed at supporting the assessment of the best interests of the child in the context of relocation was completed in May 2016. EASO has provided Member States of relocation with a model brochure with guidance on the creation of pre-departure information leaflets by the Member States of relocation.

### EU-Turkey Statement

On 18 March 2016, the European Union and Turkey agreed on steps to be taken to end the irregular migration and human smuggling from Turkey to the EU and stipulated a series of action points<sup>(332)</sup>. The EU-Turkey Statement foresees readmission to Turkey of all migrants who arrived in Greece irregularly after 20 March 2016. Such return concerns persons who, after arriving on the Greek islands, were registered and whose application for asylum after individual processing by the Greek authorities has been determined as unfounded or inadmissible in accordance with EU asylum *acquis*. Guarantees for applicants in that regard include, in particular, individual interviews and right of appeal (including with suspensive effect), as well as application of Dublin rules for persons with close family members in the EU<sup>(333)</sup>.

In parallel, for each Syrian returned to Turkey from the Greek islands another Syrian will be resettled from Turkey to the EU (1:1 scheme of the EU-Turkey Statement), giving priority to migrants who have not previously entered or tried to enter the EU irregularly. Resettlement to specific Member States will take place in line with allocations committed in the Council meeting on 20 July 2015<sup>(334)</sup> (up to 18 000 places), complemented by an additional 54 000 places allocated by shifting the quota remaining under the relocation decision.

For the longer term, when irregular crossings are significantly and sustainably reduced, a Voluntary Humanitarian Admission Scheme will be activated, with voluntary contributions by EU Member States. Further asylum-related aspects of the EU-Turkey Statement concern the development of the Facility for Refugees in Turkey<sup>(335)</sup> and the implementation of further projects for persons under temporary protection, through funding from the EU.

Practical application of the agreement set out in the EU-Turkey Statement started on 4 April 2016. As with the relocation mechanism, the European Commission reports regularly on the progress of the implementation of the EU-Turkey Statement via publicly available communications.

The most recent report (fifth) was published on 2 March 2017<sup>(336)</sup> and provides an overview of the state of play after almost one year of implementation of the statement. Over that period, the volume of arrivals to the Greek islands

<sup>(332)</sup> <http://www.consilium.europa.eu/en/press/press-releases/2016/03/18-eu-turkey-statement/>

<sup>(333)</sup> [http://europa.eu/rapid/press-release\\_MEMO-16-963\\_en.htm](http://europa.eu/rapid/press-release_MEMO-16-963_en.htm)

<sup>(334)</sup> <http://www.consilium.europa.eu/en/meetings/jha/2015/07/20/>

<sup>(335)</sup> [https://ec.europa.eu/neighbourhood-enlargement/news\\_corner/migration\\_en](https://ec.europa.eu/neighbourhood-enlargement/news_corner/migration_en)

<sup>(336)</sup> [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170302\\_fifth\\_report\\_on\\_the\\_progress\\_made\\_in\\_the\\_implementation\\_of\\_the\\_eu-turkey\\_statement\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170302_fifth_report_on_the_progress_made_in_the_implementation_of_the_eu-turkey_statement_en.pdf)

from Turkey has significantly dropped as has the number of reported deaths at sea <sup>(337)</sup>. As overall the number of persons returned remains lower than arrivals, the pressure on the hotspots remains. Regarding persons remaining on the Greek islands, the report indicated concerns about living conditions because numbers exceeded reception capacities. Parallel to improving reception conditions, speedy processing of cases (including by the Appeal Committees of which there are currently 13) needs further effort, including via the implementation of a joint action plan, where necessary measures are agreed, including an efficient case-tracking system.

Since the activation of the return mechanism until 17 May 2017, 1 171 migrants were returned to Turkey (801 in 2016 and further 364 in 2017 until 17 May). In parallel, in the same reference period, 5 729 Syrian refugees were resettled from Turkey to the EU under the 1:1 mechanism <sup>(338)</sup>.

With regard to the EU-Turkey Statement, EASO supported its implementation with several measures in Greece. That included support for the implementation of the admissibility procedure, support to pre-registration and to the eligibility and full asylum examination procedure for nationalities with low recognition rate.

Asylum Support Teams were deployed on the Aegean islands to support the Greek Asylum Service in examining requests for international protection, including specific parts of the procedure such as admissibility and eligibility for nationalities with low recognition rates. A total of 6 774 interviews were performed under the implementation of the EU-Turkey Statement during 2016 and EASO supported some 70 % of those.

Apart from its regular training activities, throughout 2016 EASO was also involved in delivery of operational trainings for EASO experts deployed in the Greek hotspots. Tailor-made induction training was conducted for EASO experts deployed to support the implementation of the Greek border procedures in the context of the EU-Turkey Statement. The training consisted of, for example, refresher courses on the EASO core modules, sessions on vulnerability assessment, Dublin procedure, country of origin information as well as standard operating procedures and templates. Special attention during the training was dedicated to practical case studies. In addition, the deployed experts were informed about the EU-Turkey Agreement and JHA Council Decision, presented with the EASO Code of Conduct, briefed on the security situation in the hotspots, and learned how to deal with the media. The average duration of the training sessions was 2 days and this was supplemented by a set of training materials provided to the experts. In all, 10 training sessions were organised with 328 experts attending.

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<sup>(337)</sup> Data provided by the International Organisation for Migration for the period of 1 April 2016 until 23 February 2017 is 70 fatalities and missing persons. [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170302\\_fifth\\_report\\_on\\_the\\_progress\\_made\\_in\\_the\\_implementation\\_of\\_the\\_eu-turkey\\_statement\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/20170302_fifth_report_on_the_progress_made_in_the_implementation_of_the_eu-turkey_statement_en.pdf)

<sup>(338)</sup> [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/press-material/docs/state\\_of\\_play\\_-\\_eu-turkey\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/press-material/docs/state_of_play_-_eu-turkey_en.pdf)

## 4. The Functioning of the CEAS

### 4.1. Access to procedure

After the record influx in 2015, the numbers of persons arriving to the EU+ in 2016 continued to be high, including a large number of persons seeking international protection as illustrated in Section [2.1. Applicants for international protection in the EU+](#).

As the number of arrivals remains high, distinguishing persons in need of protection from other groups of migrants is key for the swift management of mixed migration flows. This will ensure that individuals are channelled into respective procedures according to their needs and in line with applicable legal standards under international and EU law. For persons seeking international protection, this includes especially an effective opportunity to present their applications for international protection and have their protection needs assessed in a fair and efficient procedure. In particular, Member States must guarantee the right to make a claim for international protection effectively (without obstacles), including in a timely manner (without undue delay) therefore safeguarding the right to asylum under Article 18 of the Charter of Fundamental Rights of the European Union.

Access to territory remains a key prerequisite for access to procedure as in principle an application for international protection can only be submitted to the national authorities within the country's territory or at its border. Significantly, in 2016 EU+ countries continued to use the temporary reintroduction of border control (when necessary) at internal Schengen borders <sup>(339)</sup>.

This section provides further details as regards the number of applicants received in 2016 by EU+ countries, as well as information on measures taken by countries in areas relevant to access to procedure.

2016 noted some shifts in the main destination countries for asylum applicants – the top five receiving countries in 2016 were **Germany, Italy, France, Greece and Austria**. These five countries together accounted for 81 % of all applications lodged in the EU+. Three of them (**Germany, Italy and Austria**) remained in the top five since last year, while **France** re-appeared after a one-year break. **Greece** appears in the top five for the first time since 2012.

<sup>(339)</sup> For a comprehensive overview of temporarily re-introduced border controls and related legislation and documents see: [https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/schengen/reintroduction-border-control\\_en](https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/schengen/reintroduction-border-control_en).

Main destination countries of applicants, 2012-2016

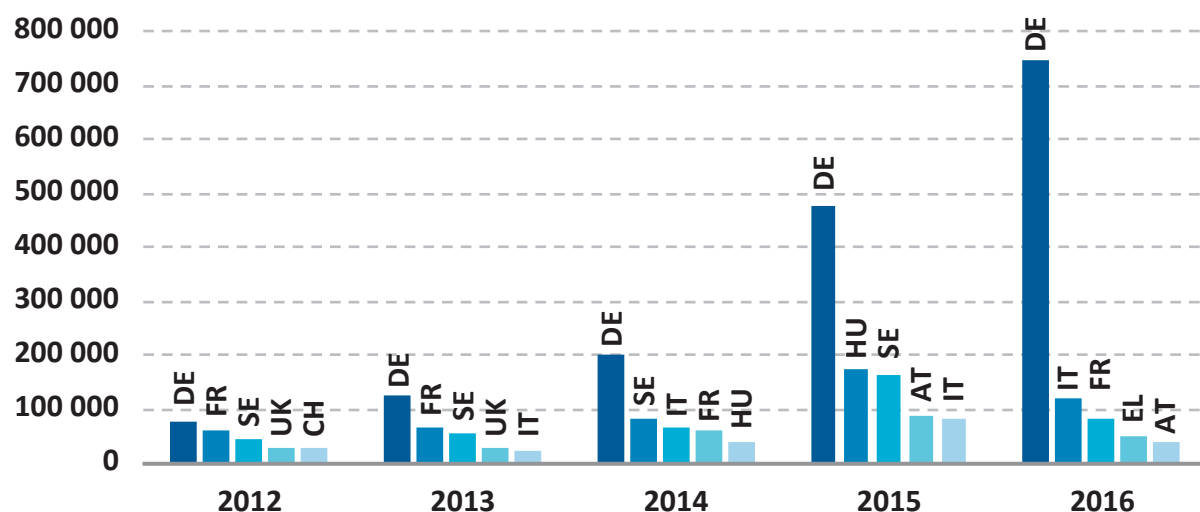


Figure 37: Germany was the main destination country in 2016

For the fifth consecutive year, **Germany** represented the highest share of applicants among all EU+ countries, with a total of 745 155 applications <sup>(340)</sup>. Other countries in the top five received much lower numbers of applications: Italy – 122 960, France – 84 270, Greece – 51 110 and Austria – 42 255 <sup>(341)</sup>.

The fall in the number of applicants for international protection at EU+ level compared to 2015 was due to decreases observed in 17 EU+ countries (while 15 EU+ countries reported more asylum applications). It is important to look at those changes both in absolute and relative terms. While high increases in the absolute numbers of applicants usually automatically represent an increased workload to process those cases, even increases in seemingly lower absolute numbers may pose a significant challenge for a country if in relative terms the increase is significant compared to the volume of applicants previously received by this country. For instance, in **Croatia** the number of applicants rose from 210 in 2015 to 2 225 in 2016, which represented an almost ten-fold increase. This in turn inevitably led to longer processing times as the number of case officers remained the same.

Year-to-year absolute and relative change in number of applications issued in EU+, by country 2015-2016

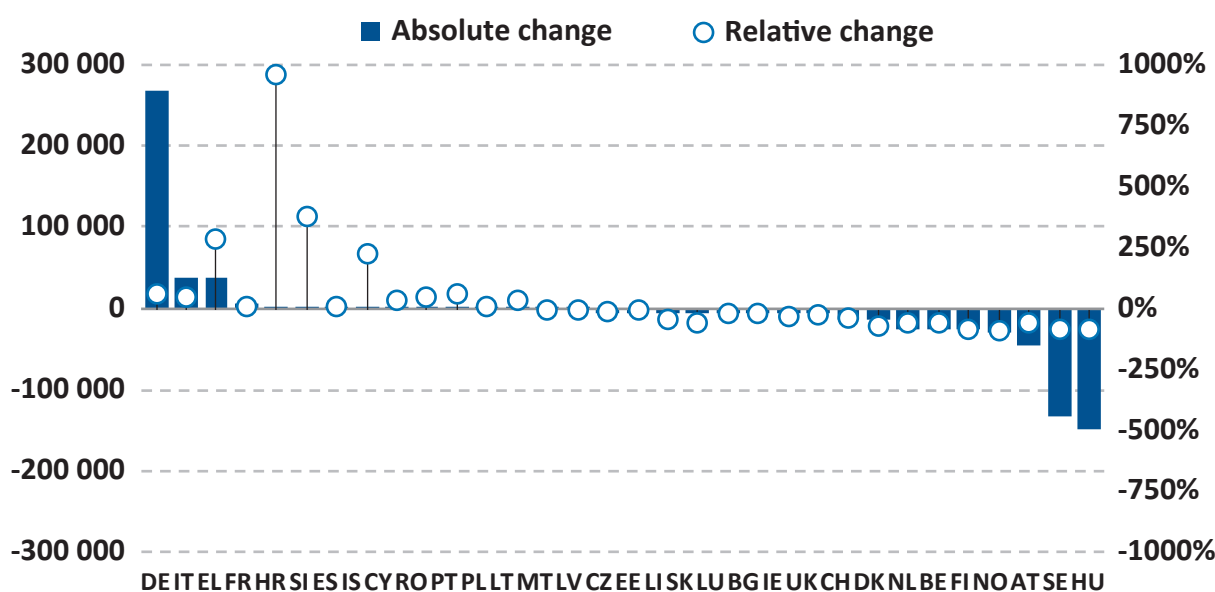


Figure 38: Croatia registered the largest relative increase

<sup>(340)</sup> This was also due to the backlog of persons who had arrived already in 2015.

<sup>(341)</sup> Data on applicants received by each EU+ country (including relative change on last year, share in EU+, number per million inhabitants and main citizenship of applicants is available in Annex D1.



In terms of significant increases in absolute number of applicants received, these were concentrated in three countries: **Germany** (the largest absolute positive change), **Italy** and **Greece**. Along with Member States, these three implemented measures to better manage the initial stages of the asylum procedure – making and lodging of an application for international protection and its registration, to avoid the growing backlog of cases to be registered or to tackle such backlog where it has occurred.

While **Germany** maintained border controls at the border with Austria throughout 2016, only persons who did not state their intention to apply for asylum at the border or who obviously had applied for asylum while in Austria were refused entry. All others were directed to an initial reception centre for further steps with a view to applying for asylum (including distribution within Germany). To facilitate channelling applicants into appropriate procedures, three new branch offices opened by **Germany** in 2016 sub-divide asylum seekers into four groups before filing their application, based on country of origin with very good prospects to remain (Syria, Eritrea, Iraqi religious minorities), safe countries of origin (Western Balkan states), complex cases and Dublin cases. The majority of the asylum seekers who arrived in Germany during the second half of 2015 thus managed to lodge their applications by the end of September 2016<sup>(342)</sup>.

While the relative increase in **Italy** was less significant than in Greece, the number of applicants rose by half to 122 960. Italy drew up several legislative proposals with initiatives aimed at managing the high influx of migrants, including national measures concerning the obligation of irregular migrants to declare financial means<sup>(343)</sup> and a non-paper called The Migration Compact<sup>(344)</sup>. The civil society reported concerns with regard to swift access to registration<sup>(345)</sup>.

Regarding the relative increase among the top five receiving countries in 2016, the highest was observed in **Greece** where the number of lodged applications tripled compared to the previous year. On 8 June, a large-scale exercise to pre-register asylum seekers on mainland Greece (through the dedicated registration centres that were set up temporarily) was launched, with UNHCR and EASO's operational support (and financial support from the European Commission). This provided people with asylum seeker cards, valid for one year, pending the full lodging of the asylum application. As a result, 27 592 persons were pre-registered until 31 July 2016. These people received SMSs with the date and location for their next appointment at the Asylum Service to lodge their asylum claim, including for family reunification or relocation. An electronic application<sup>(346)</sup> was created by an NGO (International Rescue Committees) to facilitate the provision of information on registration appointments with the Asylum Service. All pre-registered persons had been fully registered by the end of February 2017<sup>(347)</sup>.

Compared to 2015, the number of applicants in **France** increased by 11 % to 84 270 lodged applications.

In 2016, a significant drop in ranking of receiving countries from second to seventh position was reported by **Hungary**, a decrease by 83 % in the number of applications, which followed changes in legislation<sup>(348)</sup> stipulating that third country nationals who irregularly crossed the border were subject to criminal charges and should be returned to

<sup>(342)</sup> BAMF, Trendwende im Bundesamt ist erreicht, 12 October 2016, <http://www.bamf.de/SharedDocs/Meldungen/DE/2016/20161012-asylgeschaeftsstatistik-september.html>, accessed on 22 March 2017.

<sup>(343)</sup> The Law Proposal was adopted by the Constitutional Affairs Committee on 3 February 2016: the proposal concerns the obligation for irregular migrants asking for asylum to declare at the Border Guard the amount of money they have (banking online and credit cards included) by also delivering the money that exceed the sum of EUR 1 000. This guarantee deposit will be used for providing the social benefits to migrants as long as the asylum application is pending. The amount will be returned once the person becomes refugee. An irregular immigrant seeking asylum or another form of international protection who is able to find a regular job has to pay a special contribution equal to 20 % of the entire remuneration.

<sup>(344)</sup> The Italian non-paper 'The Migration Compact' – presented by the Italian Prime Minister in April 2016 - focuses on the necessity to support third countries in establishing a system of reception and management of migratory flows (including infrastructures and logistics), which should foresee careful on-site screening of refugees and economic migrants, coupled with resettlement measures to Europe for those in need of international protection and returns for irregular migrants.

<sup>(345)</sup> Delays in the lodging of applications through the completion of the C3 form persist, depending on different *Questure* across the country. The average waiting time has ranged from one week (e.g. Udine, Macerata, Lucca, Cosenza), up to two weeks (e.g. Siena, Savona, Perugia, Messina), one month (e.g. Torino, Rimini, Gorizia), two months (e.g. Agrigento, Palermo, Rome, Milan), three-four months (e.g. Verona, Trieste, La Spezia) to over six months (Naples). AIDA, *Country Report Italy, 2016 Update*, February 2017, <http://bit.ly/2maTfMw>, 24.

<sup>(346)</sup> <https://search.rescueapp.org/#/search>

<sup>(347)</sup> EASO, Joint Press Release: The pre-registration of asylum seekers in the Greek mainland is starting today, 8 June 2016; Joint Press Release: Greek Asylum Service, UNHCR, EASO, End of large-scale pre-registration on mainland Greece, 1 August 2016; UNHCR, Weekly Report, 28 July 2016.

<sup>(348)</sup> Hungarian government, 18 June 2016, '2016. Évi törvény a határon lefolytatott menekültügyi eljárás széles körben való alkalmazhatóságának'.

Serbia if found within eight kilometres of the border. This legislative change, together with other restrictive measures, received strong criticism from the civil society <sup>(349)</sup>.

The second-largest absolute negative change in the number of applications was reported by **Sweden**, which could be partly attributed to the reintroduction of temporary border controls and of identity checks for travellers from Denmark to Sweden, a measure UNHCR voiced concerns about <sup>(350)</sup>. The decrease in **Austria** – only half the number reported in 2015 (42 255 applicants) – coincided with the reintroduction of border controls and the implementation of restrictions on entry for those wanting to apply for asylum in practice <sup>(351)</sup>. Austria also introduced a border management system at the border with Slovenia.

At the asylum summit held on 20 January 2016, the Federal State and the Austrian provinces, cities and municipalities also agreed on a number of measures to permanently reduce the flow of asylum seekers to Austria in the interest of maintaining public order and safeguarding internal security <sup>(352)</sup>. Against this background, special provisions governing border controls and regarding the maintenance of public order and the safeguarding of internal security were added to the Asylum Act <sup>(353)</sup>. These provisions were criticised by the civil society, although they have not been applied in practice in 2016 <sup>(354)</sup>.

Some other EU+ countries also adopted legislation concerning crisis measures at times of high influx. Because of the increased movement at the border between Russia and Norway, on 16 November 2015 the **Norwegian** Parliament adopted amendments to the 2008 Immigration Act, Section 32. These related to the legal authorities of the Cabinet (King in Council) when facing, at the border between Norway and its neighbouring Nordic countries, a situation of crisis with extraordinary high arrivals of applicants. The change has been applicable as of 1 September 2016. In

<sup>(349)</sup> According to the Hungarian Helsinki Committee, in the period between 5 July and 31 December 2016, a total of 19 219 migrants were denied access to the territory at the Hungarian-Serbian border including access to the asylum procedure. Moreover, some NGOs also alleged serious instances of police abuse and violence during such operations. (CF input – <https://www.easo.europa.eu/input-civil-society-easo-annual-report-2016>). Furthermore, concerns were raised that for returned migrants no data is registered and the overall procedure lacks basic procedural safeguards also with regard to conditions and procedures applied in the pre-transit zones before access is granted to the transit zones in Rösztke and Tompa. AIDA, *Country Report Hungary, 2016 Update*, February 2017: <http://bit.ly/2k3zGE9>.

<sup>(350)</sup> In 2016, the Government also decided to prolong the temporary controls at Sweden's Schengen borders (with a special focus on southern and western harbours and Oresund Bridge between Denmark and Sweden). Following temporary legislation, which became effective on 4 January 2016 (and has been prolonged three times in 2016 via government ordinance), extraterritorial ID checks on travellers are carried out on public transportation (buses, trains and boats) from Denmark meaning that persons without ID documents cannot travel to Sweden from Denmark, using public transport. The checks are performed by the respective carriers. UNHCR expressed concerns that airlines and other carrier personnel are not authorised by international law to either make asylum determinations on behalf of States or to assume immigration control responsibilities, nor are they necessarily qualified to identify cases of persons in need of international protection. UNHCR's observations to the law proposing to introduce border controls: Comments by the UNHCR Regional Representation for Northern Europe on the Law Proposal Prop. 2015/16:67 concerning particular measures in situation of serious threat to the public order or the internal security of the country (Särskilda åtgärder vid allvarlig fara för den allmänna ordningen eller den inre säkerheten i landet), 10 December 2015, available at: <http://www.refworld.org/docid/58121fe94.html>.

<sup>(351)</sup> The Austrian Provincial Court of the Province of Styria has ruled rejections at the border, in individual cases, as unlawful. The court mainly argued that it should not be the interpreter who takes the decision about whether entry can be granted: [https://rdb.manz.at/document/ris.lvwg.LVWGT\\_ST\\_20160909\\_LVwG\\_20\\_3\\_873\\_2016\\_00](https://rdb.manz.at/document/ris.lvwg.LVWGT_ST_20160909_LVwG_20_3_873_2016_00). See also LVwG Styria, Decision 20.3-918/2016-15, 9 September 2016: <http://bit.ly/2jRiX7z>

<sup>(352)</sup> In keeping with this objective it was announced that the number of refugees admitted to asylum procedures would be limited to a maximum target level of 1.5 % of the population for a planning period of four years. The resulting target number for 2016 was thus 37 500 refugees. A review of the plan in terms of conformity with constitutional and EU law has been initiated. UNHCR raised concerns with regard to this solution.

<sup>(353)</sup> Specifically to Section 5 of Chapter 4; the change was included in the recent amendment of the Asylum Act, the Aliens Police Act and the Federal Office for Immigration and Asylum Procedures Act (in effect since 1 June 2016). Whether or not these special provisions are applied depends on the Federal Government issuing, in consultation with the Main Committee of the National Council, a regulation recognising a danger to maintaining public order and safeguarding internal security. No such regulation was issued in 2016 since the target number was not reached. Based on the new provisions, if activated, arriving persons can be returned to neighbouring countries unless border guards determine there would be a risk of violation of Articles 2, 3 or 8 of the European Convention on Human Rights. UNHCR expressed concern regarding this solution, UNHCR Position Papers: <http://www.refworld.org/docid/58789ea34.html>, <http://www.refworld.org/docid/5878a00f4.html>; UNHCR press releases: <http://www.unhcr.at/presse/pressemitteilungen/artikel/43166048dac9b06e39b8f501c7527f13/besorgnis-ueber-geplante-sondervorordnung.html>, <http://www.unhcr.at/presse/pressemitteilungen/artikel/3372552b897a3ef21509fb765d25f694/unhcr-warnet-vor-einschraenkung-des-fluechtlings-schutzes.html>. (UNHCR input).

<sup>(354)</sup> Such amendments were subject to significant criticism from civil society organisations in light of possible violations of EU law, including the fundamental rights of asylum seekers according to Art. 4, 18, 19 and 47 of the Charter of Fundamental Rights. See: *Stellungnahme des Ludwig Boltzmann Instituts für Menschenrechte im Begutachtungsverfahren*, available at [http://bim.lbg.ac.at/sites/files/bim/attachments/bim-stellungnahme\\_asylg.pdf](http://bim.lbg.ac.at/sites/files/bim/attachments/bim-stellungnahme_asylg.pdf); *Stellungnahme zur Verordnung der Bundesregierung zur Feststellung der Gefährdung der Aufrechterhaltung der öffentlichen Ordnung und des Schutzes der inneren Sicherheit*, available at [http://bim.lbg.ac.at/sites/files/bim/attachments/stellungnahme\\_verordnung\\_ludwig\\_boltzmann\\_institut\\_fuer\\_menschenrechte\\_2016-10\\_corr.pdf](http://bim.lbg.ac.at/sites/files/bim/attachments/stellungnahme_verordnung_ludwig_boltzmann_institut_fuer_menschenrechte_2016-10_corr.pdf); Frühwirth, *Die Sonderbestimmungen zum sogenannten „Notverordnungsrecht“*, in Eppel/Reyhani (Hg), *Handbuch Asyl- und Fremdenrecht*, WEKA-Verlag, Wien, 2016. Keudel-Kaiser/Monina/Scholdan/Wladasch, *A new Asylum Policy for Europe?!*, Opting for a rights-based approach and what this would mean, available at: [http://bim.lbg.ac.at/sites/files/bim/anhange/publikationen/keudel-kaiser\\_a\\_new\\_asylum\\_policy\\_for\\_europe.pdf](http://bim.lbg.ac.at/sites/files/bim/anhange/publikationen/keudel-kaiser_a_new_asylum_policy_for_europe.pdf). (Ludwig Boltzmann Institute of Human Rights CF input – <https://www.easo.europa.eu/input-civil-society-easo-annual-report-2016>)

connection with this amendment some adjustments were made to paragraph 9 of the Immigration Act concerning visa obligations for asylum applicants <sup>(355)</sup>. A similar legal proposal was pending in **Denmark** <sup>(356)</sup>.

Other EU+ countries introduced new solutions relevant to access to procedure. In **Luxembourg** the asylum procedure was divided <sup>(357)</sup> into multiple phases (presentation, registration, introduction, delivery of attestation). UNHCR welcomed the fact that this has not led to practical delays as presentation, registration and introduction of an asylum claim occur on the same day. Since 7 March 2016 a system of pre-registration was introduced in **Belgium**, whereby a screening (comprising taking fingerprints and a photo as well as several stages of security screening) is performed before the asylum application is formally lodged (unless a person is particularly vulnerable, in which case the application is immediately lodged with the making of the asylum application) <sup>(358)</sup>. Non-registered applicants are referred to a temporary shelter with basic amenities while registered applicants are offered accommodation in collective reception centres. **Latvia** widened the scope of entities to whom an application can be made <sup>(359)</sup>.

**France** has been making efforts to improve accessibility of asylum procedures: the 16 November 2016 Decree regarding age assessment indicates that after a negative outcome of the assessment, the person is given information about the asylum procedure. In addition, an inter-ministerial circular of 25 January 2016 describes the asylum procedure for minors after a positive outcome of the minority assessment. In 2016, the functioning of the single desks for asylum has continued to improve, along with first reception facilities and the electronic information system on asylum, put in place in late 2015. Improvements include in particular appointments taken by first reception facilities for the registration of the claims by single desks, in order to better manage flows. In the regions that are under particular stress, the IC system has been updated so as to detect the first available window for registration in neighbouring single desks. A phone interpretation market has been signed and is accessible for single desks in single desks and migration services.

Some changes were also implemented by countries concerning access to procedure in the context of resettled and relocated persons. **Estonia** introduced the possibility for an application for international protection from a resettled or relocated person to be accepted by the Police and Border Guard Board in the territory of a foreign state <sup>(360)</sup>, as well as the possibility to link the subsequent applications with former applications submitted by the applicant in the register of granting international protection. While Estonia registered a decrease in applications in 2016, UNHCR and civil society noted challenges in immediate submission of an application <sup>(361)</sup>.

International organisations and civil society organisations monitored access to territory in the EU+ and reported concerns with regard to several countries in addition to the ones mentioned above.

<sup>(355)</sup> The Ministry of Justice and Public Security issued in addition several Instructions and Circulars and made amendments to other provisions of Immigration Act and Regulations. The amendments introduced an expedited admissibility procedure with reduced criteria and safeguards in the application of the “safe third country” and “first country of asylum” concepts. The amendments were meant to be applied on a temporary basis. However, the Government has now proposed to make the provisions permanent.

<sup>(356)</sup> Law proposal pending for an “emergency brake” (during separately proclaimed “time of emergency”), during which Denmark can refuse entry of asylum seekers wishing to enter from another Dublin country (UNHCR input). Civil society expressed concern about this provision also including unaccompanied minors and the absence of suspensive effect in case of appeal. (Danish Refugee Council CF input – <https://www.easo.europa.eu/input-civil-society-easo-annual-report-2016>). The law was adopted by the Parliament on 11 May 2017.

<sup>(357)</sup> Adoption on 18 December 2015 of a new legislation on international protection

<sup>(358)</sup> That and other changes in asylum practice in Belgium were critically assessed by the Flemish Refugee Action in their report *Europe’s asylum policy in crisis: the case of Belgium* indicating issues, among others, in the right to access asylum procedures, prolonged stay in emergency reception <http://eumigrationlawblog.eu/europes-asylum-policy-in-crisis-the-case-of-belgium>

See: <http://eumigrationlawblog.eu/europes-asylum-policy-in-crisis-the-case-of-belgium/>

<sup>(359)</sup> According to the new Asylum Law, a wish for international protection can be expressed before the State Border Guard, but also before the Office of Citizenship and Migration Affairs and the State Police or the Prison Administration.

<sup>(360)</sup> AGIPA Article 14 (119, RT I 2006, 2, 3.... RT I, 6.4.2016, 2, available at: [www.riigiteataja.ee](http://www.riigiteataja.ee). Those amendments entered into force on 1 May 2016. Previously the application for international protection could only be submitted in Estonian territory or at Estonian border crossing points.

<sup>(361)</sup> NGO reports confirmed that some asylum seekers experience problems with submitting applications at border-crossing points and frequently the first effective opportunity to submit asylum application is provided by authorities only after arrival to the Harku detention centre (after 2-3 days since entry into the territory of Estonia) or after the Police and Border Guard Board (PBGB) has initiated criminal proceedings regarding irregular border crossing. Human Rights Council, Working Group on the Universal Periodic Review, Twenty-fourth session, 18-29 January 2016, *Compilation prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15(b) of the annex to Human Rights Council Resolution 5/1 and paragraph 5 of the annex to Council Resolution 16/21 on Estonia*, A/HRC/WG.6/24/EST/2, 23 November 2015, paras 63-64, available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/EEsession24.aspx>

Concerns were raised with regard to the situation at the **Bulgarian-Turkish** border, in particular during severe weather conditions during the early months of 2016<sup>(362)</sup>. UNHCR noted improvements in interview conditions at the **Polish** border, particularly in terms of logistics and privacy. However, concerns were noted regarding access to territory following repeated allegations of persons trying to cross the border without meeting the conditions to enter Poland, who were rejected and sent back to the Belarusian side<sup>(363)</sup>. UNHCR has observed that access to territory in **Romania** became more challenging due to the national authorities strengthening the national border management/control measures as well as the increased use of readmission agreements following the apprehension of persons attempting to enter irregularly<sup>(364)</sup>. Delays in and certain obstacles for accessing asylum procedures were noted by UNHCR in **Lithuania**<sup>(365)</sup> and **Latvia**. **Latvia** (State Border Guards Service (SBGS)) and **Lithuania** (State Border Guards Service (SBGS)) implement together with UNHCR a border monitoring project in cooperation with the NGO Latvian Center for Human Rights (LCHR) and the Lithuanian Red Cross Society (LRCS) to ensure registration of asylum applications at the Border Crossing Points (BCPs) and their referral to the determining authority, the Office of Migration Citizenship and Migration (OCMA). This initiative was combined with a training programme for SBGS officers.

Civil society raised further concerns regarding challenges in accessing the territory and consequently the asylum procedure in **Croatia**<sup>(366)</sup>, **Ireland**<sup>(367)</sup>, **Spain**<sup>(368)</sup>, **the Czech Republic**, **Hungary** and **Slovenia**<sup>(369)</sup> as well as with regard to long waiting times before an application could be registered in **France**<sup>(370)</sup> (where it should be noted that the average processing time once an application was lodged decreased in 2016 and local state offices' services have been further staffed in 2016 and 2017 to reduce delays) and **Greece**<sup>(371)</sup>. Other reports published by civil society in 2016 related to the stakeholders' assessment of current EU policies and practices<sup>(372)</sup>.

<sup>(362)</sup> Incidents of deaths of migrants due to hypothermia were reported, in the context of challenges in accessing the Bulgarian territory AIDA, *Country Report Bulgaria: 2016 Update*, February 2017: <https://goo.gl/AFkYdT>

<sup>(363)</sup> UNHCR noted that reports from applicants multiple attempts needed to enter Polish territory and apply for international protection remained unverified as UNHCR did not receive access to the second line of border control, where the authorities assess the reasons for entry, despite repeated requests (UNHCR input). Helsinki Foundation for Human Rights reported, on the basis of a monitoring visit, on the occurrence of such refusals of entry by Polish border guards, as a result of which many people in need of protection remain stranded in Brest while making repeated attempts to access the procedure. Helsinki Foundation for Human Rights, *A road to nowhere*, October 2016: <https://goo.gl/95AMNy>.

<sup>(364)</sup> (Increased border management/control measures in Romania, as well as the frequent use of readmission agreements following the apprehension of persons attempting to enter irregularly, made access to the territory more challenging in 2016. In some cases, procedures under the Dublin Regulation may have been applicable, but were eventually not used on account of the limited information about the possibility to apply for asylum in Romania, limited assistance available at the border, and the authorities' tendency to make use of swift readmission procedures. For instance, UNHCR noted an increase in the use of readmission agreements with Serbia and especially with Bulgaria, where no asylum applications were lodged with the border police according to the official statistics. This in contrast with the number of apprehension upon entry of Bulgaria - 283 and Serbia - 509 (UNHCR input).

<sup>(365)</sup> The issue was inter alia discussed in the UNHCR submission to the Universal Periodic Review, 2nd Cycle, 26th Session (see [https://www.upr-info.org/sites/default/files/document/lithuania/session\\_26\\_-\\_november\\_2016/unhcr\\_upr26\\_ttu\\_e\\_main\\_0.pdf](https://www.upr-info.org/sites/default/files/document/lithuania/session_26_-_november_2016/unhcr_upr26_ttu_e_main_0.pdf)).

<sup>(366)</sup> According to UNHCR, though no unlawful practices were identified following three border monitoring activities in 2016, it was considered likely that third country nationals were returned from Croatia without having had the opportunity to lodge a claim of asylum [http://www.asylumineurope.org/sites/default/files/resources/balkan\\_route\\_reversed.pdf](http://www.asylumineurope.org/sites/default/files/resources/balkan_route_reversed.pdf) (AEDH CF input – <https://www.easo.europa.eu/input-civil-society-easo-annual-report-2016>). Reportedly third country nationals were systematically driven to areas bordering with Serbia from which they were returned to Serbia without explanation or having had the opportunity to lodge a claim for asylum (Initiative Welcome Croatia – <https://www.easo.europa.eu/input-civil-society-easo-annual-report-2016>). See also: ECRE, *Balkan route reversed: The return of asylum seekers to Croatia under the Dublin system*, December 2016: <http://bit.ly/2kueKpB>; Save the Children, 'Refugee and migrant children injured in illegal border push-backs across Balkans', 24 January 2017: <http://bit.ly/2jH4a2l>; Human Rights Watch, 'Croatia: Asylum seekers forced back to Serbia', 20 January 2017: <http://bit.ly/2k9cLej>.

<sup>(367)</sup> Civil society expressed concerns regarding the fact that there is no right to appeal against the decision of an immigration officer to refuse leave to land and remove a foreign national from the State <http://www.irishexaminer.com/ireland/4000-to-be-deported-or-refused-entry-to-ireland-in-2016-highest-number-in-6-years-423461.html> (Immigrant Council of Ireland, Independent Law Centre CF input <https://www.easo.europa.eu/input-civil-society-easo-annual-report-2016>).

<sup>(368)</sup> Access to procedure is legally guaranteed throughout the territory and detention centres. However, there were reports of practices at the border where third country nationals were refused access to the territory in particular at the borders of the Spanish enclaves at Ceuta and Melilla (AEDH CF input – <https://www.easo.europa.eu/input-civil-society-easo-annual-report-2016>). Moreover, difficulties were also reported as to the possibility to lodge an asylum claim from within detention centres (Red Acoge CF input – <https://www.easo.europa.eu/input-civil-society-easo-annual-report-2016>), (UNHCR input)

<sup>(369)</sup> See: Hungarian Helsinki Committee, 'Pushed Back at the Door. Denial of Access to Asylum in Eastern EU Member States', 2017; [http://www.helsinki.hu/wp-content/uploads/pushed\\_back.pdf](http://www.helsinki.hu/wp-content/uploads/pushed_back.pdf).

<sup>(370)</sup> Moreover, in several French regions, after making an application, long waiting times applied prior to actual registration of the claim (exceeding the three day period as stipulated in the recast APD). (AEDH CF input – <https://www.easo.europa.eu/input-civil-society-easo-annual-report-2016>, Forum réfugiés-Cosi CF input – <https://www.easo.europa.eu/input-civil-society-easo-annual-report-2016>). See also: AIDA, *Country Report France, 2016 Update*, February 2017: <https://goo.gl/y1Gpax>, ECRE, *The length of asylum procedures in Europe*, AIDA Legal Briefing No 7, October 2016: <http://bit.ly/2cUc948>; AIDA, 'France: Council of State upholds suspension of registration of applications in Guiana', 17 November 2016: <http://bit.ly/2jSk9P>.

<sup>(371)</sup> The time period between the expression of intention to apply for asylum by a third country national in detention and the official registration of the claim was reported to vary upon capacity of the competent authority and the number of the detainees willing to apply for asylum, taking up to 2 months in some locations. AIDA, *Country Report Greece, 2016 Update*, March 2017. Despite reports on delays, the Asylum Service reports that during 2016 the average awaiting times for a first instance decision to be issued after having been lodged was 92 days (all kinds of first instance decisions included, except decisions on subsequent applications). Corresponding time for first instance decisions examined on the merits was 100 days, for decisions on admissibility on grounds of return to a safe third country 32 days, for Relocation cases 78 days, and for Dublin cases, 168 days.

<sup>(372)</sup> Human Rights Watch *EU policies put refugees at risk*, 2016. The report argues that the EU has endorsed policies designed to limit the arrival of asylum seekers and is outsourcing responsibility to countries outside the EU, rather than securing safe and legal avenues. <https://www.hrw.org/news/2016/11/23/eu-policies-put-refugees-risk>. FIDH *Failing EU migration and asylum policies: red card for Europe!*, June 2016. The paper expresses significant concerns about the difficulty to reach the EU territory, with Member States sealing off their borders, the externalisation of EU policies, many pushback operations and the use of excessive force, fences and increased use of prolonged detention. [https://www.fidh.org/IMG/pdf/position\\_note\\_refugees\\_day-2.pdf](https://www.fidh.org/IMG/pdf/position_note_refugees_day-2.pdf).

## 4.2. Access to information and legal assistance

### Access to information

In order to be able to fully communicate their protection needs and personal circumstances and to have them comprehensively and fairly assessed, persons seeking international protection need information regarding their situation. In particular, under the recast Asylum Procedures Directive, Member States need to ensure that all authorities that are likely to receive applications for international protection have the relevant information and can in turn inform applicants as to where and how applications for international protection may be lodged. Additional obligations of provision of information (information on the possibility to apply for international protection for certain persons who have not done so) shall be also applicable in detention facilities and border crossing points. During the procedures, applicants are to be informed of their rights and obligations during the procedure and the possible consequences of not complying with their obligations and not cooperating with the authorities, the timeframes of the procedure, and circumstances concerning withdrawal of their application. For persons with pending cases it is crucial to receive information about their situation, as lack of clarity in that regard can be a contributing factor leading to absconding and secondary movement.

Authorities in EU+ countries undertook various initiatives in provision of information in 2016. Letters informing the applicants about the asylum systems and current situations were sent to applicants in the **Netherlands** <sup>(373)</sup> and **Belgium** <sup>(374)</sup>. In **Ireland**, following the introduction of the International Protection Act 2015 on 31 December 2016, the International Protection Office (IPO) of the Department of Justice and Equality wrote to more than 3 000 international protection applicants to update them on the changes to the legislation and inform them of their obligations and rights under the new single protection determination procedure. Information on the new procedures is also available on the relevant determining body websites <sup>(375)</sup>. Information on the asylum procedure is provided to asylum seekers in **Greece** through the Asylum Service's website as well as through the distribution of printed leaflets with information for the asylum seekers on the islands and in the mainland. In March 2017, the Asylum Service, in cooperation with the Harokopio University of Athens, created an electronic application that helps asylum seekers acquire important information on the asylum procedure after downloading the application to their mobile devices, free of charge. NGOs also provided information regarding the procedure to asylum seekers. UNHCR also played a major role in providing asylum seekers in Greece with information on the asylum procedure.

In 2016, the high number of arrivals, as well as related changes in practices and policies, as illustrated in Sections 2.1. and 4.1. of the report, posed a challenge in delivering timely, comprehensive and fully up-to-date information. Such challenges were especially pronounced regarding procedures at the border, due to short timelines and logistical constraints. UNHCR and civil society expressed concerns on this issue in **Cyprus**, **Greece** <sup>(376)</sup> and **Italy** <sup>(377)</sup> and other Member States (including **Malta** <sup>(378)</sup>). Concerns were also expressed regarding the situation in Calais in **France** <sup>(379)</sup>,

<sup>(373)</sup> On 18 February 2016, a letter was issued to asylum seekers on behalf of the Minister for Migration. Among other things, the letter explains that due to the large number of applications for asylum, the time limit within which the Immigration and Naturalisation Service (IND) has to take a decision on an asylum application, is extended from 6 to 15 months, and that the procedure for family reunification may also take longer. The letter also mentioned that asylum seekers who come from a safe country, are swiftly rejected and that those who were previously registered in another EU country, are transferred as soon as possible to this other EU country. The letter also states that asylum seekers who have their own capital or income will possibly have to contribute to their own reception facility costs and that of their families. The letter is available in Dutch, English, French, Arabic, Somali, Chinese, Farsi and Tigrinya.

<sup>(374)</sup> Applicants, in particular Afghans and Iraqis, received from the authorities a letter informing them about the asylum situation in Belgium. The letter referred to long asylum and family reunification procedures, absence of individual reception facilities, temporary residence permits in case of recognition, return to Iraq in case of rejection, use of Dublin regulation, detention etc. This practice was however criticized by the civil society and lawyers who claimed it gave an unbalanced presentation of the situation. Myria, *Migration: « L'appel d'air » ou la victoire des peurs*, 8 March 2016, available at <http://www.myria.be/fr/droits-fondamentaux/evolutions/opinion-migration-lappel-dair-ou-la-victoire-des-peurs>. Vluchtelingenwerk Vlaanderen, *De brieven van Theo Francken: informatie of ontrading?*, 9 March 2016, available at: <http://bit.ly/2mlAsbP>. CIRÉ, *Dissuader n'est pas informer*, 15 March 2016, available at: <http://bit.ly/2n9moun>.

<sup>(375)</sup> In February 2017, the Legal Aid Board organised training in conjunction with UNHCR for approximately 50 solicitors who will be newly contracted to provide legal services to international protection applicants under the new single procedure. The Legal Aid Board will provide legal services at the earliest stage of the process when feasible.

<sup>(376)</sup> Particular concerns were raised about the lack of access to information in Greece considering the complexity of various procedures and frequent changes in the policies and practice. This was considered to add to tensions and frustration among applicants, in combination with lengthy procedures and sub-optimal reception conditions and potentially a contributing factor to the deteriorating security situation in the camps. Action Aid Hellas and Norwegian Refugee Council CF input – <https://www.easo.europa.eu/input-civil-society-easo-annual-report-2016>.

<sup>(377)</sup> To UNHCR's knowledge, the information leaflet (*opuscolo informativo*), as provided by Article 10 of Legislative Decree No 25/2008 and Article 3 of Legislative Decree No 142/2015 continue not to be systematically distributed.

<sup>(378)</sup> ECREA AIDA Country report Malta 2016 <http://www.asylumineurope.org/reports/country/malta/asylum-procedure/information-asylum-seekers-and-access-ngos-and-unhcr-0>

<sup>(379)</sup> In France, in early 2016, access to information for persons in need of international protection was particularly challenging in the context of Calais and its dismantlement. Improvements were observed throughout the year in the delivery of relevant information by the authorities on possible options in France in terms of asylum, voluntary return and relocation. However, UNHCR reported that, for unaccompanied and separated children in Calais, the provision of child-friendly information was either lacking or insufficient

where migrants willing to reach the UK irregularly gathered in an informal camp, although humanitarian assistance was provided by local and national authorities. Since October 2015 and throughout the partial dismantlement of February 2016 and total dismantlement in October 2016, state-financed NGOs and operators have been deployed to inform migrants about asylum procedures in France. In 2016<sup>(380)</sup>, OFPRA sent agents in Calais and/or Grande Synthe on a weekly basis to provide such information. Besides, the French NGO FTDA received financing to identify and accompany minors, notably in the procedures of family reunification with the UK.

In **Lithuania**, the Migration Department also prepared new information material for applicants, which was made available online and communicated to border guard units and police offices<sup>(381)</sup>. In January 2016, **Austria's** Federal Ministry of the Interior produced a booklet for applicants for international protection<sup>(382)</sup>. In **Estonia**, a new provision was introduced whereby the Police and Border Guard Board (PBGB) ensured that those staying in detention facilities or at border-crossing points, including transit zones, and at external borders, were provided with information on applying for international protection. In **Italy**, efforts were made to provide information and assistance to migrants and asylum seekers in the hotspots and main landing locations, with a specific focus on the asylum procedure and with particular attention to victims of human trafficking.

## Legal assistance and representation

In terms of legal assistance and representation, the current legislative framework at EU level obliges Member States to provide such assistance on request in appeal procedures. Assistance in procedures in first instance is not obligatory and depends on the Member State's willingness and available means. Consequently, civil society plays an important role in providing such services to applicants, often via projects funded from EU funds, primarily the Asylum Migration and Integration Fund (AMIF).

Developments in 2016 in EU+ countries were very diverse. Several countries widened the range of available legal assistance. In **Poland** new provisions on access to free legal information in first instance and free legal assistance in appeal procedures entered into force on 1 January 2016. In **Greece**, a new law entered into force (Law 4375/2016) which provides free legal aid to applicants at second instance<sup>(383)</sup>. Free legal assistance for asylum applicants continues to be guaranteed in **Belgium** despite a legal change aimed at adjusting the Judicial Code on legal assistance<sup>(384)</sup>, which provides that, in case of free legal aid, a contribution must be paid by the person concerned. However, asylum applicants are exempted from this requirement<sup>(385)</sup>. Amendments to **Austria's** Asylum Act, the Aliens Police Act and the Federal Office for Immigration and Asylum Procedures Act became effective as of 1 June and 1 October 2016, respectively. These acts provide for legal counselling when complaints are lodged against any decision issued by the Federal Office for Immigration and Asylum<sup>(386)</sup>, while the High Administrative Court clarified the scope of legal

<sup>(380)</sup> Also, the French determining authority (OFPRA) was present in Calais as soon as 2014 in order to provide migrants with information about asylum, their right to apply for asylum and access to the procedure.

<sup>(381)</sup> <http://www.migracija.lt/index.php?2140151560>. However, according to UNHCR, information about the right to apply for asylum and applicable access procedures was not made available in the accommodation premises of the detention unit of the Foreigners Registration Centre (main immigration detention facility). UNHCR submission to the Universal Periodic Review, 2nd Cycle, 26th Session (see [https://www.upr-info.org/sites/default/files/document/lithuania/session\\_26\\_-\\_november\\_2016/unhcr\\_upr26\\_ltu\\_e\\_main\\_0.pdf](https://www.upr-info.org/sites/default/files/document/lithuania/session_26_-_november_2016/unhcr_upr26_ltu_e_main_0.pdf)).

<sup>(382)</sup> The leaflet is distributed when applicants first contact authorities. It uses simple language and illustrations to provide information on fundamental rights, duties and stages of the asylum procedure. In early 2016 UNHCR and the Federal Office for Immigration and Asylum cooperated in preparing a revision of the booklet "Your Asylum Procedure in Austria". The booklet targets unaccompanied minor asylum seekers and provides key items of information concerning asylum and subsidiary protection along with important contact details. A more detailed version of booklet has been made available at the website <http://deinasyilverfahren.at>.

<sup>(383)</sup> It was foreseen that the Greek government would provide for such free legal assistance, however, as the registry of lawyers was not yet completed, a Memorandum of Understanding was signed as an interim measure between the Greek Alternate Minister of Migration Policy and UNHCR for the provision of free legal assistance at second instance on 29 July 2016 (Metadrasi CF input – <https://www.easo.europa.eu/input-civil-society-easo-annual-report-2016>). Furthermore, it was reported that that lawyers were often only informed one day prior to the date of the interview. As such, in practice applicants often could not meet with their lawyer prior to registration (Greek Danish Refugee Council CF input – <https://www.easo.europa.eu/input-civil-society-easo-annual-report-2016>). Further concerns were raised by Devex in Greece, lack of legal aid leaves migrants and refugees guessing <https://www.devex.com/news/in-greece-lack-of-legal-aid-leaves-migrants-and-refugees-guessing-88964>

<sup>(384)</sup> Law of 6 July 2016 amending the Judicial Code with respect to the legal assistance.

<sup>(385)</sup> An asylum applicant is considered as having insufficient means – unless there are clearly indications to the contrary – and is therefore entitled to free legal assistance.

<sup>(386)</sup> This excludes decisions concerning costs, or when the Federal Office for Immigration and Asylum is required to submit a file to the Federal Administrative Court. However, in the first instance, concerns were raised by UNHCR about the availability of legal counsellors, as they are only present at the branches of the Federal Office for Immigration and Asylum (BFA) during office hours and are not tasked with legal representation of the applicant, see: <http://www.verein-menschenrechte.at/rechts.html>.

representation in appeals<sup>(387)</sup>. In **Spain**, UNHCR reported that the quality of legal assistance provided to those arriving by sea at some points of the Andalusian coast improved as a result of training by the General Council for Lawyers jointly with UNHCR and other partners.

In terms of involvement of civil society in provision of legal assistance, in **Slovakia**, as a result of an amendment to the Administrative Procedural Code, applicants can again be legally represented by NGOs<sup>(388)</sup> that provide assistance to foreigners<sup>(389)</sup>. In **France**, in 2016, NGOs started to be present with asylum seekers during their interview at the French Protection Office for Refugees and Stateless persons (OFPRA). However, due to NGOs insufficient resources the number of people who can be accompanied is limited<sup>(390)</sup>.

Regarding legal assistance for unaccompanied minors, in **Cyprus** amendments to the law made legal representation for UAMs in judicial procedures available<sup>(391)</sup> whereas in **Sweden**, as of 1 January 2017, unaccompanied children who apply for asylum are granted a legal counsel. In practice this had been the case in Sweden prior to this date but has now been put down in law.

In other EU+ countries, the scope of legal assistance was reduced. Due to legislative changes in **Finland**, the right to free counsel during the asylum interview was limited to cases where the applicant is an unaccompanied minor or where there are exceptional reasons. In **Norway**, amendments to the Immigration Act of 8 December 2015 curtailed access to free legal aid<sup>(392)</sup>. UNHCR expressed concern that in some areas of **Italy** free legal aid (*gratuito patrocinio*), continues to be granted only following a certification from the diplomatic representation on eventual income in the country of origin, despite the fact that legislation explicitly provides access to free legal aid without any certification from the diplomatic representation (Article 8 of DPR 21/2015); similar concerns were raised with regard to the application of the ‘means and merits’ test<sup>(393)</sup>. In **Cyprus**, according to UNHCR, challenges remain regarding access to legal aid. The Administrative Court, which started operating in 2016 and is competent to review asylum cases, based on the ‘means and merits’ test, approved only three out of some 20 legal aid applications made by asylum applicants<sup>(394)</sup>.

As regards national case law on legal assistance and access to information, on 29 November 2016 the **Czech** Constitutional Court issued a decision, Ref. No I. ÚS 630/16, in which the Court confirmed, on the margin of the decision, the obligation to enable a meeting with a person qualified to provide a foreigner detained in connection with ongoing proceedings on administrative expulsion with legal assistance on issues of international protection and immigration law.

<sup>(387)</sup> As of 1 October 2016, they are under the obligation to participate in hearings before the Federal Administrative Court and to represent applicants during the proceedings, if the asylum seeker so wishes. The Constitutional Court decided that differentiating the scope of legal advice according to the type of procedure – asylum, basic care or return proceedings – is discriminatory and, therefore, unconstitutional. AIDA, Country Report Austria, 2016 Update, February 2017: <https://goo.gl/92vxSw>.

<sup>(388)</sup> An authorised employee or a member of such an organisation with a master degree in law can act on their behalf.

<sup>(389)</sup> This option is supported through the Human Right League project which is funded through AMIF and the MO Mol SR.

<sup>(390)</sup> Forum refugees-Cosi CF input – <https://www.easo.europa.eu/input-civil-society-easo-annual-report-2016>, see also the AIDA report on France (updated February 2017)

<sup>(391)</sup> However, the amendments were subject to criticism as they do not guarantee legal assistance or representation throughout the whole asylum procedure (not only in judicial proceedings). Moreover, concerns were raised as to the quality of the legal assistance provided seeing that the guardian would take on a dual role as both guardian as well as legal representative without proper qualifications or training. The dual role also raises issues of conflict of interest (**Hope for Children** CF input – <https://www.easo.europa.eu/input-civil-society-easo-annual-report-2016>)

<sup>(392)</sup> Innskrenking av retten til fritt rettsråd ved avvisning av asylsøknad: <https://www.regjeringen.no/no/aktuelt/innskrenking-av-retten-til-fritt-rettsrad-ved-avvisning-av-asylsoknad/id2466256/>

<sup>(393)</sup> Legal aid in appeals is granted following a ‘means and merits’ test, where applications can be rejected if found to be manifestly unfounded. During 2016, civil society objected the practice of some Bar Councils (notably Milan and Trieste) of rejecting requests to access to free legal assistance, generally deeming the claims that the petitioners intended to rely on as manifestly unfounded. Also the new Decree-Law 13/2017 now states that when the applicant is granted free legal aid, the judge, when fully rejecting the appeal, has to explain why free legal aid is awarded, indicating the reasons why he or she does not consider the applicant’s claims as manifestly unfounded. This has been criticised, among other provisions of the Decree-Law, by NGOs and practitioners. AIDA, Country Report Italy, 2016 Update, February 2017, <http://bit.ly/2maTfMw>, 34.

<sup>(394)</sup> AIDA, Country Report Cyprus, 2016 Update, March 2017, <http://bit.ly/2mEU8zB>, 26-27.

### 4.3. Providing interpretation services

Interpretation needs to be provided in the procedure for international protection to ensure proper communication between the applicant and the authorities at every step of the process, including application, examination, and appeal stage. Quality interpretation of high standards strongly supports information provision and is key to effective provision of legal assistance (both covered in Section 4.2. *Access to information and legal assistance*).

In 2016, EU+ countries received on average applicants from nationals of 35 different countries of origin which points to the level of effort necessary to secure interpretation services up to required standards.

In **Cyprus**, an amendment of the Legal Aid Law (No 111(I)/2016), provided for translation/interpretation services during the submission of an application for free legal aid. In **Austria**, a provision was added that allows audio-visual aids to be used as an alternative during interviews or hearings when the interpreter cannot appear in person <sup>(395)</sup>. In **France**, following an agreement signed between the French Office of immigration and integration (OFII) and the Ministry of Interior (DGEF), a phone-based interpretation service is accessible at local state-authority level. This allows proper interview conditions in the framework of the Dublin regulation. For vulnerability interviews, the OFII may also use the phone-interpretation service. The French determining authority (OFPRA) provides interpretation in 98 different languages and has received European funding through the AMIF for the last three years in order to increase its capacity to provide interpretation in frequently requested languages.

UNHCR and civil society raised serious concerns about a lack of qualified interpreters in several EU+ countries during 2016. Difficulties relate either to the lack of interpreters, their qualifications and adequate training to interpret in the context of asylum, or to availability of interpreters for specific languages.

In **Spain**, quality of interpretation (including lack of or insufficient availability of interpreters and of certain languages) remained a concern <sup>(396)</sup>. Problems regarding provision of interpretation services were also noted in **Bulgaria** <sup>(397)</sup>. In **France**, UNHCR reported that applicants sometimes faced difficulties in accessing interpretation services while undertaking the required steps before the *préfecture* in charge of the implementation of the Dublin Regulation <sup>(398)</sup>. Those transferred from makeshift camps in Calais and Paris to reception centres in different regions of France did not always have access to interpreters/inter-cultural mediators in these centres, as that was not initially foreseen in the plan <sup>(399)</sup>. Concerns were also expressed with regard to access to interpreters in the Roissy-Charles de Gaulle airport area. In **Cyprus**, UNHCR highlighted a lack of quality interpretation both in the first and second instance. There is no formal training for interpreters or an accreditation system and some may not even have the required language skills or knowledge of basic interpretation techniques. In **Italy** the availability of interpreters was ensured during first instance interviews. However, interpretation services were not always available in police headquarters. As such, it was reported that international protection applications were sometimes formalised with the support of interpreters not speaking the same language as the applicant.

<sup>(395)</sup> This provision was part of amendments to the Asylum Act, the Aliens Police Act and the Federal Office for Immigration and Asylum Procedures Act on 1 June 2016,

<sup>(396)</sup> UNHCR input and Amnesty International, *El asilo en España: Un sistema de acogida poco acogedor*, May 2016, available in Spanish at: [https://doc.es.amnesty.org/cgi-bin/ai/BRSCGI.exe/Un\\_sistema\\_de\\_acogida\\_poco\\_acogedor?CMD=VEROBJ&MLKOB=35286283535](https://doc.es.amnesty.org/cgi-bin/ai/BRSCGI.exe/Un_sistema_de_acogida_poco_acogedor?CMD=VEROBJ&MLKOB=35286283535);

Spanish Ombudsman, *Asylum in Spain: International Protection and reception system resources*, July 2016, available at: [https://www.defensordelpueblo.es/wp-content/uploads/2016/07/Asylum\\_in-Spain.pdf](https://www.defensordelpueblo.es/wp-content/uploads/2016/07/Asylum_in-Spain.pdf). Since June 2016, the Ministry of Interior has changed subcontractors for the provision of interpreters to the OAR and all police offices that register asylum applications in the Spanish territory, for which NGOs do not provide services anymore, being replaced with a private company which was considered to be lacking experience in asylum matters and also offering worse working conditions to interpreters thereby potentially affecting the quality of their work. AIDA, Country Report Spain, 2016 Update, February 2017, <https://goo.gl/4aFY04>.

<sup>(397)</sup> AIDA Country Report on Bulgaria, available at: [http://www.asylumineurope.org/sites/default/files/report-download/aida\\_bg\\_2016update.pdf](http://www.asylumineurope.org/sites/default/files/report-download/aida_bg_2016update.pdf)

<sup>(398)</sup> Regarding the specific situation of asylum seekers that are not accommodated in dedicated facilities, it should be noted that they can get administrative assistance through specific centres (that also act as first reception centres), that are run by NGOs who have a contract signed to that effect with the French Office for Immigration (OFII). This support includes assisting the claimant in the administrative and social procedures, by provision of information in an understandable language and provision of translation into French of the applicant's written asylum request.

<sup>(399)</sup> It should be recalled that the mentioned operations were emergency measures to provide accommodations to persons living in the makeshift camps, and that rapidly after that emergency period, the claimants received administrative support under the same standards as others.



### EASO's list of available languages

EASO coordinates the provision of available languages in different Member States. This is done through a List of Available Languages (LAL) collated by EASO, which includes all languages generally available for direct translation from a named foreign language to the mother tongue of the named MS. This list is available to Member States since April 2013.

The LAL was maintained and monitored during 2016. Four specific requests were received from Slovakia and Bulgaria regarding the Kirundi, Mongolian, Tamil and Sinhalese languages, which were addressed.

## 4.4. Dublin procedure

At the EU+ level several developments took place with regard to the resumption of Dublin transfers to Greece, with subsequent recommendations from the European Commission addressed to Greece in February 2016<sup>(400)</sup>, September 2016<sup>(401)</sup> and December 2016<sup>(402)</sup>.

In the latter recommendation, the European Commission set out the remaining action that Greece should take to improve its asylum system. It also recommended a gradual resumption of Dublin transfers to Greece for asylum applicants who had entered Greece irregularly at external borders from 15 March 2017 onwards or to other persons for whom Greece is responsible under criteria other than Article 13 in Chapter III of the Dublin III Regulation as of that date. It was recommended that the transfers should resume in cooperation with the Greek authorities. Furthermore, vulnerable asylum applicants, including unaccompanied minors, should not be transferred to Greece for the time being and any individual transfers should only be made after obtaining individual assurances from the Greek authorities. These assurances include that the applicant will be treated in full compliance with EU asylum law, in particular with regards to his/her reception conditions and that his/her application will be examined within the deadlines specified in the Asylum Procedures Directive.

There were several changes in legislative provisions concerning Dublin procedures.

In **Ireland**, the European Union (Dublin System) (Amendment) Regulations 2016 were signed into law on 9 March 2016, amending the European Union (Dublin System) Regulations 2014. Aimed at improving the efficiency of the Dublin III process, the amendments allow for a person who has entered into a contract for services with the Minister for Justice and Equality to assist the Refugee Applications Commissioner in the processing of Dublin III cases; reduce the time period for making an appeal; provide for the withdrawal and deemed withdrawal of Dublin III appeals and address a number of matters relating to the detention of transferrable applicants. In **Latvia**, the new Asylum Law that came into force in January 2016 brought some additional details relevant for handling Dublin cases. The law provides a clear deadline for submission of an appeal against a decision to transfer a person to the responsible Member State (15 working days) and a deadline for the appeal instance (i.e. the Administrative District Court) to take a decision on such an appeal (5 working days). Under the previous law such deadlines were not provided and examination of appeals on Dublin cases in the Administrative District Court were done according to the general administrative law deadlines and took considerably longer to conclude. A new decree of the Ministry of the Interior regarding EURODAC and the procedure on examining the Dublin cases came into force in **Czech Republic** on 23 November 2016. The mentioned Decree regulates in particular the cooperation among relevant stakeholders at national level (Department

<sup>(400)</sup> Recommendation of 10 February 2016 addressed to the Hellenic Republic on the urgent measures to be taken by Greece in view of the resumption of transfers under Regulation (EU) No 604/2013, (C(2016)871). The Recommendation identifies the main actions to be taken by Greece to address outstanding shortcomings in its asylum system. The Recommendation requests monthly reporting by Greece on the progress achieved. [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/commission\\_recommendation\\_addressed\\_to\\_the\\_hellenic\\_republic\\_20160210\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/commission_recommendation_addressed_to_the_hellenic_republic_20160210_en.pdf)

<sup>(401)</sup> The Recommendation identified the main actions to be taken by Greece to address outstanding shortcomings in its asylum system and requested Greece to report on the progress achieved by the 31 October 2016. The Recommendation is available at: [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160928/recommendation\\_addressed\\_to\\_greece\\_on\\_the\\_specific\\_urgent\\_measures\\_to\\_be\\_taken\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160928/recommendation_addressed_to_greece_on_the_specific_urgent_measures_to_be_taken_en.pdf)

<sup>(402)</sup> [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20161208/recommendation\\_on\\_the\\_resumption\\_of\\_transfers\\_to\\_greece\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20161208/recommendation_on_the_resumption_of_transfers_to_greece_en.pdf)

for Asylum and Migration Policy of the Ministry of the Interior, Alien Police, Institute of Criminalistics Prague etc.), and the personal data protection.

A significant policy development took place in the **Netherlands**. In August 2016, the Minister for Migration amended the policy for asylum seekers from certain safe countries, for whom another Member State is actually responsible in light of the Dublin Regulation <sup>(403)</sup>. Since the amendment, the Immigration and Naturalisation Service processes applications for asylum from the Western Balkans in the national procedure, despite the fact that there are leads for a claim in another country based on the Dublin Regulation. This amendment makes it possible to decide applications from safe countries of origin in the national procedure, instead of transferring them to another country. As a result, return can be achieved faster. Asylum applications from nationals of safe countries of origin can then be processed in an accelerated procedure in the Netherlands.

Organisational changes also took place in several EU+ countries:

A new Dublin Unit has been created following an organisational reform of the General Inspectorate for Immigration (GII) in **Romania** to handle Dublin cases and requests for relocation. Preparations are also ongoing to take over the readmission procedure of persons granted a form of protection in Romania who applied for a second time in another Member State. Currently, the Unit is composed of a Head of Unit and four Decision Officers but will comprise 10 positions in the future. The reform also led to the reorganisation of the Eurodac Unit as part of the Communication and Informatics Unit of the GII. This Unit constitutes the Single Point of Contact (SPoC) with the EuLISA Agency.

As of April 2016, the Dublin organisation within the Federal Office for Migration and Refugees (BAMF) in **Germany** was changed. Dublin-related issues have been moved into one group – the Dublin group – which reports directly to the leadership of the BAMF <sup>(404)</sup>. Within the Dublin group, there are six operational units <sup>(405)</sup>. In addition one general policy unit (Unit 231) deals with general Dublin policy questions. A standardised interface between programmes from BAMF and the Federal Criminal Police Office (BKA) was implemented to exchange EURODAC hits of asylum seekers more quickly.

In addition, mobile task forces (composed of delegated staff of the Federal Armed Forces (Bundeswehr) have been deployed (since the end of September 2015) in order to assist with fingerprinting third country nationals according to the Eurodac Regulation.

In **Greece**, according to Law 4375/3-4-2016, the Department of Coordination has been separated from the Greek Dublin Unit, which has been renamed the Department of the Dublin National Unit: The duties of this department are to ensure the implementation of Regulation 604/2013 of the European Parliament and Council as of 26 June 2013 and any other relevant legislation, and to collaborate with the other concerned government agencies.

As of December 2016, Cyprus operates fully the national Eurodac system. Before that, the Cypriot authorities were using a Eurodac system sent by eu-LISA.

<sup>(403)</sup> This only applies for asylum seekers originating from one of the Western Balkan countries which has been designated as a safe country of origin (Albania, Kosovo, Serbia, Macedonia, Bosnia and Montenegro).

<sup>(404)</sup> Previously Dublin issues were distributed widely within the BAMF: There was one Dublin policy unit that also handled pick-up cases within the department for general asylum procedures, and one unit in another department that handled requests from MS and transfers to MS. Each of the branch offices handled the remaining Dublin requests from Germany to the MS.

<sup>(405)</sup> Unit DU 1 Steering unit for all Dublin procedures and Eurodac (in Nuremberg), Unit DU 2 Detention cases and pick-up cases (in Nuremberg), Unit DU 3 Transfers, incoming requests from member states (in Dortmund), Unit DU 4 Dublin Centre (outgoing requests to the member states, Dublin decisions) in Berlin, Unit DU 5 Dublin Centre (outgoing requests to the member states, Dublin decisions) in Dortmund, Unit DU 6 Dublin Centre (outgoing requests to the member states, Dublin decisions) in Bayreuth.

Following changes in the organisation of work in **Denmark**, Dublin transfers are now carried out by the Nordsjaellands Police, National Operational Aliens Centre. In **Poland**, at the beginning of 2016 Border Guard headquarters began providing transport to the reception centre for migrants from vulnerable groups transferred in Dublin III procedure by regional Border Guard.

Those organisational changes were often accompanied with an increase in the number of staff members working on Dublin-related matters – in **Belgium** (temporarily), **Croatia**, **Czech Republic**, **Greece**, **Italy**, **Norway**, the **Netherlands**, **Switzerland** and **Spain**. In **Italy**, since February 2016, a special action under national civilian service is being implemented whereby 20 recent graduates are supporting staff of the Ministry of Interior and EASO experts in the Dublin Unit in Rome.

Other practical developments took place, including in **Slovenia** where due to a significant increase in the number of Dublin requests, the following main practical solutions have been introduced: setting up of a new database that will allow a complete management of Dublin cases as well as the acquisition of all necessary statistical statements which operates in the production environment since 1 March 2016; practical introduction and training courses for new colleagues are also taking place. Also in **Romania**, in April 2016 two revisions of internal procedures (for internal use only) were drafted and approved, regulating mainly aspects related to detention/alternative measures in relation to applicants Dublin cases.

Several EU+ countries experienced problems with the installation of the new DubliNet certificate. This sometimes caused a significant delay in sending and receiving Dublin requests including situations where, due to the delay, responsibility had to be assumed by default.

The European Commission published two reports evaluating the Dublin system and its implementation<sup>(406)</sup>. Both evaluations indicate many practical implementation problems such as: incorrect interpretation and application of the criteria, cooperation problems between MS related to interpretation of criteria as well as evidence required to satisfy the criteria, and practical difficulties to implement transfers. Also, although the Regulation's main aim is still considered relevant and necessary, the reports signal inherent problems in the design of Dublin which, in combination with the implementation problems, affect its effectiveness and efficiency.

#### Dublin data

As part of the EPS, EASO collects monthly data from EU+ countries on three Dublin indicators: decisions received on outgoing requests to take back and take charge, implementation of Dublin transfers and use of the discretionary clause (Article 17(1) of the Dublin Regulation). Based on this data and qualitative inputs from MS, EASO produces a quarterly periodic update on the implementation of the Dublin Regulation, which is disseminated to the EASO Dublin and GPS Networks.

<sup>(406)</sup> Evaluation of the implementation of Dublin III [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/asylum/examination-of-applicants/docs/evaluation\\_of\\_the\\_implementation\\_of\\_the\\_dublin\\_iii\\_regulation\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/asylum/examination-of-applicants/docs/evaluation_of_the_implementation_of_the_dublin_iii_regulation_en.pdf); Evaluation of Dublin III: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/asylum/examination-of-applicants/docs/evaluation\\_of\\_the\\_dublin\\_iii\\_regulation\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/asylum/examination-of-applicants/docs/evaluation_of_the_dublin_iii_regulation_en.pdf)

## 4.5. Special procedures: admissibility, border and accelerated procedures

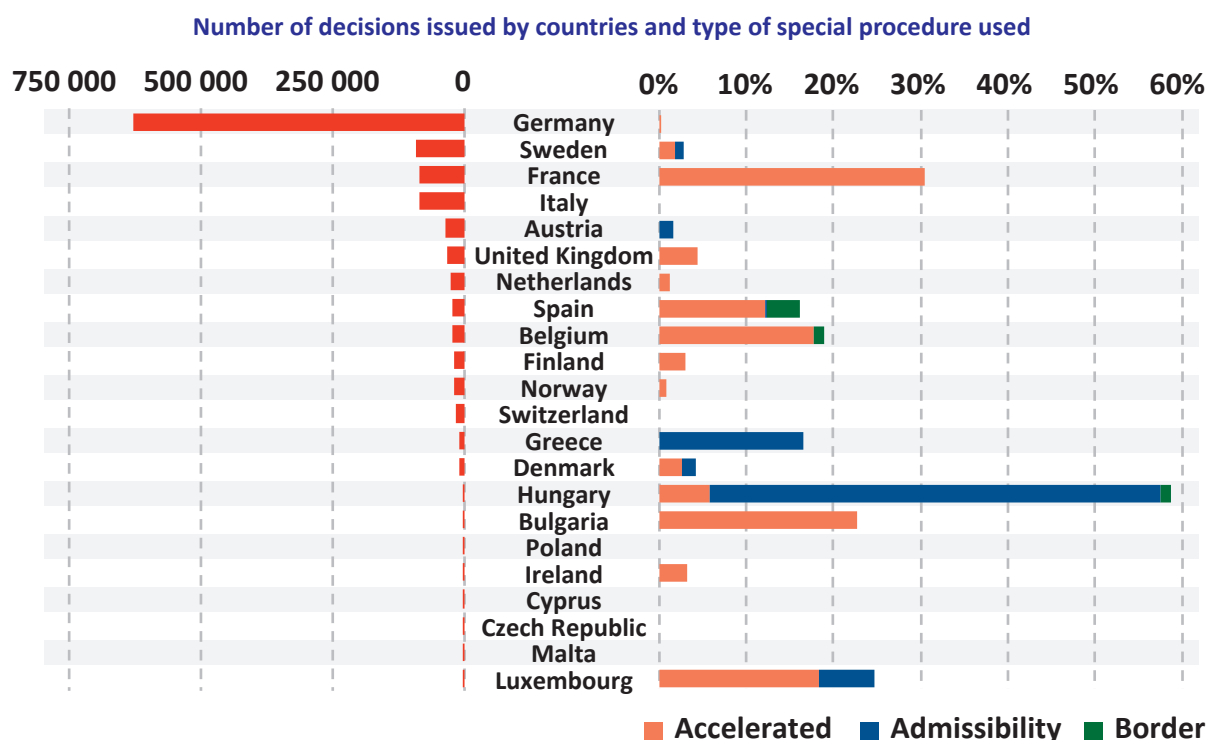
According to the current Asylum Procedures Directive, in line with Article 31(7) and 31(8), examination procedures at first instance in specific circumstances <sup>(407)</sup> can also be conducted in an accelerated, at the border or in transit zones or in a prioritised manner, while remaining in accordance with the basic principles and guarantees of the asylum process. In line with Article 40, special procedures can be implemented by Member States for the purpose of preliminary examination of cases considered subsequent applications. In the case of those special procedures, certain derogations from the basic principles and guarantees are possible.

Many applications for international protection are made at the border or in a transit zone of a Member State prior to a decision on the entry of the applicant. In line with the recast APD, Member States can conduct admissibility procedures in those areas to establish whether an application is admissible and should be further determined with regard to the merits of the claim. Member States also have the possibility to conduct substantive examination procedures at the border or in the transit zone, but only in the cases where an accelerated procedure can be applied <sup>(408)</sup>.

EASO has included in its data collection under EPS a disaggregation regarding use of special procedures in decision-making. Several of the states with such procedures in law were able to provide information on the number of decisions issued at first instance since March 2014, when data collection began, disaggregated by type of procedure (normal, border, admissibility, accelerated).

<sup>(407)</sup> (a) the applicant, in submitting his or her application and presenting the facts, has only raised issues that are not relevant to the examination of whether he or she qualifies as a beneficiary of international protection by virtue of Directive 2011/95/EU; or (b) the applicant is from a safe country of origin within the meaning of this Directive; or (c) the applicant has misled the authorities by presenting false information or documents or by withholding relevant information or documents with respect to his or her identity and/or nationality that could have had a negative impact on the decision; or (d) it is likely that, in bad faith, the applicant has destroyed or disposed of an identity or travel document that would have helped establish his or her identity or nationality; or (e) the applicant has made clearly inconsistent and contradictory, clearly false or obviously improbable representations which contradict sufficiently verified country-of-origin information, thus making his or her claim clearly unconvincing in relation to whether he or she qualifies as a beneficiary of international protection by virtue of Directive 2011/95/EU; or (f) the applicant has introduced a subsequent application for international protection that is not inadmissible in accordance with Article 40(5); or (g) the applicant is making an application merely in order to delay or frustrate the enforcement of an earlier or imminent decision which would result in his or her removal; or (h) the applicant entered the territory of the Member State unlawfully or prolonged his or her stay unlawfully and, without good reason, has either not presented himself or herself to the authorities or not made an application for international protection as soon as possible, given the circumstances of his or her entry; or (i) the applicant refuses to comply with an obligation to have his or her fingerprints taken in accordance with Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of Eurodac for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes (12); or (j) the applicant may, for serious reasons, be considered a danger to the national security or public order of the Member State, or the applicant has been forcibly expelled for serious reasons of public security or public order under national law; or (k) if the application is likely to be well-founded; or (l) where the applicant is vulnerable, within the meaning of Article 22 of Directive 2013/33/EU, or is in need of special procedural guarantees, in particular unaccompanied minors.

<sup>(408)</sup> Recast APD preamble recital 38.



**Figure 39: Special procedures vary greatly across EU+ countries**

Source: EPS data, 2016

Of the countries issuing more than 1 000 decisions, the accelerated procedure was used most often in **France**, followed by **Belgium** and **Spain**, and the admissibility procedure by **Hungary** and **Greece** <sup>(409)</sup>. According to the EPS data collection, special procedures are used in a small proportion (9 %) of all decisions issued.

While most decisions issued in the EU+ using accelerated or border procedures lead to a rejection of the application in a significantly higher proportion than for decisions made via normal procedures, there are cases where international protection is granted using special procedures, as shown in the chart below. Admissibility procedures resulted in 100 % negative outcomes since a positive result on admissibility leads to the opening of an asylum procedure that considers the case on merit – the result of this procedure is reported in asylum decision data. Accelerated procedures had a 11 % recognition rate, and border procedures 10 %.

Data concerning special procedures should not be taken as absolutely comparable, since categories used refer to procedures ‘corresponding to the ones defined in the recast Asylum Procedures Directive’ where Member States have a certain level of flexibility in deciding which provisions they will transpose into their national legislation and to what extent.

<sup>(409)</sup> In Greece in particular, the admissibility procedure is applied to all circumstances provided by Article 54 of Law 4375/2016 (Article 33 of Directive 2013/32/EC) including admissibility in relation to the EU-Turkey Statement on the five islands with hotspots but also in the cases falling under Dublin Regulation 604/2013, the Relocation programme, as well as admissibility on subsequent applications.

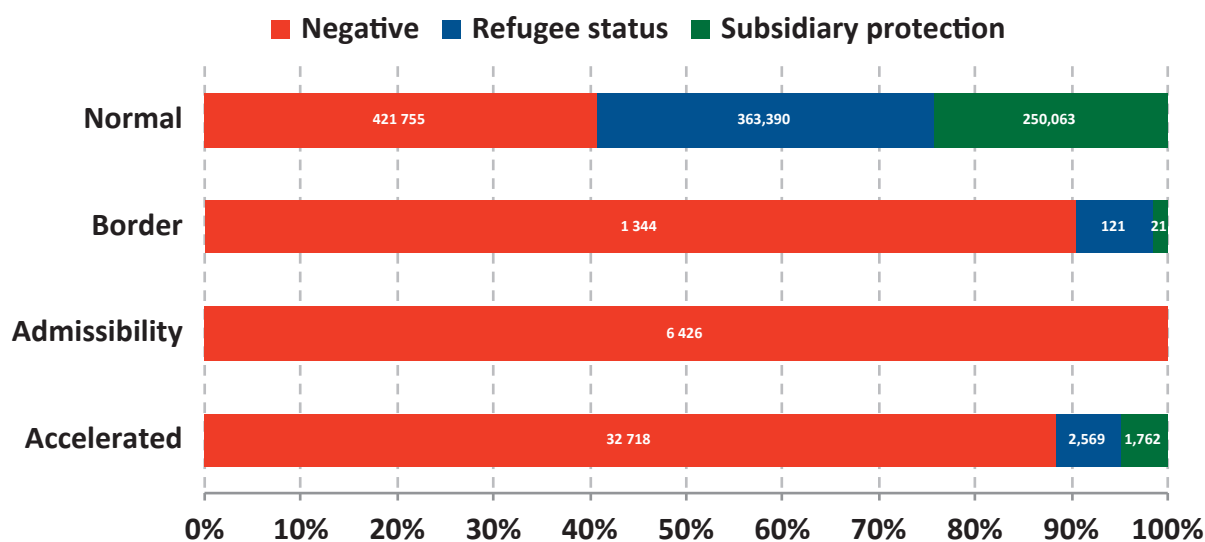


Figure 40: Total number of decisions, by type and outcome of procedure, in EU+ countries

Source: EPS data, 2016

Following the EU-Turkey Statement and Law 4375/2016, new exceptional border procedures were introduced in **Greece**. Where applications for international protection are submitted in transit zones of ports or airports in the country, the applicants enjoy the rights and guarantees of the provisions of Articles 41, 44, 45 and 46 of Law 4375/2016. If a decision on the application is not taken within 28 days from the date it was submitted, the applicant is allowed to enter and stay in the country and his application is examined in accordance with the other provisions of Law 4375/2016. Where an application for international protection is rejected and an order for deportation, return or readmission is issued the execution of which is suspended by a decision of a court of law, the applicant is allowed a stay in the country until the decision on the legal remedy is taken.

In case of third country nationals or stateless persons arriving in large numbers and applying for international protection at the border or at airport/ port transit zones or while they remain in Reception and Identification Centres, the following procedures exceptionally apply, following a relevant Joint Decision by the Minister of Interior and Administrative Reconstruction and the Minister of National Defence: (a) The registration of applications for international protection, the notification of decisions and other procedure-related documents as well as the receiving of appeals may be conducted by staff of the Hellenic Police or the Armed Forces. (b) In the implementation of procedures under (a) above, the Asylum Service may be assisted, in the conduct of interviews with applicants for international protection as well as any other procedure, by staff and interpreters deployed by the European Asylum Support Office. (c) The time limit provided for in Article 52(5) is 1 day. The time limit provided for in Article 62(2)(c) is 2 days.

Furthermore, according to the provisions of Article 60 of Law 4375/2016 as amended by Law 4399/2016 – (Article 47 of the Directive) appeals shall be examined within 3 days from their submission. Decisions on appeals shall be issued, at the latest, 2 days following the day of the appeal examination or the submission of a memorandum and are notified to the individuals concerned, at the latest, the day following the day of their issuance. When the applicant requests to be granted an oral hearing, as per Article 62(1)(e) below, the Appeals Committee may, according to its judgement, invite or not the applicant to a hearing.

In practice the indicative timelines provided by the law are longer and average 72 days.

Lastly, individuals falling under Articles 8 to 11 of EU Regulation 604/2013 of the Parliament and the Council as well as vulnerable persons under Article 14(8) of Law 4375/2016 shall be exempted from the procedures described above. In October 2016, a Joint Ministerial Decision (13257/31-08-2016, in force since 26 October -2016) defined the details of the implementation of the borders procedure.

Following the reform in 2015, **France** continued to implement the border procedure in 2016 <sup>(410)</sup>.

According to the new Asylum Law, a border procedure was introduced in 2016 in **Latvia**. While the amendments made to the Refugee Law in October 2016 in **Cyprus** did not introduce a border procedure, they still include several references to reception conditions provided in transit zones pursuant to the submission of an application ‘at borders or transit zones’, including the detention of asylum applicants for the purposes of determining elements on which the application is based. UNHCR raised its concerns noting that these provisions should only be applied in conjunction with the safeguards enshrined in Article 43 of the recast Asylum Procedures Directive.

In the beginning of 2016, a number of cases were channelled into the border procedure based on the newly adopted legislative framework in **Lithuania** <sup>(411)</sup>. However, due to limited reception arrangements at the border, resort to the border procedure later became less intensive, while the persons concerned were allowed access to the territory.

In **Poland**, on 30 January 2017, the Minister of the Interior and Administration presented a draft amendment to the law on granting protection for foreigners. The proposal introduces a border procedure with decisions that have to be issued within 20 days (first instance). Draft provisions foresee that, during the examination of the case, third country nationals may be placed in detention centres (the responsible authority shall consider the possibility of refraining from placing a foreigner in a guarded centre as an alternative to detention). However, due to the ongoing work, the final wording of the provisions is not yet determined. According to the Polish government this specific border procedure aims to improve irregular migration control, thereby increasing the level of national security in Poland <sup>(412)</sup>. Civil society was concerned these measures would discourage people from seeking protection in Poland <sup>(413)</sup>.

The new amendments to AGIPA in **Estonia** stipulate the conditions when an application can be considered as unfounded and the procedure can be ended with a decision to reject the application. They also indicate when an application for international protection can be regarded as manifestly unfounded and be reviewed in an accelerated procedure (30 days), as well as circumstances under which the content of an application will not be reviewed. UNHCR is concerned that in Estonia the PBGB border guard officials are authorised to take decisions on asylum claims in the border procedure. In the view of UNHCR<sup>414</sup>, the border guard officials do not meet the criteria of the determining authority as provided in Article 4(1) of the recast Qualification Directive. In 2016 **Estonia** also started to apply the safe third country (STC) concept for rejecting asylum applications lodged by the individuals who transited Russia. Several such decisions were reviewed by Estonian courts, including the Tallinn Circuit Court (appellate instance), which concluded that the Russian Federation cannot be considered a STC. With reference to different sources, Estonian courts concluded that there are serious obstacles in the Russian Federation with effective access to its asylum procedure as well as substandard protection of rights of asylum seekers, including respect of the principle of *non-refoulement* <sup>(415)</sup>.

In March 2016 **France** adopted a new law (*Loi n° 2016-274 du 7 mars 2016 relative au droit des étrangers en France*) relating to immigration with provisions specifically related to asylum. These specific provisions enable, since 1 November 2016, the administrative authority to consider as inadmissible any application for international protection

<sup>(410)</sup> Based on the 29 July 2015 law on the asylum reform, in case of a border procedure, an interview is conducted by an OFPRA caseworker at the airport, following which a written opinion is given on whether the claim is manifestly unfounded or not. Where the OFPRA is of the opinion that the claim is not manifestly unfounded, this opinion is binding to the Ministry of Interior, except when access of such foreigner to the territory constitutes a threat to public order. An asylum claim at the border can be also deemed inadmissible in application of Article L. 723-11 or be subject to a decision of transfer to another MS responsible for the claim, in application of EU Regulation n° 604/2013. A decision to refuse access to the territory can lead to an appeal with suspensive effect, with simplified modalities. The applicant may not be detained at the border more than 20 days, and the claim is usually assessed within 4 days. The applicant may benefit from all usual guarantees, including administrative support and interpretation. 956 asylum claims have been lodged at the border in 2016: 82.7 % of them at the Northern Paris airport and 9 % from the Southern Paris airport. The OFPRA conducted 903 border interviews in 2016, which resulted in 184 positive opinions, giving way to admission, whereas one case fell into the public order exception. 719 negative opinions were issued by OFPRA, but one case was nevertheless admitted because of the minority of the applicant. In 2016, 6 asylum claims have been subject to a Dublin transfer decision.

<sup>(411)</sup> With reference to the amendments of the Law on the Legal Status of Aliens No IX-2206 adopted on 26 November 2015 with a view to transposing the recast Asylum Procedures and Reception Conditions Directives into Lithuanian law. See Lietuvos Respublikos įstatymo „Dėl užsieniečių teisinės padėties“ No IX-2206 pakeitimo įstatymas, 26 November 2016, XII-2080, Registry of Legal Acts, 27 November 2015, No 18919, available at: <https://www.e-tar.lt/portal/lt/legalAct/7bd31620950311e5a6f4e928c954d72b>.

<sup>(412)</sup> <http://www.mswia.gov.pl/aktualnosci/15698,Po-pierwsze-bezpieczenstwo-projekt-zmian-w-zasadach-udzielania-ochrony-cudzoziem.html>

<sup>(413)</sup> (<http://www.hfhr.pl/krok-wstecz-w-udzielaniu-ochrony-cudzoziemcom-uwagi-hfpc-do-projektu-nowelizacji-ustawy/>)

<sup>(414)</sup> UN High Commissioner for Refugees (UNHCR), *Additional Observations by the United Nations High Commissioner for Refugees (UNHCR) Regional Representation for Northern Europe on the revised draft Law Proposal of 15 June 2015 amending the Act on Granting International Protection to Aliens and other related laws*, August 2015, available at: <http://www.refworld.org/docid/582333844.html>

<sup>(415)</sup> See judgment of the Tallinn Court of Appeal of 18 August 2016 in Administrative Case No 3-15-2702; also judgment of the Tallinn Court of Appeal of 20 December 2016 in Administrative Case No 3-16-1087, available in Estonian at: [https://www.riigiteataja.ee/kohtulahendid/koik\\_menetlused.html](https://www.riigiteataja.ee/kohtulahendid/koik_menetlused.html).

made in detention after the 5-day time limit if the applicant comes from a safe country of origin and if the application was submitted in order to frustrate the enforcement of their imminent removal (the conditions are cumulative). In any case, the claim shall be deemed admissible if the applicant submits elements that occurred after the 5-day time limit. A decree implementing this new law (Décret n°2016-1457 du 28 octobre 2016) also stipulates that for applicants who have been placed under accelerated procedure by the administrative authority, the information sheet provided to the applicant specifying why they were placed under accelerated procedure has to be also sent to the determining authority or, in case of an appeal, to the National Court of Asylum Law.

The amendment to the Aliens Act, transposing the recast Asylum Procedures Directive and entering into force on 1 January 2017, introduced a suspensive effect in appeals lodged against negative decisions in procedures concerning manifestly unfounded claims in **Sweden** (applied as a rule for nationals of countries in the Western Balkan region).

The application of accelerated procedures according to the newly introduced provision of Section 30a Asylum Act only played a minor role in **Germany** for applicants from safe countries of origin (mainly Western Balkans). Specific reception centres established for that purpose<sup>(416)</sup> only processed a limited number of cases as the number of Western Balkan applications declined in 2016. Consequently, the branch office and reception centre were instead used for regular procedures of applicants from Ukraine who do not fall under this provision.

Concerns were raised by civil society with regard to **Hungarian** Immigration and Asylum Office practice of issuing inadmissibility decisions based on the ‘safe third country’ concept, in the light of the 3-day deadline foreseen by Section 51(11) of the Asylum Act for challenging the application of the concept<sup>(417)</sup>. With regard to **Greece**, civil society contested the scope of border procedures laid down in the amended legislation<sup>(418)</sup>, while in **Italy** concerns were raised with the application of accelerated procedures and related time frames for appeal<sup>(419)</sup>.

In **Italy** Legislative Decree No 142/2015 foresees accelerated procedures in addition to prioritised procedures for manifestly well-founded cases. However, the adoption of an implementing regulation is pending. According to another bill presented to the parliament in 2016 there would be a preliminary examination of manifested unfounded applications as to their admissibility. The Ministry of Foreign Affairs of **Luxembourg** announced plans to introduce an ‘ultra-accelerated’ procedure for asylum seekers from the Balkans (whose numbers are once again increasing), which should last no more than 8 days. In a referendum in June 2016 the Swiss people approved the law on the restructuring of the asylum system (based on the principles of accelerated procedures with free legal assistance from the beginning – frontloading, regionalisation).

Accelerated procedures have been examined by national courts in several cases.

In 2016 the Constitutional Court of **Belgium** stated that judicial remedy available for certain types of decisions<sup>(420)</sup> is limited to the legal aspects (and not on the substance of the case) and is deprived of automatic suspensive effect. The Constitutional Court also upheld the various amendments brought to the legislation relating to the urgent

<sup>(416)</sup> An accelerated procedure was introduced in Section 30a of the German Asylum Act in March 2016, which can only take place in a “special reception centre” (*Aufnahmeeinrichtung*). At the end of 2016, only two “special reception centres” were set up, in Bamberg and Manching/Ingolstadt, and both functioned as “special” and “regular” centres simultaneously.

<sup>(417)</sup> In 2016 the Szeged Court quashed some of these inadmissibility decisions precisely because the 3-day deadline for submitting additional evidence was not respected. However, the Hungarian Helsinki Committee still observes that in some cases, the IAO simply asks the asylum seeker after the interview if he or she has something to add in the following 3 days and if the asylum seeker answers “no”, then the IAO does not wait for the 3 days to pass, but immediately issues an inadmissibility decision. AIDA, *Country Report Hungary, 2016 Update*, February 2017: <http://bit.ly/2k3zGE9>

<sup>(418)</sup> According to civil society sources, national law (Article 60 L 4375/2016) has incorrectly transposed Article 43 of the recast Asylum Procedures Directive, insofar as it allows the examination of the merits of asylum applications in a border procedure, beyond the cases where Article 31(8) of the Directive applies. Source: AIDA, *Country Report Greece, 2016 Update*, February 2017, Forthcoming.

<sup>(419)</sup> Cases were reported where persons whose application has been rejected as “manifestly unfounded” come to know that they have been involved in an accelerated procedure, and that they have half the time available (15 days) to appeal against the decision, only when they are notified of the rejection by the *Questura*. Moreover, in several cases, even if the law does not provide it, the rejection of an asylum request as “manifestly unfounded” has been automatically connected with the accelerated procedure, therefore applying the shorter appeal time limit for 15 days. During 2016, the Caserta Territorial Commission has rejected many asylum requests as “manifestly unfounded”, and most of the appeals were considered inadmissible by the Court of Naples because they were not lodged within the ostensible 15-day deadline. AIDA, *Country Report Italy, 2016 Update*, February 2017, <http://bit.ly/2maTfMw>, 41-42

<sup>(420)</sup> In 2015, an appeal was lodged with the Constitutional Court against CGRS decisions ‘not to take the asylum application into consideration’ for (1) asylum applications of EU citizens; (2) asylum applicants who have already been recognised as refugees in another Member State and (3) asylum applicants who received a technical refusal. The Belgian Constitutional Court rejected the appeal and did not follow the argumentation that the appeal procedure at the Council for Aliens Law Litigation against these types of decisions is not an effective remedy.



procedures at the Council for Alien's Litigation. The amendments were intended to answer various criticisms raised by the European Court of Human Rights concerning these urgent procedures and brought those in line with the principle of effective remedy.

In **Spain** the Supreme Court Judgment 3571/2016 <sup>(421)</sup>, of 18 July, established that refusals of applications for international protection in an accelerated procedure at the border should not be assessed in a restrictive way as regards: evidence assessment, case determination and the right to appeal.

## Application of safe country concepts

The revised Regulation on Countries of Origin was published on 16 February 2016 and subsequently entered into force on 17 February 2016 in **Austria**. As a result the following countries are additionally defined as 'safe countries of origin' within the meaning of the Asylum Act: Algeria, Georgia, Ghana, Morocco, Mongolia and Tunisia. Accelerated asylum procedures can be conducted for individuals from safe countries of origin, while the suspensory effect of a complaint lodged against a negative asylum decision can be lifted in such cases. In principle, however, primary consideration is always given to the individual case presented by the asylum seeker and to the person's nationality.

**Belgium** updated its list on safe countries of origin as of 3 August 2016 and the list was published in the *Belgian Official Journal* on 29 August 2016. The following countries are considered as safe countries of origin: Albania, Bosnia and Herzegovina, the FYROM, Kosovo, Montenegro, Serbia, India and Georgia. In 2016, Georgia was added to the list of safe countries of origin, the other 7 countries are on the list of safe countries of origin since the concept was introduced in Belgian legislation in 2011. The State Secretary for asylum and migration announced that he will seek advice from the Office of the Commissioner General for Refugees and Stateless Persons (CGRS) to verify if Morocco, Algeria, Tunisia, Moldavia, Benin and Senegal can be considered as safe countries of origin <sup>(422)</sup>.

The following countries were added to the list in 2016 in the **Netherlands**: Ghana, India, Jamaica, Morocco, Mongolia and Senegal (February 2016), Algeria, Georgia, Ukraine, Tunisia (October 2016), and Togo (December 2016) <sup>(423)</sup>. For some countries that are regarded as safe there is an exception for certain groups of people (e.g. LGBTs) or certain regions.

In **Norway** some changes were made in the list of countries by which applicants are dealt with in an accelerated procedure, the so-called 48 hours procedure. With some exceptions, as of April 2016, applicants from Armenia, Botswana, Ghana, India, Namibia and Tanzania will be dealt with using this accelerated procedure.

The **Slovenian** government established a national list of safe countries of origin, including Albania, Algeria, Bangladesh, Bosnia and Herzegovina, Montenegro, Egypt, Kosovo, the former Yugoslav Republic of Macedonia, Morocco, Serbia, Tunisia and Turkey.

The use of safe country lists was also examined by national courts in 2016.

The **Hungarian** Supreme Court (Kúria) issued an opinion (Opinion No 1/2016 – (III.21) on the revision of a former opinion concerning safe third countries. The national list on safe third countries should be taken into account by Hungarian courts in the course of judicial reviews on decisions expelling applicants to the territory of Serbia. In the **Netherlands**, on 14 September 2016, the Council of State, while positively assessing the legality of adding Albania to

<sup>(421)</sup> [https://www.google.es/url?sa=t&rct=j&q=&esrc=s&source=web&cd=3&ved=0ahUKEwiiOWxw6zSAhXhAMAKHbXUANgQFggrMAI&url=http%3A%2F%2Fwww.poderjudicial.es%2Fstfls%2FTRIBUNAL%20SUPREMO%2FDOCUMENTOS%20DE%20INTER%20C3%89S%20CONTENCIOSO%2018%20julio%202016.pdf&usq=A\\_FQjCNG7kDe5Nw5GLHZDT3gOwA-NRYqMOw&bvm=bv.148073327,d.ZGg](https://www.google.es/url?sa=t&rct=j&q=&esrc=s&source=web&cd=3&ved=0ahUKEwiiOWxw6zSAhXhAMAKHbXUANgQFggrMAI&url=http%3A%2F%2Fwww.poderjudicial.es%2Fstfls%2FTRIBUNAL%20SUPREMO%2FDOCUMENTOS%20DE%20INTER%20C3%89S%20CONTENCIOSO%2018%20julio%202016.pdf&usq=A_FQjCNG7kDe5Nw5GLHZDT3gOwA-NRYqMOw&bvm=bv.148073327,d.ZGg)

<sup>(422)</sup> Belga, *Francken wil Tunesië, Algerije en Marokko op lijst veilige landen*, 11 November 2016.

<sup>(423)</sup> The following countries were examined by the Dutch authorities in 2016, but were not placed on the list of safe countries of origin: Egypt, The Gambia, Kenya, Chad, Zambia, Zimbabwe and South Africa.

the list of safe countries of origin, clarified the criteria of such designation to be applied by the Secretary of State <sup>(424)</sup>. In its judgment of 23 June 2016, the Council of State in **Belgium** (partially) rejected the inclusion of Albania on the list of safe countries of origin established by the Royal Decree of 2015.

Regarding safe countries of origin, the Administrative Court of **Helsinki** considered in a series of decisions the situation of applicants arriving to Finland from the Russian Federation while having a valid visa or residence permit for Russia (granted on grounds other than international protection). The Court found that, solely on the grounds that the appellants had been granted visas or residence permits and they could reside in Russia, they could not be considered to have received protection there. As such, Russia could not be considered a safe third country for the appellants on the grounds presented by the Finnish Immigration Service.

The use of special procedures in several EU+ countries was the subject of a comprehensive report published by ECRE <sup>(425)</sup>.

## 4.6. Reception of applicants for international protection and reception capacity

According to the current legislative framework outlined in the Reception Conditions Directive (RCD), applicants should be offered an equivalent level of treatment in regard to reception conditions in all Member States. This is an important instrument to ensure that certain standards are available to all applicants regardless of where they made their application.

The current directive still leaves a considerable degree of discretion to define what constitutes an adequate standard of living and how it should be achieved. Thus, reception conditions continue to vary greatly in terms of how the reception system is organised and in terms of the standard provided to asylum seekers. The ability to provide services is also further hampered by hugely increased or fluctuating migratory flows as was the case in 2016.

In general, 2016 was characterised by development, implementation as well as spreading of practical tools and approaches with the aim of putting into practice provisions of the recast Reception Conditions Directive which were transposed into national laws on asylum and reception of asylum seekers the year before (for general overview of legislative changes introduced in 2015, see: *EASO Annual Report on the Situation of Asylum in the European Union 2015*). Those measures included but were not limited to affording special benefits or special reception conditions to vulnerable applicants <sup>(426)</sup>.

As applicants for international protection are entitled to reception conditions in principle throughout the process of determination of their application, the number of cases pending at both instances can be considered a good proxy indicator (in the absence of a reception-specific indicator from Eurostat) on the volume of persons entitled to reception and related pressure on the reception system of a given country.

<sup>(424)</sup> Firstly, the country should have adopted domestic laws prohibiting human rights violations and should have protected its residents against these human rights violations in practice. Secondly, the Secretary of State should carefully examine the situation in the country concerned and sufficiently substantiate the decision to list a country as a safe country of origin. Thirdly, the State Secretary must address the statements of the asylum seeker regarding the security situation in his or her country of origin as well as the circumstances pertaining to the individual in order to assess whether the applicant has a well-founded fear for persecution against which there is no protection

<sup>(425)</sup> ECRE *Admissibility, responsibility and safety in European asylum procedures* September 2016. This Study provided an overview of MS' recent practice in the interpretation and application of different asylum procedures and concepts related to the transfer of responsibility to another country, arguing lack of aggregated statistics on key elements of the asylum procedures (e.g. admissibility, Dublin etc.) and protection concerns with regard to safe third country and first country of asylum. <http://www.ecre.org/wp-content/uploads/2016/09/ECRE-AIDA-Admissibility-responsibility-and-safety-in-European-asylum-procedures.pdf>

<sup>(426)</sup> The Reception Conditions Directive provides particular attention to vulnerable persons, especially (unaccompanied) minors, disabled people and victims of torture and violence. Member States must, *inter alia*, conduct an individual assessment in order to identify the special reception needs of vulnerable persons and to ensure that vulnerable asylum seekers can access medical and psychological support. The Directive also stipulated that when unaccompanied children apply for asylum, they should be given a qualified representative to help them. The best interests of children and of family unity should always be the first consideration.

As highlighted in Section 2.2: *Pending cases*, at the end of December 2016 there were 7 % more applicants awaiting a final decision compared to 2015 (see: Figure 7) which continued to put high pressure on the asylum and reception systems of EU+ countries.

The vast majority of pending cases were reported in Germany (53 %), Italy (9 %), Sweden and Austria (7 % each). These four countries accounted for 76 % of all pending cases in the EU+. The share of other countries was less than 4 % each. Except for Sweden, the high stocks of pending cases were seen mainly in the EU+ countries facing the largest number of applications in 2016, predominantly Germany and Italy.

The changes in stock of pending cases at the EU+ during 2016 were mostly influenced by the changing asylum situation in Germany and, to a lesser extent, by changes in Sweden, Hungary, and Italy (see Figure 13). The largest drop in number of pending cases compared to the previous year was seen in Sweden. The number of decisions made and the lower number of new applications during 2016<sup>(427)</sup> led to a decrease in number of pending cases by 47 %. However, the highest increase in pending cases was observed in Germany, where the stock increased by 42 % compared to 2015. In relative terms, Croatia registered the highest increase in the number of pending cases, from 55 at the end of 2015 to 495 at the end of 2016, a ten-fold increase in the number of applications lodged.

### Adjusting reception capacities

Owing to the above, the majority of EU+ countries had to adjust their reception capacities to the fluctuating number of applicants. As such, reception capacities were scaled down in many countries i.e. **Belgium**<sup>(428)</sup>, **Estonia**<sup>(429)</sup>, **Germany**<sup>(430)</sup>, **Finland**<sup>(431)</sup>, **Hungary**<sup>(432)</sup>, **Sweden**<sup>(433)</sup>, **the Netherlands**<sup>(434)</sup>, **Denmark**<sup>(435)</sup> (including gradual closure of temporary and emergency facilities or putting them on stand-by/keeping them as a buffer). In some countries overcrowding in reception centres was no longer a problem and thus the workload for the accommodation centres lessened, giving the authorities the opportunity to offer more support services, whereas in others sharp reductions put pressure on the reception networks (e.g. in Belgium). In turn, several countries, including **Austria**<sup>(436)</sup>, **Cyprus**<sup>(437)</sup>,

<sup>(427)</sup> Swedish contribution to the EMN Annual Policy Report 2016.

<sup>(428)</sup> The number of applicants entering the reception network of Fedasil in 2016 amounted to 16 700 people, compared to 38 300 in 2015. To adjust the number of reception places to this new reality, the federal government in June 2016 (when the occupancy rate in the reception facilities decreased to 79 %) decided to reduce the reception capacity by 10 000 places, while converting 7 500 places into 'buffer places'. Privately operated facilities and several emergency facilities have been closed.

<sup>(429)</sup> Even though a new specialised reception centre was opened in Vägeva, from the reception system's perspective 2017 was a quiet year as the number of applicants for international protection decreased significantly compared to 2015.

<sup>(430)</sup> Since spring 2016, following the significant decrease in numbers of newly arriving asylum seekers in Germany, emergency shelters, i.e. tents, gymnasiums, or unused properties (including warehouses and airport hangars) set up to house large numbers of asylum seekers particularly in 2015 and beginning 2016 have increasingly been vacated.

<sup>(431)</sup> The capacity of the Finnish reception sector reached its peak in February–March 2016, when there were 227 reception centres in use with the capacity to accommodate approximately 32 000 asylum seekers. From then onwards, year 2016 was characterised by the scaling down of the system: more than a hundred reception centres were closed down in the course of the year. At the end of the year there were 126 reception centres in use with the capacity to accommodate approximately 18 100 asylum seekers.

<sup>(432)</sup> The reception centre in Bicske, the closest reception to Budapest, was also closed. Following the mid-April closure of the temporary reception facility at Nagyfa, a new facility (tent-camp) was opened at Körmend in May with the same capacity of 300 beds. This development met with criticism from the Hungarian Helsinki Committee in relation to poor reception conditions (see: AIDA, Country Report: Hungary, 2016 Update).

<sup>(433)</sup> Many temporary accommodation facilities for asylum seekers were closed during the year as they were no longer needed. Although in the beginning of the year, there were over 180 000 people enrolled in the reception system, the total stock of accommodation declined by slightly more than 26 000 places at the end of 2016.

<sup>(434)</sup> At the end of January the last crisis reception locations (such as sports halls, which are also used to accommodate citizens in cases of incidents, disasters or crises) for applicants were closed. Since the beginning of February 2016 the emergency accommodations and regular reception centres were adequate to cope with the current flow of applicants. Later in 2016, 15 out of 45 emergency accommodations were closed, because these were considered to be redundant due to the declining influx of applicants.

<sup>(435)</sup> Tent camps put in place during the influx of asylum seekers in 2015 were phased out (but remain on stand-by) – UNHCR input.

<sup>(436)</sup> Accommodation capacities were greatly expanded both at federal and provincial levels (as at 20 January 2017, there were 31 federal reception facilities in Austria).

<sup>(437)</sup> According to information provided by UNHCR, the only reception centre in the country (Kofinou) operated at full capacity during 2016, thus negatively affecting the quality and diversity of services available to the residents (given the limited capacity of the centre, young children, pregnant women and other vulnerable applicants had to be hosted upon arrival at an emergency tent camp), while applicants staying outside of collective centers faced issues accessing assistance. Issues in access to education were also raised. See UNHCR *Reception Conditions for Asylum-Seekers in the Republic of Cyprus* [http://www.unhcr.org.cy/fileadmin/user\\_upload/Images/ReceptionConditionsRecommendations.pdf](http://www.unhcr.org.cy/fileadmin/user_upload/Images/ReceptionConditionsRecommendations.pdf) (April 2017) and UNHCR *Refugee Education in Cyprus: Challenges and Opportunities*: [http://www.unhcr.org.cy/fileadmin/user\\_upload/Images/EducationCyprusApril2017.pdf](http://www.unhcr.org.cy/fileadmin/user_upload/Images/EducationCyprusApril2017.pdf)

**France** <sup>(438)</sup>, **Italy** <sup>(439)</sup>, **Poland** <sup>(440)</sup>, **Bulgaria** <sup>(441)</sup>, **Croatia** <sup>(442)</sup>, **Luxembourg** <sup>(443)</sup>, **Greece** <sup>(444)</sup>, **Estonia** <sup>(445)</sup>, **Iceland** <sup>(446)</sup>, **Portugal** <sup>(447)</sup>, **Spain** <sup>(448)</sup> and **Switzerland** <sup>(449)</sup> expanded their reception capacity. This was mainly due to increased numbers of applications but also because of large numbers of people whose applications were no longer being examined (mainly recognised refugees and beneficiaries of subsidiary protection) but continued to reside in reception facilities (mainly due to problems finding housing in the private market). In Austria's case the improvements were part of an overall strategy of 'pre-integrative' support <sup>(450)</sup>.

Efforts to further increase reception capacity in some EU+ countries proved to be insufficient which resulted in using temporary facilities, overcrowding of facilities, practical difficulties to provide optimal living conditions in practice (especially to persons with specific needs) and concerns about accommodation standards voiced by civil society and UNHCR <sup>(451)</sup>.

<sup>(438)</sup> In total, approx. 8 700 more places were created in CADA (the main type of reception facilities offering housing as well as extensive administrative and social support provided by social workers), 9 400 places in CAO (centres were created with the purpose of addressing the Calais crisis, and meant to provide temporary accommodation for migrants as well as administrative and social support, in order for them to be able to reconsider their migratory project and to have the opportunity to apply for asylum on the French territory), 500 places in CPH (provisional accommodation centres hosting the most vulnerable beneficiaries of protection) and in emergency facilities. This was in the context of accommodating people relocated to France and offering housing to people living in the makeshift camps in Calais after the dismantlement. Although this led to the improvement of the social condition of many asylum seekers, Agir Ensemble pour les Droits de l'Homme and Forum Réfugiés-Cosi highlighted that reception capacity proved insufficient to accommodate all asylum seekers, especially during the crisis in Calais and Paris (see: AIDA, Country Report: France, 2016 Update). Creation of 1 865 additional CADA places and in emergency facilities is planned for the 2017.

<sup>(439)</sup> In 2016, the reception capacity increased up to 180 000 places (increase by approx. 70 %). Italy resorted mainly to temporary facilities as well as to former barracks which were repaired and refurbished for reception purposes. In order to manage a sharp increase in number of unaccompanied minors, reception places addressed to UAMs increased: around 1 000 additional places in first reception and 2 000 additional places in second level reception. In addition, according to Law n. 160 of 7 August 2016, the Prefectures in the Provinces can put into operation temporary reception centers for UAMs "in case of massive and constant flows of unaccompanied minors over 14" in case the capacity of the regular specialised reception centres for children is insufficient. Indeed, according to the Consorzio Sociale Agora the SPRAR accommodation centres lack sufficient capacity (Consorzio Sociale Agora input).

<sup>(440)</sup> Reception centres reached a 90 % occupancy rate, as a result of which the Office for Foreigners extended the capacity of centres by launching new places in already operating centres at the end of 2016.

<sup>(441)</sup> Due to increased occupancy of 110 % concerns were raised by civil society concerning further deterioration of sanitary and living conditions. A new premises of a closed type, with 60 available places, administrated by RRC Sofia-Vrazhdebna was opened. In November 2016 the State Agency for Refugees (SAR) temporarily took administration of an additional 300 places in a closed premises, situated in Elhovo and administrated by the Transit centre in Pastrogor. These places were administered by SAR until December 2016 (see: AIDA, Country Report: Bulgaria, 2016 Update).

<sup>(442)</sup> Reception centres in Zagreb and Kutina have reached close to, or in the case of Kutina full, capacity.

<sup>(443)</sup> A structure with 150 bedrooms and a maximum capacity of 300 persons was opened in Diekirch. In the meantime, the government has launched the procedures for the construction of container village in Marnach and Esch-sur-Alzette. Emergency reception plan was also approved. In parallel, the maximum number for persons who can be admitted to first arrival reception centres was reduced from 600 to 300, while allowing for the possibility of increasing reception capacity in case of emergency.

<sup>(444)</sup> A number of temporary (camp-like) accommodation places were made available on the mainland in order to address the pressing needs created after the introduction of border restrictions between Greece and the former Yugoslav Republic of Macedonia (FYROM) in March 2016. Furthermore, following the geographical restrictions imposed on asylum seekers to stay on the islands until the finalisation of the asylum and readmission procedures within the framework of the EU-Turkey Statement, the accommodation needs on the islands increased and eventually led to overcrowding. The efforts made to make Reception and Identification Centres (so-called 'hotspots') operational met with the negative reactions from the local communities (including acts of violence). UNHCR and NGOs (i.e. Action Aid Hellas, Norwegian Refugee Council, Danish Refugee Council Greece – <https://www.easo.europa.eu/input-civil-society-easo-annual-report-2016>) raised serious concern about the quality of reception conditions in temporary facilities on the mainland and at the hotspots in the islands (these were judged to potentially result in 'physical damage especially for vulnerable applicants', large difference with regard to reception conditions between different centres was also highlighted). A number of 20 000 accommodation places were also gradually made available under a UNHCR-funded accommodation scheme dedicated initially to relocation candidates and since July 2016 extended also to Dublin family reunification candidates and applicants belonging to vulnerable groups (see: <http://donors.unhcr.gr/relocation/en/2017/01/05/weekly-accommodation-update-3-january-2017/>).

<sup>(445)</sup> A new accommodation centre for asylum-seeking families was opened in Vägeva village.

<sup>(446)</sup> The reception capacities in Iceland were strained due to the highest number of asylum-seekers ever (1 132).

<sup>(447)</sup> A reception centre run by the Portuguese Refugee Council (CPR) has been granted funding to increase reception capacity for adult asylum-seekers and UASC through the building of a new reception centre to solve the problem of overcrowding.

<sup>(448)</sup> Reception capacity increased (in particular the 'shelters' managed by NGOs). According to several NGOs (AEDH and Red Acoge input – CF input <https://www.easo.europa.eu/input-civil-society-easo-annual-report-2016>), reception facilities were close to saturation and still proved largely insufficient for the number of applicants who applied for asylum in 2016 (Red Acoge CF input <https://www.easo.europa.eu/input-civil-society-easo-annual-report-2016>). UNHCR expressed concerns about the practice of expanding reception capacities by granting public tenders to NGOs who often do not have the expertise or adequate training to work with asylum seekers.

<sup>(449)</sup> In May 2016, a new federal reception and processing centre opened in Berne (see: AIDA, Country Report Switzerland, 2016 Update, March 2017)

<sup>(450)</sup> Asylum seekers are offered a wide range of daily activities as part of basic welfare support at the federal reception facilities. Participation in the daily programme is voluntary; asylum applicants can choose to participate in German courses, leisure activities and courses of education in a variety of subjects as well as workshops on human trafficking. With their consent, asylum seekers receiving basic welfare support can be employed in community-service jobs. A list of services was drawn up under the leadership of the Ministry of the Interior in October 2016 to enhance legal certainty in this situation and implement the package of measures for refugee integration adopted by the Council of Ministers on 21 June 2016.

<sup>(451)</sup> See: Forum Réfugiés-Cosi input, [http://www.asylumineurope.org/sites/default/files/shadow-reports/aida\\_wrong\\_counts\\_and\\_closing\\_doors.pdf](http://www.asylumineurope.org/sites/default/files/shadow-reports/aida_wrong_counts_and_closing_doors.pdf).

### Addressing special reception needs of vulnerable groups

Following the introduction of legislative changes aimed at improving the situation of vulnerable groups, several countries implemented measures to streamline support to people with special reception needs <sup>(452)</sup>. These included dedicated services and related identification and referral mechanisms.

In **Belgium** <sup>(453)</sup> and **Cyprus** <sup>(454)</sup>, the special registration forms to be completed by all competent authorities dealing with applicants throughout the asylum procedure were adapted in order to facilitate the early detection of vulnerabilities in a more standardised manner. Similar mechanisms were also introduced by some federal states of **Germany** at a regional and local level (e.g. Berlin and Rhineland Palatinate) <sup>(455)</sup>.

In **France**, in the framework of the newly established ‘single desk’ procedure (introduced following the asylum reform in 2015), 34 ‘single desks’ were established throughout the country. The single desk brings together in the same place the local authorities (Préfecture) in charge of registering the applications and employees of the French Office of Immigration and Integration (OFII) respond to special reception needs <sup>(456)</sup>. This approach ensures better coordination between various authorities.

In **Sweden**, married children (often child brides with adult husbands) became a special focus. A task force was set up to analyse the situation of this vulnerable group in the asylum process, including in the context of housing, social care, health care and interviews <sup>(457)</sup>.

Special arrangements in reception centres for vulnerable applicants (i.e. setting up reception centres tailored to individuals with special care needs, including unaccompanied minors, measures to guarantee safety, provision of special trainings for staff working in reception centres, guidelines) were made in several countries (i.e. **Cyprus** <sup>(458)</sup>, **Austria** <sup>(459)</sup>, **Belgium** <sup>(460)</sup>, **Estonia** <sup>(461)</sup>, **Finland** <sup>(462)</sup>, **Italy** <sup>(463)</sup>, **Latvia** <sup>(464)</sup>,

<sup>(452)</sup> General note: in some countries, the special needs were taken into account in practice prior to the new provisions.

<sup>(453)</sup> The following vulnerabilities are probed during the registration: (unaccompanied) minors, elderly people, pregnant women, persons with medical or psychological problems, single women, parents with children, victims of human trafficking, victims of violence (psychological, physical or sexual violence) and LGBT persons. This information is added to the administrative file of the person concerned, which is transferred to the CGRS. Fedasil will also receive a copy of it and take into account the vulnerabilities when allocating a reception facility.

<sup>(454)</sup> Forms must be filled by i.a. police officers receiving applications, social workers of the Social Welfare Services and psychologists working in reception centre, the examining physicians and psychologists carrying out initial medical examinations. Referral mechanisms to the Asylum Service (which decides on whether it is necessary to cover any special reception needs) were also introduced.

<sup>(455)</sup> UNHCR noted that since the reception of asylum seekers is a responsibility of the Federal States, there are no unified standards in Germany with regard to the identification of persons with special needs in the reception phase.

<sup>(456)</sup> In terms of vulnerability, OFII only assesses special reception needs whereas the determining authority (OFPRA) is in charge of assessing the special procedural guarantees.

<sup>(457)</sup> In 2017, the task force will be broadened and include other relevant agencies such as the Police and several social agencies.

<sup>(458)</sup> An open reception centre for up to 45 male unaccompanied minors was set to be established in the framework of AMIF. Also, more activities for pre-school and school age children, as well as afternoon study programmes for school age children residing at the reception centre were organised, and nurses with specialties in general practice, mental health and community health were employed.

<sup>(459)</sup> Two medical reception facilities were set up between 2015 and 2016, where certified health care and nursing staff are deployed to care for a total capacity of over 200 patients. The infrastructure of the facilities is furthermore designed to accommodate the special needs of the resident asylum seekers (e.g. full accessibility and proximity to hospitals). Individuals with a physical or psychological condition requiring intensive nursing care are accommodated in public or private nursing homes. Individuals having e.g. a physical, psychological, intellectual, visual, auditory or speech disability are accommodated in special reception facility.

<sup>(460)</sup> A number of specific reception places (for unaccompanied minors, medical cases, etc.) were made available. Also, minimum quality standards for reception facilities were revised in view of taking into account gender-related considerations (for example, separate bedrooms for single men and women, separate bathrooms for men and women, separate leisure areas for women and minors or separate access hours to this areas, etc.).

<sup>(461)</sup> A reception centre for applicants was opened in Vägeva, which offers accommodation for up to 22 asylum seekers and mostly to families with children. Also, according to new provisions, applicants with specific medical or psychological special needs are granted access to health care services, including mental health care services (psychological counselling, psychiatric aid etc.).

<sup>(462)</sup> Services were developed for unaccompanied female applicants who are victims of violence as well as for their children in reception centres in Joutseno and Oulu (among others social workers and nurses working in reception centres were trained to use the psychological first aid operating model, capacity building activities were also carried out).

<sup>(463)</sup> Pursuant to new regulations, UAMs are hosted in gender-based facilities exclusively dedicated to minors and run by municipalities. In addition, a draft law concerning protection of unaccompanied children, according to which their maximum stay in first reception centres is reduced from 60 to 30 days and guarantee of medical assistance is introduced, was pending final approval (the law entered into force on 6 May 2017, see: <http://www.camera.it/leg17/126?idDocumento=1658>) Victims of trafficking applying for asylum, can also benefit from the application of the social inclusion and assistance programme, provided by the Consolidated Act on Immigration. Also, in order to provide clear information and to harmonise the national reception system for UAMs, the Ministry of the Interior, together with representatives of regional and local authorities, UNHCR, IOM and Save the Children, drafted: guidelines on evaluation of the interests of the child in the first level of reception and a UAM Personal Folder. The latter is a practical tool for information gathering and internal oversight.

<sup>(464)</sup> Under new law, unaccompanied minors, in addition to accommodation in the asylum seekers accommodation centre and placement into the child care institution, may be placed also in a foster family. The reception centre in Mucieniki was also under reconstruction (using AMIF funding) and upon finalisation will include facilities for vulnerable groups.

**Poland** <sup>(465)</sup>, **Slovakia** <sup>(466)</sup>, **Slovenia** <sup>(467)</sup>, **Sweden** <sup>(468)</sup>, **Switzerland** <sup>(469)</sup>, **the Netherlands** <sup>(470)</sup>, **Norway** <sup>(471)</sup>, **Spain** <sup>(472)</sup> or planned for the future (**Norway** <sup>(473)</sup>, **Czech Republic** <sup>(474)</sup>).

In **Norway** and **Germany** additional resources were earmarked for increasing the number of staff, building better competence among employees in the specialised reception centres as well as building/adjusting centres to be used exclusively by persons who face a higher risk of becoming victims of violence (i.a. children, pregnant women, LGBT persons).

Civil society and UNHCR concerns regarding the arrangement of suitable accommodation centres for vulnerable groups <sup>(475)</sup> prove that the reception of persons with specific needs remains problematic and requires further attention and systematic improvement.

In **Lithuania** <sup>(476)</sup> and **Slovakia** <sup>(477)</sup>, special accommodation arrangements were also put in place for relocated applicants.

### Adjustment, optimisation of the existing reception models and contingency planning

In several countries changes were also introduced with regard to organisation of applicants to implement equal and proportionate distribution of applicants over the territory, to yield benefits and savings, and make reception systems more flexible, context sensitive and integration-oriented.

<sup>(465)</sup> The Border Guard introduced new standards according to which vulnerable groups are transported to a reception centre only using the Border Guard's own vehicles, excluding prison vans.

<sup>(466)</sup> Vulnerable applicants were placed in the dedicated reception facilities for vulnerable persons in Opatovská Nova Ves.

<sup>(467)</sup> Starting from January 2016 a psychiatrist provides counselling to applicants for international protection accommodated in reception centres and training for staff working in the centres so that they are able to identify, assess and deal with vulnerability more easily. A pilot project was also launched aimed at accommodating UAMs in separate accommodation in students' homes in Postojna and Nova Gorica.

<sup>(468)</sup> Special safety houses were established near the largest cities in Sweden dedicated to applicants with special needs (i.e. minors, women, persons with disabilities, persons with physical or psychological illnesses or people that run a risk of being harassed due to their sexual orientation or gender identity, and elderly people, victims of torture or rape).

<sup>(469)</sup> Guidelines on the reception and representation of UASC for the Cantons were adopted to harmonise the care of UAMs across Switzerland – UNHCR input.

<sup>(470)</sup> Improvements were initiated regarding the reception offered to specific groups of unaccompanied minors that fit their age, i.e.: providing a safe and attractive environment (including through the introduction of allowing staff working in the centres to assess the safety, and the appointment of an external confidential counsellor who periodically visits the centres) as well as support and guidance for the development of unaccompanied minors and their legal status. Moreover, from 1 August 2016 onwards, there is a trust officer on every reception location of the Central Agency for the Reception of Asylum Seekers (COA) where LGBT asylum applicants can raise issues of discrimination and threat. If required, LGBTI asylum seekers could be transferred within the location or, if necessary, to a separate facilities. UNHCR noted however concerns about a lack of awareness among the employees of the reception authorities with regards to the special needs of LGBTI asylum seekers. Also, the reception of unaccompanied minors has changed (responsibility was shifted from the COA to Nidos, the guardianship agency).

<sup>(471)</sup> More than 700 places in appropriate shelters for unaccompanied children were established in 2016 with UNHCR's support.

<sup>(472)</sup> Authorities have begun work to implement SGBV prevention and response in all reception centres, including in the enclaves. Despite that positive development, UNHCR remains seriously concerned about conditions in the Melilla centre (CETI), particularly for women, children, and LGBTI groups – UNHCR input.

<sup>(473)</sup> The Action Plan for the years 2017-2010 for LGHBT persons against discrimination due to sexual orientation, gender identity and gender expression was adopted, which lists measures to be taken to make the situation for those LGBT persons more safe and secure in the reception centres and under the asylum procedure, and to strengthen the competence on LGBT questions and LGBT persons among staff who work in the Norwegian Immigration sector.

<sup>(474)</sup> New care system concerning unaccompanied minors, which was established in September 2015, was improved. New workplaces dedicated to long-term care for unaccompanied minors were developed under the methodological guidance of the Refugee Facilities Administration.

<sup>(475)</sup> These concerned for example: Romania (Migrant Integration Centre, Brasov, Romania CF input <https://www.easo.europa.eu/input-civil-society-easo-annual-report-2016>), Bulgaria (with regard to provision of guardianship to unaccompanied minors, see: AIDA, Country Report: Bulgaria, 2016 Update), Cyprus (with regard to differences in reception standards between the NGO and the state-run reception centres for boys, including the accommodation standards and recreational/educational activities, UNHCR input), France (with regard to assessment of needs regarding disabilities (see: AIDA, Country Report: France, 2016 Update), Sweden, Greece (with regard to suitable accommodation centres for unaccompanied minors, UNHCR and Danish Refugee Council Greece input <https://www.easo.europa.eu/input-civil-society-easo-annual-report-2016>), Belgium (UNHCR input), Germany (with regard to availability of adequate accommodation for persons with special needs, UNHCR input), Malta (with regard to reception of children, UNHCR input), Sweden and Estonia (with regard to mitigating risk of SGBV, UNHCR input), Luxembourg and Estonia (with regard to effective system in place to systematically identify and address the needs of vulnerable groups, UNHCR input) and Austria (UNHCR input on provincial laws, see: UN High Commissioner for Refugees (UNHCR), *UNHCR-Analyse des Entwurfs für ein Steiermärkisches Grundversorgungsgesetz*, 23 May 2016, available at: <http://www.refworld.org/docid/58789ee4.html>, and UN High Commissioner for Refugees (UNHCR), *UNHCR-Analyse des Entwurfs für Änderungen des Salzburger Grundversorgungsgesetzes*, 24 March 2016, available at: <http://www.refworld.org/docid/58789e621.html>), Poland (with regard to psychological assistance in reception centres, UNHCR input), Slovenia (with regard to confidentiality standards in reception centres when handling sensitive individual information, UNHCR input). In Spain concerns were raised with regard to the situation of LGBTI applicants from Morocco and Algeria in the enclaves (UNHCR input) Amnesty International, "En tierra de nadie, la situación de migrantes y refugiados en Ceuta y Melilla" [https://www.es.amnesty.org/uploads/media/Informe-Ceuta-y-Melilla\\_FINAL-1.pdf](https://www.es.amnesty.org/uploads/media/Informe-Ceuta-y-Melilla_FINAL-1.pdf).

<sup>(476)</sup> Relocated asylum seekers were accommodated and received reception support at the Refugee Reception Centre (RRC) in the town of Rukla. Compared to the FRC (where applicants who arrived spontaneously are accommodated), the RRC is much better equipped in terms of social services and accommodation arrangements.

<sup>(477)</sup> Accommodation capacities to asylum seekers from Austria in the facility in Gabčíkovo were provided. 879 applicants for international protection from Austria were accommodated there.

**Belgium** resumed implementing a new reception model (the introduction of the model was agreed in 2014 but put on hold in September 2015 due to higher influx of asylum seekers) which gives preference to collective reception centres, but allows for certain groups such as vulnerable persons and applicants with a high probability of being granted international protection to be assigned to an individual accommodation after some time spent in a collective centre.

In **Italy**, a new reception plan for territorial distribution of asylum seekers and beneficiaries of international protection through the second-line reception system (SPRAR) on the basis of socio-demographic indicators was adopted to involve in the reception system as many local bodies as possible. Procedures to open new facilities within SPRAR were also accelerated, and procedures for accessing the network by the new local authorities were streamlined. A similar approach was adopted in **UK** with regard to unaccompanied minors <sup>(478)</sup>.

In **Sweden**, a reform was announced to change the compensation system for the reception of unaccompanied minors in municipalities, in order to simplify the regulatory framework, improve municipalities' planning, reduce administrative burdens and increase cost effectiveness <sup>(479)</sup>.

In **Finland**, in January 2017, two state reception centres (in Oulu and in Joutseno) were merged into the Finnish Immigration Service to improve efficiency and reduce costs <sup>(480)</sup>.

Due to a declined influx, the **Netherlands** discontinued the self-care scheme (ZZA). This allowed beneficiaries of international protection staying in reception centres to find housing outside the reception centre, for example with family or friends, until the final placement in a municipality was completed.

**Belgium** <sup>(481)</sup> and **Switzerland** <sup>(482)</sup> introduced measures to ensure a proper response in case of increased influx of asylum seekers. Civil society and UNHCR stressed, however, that there were challenges in contingency planning in a number of countries <sup>(483)</sup>.

### Revision of rights granted to applicants

Several countries made reference to developments in the area of material and non-material reception conditions as well as obligations imposed on applicants.

**Estonia** ceased to grant applicants financial allowance for urgent small expenses. In **Hungary**, the monthly financial allowance as well as school-enrolment benefits were terminated. The amount of non-defined educational support was also reduced. **Germany** and **Norway** <sup>(484)</sup> reduced financial support to asylum seekers.

**Denmark** introduced regulations according to which asylum applicants' belongings can be seized, if they exceed DKK 10 000 (~EUR 1 350), to cover accommodation costs, cost of their or families' maintenance and necessary healthcare services <sup>(485)</sup>.

<sup>(478)</sup> The National Transfer Scheme (NTS) for unaccompanied asylum seeking children was launched to facilitate a more equal allocation of UAMs across local authorities in the UK. The NTS aims to prevent a situation where a small number of local authorities are looking after a disproportionate number of UAMs. In support of the NTS the Government also significantly increased the funding it provides to local authorities who care for UAMs (See: AIDA, Country Report: United Kingdom, 2016 Update).

<sup>(479)</sup> The new compensation system came into force on 1 July 2017. Compensation means that the state reimburses municipalities for expenses to accommodate unaccompanied minors.

<sup>(480)</sup> Also, the bigger responsibility to decide on opening and closing State and non-state reception and registration centres as well as on their locations was given to the Finnish Immigration Service (it is no longer required to request authorisation from the Ministry of the Interior) allowing for more flexibility.

<sup>(481)</sup> A new Executive Decree organising the distribution of asylum seekers between all Public Social Welfare Centres in case of a high influx was adopted.

<sup>(482)</sup> Contingency/emergency planning was drafted.

<sup>(483)</sup> See: [http://www.asylumineurope.org/sites/default/files/shadow-reports/aida\\_wrong\\_counts\\_and\\_closing\\_doors.pdf](http://www.asylumineurope.org/sites/default/files/shadow-reports/aida_wrong_counts_and_closing_doors.pdf).

<sup>(484)</sup> Allowances were reduced for most groups of asylum seekers by 10-20 % and, as of January 2017, a cap was introduced on the total amount of financial assistance asylum-seeking families could receive per month.

<sup>(485)</sup> Items with sentimental value to applicant are exempt from seizure.

In December 2016 the parliament in **Finland** approved the legislative proposal on residence obligation, according to which applicants may be obliged to live in and report to a selected reception centre.

In **Norway**, the number of hours of free Norwegian language training offered to applicants in reception centres was reduced from 250 to 175 hours.

**Austria** <sup>(486)</sup>, **Latvia** <sup>(487)</sup>, **Belgium** <sup>(488)</sup>, **the Czech Republic** <sup>(489)</sup>, **Slovenia** <sup>(490)</sup>, **Hungary** <sup>(491)</sup>, **Ireland** <sup>(492)</sup>, **Norway** <sup>(493)</sup>, **Sweden** <sup>(494)</sup>, **the Netherland** <sup>(495)</sup>, **Germany** <sup>(496)</sup>, **Greece** <sup>(497)</sup>, **Italy** <sup>(498)</sup> and **Romania** <sup>(499)</sup> expanded the scope of rights afforded to applicants, in particular by granting easier access to the labour market, increasing allowances and providing more assistance and pre-integration support.

### Reinforcing sanctions imposed on residents of reception centres

**Belgium** and **the Netherlands** introduced sanctions in case of breach of internal rules by residents of reception centres (i.e. violent behaviour) namely a temporary exclusion from the centre, partial or temporary suspension of daily allowances (Belgium) <sup>(500)</sup> and faster asylum and Dublin procedures, termination of the financial return support (the Netherlands) <sup>(501)</sup>.

<sup>(486)</sup> A list of community service jobs where asylum seekers receiving basic welfare support can be employed was drawn up.

<sup>(487)</sup> The amount of allowance for applicants was increased (from EUR 2.15 to EUR 3.00 per day) for the first time in last 10 years. Also the time period after which an asylum seeker was granted right to engage in unlimited employment measures was decreased (from 9 to 6 months). It was also agreed that applicants from countries with a high acceptance rate (i.e. Syria and Eritrea) will be allowed to participate in the official language courses (they no longer will have to wait for their refugee status in order to enrol in the classes). Also, applicants were exempted from patient contribution to access public healthcare.

<sup>(488)</sup> A cooperation agreement was signed between the reception agency Fedasil and the Flemish Employment Service to provide information on job opportunities and training to asylum applicants, as well as to perform a screening of job skills at an early stage. A similar agreement is envisaged between Fedasil and the employment services in Brussels and Wallonia.

<sup>(489)</sup> An amendment to asylum law was implemented allowing for earlier access to the labour market (i.e. within 6 months of presenting an application for international protection).

<sup>(490)</sup> Free transport to educational institutions for applicants was introduced. Additional assistance to unaccompanied minors in order to facilitate their access to the education system was also introduced.

<sup>(491)</sup> Working time limit of 80 hours per month for applicants residing in open reception facilities was abolished.

<sup>(492)</sup> A weekly allowance for children was increased by EUR 6 to EUR 15.60 per week per child.

<sup>(493)</sup> A new course on Norwegian culture and values for applicants to ensure that they have basic knowledge of the Norwegian society was introduced. In addition to information about day-to-day life, the course will include information about family structures, equality, health, children and parenting, democracy and preventing domestic violence and radicalisation.

<sup>(494)</sup> More organised activities such as language courses, internships, community information sessions and venues where applicants and the local community can get together and engage in various activities were provided.

<sup>(495)</sup> Asylum seekers were granted quicker access to voluntary work. The pre-civic integration programme in reception centres was also expanded, which resulted in more language classes and enhanced orientation for participation in the Dutch labour market.

<sup>(496)</sup> Labour market test required before allowing an asylum seeker to access the labour market has been suspended for three years in most parts of Germany. The new law also provides for low level introduction into the employment market through Integration programmes for asylum seekers (see: AIDA, Country Report Germany, 2016 Update).

<sup>(497)</sup> Classes for school-aged children to prepare them for integration into the Greek education system were introduced. Moreover, legal changes allowed applicants for international protection to access employment and self-employment without a work permit.

<sup>(498)</sup> Municipalities were given the possibility to allow asylum seekers to perform voluntary unpaid work. According to the new regulations with regard to duration of reception in SPRAR centres, applicants have the right to remain within SPRAR's reception centres until they receive the decision. So do rejected asylum seekers until the expiry of the term to appeal (once appealed, reception measures are granted for the whole duration of the first instance determination procedure).

<sup>(499)</sup> Reception conditions were better defined by law and the amount of financial allowances granted to applicants was specified (e.g. the applicant's rights in terms of food, clothes, financial assistance, transportation, hygiene products, cultural services and activities etc.) - Migrant Integration Centre, Brasov, Romania CF input <https://www.easo.europa.eu/input-civil-society-easo-annual-report-2016> (see also: <http://gov.ro/fr/gouvernement/reunion-du-cabinet/modifications-dans-la-reglementation-de-l-assistance-dont-peuvent-beneficier-en-roumanie-les-demandeurs-d-asile>).

<sup>(500)</sup> UNHCR input.

<sup>(501)</sup> This concerned applicants from safe countries of origin.



### EASO Network of Reception Authorities

The EASO Network of Reception Authorities (hereafter, the Reception Network) was launched in March 2016 and, to date, 28 National Contact Points have been nominated. The key objectives of the network are to:

- a) provide a forum for exchange of information and good practices;
- b) provide input to practical cooperation activities organised by EASO in the field of reception, including the development of relevant guidance on standards and indicators on reception;
- c) support timely data collection on reception at EU+ level;
- d) pool expertise on reception-related issues.

Since its inception, the EASO Reception Network has been instrumental in providing input and expertise for the development of the **EASO Guidance on Reception Conditions: Operational Standards and Indicators** <sup>(499)</sup>, published in September 2016.

This guidance represents one of the key measures identified by the European Agenda on Migration in the field of reception and focuses on the provision of material reception conditions, notably on housing, food, clothing, health care, non-food items as well as a daily expenses allowance. It addresses aspects such as information provision and counselling as well as training of staff working in national reception systems. The standards included in the document reflect commonly agreed practices across EU Member States, as well as good practices identified across the EU. As such, the guidance represents a first step and effort to facilitate the application of certain core provisions of the Reception Conditions Directive (RCD). Further standards and indicators on specific provisions of the RCD will be developed by EASO in 2017.

On 3 October 2016, a Memorandum of Understanding between EASO and the European Platform of Reception Agencies (EPRA) was signed, forming the basis for the gradual handover of activities from the EPRA to the EASO Reception Network, to be completed by the end 2018.

As marked fluctuations in the number of asylum applications posed important challenges for the reception system, the Network started developing Guidance on Contingency Planning to better assist the Member States when managing reception capacities in the future.

## 4.7. Detention

The legislative framework of detention was amended in several EU+ countries, with regard to various areas where detention is applied – procedures for international protection, Dublin procedures and return procedures.

In view of returning more rejected asylum applicants and other people in irregular stay, detention capacity was increased in e.g. **Belgium, Germany, Hungary** <sup>(503)</sup>, **Poland** <sup>(504)</sup> and **Greece** <sup>(505)</sup>. The detention of asylum seekers was applied on a smaller scale e.g. in **Croatia** <sup>(506)</sup>, **Lithuania** <sup>(507)</sup>, **Luxembourg** <sup>(508)</sup> and **Slovakia** <sup>(509)</sup>.

<sup>(502)</sup> <https://www.easo.europa.eu/sites/default/files/EASO%20Guidance%20on%20reception%20conditions%20-%20operational%20standards%20and%20indicators%5B3%5D.pdf>

<sup>(503)</sup> Detention was used increasingly by the Government during the second half of 2016 when there were more asylum seekers in detention than in open reception facilities. The Hungarian Helsinki Committee noted that the ratio of asylum seekers in open facilities was lower than 50 % of all asylum seekers held in detention for the majority of months in 2016 (Hungarian Helsinki Committee CF input - <https://www.easo.europa.eu/input-civil-society-easo-annual-report-2016>).

<sup>(504)</sup> In the second half of 2016 there was an increase of use of detention (from ca. 160-180 detainees staying in detention centres during the first half of the year to ca. 350 detainees staying there at the end of 2016).

<sup>(505)</sup> Following the EU-TR statement the use of detention in police stations has been increased mainly on the islands. UNHCR highlighted that they are not appropriate for immigration detention.

<sup>(506)</sup> In the period of increased asylum influx, the number of detained asylum seekers was around 40 at any given time. As of August 2016, when pressure receded, the number had decreased to 10 at any given time (UNHCR input). This was mainly due to the fact that the government increasingly used alternatives to detention, as a result of which the number of detained asylum seekers decreased in 2016 (AEDH).

<sup>(507)</sup> In 2016, the use of detention was brought to a minimum (detainees made some 1 % of the total number of asylum seekers). This was a result of regular availability of legal assistance services and protection oriented case law of the Supreme Administrative Court of Lithuania. Asylum-seeking families with children were not detained as a matter of consistent practice based on precedent setting judgments of the Supreme Administrative Court. The same applied to asylum seekers with special needs such as pregnant women (UNHCR input).

<sup>(508)</sup> UNHCR highlighted that asylum seekers are generally not detained. Some may be detained for a few days in the context of a Dublin return but this phenomenon is rather limited.

<sup>(509)</sup> In total, 412 persons were detained in 2016 (compared to 1 058 in 2015) based on irregular entry to the Slovak territory, out of whom 49 applied for asylum in the facility during their detention (UNHCR input).

## Public order detention

An increased use of detention on grounds of protection of public order was reported for **Belgium** <sup>(510)</sup> and **Greece** <sup>(511)</sup>.

## Alternatives to detention

**Cyprus** <sup>(512)</sup>, **Finland** <sup>(513)</sup> and **Malta** <sup>(514)</sup> amended their legislation concerning alternatives to detention.

UNHCR noted that in **Hungary** alternatives to detention were rarely considered and assessments lacked consideration for vulnerability factors or other specific needs. Similar concerns were expressed with regard to the **United Kingdom** <sup>(515)</sup>.

In **Greece**, following the EU-TR statement, alternatives to detention (mainly geographical restriction on the island) have been implemented on the islands (while detention continues to be highly used for persons considered to have a delinquent behaviour, or who constitute a risk to public order or have violated the geographical restriction on the island).

## Grounds for detention for asylum applicants

In several countries (**Cyprus** <sup>(516)</sup>, **Estonia** <sup>(517)</sup>, **Hungary** <sup>(518)</sup>, **Greece** <sup>(519)</sup>, **Italy** <sup>(520)</sup>, **Latvia** <sup>(521)</sup>, **Poland** <sup>(522)</sup>) grounds for detention were/envisaged to be reviewed.

<sup>(510)</sup> This led in some cases to detention based on accusations that were later deemed untrue or which the judiciary decided not to prosecute. When courts later reviewed the legality of detention orders, they regularly ruled that they were unlawful (see: AIDA, Country Report Belgium, 2016 Update.)

<sup>(511)</sup> See AIDA, Country Report Greece, 2016 Update, stating: Concerns regarding the arbitrary use of public order grounds for detention have persisted in 2016 (particularly in relation to transfers of asylum seekers from the islands to pre-removal detention centres in the mainland). Despite the allegation of public order reasons, in a number of cases that Greek Council for Refugees followed up, there were no relevant elements in support of any criminal prosecution, while the persons claimed that they were arrested in the framework of a police sweep operation.

<sup>(512)</sup> Newly introduced alternatives include: regular reporting to the authorities, deposit of a financial guarantee, obligation to stay at an assigned place, including a reception centre and supervision by a supervisor).

<sup>(513)</sup> Two new forms of alternatives to detention were introduced (as of 1 February 2017): directed residence (with reporting obligation to certain reception centres) and home curfew for unaccompanied minors aged 15-17. UNHCR expressed concerns that due to lack of legal safeguards directed residence may be used as an alternative to open reception, not an alternative to detention (see: <http://www.refworld.org/docid/574fec5e4.html>).

<sup>(514)</sup> The system of automatic mandatory detention of all irregular arrivals was replaced with a pre-screening model, with individualised assessments and detention orders. However, UNHCR was concerned that, in practice, the scope to detain asylum seekers remains wide, with medical screening for up to 72 hours being used to detain almost all irregular arrivals and children being detained for age assessment. Asylum seekers relocated from Greece or Italy are also detained for medical screening. Concerns were also expressed by NGOs that alternatives to detention could be imposed when no ground for detention is found to exist (see: AIDA, Country Report Malta, 2016 Update).

<sup>(515)</sup> See: <http://detentionaction.org.uk/new-detention-action-report-on-alternatives-without-detention>, <http://www.unhcr.org/uk/protection/basic/57515da27/immigration-bill-house-of-commons-committee-stage-unhcr-parliamentary-briefing.html> and <http://www.unhcr.org/uk/protection/basic/57515df07/immigration-bill-house-of-commons-second-reading-unhcr-parliamentary-briefing.html>.

<sup>(516)</sup> The provision regarding one ground for detention was changed. Previously, it was possible to detain an applicant for international protection if it was unavoidably necessary for the transfer of a person in the Dublin procedure. With the amendment this provision applies only in case there is a risk of absconding. In view of UNHCR, the criteria for assessing the risk of absconding are too general and do not take into consideration the individual aspects of each applicant as well as the specific status and safeguards accorded to asylum seekers and refugees by international law. Therefore, the current detention policy of the PBGB creates serious risks of widespread detention.

<sup>(517)</sup> According to the new provisions, detention on the grounds of a Dublin transfer is possible only if there is a risk of absconding. A new definition of the risk of absconding was also introduced. For UNHCR position, see: UN High Commissioner for Refugees (UNHCR), *Comments by the United Nations High Commissioner for Refugees (UNHCR) Regional Representation for Northern Europe on the revised Law Proposal amending the Act on Granting International Protection to Aliens and other related laws (draft law 81 SE)*, March 2016, available at: <http://www.refworld.org/docid/5829b4e44.html>

<sup>(518)</sup> Dublin transfers were established as grounds for detention. The refugee authority can - in order to conduct the asylum procedure and to secure the Dublin transfer – place asylum seeker in a detention centre if his/her right to stay is exclusively based on the submission of an application for international protection. Such procedure is applied when it is necessary to carry out a Dublin transfer and when there is a serious risk of absconding.

<sup>(519)</sup> Grounds of detention of asylum seekers have been provided according to the Reception Conditions Directive (Recast) while detention of asylum seekers that are considered to constitute a risk to public order or national security has been limited only to those submitting an application while already in detention in view of return procedures.

<sup>(520)</sup> Legislative Decree No 142/2015 introduced one additional ground for detention of asylum seekers, namely when there is a risk of absconding, based on the evaluation of previous false identity information given by the applicant or in case of failure to comply with removal orders.

<sup>(521)</sup> The new Asylum Law has introduced the provisions related to necessity and proportionality of detention (UNHCR input).

<sup>(522)</sup> The draft amending act on granting protection to foreigners within the territory of the Republic of Poland envisages one new ground to place an asylum seeker in detention in order to proceed with the asylum application in the framework of the border procedure. The placing in detention will not be automatic. In such cases there will also be a possibility to apply alternatives to the detention.

### Time limit for detention

A number of countries introduced changes to the duration of detention. **Italy** extended it to 12 months for asylum seekers who lodge an appeal against a negative decision (compared to the maximum 90 days foreseen for irregular migrants to be returned pursuant to the return directive).

In **Estonia**, as of 1 May 2016, the hearings for extension of the detention period were changed from every 2 to 4 months.<sup>523</sup> Extensions of detention and even longer extension periods have led to hunger strikes and to demonstrations in the Harku detention centre (<sup>524</sup>).

In **Cyprus**, further to the amendments made to the Refugee Law in October 2016, the provisions on detention foreseeing the authorisation of detention by a Court order, an automatic judicial review every eight days, and a time limit of 32 days were abolished. The law also foresees that detention of asylum seekers is carried out without any time limit (<sup>525</sup>).

In the **United Kingdom**, the Immigration Act 2016 introduced legislation providing a time limit on the detention of pregnant women (<sup>526</sup>) and automatic judicial oversight of detention. The latter is provided through automatic bail hearings for cases four months from the date of detention or from the tribunal's last consideration of release on bail (<sup>527</sup>).

According to the new Asylum Law that came into force in **Latvia** in January 2016, the duration of detention of asylum seekers authorized by State Border Guard was reduced from 7 to 6 days, while the possibility to appeal a court decision authorizing detention was removed. Tighter maximum time limits for detention of asylum seekers have been also provided in **Greece**.

### Detention of children, families and other vulnerable groups

Various measures were introduced with regard to detention conditions for children and families with children.

The new Refugee Law adopted by **Cyprus** foresees the prohibition of detention of children (detention of families is still possible).

**Belgian** law prohibits the detention of families with children, as well as of unaccompanied children, in line with related jurisprudence of the European Court of Human Rights. However, in a policy note presented in late 2016 (<sup>528</sup>), the State Secretary for Asylum and Migration announced the establishment of closed centres for families close to the 127-Bis Repatriation Centre near the Brussels National Airport, with a view to carrying out returns.

New provisions adopted by **Slovenia** stipulate that minors can only be detained in reception centres.

<sup>523</sup> For UNHCR position, see: UN High Commissioner for Refugees (UNHCR), *Comments by the United Nations High Commissioner for Refugees (UNHCR) Regional Representation for Northern Europe on the revised Law Proposal amending the Act on Granting International Protection to Aliens and other related laws (draft law 81 SE)*, March 2016, available at: <http://www.refworld.org/docid/5829b4e44.html>

<sup>524</sup> Online EPL/Delfi, "Protests in the Harku centre were caused inter alia by repetitive attempts to commit suicide" (Harku keskuse protestideni viisid muu hulgas kinnipeetavate korduvad enesetapukatsed), 5 December 2016, available at: <http://epl.delfi.ee/news/eesti/harku-keskuse-protestideni-viisid-muu-hulgas-kinnipeetavate-korduvad-enesetapukatsed?id=76498839>; also online newspaper "Pealinn", "Harku detention centre struggles with manipulative detainees" (Harku kinnipidamiskeskus võitleb manipuleerijatest asukatega), 19 December 2016, available at: <http://www.pealinn.ee/newset/harku-kinnipidamiskeskus-voitleb-manipuleerijatest-asukatega-n182141>.

<sup>525</sup> UNHCR input.

<sup>526</sup> Pregnant women can only be detained by immigration authorities for up to 72 hours (or one week with special permission).

<sup>527</sup> While these measures are positive, UNHCR considers the requirement that a four month period of time pass before automatic judicial oversight is unduly long and the UK is yet to implement the legislation.

<sup>528</sup> Chambre des Représentants de Belgique, Note Politique générale. Asile et Migration. Simplification administrative, 27 October 2016, available at: <http://bit.ly/2mriiW4>.

For **Bulgaria**, UNHCR reported a practice of assigning some unaccompanied children to random adults and placing them in detention centres (the Bulgarian Law on Foreigners prohibits the detention of unaccompanied children but allows the detention of accompanied ones for up to 3 months). This is mainly because the Directorate for Social Assistance (responsible for unaccompanied children to whom the grounds for detention apply) often does not have the capacity to receive them <sup>(529)</sup>. It also links to general shortcomings in guardianship system and the quality of reception conditions in Bulgaria.

In **Luxembourg**, parliament adopted a motion to closely monitor the implementation of the new detention provisions and its impact on children <sup>(530)</sup>. In the **Czech Republic**, conditions for children placed with their parents in detention improved significantly with the transformation of Bela Jezova into a more family-orientated facility.

In **the Netherlands** a new Closed Family Centre for families with minor children and unaccompanied minors was opened in Zeist <sup>(531)</sup>.

In the **Slovak Republic**, an amendment to the Act on Residence of Aliens sets out specific conditions regarding the detention of minors who are detained with their parents (e.g. number of meals, daily leaves within the facility, access to education etc).

On 19 December 2016, a proposal to amend the **Norwegian** Immigration Act on the use of coercive measures was tabled, including administrative detention of families with children, arrest, residence restrictions and regular reporting to the authorities.

In December 2016, the **United Kingdom** Home Office published policy on Adults at Risk in Immigration Detention which seeks to identify vulnerable persons in detention and to provide a framework to consider their release. The policy has come under criticism from NGOs <sup>(532)</sup> due to the narrow definition of torture and the weakening of protection of vulnerable individuals from detention, and is being challenged before UK courts <sup>(533)</sup>. Also, in September 2016, new policy was introduced which intends to limit the number of people in detention and the time they spend there.

Concerns were raised by civil society with regard to the length and conditions of detention of children and other vulnerable groups in several hotspots in **Greece** <sup>(534)</sup>, with regard to a lack of proper screening and early identification mechanisms for other vulnerable groups (e.g. in **Hungary** <sup>(535)</sup> and in **the Netherlands** <sup>(536)</sup>) and with regard to such groups as single women, LGTBI, victims of violence and torture).

## Detention facilities

In **Bulgaria**, an amendment to the Law on Asylum and Refugees, which came into force on 1 January 2016, established a category a ‘closed-type centres’ where the free movement of asylum seekers was restricted until a decision on their status was reached.

<sup>(529)</sup> Through UNHCR-funded legal aid and protection interventions, 1821 unaccompanied children, allegedly detained upon being randomly attached to unrelated adults or wrongly recorded as adults, were protected from prolonged detention and other hardship, and were released to a reception centre after applying for asylum.

<sup>(530)</sup> [http://chd.lu/wps/PA\\_RoleDesAffaires/FTSByteServingServletImpl?path=/export/exped/sexpdata/Mag/0001/007/2078.pdf](http://chd.lu/wps/PA_RoleDesAffaires/FTSByteServingServletImpl?path=/export/exped/sexpdata/Mag/0001/007/2078.pdf)

<sup>(531)</sup> The Centre consists of 12 homes with space for up to 6 persons per home. A special building offers space for 10 UAMs where each has an own bedroom and bathroom and there is a common living room. In the design and development of the new facility, special attention was paid to the well-being and protection of children.

<sup>(532)</sup> See for example: [http://www.medicaljustice.org.uk/wp-content/uploads/2016/06/Medical\\_Justice\\_Briefing\\_-\\_on\\_draft\\_adults\\_at-risk\\_policy\\_June\\_2016-1.pdf](http://www.medicaljustice.org.uk/wp-content/uploads/2016/06/Medical_Justice_Briefing_-_on_draft_adults_at-risk_policy_June_2016-1.pdf).

<sup>(533)</sup> See: <http://www.medicaljustice.org.uk/medical-justice-challenges-the-detention-of-victims-of-torture-in-the-high-court/>.

<sup>(534)</sup> Norwegian Refugee Council CF input <https://www.easo.europa.eu/input-civil-society-easo-annual-report-2016>.

<sup>(535)</sup> UNHCR input.

<sup>(536)</sup> UNHCR input.

## Other concerns

Other concerns raised by UNHCR and civil society related to: detention for Dublin cases (e.g. **Belgium** <sup>(537)</sup>), the opportunity to lodge an asylum application while in detention (e.g. **Spain** <sup>(538)</sup>, **Latvia** <sup>(539)</sup>), detention in border procedure (e.g. **the Netherlands, Belgium** <sup>(540)</sup>), and general detention conditions (e.g. **Greece** <sup>(541)</sup>, **Spain** <sup>(542)</sup> and **Bulgaria** <sup>(543)</sup>). Civil society and academia also stressed the impact of the use of detention on access to asylum procedure <sup>(544)</sup>.

Aspects relevant for detention were also examined by national courts. In **Austria**, the Supreme Administrative Court <sup>(545)</sup> upheld detention applied with regard to a former applicant (pending return) who claimed Algerian nationality. Although it was established that the applicant was Moroccan, detention was/remained nevertheless justified, because the applicant had deceived the authorities about the true country of origin.

## 4.8. Procedures at first instance

As illustrated in Section 2.4. *Asylum decisions – first instance*, there was a record number of decisions issued in first instance in 2016, implying a record number of procedures at first instance concluded by EU+ countries.

Understandably, the numbers of decisions issued by individual countries are closely linked to the number of applicants for international protection received by those countries. Consequently, most of total first instance decisions were issued by **Germany** (55 %), **Sweden** (8.3 %), **Italy** (7.8 %), **France** (7.6 %), and **Austria** (4 %), which reflects the structure of main receiving countries over past two years.

<sup>(537)</sup> Asylum seekers subject to the Dublin Regulation are detained on a regular basis pending their transfer to another European Member State that is found responsible for the application. The risk of absconding is often invoked as a motive for detention. According to UNHCR, it is not always clear whether or how the risk of absconding is determined on the basis of an individual assessment. No systematic assessment seems to be made of the proportionality of the detention and on the existence of other less coercive measures that can be applied effectively (UNHCR input).

<sup>(538)</sup> Some third country nationals seemed to be automatically detained without having had the opportunity to apply (AEDH input).

<sup>(539)</sup> The Asylum Law has removed the possibility to appeal a court decision approving detention. The law instead introduced the possibility to review at any time the detention grounds that served for the initial authorisation of detention (UNHCR input).

<sup>(540)</sup> UNCHR input.

<sup>(541)</sup> Action Aid Hellas, AEHD, Norwegian Refugee Council reported about poor conditions in several detention centres (i.e. small and overcrowded cells, lack of hygiene, and lengthy periods of detention) - see: AIDA, *Country Report Greece, 2016 Update*.

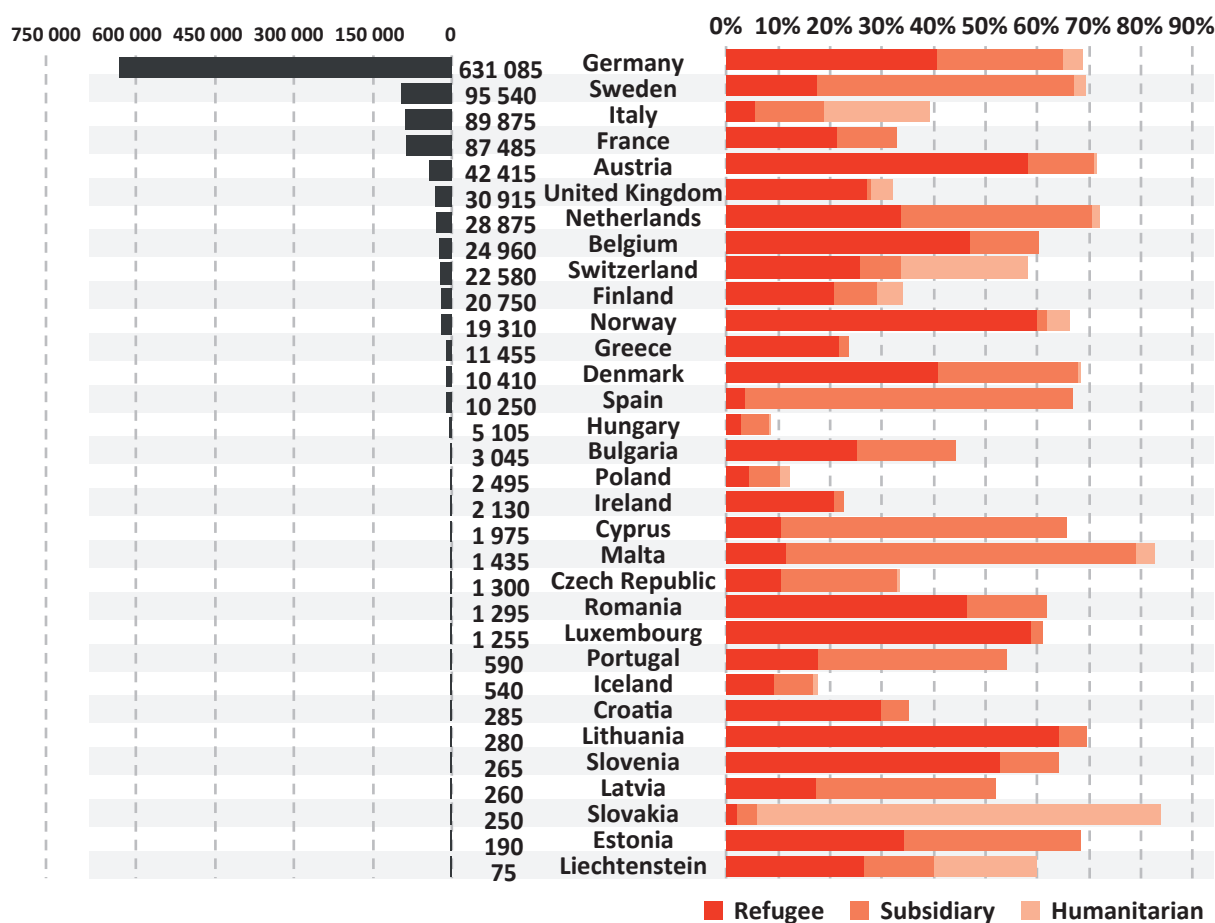
<sup>(542)</sup> With regard to detention conditions for sea arrivals during the first 72 hours since their arrival (overcrowded, lack of hygiene, lack of services including information, and poor quality legal assistance and interpretation). Concerns remained over the lack of formal mechanism to prevent and respond to situations of harassment or violence in the reception facilities - UNHCR input.

<sup>(543)</sup> AIDA, *Country Report Bulgaria, 2016 Update*, February 2017: <http://www.asylumineurope.org/reports/country/bulgaria>.

<sup>(544)</sup> De Bruycker and L. Tsourdi *The challenge of asylum detention to refugee protection*. The report argues that the use of detention in the asylum context risks undermining effective access to asylum procedures. There are still many challenges when it comes to implementing detention. One of the major challenges remains the non-implementation of legal guarantees in practice and insufficient control by the judge. Also the article highlights that asylum detention is used arbitrarily. <https://academic.oup.com/rsq/article-abstract/35/1/1/2362569/The-Challenge-of-Asylum-Detention-to-Refugee?redirectedFrom=fulltext>

<sup>(545)</sup> VwGH (Supreme Administrative Court) 26.01.2017, Ra 2016/21/0348 [http://www.ris.bka.gv.at/Dokument.wxe?ResultFunctionToken=3ae9866e-7f0e-413f-9e88-a3334ad247c2&Position=1&Abfrage=Vwgh&Entscheidungsart=Undefined&Sammlungsnummer=&Index=&AenderungenSeit=Undefined&SucheNachRechtsatz=True&SucheNachText=True&GZ=2016%2f21%2f0348&VonDatum=&BisDatum=21.03.2017&Norm=&ImRisSeit=Undefined&ResultPageSize=100&Suchworte=&Dokumentnummer=JWT\\_2016210348\\_20170126L00](http://www.ris.bka.gv.at/Dokument.wxe?ResultFunctionToken=3ae9866e-7f0e-413f-9e88-a3334ad247c2&Position=1&Abfrage=Vwgh&Entscheidungsart=Undefined&Sammlungsnummer=&Index=&AenderungenSeit=Undefined&SucheNachRechtsatz=True&SucheNachText=True&GZ=2016%2f21%2f0348&VonDatum=&BisDatum=21.03.2017&Norm=&ImRisSeit=Undefined&ResultPageSize=100&Suchworte=&Dokumentnummer=JWT_2016210348_20170126L00)

**Number of first instance decisions (left-hand side)  
and type of decisions (right-hand side) issued in EU+ countries**



**Figure 41: Differences in recognition rates at MS level reflect variations in applicants' nationalities**

For countries that issued at least 1 000 decisions, the highest overall recognition rates were reported in **Malta** (83 %), followed by the **Netherlands** and **Austria** (72 % each), while the lowest were reported in **Ireland** (23 %), **Poland** (12 %) and **Hungary** (8 %). Differences in recognition rates at country level are partly due to differences in countries of origin of applicants received by that country, who have different protection needs. For example, in Italy, where the overall recognition rate was 39 %, one-fifth of the decisions were issued to Nigerian nationals, whereas in Germany or Sweden, both with a 69 % recognition rate, the highest share of decisions were issued to Syrian nationals (46 % and 48 % respectively).

Main developments in EU+ countries with regard to procedures at first instance reflected the volume of cases that needed to be processed – in particular in EU+ countries that issued the highest numbers of decisions. While this section focuses on general first instance procedures, information regarding special procedures is provided in Section 4.5. Special procedures: Admissibility, border and accelerated procedures, while measures undertaken by countries to enhance the efficiency of procedures (such as priority procedures) are presented in Section 3.2.5. *Key policy changes relating to integrity, efficiency and quality.*

In **Germany**, in addition to structural growth of the BAMF (for details see Section [3.2.2 Institutional changes](#)) there was a significant increase in staffing. Working methods have also been revised, including among other division of tasks (interviewing, decision drafting) between two case officers.

In **Sweden**, a record number of asylum claims was determined in 2016. In its national quality review conducted late 2016, the authority concluded that, in about half of the cases, the asylum claim had not been scrutinised rigorously; similar concerns were shared by UNHCR <sup>(546)</sup>.

**Italy** strived to further streamline the practices of territorial commissions. The National Asylum Commission provided updated guidelines to the territorial commissions on case law regarding award of international protection in case of serious harm and approved the Code of Conduct for the Presidents and members of the Territorial Commissions, and for interpreters, support staff and other persons concerned by the asylum procedure. In parallel the government is working on the reform of the national asylum system <sup>(547)</sup>.

A dedicated office of the Department (Ministry) of Justice and Equality, to be known as The International Protection Office (IPO) is now the determining authority at first instance for applications for international protection in **Ireland**, replacing the Office of the Refugee Applications Commissioner (ORAC). The case workers making decisions under the new structure will continue to be the same staff as in the ORAC. The IPO comprises a Chief International Protection Officer (who replaces the Refugee Applications Commissioner) and International Protection Officers who, under the 2015 Act, are independent in the performance of their international protection functions <sup>(548)</sup>.

In **Austria**, in view of the large number of asylum applications lodged simultaneously, it was specified that an application for international protection must be decided within 15 months <sup>(549)</sup>.

Other EU+ countries also introduced changes in organisation of their first instance procedures.

An important policy change in 2016 was the introduction of the ‘multi-track policy’ in the **Netherlands** on 1 March 2016. The purpose of the multi-track policy is for the Immigration and Naturalisation Service to prevent the waiting time for asylum seekers, which rose substantially in 2015 due to the high influx, to increase further and to structure the asylum procedure as efficiently as possible.

<sup>(546)</sup> UNHCR is concerned that the focus on efficiency during 2016 has had a negative impact on the quality of asylum decisions. Notable is that only 5.5 % of the Syrian applicants were granted refugee status in Sweden, which is decrease from the already low 11 % in 2015. UNHCR has also been alerted to concerns as regards the assessment of LGBTI applicants’ claims.

<sup>547</sup> () Decree Law 13/2017 (known as Decree Minniti) was published in the Official Gazette - No 40, 17 February 2017, came into force on 02.18.2017 and its conversion into law is expected on 18 April 2017. A formal working group of MOI (Civil Liberties and Immigration Department) and UNHCR - established at the end of 2015 - developed proposals for a reform of the procedure, to be adopted through corrective decrees to Legislative Decree No 142/2015, possibly by mid-2017.

<sup>(548)</sup> Further information in relation to the functions of the IPO and the secondary legislation introduced to implement the provisions of the Act can be found on the IPO’s website [www.ipa.gov.ie](http://www.ipa.gov.ie)

<sup>(549)</sup> (Art. 22 para 1 Asylum Act); the change was introduced in the amendments to the Asylum Act, the Aliens Police Act and the Federal Office for Immigration and Asylum Procedures Act that entered into effect on 1 June 2016. This provision has been implemented for a limited two-year period.

In **Norway** measures aimed at enhancing procedures at first instance included introduction of a flexible system including half-day interviews in straightforward cases and a system of case management <sup>(550)</sup>. Also a number of guidance documents were issued by the Ministry of Justice and Public Security. These were mostly related to revocation of permits and the processing of applicants who arrived to northern Norway from Russia.

A legislative proposal is pending in **Denmark** aimed at giving both first and second instance, in their respective procedures, the possibility to ‘jointly process’ two or several asylum applications <sup>(551)</sup>.

In **Spain** decision-making was resumed on certain caseloads (including Venezuela, Ukraine, Iraq and Mali) that were on standby for a prolonged period, contributing to the number of decided cases doubling in 2016 compared to 2015. It was also announced that the implementing decree to the asylum law, which was over six years overdue, would be reviewed and updated in order to facilitate its approval. At the same time, despite an increase in staff numbers in the Asylum and Refugee Office, procedures tended to be lengthy, up to two years <sup>(552)</sup>. However, the increase in the number of decisions adopted has still been significant compared to previous years.

Several countries continued experiencing challenges in tackling the backlog of pending cases. **Cyprus** registered a backlog of more than 2 000 unprocessed cases, 35 % of which have been pending for more than 6 months. This was exacerbated by the reduction of staff due to austerity measures. UNHCR pointed to the need to establish rules, criteria, and standard operating procedures for almost all crucial aspects of the asylum process; ensure timely identification of vulnerable applicants to afford them special procedural guarantees; provide detailed reasons for negative decisions; and introduce quality review and control. Backlog management is one of the areas where EASO provides support to Cyprus in 2017 (for details see Section 3.2.1. *EASO operational support to national asylum systems under pressure*).

#### EASO Country Guidance Pilot

Following the 21 April 2016 Council Conclusions on asylum decisions practices, a senior-level policy **Country Guidance Network** (CGN) was established, involving all Member States (MS) and coordinated by EASO. This was tasked with carrying out a joint analysis and joint interpretation of the situation in main countries of origin, based on common COI and in light of the relevant provisions of the asylum acquis, in particular the Qualification Directive (QD) and the Asylum Procedures Directive (APD). The main aim of the CGN is to improve harmonisation and convergence of asylum decision-making so that MS move closer to similar cases receiving similar treatment and outcomes regardless of where they are lodged in the EU – one of the principal aims of the Common European Asylum System (CEAS). In this context, a pilot project was launched, based on a common COI report on Afghanistan. The CGN met twice in 2016 to discuss and initiate the drafting process of the future Afghanistan EU guidance notes.

<sup>(550)</sup> The ASSIST project implemented by the Asylum Department in the Directorate of Immigration aims at early screening of various caseloads to channel the various cases into different tracks depending on their complexity or quick follow-up.

<sup>(551)</sup> <http://www.ft.dk/samling/20161/almindel/UU/bilag/127/index.htm>

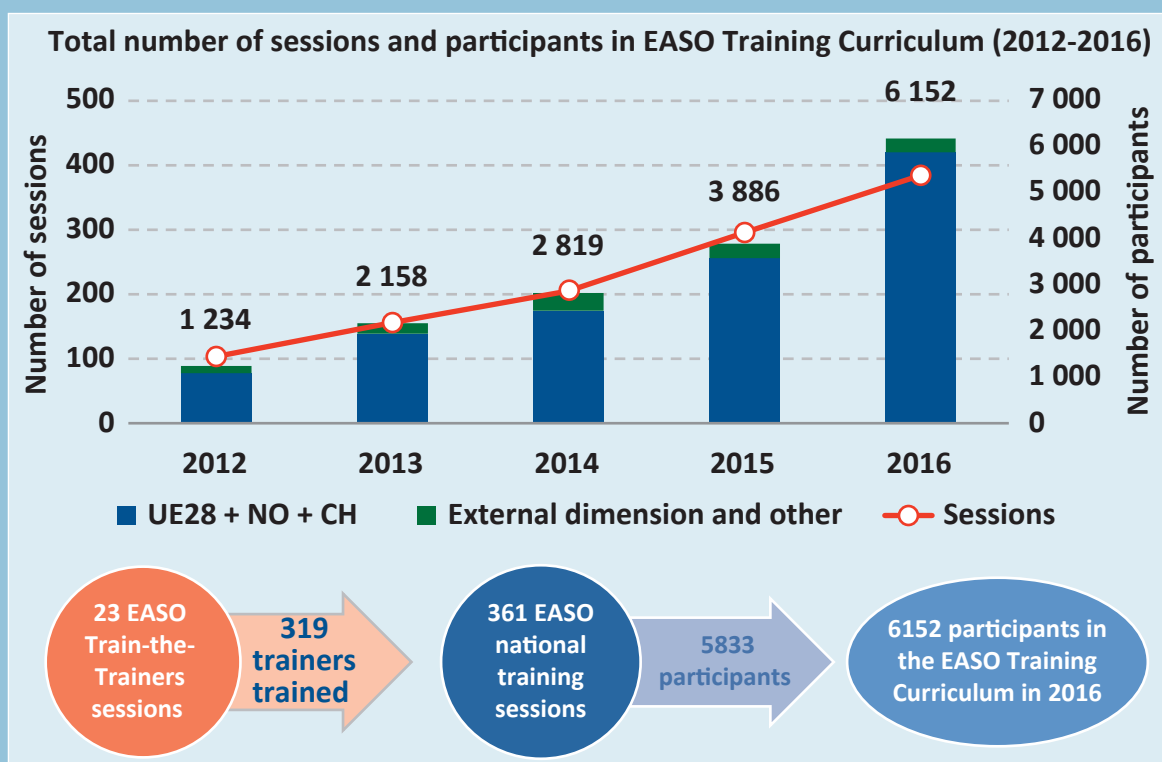
<sup>(552)</sup> AEDH CF input – <https://www.easo.europa.eu/input-civil-society-easo-annual-report-2016>



## EASO training

EASO's core training tool is the EASO Training Curriculum, a common training system designed mainly for case officers and other asylum practitioners throughout the EU+. In 2016 the Training Curriculum was composed of 16 interactive modules covering the entire field of international protection. All EASO modules are based on a blended learning methodology, which enables both a theoretical and practical approach to training by combining e-learning and face-to-face sessions.

EASO delivers its training in the format of train-the-trainers sessions to develop the knowledge, skills and competences of national trainers. Upon completion of a session the national trainers can train personnel in their respective national administrations, thereby creating a multiplier effect. In 2016, EASO organised 23 train-the-trainers sessions. Eight were organised as regional sessions, four of which were held in the premises of EU agencies (Vienna and Tallinn). One session was organised in the context of the EASO External Dimension in Montenegro and three were delivered in Germany. In total 319 participants were trained in EASO train-the-trainers sessions. EASO administered 361 national training sessions on its e-learning platform for 5 833 participants. The overall number of participants trained in the EASO Training Curriculum in 2016, encompassing both train-the-trainer sessions and national trainings, was 6 152. The main target group were the employees of national asylum administrations.



In 2016, EASO also continued development of new training modules and upgraded existing ones. The pilot trainings in two new modules, the *Module on Didactics* and the *Module on Fundamental Rights and International Protection* in the EU, were organised. Following the pilot training, the *Module on Didactics* was delivered for each of the train-the-trainers sessions held in the second half of 2016. EASO also continued the development of its new training modules: *Introduction to International Protection*, *Trafficking in Human Beings*, *Advanced Inclusion and Interpreting in the Asylum Context*. Additionally, EASO published the handbook on *Gender, Gender Identity and Sexual Orientation* and started development of the handbook on *End of Protection*. The upgrade of three other modules has been initiated (on *Interview Techniques*, *Interviewing Vulnerable Persons*, and *Interviewing Children*).

EASO also continued working on a European Certification process of the EASO Training Curriculum to support EU+ countries in ensuring that their personnel responsible for asylum matters are trained as referred to the Asylum Procedures Directive and have the adequate knowledge and skills. To this end the EASO Training Curriculum has been accredited and certified by an external accreditor. EASO held its 5th and 6th Certification and Accreditation Working Group (CAWG) meeting. Here, the accreditor worked closely with the CAWG to agree on final learning outcomes and assessments in all EASO Training Modules, relating each module to the European Qualification Framework (EQF) level.

In terms of national case law concerning procedural standards at first instance and matters of qualification for protection, several key judgments were handed down in EU+ countries.

Regarding internal flight alternative, in **Austria** the Supreme Administrative Court <sup>(553)</sup>, in a case concerning an Iraqi national, stated that since subsidiary protection had been granted, it was deemed that no internal protection alternative was applicable in the context of the examination of the claim for refugee status (otherwise subsidiary protection would not have been granted).

The **Belgian** asylum court (Council for Alien Law Litigation - CALL) <sup>(554)</sup> looked into the issue of withdrawal of protection granted to a Guinean woman based on inconsistencies found between her statements and those made by her husband who applied for protection after his wife received a positive decision. The CALL stated that, in view of severe consequences of withdrawing protection, the circumstances have to be assessed strictly and discrepancies regarding elements (political activities of the husband) which were not the grounds for granting protection (risk of FGM for the applicant's daughter) were not directly linked and the refugee status granted on the latter ground should be maintained. A further series of decisions from CALL confirmed the refusal or withdrawal of refugee status because the person constitutes a danger to society as they have been convicted of a particularly serious crime (with a final decision) <sup>(555)</sup>.

As regards grounds for protection, in **Spain** the judgment of the Supreme Court 124/2016 <sup>(556)</sup> of 25 January 2016 recognised the right of an asylum seeker to remain in Spain for humanitarian reasons as set out in the Aliens Act, provided that this person is in a situation of special vulnerability and at a real risk of being socially stigmatised because of their illness and sexual orientation. This judgment introduces better identification of situations where international protection is granted for such humanitarian reasons.

The **Swedish** Migration Court of Appeal issued three particularly relevant judgments in 2016. In Case MIG 2016:7 the Court ruled that there is no reason to grant two minor children refugee status on the ground that their father has been granted refugee status if the children are citizens of another EU Member State (Judgement MIG 2016:7). In Case MIG 2016:22 it was stated that whether or not a person shall be excluded from refugee status is part of the assessment as to whether a foreign national is a refugee. Consequently, if a migration court considers granting a residence permit and refugee status, the court needs to examine any exclusion grounds to such a degree that it can determine whether an exclusion ground applies to the case. Finally, in Case MIG 2016:30 the Court judged that when an applicant claims that he/she is persecuted due to his/her sexual orientation or gender identity, it needs to be assessed whether the applicant belongs to a social group that risks persecution on sexual orientation or gender-identity grounds.

The length of asylum procedures in several EU+ countries was analysed by ECRE in a report emphasising the importance of preventing 'unduly lengthy asylum procedures' <sup>(557)</sup>.

<sup>(553)</sup> VwGH (Supreme Administrative Court) 18.01.2017, Case Ra 2016/18/0293 [http://www.ris.bka.gv.at/Dokument.wxe?ResultFunctionToken=aa8f0749-8940-4e60-82b8-dee-a7eba2b85&Position=1&Abfrage=Vwgh&Entscheidungsart=Undefined&Sammlungsnummer=&Index=&AenderungenSeit=Undefined&SucheNachRechtssatz=True&SucheNachText=True&GZ=2016%2f18%2f0293&VonDatum=&BisDatum=21.03.2017&Norm=&ImRisSeit=Undefined&ResultPageSize=100&Suchworte=&Dokumentnummer=JWT\\_2016180293\\_20170118L00](http://www.ris.bka.gv.at/Dokument.wxe?ResultFunctionToken=aa8f0749-8940-4e60-82b8-dee-a7eba2b85&Position=1&Abfrage=Vwgh&Entscheidungsart=Undefined&Sammlungsnummer=&Index=&AenderungenSeit=Undefined&SucheNachRechtssatz=True&SucheNachText=True&GZ=2016%2f18%2f0293&VonDatum=&BisDatum=21.03.2017&Norm=&ImRisSeit=Undefined&ResultPageSize=100&Suchworte=&Dokumentnummer=JWT_2016180293_20170118L00)

<sup>(554)</sup> Case available as part of the EDAL (European Database of Asylum Law) <http://www.asylumlawdatabase.eu/en/content/belgium-council-alien-law-litigation-11-march-2016-163-942>

<sup>(555)</sup> It concerned the first applications of the law of 10 August 2015 that enables the asylum authorities to take threats to society and national security into account when assessing asylum applications with threats to society and national security. These cases were related to activities of a terrorist group, piracy, robbery, premeditated murder, robbery with violence, attempted extortion and rape.

<sup>(556)</sup>

<sup>(557)</sup> ECRE *The length of asylum procedures in Europe* October 2016 The report highlights severe delays primarily with regard to registration of asylum claims (e.g. in EL, FR). The report also indicates great disparity between MS' processing times; many time limits as laid down in legislation are only indicative and not respected in practice (in practice they are often longer although there are no consequences for not respecting the deadlines as set out in legislation). Length of proceedings also very much depend on the individual circumstances of the case. <http://www.ecre.org/wp-content/uploads/2016/10/AIDA-Brief-DurationProcedures.pdf>

## 4.9. Procedures at second instance

The current EU level legislative framework of appeals procedures is outlined in Chapter V of the recast Asylum Procedures Directive. The basic concept, stipulated in Article 46, obliges the Member States to ensure that applicants have the right to an effective remedy before a court of a tribunal with regard to different types of decisions issued at first instance listed in this Article. The catalogue of decisions covered by the right of effective remedy includes not only decisions on the merits of the claim (e.g. decisions rejecting the case or granting subsidiary protection, which the applicant may wish to appeal claiming refugee status), but also, *inter alia*, decisions considering an application inadmissible, decisions refusing to re-open a case that was discontinued. Therefore the appeal bodies would normally decide on a variety of issues and are not limited to assessing the merits of the case in terms of international protection.

The current APD does not prescribe any harmonised standards concerning the organisation of the appeal or the procedure to be followed, therefore Member States can transpose the directive in various ways expected to be most suitable to ensure the right to effective remedy within their national framework. Consequently, the level of harmonisation of practices at appeals stage is limited.

For further information on data relating to decisions at second and higher instance, see Section [2.5. Asylum decisions – second and higher instance](#).

Developments in EU+ countries in 2016 concentrated on the creation of new judicial authorities competent to decide on asylum cases and on revisions of procedural rules of conducting appeal procedures (mainly in terms of revising the time limits to submit an appeal).

### Creation of new entities and reform of existing ones

**Cyprus** established an Administrative Court which provides extra protection to persons seeking international protection. The Administrative Court has competence to hear judicial recourses at first instance, and, in particular, in taxation and international protection cases, to examine the substance of the case and to modify or substitute the administrative decision as it deems appropriate. The judges of the Court have been appointed and the Court began its operation as of 1 January 2016. As of 1 February 2016, a negative decision of the Asylum Service may be appealed to the new Administrative Court. Concerns have been raised by the civil society and UNHCR regarding the operation of the Refugee Reviewing Authority which continues to exist despite the establishment of the Court <sup>(558)</sup>.

In **Ireland**, in parallel to revision of the asylum procedure at first instance (see Section [3.2.4. Major legislative changes in EU+ countries](#)) under the International Protection Act 2015, the Refugee Appeals Tribunal was abolished and replaced by the International Protection Appeals Tribunal. In addition to hearing international protection appeals, for the first time this Tribunal will hear appeals in relation to inadmissibility decisions and subsequent proceedings. It will also be staffed by a number of full-time members for the first time, including two Deputy Chairpersons. The position of Registrar of the Tribunal was also created to generally manage and control the staff and administration of the Tribunal. Upon commencement of the Act a backlog of approximately 2 000 cases was transferred to the new International Protection Office under its transitional provisions.

In **Greece** one of main changes brought about by Law 4399/2016, amending Law 4375/2016 (see Section [3.2.4. Major legislative changes in EU+ countries](#)), concerned the composition of the Appeals Committees examining quasi-judicial appeals against negative decisions of the Asylum Service. The new Independent Appeals Committees are made up of two judges of the Administrative Courts <sup>(559)</sup> and a third member <sup>(560)</sup>, all members being independent. The term

<sup>(558)</sup> Following the 2015 establishment of the Administrative Court, the intention has been to abolish the Refugee Reviewing Authority (RRA), which has been the second instance administrative authority, and in view of this the recent amendment to the Refugee Law in October 2016 has removed all articles that concern the operations of the RRA. However, the Refugee Law also states that the termination of operations of the RRA will enter into force on a date that is to be defined by the Council of Ministers and published in the Gazette, yet to date no such decision has been issued. Furthermore, in view of the intention to abolish the RRA in recent years, most officers of the RRA have been transferred to other authorities, leaving only five examining officers for a backlog of some 650 cases, many of which have been pending for several years. In practice, the RRA therefore continues operations. AIDA, *Country Report Cyprus, 2016 Update*, March 2017, <http://bit.ly/2mEU8zB>, 23-24.

<sup>(559)</sup> Appointed by the General Commissioner of the Administrative Courts upon their request, taking especially into consideration their knowledge and experience in refugee, migration and human rights law.

<sup>(560)</sup> A Greek citizen with a university degree in legal, political, social sciences or humanities, commissioned by the UNHCR.

is three years (renewable once). The Committees are supported by the Central Administrative Service. There are 12 Independent Appeals Committees<sup>(561)</sup> examining claims that have been lodged since 21 July 2016, following the procedure stated in Law 4375/2016. The committees stopped examining cases falling under the EU-Turkey Statement when a case was brought before the Council of State questioning the Statement and the provisions adopted by the Greek legislation for its implementation<sup>(562)</sup>.

In **Finland** the examination of appeals to first instance decisions on international protection was decentralised. With the decentralisation, the appeals may be examined by three additional administrative courts in addition to the Helsinki administrative court – so far the only designated court. In parallel, measures were also taken to speed up the appeal procedure with legislative amendments, which entered into force on 1 September 2016<sup>(563)</sup>.

On 13 April 2017, new legislation entered into force in Italy prescribing the acceleration of asylum procedures and returns. It establishes specialised immigration chambers to decide over asylum appeals in 14 courts (Bari, Bologna, Brescia, Cagliari, Catania, Catanzaro, Florence, Lecce, Milan, Palermo, Rome, Naples, Torino and Venice). Applicants will have the possibility to appeal the chamber decision only to the highest level of judgment (*Corte di Cassazione*), and therefore the decision can no longer be appealed to the Court of Appeal.

In **Denmark**, a change in the Danish Aliens Act changed the composition of the Refugee Appeals Board. Previously, the board consisted of a judge and members appointed by the Ministry of Immigration and Integration, the Council of the Danish Bar and Law Society, the Danish Ministry of Foreign Affairs and the Danish Refugee Council. Following the legislative amendment, members of the Board appointed by the Danish Ministry of Foreign Affairs and the Danish Refugee Board will no longer be represented<sup>(564)</sup>.

### Revision of procedural rules

Alongside the creation of Appeals Committees in **Greece**, the legislative framework of appeals procedure was changed by the new Law 4375/2016 (as amended by Law 4399/2016<sup>(565)</sup>) including the time limits for lodging an appeal<sup>(566)</sup>. Main features of the procedure are:

- The examination procedure of appeals, which is in principle performed based on the elements from the case file (*sur dossier*), without the presence of the appellant. Appellants are invited to an oral hearing only in specific situations<sup>(567)</sup>. When lodging an appeal, the appellant is informed of the date by when it will be decided and may submit any supplementary evidence or written submission up till the day before the examination date of his/her appeal.

<sup>(561)</sup> Whilst initially Joint Ministerial Decision 9883/24.06.2016 established five committees, the number was increased to 12 as per the Joint Ministerial Decision 6373 and to a further 19 by 14 December 2016. The increase was expected to accelerate procedures at second instance.

<sup>(562)</sup> [http://asylo.gov.gr/en/wp-content/uploads/2017/02/Greek-Asylum-Service-statistical-data\\_December2016\\_en.pdf](http://asylo.gov.gr/en/wp-content/uploads/2017/02/Greek-Asylum-Service-statistical-data_December2016_en.pdf).

<sup>(563)</sup> The appeal period for lodging a complaint to the Administrative Court was shortened to 21 days (earlier 30 days) and to the Supreme Administrative Court to 14 (earlier 30 days). Appeals related to international protection are to be processed with urgency at both Administrative Courts and the Supreme Administrative Court. The competent Administrative Court composition was changed so that in the future most appeal cases can be handled in a two-member composition (instead of the earlier requirement of a three-member composition). [http://oikeusministerio.fi/en/index/currentissues/tiedotteet/2016/08/turvapaikkavalitust\\_entuomioistuinkasittelyanopeutetaan-myosoikeusavunsaamisenmuutoksia.html](http://oikeusministerio.fi/en/index/currentissues/tiedotteet/2016/08/turvapaikkavalitust_entuomioistuinkasittelyanopeutetaan-myosoikeusavunsaamisenmuutoksia.html)

<sup>(564)</sup> The Danish government's reason for this change is to secure the independence of the Board. However, the Danish Refugee Council voiced concerns as the change in composition might weaken the Board as it will lose valuable members who hold expert knowledge and experience both in relation to the legislative framework as well as COI (Danish Refugee Council CF input – <https://www.easo.europa.eu/input-civil-society-easo-annual-report-2016>)

<sup>(565)</sup> Unofficial translation available on EDAL website: <http://www.asylumlawdatabase.eu/en/content/en-law-4375-organization-operation-asylum-service-appeals-authority-reception-identification>

<sup>(566)</sup> Article 61 provides specific time limits for lodging an appeal as follows: a. Against the decision rejecting the application for international protection as unfounded under the regular procedure or withdrawing this status, as well as against the part of the decision that grants subsidiary protection for the part rejecting refugee status, within thirty (30) days from the notification of this decision. b. Against the decision rejecting the application for international protection under the accelerated procedure, or as inadmissible, according to Articles 51 paragraph 7 and 54 respectively, as well as in cases where the appeal is submitted while the applicant is in detention, within fifteen (15) days from the notification of this decision. c. Against the decision rejecting the application for the continuation of the examination procedure after an interruption decision has been made, pursuant to Article 47 paragraph 4, within fifteen (15) days from the notification of this decision. d. Against the decision rejecting an application for international protection in cases of Article 60 or when the appeal is submitted in a Reception and Identification procedure, within five (5) days from the notification of this decision. In case an appeal is lodged, the International Protection Applicant's Card is re-issued. During the time limit provided for an appeal and until the notification of the decision on the appeal, all measures of deportation, readmission, or return of the applicant shall be suspended. The appeals are submitted before the Receiving Authorities, that is the Regional Asylum Offices throughout the country, and are forwarded, immediately, to the Appeals Authority together with the administrative file of the applicant. If the decision at first instance is not notified, for any reason, the time limit for appeal is sixty (60) days counting from the expiration date of the Card of the applicant for international protection, or, in case the validity of the Card expires before the issuing of the decision, sixty (60) days from the date of issuing of the decision.

<sup>(567)</sup> Where the appeal is lodged against a decision which withdraws the international protection status; issues or doubts are raised relating to the thoroughness of the appellant's interview at first instance; the appellant has submitted new serious evidence relating to posterior claims; or the case is particularly complicated.

- If a hearing takes place, the appellant is invited before the competent Committee at least five working days before the date. The appellant's absence does not obstruct the examination of the appeal provided that he has been invited according to the provisions of the law. The oral hearing can be public with an explicit consent of the appellant.
- After the conclusion of the oral hearing, the chairman of the Committee may give the appellant some time to submit supplementary evidence or a written submission.
- During the examination procedure of the appeal, the Committee examines both the legality of the act under appeal and the merits of the case, accepts or rejects the appeal and issues a relevant decision, which is notified to the appellant through the Regional Asylum Offices throughout the country.

In July 2016, a Ministerial Decision (3004/15-07-2016) defined the Rules of Procedure before the Independent Appeals Committees.

In the **United Kingdom** the Immigration Act 2016<sup>(568)</sup> removed the right to an in-country appeal on human rights grounds (not including refugee claims and Article 2/3 ECHR), except where leaving the UK would cause 'serious and irreversible harm'. The effect of the change is that, where certified, an appeal can only be lodged and heard, or continued if the claim is certified after the appeal is lodged, while the claimant is outside the UK. This means the right of appeal against the decision to refuse the human rights claim is non-suspensive, meaning it is not a barrier to removal.

In **France** 2016 saw the implementation of new procedural mechanisms in the National Court of Asylum law (CNDA) resulting from legislative amendments of 29 July 2015. Appeals against OFPRA decisions in the frame of the accelerated procedure that have become suspensive are examined by a single judge (as opposed to the regular three-judges court) within a 5-week time limit, as opposed to the time limit of 5 months in the regular procedure<sup>(569)</sup>. Also, a State Council decision of 23 December 2016 assigned new competencies to the CNDA: appeals against an OFPRA decision refusing to register a belated claim in detention, or withdrawing the introduction of a claim because of the use of fraud<sup>(570)</sup>.

In July 2016, a new civil procedure code was adopted in **Slovakia** and the Law on Asylum was amended accordingly, bringing changes in the suspensive effect of appeals; determination of powers and jurisdictions of the courts in asylum cases in the new Administrative Procedure Code; and providing for a more active role for the public prosecutor.

An amendment to the Act on Foreigners in **Iceland** also changed the rules with regards to hearings, as it is now up to the Appeals board to decide whether to conduct an oral hearing with the appellant.

In **Austria** the two-week period for lodging a complaint applies only to those decisions relating to the granting, non-granting or withdrawal of international protection that are associated with an action to terminate residence. A period of four weeks for lodging complaints now applies in all other cases<sup>(571)</sup>. In **Norway** a new provision Article 94a in the Immigration act means applicants have less time to appeal a negative decision in case of a manifestly unfounded application for international protection. Also in Norway, an amendment to the Immigration regulation, with effect from 1 September 2016, shortened the deadline for appeals (now one week) if the applicant clearly does not need protection. UNHCR expressed concern over the **Norwegian** government's legislative proposal of January 2016 to make permanent the authority of the Ministry of Justice and Public Security (introduced in November 2015) to instruct the Appeals Board on the interpretation of the law and exercise of discretion in all matters falling with the Board's competence<sup>(572)</sup>.

<sup>(568)</sup> <http://www.legislation.gov.uk/ukpga/2016/19/section/63>

<sup>(569)</sup> This new provision, which includes a public hearing, has been put in place since February 2016 and has led to judgement on 3655 cases (8.5 % of CNDA decisions). In this accelerated procedure, acceptance rate is 18 % (against 20 % for decisions taken by regular collective formations).

<sup>(570)</sup> CE 23 décembre 2016 M. C. n° 403971 B, CE 23 décembre 2016 M. E. n° 403975 B

<sup>(571)</sup> This follows the Constitutional Court ruling the expression '1' in Art. 16 para 1 of the Federal Office for Immigration and Asylum Procedures Act as published in Federal Law Gazette I No 70/2015, Art. 16 para 1 as unconstitutional (Constitutional Court ruling G 589/2015 of 23 February 2016)

<sup>(572)</sup> Law No 94/2015. This power of instruction does not encompass an authority to instruct in individual cases. The Ministry of Justice and Public Security issues general instructions according to its general competence to instruct under Section 76 (Power of instruction and review of decisions) of the Norwegian Immigration Act of May 2008, changed by law of 20 November 2015, No 94. Since November 2015, the Ministry has the power to issue departmental instructions which are binding on both the Norwegian Directorate of Immigration (first instance of the administrative procedure) and the Appeals Board (second instance of the administrative procedure). UNHCR notes in this respect the Ministry of Justice and Public Security has instructed the Appeals Board on nine different occasions. Four of the instructions concern removal of asylum seekers from Norway to Russia. The general rule contained in the instructions is that UDI shall refuse assessing the actual merits of asylum applications submitted by third country nationals who have stayed in Russia. UNHCR is of the view that this power of instruction may raise doubts concerning the independence of the Appeals Board and risks creating an impression of bias (UNHCR input).

The Supreme Court of **Estonia** <sup>(573)</sup> examined the scope of appeal available in Estonian law. The Supreme Court held that although the Estonian procedural law allows full appeal to the Court of Appeal and to the Supreme Court also in asylum cases, these appeals cannot be considered as remedies within the meaning of Directive 2013/32/EU <sup>(574)</sup>. Therefore, once the applicant's appeal is dismissed by the first instance court and court appeals continue in due course, the applicant ceases to enjoy the status of an asylum applicant and becomes a person subject to removal (i.e. even before the appeals are finally settled).

#### EASO's cooperation with courts and tribunals

EASO cooperates with courts and tribunals and other relevant bodies under the framework of its legal mandate. The cooperation consists of, *inter alia*, producing professional development materials for subsequent implementation in judicial training activities; collecting and exchanging jurisprudence and providing support to Member States within the context of special and emergency support operations and other measures as required on an ad-hoc basis.

During 2016, EASO continued to advance the development of materials for use in professional development activities for members of courts and tribunals. A Judicial Analysis on Ending International Protection was completed by a working group composed of judges as well as a representative of UNHCR in a consultative capacity <sup>(575)</sup>. In addition, under the terms of a contract concluded with the International Association of Refugee Law Judges (IARLJ), a Judicial Analysis on Qualification for International Protection has been developed. Both analyses are accompanied by Judicial Trainer's Guidance Notes intended to assist the organisation of national professional development workshops.

Throughout 2016, EASO organised professional development meetings for members of courts and tribunals, for example, on exclusion, on the topic of Article 15(c) QD <sup>(576)</sup> as well as on the judicial application of country of origin information <sup>(577)</sup>. The highlight of the year was a large conference providing support to the judiciary in Greece organised in Athens in cooperation with the Association of Greek Administrative Judges. More than 100 participants attended the meeting over two days. Participants engaged in practical discussions on topics of relevance in the area of asylum law in the national and European context. EASO also continued to provide support to Bulgaria in close cooperation with national partners. In 2016, two study visits were organised for Bulgarian judges to the UK and France respectively.

## 4.10. The availability and use of COI

In light of the record number of applications for international protection in 2016, as well as the high number of pending cases, country of origin information (COI) contributed to crucial, well-informed, fair and well-reasoned asylum decisions and evidence-based policy development.

Due to the high influx, several national COI units were reinforced (e.g. **Estonia, Italy, Slovakia, Switzerland**). Dedicated training and information packages for newly hired caseworkers were delivered (e.g. in **Belgium**). Several national COI units reflected on streamlining work practices to better align COI products with evolving user needs (e.g. **Austria, Belgium, Italy**). Dialogue and interaction with key stakeholders were reinforced in **Belgium, Finland** and **Italy**.

<sup>(573)</sup> Case 3-3-1-54-16 of 2 March 2017. Full text of the judgment (in Estonian) <http://www.nc.ee/?id=11&tekst=RK/3-3-1-54-16>

<sup>(574)</sup> Meaning that Directive 2013/32/EU 5th chapter does not require that an applicant should have a possibility to lodge an appeal against the decision of the first instance court rejecting the applicants appeal against a negative decision of the government.

<sup>(575)</sup> Available at: <https://easo.europa.eu/asylum-documentation/featured-publications/>

<sup>(576)</sup> More information on the event can be found in EASO Newsletter for April 2015, available at: <https://easo.europa.eu/wp-content/uploads/BZAA14008ENN.pdf>, p. 9.

<sup>(577)</sup> More information on the event can be found in EASO Newsletter for June 2015, available at: [https://easo.europa.eu/wp-content/uploads/dlm\\_uploads/EASO-Newsletter-June-2015.pdf](https://easo.europa.eu/wp-content/uploads/dlm_uploads/EASO-Newsletter-June-2015.pdf), p. 9.

## EASO COI Reports

In 2016, within the context of the EASO COI Network Approach, EASO produced a number of COI reports aimed at ensuring a common comprehensive information package on countries of origin at EU level.

In January 2016 EASO published the first update of the Report *Afghanistan – Security Situation*, which provides a description of the security situation there at national and provincial level<sup>(578)</sup>. A COI Report on *Somalia – Security Situation* was published in July 2016. This report is an update of the security chapter of the EASO COI report on south and central Somalia, published in August 2014, and has been extended to Somaliland, Puntland, and the disputed areas between these administrations (Sool, Sanaag, Khatumo)<sup>(579)</sup>. In July 2016, EASO published a COI report on *Pakistan – Security Situation*, comprising a general and a regional description of the security situation in the country<sup>(580)</sup>. In September 2016, the report *Afghanistan – Recruitment by Armed Groups* was released. The report provides information on recruitment practices by the Taliban, by other insurgent groups, by the Afghan Local Police and by other pro-government groups outside government control. It also includes information on child recruitment<sup>(581)</sup>. In November 2016, EASO published the second update of the *Afghanistan – Security Situation* report<sup>(582)</sup>. In December 2016, a report on *Eritrea - National Service and Illegal Exit*, provided a description of the legal context and practices of national service (covering the military and civilian branch), including the treatment by the Eritrean authorities of draft evaders and deserters. The report also looks into the legal position and treatment in practice of Eritreans who return to their country after leaving illegally without an exit visa<sup>(583)</sup>.

In November 2016, following a request from the Council and the European Parliament, EASO published seven *Country Focus reports* on the six Western Balkans countries – *Albania, Bosnia and Herzegovina, Kosovo, the former Yugoslav Republic of Macedonia, Montenegro, Serbia*, and on *Turkey*, which included general background information and more detailed information relevant for international protection status determination and for the assessment of the applicability of the safe country of origin concept<sup>(584)</sup>.

During the production process, all EASO COI reports are quality reviewed by COI researchers from different EU+ countries and selected external experts. In addition, post-publication commentaries by civil society organisations were published on a number of EASO COI reports<sup>(585)</sup>.

Some national COI units (such as **Austria, Belgium, Finland, Italy, Sweden, Switzerland**) developed and upgraded knowledge management platforms to improve the information-provision to end users (usually first and second instance decision makers). On the civil society side, the COI Forum, established by ARC and DRC in 2014, continues to provide an online forum for COI researchers and civil society<sup>(586)</sup>.

<sup>(578)</sup> This report was co-drafted by researchers from Austria, Belgium and France. COI units from Greece, Hungary and Slovakia contributed by doing supportive research. Researchers from Sweden, the UNHCR and the United Kingdom reviewed the report. ([https://coi.easo.europa.eu/administration/easo/PLib/EASO-COI-Afghanistan\\_Security\\_Situation-BZ0416001ENN\\_FV1.pdf](https://coi.easo.europa.eu/administration/easo/PLib/EASO-COI-Afghanistan_Security_Situation-BZ0416001ENN_FV1.pdf)).

<sup>(579)</sup> This report was co-drafted by researchers from the Netherlands, the Slovak Republic and Sweden. Austria provided maps and interview notes on security issues in Somalia. Researchers from Belgium, Denmark and Finland, as well as Roberta Belli (UNDSS), reviewed the report (<https://coi.easo.europa.eu/administration/easo/PLib/EASO-Somalia-Security-Feb2016.pdf>).

<sup>(580)</sup> This report was authored by Belgium and reviewed by Austria, EASO, Hungary and UNHCR. (<https://coi.easo.europa.eu/administration/easo/PLib/BZ0416539ENN.pdf>).

<sup>(581)</sup> This report was co-drafted by researchers from Belgium and EASO. Researchers from Hungary, Sweden, UNHCR and Kate Clark (Afghanistan Analysis Network – AAN) reviewed the document ([https://coi.easo.europa.eu/administration/easo/PLib/Afghanistan\\_recruitment.pdf](https://coi.easo.europa.eu/administration/easo/PLib/Afghanistan_recruitment.pdf)).

<sup>(582)</sup> This report was co-drafted by researchers from Austria, Belgium, France, Hungary and Poland. COI units from Greece and Slovakia contributed by doing supportive research. Researchers from Austria, Canada, EASO, Finland, Ireland and UNHCR reviewed and commented the report (<https://coi.easo.europa.eu/administration/easo/PLib/Afghanistan%20security%20report.pdf>).

<sup>(583)</sup> This report was authored by Switzerland. The document was reviewed by EASO, Norway and Sweden. ([https://coi.easo.europa.eu/administration/easo/PLib/EASO\\_COI\\_Eritrea.pdf](https://coi.easo.europa.eu/administration/easo/PLib/EASO_COI_Eritrea.pdf)).

<sup>(584)</sup> The Country Focus reports were drafted and reviewed as follows: Albania - Co-drafted by the Netherlands and EASO. Review by Ireland and the Slovak Republic. (<https://coi.easo.europa.eu/administration/easo/PLib/EASO%20COI%20Albania%20country%20focus%20final%20final%2015%20Nov.pdf>); Bosnia and Herzegovina - Drafter EASO. Review by the Netherlands and Germany. ([https://coi.easo.europa.eu/administration/easo/PLib/EASO%20COI%20report%20BiH%20final\\_final%2015nov%202016.pdf](https://coi.easo.europa.eu/administration/easo/PLib/EASO%20COI%20report%20BiH%20final_final%2015nov%202016.pdf)); Kosovo - Co-drafted by France and EASO. Review by the Netherlands and Ireland. (<https://coi.easo.europa.eu/administration/easo/PLib/EASO%20COI%20report%20Kosovo%20%20final%20final%2015Nov%202016.pdf>); The former Yugoslav Republic of Macedonia - Drafter Hungary. Review by EASO, the Slovak Republic and the Netherlands. (<https://coi.easo.europa.eu/administration/easo/PLib/EASO%20COI%20report%20Macedonia%20final%20final%2015%20Nov%202016.pdf>); Montenegro - Drafter Hungary. Review by EASO, Germany and the Slovak Republic. (<https://coi.easo.europa.eu/administration/easo/PLib/EASO%20COI%20report%20Montenegro%20final%20final%2015Nov%202016.pdf>); Turkey – Co-drafted by Finland, Lithuania and Romania. Reviewed by Germany, Greece, the Netherlands and by external expert Professor Jean Marcou. ([https://coi.easo.europa.eu/administration/easo/PLib/COI%20Turkey\\_15nov%202016.pdf](https://coi.easo.europa.eu/administration/easo/PLib/COI%20Turkey_15nov%202016.pdf)).

<sup>(585)</sup> ARC and DRC, *Comments on the EASO Country of Origin Information Reports Afghanistan (January 2016) and Somalia (February 2016), April 2016; Comments on the EASO Country of Origin Information Reports: Pakistan: Security Situation (July 2016) and Afghanistan: Recruitment by armed groups (September 2016), October 2016; Comments on the EASO Country of Origin Information Report on Turkey (November 2016), January 2017.*

<sup>(586)</sup> <https://www.ecoi.net/community/viewtopic.php?f=7&t=10>

### *The COI Portal*

The EU Common COI Portal was established to enable asylum officials to access a wide range of COI from a single point of entry. The portal connects the official COI databases of six EU+ countries to a single web application, while allowing Member States that do not have web-based systems to upload and share COI documents into a local dedicated area called the 'Upload Area'.

In February 2016, EASO launched the new EASO COI Portal, accessible to the public with the aim of increasing COI transparency for all asylum practitioners, including civil society.

New features were introduced during the year, such as a Notification tool by country/topic, and new Meeting Pages, where EU+ countries can find relevant information on EASO's network activities. A dedicated collaboration space for EASO COI Specialists Networks and country of origin home pages will be added progressively throughout 2017.

Some units explored the use of innovative tools, including new/social media, for COI research (**Belgium, France**). New research methodologies were developed, including for thematic research, aimed at increasing quality and consistency of COI research and products. In **Sweden**, thematic COI work in 2016 focused on exclusion-related issues but also on conflict-related COI and child-specific COI, for which methodological manuals were developed. **Switzerland** initiated a quality programme, reviewing all COI processes, tools and standards. Landinfo, the COI unit in **Norway**, has started a methodological reflection on witness statements delivered by its researchers in national courts.

### *Thematic COI activities*

#### *Origin Verification Tools*

During 2016, EASO developed Origin Verification Tools (OVTs) on Syria and Eritrea. These OVTs are regularly updated portfolios filled with factual information on a wide range of topics and aim at supporting caseworkers when assessing the credibility of an applicant's claimed origin.

#### *COI and FGM/C*

In October 2016, EASO organised a workshop, involving external speakers, on Female Genital Mutilation/Cutting in selected countries of origin (Senegal, The Gambia, Sudan, Somalia, Sierra Leone and Burkina Faso, Nigeria).

#### *Online Research Tools*

In November 2016, EASO organised a COI Conference on Online Research, which included plenary sessions and hands-on workshops on 'Facebook – basic training for asylum interviews', 'Automating Intelligence Collection', 'Verification, Geolocation and Analysis of Photos/Videos', 'Advanced searching and databases/email tracing', and 'The web in your workflow: the latest tricks in Google and Facebook'.

The cooperation and coordination between national COI units in the EU+ was further strengthened in 2016, primarily in the framework of the EASO COI Network Approach. Other forms of cooperation include the DACHL framework, bringing together researchers from **Austria, Germany, Luxembourg** and **Switzerland**, and a collaboration between **France, Belgium** and the **United Kingdom** on the sharing of production planning and division of workload.



### *EASO COI Network Approach*

Following 2015's policy on developing further EASO's COI Network Approach, in 2016 a new Specialist Network on West Africa was established, adding to the Specialist Networks on Somalia, Syria, Pakistan, Iraq, Iran, the Russian Federation, Afghanistan, Eritrea and Ukraine. Within the Specialist Networks, duplication and overlapping of efforts are avoided by sharing information on current COI needs and recent and upcoming national COI products and fact-finding missions. Networks also jointly assess key sources of COI and discuss specific asylum-relevant issues in countries of origin. The networks offer a framework for joint COI production and jointly answering COI queries. In 2016, different specialist network seminars or sessions were organised on **Syria, Iraq, Eritrea, and West Africa**. Additionally, Practical Cooperation workshops or conferences were held, namely on **Syria – Persons and organisations involved in excludable crimes, COI online research and Female Genital Mutilation/Cutting (FGM/C)**, targeting a wider group, which, depending on the topic, also included caseworkers, members of courts and tribunals and selected civil-society organisations.

At managerial level, the Strategic Network, composed of COI Heads of Units or experts otherwise responsible for COI from all EU+ countries, gathered in April and October 2016, providing strategic input and feedback on EASO COI activities and exchanging managerial experiences on COI research.

### *COI-related Operational Support*

In the framework of the Special Support Plan Italy, the Italian COI unit received expert support in the form of a long-term deployment of a senior COI researcher from the UK, who assisted the COI unit in implementing an extensive knowledge management project in the field of COI.

Within the scope of the implementation of the EU-Turkey Statement, EASO provided training on general COI and on specific countries of origin in order to support both the admissibility and eligibility procedures in the Greek hotspots.

In April and May 2016, with a view towards strengthening the capacity of the asylum systems in the Western Balkans and Turkey (under the Instrument for Pre-Accession Assistance (IPA II)), EASO organised missions to map the gaps and needs on COI in Serbia and the former Yugoslav Republic of Macedonia. In December 2016, EASO organised a *COI Methodology and Best Practices' Regional Seminar* in Albania, which was attended by all beneficiary countries.

## 4.11. Vulnerable applicants

The recast version of the Asylum Procedures Directive (APD) expanded the previously limited<sup>(587)</sup> concept of vulnerable applicants by putting in place the notion of applicants in need of special procedural guarantees, outlined mainly in Article 24 of the recast APD. The core elements of the new framework are the need to identify applicants who are in need of special procedural guarantees (including as a result of torture, rape, or any other form of psychological, physical, or sexual violence) and to provide them with adequate support so that the procedure can be tailored to these applicants' needs<sup>(588)</sup>. In terms of reception conditions, the current version of the Reception Conditions Directive (RCD) includes provisions for persons with special needs and the principle of taking into account the specific situation of vulnerable persons. The recast RCD introduces a category of 'applicants with special reception needs'<sup>(589)</sup> and Chapter IV comprises a set of provisions concerning this category, including provisions on assessment of the special reception needs of vulnerable persons, minors, unaccompanied minors, and victims of torture and violence.

<sup>(587)</sup> The pre-recast version of the Asylum Procedure Directive specifically mentioned one group of applicants who require additional guarantees, i.e. unaccompanied minors, whose situation was regulated in Article 17.

<sup>(588)</sup> Article 22 RCD2 provides that: 'Member States shall take into account the specific situation of vulnerable persons such as minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with serious illnesses, persons with mental disorders, and persons who have been subjected to torture, rape or other serious forms of psychological, physical, or sexual violence, such as victims of female genital mutilation, in the national law implementing this Directive'. This provision is referred to in Article 24 APD2 as well. The category listed here is thus only one subcategory of vulnerable persons.

<sup>(589)</sup> Article 2(k) of the recast Reception Conditions Directive: ' "applicant with special reception needs": means a vulnerable person, in accordance with Article 21, who is in need of special guarantees in order to benefit from the rights and comply with the obligations provided for in this Directive'.

While some categories of vulnerable applicants are easier to identify, others require a more detailed assessment. Failure to properly identify such cases at an early stage<sup>590</sup> may also result in erroneous decisions on their application for international protection. In particular, asylum process for unaccompanied minors raises a number of complex legal, psychological and social issues, including among others age assessment, where needed, appointment of a guardian, ensuring best interests of the child, family tracing, conducting the process in a child-friendly manner, and ensuring suitable reception.

At EU+ level, the only available statistics on vulnerable applicants are collected for unaccompanied minors<sup>591</sup>. In 2016, a total of 65 570 unaccompanied minors (UAMs<sup>592</sup>) applied for international protection in the EU+, 37 % less than the previous year. Five countries combined recorded 79 % of all asylum applications lodged by UAMs: Germany (55 % of EU+ total), Italy (9 %), Austria (6 %), United Kingdom (5 %) and Bulgaria (4 %). While in the EU+ overall the number of UAMs decreased, some countries recorded increases. These were most significant in four countries: Greece, Croatia, Slovenia and Iceland (compare with Annex). The applications lodged by UAM accounted for 5 % of the total EU+, two percentage points less than in previous year. Yet the shares of UAMs in MS total number of applicants were the highest in Denmark and Slovenia (19 % each) and Bulgaria (14 %). As Figure 42 shows, the highest increase in the share of UAMs in total applications compared to previous year was observed in Denmark (+9 percentage points change compared to 2015), Croatia and Bulgaria (+5 percentage points each). Sweden and Norway reported the highest drop in the share of UAM applicants relative to the total applications compared to previous year, by 14 and 8 percentage points respectively.

Share of unaccompanied minor applicants relative to total asylum applications in 2015 and in 2016, by EU+ country

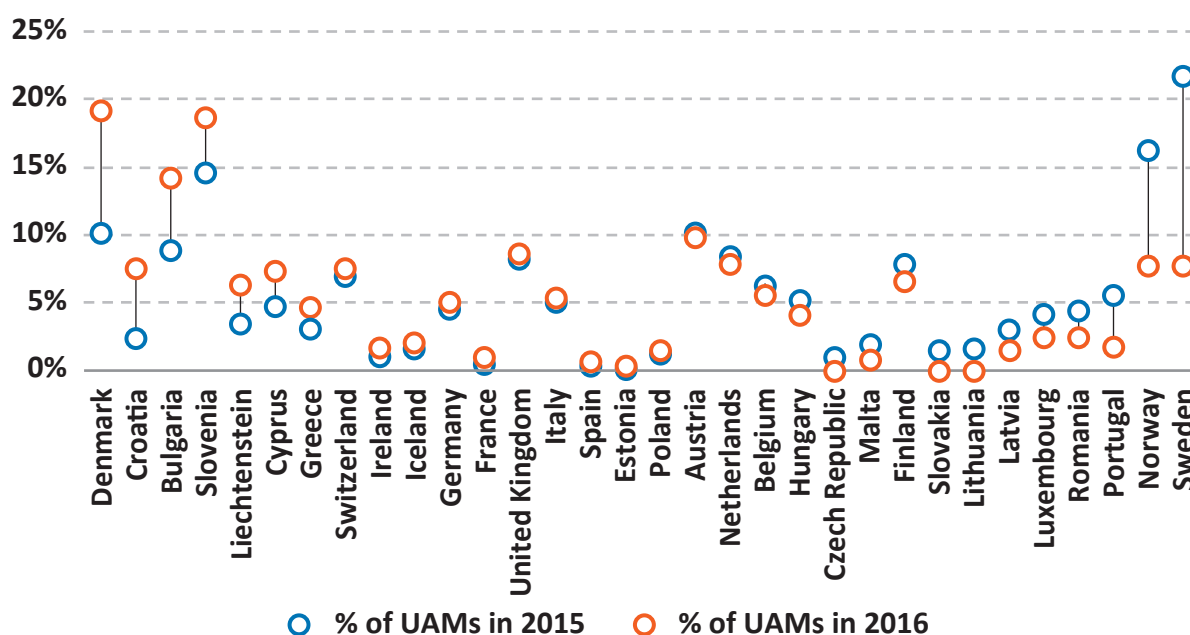


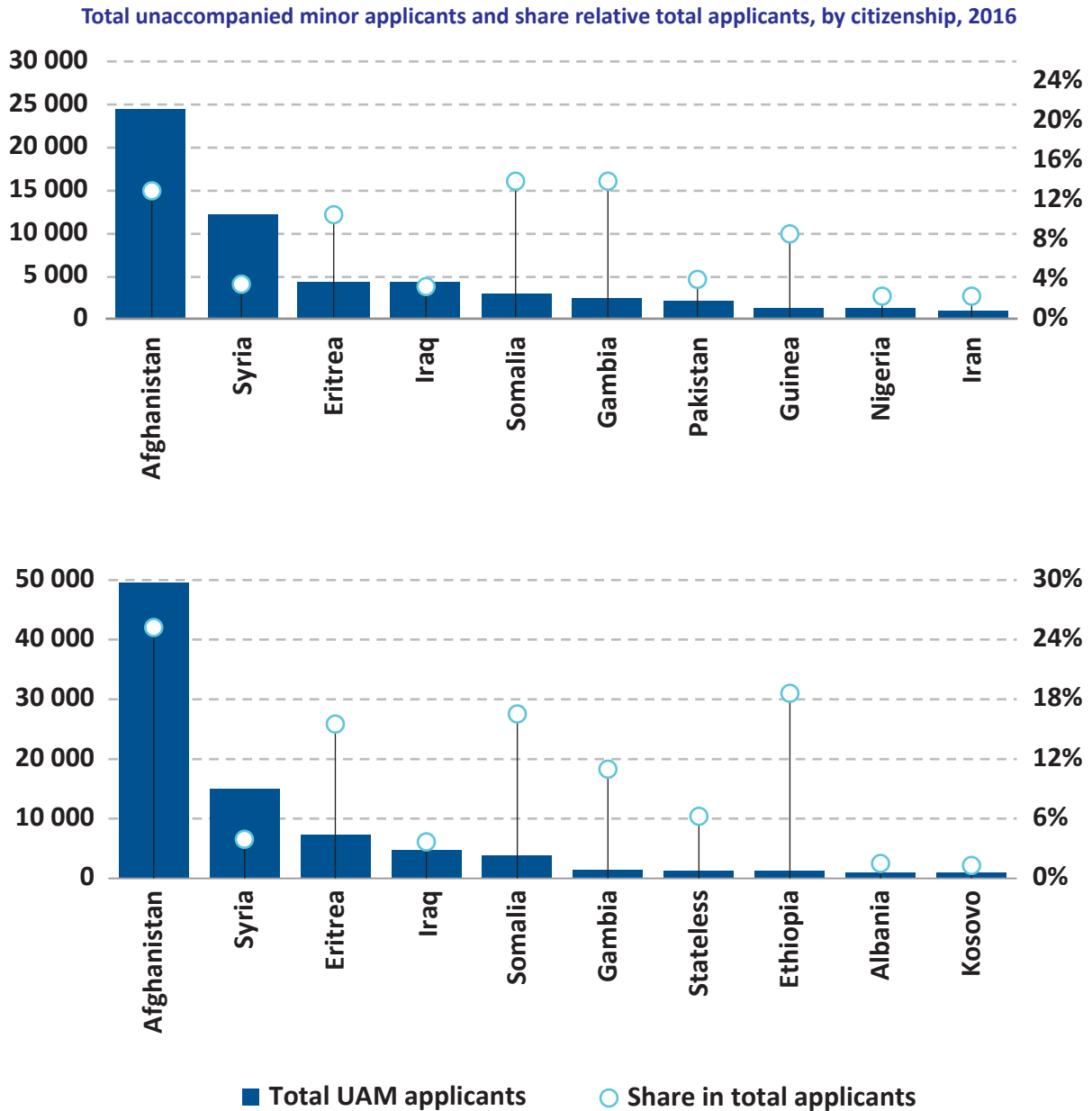
Figure 42: The biggest drop in share of UAMs occurred in Norway and Sweden

The structure of main citizenship groups of UAMs in 2016 was similar to the previous year with Afghan nationals lodging 37 % of all UAM applications in the EU+. Syrian and Eritrean nationals also represented a large group of UAM applicants – 18 % and 6 % of the EU+ total respectively. As Figure 43 shows, the highest shares of UAMs relative to the total number of applicants (13-14 %) were observed among Somalia, The Gambia and Afghanistan nationals. In general, the UAMs were mostly male, with only 14 % of applications lodged by females.

<sup>590</sup>) UNHCR indicated in that context a particularly high rate of SGBV survivors and unaccompanied children among persons arriving to Italy by sea, having experienced sexual violence in the countries of transit, on the route to Europe, including human trafficking.

<sup>591</sup>) EU+ countries collect statistics on other vulnerable groups applying for international protection at national level but no comparable picture can be drawn.

<sup>592</sup>) For statistical purposes, the unaccompanied minor applicants are those whose age has been accepted by the national authority, and, if carried out, confirmed by an age-assessment procedure. The Eurostat Guide for practitioners highlights that ‘the age of unaccompanied minors reported shall refer to the age accepted by the national authority. In case, the responsible national authority carries out an age assessment procedure in relation to the applicant claiming to be an unaccompanied minor, the age reported shall be the age determined by the age assessment procedure’.



**Figure 43: Most UAM applicants were Afghan nationals**

In 2016, the highest share of UAMs constituted those who declared to be 16-17 years old (66 % of EU+). Yet, as displayed at Figure 44, it greatly varied according to applicants' country of origin. Among the group of UAMs from The Gambia, 94 % declared to be 16-17 years of age. The share of 16 to 17-year-olds among UAM applicants was also high for Guinea and Nigeria nationals, 88 % and 90 % respectively.

Total unaccompanied minor applicants, by citizenship and age groups, 2016

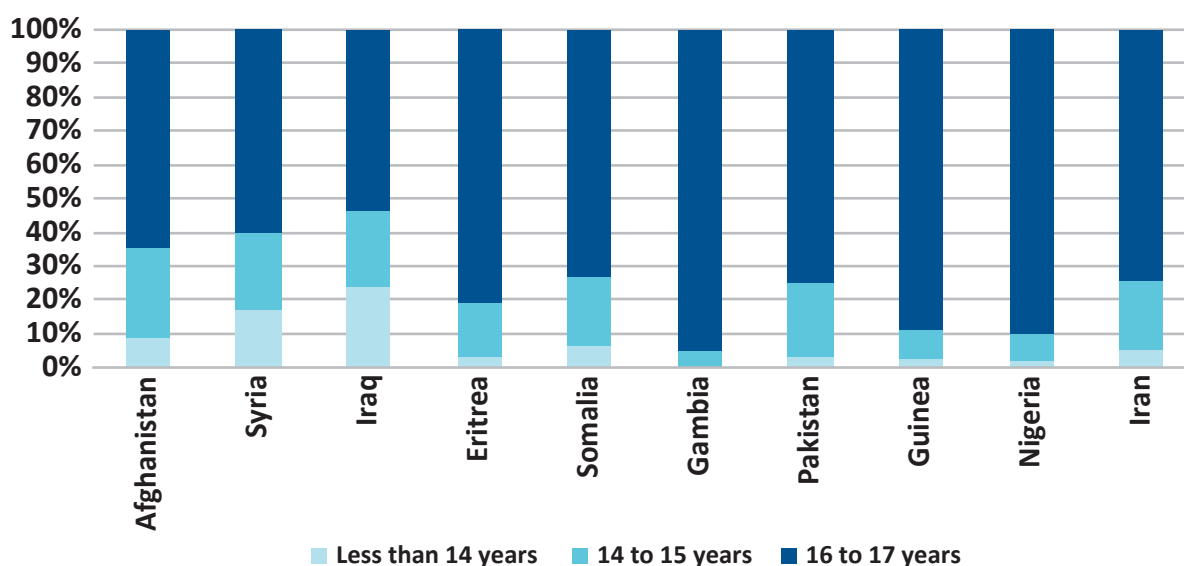


Figure 44: Most UAM applicants are 16-17 years old

### Information provision

In **Austria** <sup>(593)</sup>, **Belgium** <sup>(594)</sup>, **Malta** <sup>(595)</sup> and **Germany** <sup>(596)</sup> measures were introduced to reach out with information to specific vulnerable groups. In addition, on 6 January 2017 new regulations <sup>(597)</sup> entered into force in Italy, according to which unaccompanied minors who are victims of trafficking must be properly informed of their rights, including any access to the procedures for international protection.

### Reinforcing protection of vulnerable applicants

Several EU+ countries took measures aimed at addressing specific needs of certain profiles of vulnerable applicants, in particular (unaccompanied) minors, female and LGBT persons. These actions included: strengthening procedural safeguards (e.g. **Estonia** <sup>(598)</sup>, **Greece** <sup>(599)</sup>, **Slovenia** <sup>(600)</sup>, **Poland** <sup>(601)</sup>), adopting policy instructions/guidance on treatment of specific groups of applicants (e.g. **Belgium** <sup>(602)</sup>, **Switzerland** <sup>(603)</sup>),

<sup>(593)</sup> In early 2016, UNHCR and the Federal Office for Immigration and Asylum cooperated in preparing a revision of the booklet “Your Asylum Procedure in Austria” which targets applicants being unaccompanied minors. A more detailed version of booklet has been made available here: <http://deinasyilverfahren.at>.

<sup>(594)</sup> In the beginning of 2017 the CGRS published a new guide for unaccompanied minors seeking asylum in Belgium in several languages (please see: <http://www.cgrs.be/en/news/new-guide-unaccompanied-minors>).

<sup>(595)</sup> A booklet was developed following health education sessions with unaccompanied minors to raise awareness in view of the high number of missing migrant children in Europe and the negative health impact associated with Human Trafficking (MEH – Policy input).

<sup>(596)</sup> Guidelines of the German Lesbian and Gay Association (LSVD) on the asylum procedure for lesbian and gay refugees were translated.

<sup>(597)</sup> Decree 10 November 2016, n. 234 “Regulation for determining the age of unaccompanied minors victims of trafficking, in implementation of Article 4, paragraph 2, of Legislative Decree 4 March 2014, n. 24.

<sup>(598)</sup> Amended Act of Granting International Protection to an Alien introduced additional provisions in order to protect the rights and interest of minors. Also, a list of cases where the administrative authority may impose the fast-track procedure on unaccompanied minors was laid down in the Act. Moreover, it was agreed that, as of January 2017, unaccompanied minors, including those being victims of human trafficking, will be interviewed in the Children’s House using as child friendly methods as possible to safeguard children’s rights and avoid any kind of re-victimisation.

<sup>(599)</sup> Based on new provisions, vulnerable persons are exempted from the border procedures. They are also given priority in all procedures. Possible victims of torture are referred, as much as possible, to specialised NGOs while victims are offered counseling and referred to the competent authorities.

<sup>(600)</sup> Competent authority examine applications of unaccompanied minors with due priority.

<sup>(601)</sup> According to the new provisions, if a foreigner is considered a vulnerable person, the activities in the proceedings for granting international protection shall be carried out, inter alia: in conditions that ensure the foreigner’s freedom of expression, in a manner that is particularly tactful and adapted to that person’s physical and mental condition; at the time that is appropriate for that person’s physical and mental state, set in accordance with the dates of using the health services by the foreigner; in the place of residence if justified by the state of health of the foreigner; where appropriate, the presence of a psychologist, doctor or interpreter of the gender indicated by a foreigner will be provided at the foreigner’s request.

<sup>(602)</sup> New policy instructions on treatment of asylum applications based on the risk of female genital mutilation (FGM) and on hearing of female asylum seekers and the decision-making were drafted.

<sup>(603)</sup> Cantonal Social Services Directors (SODK) adopted guidelines on the reception and representation of unaccompanied minors for the Cantons. These non-binding guidelines establish minimum standards and try to harmonise the care of unaccompanied minors across Switzerland (UNHCR input).

**United Kingdom** <sup>(604)</sup>, **Italy** <sup>(605)</sup>), organising specific trainings (e.g. **Austria** <sup>(606)</sup>, **Belgium** <sup>(607)</sup>, **United Kingdom** <sup>(608)</sup>, **Switzerland** <sup>(609)</sup>), more favourable practical arrangements during the procedure (e.g. **Iceland** <sup>(610)</sup>, **Poland** <sup>(611)</sup>), special working groups with a duty to examine the situation of specific vulnerable applicants in the asylum process, e.g. married children (**Sweden**), unaccompanied minors (**Croatia** <sup>(612)</sup>), outlining a strategic approach in order to favour a coordinated approach (e.g. **Norway** <sup>(613)</sup>, **United Kingdom** <sup>(614)</sup>, **Sweden** <sup>(615)</sup>, **Italy** <sup>(616)</sup>) and bilateral cooperation between Member States (e.g. **Ireland** agreed to work with French authorities to identify up to 200 unaccompanied minors previously living in the Calais camp and who had expressed a desire to be relocated to Ireland).

### Guardianship and foster care

The following legislative and policy measures were adopted concerning legal guardianship and foster care for unaccompanied minors:

- scope of legal representation was extended (e.g. **Poland** <sup>(617)</sup>, **Slovenia**);
- new standards on guardianship were adopted (e.g. **Sweden** <sup>(618)</sup>, **Poland** <sup>(619)</sup>, **Italy** <sup>(620)</sup>, **Greece** <sup>(621)</sup>);
- guardianship network offering tailor-made support to unaccompanied minors was set up in **Greece** <sup>(622)</sup>;

<sup>(604)</sup> New Home Office guidance on processing children’s asylum claims was published, with several changes to the asylum process for children, including less onerous initial screening interviews ([https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/537010/Processing-children\\_s-asylum-claims-v1.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/537010/Processing-children_s-asylum-claims-v1.pdf)) as well as number of policies on LGBT asylum seekers were updated and introduced, e.g. Asylum Policy Instruction: Sexual orientation in asylum claims ([https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/543882/Sexual-orientation-in-asylum-claims-v6.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/543882/Sexual-orientation-in-asylum-claims-v6.pdf)).

<sup>(605)</sup> Inter-Ministerial guidelines on Victims of Torture were drafted in collaboration with relevant ministries and experts from NGOs.

<sup>(606)</sup> UNHCR conducted a pilot training for the first instance authority on interviewing vulnerable asylum seekers, in particular victims of torture and applicants with mental illnesses. A respective tool was developed and will be shared in 2017.

<sup>(607)</sup> Training for the protection officers on prevention and medical and psychological care of girls and women was also organised as well as training for interpreters: “Interpreting gender-related asylum stories” to improve quality of asylum hearings. Also, training on cultural sensitivity and vulnerability of children by Solentra, the Department of Psychiatry for infants, children and adolescents of the University Hospital of Brussels provided to a team of specialised officers dealing with applications lodged by unaccompanied minors.

<sup>(608)</sup> Trainings were provided on handling claims based on a fear of female genital mutilation (FGM) as part of a targeted action plan to ensure the asylum process is gender sensitive.

<sup>(609)</sup> Trainings on the technique of in-depth hearings for case workers as well as a course on sexual orientation / gender identity dealing with the “Difference, Stigma, Shame and Harm (DSSH) Model” were organised (since then this has been the standard model of approach for any in-depth hearings enquiring into asylum applications linked with aspects of sexual orientation and gender identity).

<sup>(610)</sup> Child-friendly interviewing procedures were introduced, where a psychologist interviews the child guided by a staff member from the Directorate of Immigration (UNHCR input).

<sup>(611)</sup> The interview is adjusted to the situation of the applicant, adapted to that person’s physical and mental condition: if it is needed the psychologist or pedagogue takes part in the interview in case involving unaccompanied minors or the psychologist or doctor in case involving victims of violence or disabled people. The interview is conducted by qualified and well - trained employees, particular attention is paid to cases involving women – victims of sexual violence; in such cases the interview is conducted by female case worker (interviewer).

<sup>(612)</sup> The Ministry of the Interior established a working group in order to revise the child protection protocol to re-determine the actors/providers of the obligations and procedures for enabling identification, assistance and protection to migrant and/or refugee children separated from their parents.

<sup>(613)</sup> In June 2016, Action Plan for the years 2017-2010 for LHBT persons against discrimination due to sexual orientation, gender identity and gender expression was adopted. For LHBT asylum seekers the Action Plan takes measures to make the situation for those more safe and secure in the reception centers and under the asylum procedure, and to strengthen the competence on LHBT questions and LHBT persons among staff who work in the Norwegian Immigration sector.

<sup>(614)</sup> In November 2016, the Minister for Education issued a joint ministerial statement with Home Office Minister confirming the intention to publish a strategy, by 1 May 2017, which will set out further detail on how children should be safeguarded and their welfare promoted (<https://www.gov.uk/government/speeches/safeguarding-unaccompanied-asylum-seeking-and-refugee-children>).

<sup>(615)</sup> In September 2016, the Swedish government presented a new Action Plan for 2016-2018 for the protection of children exposed to human trafficking, exploitation and sexual abuse, focusing on the disappearance of unaccompanied children.

<sup>(616)</sup> The first Anti-Trafficking National Action Plan was adopted which aims at streamlining the governmental action in order to favour a coordinated approach. In May 2016, a Program for the assistance of the victims of trafficking was adopted, which will be managed by the Presidency of the Council of Ministers. In June 2016 the first call for proposal has been published for the financing of local projects in order to implement the Plan.

<sup>(617)</sup> Scope of activity of curators was extended so that it encompasses not only proceedings for granting international protection but also proceedings for granting assistance in making a voluntary return to their country of origin, for Dublin transfers and proceedings for granting social assistance.

<sup>(618)</sup> According to new standards, all unaccompanied minors are appointed a legal counsel in the very first days of the asylum process. The legal counsels are instructed to meet the minors before further steps are taken in the asylum process, in the best interest of the minors. Children have no legal capacity in Sweden, consequently a legal guardian is always appointed by the guardian office of the responsible municipality. The presence of legal counsel near the minors allows the Migration Agency to conduct an in-depth application interview and proceed with matters such as family reunification early on in the process.

<sup>(619)</sup> According to the new provisions, the court is obliged to make an order to appoint a curator to represent the minor within 3 days.

<sup>(620)</sup> In line with new regulations on protection of unaccompanied minors pending approval (the law entered into force on 6 May 2017, see: <http://www.camera.it/leg17/126?idDocumento=1658>), promotion of guardianship for children, foster care and host families for children will be reinforced.

<sup>(621)</sup> A new law 4375/16 specifies that a guardian must be appointed to a UAM applying for asylum when the request is launched and that s/he must be informed about this immediately.

<sup>(622)</sup> The Guardianship Network for Unaccompanied Minors is an initiative of the Greek NGO METAdrasi (<http://metadrasi.org/en/campaigns/guardianship-of-unaccompanied-minors/>) and does not concern a legislative provisions.

- foster care system was overhauled in **Latvia** <sup>(623)</sup>;
- a foster care pilot programme was set up in **Cyprus**, which foresees the systematic evaluation of potential foster parents by social workers and psychologists and training of the parents concerned on issues related to parenting skills;
- better cooperation between stakeholders (e.g. **Belgium** <sup>(624)</sup>).

### Age assessment

Rules on age determination were revised in **France** <sup>(625)</sup> and **Italy** <sup>(626)</sup> in order to make the examination less invasive and more child-friendly. **Cyprus** implemented a project under which dental examinations for applicants claiming they are minors are co-financed. **Greece**, on the other hand, adopted a ministerial decision (335/B/16-02-2015) setting out the age-assessment process for (alleged) minors to better align the process with the European procedures. An obligation to undertake an age assessment was also introduced in the **Slovak Republic**.

#### EASO activities on vulnerable applicants

In 2016, EASO further developed its activities on the identification and support of vulnerable applicants. It organised a number of practical cooperation activities in this field and approached new issues such as the identification of persons subjected to torture and other serious forms of violence and held a workshop focusing on country of origin information and female genital mutilation/cutting (FGM/C).

Asylum-seeking minors continued to be an area of particular focus for EASO which in 2016 published a *Practical Guide on Family Tracing* and provided practical support to frontline Member States in the best interests' assessment of unaccompanied minors for the purpose of relocation. It also initiated the development of the second edition of the EASO publication *Age Assessment Practice in Europe*. The fourth annual conference on EASO activities on children, held in Malta on 5-6 December 2016, was dedicated to the situation of asylum-seeking minors in the context of high migratory influx.

In 2016, EASO also organised its third annual conference on trafficking in human beings (THB) with a thematic focus on common challenges and possible practical responses to the current situation of asylum-seeking victims of trafficking with a focus on the current migratory crisis.

### Early detection of vulnerabilities and referral

Measures aimed at putting in place mechanisms for identifying applicants with special needs as regards both reception and asylum procedure and determining vulnerability at the early stage of procedure (e.g. special registration forms, operational guidance/instructions, formal procedures, better coordination between stakeholders, referral mechanisms) were introduced by many Member States, namely: **Austria** <sup>(627)</sup>, **Cyprus** <sup>(628)</sup>, **Germany** <sup>(629)</sup>,

<sup>(623)</sup> The new 2016 Asylum Law determined that an UAM may be also placed in a foster family. Such decision shall be made by the orphan's court, after consulting the opinion of the Office of Citizenship and Migration Affairs and taking into account the interest and opinion of a minor.

<sup>(624)</sup> A convention between the Federal Agency for the reception of asylum seekers (Fedasil) and the Flemish and French Community was concluded to allow Fedasil to directly assign UAMs under 15 years to the residential care of Flemish and Walloon Youth Care Services.

<sup>(625)</sup> A Circular issued in January 2016 and welcomed by the Ombudsman, specifies that a social evaluation should prevail over medical bone examinations, especially when it cannot be established that available documentation is not authentic. Civil society reported however that practice is not uniform throughout the country and only a few départements have followed the guidance so far (see: AIDA, Country Report France, 2016 Update, February 2017).

<sup>(626)</sup> New regulations entered into force, according to which definition of the mechanisms for determining age of trafficked unaccompanied minors was introduced (Decree of the President of the Council of Ministers No. 234 of 10 November 2016). Also, new regulations on protection of unaccompanied minors pending approval (the law entered into force on 6 May 2017, see: <http://www.camera.it/leg17/126?idDocumento=1658>) provide for more harmonisation and improvement of age assessment in a child-sensitive manner.

<sup>(627)</sup> Identifying potential victims of trafficking in human beings among asylum seekers was defined as a focus area in the fourth National Action Plan on Combating Human Trafficking (2015–2017).

<sup>(628)</sup> For more information see also: Section 4.6.

<sup>(629)</sup> For more information see also: Section 4.6.

**Estonia** <sup>(630)</sup>, **Italy** <sup>(631)</sup>, **Belgium** <sup>(632)</sup>, **Greece** <sup>(633)</sup>, **France** <sup>(634)</sup>, **Lithuania** <sup>(635)</sup>, **United Kingdom** <sup>(636)</sup>, **Poland** <sup>(637)</sup>, **Norway** <sup>(638)</sup> and **Romania** <sup>(639)</sup>.

A series of training sessions were also carried out in order to enhance different key actors' ability to identify vulnerable groups among applicants and to refer them to relevant institutions. These included victims of torture (**Cyprus**) and potential victims of trafficking (**Finland, Austria**). Once a month in **Slovenia** a psychiatrist trains professionals working in reception facilities on different complementary topics so that they are able to identify, assess and deal with vulnerability.

### Other measures

Other changes reported related specifically to:

- special arrangements in reception facilities to accommodate special care needs of the applicants (for more information see also: Section 4.6. *Reception of applicants for international protection and reception capacity*);
- the child's best interest principle (e.g. **Slovenia** adopted a broader definition of the principle of the child's best interests in the new International Protection Act);
- family tracing and family reunification (e.g. **United Kingdom** revised family tracing guidance in July 2016 <sup>(640)</sup>; **Austria** modified provisions governing family reunification for unaccompanied minors granted asylum <sup>(641)</sup>);
- actions against violence against women and domestic violence (e.g. in November 2016, **Liechtenstein** signed the Istanbul Convention);
- detention <sup>(642)</sup>;
- return <sup>(643)</sup>.

<sup>(630)</sup> Evaluation and consideration of the special needs of applicants for international protection was regulated by law (although their needs were previously considered in practice). The Victim Support Act was also amended to improve the detection of victims of trafficking in human beings and enhance their access to the victim support services.

<sup>(631)</sup> In line with new regulations on protection of unaccompanied minors pending approval (the law entered into force on 6 May 2017, see: <http://www.camera.it/leg17/126?idDocumento=1658>), accelerated identification procedures for unaccompanied minors will be introduced. Operational guidelines to facilitate the identification victims of trafficking in human beings and their referral to specialised services have also been drafted by the National Asylum Commission. Also, the new law proposal was discussed which would fill the existing gap regarding the lack of a referral mechanism concerning women who have suffered violence or are at risk of suffering from it.

<sup>(632)</sup> For more information see also: Section 4.6.

<sup>(633)</sup> Vulnerability assessment obtained a key role in the asylum process. Apart from the vulnerability screening by the medical and psychosocial support unit of the Reception and Identification Service, as well as the subsequent official registration of a person as vulnerable by the Reception and Identification Service, the Asylum Service with the support of EASO introduced an additional possibility for a vulnerability assessment in the asylum procedure. In December 2016, the Reception and Identification Service and the Asylum Service identified ways of sharing data on vulnerability aiming at ensuring consistency and time efficiency.

<sup>(634)</sup> Guidance on identification of victims of trafficking in human beings was elaborated and disseminated, which aims to allow evaluators to better identify victims who are minors. It includes a reference to the possibility for trafficking victims to seek asylum and indicates the procedure. Moreover, in the framework of the newly established "single desk" procedure (introduced following the asylum reform in 2015), 34 "single desks" were established throughout the country. The single desk brings together in the same place the local authorities (Préfecture) in charge of registering the applications and informing the public Prosecutor of the absence of a legal representative, informing childcare in order to take care of the child and employees of the French Office of Immigration and Integration (OFII) who assess vulnerabilities and special reception needs, whereas the determining authority – OFPRA – is in charge of assessing the special procedural guarantees. All those services have been informed on human trafficking and work together with the police on dismantling networks, in particular when the applicant is a young minor girl.

<sup>(635)</sup> According to the new procedure laid down, upon lodging an application, an initial vulnerability assessment is performed. Subsequently, on the basis of the assessment, a vulnerable asylum applicant may be granted special procedural guarantees.

<sup>(636)</sup> In March 2016, the UK secured EU funding to pilot a referral process for women who disclosed issues relating to sexual violence as part of their asylum application so that they can be formally referred to available support and counselling services. The Refugee Council will provide a 12 week therapeutic service to 200 women throughout the financial year 2016/2017.

<sup>(637)</sup> New provisions entered into force which should improve the process of identifying a vulnerable person, i.e. the category of persons with special needs was clarified, and possibility to carry out medical or psychological examinations was secured.

<sup>(638)</sup> Instructions were adopted on how to identify and handle vulnerable groups, such as victims of forced marriage, victims of child marriage and victims of trafficking.

<sup>(639)</sup> UNHCR widely disseminated its Guidelines on Best Interest Assessments and engaged in various advocacy activities which contributed to an overall improvement of the situation regarding SGBV issues and their handling. While the identification and referral procedures are still facing considerable gaps, UNHCR's assistance was welcomed by the authorities (UNHCR input).

<sup>(640)</sup> UNHCR input.

<sup>(641)</sup> The same provisions apply to parents of minors as to other beneficiaries of subsidiary protection – they can submit an application for family reunification no earlier than three years after their child as an unaccompanied minor is granted subsidiary protection status (Amendments to the Asylum Act, the Aliens Police Act and the Federal Office for Immigration and Asylum Procedures Act became effective as at 1 June 2016). On the other hand, the parents of unaccompanied minors granted asylum or subsidiary protection are automatically considered to meet the normal requirements to provide evidence of suitable accommodation, health insurance cover in Austria and fixed-level, regular income.

<sup>(642)</sup> For more information see also section 4.7. *Detention*.

<sup>(643)</sup> For more information see also section 4.13. *Return*.

Notwithstanding the substantial progress made in the field of identification and response to the specific needs of vulnerable groups as early as possible upon arrival, certain shortcomings in the care provided to those applicants were identified. Even though, compared to 2015, last year saw a 37 % decrease in the number of applicants for international protection claiming to be minors, challenges regarding proper age assessment, best interest determination and lack of, or delay in, providing guardians persisted. In general, concerns were voiced by the civil society and UNHCR <sup>(644)</sup> as to:

- age determination procedure (e.g. lack of comprehensive assessment that would take into account more often the psychological maturity of the applicant or relevant ethnic and cultural factors, overreliance on medical examination, the type of documents applicants are requested to provide by the authorities – standard of proof, lack of uniformity at national level, lack of an effective legal remedy being available against the age assessment decision and lack of guardian appointed to age-disputed applicants during the medical examination);
- vulnerability assessment and referral mechanisms, especially with regard to proper identification of victims of torture, survivors of sexual and gender-based violence, victims of trafficking, persons suffering from mental health issues including post-traumatic stress disorder (e.g. lack of identification and referral mechanisms in place for persons with specific needs and lack of expertise among stakeholders making the necessary assessment, absence of translators, lengthy procedures, no systematic assessment of the specific needs of applicants at the beginning of the procedure, difficulties in providing documentation proving vulnerability i.e. with regard to victims of torture, no systematic interview conducted with applicants, lack of identification of less visible vulnerabilities (e.g. torture survivors, mental illnesses);
- best interest determination (e.g. need to involve child more in a process, insufficient training provided to guardians, need to develop a formal multi-disciplinary approach, internal character of the determination which cannot be disputed in court);
- guardianship (e.g. appointment of qualified guardians not always ensured, delays in appointing guardians, lack of practical and/or emotional support from guardians reported by children);
- access to child-friendly information;
- access to quality legal assistance and initiation by competent authorities of family tracing and reunification processes;
- quality of services provided to vulnerable applicants (e.g. in terms of addressing mental and psychological and shelter needs);
- insufficient mechanism to prevent children from going missing.

<sup>(644)</sup> For further reference see also: Council of Europe “Protecting children from the refugee crisis from sexual exploitation and sexual abuse”, March 2017, see: <http://www.coe.int/en/web/children/-/new-report-on-protecting-refugee-children-from-sexual-abuse>; Save the children “Children on the move in Europe”, see: <https://savethechildreninternational.exposure.co/children-on-the-move-in-europe>; IRCT “Falling through the cracks, asylum procedures and reception conditions for torture victims in the European Union”, 2016, see: [http://www.irct.org/assets/uploads/pdf\\_20161120142453.pdf](http://www.irct.org/assets/uploads/pdf_20161120142453.pdf); Asylum Aid Page UK “Double standards facing women seeking asylum in Europe”, January 2016, see: <http://www.asylumaid.org.uk/wp-content/uploads/2016/01/Double-standards-briefing.pdf>.



## 4.12. Content of protection

Persons who have been granted a form of international protection in an EU+ country can benefit from a range of rights and benefits linked to this status. EU standards in that regards are laid down in Chapter VII of the recast Qualification Directive which prescribes what is the content of protection granted in terms of protection from *refoulement*, information, maintaining family unity, residence permits, travel documents, access to employment and education, access to procedures for recognition of qualifications, social welfare, healthcare, support provided for unaccompanied minors, access to accommodation, freedom of movement within the Member State, access to integration facilities and repatriation (for beneficiaries of international protection who wish to be repatriated).

### Residence permits

Several countries (**Austria** <sup>(645)</sup>, **Belgium** <sup>(646)</sup>, **Denmark** <sup>(647)</sup>, **Hungary** <sup>(648)</sup>, **Sweden** <sup>(649)</sup>) amended their legislation by restricting the period of residence permit granted to beneficiaries of international protection bringing it closer to or matching the minimum periods provided for in the asylum acquis <sup>(650)</sup>. Consequently, people granted refugee status or/and subsidiary protection in those countries were no longer granted unlimited/long-term residence permits (the length of a permit was reduced to 13 months or three/five years). In addition, some countries also introduced a systematic revision of grounds for granting protection statuses (**Austria, Hungary and Sweden**). The **Netherlands** also reported on measures to tighten the residence rights of beneficiaries of international protection, with stricter conditions being established for refusing and revoking a residence permit to beneficiaries of international protection who had committed a crime.

The latter development received criticism from UNHCR and civil society mainly due to the administrative workload created by the mandatory reassessment of cases <sup>(651)</sup>.

In addition, in **Norway**, a former provision in the Immigration regulation which stated that ‘a foreigner who has not received his application for protection settled by the Directorate of Immigration within 15 months after the alien met the police and sought protection, can be granted a resident permit’, was abolished with effect from 1 July 2016.

<sup>(645)</sup> Following an amendment to the Austrian Asylum Act that entered into force on 1 July 2016, the so far unlimited residence permit for refugees was limited to three years. As of 2017, the asylum authority will, based on an analysis of its COI Unit on the situation in main countries of origin, decide whether or not the circumstances will allow the initiation of cessation procedures in concerned individual cases. If this is not possible, the limited residence permit will automatically be extended to an unlimited one.

<sup>(646)</sup> As of 8 July 2016 people granted refugee status no longer receive a residence permit of unlimited duration. Instead, they obtain a temporary residence permit with a validity of 5 years. This period of 5 years starts from the moment the asylum application was lodged. After 5 years, the refugee will receive a residence permit of unlimited duration, unless the refugee status has been withdrawn (UNHCR input).

<sup>(647)</sup> The duration of residence permits for recognised refugees with convention status was reduced from 5 years to 2 years, whereas in the case of persons with subsidiary protection, it was reduced from 5 years to 1 year with possible extensions of 2 years each. Residence permit granted to refugees with so-called temporary protection status was reduced from 1 year to an initial 1-year residence permit, which may be extended two times for 1 year each. After the first two extensions, further extensions can be granted for 2 years each.

<sup>(648)</sup> The duration of Hungarian IDs issued to refugees was reduced from 10 years to 3 years, whereas in the case of persons with subsidiary protection, it was reduced from 5 years to 3 years as of 1 June 2016. According to the same reform, refugee and subsidiary protection statuses are to be reviewed every 3 years.

<sup>(649)</sup> Starting from 20 July 2016, when the new temporary law on migration entered into force (in force until 19 July 2019), recognised refugees are granted a 3-year temporary permit with the right to family reunification if the application is made within three months of the reference person receiving their permit. Beneficiaries of subsidiary protection will be granted an initial period of 13 months temporary residence permit with no right to family reunification. The permit can be extended another 2 years if protection grounds persist.

<sup>(650)</sup> According to the Article 24 of the recast Qualification Directive, beneficiaries of refugee status shall be issued a residence permit which must be valid for at least 3 years and renewable and beneficiaries of subsidiary protection status shall be issued a renewable residence permit which must be valid for at least 1 year and, in case of renewal, for at least 2 years.

<sup>(651)</sup> UNHCR input.

## Family reunification

Changes were introduced in relation to family reunification rights in **Austria** <sup>(652)</sup>, **Belgium** <sup>(653)</sup>, **Germany** <sup>(654)</sup>, **Denmark** <sup>(655)</sup>, **Hungary** <sup>(656)</sup>, **Sweden** <sup>(657)</sup>, **Ireland** <sup>(658)</sup>, **Switzerland** <sup>(659)</sup>, **Norway** <sup>(660)</sup>. These mainly related to longer procedure, more requirements, shorter duration of residence permits issued to family members, additional fees or even temporary suspension of the right to family reunification (i.e. as in case of **Germany** and **Sweden**).

The reduction of family reunification rights was criticised by UNHCR and NGOs in light of contradictions with Article 8 ECHR and the possible negative impact on the successful integration of beneficiaries of international protection (particularly with regard to beneficiaries of subsidiary protection, whose right to reunite with family members was temporarily suspended) <sup>(661)</sup>.

Other concerns related to low flexibility shown by authorities in applying dependency criteria for family reunifications to determine who is eligible (e.g. in **Spain** and **Luxembourg**), additional documentation (including original supporting document) requests later in the procedure which impeded the practical implementation of family reunification (e.g. in **Cyprus**) <sup>(662)</sup>, limited possibilities to reunify with family for children granted international protection (e.g. in **United Kingdom** and **the Netherlands**), lengthy procedures (e.g. the **Netherlands** <sup>(663)</sup>) as well as the granting of humanitarian visas (e.g. **Belgium**) <sup>(664)</sup>.

In turn, **Malta** adopted new regulations under which reunited family members are now granted a residence permit of three years which specifies 'Refugee'. Prior to this change, the reuniting family members were issued a one-year residence document indicating 'Dependent family member', causing difficulties when public service providers (e.g. hospitals) failed to recognise the holder's entitlements as being equal to those of their refugee sponsor <sup>(665)</sup>.

<sup>(652)</sup> Beneficiaries of subsidiary protection are only allowed to reunify with members of their family three years after the status was granted, and only if they can prove regular income, health insurance and accommodation in Austria. For recognised refugees, a three-month period after recognition was introduced within which an application for family reunification has to be lodged.

<sup>(653)</sup> The timeframe for decision-making on family reunification applications was extended from 6 to 9 months and family members joining refugees will have a temporary residence permit for 5 years instead of 3.

<sup>(654)</sup> Family reunification for beneficiaries of subsidiary protection who have been granted this status after 17 March 2016 was suspended for a period of two years (until 16 March 2018). This change came into effect only eight months after beneficiaries of subsidiary protection had rights in terms of family reunification – UNHCR input, see: AIDA, Country Report Germany, 2016 Update).

<sup>(655)</sup> Following changes in the Danish Aliens Act, the right to family reunification for persons who were granted temporary protection status was restricted. Whereas previously a beneficiary with this status could apply for family reunification after 1 year of residence, now a beneficiary can only apply after 3 years of residence. Only in special circumstances would it be possible to reunite with family members before the three years have passed, i.e. when 'special grounds' apply such as if the beneficiary's spouse or children are severely handicapped or ill and reliant on the refugee living in Denmark. According to Danish Refugee Council, practice in this regard is however very strict. Fees were also put in place for applications for family reunification (Danish Refugee Council – CF input <https://www.easo.europa.eu/input-civil-society-easo-annual-report-2016>).

<sup>(656)</sup> As of 1 July 2016, family members of recognised refugees have only three months to start the family reunification procedure under favourable conditions instead of the previously given 6-months period. Mandatory interval for reviewing the status of beneficiary of international protection was also reduced from 5 to 3 years following recognition (Hungarian Helsinki Committee input).

<sup>(657)</sup> Following the entry into force of the temporary law in 2016 (in force until 20 July 2019), beneficiaries of subsidiary protection are not eligible for family reunification as a rule. The law has also introduced restrictive conditions for recognised refugees, who must apply within 3 months in order to be exempt from material requirements (income, accommodation) – see: AIDA, Country Report Sweden, 2016 Update.

<sup>(658)</sup> Under the new provisions, a narrower definition of "family member" applies – it excludes dependants such as siblings and parents for adult beneficiaries of international protection, children over the age of 18 and dependents such as grandparents and other extended relatives. Furthermore, a 12-month time limit from obtaining protection has been introduced for sponsors to submit an application for family reunification and family members must enter the state within twelve months of being granted permission (see: AIDA, Country Report Ireland, 2016 Update).

<sup>(659)</sup> The income requirements were further heightened - in addition, not to depend on social welfare benefits, provisionally admitted persons who are entitled to an old-age, disability or a widow's pension in Switzerland and who are entitled to supplementary benefits shall be excluded from family reunification (UNHCR input).

<sup>(660)</sup> According to the new law (in force as of 1 January 2017), a 24-year age requirement in family formation cases was introduced (both parties must be at least 24 years of age before an application for a residence permit as the sponsor's spouse or cohabitant may be granted). The rationale to introduce the 24-year age requirement was to prevent forced marriages. In addition, according to this requirement an application for family immigration may be rejected where family life can be exercised in a safe third country where the family has stronger ties than to Norway.

<sup>(661)</sup> UNHCR input. With regard to Cyprus and Malta UNHCR expressed concerns regarding lack of possibilities of family reunification for beneficiaries of subsidiary protection.

<sup>(662)</sup> UNHCR input.

<sup>(663)</sup> UNHCR input.

<sup>(664)</sup> Family members who are not entitled to family reunification can apply for a humanitarian visa. These are granted at the discretion of the Belgian authorities (no listed requirements in the law but in practice proof must be given of dependency and vulnerability of the family members, as well of means to support them in Belgium). Despite a noteworthy increase in the last two years, especially for Syrians, few humanitarian visas were granted (UNHCR input).

<sup>(665)</sup> See: AIDA, Country Report Malta, 2016 Update.

### Access to social welfare schemes

Two countries (**Austria** <sup>(666)</sup> and **Norway** <sup>(667)</sup>) restricted their policy regarding social assistance benefits available to beneficiaries of international protection, whereas **Lithuania**, in late 2016, initiated drafting amendments to social welfare-related legislation to align access to social benefits between recognised refugees and beneficiaries of subsidiary protection.

**Latvia** <sup>(668)</sup>, **Denmark** <sup>(669)</sup> and **Lithuania** <sup>(670)</sup> reduced financial allowances available to beneficiaries of international protection.

UNHCR highlighted that in some countries beneficiaries of international protection faced impeded access to the benefits system (e.g. in the **United Kingdom**, with regard to claimants for disability and carers' benefits <sup>(671)</sup>).

### Integration programmes

In order to facilitate the integration of beneficiaries of international protection into society, a number of countries introduced a plethora of measures, including more favourable support rates or facilitated access to services (e.g. **Estonia** <sup>(672)</sup>, **Slovenia** <sup>(673)</sup> **Czech Republic** <sup>(674)</sup>), longer availability of integration programmes (e.g. **Romania** <sup>(675)</sup>), additional support measures, integration courses and attendance obligations (e.g. **Austria** <sup>(676)</sup>, **Germany** <sup>(677)</sup>, **Estonia** <sup>(678)</sup>, **Slovenia** <sup>(679)</sup>, **Latvia** <sup>(680)</sup>, **Estonia** <sup>(681)</sup>, **the Netherlands** <sup>(682)</sup>), and additional funding provided for integration-related activities (e.g. **Bulgaria** <sup>(683)</sup>).

<sup>(666)</sup> The Province of Lower Austria reduced the level of support for persons who have lived less than five years over the past six years in Austria (UNHCR input <http://www.unhcr.at/presse/pressemitteilungen/artikel/567e0da6a89236c905e791dbe5eade1/mindestsicherung-in-oesterreich-nicht-zusammenkuerzen.html>; <http://www.unhcr.at/presse/pressemitteilungen/artikel/495d1aca14bb82086fbd741ec2a765d/mindestsicherung-fuer-subsidiaer-schutzberechtigte-in-noe-nicht.html>). Furthermore, according to information provided by UNHCR, several Austrian Provinces exclude beneficiaries of subsidiary protection from their social welfare scheme (and referring them to the aid scheme for asylum seekers) – see: <http://www.refworld.org/pdfid/5878a04c4.pdf>.

<sup>(667)</sup> On July 2016, Norway proposed changes, according to which social support/benefits to family members of refugees such as social support to spouses, social benefits to single parents and compensating support will be withdrawn. This is to improve ability to work and to function in the daily life. While the proposed amendments would bring the calculation of social benefits for refugees in line with the rules for calculation of benefits for Norwegian citizens and immigrants who have lived abroad for extensive periods of time, UNHCR considers that they fail to take into account the specific circumstances of refugees.

<sup>(668)</sup> Financial support was reduced by a 50 % reduction (from EUR 256/month to EUR 139/month).

<sup>(669)</sup> Special lower integration allowance for refugees expanded to all recognised refugees, as opposed to only those having arrived post-September 2015 (UNHCR input).

<sup>(670)</sup> Integration-related support, including social welfare support for refugees and subsidiary protection beneficiaries was significantly cut in late 2015. This was criticised by UNHCR and NGOs. Some amendments were adopted on 5 October 2016. However, UNHCR emphasised that the current level of support still appears to be insufficient (in particular, because of high rent prices and fees related to access to housing).

<sup>(671)</sup> No specific exemption has been made for refugees in need of disability and carer's benefit and they are required to have been in the UK for at least 2 of the last 3 years before applying for the relevant benefits (UNHCR input).

<sup>(672)</sup> The subsistence level was increased (130 € per month for first the family members and all children and 104 € per month for the second and each subsequent adult member of a family). Also the level of security deposit paid for the purpose of renting an apartment was reduced.

<sup>(673)</sup> Under the new International Protection Act, persons granted international protection with insufficient financial means can participate in a free educational programme.

<sup>(674)</sup> On 1 January 2016 a new "State Integration Programme" for persons with granted international protection (asylum and subsidiary protection) came into force. In February 2016 the Ministry of the Interior of the Czech Republic concluded a contract with a general provider of integration services. The provider that is active throughout the whole country is responsible for the coordination and provision of integration services to beneficiaries of international protection. Individual integration plan is prepared with each authorised person. This document describes integration targets of each individual and the steps to be taken to achieve this target. The aim of the Programme is to facilitate the process of integration of persons who have been granted international protection especially with respect to the Czech language instruction, their entry to the labour market, housing, education and retraining courses. Integration services are provided for the period of 12 months.

<sup>(675)</sup> Integration programmes were prolonged beyond the period of 6 months with the possibility of extension for another 6 months.

<sup>(676)</sup> An obligation for people granted refugee status or subsidiary protection was introduced to visit one of the Austrian Integration Fund's centres for seeking integration support. Also, values and orientation courses are provided nationwide.

<sup>(677)</sup> In accordance with a new legislative proposal, asylum seekers who have good prospects of being allowed to stay permanently will be eligible to take integration courses and to take advantage of jobs and trainings opportunities sooner than before and will also be required to work on their own integration. Those asylum seekers who refuse to take an integration course or who do not meet their duties to cooperate can be sanctioned with cutbacks of their social benefits.

<sup>(678)</sup> An obligatory welcoming programme for beneficiaries was launched, in order to provide refugees with information to help them understand key aspects of Estonian society.

<sup>(679)</sup> A special integration programme was established.

<sup>(680)</sup> In accordance with the provisions of the Action Plan for Movement and Admission in Latvia of Persons who Need International Protection (in force since February 2016), asylum seekers, refugees and persons with subsidiary status are provided with the service of social worker and social mentor (15 months - 3 months until acquisition of the international protection status and 12 months after acquisition of the status).

<sup>(681)</sup> An obligation was imposed in May 2016 for beneficiaries of international protection to study Estonian. Language lessons are free of charge as long as they reach a specific level of proficiency.

<sup>(682)</sup> According to new provisions, beneficiaries of international protection undergo a declaration of participation procedure which consists of signing a declaration and learning about the core values of Dutch society.

<sup>(683)</sup> In August 2016, the government adopted a long-expected Integration Decree. It envisages terms and conditions for the conclusion, implementation and termination of an integration agreement with foreigners who have been granted international protection. It was repealed on 4 April 2017. A new draft decree was elaborated and published for a public consultation on 7 April 2017.

However, in **Hungary**, as a result of legislative changes in April and June 2016, all forms of integration support (such as housing support, additional assistance and others) were terminated <sup>(684)</sup>. In **Lithuania** time limits for integration were shortened to ensure a more active preparation of beneficiaries of international protection for independent life in the country.

Civil society emphasised the gap between rights as provided by legislation vis-à-vis access to such rights in practice. Particular reference was made to the lack of language courses, which is a significant obstacle towards successful integration. No language courses were organised by the state in 2016 in i.e. **Greece, Cyprus, Croatia, Hungary, and Bulgaria** <sup>(685)</sup>.

### Access to accommodation

Owing to problems encountered by people granted international protection with regard to finding accommodation, **France** <sup>(686)</sup> and **Italy** <sup>(687)</sup> adopted measures allowing successful applicants to stay in reception centres following the granting of the status. In contrast, **Hungary** reduced the maximum period during which a beneficiary can reside in reception facilities from 60 to 30 days.

Legislative changes concerning the geographical distribution of beneficiaries of international protection were implemented in **Sweden**. Consequently, all municipalities gained the legal duty to arrange housing for beneficiaries of international protection <sup>(688)</sup> (previously, the settlement of beneficiaries of protection was optional for municipalities, which had created an unequal distribution of new arrivals across Sweden). **Germany**, however, introduced an obligation for refugees and beneficiaries of subsidiary protection to live in the federal state where their asylum procedure has been conducted. This was done to avoid concentration of applicants in urban areas. Furthermore, authorities can oblige them to reside in a specific municipality within the federal state <sup>(689)</sup>.

In several countries (e.g. **Sweden, the Netherlands** <sup>(690)</sup>) general lack of housing created bottlenecks and a high number of persons that had already been granted international protection were waiting in reception centres for long periods of time before they could be allocated to a municipality for settlement.

### Access to healthcare

**Hungary** reduced eligibility for basic health care services from 1 year to 6 months <sup>(691)</sup>.

**Poland** established a common list of obligatory medical examinations to be carried out after foreigners arrive at the Border Guard's detention centres.

<sup>(684)</sup> See: AIDA, Country Report Hungary, 2016 Update.

<sup>(685)</sup> See: AIDA, Country Report Greece, Cyprus, Croatia, Hungary, Bulgaria 2016 Update.

<sup>(686)</sup> The most vulnerable beneficiaries of international protection with accommodation in a temporary accommodation centre (*Centre provisoire d'hébergement*, CPH). Following the granting of status, beneficiaries are allowed to stay in such centres for a first period of 9 months and for, after that, 3 months renewable for as much time as needed (there is no maximum duration of stay in CPH).

<sup>(687)</sup> According to the new regulations with regard to duration of reception in SPRAR centres, applicants have the right to remain within SPRAR's reception centres until they receive the decision concerning the international protection application submitted. Those receiving international protection or humanitarian protection are allowed to stay an extra 6 months, extendible upon the Central Office's authorisation, which shall evaluate each case. Protection applicants can benefit from reception measures also in case the protection application is rejected until the expiry of the term to appeal the decision; once appealed, reception measures are granted for the whole duration of the first degree proceedings. If the claimant applicant appeals the Territorial Commission's rejection even in appeal, each case shall be assessed individually concerning the advisability and/or need to extend the reception.

<sup>(688)</sup> The assignment of persons to municipalities is based on each municipality's local labour market, its population size and the overall number of newly arrived immigrants, unaccompanied minors and asylum seekers already living in the municipality. The new law represents a challenge for many municipalities, especially those that suffer from housing shortages.

<sup>(689)</sup> The obligation to live in a certain place remains in force for three years.

<sup>(690)</sup> As a result, in the first half of 2016, new asylum seekers still often ended up in the emergency accommodation as a result of shortages of places in reception centres.

<sup>(691)</sup> Hungarian Helsinki Committee input.

### Access to citizenship

In line with amendments to the Code of **Belgian** Citizenship, more favourable conditions to acquire citizenship accorded to refugees, compared to foreigners in general, were abolished <sup>(692)</sup>.

In **Cyprus**, as a result of steps taken by the government to further fast-track naturalisation applications, more refugees have acquired citizenship than previously <sup>(693)</sup>.

### Access to employment

**Greece** granted immediate access to legal employment to beneficiaries of international protection and their family members who hold a valid residence permit (before, a work permit was needed).

UNHCR and civil society reiterated that in some countries (e.g. **Luxembourg**) access to work remains challenging for most beneficiaries of international protection with administrative difficulties linked to the recognition of diplomas and qualifications as well as language requirements <sup>(694)</sup>.

Throughout 2016, countries continued efforts to define priority measures to better address challenges with integration. Similar to 2015, this issue was of particular importance in many countries, especially in the context of large increases in the number of beneficiaries of international protection, but also due to growing negative sentiments against migrants in general.

On 3 May 2016, **Finland** approved the Action Plan on Integration, which aims to make it faster for beneficiaries of international protection to settle in municipalities, access training paths and find employment <sup>(695)</sup>. *The Government Integration Programme for 2016–2019* was adopted on 8 September 2016 and aligned with the action plan that was drawn up earlier.

**Slovakia** initiated preparatory steps to elaborate an integration programme for persons granted international protection (pursuant to Slovak Government Resolution No 568/2015).

In May 2016, the **Norwegian** government published the *White Paper on integration policy* <sup>(696)</sup> in which it outlined how Norway's integration policy should be organised to ensure that recently arrived immigrants with a refugee background enter the labour market or begin education without delay and acquire a permanent attachment to the labour market. The White Paper indicates a direction for future work to achieve this <sup>(697)</sup>.

In **Austria**, in August 2016, the key points of the new Act on Integration were presented. The aim of the Act is to facilitate integration into Austrian society of individuals who have permanently settled in the country <sup>(698)</sup>.

<sup>(692)</sup> Refugees must fulfil the same criteria as all other foreigners. The period of time between submitting an asylum application and obtaining the status of international protection is no longer taken into account in the calculation of the duration of legal residence within the territory. In UNCHR's opinion, refugees are therefore likely to face additional delays in their access to Belgian nationality.

<sup>(693)</sup> UNHCR input.

<sup>(694)</sup> UNHCR input.

<sup>(695)</sup> The action plan includes six sets of measures, five of which are related to immigrants' socio-economic participation: 1. Settling in municipalities and starting the integration process will be accelerated, 2. Proceeding to training and working life will be accelerated, 3. Opportunities to acquire and improve Finnish/Swedish language skills will be enhanced, 4. Basic education for adults will be renewed, 5. Student welfare services and multidisciplinary support for immigrant families will be offered and teachers' support guaranteed.

<sup>(696)</sup> White Paper No 30 (2015-2016) From reception centre to the labour market – an effective integration policy: <https://www.regjeringen.no/en/dokumenter/meld.-st.-30-20152016/id2499847/>

<sup>(697)</sup> The White Paper lists 69 measures mostly related to people with refugee background. The White Paper emphasises that the time spent in a reception centre shall be productive. Settlement in a municipality shall occur as soon as possible after the residence permit has been granted. Acquired skills and qualifications shall be put to use. Training must to a greater extent than before take place in the workplace and in consultation with the local business community, to ensure the labour market has access to the right type of skills.

<sup>(698)</sup> The key points include: measures aimed at supporting individuals who are granted refugee status or subsidiary protection as well as other third country nationals in developing language and orientation skills; labour market measures; a ban on full-face veiling in public; and laws against controversial groups distributing religious materials.

Drafting of a comprehensive integration strategy was also ongoing in **Malta** <sup>(699)</sup>, **Italy** <sup>(700)</sup> and **Lithuania**.

UNHCR underlined the importance of having a holistic national strategy and policy on integration of beneficiaries of international protection which stipulates a long-term vision for their inclusion into societies. It stated that no national comprehensive strategy on integration of persons granted international protection were in place in **Estonia** or **Poland** <sup>(701)</sup>. For **Spain** and **the Netherlands**, UNHCR stressed the importance of targeted integration programme (even though in the Netherlands at the moment, beneficiaries of international protection fall under a general policy that does not distinguish between refugees and other migrants, the Netherlands took concrete measures in the fields of reception, housing, social assistance and participation to anticipate on integration of this group at an early stage). UNHCR also highlighted that no widespread systematic evaluation of the integration of refugees in the **United Kingdom** had taken place since the Survey of New Refugees in the United Kingdom in July 2010 <sup>(702)</sup>.

There was also a concern from UNCHR that a ‘two-tier system’ of integration is emerging in **Estonia** since considerable attention has been placed on the integration of refugees who arrive as part of the EU’s emergency relocation and resettlement schemes, and resources have been allocated for the reception of these groups, whereas the same support is not always envisaged for the refugees who have come to Estonia on their own.

In terms of specific integration measures undertaken by EU+ countries, areas of particular focus were: recognition and assessment of qualifications (i.e. in **Austria** <sup>(703)</sup>, **Norway** <sup>(704)</sup>), facilitated access to education and language proficiency (i.e. **Finland** <sup>(705)</sup>, **Norway** <sup>(706)</sup>, **Austria** <sup>(707)</sup>, **Sweden** <sup>(708)</sup>, **Poland** <sup>(709)</sup>, **Estonia** <sup>(710)</sup>, **Latvia** <sup>(711)</sup>) and employment (i.e. **Austria** <sup>(712)</sup>, **Italy** <sup>(713)</sup>, **Germany** <sup>(714)</sup>).

<sup>(699)</sup> Although the national plan on integration was pending, UNHCR noted that there have been improvements in recent years as regards access to social services and promotion of access to the regular labour market.

<sup>(700)</sup> Italy launched the drafting of a “National Plan for the Integration of Asylum Seekers and Refugees” which will include measures with regard to: socio-economic inclusion, health assistance, linguistic education, family reunification, education and recognition of qualifications. As anticipated by the Minister of the Interior, the Plan will be published in 2017. Currently civil society remains concerned about content of protection and services available to beneficiaries of international protection in Italy ECRE AIDA Report Italy 2016 <http://www.asylumineurope.org/reports/country/italy/content-international-protection>

<sup>(701)</sup> A strategic document addressing, *inter alia*, issues of international protection and integration, entitled “The Migration Policy of Poland – the current state of play and further actions” together with the Action Plan were declared invalid by the Council of Ministers in October 2016.

<sup>(702)</sup> Home Office, *Spotlight on Refugee Integration: findings from the survey of new refugees in United Kingdom. Home Office Research Report 37*, 2010, available at: <http://goo.gl/8Vz4Ti>.

<sup>(703)</sup> On 12 July 2016, the new Law on Recognition and Assessment of Qualifications entered into force. The aim of the law is to facilitate integration into the labour market and support efforts taken by immigrants and beneficiaries of international protection to find employment in accordance with their vocational training. Moreover, the Competency Check programme (the goal of the programme is to assess participants’ previously acquired qualifications to facilitate recognition of these skills, as well as to initiate programmes of further training where required) was expanded in 2016 and increased to 13 000 participants nationwide.

<sup>(704)</sup> The Norwegian Agency for Quality Assurance in Education (authority with a task to make decisions regarding the general recognition of foreign higher education qualifications - NOKUT) started a pilot project to test how to evaluate the formal education of persons who claim to have higher education, but who have no verifiable documents and are not eligible for the procedure.

<sup>(705)</sup> According to the legislative amendment adopted by the Finish Parliament in December 2016, teaching of reading and writing skills provided to immigrants over the compulsory education age will be included in basic education for adults (previously, it was arranged as part of integration training).

<sup>(706)</sup> The relevant measures were listed in the White Paper on Integration Policy and were aimed at addressing the number of children with refugee background. These measures include *inter alia*: support to teachers (i.e. teaching aids in seven languages, introductions to the teaching of newly arrived children and youth with refugee background), further development of tools for mapping the language proficiency of students, information sessions to the newly arrived parents, additional funds allocated to support schools).

<sup>(707)</sup> The Compulsory Education and Training Act was adopted on 6 July 2016 (to enter into force on 1 July 2017). The Act specifies an education or training requirement for young persons to avoid premature discontinuation of schooling or training. Furthermore, the platform [www.ausbildungbis18.at](http://www.ausbildungbis18.at) was set up upon the initiative of the Federal Government as an avenue for providing information about the new education and training requirement and about related programmes. Also, the Act amending the School Act, which extends the period and scope of language learning support, entered into force in 2016. The goal is to better ensure equal opportunity for children entering school regardless of a child’s first language. Children lacking proficiency in German, and particularly those with a refugee or migration background, are primarily intended to benefit.

<sup>(708)</sup> Several measures were implemented/announced to improve attainment in the education system: initiatives to alleviate the teacher shortage in Sweden and improve the conditions for highly challenged schools, including the quality of education for newly arrived students (i.e. new regulation which foresees an obligatory mapping/assessment of newly arrived students’ knowledge and previous education as well as prescribes regulations on the organisational form of ‘introductory classes’ and on the number of teaching hours for newly arrived students).

<sup>(709)</sup> There were positive developments in the field of education with the establishment of preparatory units for non-Polish speaking. UNHCR organised a conference on education for teachers to discuss foreign children education (UNCHR input).

<sup>(710)</sup> Extra resources were allocated for preparatory language and culture learning at schools and extra resources for Estonian language lessons for immigrants.

<sup>(711)</sup> In May 2016, the Plan for implementation of the adult education governance model for 2016-2020 was adopted, where beneficiaries of international protection were included as one of the priority target groups, providing to establish an independent and sustainable adult education system. In addition, changes were introduced in the education programmes of Latvian and thus providing beneficiaries of international protection for a longer period of time for gradual acquisition of each language level.

<sup>(712)</sup> The Public Employment Service Austria spent a total of roughly EUR 75 million on measures aimed at integrating this target group into the labour market. It is anticipated that this budget will be increased to EUR 90 million in 2017.

<sup>(713)</sup> In collaboration with Confindustria, projects aimed at enhancing labour integration (i.e. paid internships, career guidance and tutoring) were boosted. Also, a project called “INSIDE” (Inserimento Integrazione Nordsud InclusionE) was implemented, aimed at developing 672 Personalised Intervention Plans (PIP) by offering active labour market services based on the person’s skills and needs. In addition, the recipients benefited from services focused on career guidance, tutoring, training, coaching and support for job searching.

<sup>(714)</sup> Under the new Integration Law, the Federal Employment Agency will suspend its labour market priority check for three years - in 133 out of 156 regions - depending on the regional job situation.

## 4.13. Return

Effective return of failed asylum seekers is an integral part of a credible asylum system. EU law on return falls within the remit of general immigration/aliens law. For the practical functioning of the CEAS, whether a failed asylum applicant is effectively returned to his/her country of origin is of essential interest, since an inability to return may constitute a major pull factor.

Return procedures include voluntary return (whereby a person complies with a return decision and can be provided with support by the Member States, *inter alia*, in terms of covering the travel costs of return) and forced return (whereby a person is returned by the public authorities of the Member State to their country of origin or to another country where they have a legal title to stay).

A person who has formally been refused international protection may still be granted leave to remain in the Member State (outside of the scope of the asylum law and under national migration and residence law) if their return is not feasible, e.g. for technical reasons or because of the situation in the country of origin. Therefore, return policies remain in line with developments in the countries of origin or other factors.

Developments in EU+ countries concerning return of failed applicants for asylum are presented below:

On 22 September 2016, the **Swedish** Government presented a number of measures aiming at improving the return of rejected asylum seekers. Among these measures there are: a clearer division and allocation of responsibilities between the relevant authorities, mainly the Swedish Migration Agency and the police; the possibility to detain persons in facilities other than ordinary detention centres for up to three days to avoid long transports to specialised facilities; extended possibilities for authorities to confiscate passports and ID documents as well as to take fingerprints at internal checks on foreigners; and reviewing the minimum age of 14 years for fingerprinting. Rejected asylum seekers are now no longer entitled to accommodation and daily allowance from the Swedish Migration Agency when the deadline for voluntary return has expired.

In **Germany** against the background of high numbers of rejected asylum seekers from specific countries of origin, such as the Western Balkans, several amendments concerning the return policy were implemented.

- At the beginning of 2016, legislative amendments concerning forced returns were introduced, especially with regard to medical obstacles to deportation (assumption that there are no health-related obstacles to deportation; requirement of returnees to present qualified medical certificates in due course).
- The implementation of assisted voluntary return programmes remained the point of focus, leading to a higher number of assisted voluntary returns in 2016<sup>(715)</sup>, while the number of forced returns also increased in 2016<sup>(716)</sup>. On 2 October 2016, the German and Afghan governments signed a 'Joint Declaration of intent on cooperation in the field of migration' in order to facilitate returns to Afghanistan. In December 2016, Germany carried out the first charter flight to Afghanistan under this agreement with 34 forced returnees on board, all adult single young men. It was announced that forced returns to Afghanistan would continue in 2017.

**France** developed an innovating system of house arrest with special assistance provided by NGO addressed to rejected asylum applicants (mainly families) in Lyon, Marseille, Strasbourg, Paris, Aubervilliers (it was first implemented as a pilot project in 2015 in Marseille region). The practice already showed positive effects.

Other countries also concluded agreements relating to return programmes. On 20 January 2017 **Switzerland** and Turkey agreed to conclude a readmission agreement. It still has to be approved and signed by both governments. The agreement has been modelled on the EU standard readmission agreement and also includes the return of

<sup>(715)</sup> 54 069 individuals returned with financial assistance in the framework of REAG/GARP (compared to 35 514 returns in 2015, indicating an increase of 52.25 %). Main destination countries were Albania (16 887), Serbia (6 138), Iraq (5 660), Kosovo (5 402) and FYRoM (4 571). A significant increase could also be observed concerning AVR to Afghanistan (3 322) and Iran (2 310). Bundestags-Drucksache 18/11112 (Abschiebungen im Jahr 2016), <http://dipbt.bundestag.de/doc/btd/18/111/1811112.pdf>

<sup>(716)</sup> 25 375 individuals were forcibly returned, showing an increase of 133.14 % compared to 2014 (10 884 individuals) and an increase of 21.48 % compared to 2015 (20 888 individuals). Bundestags-Drucksache 18/11112 (Abschiebungen im Jahr 2016), <http://dipbt.bundestag.de/doc/btd/18/111/1811112.pdf>

third country nationals. Several NGOs, such as Amnesty International, criticised the decision <sup>(717)</sup>. **Finland** signed a memorandum of understanding on return with Afghanistan in October 2016 <sup>(718)</sup>. Negotiations continued with Iraq and, in parallel, Finland and Iraq also agreed on the intention to examine ways to promote voluntary return to Iraq <sup>(719)</sup>. At the operative/implementation level, an action plan to enhance returns was drafted by the police in March 2016.

Lack of similar arrangements with other countries of origin contributed to practical difficulties in conducting returns by some other EU+ countries in 2016. **Estonia** experienced significant challenges in returning persons found not to be in need of international protection. This has led to a significant increase of subsequent applications lodged in 2016 by nationals of Benin, Cameroon, Cote d'Ivoire, The Gambia, Egypt, Mali and Sudan. The overwhelming majority of these applicants are detained because they have earlier absconded from reception centres and later returned to Estonia under the Dublin Regulation. Following a parliamentary request, the MFA in **Luxembourg** noted that 1 224 asylum seekers had seen their application rejected in 2016 and that 390 rejected asylum seekers (210 from North/West Africa and 180 from the Balkans) were still housed in reception centres due to difficulties in identification, lack of cooperation from countries of origin and delays linked to medical conditions.

Further measures concerned specific nationalities of rejected asylum applicants.

In **Denmark**, in September 2016, the Danish Immigration Service (DIS) announced that it would start screening approximately 1 200 cases of Somalis with subsidiary protection status in order to assess whether the individual Somalis still needed protection based on individual persecution or whether their residence permits must be withdrawn, because they were solely based on the general security situation in Somalia. The DIS' grounds for considering the withdrawal of Somalis' residence permits are based on the assessment that the security situation in Somalia has improved. The announcement of the screening of the 1 200 cases followed the decisions in 5 cases by the Danish Refugee Board, which agreed with the decisions of the DIS to withdraw the residence permits. Since then, the DIS announced that it would examine 800 cases instead of the 1 200 cases previously mentioned. The remaining 400 cases were not relevant for further consideration after the initial screening <sup>(720)</sup>. Since the summer of 2015 the IND in the **Netherlands** has signalled a steady increase in the number of asylum applications from the Ukraine, combined with an increase in the requests for return support by Ukrainians noted by International Organisation for Migration (IOM) and DT&V (where the majority of applications for asylum are rejected by the IND or applications were withdrawn by the applicants themselves and, shortly after the start of the asylum procedure, steps are taken for voluntary return). Consequently, the Netherlands has decided to exclude Ukrainians as of 22 March 2016 from additional financial support and return support in kind. In parallel, the Minister for Migration has announced that nationals from countries in the Western Balkans (Albania, Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro, Serbia) will no longer be eligible for support under the REAN scheme as of 28 September 2016 <sup>(721)</sup>. The same measures were put in place as of 1 December 2016 for Moroccans and Algerians. **Belgium** continued to give an absolute priority to the return of persons who are involved in public order issues <sup>(722)</sup>.

<sup>(717)</sup> Amnesty International, *Rückübernahmeabkommen Schweiz – Türkei*, 20 January 2017, available at: [www.amnesty.ch/de/laender/europa-zentralasien/schweiz/dok/2017/rueckuebernahmeabkommen-schweiz-tuerkei](http://www.amnesty.ch/de/laender/europa-zentralasien/schweiz/dok/2017/rueckuebernahmeabkommen-schweiz-tuerkei).

<sup>(718)</sup> Press release by Mol, available at: [http://intermin.fi/en/article/-/asset\\_publisher/suomi-ja-afghanistan-allekirjoittivat-yhteistyopoytakirjan-turvapaikanhakijoiden-paluu-1](http://intermin.fi/en/article/-/asset_publisher/suomi-ja-afghanistan-allekirjoittivat-yhteistyopoytakirjan-turvapaikanhakijoiden-paluu-1)

<sup>(719)</sup> To enhance the (voluntary) return to Iraq of persons with a negative decision and of those who had cancelled their applications, charter flights were organised by the Police in cooperation with the Iraqi authorities. Altogether 1 400 persons were returned to Iraq with 17 flights. In addition, circa 1 500 Iraqis returned with the assistance of IOM. Press release by Mol, available at: [http://intermin.fi/en/article/-/asset\\_publisher/suomi-ja-irak-tiivistavat-yhteistyotaan-irakilaisten-palautuksissa](http://intermin.fi/en/article/-/asset_publisher/suomi-ja-irak-tiivistavat-yhteistyotaan-irakilaisten-palautuksissa)  
Press release by Migri, available at: [http://www.migri.fi/for\\_the\\_media/bulletins/press\\_releases/press\\_releases/1/0/record\\_number\\_of\\_foreign\\_nationals\\_have\\_returned\\_home\\_through\\_assisted\\_voluntary\\_return\\_67070](http://www.migri.fi/for_the_media/bulletins/press_releases/press_releases/1/0/record_number_of_foreign_nationals_have_returned_home_through_assisted_voluntary_return_67070)

<sup>(720)</sup> Danish Refugee Council – CF input <https://www.easo.europa.eu/input-civil-society-easo-annual-report-2016>

<sup>(721)</sup> Foreign nationals from these countries who still want to voluntarily return via the Repatriation and Departure Service are still offered an aeroplane ticket. In about a year it will be evaluated what impact this measure has had. Because the nationals from Albania, Bosnia and Herzegovina, Macedonia, Montenegro and Serbia have visa-free access to the Netherlands and visa-free countries are excluded as of 1 January 2017 from additional (financial and in kind) support, they will neither be eligible for departure with IOM support after 28 September 2017.

<sup>(722)</sup> Belgian House of Representatives, *General Policy Note on Asylum and Migration*, 26 October 2016, DOC 54 2111/017, pg.26. In the course of 2016, a total of 4 267 voluntary returns were carried out ( ) however this also includes voluntary returns of applicants who withdrew their asylum application or who never applied for asylum. IOM and the Aliens Office also reported an increasing number of applications for voluntary return of Iraqis from Baghdad. Iraqis choosing AVR effective May 2016 received a double reintegration grant (EUR 500).



Other relevant developments in the area of return of rejected asylum applicants are listed below:

During the asylum summit held on 20 January 2016, the Federal State and the provinces, cities and municipalities of **Austria** agreed to address the high influx of migrants. As part of this, a focused effort was agreed to remove rejected asylum seekers and return them to their countries of origin or to safe third countries, as well as expanded options for voluntary return<sup>(723)</sup>. The Federal Office for Immigration and Asylum also launched an information campaign in 2016 to inform asylum seekers about options for voluntary departure<sup>(724)</sup> and a related information leaflet was prepared.

In July 2016, a report by the National Commission for the Prevention of Torture (NCPT) on the conditions of returns of rejected asylum seekers was published in **Switzerland**<sup>(725)</sup>. While certain criticism persists regarding applying constraints, overall positive improvements were noted, such as a lesser use of coercive measures<sup>(726)</sup>.

In **Italy** in 2016, an AVRR programme was initiated with funding from AMIF, including specific projects to be implemented by five partners; the establishment of an institutional network on AVRR; an integrated communication campaign on AVRR, and the national call for proposals for the implementation of 160 AVRR under the ERIN (European Reintegration Network) programme.

In **Greece**, the Programme ‘Implementation of Assisted Voluntary Returns including Reintegration Measures’ under the Greek National Programme of the Asylum, Migration and Integration Fund was implemented by IOM. Through the programme 4 715 third country nationals (174 of whom belonged to vulnerable groups) returned to their countries of origin safely between 1 June 2016 and 15 March 2017. During the same time period, 5 995 third country nationals were registered in the programme<sup>(727)</sup>.

The **Czech Republic** established a Voluntary Return Unit within the Department for Asylum and Migration Policy of the Ministry of the Interior.

In terms of national case law on matters relevant to the return of former asylum applicants, in **Austria** the Supreme Administrative Court<sup>(728)</sup> assessed as justified the expulsion of an Indian national who, after his asylum application was rejected, remained in Austria for more than 10 years under a false identity. The Court also found there was no need for an oral hearing in the case. In **Belgium**, the Constitutional Court upheld the mechanism whereby certain *mala fide* subsequent applicants (merely to hamper to return procedure) may no longer stay on the territory pending the result of their judicial remedy. To reach this conclusion, the Court took into account that the effective removal of the applicant concerned can only take place in the absence of direct or indirect risk of *refoulement*<sup>(729)</sup>.

<sup>(723)</sup> To this end it was decided to develop a strategy based on a nationwide approach. The Federal Ministry of the Interior subsequently prepared a comprehensive package of measures in the area of return and readmission to pursue this nationwide objective. Regular coordination meetings were held between ministries to discuss possible measures with regard to selected countries of origin. The measures set in this plan will continue to be implemented as a priority also in 2017.

<sup>(724)</sup> IOM Austria provides support for the return of voluntary returnees within the framework of the „General Humanitarian Return Programme“. In 2016, 4 812 persons voluntarily returned to their home countries via the IOM programme; the main countries of origin were Iraq (1 396), Afghanistan (593) and Iran (580) [http://www.iomvienna.at/sites/default/files/IOM%20Austria\\_AVRR%20statistics%202016.pdf](http://www.iomvienna.at/sites/default/files/IOM%20Austria_AVRR%20statistics%202016.pdf)

<sup>(725)</sup> Since the beginning of 2016, 327 rejected asylum seekers were repatriated from Switzerland. This is one-third higher than in the previous two years SRF, *Ausschaffungsflüge erreichen Rekordzahl*, 15 December 2016, available at: [www.srf.ch/news/schweiz/ausschaffungsfluege-erreichen-rekordzahl](http://www.srf.ch/news/schweiz/ausschaffungsfluege-erreichen-rekordzahl).

<sup>(726)</sup> Le Conseil fédéral, *La CNPT publie son rapport sur l'accompagnement des rapatriements sous contrainte par voie aérienne*, 5 July 2016, available at: [www.admin.ch/gov/fr/accueil/documentation/communiqués.msg-id-62526.html](http://www.admin.ch/gov/fr/accueil/documentation/communiqués.msg-id-62526.html)

<sup>(727)</sup> Source: <https://greece.iom.int/en/news/iom-information-event-framework-programme-%E2%80%9Cimplementation-assisted-voluntary-returns-including-%E2%80%9CThe%20Implementation%20of%20Assisted%20Voluntary%20Returns%20including%20Reintegration%20Measures%20%E2%80%9C> from 30.3.2017

<sup>(728)</sup> VwGH (Supreme Administrative Court) 17.11.2016, Ra 2016/21/0183 [http://www.ris.bka.gv.at/Dokument.wxe?ResultFunctionToken=76fdaad3-8c6d-4e7b-961b-133d4be6819e&Position=1&Abfrage=Vwgh&Entscheidungsart=Undefined&Sammlungsnummer=&Index=&AenderungenSeit=Undefined&SucheNachRechtssatz=True&SucheNachText=True&GZ=2016%2f21%2f0183&VonDatum=&BisDatum=21.03.2017&Norm=&ImRisSeit=Undefined&ResultPageSize=100&Suchworte=&Dokumentnummer=JWT\\_2016210183\\_20161117L00](http://www.ris.bka.gv.at/Dokument.wxe?ResultFunctionToken=76fdaad3-8c6d-4e7b-961b-133d4be6819e&Position=1&Abfrage=Vwgh&Entscheidungsart=Undefined&Sammlungsnummer=&Index=&AenderungenSeit=Undefined&SucheNachRechtssatz=True&SucheNachText=True&GZ=2016%2f21%2f0183&VonDatum=&BisDatum=21.03.2017&Norm=&ImRisSeit=Undefined&ResultPageSize=100&Suchworte=&Dokumentnummer=JWT_2016210183_20161117L00)

<sup>(729)</sup> Constitutional Court, *Judgment 13/2016*, 27 January 2016.

## 5. Conclusions

The latest EASO Annual Report on the Situation of Asylum in the European Union continues to provide a concise yet comprehensive coverage of statistical data and qualitative information to give readers a picture of the functioning and state of play of the Common European Asylum System.

The report focuses on key developments over the year and indicates progress made in addressing key issues both by EU+ countries and at the European level in a number of thematic areas addressed in individual chapters. This information is accompanied by specific references to EASO activities implemented and initiatives undertaken during the year. This helps to present the workings of EASO in the specific context of challenges faced by EU+ countries and new developments on the ground. In 2016, this became particularly pronounced as EASO expanded its involvement in operational activities.

As illustrated in the report, after a record year in terms of volume of persons arriving to EU+ countries seeking international protection, in 2016 countries focused their efforts on swiftly registering all applicants and processing their cases. This led to a record number of decisions issued in first instance since such data was first recorded in a comprehensive manner in 2008. This points to the ability of the national systems to respond to current challenges and manage the workload and, once again, stressed the need to maintain high standards even at times of extreme pressure. Addressing reception needs of applicants, particularly those who are vulnerable, will continue to be a priority, calling for pooling of resources, sharing best practices and improving services. Finally, with a large number of decisions issued, it will be crucial to provide the necessary set of rights to those granted protection to facilitate their independent functioning in the country of asylum. Additionally, an efficient system of returns of persons with no protection needs will continue to be a key element of a credible asylum system.

The great responsibilities faced by EU+ countries in 2016 proved once again that cooperation among stakeholders of various profiles – national administrations, European institutions and agencies, international organisations, civil-society organisations, and communities – is a crucial factor at all levels and in all areas. This report strives to provide a solid overview of civil society voices and reflect the main points of the ongoing debate on asylum.

In 2016 EU+ countries gained additional unique experience by addressing the largest influx of asylum applicants in recent times. Based on that, combined with lessons learned from the implementation of the European Agenda on Migration and related innovative approaches of hotspots and relocation, as well as new concepts set out in the proposed revision of the legislative acts building the European Union acquis, there is great potential for all actors to reinforce the capacity of the CEAS to fully deliver on the European values at its core.

EASO will continue its work within its mandate, as it may be strengthened to respond to current needs, while delivering on its core tasks in all areas, including: operational support, capacity building and training, facilitating practical cooperation among EU+ countries, collecting and analysing qualitative and quantitative information and information on countries of origin, and external dimension.

## Statistical annex

### Disclaimer

Figures used in this Report relate to annual datasets published on the Eurostat website on 11 May 2017 (for applicants for international protection, pending cases, withdrawn applications, asylum decisions in first instance, asylum decisions in second and higher instance and unaccompanied minors), and collected in the framework of Regulation (EC) 862/2007, unless otherwise stated.

The data used for this publication are provided to Eurostat by the Ministries of Interior, Justice or immigration agencies of the Member States. Data are entirely based on relevant administrative sources. Apart from statistics on new asylum applicants, these data are supplied by Member States according to the provisions of Article 4 of Regulation (EC) 862/2007 of 11 July 2007 on Community statistics on migration and international protection.

The indicators on asylum applicants, first-time asylum applicants, and withdrawn applications are collected by Eurostat on a monthly basis. Similarly, indicators of first instance decisions - refugee status granted, subsidiary protection status granted, authorisation to stay for humanitarian reasons granted, and rejections - are submitted to Eurostat on a quarterly basis.

It is important to note that the Eurostat Technical Guidelines for data collection were amended in December 2013 and subsequently entered into force in the reference month of January 2014. The change affects the backward comparability of 2014 data. The main changes in the Eurostat Technical Guidelines for the data collection that affect the above comparison are:

- clarification of the first-time and repeated applicant concepts;
- addition of an instruction on how persons subject to a Dublin procedure should be counted in the pending cases table;
- instruction not to report cases where another Member State assumed responsibility of negative asylum decisions;
- clarification of the concept of humanitarian protection.

The amendment to Eurostat Technical Guidelines was also published in December 2014. The methodological changes introduced entered into force as of January 2015 and regarded reporting on Dublin cases and withdrawn cases, as explained below.

- Persons subject to Dublin procedure shall be removed from the stock of pending applications of the sending country from the time of the acceptance decision.
- Persons subject to Dublin procedure shall be included in the stock of pending applications of the receiving country from the moment of physical arrival and when such persons apply or re-apply for asylum.
- Dublin transfers shall not be considered as implicit or explicit withdrawal.
- Persons subject to Dublin procedure and absconding after the acceptance decision shall not be reported in withdrawn applications data.
- Revisions at the own initiative of the national asylum authority shall be considered as regular revisions (i.e. require revision of the previously reported data).
- Persons reappearing after explicit or implicit withdrawal of application shall be considered as regular revisions and shall be removed from withdrawn applications data.

The most recent modifications in the Eurostat Technical Guidelines for data collection were published in February 2016 and introduced changes in reporting on persons relocated under the provisions of Council Decision (EU) 2015/1523 of 14 September 2015 and of Council Decision (EU) 2015/1601 of 22 September 2015. They should be reported in a similar way as asylum applicants who are transferred to another MS under a Dublin procedure.

Hence, in countries benefiting from relocation (Italy and Greece), they should be:

- reported in the asylum statistics in the month in which their application for international protection was lodged;
- reported in the stock of pending applications from the month in which their application for international protection was lodged and removed from the stock of pending applications the month during which the decision to transfer them from Italy or Greece to the MS of relocation has been made;
- not reported as withdrawn applications except when the applicants withdrew their application (implicitly or explicitly) before a decision to transfer has been made;
- not reported in the statistics on rejected applicants.

By countries of relocation (all EU+ countries except Italy and Greece), they shall be:

- reported in the asylum statistics in the month in which their application for international protection was lodged in the MS of relocation following their incoming relocation transfer <sup>(730)</sup>[1];
- reported in the stock of pending applications from the month in which their application for international protection was lodged in the MS of relocation following their incoming relocation transfer.
- The formal decision issued on the application of a relocated person in the MS of relocation (positive or negative) shall be reported in the decisions data of the MS of relocation.
- If the person absconds after the application was lodged following the relocation transfer and before a decision has been made, it shall be reported as withdrawn application in the MS of relocation.

Other changes introduced with the February 2016 amendment regard starting the collection of three new variables on resettled persons ('Country of residence', 'Decision' and 'Resettlement framework'). The change in reporting on Palestine with no other citizenship and when information on their country of origin is available shall be reported under 'Palestine' citizenship (and not under 'Stateless' or 'Unknown'). Finally new methodological concepts 'Asylum applicant' and 'Asylum application' were introduced.

For the aforementioned indicators, the annual figures presented in the following annexes are computed as the aggregation of data submitted to Eurostat throughout the year on a monthly (or quarterly) basis.

The figures presented in this publication are provisional and may be subject to update or revision from the Member States.

Data available on the Eurostat website are rounded to the nearest five. As such, aggregates calculated on the basis of rounded figures may slightly deviate from the actual total.

Please be advised that a '0' may not necessarily indicate a real zero value but could also represent a value of '1' or '2'.

<sup>(730)</sup> [1] According to Article 20(2) of Regulation 604/2013: 'An application for international protection shall be deemed to have been lodged once a form submitted by the applicant or a report prepared by the authorities has reached the competent authorities of the Member State concerned'. By analogy, an administrative event (a form, a report, an application) shall always be registered in the registry (information system, database) of the MS of relocation for a relocated person to be reported in the application statistics of the MS of relocation. This administrative event (form/report/application) may be:

- i. either lodged by the applicant himself;
- ii. or prepared by the administration authorities of the MS of relocation.

However, in case no administrative event is registered in the registry of the MS of relocation, neither directly by the applicant nor by the administrative authority, then such person shall not be reported in the application statistics of the MS of relocation.

## Annex D1: Asylum applicants in the EU+ by EU+ country and main citizenship, 2012-2016

Reporting country	2016					% chg. on last year	Share in EU+	per million inhabitants	Highest share	Sparkline
	2012	2013	2014	2015	2016					
<b>Reporting country</b>									<b>Citizenship</b>	
Germany	77 485	126 705	202 645	476 510	745 155	↑ +56	58%	9,226	Syria (36%)	
Italy	17 335	26 620	64 625	83 540	122 960	↑ +47	9.5%	2,023	Nigeria (22%)	
France	61 440	66 265	64 310	76 165	84 270	↑ +11	6.5%	1,269	Albania (9%)	
Greece	9 575	8 225	9 430	13 205	51 110	↑ +287	4.0%	4,707	Syria (52%)	
Austria	17 415	17 500	28 035	88 160	42 255	↓ -52	3.3%	4,927	Afghanistan (28%)	
United Kingdom	28 800	30 585	32 785	40 160	38 785	→ -3	3.0%	598	Iran (12%)	
Hungary	2 155	18 895	42 775	177 135	29 430	↓ -83	2.3%	2,986	Afghanistan (38%)	
Sweden	43 855	54 270	81 180	162 450	28 790	↓ -82	2.2%	2,954	Syria (19%)	
Switzerland	28 400	21 305	23 555	39 445	27 140	↓ -31	2.1%	3,295	Eritrea (19%)	
Netherlands	13 095	13 060	24 495	44 970	20 945	↓ -53	1.6%	1,239	Syria (14%)	
Bulgaria	1 385	7 145	11 080	20 365	19 420	↓ -5	1.5%	2,696	Afghanistan (45%)	
Belgium	28 075	21 030	22 710	44 660	18 280	↓ -59	1.4%	1,624	Afghanistan (15%)	
Spain	2 565	4 485	5 615	14 780	15 755	↑ +7	1.2%	339	Venezuela (25%)	
Poland	10 750	15 240	8 020	12 190	12 305	→ +1	1.0%	324	Russia (73%)	
Denmark	6 045	7 170	14 680	20 935	6 180	↓ -70	0.5%	1,092	Syria (20%)	
Finland	3 095	3 210	3 620	32 345	5 605	↓ -83	0.4%	1,024	Iraq (22%)	
Norway	9 675	11 930	11 415	31 110	3 485	↓ -89	0.3%	675	Eritrea (67%)	
Cyprus	1 635	1 255	1 745	2 265	2 940	↑ +30	0.2%	3,471	Syria (41%)	
Ireland	955	945	1 450	3 275	2 245	↓ -31	0.2%	485	Syria (11%)	
Croatia	:	1 075	450	210	2 225	↑ +960	0.2%	527	Afghanistan (31%)	
Luxembourg	2 050	1 070	1 150	2 505	2 160	↓ -14	0.2%	3,837	Syria (16%)	
Malta	2 080	2 245	1 350	1 845	1 930	→ +5	0.1%	4,495	Libya (34%)	
Romania	2 510	1 495	1 545	1 260	1 880	↑ +49	0.1%	95	Syria (43%)	
Czech Republic	740	695	1 145	1 515	1 475	→ -3	0.1%	140	Ukraine (34%)	
Portugal	295	500	440	895	1 460	↑ +63	0.1%	141	Syria (29%)	
Slovenia	295	270	385	275	1 310	↑ +376	0.1%	635	Afghanistan (32%)	
Iceland	115	125	170	345	1 125	↑ +226	0.1%	3,418	FYROM (42%)	
Lithuania	645	400	440	315	430	↑ +37	0.0%	147	Syria (38%)	
Latvia	205	195	375	330	350	→ +6	0.0%	176	Syria (43%)	
Estonia	75	95	155	230	175	↓ -24	0.0%	133	Syria (26%)	
Slovakia	730	440	330	330	145	↓ -56	0.0%	27	Ukraine (17%)	
Liechtenstein	70	55	65	150	80	↓ -47	0.0%	2,141	Serbia (19%)	
<b>Citizenship</b>									<b>Reporting country</b>	
Syria	25 675	52 750	127 890	383 690	342 005	↓ -11	26%	15,435	Germany (79%)	
Afghanistan	30 405	27 840	42 735	196 255	190 240	→ -3	15%	6,015	Germany (67%)	
Iraq	13 865	11 330	21 925	130 390	131 615	→ +1	10%	3,781	Germany (74%)	
Pakistan	20 105	21 195	22 450	48 725	50 055	→ +3	3.9%	271	Germany (31%)	
Nigeria	10 635	13 960	21 330	32 345	48 885	↑ +51	3.8%	275	Italy (55%)	
Iran	14 430	13 170	11 180	28 560	42 055	↑ +47	3.3%	538	Germany (64%)	
Eritrea	11 995	20 300	46 745	47 050	40 255	↓ -14	3.1%	7,877	Germany (47%)	
Albania	7 760	11 400	17 310	68 950	32 855	↓ -52	2.5%	11,357	Germany (52%)	
Russia	25 015	42 275	20 235	22 570	27 875	↑ +24	2.2%	194	Germany (44%)	
Somalia	17 265	18 820	18 155	22 875	21 815	→ -5	1.7%	2,074	Germany (47%)	
Unknown	3 545	4 290	9 855	22 380	20 885	↓ -7	1.6%	n.a.	Germany (88%)	
Bangladesh	6 585	9 350	11 905	19 120	17 255	↓ -10	1.3%	108	Italy (39%)	
Gambia, The	2 130	4 055	11 935	13 405	17 090	↑ +27	1.3%	8,863	Italy (52%)	
Guinea	6 040	6 900	6 635	6 410	14 950	↑ +133	1.2%	1,218	Italy (40%)	
Serbia	21 070	22 745	31 180	30 335	13 520	↓ -55	1.0%	1,900	Germany (76%)	
Other	157 030	184 125	240 700	320 815	280 430	↓ -13	22%	n.a.	Germany (34%)	
<b>EU+</b>	<b>373 550</b>	<b>464 505</b>	<b>662 165</b>	<b>1 393 875</b>	<b>1 291 785</b>	↓ -7		<b>2,483</b>	Germany (58%)	

## Annex D2: First-time asylum applicants by EU+ country and main citizenship, 2012-2016

Reporting country	2012-2016					% chg. on last year	Share in EU+	per million inhabitants	Highest share	Sparkline
	2012	2013	2014	2015	2016					
<b>Reporting country</b>	<b>Citizenship</b>									
Germany	64 410	109 375	172 945	441 800	<b>722 265</b>	↑ + 63	58%	8,943	Syria (37%)	
Italy	17 170	25 720	63 655	83 245	<b>121 185</b>	↑ + 46	9.8%	1,993	Nigeria (22%)	
France	54 265	60 475	58 845	70 570	<b>76 790</b>	↑ + 9	6.2%	1,156	Albania (9%)	
Greece	9 575	7 860	7 585	11 370	<b>49 875</b>	↑ + 339	4.0%	4,593	Syria (53%)	
Austria	:	:	25 675	85 505	<b>39 875</b>	↓ - 53	3.2%	4,649	Afghanistan (29%)	
United Kingdom	27 885	29 640	32 120	39 720	<b>38 290</b>	→ - 4	3.1%	590	Iran (12%)	
Hungary	:	18 565	41 215	174 435	<b>28 215</b>	↓ - 84	2.3%	2,863	Afghanistan (38%)	
Switzerland	25 775	19 315	21 940	38 060	<b>25 820</b>	↓ - 32	2.1%	3,134	Eritrea (20%)	
Sweden	43 835	54 255	74 980	156 110	<b>22 330</b>	↓ - 86	1.8%	2,291	Syria (21%)	
Netherlands	9 660	9 815	21 780	43 035	<b>19 285</b>	↓ - 55	1.6%	1,141	Syria (15%)	
Bulgaria	1 230	6 980	10 805	20 165	<b>18 990</b>	↓ - 6	1.5%	2,637	Afghanistan (46%)	
Spain	2 350	4 285	5 460	14 600	<b>15 570</b>	↑ + 7	1.3%	335	Venezuela (25%)	
Belgium	18 335	11 965	14 045	38 990	<b>14 250</b>	↓ - 63	1.2%	1,266	Syria (16%)	
Poland	9 175	13 970	5 610	10 255	<b>9 780</b>	↓ - 5	0.8%	257	Russia (76%)	
Denmark	6 045	7 170	14 535	20 825	<b>6 055</b>	↓ - 71	0.5%	1,070	Syria (21%)	
Finland	2 905	2 985	3 490	32 150	<b>5 275</b>	↓ - 84	0.4%	964	Iraq (20%)	
Norway	9 210	11 430	10 910	30 470	<b>3 240</b>	↓ - 89	0.3%	627	Eritrea (17%)	
Cyprus	1 590	1 150	1 480	2 105	<b>2 840</b>	↑ + 35	0.2%	3,353	Syria (41%)	
Ireland	940	940	1 440	3 270	<b>2 235</b>	↓ - 32	0.2%	483	Syria (11%)	
Croatia	:	1 045	380	140	<b>2 150</b>	↑ +1 436	0.2%	509	Afghanistan (32%)	
Luxembourg	2 000	990	1 030	2 360	<b>2 065</b>	↓ - 13	0.2%	3,668	Syria (16%)	
Romania	2 420	1 405	1 500	1 225	<b>1 855</b>	↑ + 51	0.2%	93	Syria (43%)	
Malta	2 060	2 205	1 275	1 695	<b>1 735</b>	→ + 2	0.1%	4,041	Libya (38%)	
Slovenia	260	240	355	260	<b>1 265</b>	↑ + 387	0.1%	613	Afghanistan (32%)	
Czech Republic	505	490	905	1 235	<b>1 200</b>	→ - 3	0.1%	114	Ukraine (30%)	
Iceland	:	:	:	:	<b>1 100</b>	:	0.1%	3,342	FYROM (41%)	
Portugal	290	500	440	870	<b>710</b>	↓ - 18	0.1%	68	Ukraine (20%)	
Lithuania	560	250	385	275	<b>415</b>	↑ + 51	0.0%	142	Syria (40%)	
Latvia	190	185	365	330	<b>345</b>	→ + 5	0.0%	174	Syria (43%)	
Estonia	75	95	145	225	<b>150</b>	↓ - 33	0.0%	114	Syria (30%)	
Slovakia	550	290	230	270	<b>100</b>	↓ - 63	0.0%	18	Pakistan (15%)	
Liechtenstein	:	:	:	:	<b>75</b>	:	0.0%	2,007	Serbia (20%)	
<b>Citizenship</b>	<b>Reporting country</b>									
Syria	22 260	49 150	124 750	377 915	<b>337 450</b>	↓ - 11	27%	15,229	Germany (79%)	
Afghanistan	23 390	22 575	39 135	193 015	<b>186 535</b>	→ - 3	15%	5,898	Germany (68%)	
Iraq	11 935	9 290	15 290	126 810	<b>128 525</b>	→ + 1	10%	3,692	Germany (75%)	
Pakistan	17 405	19 450	20 775	47 210	<b>47 795</b>	→ + 1	3.9%	258	Germany (30%)	
Nigeria	9 415	12 275	20 065	31 040	<b>47 310</b>	↑ + 52	3.8%	267	Italy (56%)	
Iran	12 480	11 315	9 910	27 280	<b>40 820</b>	↑ + 50	3.3%	522	Germany (65%)	
Eritrea	11 690	19 935	45 880	45 760	<b>38 980</b>	↓ - 15	3.2%	7,628	Germany (48%)	
Albania	7 115	10 830	16 465	66 985	<b>29 515</b>	↓ - 56	2.4%	10,202	Germany (50%)	
Russia	18 030	35 815	14 355	18 680	<b>23 270</b>	↑ + 25	1.9%	162	Germany (47%)	
Somalia	15 720	17 705	16 335	21 320	<b>20 655</b>	→ - 3	1.7%	1,964	Germany (48%)	
Unknown	2 575	3 775	8 840	21 550	<b>20 165</b>	↓ - 6	1.6%	n.a.	Germany (90%)	
Gambia, The	1 965	3 835	11 700	13 215	<b>16 760</b>	↑ + 27	1.4%	8,692	Italy (53%)	
Bangladesh	5 315	7 480	10 200	17 995	<b>16 045</b>	↓ - 11	1.3%	101	Italy (41%)	
Guinea	4 855	5 935	5 510	5 775	<b>14 355</b>	↑ +149	1.2%	1,169	Italy (42%)	
Morocco	3 115	4 700	4 620	5 945	<b>12 080</b>	↑ + 103	1.0%	356	Germany (33%)	
Other	146 000	169 535	231 700	305 065	<b>255 070</b>	↓ - 16	21%	n.a.	Germany (36%)	
<b>EU+</b>	<b>313 265</b>	<b>403 600</b>	<b>595 530</b>	<b>1 325 560</b>	<b>1 235 330</b>	↓ - 7		<b>2,375</b>	<b>Syria (27%)</b>	

## Annex D3: Pending cases at the end of the year in the EU+ by EU+ country and main citizenship, 2012-2016

	2016					% chg. on last year	Share in EU+	per million inhabitants	Highest share	Sparkline
	2012	2013	2014	2015	2016					
<b>Reporting country</b>	<b>Citizenship</b>									
Germany	80 255	133 855	221 005	424 760	<b>601 905</b>	↑ +42	53%	7,452	Afghanistan (21%)	
Italy	11 345	13 655	45 750	60 155	<b>99 920</b>	↑ +66	8.8%	1,644	Nigeria (23%)	
Sweden	22 795	27 675	54 285	156 690	<b>82 960</b>	↓ -47	7.3%	8,511	Afghanistan (41%)	
Austria	21 740	22 175	:	79 665	<b>77 445</b>	→ -3	6.8%	9,030	Afghanistan (39%)	
France	24 480	38 915	36 520	34 125	<b>44 070</b>	↑ +29	3.9%	664	Albania (10%)	
Greece	39 460	49 800	31 930	26 150	<b>40 015</b>	↑ +53	3.5%	3,685	Syria (35%)	
United Kingdom	18 845	22 940	32 455	33 870	<b>32 700</b>	→ -3.5	2.9%	504	Pakistan (9%)	
Switzerland	20 375	19 215	19 195	34 075	<b>31 475</b>	↓ -8	2.8%	3,821	Afghanistan (25%)	
Belgium	26 165	17 520	15 325	36 455	<b>24 735</b>	↓ -32	2.2%	2,197	Afghanistan (28%)	
Spain	2 790	4 345	7 525	16 430	<b>20 365</b>	↑ +24	1.8%	438	Ukraine (27%)	
Bulgaria	1 270	5 650	6 750	9 500	<b>15 595</b>	↑ +64	1.4%	2,165	Afghanistan (48%)	
Finland	2 515	2 495	1 795	27 750	<b>15 000</b>	↓ -46	1.3%	2,741	Iraq (60%)	
Netherlands	3 360	:	:	29 635	<b>12 245</b>	↓ -59	1.1%	725	Afghanistan (16%)	
Denmark	1 555	1 485	8 240	14 975	<b>7 020</b>	↓ -53	0.6%	1,240	Iran (25%)	
Norway	2 925	2 755	4 465	24 545	<b>7 005</b>	↓ -71	0.6%	1,356	Afghanistan (33%)	
Ireland	3 530	3 805	3 635	4 865	<b>4 055</b>	↓ -17	0.4%	876	Pakistan (19%)	
Hungary	385	1 885	15 685	36 695	<b>3 415</b>	↓ -91	0.3%	347	Afghanistan (41%)	
Poland	2 380	1 990	2 685	3 305	<b>2 880</b>	↓ -13	0.3%	76	Russia (66%)	
Cyprus	1 225	:	1 775	2 055	<b>2 860</b>	↑ +39	0.3%	3,377	Syria (27%)	
Luxembourg	2 090	1 670	1 370	2 475	<b>2 465</b>	→ -0	0.2%	4,379	Iraq (20%)	
Malta	745	905	695	815	<b>1 070</b>	↑ +31	0.1%	2,492	Libya (24%)	
Romania	35	345	390	405	<b>935</b>	↑ +131	0.1%	47	Iraq (35%)	
Czech Republic	565	310	535	655	<b>770</b>	↑ +18	0.1%	73	Ukraine (30%)	
Iceland	140	165	210	275	<b>580</b>	↑ +111	0.1%	1,762	FYROM (37%)	
Slovenia	195	100	110	170	<b>555</b>	↑ +226	0.0%	269	Afghanistan (32%)	
Croatia	:	235	120	55	<b>495</b>	↑ +800	0.0%	117	Syria (24%)	
Latvia	190	195	255	225	<b>225</b>	→ +0	0.0%	113	Syria (36%)	
Lithuania	175	125	175	115	<b>190</b>	↑ +65	0.0%	65	Russia (24%)	
Slovakia	340	170	220	275	<b>95</b>	↓ -65	0.0%	18	Ukraine (21%)	
Liechtenstein	15	10	30	100	<b>75</b>	↓ -25	0.0%	2,007	China (13%)	
Estonia	15	40	100	120	<b>70</b>	↓ -42	0.0%	53	Albania (14%)	
Portugal	10	60	30	45	<b>50</b>	↑ +11	0.0%	5	Angola (10%)	
<b>Citizenship</b>	<b>Reporting country</b>									
Afghanistan	34 415	34 330	33 920	159 395	<b>238 015</b>	↑ +49	21%	7,526	Germany (54%)	
Syria	16 780	28 950	61 270	220 825	<b>157 675</b>	↓ -29	14%	7,116	Germany (68%)	
Iraq	14 165	13 170	17 730	104 710	<b>123 485</b>	↑ +18	11%	3,547	Germany (55%)	
Nigeria	8 890	11 720	20 200	32 135	<b>51 790</b>	↑ +61	4.6%	292	Italy (44%)	
Pakistan	28 050	31 815	31 180	43 980	<b>50 270</b>	↑ +14	4.4%	272	Germany (46%)	
Iran	13 665	13 980	12 970	29 785	<b>47 040</b>	↑ +58	4.2%	602	Germany (59%)	
Eritrea	7 440	13 275	35 830	42 365	<b>36 245</b>	↓ -14	3.2%	7,092	Germany (43%)	
Somalia	9 760	12 770	15 775	27 785	<b>31 735</b>	↑ +14	2.8%	3,017	Germany (53%)	
Russia	15 025	25 320	18 880	22 435	<b>28 355</b>	↑ +26	2.5%	197	Germany (70%)	
Albania	4 395	9 325	13 640	41 075	<b>22 060</b>	↓ -46	1.9%	7,625	Germany (51%)	
Unknown	3 440	4 695	8 200	19 850	<b>21 920</b>	↑ +10	1.9%	n.a.	Germany (85%)	
Ukraine	825	885	10 100	20 305	<b>18 485</b>	↓ -9	1.6%	406	Germany (35%)	
Gambia, The	1 505	3 165	9 475	11 520	<b>17 295</b>	↑ +50	1.5%	8,970	Germany (57%)	
Bangladesh	8 815	11 525	13 505	16 710	<b>16 535</b>	→ -1	1.5%	104	Italy (34%)	
Turkey	6 595	6 650	5 890	6 965	<b>13 435</b>	↑ +93	1.2%	173	Germany (61%)	
Other	118 140	152 900	204 680	261 600	<b>258 910</b>	→ -1	23%	n.a.	Germany (45%)	
<b>EU+</b>	<b>291 905</b>	<b>374 475</b>	<b>513 245</b>	<b>1 061 440</b>	<b>1 133 250</b>	↑ +7		<b>2,178</b>	<b>Afghanistan (21%)</b>	

## Annex D4: Withdrawn applications in the EU+ by EU+ country and main citizenship, 2012-2016

Reporting country	2016					% chg. on last year	Share in EU+	per million inhabitants	Highest share	Sparkline
	2012	2013	2014	2015	2016					
<b>Reporting country</b>									<b>Citizenship</b>	
Germany	3 055	4 750	8 190	14 530	45 245	↑ + 211	27%	560	Albania (12%)	
Hungary	150	1 195	18 150	103 015	44 905	↓ - 56	27%	4,556	Syria (36%)	
Sweden	5 500	4 825	5 020	9 085	13 875	↔ + 53	8.3%	1,423	Iraq (33%)	
Bulgaria	180	195	195	14 730	10 050	↔ - 32	6.0%	1,395	Afghanistan (48%)	
Poland	1 140	1 765	5 520	9 360	8 835	↔ - 6	5.3%	232	Russia (81%)	
Italy	105	15	1 555	6 750	8 640	↔ + 28	5.1%	142	Nigeria (23%)	
Greece	4 690	4 090	19 225	6 255	7 475	↔ + 20	4.4%	688	Pakistan (23%)	
Switzerland	3 370	3 345	2 525	2 855	5 075	↔ + 78	3.0%	616	Gambia, The (9%)	
Finland	435	310	300	3 175	3 750	↔ + 18	2.2%	685	Iraq (78%)	
Belgium	2 155	1 705	1 785	1 320	3 360	↑ + 155	2.0%	298	Iraq (33%)	
Denmark	1 365	3 005	1 235	1 730	3 255	↔ + 88	1.9%	575	Afghanistan (17%)	
United Kingdom	2 420	2 615	2 500	3 130	3 175	↔ + 1	1.9%	49	Pakistan (13%)	
Netherlands	335	425	495	910	2 080	↑ + 129	1.2%	123	Iraq (18%)	
Spain	130	:	645	875	1 870	↑ + 114	1.1%	40	Syria (30%)	
Croatia	:	740	255	80	1 255	↑ +1 469	0.7%	297	Afghanistan (36%)	
Ireland	390	535	1 690	1 330	1 140	↔ - 14	0.7%	246	Pakistan (33%)	
France	245	305	575	690	1 045	↔ +51	0.6%	16	Syria (21%)	
Slovenia	110	175	215	90	620	↑ + 589	0.4%	301	Afghanistan (40%)	
Luxembourg	930	355	150	245	545	↑ + 122	0.3%	968	Iraq (13%)	
Norway	225	220	60	360	475	↔ + 32	0.3%	92	Syria (28%)	
Cyprus	515	560	480	445	470	↔ +6	0.3%	555	Pakistan (19%)	
Romania	150	115	110	105	210	↑ + 100	0.1%	11	Syria (31%)	
Iceland	30	:	35	55	200	↑ + 264	0.1%	608	FYROM (65%)	
Latvia	130	85	185	225	150	↔ - 33	0.1%	76	Afghanistan (27%)	
Malta	60	90	560	140	115	↔ - 18	0.1%	268	Libya (17%)	
Czech Republic	65	55	55	125	110	↔ - 12	0.1%	10	Ukraine (27%)	
Lithuania	170	125	150	155	65	↓ - 58	0.0%	22	Ukraine (31%)	
Portugal	5	10	30	50	55	↔ + 10	0.0%	5	Ukraine (45%)	
Slovakia	340	285	135	125	35	↓ - 72	0.0%	6	Afghanistan (14%)	
Liechtenstein	0	0	20	40	30	↔ - 25	0.0%	803	Serbia (67%)	
Estonia	10	25	25	75	20	↓ - 73	0.0%	15	Iraq (25%)	
Austria	2 155	1 880	:	0	0	n.a.	0.0%	0	Afghanistan (.%)	
<b>Citizenship</b>									<b>Reporting country</b>	
Afghanistan	1 700	1 590	7 855	37 945	27 445	↔ - 28	16%	868	Hungary (50%)	
Syria	615	1 490	6 610	38 420	23 935	↔ - 38	14%	1,080	Hungary (67%)	
Iraq	1 380	1 200	2 660	16 740	22 630	↔ + 35	13%	650	Sweden (20%)	
Pakistan	2 515	2 615	6 720	11 795	11 760	↔ - 0	7.0%	64	Hungary (44%)	
Russia	1 920	3 840	5 455	7 950	8 805	↔ + 11	5.2%	61	Poland (81%)	
Albania	775	605	1 595	6 355	7 230	↔ + 14	4.3%	2,499	Germany (75%)	
Iran	715	875	1 075	2 240	4 840	↑ + 116	2.9%	62	Germany (26%)	
Serbia	2 775	1 620	2 565	3 610	4 160	↔ + 15	2.5%	585	Germany (85%)	
Nigeria	815	925	1 880	2 665	3 905	↔ + 47	2.3%	22	Italy (51%)	
Morocco	550	965	1 125	1 235	3 335	↑ + 170	2.0%	98	Germany (38%)	
Kosovo	645	1 210	7 040	18 350	3 060	↓ - 83	1.8%	1,678	Germany (73%)	
Algeria	750	900	995	1 340	3 035	↑ + 126	1.8%	78	Germany (50%)	
Ukraine	150	190	885	2 160	2 860	↔ + 32	1.7%	63	Germany (40%)	
FYROM	1 215	705	1 230	1 370	2 755	↑ + 101	1.6%	1,331	Germany (84%)	
Bangladesh	995	925	2 140	3 350	2 730	↔ - 19	1.6%	17	Hungary (34%)	
Other	13 040	14 135	22 235	26 530	35 630	↔ + 34	21%	n.a.	Germany (37%)	
<b>EU+</b>	<b>30 555</b>	<b>33 790</b>	<b>72 065</b>	<b>182 055</b>	<b>168 115</b>	↔ - 8		<b>323</b>	<b>Afghanistan (16%)</b>	



## Annex D5: Unaccompanied minors in the EU+ by EU+ country and main citizenship, 2012-2016

						2016				Sparkline
	2012	2013	2014	2015	2016	% chg. on last year	Share in EU+	per million inhabitants	Highest share	
<b>Reporting country</b>						<b>Citizenship</b>				
Germany	2 095	2 485	4 400	22 255	<b>35 935</b>	↑ + 61	55%	445	Afghanistan (42%)	
Italy	970	805	2 505	4 070	<b>6 020</b>	↑ + 48	9.2%	99	Gambia, The (29%)	
Austria	1 375	935	1 975	8 275	<b>3 900</b>	↓ - 53	5.9%	455	Afghanistan (63%)	
United Kingdom	1 125	1 265	1 945	3 255	<b>3 175</b>	→ - 2	4.8%	49	Afghanistan (23%)	
Bulgaria	60	185	940	1 815	<b>2 750</b>	↑ + 52	4.2%	382	Afghanistan (74%)	
Greece	75	325	440	420	<b>2 350</b>	↑ + 460	3.6%	216	Syria (33%)	
Sweden	3 575	3 850	7 045	35 250	<b>2 190</b>	↓ - 94	3.3%	225	Afghanistan (30%)	
Switzerland	495	355	775	2 670	<b>1 985</b>	↓ - 26	3.0%	241	Eritrea (42%)	
Netherlands	380	310	960	3 855	<b>1 705</b>	↓ - 56	2.6%	101	Eritrea (45%)	
Hungary	185	380	605	8 805	<b>1 220</b>	↓ - 86	1.9%	124	Afghanistan (70%)	
Denmark	355	350	815	2 125	<b>1 185</b>	↓ - 44	1.8%	209	Afghanistan (44%)	
Belgium	975	415	470	2 850	<b>1 035</b>	↓ - 64	1.6%	92	Afghanistan (52%)	
France	490	365	270	320	<b>475</b>	↑ + 48	0.7%	7	Afghanistan (27%)	
Finland	165	160	195	2 535	<b>370</b>	↓ - 85	0.6%	68	Afghanistan (27%)	
Norway	705	670	940	5 050	<b>270</b>	↓ - 95	0.4%	52	Afghanistan (43%)	
Slovenia	50	30	65	40	<b>245</b>	↑ + 513	0.4%	119	Afghanistan (67%)	
Cyprus	25	55	50	105	<b>215</b>	↑ + 105	0.3%	254	Somalia (63%)	
Croatia	70	55	10	5	<b>170</b>	↑ +3 300	0.3%	40	Afghanistan (74%)	
Poland	245	255	185	150	<b>140</b>	↓ - 7	0.2%	4	Russia (61%)	
Luxembourg	15	45	30	105	<b>50</b>	↓ - 52	0.1%	89	Afghanistan (30%)	
Romania	135	15	95	55	<b>45</b>	↓ - 18	0.1%	2	Iraq (44%)	
Ireland	25	20	30	35	<b>35</b>	→ + 0	0.1%	8	Afghanistan (29%)	
Spain	15	10	15	25	<b>30</b>	↑ + 20	0.0%	1	Syria (33%)	
Portugal	10	55	15	50	<b>25</b>	↓ - 50	0.0%	2	Congo (40%)	
Iceland	5	0	0	5	<b>20</b>	↑ + 300	0.0%	61	Iraq (25%)	
Malta	105	335	55	35	<b>15</b>	↓ - 57	0.0%	35	Syria (67%)	
Liechtenstein	0	0	0	5	<b>5</b>	→ + 0	0.0%	134	Afghanistan (0%)	
Latvia	0	5	0	10	<b>5</b>	↓ - 50	0.0%	3	Vietnam (100%)	
Czech Republic	5	0	5	15	<b>0</b>	↓ - 100	0.0%	0	Afghanistan (.%)	
Slovakia	5	5	10	5	<b>0</b>	↓ - 100	0.0%	0	Afghanistan (.%)	
Lithuania	5	0	5	5	<b>0</b>	↓ - 100	0.0%	0	Afghanistan (.%)	
Estonia	0	5	0	0	<b>0</b>	:	0.0%	0	Afghanistan (.%)	
<b>Citizenship</b>						<b>Reporting country</b>				
Afghanistan	5 645	3 540	6 135	52 625	<b>24 445</b>	↓ - 54	37%	773	Germany (61%)	
Syria	425	1 085	3 160	18 020	<b>12 065</b>	↓ - 33	18%	545	Germany (83%)	
Eritrea	405	945	4 490	7 785	<b>4 215</b>	↓ - 46	6.4%	825	Germany (43%)	
Iraq	330	210	385	5 330	<b>4 190</b>	↓ - 21	6.4%	120	Germany (71%)	
Somalia	1 115	1 745	2 330	4 020	<b>3 040</b>	↓ - 24	4.6%	289	Germany (51%)	
Gambia, The	135	215	1 070	1 540	<b>2 370</b>	↑ + 54	3.6%	1,229	Italy (73%)	
Pakistan	410	350	220	1 035	<b>1 950</b>	↑ + 88	3.0%	11	Greece (33%)	
Guinea	415	305	250	480	<b>1 275</b>	↑ + 166	1.9%	104	Italy (39%)	
Nigeria	150	150	405	900	<b>1 100</b>	↑ + 22	1.7%	6	Italy (70%)	
Iran	245	185	160	845	<b>950</b>	↑ + 12	1.4%	12	Germany (43%)	
Unknown	105	130	220	790	<b>945</b>	↑ + 20	1.4%	n.a.	Germany (92%)	
Ethiopia	110	155	225	1 360	<b>885</b>	↓ - 35	1.3%	9	Germany (42%)	
Albania	350	565	820	1 085	<b>775</b>	↓ - 29	1.2%	268	United Kingdom (52%)	
Bangladesh	140	195	295	745	<b>740</b>	→ - 1	1.1%	5	Italy (60%)	
Morocco	340	560	620	630	<b>675</b>	↑ + 7	1.0%	20	Sweden (21%)	
Other	3 425	3 415	4 080	7 005	<b>5 950</b>	↓ - 15	9.1%	n.a.	Italy (37%)	
<b>EU+</b>	<b>13 745</b>	<b>13 750</b>	<b>24 865</b>	<b>104 195</b>	<b>65 570</b>	↓ - 37		<b>126</b>	<b>Afghanistan (37%)</b>	

## Annex D6: Refugee status granted at first instance in the EU+ by EU+ country and main citizenship, 2012-2016

Reporting country	2016					% chg. on last year	Share in EU+	per million inhabitants	Highest share	Sparkline
	2012	2013	2014	2015	2016					
<b>Citizenship</b>										
Germany	8 765	10 910	33 310	137 135	<b>256 135</b>	↑ + 87	67%	3,171	Syria (65%)	
Austria	2 680	3 160	5 655	12 590	<b>24 685</b>	↑ + 96	6.4%	2,878	Syria (71%)	
France	7 070	9 140	11 980	16 790	<b>18 715</b>	↑ + 11	4.9%	282	Syria (14%)	
Sweden	3 745	6 750	10 245	12 740	<b>16 865</b>	↑ + 32	4.4%	1,730	Stateless (29%)	
Belgium	3 985	3 910	6 460	8 825	<b>11 760</b>	↑ + 33	3.1%	1,045	Syria (42%)	
Norway	3 675	4 490	3 590	5 410	<b>11 565</b>	↑ + 114	3.0%	2,238	Syria (64%)	
Netherlands	630	1 150	2 485	6 660	<b>9 740</b>	↑ + 46	2.5%	576	Syria (69%)	
United Kingdom	6 555	7 525	9 000	12 175	<b>8 410</b>	↓ - 31	2.2%	130	Syria (21%)	
Switzerland	2 455	3 115	6 140	6 285	<b>5 850</b>	↓ - 6.9	1.5%	710	Eritrea (54%)	
Italy	2 050	3 080	3 640	3 575	<b>4 800</b>	↑ + 34	1.3%	79	Syria (23%)	
Finland	545	570	490	1 060	<b>4 320</b>	↑ +308	1.1%	790	Iraq (44%)	
Denmark	1 035	1 600	3 765	7 605	<b>4 275</b>	↓ - 44	1.1%	755	Syria (71%)	
Greece	30	255	1 270	3 665	<b>2 470</b>	↓ -32.6	0.6%	227	Syria (67%)	
Bulgaria	20	180	5 165	4 705	<b>765</b>	↓ - 84	0.2%	106	Syria (90%)	
Luxembourg	35	110	105	170	<b>740</b>	↑ + 335	0.2%	1,314	Syria (72%)	
Romania	145	385	370	240	<b>600</b>	↑ + 150	0.2%	30	Syria (59%)	
Ireland	65	130	130	150	<b>445</b>	↑ + 197	0.1%	96	Syria (34%)	
Spain	230	205	385	220	<b>355</b>	↑ + 61	0.1%	8	Syria (15%)	
Cyprus	80	35	55	195	<b>210</b>	↑ + 8	0.1%	248	Palestine (36%)	
Lithuania	15	15	15	15	<b>180</b>	↑ +1 100	0.0%	62	Syria (75%)	
Malta	35	45	190	265	<b>165</b>	↓ - 38	0.0%	384	Libya (52%)	
Hungary	70	175	240	145	<b>155</b>	↑ + 7	0.0%	16	Afghanistan (19%)	
Slovenia	20	25	30	35	<b>140</b>	↑ + 300	0.0%	68	Syria (50%)	
Czech Republic	50	90	75	55	<b>140</b>	↑ + 155	0.0%	13	Iraq (71%)	
Poland	85	195	260	350	<b>110</b>	↓ - 69	0.0%	3	Syria (36%)	
Portugal	15	20	20	35	<b>105</b>	↑ + 200	0.0%	10	Eritrea (29%)	
Croatia	10	5	15	35	<b>85</b>	↑ + 143	0.0%	20	Iraq (24%)	
Estonia	10	5	20	20	<b>65</b>	↑ + 225	0.0%	49	Syria (31%)	
Iceland	5	5	15	30	<b>50</b>	↑ + 67	0.0%	152	Iran (20%)	
Latvia	5	5	5	5	<b>45</b>	↑ + 800	0.0%	23	Iraq (56%)	
Liechtenstein	0	0	0	0	<b>20</b>	:	0.0%	535	China (50%)	
Slovakia	10	5	0	5	<b>5</b>	→ + 0	0.0%	1	Afghanistan (0%)	
<b>Reporting country</b>										
Syria	5 930	10 325	40 080	137 060	<b>219 740</b>	↑ + 60	57%	9,917	Germany (76%)	
Iraq	4 035	3 360	5 305	19 920	<b>47 305</b>	↑ + 137	12%	1,359	Germany (78%)	
Eritrea	3 910	7 105	13 825	26 135	<b>27 900</b>	↑ + 7	7.3%	5,459	Germany (60%)	
Afghanistan	3 705	4 900	6 325	5 955	<b>20 870</b>	↑ + 250	5.4%	660	Germany (66%)	
Stateless	805	1 490	3 915	8 935	<b>12 965</b>	↑ + 45	3.4%	n.a.	Sweden (38%)	
Iran	4 700	5 590	5 175	5 175	<b>10 135</b>	↑ +96	2.6%	130	Germany (54%)	
Unknown	265	390	2 490	6 205	<b>9 375</b>	↑ +51	2.4%	n.a.	Germany (90%)	
Somalia	2 940	3 515	2 960	2 940	<b>5 545</b>	↑ + 89	1.4%	527	Germany (34%)	
Sudan	1 295	1 150	1 630	4 460	<b>4 530</b>	→ +1.6	1.2%	115	France (51%)	
Russia	2 430	2 720	2 810	2 545	<b>2 555</b>	→ +.4	0.7%	18	France (46%)	
Ethiopia	530	605	710	1 055	<b>1 635</b>	↑ +55	0.4%	17	Sweden (37%)	
Pakistan	1 205	2 245	2 025	1 725	<b>1 580</b>	↓ - 8	0.4%	9	Italy (29%)	
Congo (DR)	1 110	1 470	1 400	1 435	<b>1 485</b>	→ + 3	0.4%	20	France (78%)	
Sri Lanka	1 465	1 570	2 645	2 520	<b>1 435</b>	↓ -43	0.4%	69	France (44%)	
China	1 030	880	1 315	1 420	<b>1 360</b>	→ - 4	0.4%	1	France (67%)	
Other	8 765	9 965	12 515	13 700	<b>15 545</b>	↑ + 13	4.0%	n.a.	France (39%)	
<b>EU+</b>	<b>44 120</b>	<b>57 280</b>	<b>105 125</b>	<b>241 185</b>	<b>383 960</b>	↑ + 59		<b>738</b>	<b>Syria (57%)</b>	

## Annex D7: Subsidiary protection status granted at first instance in the EU+ by EU+ country and main citizenship, 2012-2016

Reporting country	2016					% chg. on last year	Share in EU+	per million inhabitants	Highest share	Sparkline
	2012	2013	2014	2015	2016					
<b>Reporting country</b>						<b>Citizenship</b>				
Germany	6 975	7 005	5 175	1 705	<b>153 695</b>	↑ +8914	59%	1,903	Syria (79%)	
Sweden	7 595	16 145	19 095	18 125	<b>47 180</b>	↑ +160	18%	4,840	Syria (88%)	
Italy	4 495	5 565	7 625	10 270	<b>12 090</b>	↔ +18	4.6%	199	Afghanistan (30%)	
Netherlands	3 325	3 350	9 290	9 400	<b>10 705</b>	↔ +14	4.1%	633	Syria (57%)	
France	1 575	1 565	2 835	3 845	<b>10 040</b>	↑ +161	3.9%	151	Afghanistan (28%)	
Spain	285	325	1 200	800	<b>6 500</b>	↑ +713	2.5%	140	Afghanistan (95%)	
Austria	1 775	1 760	1 380	2 100	<b>5 355</b>	↑ +155	2.1%	624	Afghanistan (44%)	
Belgium	1 565	2 370	1 585	1 650	<b>3 290</b>	↔ +99	1.3%	292	Syria (49%)	
Denmark	545	1 130	1 625	2 245	<b>2 805</b>	↔ +25	1.1%	496	Syria (78%)	
Switzerland	505	870	2 640	2 630	<b>1 805</b>	↔ -31	0.7%	219	Eritrea (78%)	
Finland	775	785	475	460	<b>1 705</b>	↑ +271	0.7%	312	Iraq (42%)	
Cyprus	10	125	940	1 390	<b>1 090</b>	↔ -22	0.4%	1,287	Syria (96%)	
Malta	1 235	1 445	900	915	<b>970</b>	↔ +6	0.4%	2,259	Libya (46%)	
Bulgaria	150	2 280	1 840	890	<b>585</b>	↔ -34	0.2%	81	Syria (89%)	
Norway	1 185	995	1 140	675	<b>400</b>	↔ -41	0.2%	77	Afghanistan (81%)	
Czech Republic	125	240	285	390	<b>290</b>	↔ -26	0.1%	28	Syria (31%)	
Hungary	240	185	250	355	<b>270</b>	↔ -24	0.1%	27	Syria (31%)	
Greece	45	175	590	355	<b>245</b>	↔ -31	0.1%	23	Afghanistan (39%)	
Portugal	85	115	90	160	<b>215</b>	↔ +34	0.1%	21	Ukraine (67%)	
United Kingdom	135	70	105	125	<b>210</b>	↔ +68	0.1%	3	Eritrea (57%)	
Romania	85	530	370	235	<b>200</b>	↔ -15	0.1%	10	Syria (73%)	
Poland	140	120	165	165	<b>150</b>	↔ -9	0.1%	4	Russia (37%)	
Latvia	20	20	20	15	<b>90</b>	↑ +500	0.0%	45	Syria (78%)	
Estonia	5	0	0	55	<b>65</b>	↔ +18	0.0%	49	Syria (46%)	
Ireland	35	20	270	180	<b>40</b>	↓ -78	0.0%	9	Zimbabwe (25%)	
Iceland	0	5	10	15	<b>40</b>	↑ +167	0.0%	122	Iraq (50%)	
Slovenia	15	15	10	10	<b>30</b>	↑ +200	0.0%	15	Syria (67%)	
Luxembourg	5	25	15	15	<b>25</b>	↔ +67	0.0%	44	Iraq (40%)	
Croatia	15	15	10	5	<b>15</b>	↑ +200	0.0%	4	Syria (100%)	
Lithuania	40	40	55	65	<b>15</b>	↔ -77	0.0%	5	Russia (33%)	
Slovakia	100	30	95	40	<b>10</b>	↓ -75	0.0%	2	Afghanistan (50%)	
Liechtenstein	0	5	0	0	<b>10</b>	:	0.0%	268	Ukraine (50%)	
<b>Citizenship</b>						<b>Reporting country</b>				
Syria	10 620	23 135	30 600	27 635	<b>185 780</b>	↑ +572	71%	8,384	Germany (65%)	
Afghanistan	4 780	5 055	4 885	6 040	<b>17 870</b>	↑ +196	6.9%	565	Germany (33%)	
Iraq	1 585	1 425	1 985	2 170	<b>15 945</b>	↑ +635	6.1%	458	Germany (68%)	
Eritrea	1 740	3 800	5 420	7 715	<b>11 485</b>	↔ +49	4.4%	2,247	Germany (32%)	
Unknown	860	515	625	240	<b>7 020</b>	↑ +2 825	2.7%	n.a.	Germany (97%)	
Somalia	6 090	4 035	3 320	2 615	<b>4 055</b>	↔ +55	1.6%	386	Germany (28%)	
Stateless	765	3 895	4 645	1 415	<b>3 370</b>	↑ +138	1.3%	n.a.	Germany (67%)	
Pakistan	235	445	1 085	1 790	<b>2 300</b>	↔ +28	0.9%	12	Italy (94%)	
Mali	2 145	1 040	315	815	<b>1 365</b>	↔ +67	0.5%	80	Italy (98%)	
Nigeria	245	285	835	1 030	<b>1 055</b>	↔ +2	0.4%	6	Italy (86%)	
Ukraine	10	20	255	1 250	<b>965</b>	↔ -23	0.4%	21	Italy (50%)	
Libya	45	85	125	760	<b>780</b>	↔ +3	0.3%	125	Malta (57%)	
Albania	55	150	530	430	<b>690</b>	↔ +60	0.3%	239	France (86%)	
Yemen	45	25	45	130	<b>605</b>	↑ +365	0.2%	23	Germany (35%)	
Sudan	300	120	265	325	<b>590</b>	↔ +82	0.2%	15	France (61%)	
Other	3 565	3 280	5 150	4 930	<b>6 265</b>	↔ +27	2.4%	n.a.	France (40%)	
<b>EU+</b>	<b>33 085</b>	<b>47 310</b>	<b>60 085</b>	<b>59 290</b>	<b>260 140</b>	↑ +339		<b>500</b>	<b>Syria (71%)</b>	

## Annex D8: Humanitarian protection status granted at first instance in the EU+ by EU+ country and main citizenship, 2012-2016

Reporting country	2012-2016					2016		Highest share	Sparkline
	2012	2013	2014	2015	2016	% chg. on last year	Share in EU+		
<b>Reporting country</b>								<b>Citizenship</b>	
Germany	1 400	2 205	2 075	2 070	<b>24 080</b>	↑ +1 063	44%	298	Afghanistan (77%)
Italy	15 480	5 750	9 315	15 770	<b>18 515</b>	↔ + 17	34%	305	Nigeria (17%)
Switzerland	1 315	2 405	6 630	5 080	<b>5 535</b>	↔ + 9	10%	672	Syria (23%)
Sweden	1 060	1 120	1 310	1 350	<b>2 295</b>	↔ + 70	4.2%	235	Afghanistan (49%)
United Kingdom	1 155	960	1 010	1 650	<b>1 315</b>	↔ -20	2.4%	20	Afghanistan (23%)
Finland	240	295	300	160	<b>1 045</b>	↑ + 553	1.9%	191	Afghanistan (70%)
Norway	325	280	175	165	<b>810</b>	↑ + 391	1.5%	157	Afghanistan (76%)
Netherlands	1 550	1 465	775	390	<b>365</b>	↔ -6	0.7%	22	Afghanistan (27%)
Austria	:	:	140	355	<b>330</b>	↔ -7	0.6%	38	Russia (27%)
Slovakia	80	35	75	35	<b>195</b>	↑ + 457	0.4%	36	Iraq (77%)
Malta	160	115	165	75	<b>55</b>	↔ -27	0.1%	128	Ukraine (64%)
Denmark	120	80	90	70	<b>50</b>	↔ -29	0.1%	9	Afghanistan (50%)
Poland	290	370	295	120	<b>50</b>	↓ -58	0.1%	1	Russia (70%)
Liechtenstein	:	0	0	0	<b>15</b>	:	0.0%	401	Somalia (67%)
Iceland	0	0	5	5	<b>5</b>	↔ + 0	0.0%	15	Nigeria (100%)
Hungary	40	5	20	5	<b>5</b>	↔ + 0	0.0%	1	Afghanistan (0%)
Czech Republic	5	15	15	15	<b>5</b>	↓ -67	0.0%	0	Afghanistan (0%)
Spain	10	5	0	0	<b>0</b>	:	:	0	
Romania	0	5	0	0	<b>0</b>	:	:	0	
Greece	20	70	115	10	<b>0</b>	↓ -100	:	0	
Cyprus	15	10	0	0	<b>0</b>	:	:	0	
Lithuania	:	:	0	0	<b>0</b>	:	:	0	
Croatia	:	:	:	0	<b>0</b>	:	:	0	
Estonia	:	0	0	0	<b>0</b>	:	:	0	
Ireland	:	:	:	:	<b>:</b>	:	:	:	
Slovenia	:	:	:	:	<b>:</b>	:	:	:	
Bulgaria	:	:	:	:	<b>:</b>	:	:	:	
Portugal	:	:	:	:	<b>:</b>	:	:	:	
France	:	:	:	:	<b>:</b>	:	:	:	
Luxembourg	:	:	:	:	<b>:</b>	:	:	:	
Belgium	:	:	:	:	<b>:</b>	:	:	:	
Latvia	:	:	:	:	<b>:</b>	:	:	:	
<b>Citizenship</b>								<b>Reporting country</b>	
Afghanistan	2 330	2 930	3 540	2 335	<b>22 570</b>	↑ + 867	41%	714	Germany (82%)
Nigeria	4 960	1 160	1 525	2 705	<b>3 535</b>	↔ + 31	6.5%	20	Italy (90%)
Somalia	565	1 410	1 135	660	<b>2 575</b>	↑ + 290	4.7%	245	Germany (74%)
Gambia, The	330	370	1 090	2 575	<b>2 385</b>	↔ -7	4.4%	1,237	Italy (99%)
Syria	275	585	2 875	2 350	<b>2 285</b>	↔ -3	4.2%	103	Switzerland (56%)
Pakistan	980	635	1 205	1 505	<b>1 830</b>	↔ + 22	3.3%	10	Italy (91%)
Mali	225	450	1 695	1 945	<b>1 625</b>	↔ -16	3.0%	95	Italy (99%)
Bangladesh	1 030	300	285	1 110	<b>1 515</b>	↔ + 36	2.8%	10	Italy (95%)
Eritrea	165	245	470	785	<b>1 515</b>	↔ + 93	2.8%	296	Switzerland (78%)
Senegal	550	215	755	1 335	<b>1 465</b>	↔ + 10	2.7%	104	Italy (99%)
Ukraine	15	40	180	1 155	<b>1 410</b>	↔ + 22	2.6%	31	Italy (93%)
Iraq	785	550	665	515	<b>1 385</b>	↑ + 169	2.5%	40	Germany (32%)
Ghana	2 925	495	310	730	<b>1 250</b>	↔ + 71	2.3%	47	Italy (95%)
Côte d'Ivoire	1 015	245	355	640	<b>920</b>	↔ + 44	1.7%	42	Italy (97%)
Guinea	430	160	240	545	<b>710</b>	↔ + 30	1.3%	58	Italy (92%)
Other	6 690	5 400	6 195	6 440	<b>7 685</b>	↔ + 19	14%	n.a.	Italy (35%)
<b>EU+</b>	<b>23 270</b>	<b>15 190</b>	<b>22 520</b>	<b>27 330</b>	<b>54 660</b>	↑ + 100		<b>105</b>	<b>Afghanistan (41%)</b>

## Annex D9: Rejections at first instance in the EU+ by EU+ country and main citizenship, 2012-2016

						2016				Sparkline
	2012	2013	2014	2015	2016	% chg. on last year	Share in EU+	per million inhabitants	Highest share	
<b>Reporting country</b>						<b>Citizenship</b>				
Germany	41 470	56 040	56 715	108 370	<b>197 180</b>	↗ +82	44%	2,441	Albania (16%)	
France	51 165	51 010	53 685	57 280	<b>58 730</b>	→ +3	13%	884	Albania (8%)	
Italy	5 255	9 175	14 600	41 730	<b>54 470</b>	↗ +31	12%	896	Nigeria (25%)	
Sweden	19 115	20 990	9 255	12 375	<b>29 195</b>	↗ +136	6.5%	2,995	Afghanistan (20%)	
United Kingdom	14 150	13 895	15 695	24 115	<b>20 980</b>	↘ -13	4.7%	323	Iran (13%)	
Finland	1 530	1 565	1 070	1 280	<b>13 685</b>	↗ +969	3.0%	2,501	Iraq (66%)	
Austria	11 435	11 690	2 230	6 050	<b>12 045</b>	↗ +99	2.7%	1,404	Afghanistan (26%)	
Belgium	18 940	15 110	12 290	8 945	<b>9 915</b>	↗ +11	2.2%	881	Iraq (23%)	
Switzerland	12 345	10 210	6 390	7 840	<b>9 395</b>	↗ +20	2.1%	1,140	Afghanistan (13%)	
Greece	11 095	12 580	11 335	5 610	<b>8 740</b>	↗ +56	1.9%	805	Pakistan (27%)	
Netherlands	8 160	6 225	6 240	4 015	<b>8 065</b>	↗ +101	1.8%	477	Afghanistan (14%)	
Norway	5 425	6 015	2 735	3 225	<b>6 535</b>	↗ +103	1.5%	1,265	Afghanistan (43%)	
Hungary	750	4 180	4 935	2 915	<b>4 675</b>	↗ +60	1.0%	474	Afghanistan (32%)	
Spain	2 070	1 835	2 035	2 220	<b>3 395</b>	↗ +53	0.8%	73	Mali (30%)	
Denmark	2 985	4 155	2 580	2 305	<b>3 285</b>	↗ +42.5	0.7%	580	Afghanistan (22%)	
Poland	1 960	2 210	1 980	2 870	<b>2 185</b>	↘ -24	0.5%	57	Russia (51%)	
Bulgaria	470	355	430	580	<b>1 700</b>	↗ +193	0.4%	236	Afghanistan (35%)	
Ireland	840	695	660	665	<b>1 645</b>	↗ +147	0.4%	355	Pakistan (27%)	
Czech Republic	540	555	625	875	<b>860</b>	↘ -1.7	0.2%	82	Ukraine (54%)	
Cyprus	1 230	635	310	480	<b>675</b>	↗ +41	0.2%	797	Pakistan (19%)	
Romania	1 390	515	845	840	<b>490</b>	↘ -42	0.1%	25	Pakistan (20%)	
Luxembourg	1 610	1 115	765	590	<b>485</b>	↘ -18	0.1%	862	Kosovo (25%)	
Iceland	55	120	25	130	<b>445</b>	↗ +242	0.1%	1,352	FYROM (42%)	
Portugal	130	170	115	180	<b>270</b>	↗ +50	0.1%	26	Guinea (13%)	
Malta	155	300	475	240	<b>245</b>	↗ +2	0.1%	571	Eritrea (16%)	
Croatia	120	165	210	145	<b>185</b>	↗ +28	0.0%	44	Algeria (24%)	
Latvia	120	65	70	145	<b>125</b>	↘ -14	0.0%	63	Iraq (28%)	
Slovenia	175	160	50	85	<b>95</b>	↗ +12	0.0%	46	Afghanistan (26%)	
Lithuania	335	120	110	95	<b>85</b>	↘ -11	0.0%	29	Russia (24%)	
Estonia	45	45	35	100	<b>60</b>	↘ -40	0.0%	46	Armenia (17%)	
Slovakia	250	125	110	50	<b>45</b>	↘ -10	0.0%	8	Pakistan (22%)	
Liechtenstein	50	35	10	25	<b>35</b>	↗ +40	0.0%	937	Albania (29%)	
<b>Citizenship</b>						<b>Reporting country</b>				
Afghanistan	12 415	11 595	7 210	7 330	<b>48 605</b>	↗ +563	11%	1,537	Germany (52%)	
Albania	4 225	6 980	12 615	40 935	<b>41 895</b>	→ +2	9.3%	14,481	Germany (76%)	
Iraq	5 515	5 010	3 320	3 935	<b>38 560</b>	↗ +880	8.6%	1,108	Germany (38%)	
Pakistan	13 315	15 290	11 850	14 120	<b>27 130</b>	↗ +92	6.0%	147	Germany (36%)	
Serbia	19 845	15 755	21 960	21 665	<b>22 620</b>	→ +4	5.0%	3,179	Germany (90%)	
Kosovo	7 890	11 380	13 090	37 225	<b>22 310</b>	↘ -40	5.0%	12,237	Germany (74%)	
Nigeria	8 250	9 055	7 860	14 365	<b>21 295</b>	↗ +48	4.7%	120	Italy (65%)	
Russia	11 855	22 425	9 860	10 210	<b>13 670</b>	↗ +34	3.0%	95	Germany (50%)	
FYROM	9 165	7 580	8 245	8 490	<b>13 660</b>	↗ +61	3.0%	6,602	Germany (90%)	
Bangladesh	7 925	7 750	6 795	9 460	<b>11 715</b>	↗ +24	2.6%	74	Italy (39%)	
Iran	5 375	5 375	3 635	3 015	<b>9 915</b>	↗ +229	2.2%	127	Germany (40%)	
Algeria	4 575	5 160	3 100	3 640	<b>9 345</b>	↗ +157	2.1%	240	Germany (36%)	
Ukraine	855	795	2 495	6 805	<b>8 890</b>	↗ +31	2.0%	195	Germany (26%)	
Syria	1 805	4 135	3 775	5 145	<b>8 435</b>	↗ +64	1.9%	381	Germany (23%)	
Gambia, The	1 055	1 435	3 110	6 720	<b>7 640</b>	↗ +14	1.7%	3,962	Italy (77%)	
Other	101 305	102 340	89 710	103 325	<b>144 245</b>	↗ +40	32%	n.a.	Germany (31%)	
<b>EU+</b>	<b>215 370</b>	<b>232 060</b>	<b>208 630</b>	<b>296 385</b>	<b>449 930</b>	↗ +52		<b>865</b>	<b>Afghanistan (11%)</b>	

## Annex D10: Decisions at first instance in the EU+ by EU+ country and main citizenships, 2012-2016

						2016				Sparkline
	2012	2013	2014	2015	2016	% chg. on last year	Share in EU+	per million inhabitants	Highest share	
<b>Reporting country</b>						<b>Citizenship</b>				
Germany	58 605	76 165	97 275	249 280	<b>631 085</b>	↑ + 153	55%	7,814	Syria (46%)	
Sweden	31 515	45 005	39 905	44 590	<b>95 540</b>	↑ + 114	8.3%	9,802	Syria (48%)	
Italy	27 280	23 565	35 180	71 345	<b>89 875</b>	↔ + 26	7.8%	1,478	Nigeria (20%)	
France	59 810	61 715	68 500	77 910	<b>87 485</b>	↔ + 12	7.6%	1,317	Sudan (7%)	
Austria	15 895	16 610	9 405	21 095	<b>42 415</b>	↑ + 101	3.7%	4,946	Syria (44%)	
United Kingdom	21 995	22 445	25 815	38 070	<b>30 915</b>	↓ -18.8	2.7%	477	Iran (14%)	
Netherlands	13 665	12 190	18 790	20 465	<b>28 875</b>	↔ + 41	2.5%	1,709	Syria (46%)	
Belgium	24 495	21 390	20 335	19 420	<b>24 960</b>	↔ + 29	2.2%	2,217	Syria (28%)	
Switzerland	16 625	16 595	21 800	21 840	<b>22 580</b>	↔ + 3	2.0%	2,741	Eritrea (30%)	
Finland	3 090	3 215	2 340	2 960	<b>20 750</b>	↑ + 601	1.8%	3,792	Iraq (57%)	
Norway	10 605	11 785	7 640	9 475	<b>19 310</b>	↑ + 104	1.7%	3,738	Syria (40%)	
Greece	11 195	13 080	13 305	9 640	<b>11 455</b>	↔ + 19	1.0%	1,055	Syria (26%)	
Denmark	4 680	6 965	8 055	12 225	<b>10 410</b>	↓ - 15	0.9%	1,839	Syria (52%)	
Spain	2 595	2 365	3 620	3 240	<b>10 250</b>	↑ + 216	0.9%	221	Syria (62%)	
Hungary	1 100	4 540	5 445	3 420	<b>5 105</b>	↔ + 49	0.4%	518	Afghanistan (31%)	
Bulgaria	640	2 810	7 435	6 175	<b>3 045</b>	↓ - 51	0.3%	423	Syria (42%)	
Poland	2 480	2 895	2 700	3 510	<b>2 495</b>	↔ - 29	0.2%	66	Russia (49%)	
Ireland	940	840	1 060	1 000	<b>2 130</b>	↑ + 113	0.2%	460	Pakistan (22%)	
Cyprus	1 335	800	1 305	2 065	<b>1 975</b>	↔ - 4	0.2%	2,332	Syria (55%)	
Malta	1 590	1 905	1 735	1 490	<b>1 435</b>	↔ - 4	0.1%	3,342	Libya (38%)	
Czech Republic	720	900	1 000	1 335	<b>1 300</b>	↔ - 3	0.1%	123	Ukraine (39%)	
Romania	1 625	1 435	1 585	1 320	<b>1 295</b>	↔ - 2	0.1%	65	Syria (39%)	
Luxembourg	1 650	1 245	885	775	<b>1 255</b>	↔ + 62	0.1%	2,229	Syria (43%)	
Portugal	230	305	230	370	<b>590</b>	↔ + 59	0.1%	57	Ukraine (27%)	
Iceland	65	130	55	180	<b>540</b>	↑ + 200	0.0%	1,641	FYROM (34%)	
Croatia	140	185	235	185	<b>285</b>	↔ +54.1	0.0%	67	Algeria (16%)	
Lithuania	390	175	185	180	<b>280</b>	↔ + 56	0.0%	96	Syria (50%)	
Slovenia	210	195	95	130	<b>265</b>	↑ + 104	0.0%	128	Syria (34%)	
Latvia	145	95	95	170	<b>260</b>	↔ + 53	0.0%	131	Syria (27%)	
Slovakia	440	190	280	130	<b>250</b>	↔ + 92	0.0%	46	Iraq (60%)	
Estonia	55	55	55	180	<b>190</b>	↔ + 6	0.0%	145	Syria (24%)	
Liechtenstein	55	45	10	30	<b>75</b>	↑ + 150	0.0%	2,007	Somalia (20%)	
<b>Citizenship</b>						<b>Reporting country</b>				
Syria	18 625	38 180	77 335	172 185	<b>416 260</b>	↑ + 142	36%	18,786	Germany (70%)	
Afghanistan	23 230	24 485	21 960	21 660	<b>109 920</b>	↑ + 407	9.6%	3,475	Germany (58%)	
Iraq	11 920	10 330	11 275	26 545	<b>103 190</b>	↑ + 289	9.0%	2,964	Germany (61%)	
Eritrea	8 240	14 235	22 145	39 600	<b>44 745</b>	↔ + 13	3.9%	8,756	Germany (47%)	
Albania	4 775	7 595	13 695	42 035	<b>43 245</b>	↔ + 3	3.8%	14,948	Germany (74%)	
Pakistan	15 740	18 615	16 160	19 140	<b>32 845</b>	↔ +72	2.9%	177	Italy (35%)	
Nigeria	13 720	10 875	10 760	18 835	<b>26 995</b>	↔ +43	2.4%	152	Italy (68%)	
Kosovo	8 460	11 905	14 120	38 230	<b>23 545</b>	↔ - 38	2.0%	12,914	Germany (71%)	
Serbia	20 285	16 200	22 480	22 070	<b>23 080</b>	↔ + 5	2.0%	3,244	Germany (89%)	
Unknown	3 205	2 900	5 225	8 640	<b>21 045</b>	↑ +144	1.8%	n.a.	Germany (86%)	
Iran	10 820	11 640	9 350	8 605	<b>20 990</b>	↑ + 144	1.8%	269	Germany (47%)	
Stateless	3 045	7 470	10 015	11 930	<b>19 005</b>	↔ + 59	1.7%	n.a.	Sweden (34%)	
Somalia	15 100	15 535	10 975	9 955	<b>18 840</b>	↔ + 89	1.6%	1,791	Germany (32%)	
Russia	15 035	26 190	13 705	13 630	<b>17 170</b>	↔ +26	1.5%	119	Germany (44%)	
Bangladesh	9 150	8 345	7 580	11 240	<b>14 080</b>	↔ + 25	1.2%	89	Italy (44%)	
Other	134 505	127 345	129 575	159 905	<b>213 725</b>	↔ + 34	19%	n.a.	Germany (30%)	
<b>EU+</b>	<b>315 855</b>	<b>351 845</b>	<b>396 355</b>	<b>624 205</b>	<b>1 148 680</b>	↔ + 84		<b>2,208</b>	<b>Syria (36%)</b>	

## Annex D11: Refugee status granted at second or higher instance in the EU+ by EU+ country and main citizenship, 2012-2016

						2016				Highest share	Sparkline
	2012	2013	2014	2015	2016	% chg. on last year	Share in EU+	per million inhabitants			
<b>Reporting country</b>						<b>Citizenship</b>					
Germany	2 110	2 960	4 330	5 170	8 515	↑ + 65	36%	105	Syria (62%)		
United Kingdom	3 920	3 770	2 700	4 030	6 170	↑ + 53	26%	95	Eritrea (20%)		
France	4 290	4 270	4 245	3 830	4 510	↑ + 18	19%	68	Congo (DR) (12%)		
Sweden	725	685	750	770	1 035	↑ + 34	4.4%	106	Afghanistan (23%)		
Austria	1 240	1 180	2 050	1 740	835	↓ - 52	3.6%	97	Afghanistan (41%)		
Greece	185	325	805	1 355	770	↓ - 43	3.3%	71	Syria (32%)		
Netherlands	70	450	260	255	340	↑ + 33	1.5%	20	Syria (21%)		
Belgium	295	370	440	395	320	↓ - 19	1.4%	28	Iraq (17%)		
Denmark	230	265	160	210	205	→ - 2	0.9%	36	Iran (37%)		
Ireland	45	55	90	180	205	↑ + 14	0.9%	44	Congo (DR) (12%)		
Finland	90	50	75	50	185	↑ + 270	0.8%	34	Iraq (35%)		
Norway	285	345	240	200	130	↓ - 35	0.6%	25	Stateless (27%)		
Switzerland	50	50	45	70	95	↑ + 36	0.4%	12	Syria (63%)		
Cyprus	5	10	10	45	25	↓ - 44	0.1%	30	Syria (60%)		
Malta	10	0	10	30	25	↓ - 17	0.1%	58	Libya (60%)		
Poland	20	5	5	10	20	↑ + 100	0.1%	1	Ukraine (75%)		
Spain	10	15	0	5	15	↑ + 200	0.1%	0	Syria (100%)		
Iceland	0	5	0	15	5	↓ - 67	0.0%	15	Iran (100%)		
Slovenia	0	0	0	5	5	→ + 0	0.0%	2	Syria (100%)		
Slovakia	5	0	0	0	5	: 0.0%	0.0%	1	Afghanistan (0%)		
Hungary	20	25	20	25	5	↓ - 80	0.0%	1	Somalia (100%)		
Romania	160	390	5	10	5	↓ - 50	0.0%	0	Afghanistan (0%)		
Luxembourg	5	0	5	15	5	↓ - 67	0.0%	9	Afghanistan (0%)		
Italy	45	5	10	0	5	: 0.0%	0.0%	0	Nigeria (100%)		
Bulgaria	0	0	5	0	0	: 0.0%	0.0%	0			
Czech Republic	0	0	5	0	0	: 0.0%	0.0%	0			
Portugal	0	0	0	0	0	: 0.0%	0.0%	0			
Lithuania	0	0	0	0	0	: 0.0%	0.0%	0			
Liechtenstein	15	0	0	0	0	: 0.0%	0.0%	0			
Croatia	20	0	0	0	0	: 0.0%	0.0%	0			
Estonia	0	0	0	0	0	: 0.0%	0.0%	0			
Latvia	5	5	0	0	0	: 0.0%	0.0%	0			
<b>Citizenship</b>						<b>Reporting country</b>					
Syria	855	1 115	2 010	3 435	6 165	↑ + 79	26%	278	Germany (85%)		
Eritrea	400	315	365	760	2 295	↑ + 202	9.8%	449	United Kingdom (55%)		
Afghanistan	1 435	2 095	2 460	2 315	1 820	↓ - 21	7.8%	58	United Kingdom (32%)		
Iran	1 750	2 070	1 500	1 395	1 485	↑ + 6	6.3%	19	United Kingdom (43%)		
Iraq	645	550	910	1 100	1 165	↑ + 6	5.0%	33	Germany (49%)		
Sri Lanka	1 265	1 230	1 125	960	1 075	↑ + 12	4.6%	52	United Kingdom (66%)		
Pakistan	825	1 270	950	1 075	1 010	↓ - 6	4.3%	5	United Kingdom (53%)		
Russia	1 095	820	960	765	700	↓ - 8	3.0%	5	France (67%)		
Congo (DR)	440	545	450	590	655	↑ + 11	2.8%	9	France (79%)		
Bangladesh	450	510	470	480	615	↑ + 28	2.6%	4	France (76%)		
Sudan	270	225	280	355	535	↑ + 51	2.3%	14	France (56%)		
Albania	75	150	240	280	455	↑ + 63	1.9%	157	United Kingdom (73%)		
Stateless	145	115	155	315	450	↑ + 43	1.9%	n.a.	United Kingdom (31%)		
Somalia	265	245	275	405	390	→ - 4	1.7%	37	Germany (27%)		
Guinea	205	290	390	465	380	↓ - 18	1.6%	31	France (83%)		
Other	3 740	3 700	3 735	3 725	4 225	↑ + 13	18%	n.a.	France (37%)		
<b>EU+</b>	<b>13 860</b>	<b>15 245</b>	<b>16 275</b>	<b>18 420</b>	<b>23 420</b>	<b>↑ + 27</b>		<b>45</b>	<b>Syria (26%)</b>		

## Annex D12: Subsidiary protection granted at second or higher instance in the EU+ by EU+ country and main citizenship, 2012-2016

Reporting country	2012-2016					2016			
	2012	2013	2014	2015	2016	% chg. on last year	Share in EU+	per million inhabitants	Highest share
<b>Reporting country</b>						<b>Citizenship</b>			
France	1 390	1 180	1 580	1 555	<b>1 910</b>	↗ +23	32%	29	Sudan (21%)
Sweden	1 450	990	800	335	<b>1 115</b>	↗ +233	19%	114	Syria (63%)
Germany	1 135	950	935	525	<b>855</b>	↗ +63	14%	11	Somalia (25%)
Netherlands	:	435	340	255	<b>575</b>	↗ +125	9.7%	34	Eritrea (35%)
United Kingdom	140	120	85	180	<b>375</b>	↗ +108	6.3%	6	Libya (33%)
Austria	300	240	790	850	<b>355</b>	↘ -58	6.0%	41	Afghanistan (62%)
Greece	90	220	295	355	<b>160</b>	↘ -55	2.7%	15	Afghanistan (69%)
Ireland	:	:	5	40	<b>100</b>	↗ +150	1.7%	22	Afghanistan (15%)
Cyprus	15	55	205	240	<b>100</b>	↘ -58	1.7%	118	Syria (45%)
Denmark	180	285	130	70	<b>75</b>	↗ +7	1.3%	13	Afghanistan (53%)
Norway	290	175	110	105	<b>60</b>	↘ -43	1.0%	12	Yemen (58%)
Poland	25	25	15	30	<b>50</b>	↗ +67	0.8%	1	Russia (50%)
Finland	145	75	60	45	<b>50</b>	↗ +11	0.8%	9	Afghanistan (40%)
Malta	5	0	25	40	<b>40</b>	↔ +0	0.7%	93	Egypt (13%)
Belgium	30	60	30	30	<b>30</b>	↔ +0	0.5%	3	Iraq (33%)
Italy	270	60	35	10	<b>25</b>	↗ +150	0.4%	0	Nigeria (40%)
Switzerland	30	15	15	10	<b>15</b>	↗ +50	0.3%	2	Eritrea (33%)
Romania	115	535	30	35	<b>15</b>	↘ -57	0.3%	1	Iraq (33%)
Bulgaria	20	35	15	5	<b>15</b>	↗ +200	0.3%	2	Syria (67%)
Czech Republic	25	15	10	0	<b>10</b>	:	0.2%	1	Afghanistan (0%)
Latvia	0	0	0	10	<b>10</b>	↔ +0	0.2%	5	Afghanistan (50%)
Iceland	0	0	0	5	<b>0</b>	↘ -100	0.0%	0	
Slovenia	0	0	0	0	<b>0</b>	:	0.0%	0	
Spain	5	0	0	5	<b>0</b>	↘ -100	0.0%	0	
Hungary	90	35	15	15	<b>0</b>	↘ -100	0.0%	0	
Slovakia	5	5	0	0	<b>0</b>	:	0.0%	0	
Portugal	0	0	0	0	<b>0</b>	:	0.0%	0	
Luxembourg	0	10	5	10	<b>0</b>	↘ -100	0.0%	0	
Lithuania	0	5	5	0	<b>0</b>	:	0.0%	0	
Liechtenstein	0	0	0	0	<b>0</b>	:	0.0%	0	
Croatia	10	0	0	0	<b>0</b>	:	0.0%	0	
Estonia	0	0	0	0	<b>0</b>	:	0.0%	0	
<b>Citizenship</b>						<b>Reporting country</b>			
Syria	1 810	1 785	1 160	530	<b>1 050</b>	↗ +98	18%	47	Sweden (67%)
Afghanistan	910	940	1 330	1 215	<b>815</b>	↘ -33	14%	26	Austria (27%)
Somalia	330	380	390	335	<b>590</b>	↗ +76	9.9%	56	France (42%)
Iraq	135	205	225	235	<b>465</b>	↗ +98	7.8%	13	United Kingdom (20%)
Sudan	55	100	135	250	<b>430</b>	↗ +72	7.2%	11	France (94%)
Eritrea	85	85	100	95	<b>330</b>	↗ +247	5.6%	65	Netherlands (61%)
Albania	90	85	305	340	<b>235</b>	↘ -31	4.0%	81	France (66%)
Russia	265	230	245	240	<b>220</b>	↘ -8	3.7%	2	France (55%)
Kosovo	190	75	195	155	<b>190</b>	↗ +23	3.2%	104	France (97%)
Libya	10	10	15	75	<b>160</b>	↗ +113	2.7%	26	United Kingdom (78%)
Yemen	5	20	10	70	<b>130</b>	↗ +86	2.2%	5	Sweden (46%)
Congo (DR)	80	95	60	90	<b>110</b>	↗ +22	1.9%	1	France (86%)
Guinea	75	75	60	85	<b>95</b>	↗ +12	1.6%	8	France (89%)
Bangladesh	40	75	50	55	<b>95</b>	↗ +73	1.6%	1	France (79%)
Nigeria	115	40	65	80	<b>90</b>	↗ +13	1.5%	1	France (56%)
Other	1 580	1 340	1 195	925	<b>940</b>	↔ +2	16%	n.a.	France (41%)
<b>EU+</b>	<b>5 775</b>	<b>5 540</b>	<b>5 540</b>	<b>4 775</b>	<b>5 945</b>	↗ +25		<b>11</b>	<b>Syria (18%)</b>



## Annex D13: Humanitarian protection granted at second or higher instance in the EU+ by EU+ country and main citizenship, 2012-2016

						2016			Highest share	Sparkline
	2012	2013	2014	2015	2016	% chg. on last year	Share in EU+	per million inhabitants		
<b>Reporting country</b>						<b>Citizenship</b>				
Greece	255	365	775	140	4 900	↑ +3400.	55%	451	Bangladesh (27%)	
Germany	1 775	2 045	1 730	1 615	1 935	↔ +20	22%	24	Afghanistan (32%)	
Sweden	715	705	830	1 150	860	↔ -25	10%	88	Stateless (14%)	
United Kingdom	2 845	1 065	1 265	485	595	↔ +23	6.6%	9	Albania (24%)	
Norway	365	485	610	595	225	↓ -62	2.5%	44	Afghanistan (16%)	
Austria	:	:	20	115	190	↔ +65	2.1%	22	Russia (29%)	
Netherlands	55	190	100	85	100	↔ +18	1.1%	6	Afghanistan (15%)	
Finland	45	50	30	15	60	↔ +300	0.7%	11	Afghanistan (33%)	
Switzerland	220	150	100	55	40	↔ -27	0.4%	5	Albania (13%)	
Poland	25	20	0	15	15	↔ +0	0.2%	0	Georgia (33%)	
Italy	470	5	5	5	15	↔ +200	0.2%	0	Afghanistan (0%)	
Iceland	0	0	0	15	10	↓ -33	0.1%	30	Equatorial Guinea (50%)	
Spain	30	5	10	0	5	:	0.1%	0	Afghanistan (100%)	
Denmark	0	0	0	0	0	:	0.0%	0		
Hungary	5	0	5	0	0	:	0.0%	0		
Romania	0	0	0	0	0	:	0.0%	0		
Czech Republic	0	5	15	0	0	:	0.0%	0		
Malta	5	0	0	0	0	:	0.0%	0		
Cyprus	25	25	5	0	0	:	0.0%	0		
Slovakia	0	0	0	0	0	:	0.0%	0		
Lithuania	:	0	0	0	0	:	0.0%	0		
Liechtenstein	0	0	0	5	0	↓ -100	0.0%	0		
Croatia	:	0	0	0	0	:	0.0%	0		
Estonia	:	0	0	0	0	:	0.0%	0		
Ireland	:	:	:	:	:	:	:	:		
Slovenia	:	:	:	:	:	:	:	:		
Bulgaria	:	:	:	:	:	:	:	:		
Portugal	:	:	:	:	:	:	:	:		
France	:	:	:	:	:	:	:	:		
Luxembourg	:	:	:	:	:	:	:	:		
Belgium	:	:	:	:	:	:	:	:		
Latvia	:	:	:	:	:	:	:	:		
<b>Citizenship</b>						<b>Reporting country</b>				
Bangladesh	70	40	80	25	1 355	↑ +5 320	15%	9	Greece (97%)	
Pakistan	250	130	360	110	1 145	↑ +941	13%	6	Greece (94%)	
Georgia	45	60	185	60	1 130	↑ +1 783	13%	252	Greece (96%)	
Afghanistan	1 230	1 595	1 280	865	845	↔ -2.3	9.4%	27	Germany (72%)	
Syria	70	15	25	75	420	↑ +460	4.7%	19	Germany (93%)	
Nigeria	425	175	240	125	405	↑ +224	4.5%	2	Greece (65%)	
Albania	60	110	150	135	345	↑ +156	3.9%	119	United Kingdom (41%)	
Russia	190	195	230	260	255	↔ -2	2.8%	2	Germany (39%)	
Somalia	130	95	80	140	200	↔ +43	2.2%	19	Germany (53%)	
Iraq	535	310	320	155	185	↔ +19	2.1%	5	Greece (35%)	
Senegal	30	0	40	10	150	↑ +1 400	1.7%	11	Greece (100%)	
Stateless	110	65	80	250	150	↔ -40	1.7%	n.a.	Sweden (80%)	
Kosovo	225	155	160	145	150	↔ +3	1.7%	82	Germany (77%)	
Armenia	90	65	90	125	135	↔ +8	1.5%	45	Greece (48%)	
Ethiopia	95	145	105	160	130	↔ -19	1.5%	1	Greece (50%)	
Other	3 285	1 960	2 080	1 650	1 950	↔ +18	22%	n.a.	Greece (33%)	
<b>EU+</b>	<b>6 840</b>	<b>5 115</b>	<b>5 505</b>	<b>4 290</b>	<b>8 950</b>	<b>↑ +109</b>		<b>17</b>	<b>Bangladesh (15%)</b>	

## Annex D14: Rejections at second or higher instance in the EU+ by EU+ country and main citizenship, 2012-2016

	2016					Share in EU+	per million inhabitants	Highest share	Sparkline
	2012	2013	2014	2015	2016				
<b>Reporting country</b>								<b>Citizenship</b>	
Germany	24 420	30 705	37 340	86 535	<b>112 395</b>	↑ +30	59%	1,392	Albania (27%)
France	30 570	32 100	31 260	29 190	<b>34 870</b>	↑ +19	18%	525	Congo (DR) (9%)
Sweden	13 060	10 575	10 755	10 510	<b>8 815</b>	↓ -16	4.6%	904	Afghanistan (10%)
Greece	1 115	2 990	5 785	5 810	<b>6 655</b>	↑ +15	3.5%	613	Pakistan (42%)
United Kingdom	8 285	8 730	8 250	7 735	<b>6 595</b>	↓ -15	3.5%	102	Pakistan (15%)
Belgium	12 160	11 060	7 480	7 260	<b>5 030</b>	↓ -31	2.6%	447	Iraq (15%)
Norway	7 175	9 425	7 470	3 930	<b>4 550</b>	↑ +16	2.4%	881	Afghanistan (45%)
Austria	6 415	5 435	1 210	2 390	<b>2 100</b>	↓ -12	1.1%	245	Russia (16%)
Switzerland	3 545	3 185	2 295	1 905	<b>1 840</b>	→ -3	1.0%	223	Eritrea (8%)
Poland	900	1 000	1 360	1 820	<b>1 200</b>	↓ -34	0.6%	32	Ukraine (50%)
Denmark	1 085	1 110	1 495	1 050	<b>1 150</b>	↑ +10	0.6%	203	Afghanistan (17%)
Hungary	290	625	800	435	<b>765</b>	↑ +76	0.4%	78	Pakistan (24%)
Netherlands	645	820	745	490	<b>745</b>	↑ +52	0.4%	44	Iraq (10%)
Spain	1 100	1 085	905	570	<b>495</b>	↓ -13	0.3%	11	Côte d'Ivoire (13%)
Czech Republic	415	395	530	395	<b>395</b>	→ +0	0.2%	37	Ukraine (39%)
Finland	50	55	45	55	<b>395</b>	↑ +618	0.2%	72	Iraq (47%)
Ireland	645	525	115	305	<b>385</b>	↑ +26	0.2%	83	Nigeria (21%)
Luxembourg	900	660	725	445	<b>315</b>	↓ -29	0.2%	560	Kosovo (30%)
Malta	415	135	225	300	<b>265</b>	↓ -12	0.1%	617	Eritrea (13%)
Portugal	65	100	95	85	<b>185</b>	↑ +118	0.1%	18	Guinea (14%)
Iceland	15	60	25	35	<b>135</b>	↑ +286	0.1%	410	Albania (52%)
Cyprus	1 500	875	275	285	<b>130</b>	↓ -54	0.1%	153	Vietnam (23%)
Croatia	100	95	110	85	<b>105</b>	↑ +24	0.1%	25	Algeria (10%)
Romania	1 945	625	135	65	<b>100</b>	↑ +54	0.1%	5	Afghanistan (15%)
Italy	445	20	10	5	<b>60</b>	↑ +1 100	0.0%	1	Gambia, The (25%)
Estonia	5	0	5	10	<b>40</b>	↑ +300	0.0%	30	Albania (13%)
Slovenia	35	60	65	30	<b>35</b>	↑ +17	0.0%	17	Afghanistan (43%)
Liechtenstein	50	35	0	15	<b>30</b>	↑ +100	0.0%	803	FYROM (33%)
Latvia	40	45	35	65	<b>30</b>	↓ -54	0.0%	15	Iraq (33%)
Slovakia	65	110	55	25	<b>20</b>	↓ -20	0.0%	4	Ukraine (25%)
Bulgaria	0	5	5	5	<b>10</b>	↑ +100	0.0%	1	Iraq (50%)
Lithuania	215	30	10	10	<b>5</b>	↓ -50	0.0%	2	Afghanistan (0%)
<b>Citizenship</b>									<b>Reporting country</b>
Albania	1 980	2 025	6 020	28 195	<b>34 980</b>	↑ +24	18%	12,091	Germany (87%)
Kosovo	6 270	4 850	6 495	25 610	<b>19 005</b>	↓ -26	10%	10,424	Germany (82%)
Serbia	11 035	11 295	13 050	18 265	<b>16 195</b>	↓ -11	8.5%	2,276	Germany (95%)
FYROM	4 250	5 630	5 595	7 550	<b>9 585</b>	↑ +27	5.0%	4,632	Germany (94%)
Pakistan	5 635	7 195	6 315	7 220	<b>8 885</b>	↑ +23	4.7%	48	Greece (32%)
Afghanistan	7 030	6 345	4 230	2 880	<b>8 240</b>	↑ +186	4.3%	261	Germany (44%)
Russia	6 940	5 885	6 680	5 670	<b>5 805</b>	→ +2	3.1%	40	Germany (37%)
Iraq	4 465	4 025	2 430	1 740	<b>5 545</b>	↑ +219	2.9%	159	Germany (49%)
Bosnia and Herzegovina	2 205	3 035	4 500	4 880	<b>4 505</b>	↓ -8	2.4%	1,180	Germany (91%)
Bangladesh	5 530	5 085	5 135	4 295	<b>4 260</b>	→ -1	2.2%	27	France (58%)
Algeria	2 335	1 770	1 630	1 505	<b>4 195</b>	↑ +179	2.2%	108	Germany (60%)
Georgia	2 250	3 010	3 135	3 685	<b>3 895</b>	↑ +6	2.1%	867	Germany (42%)
Congo (DR)	3 535	5 330	3 385	3 935	<b>3 680</b>	↓ -6	1.9%	49	France (83%)
Ukraine	570	500	710	2 400	<b>3 560</b>	↑ +48	1.9%	78	Germany (24%)
Montenegro	660	565	665	1 680	<b>3 100</b>	↑ +85	1.6%	4,985	Germany (95%)
Other	52 980	56 125	49 650	42 345	<b>54 400</b>	↑ +28	29%	n.a.	Germany (33%)
<b>EU+</b>	<b>117 670</b>	<b>122 670</b>	<b>119 625</b>	<b>161 855</b>	<b>189 835</b>	↑ +17		<b>365</b>	<b>Albania (18%)</b>

## Annex D15: Resettled persons in the EU+ by EU+ country and main citizenship, 2012-2016

						2016				Highest share	Sparkline
	2012	2013	2014	2015	2016	% chg. on last year	Share in EU+	per million inhabitants			
<b>Reporting country</b>						<b>Citizenship</b>					
United Kingdom	1 040	965	785	1 865	5 180	↑ + 178	29%	80	Syria (84%)		
Norway	1 230	955	1 285	2 375	3 290	↗ + 39	18%	637	Syria (88%)		
Sweden	1 680	1 820	2 045	1 850	1 890	↔ + 2	10%	194	Syria (37%)		
France	100	90	450	620	1 420	↑ + 129	7.8%	21	Syria (84%)		
Germany	305	280	280	510	1 240	↑ + 143	6.8%	15	Syria (96%)		
Italy	0	0	0	95	1 045	↑ +1 000	5.8%	17	Syria (93%)		
Finland	730	675	1 090	1 005	945	↘ - 6	5.2%	173	Syria (58%)		
Netherlands	430	310	790	450	695	↗ + 54	3.8%	41	Syria (83%)		
Switzerland	0	0	0	610	620	↔ + 2	3.4%	75	Syria (85%)		
Belgium	0	100	35	275	450	↗ + 64	2.5%	40	Syria (99%)		
Spain	80	0	125	0	375	: :	2.1%	8	Syria (100%)		
Ireland	50	85	95	175	355	↑ + 103	2.0%	77	Syria (94%)		
Denmark	480	575	370	450	310	↘ - 31	1.7%	55	Syria (76%)		
Austria	0	0	390	760	200	↘ - 74	1.1%	23	Syria (100%)		
Iceland	10	0	10	15	55	↑ + 267	0.3%	167	Syria (100%)		
Luxembourg	0	0	30	45	50	↗ + 11	0.3%	89	Syria (100%)		
Lithuania	5	0	0	5	25	↑ + 400	0.1%	9	Syria (100%)		
Estonia	0	0	0	0	10	: :	0.1%	8	Syria (100%)		
Hungary	0	0	10	5	5	↔ + 0	0.0%	1	Syria (100%)		
Latvia	0	0	0	0	5	: :	0.0%	3	Syria (100%)		
Slovenia	0	0	0	0	0	: :	0.0%	0			
Slovakia	0	0	0	0	0	: :	0.0%	0			
Romania	0	0	40	0	0	: :	0.0%	0			
Portugal	15	0	15	40	0	↘ - 100	0.0%	0			
Bulgaria	0	0	0	0	0	: :	0.0%	0			
Czech Republic	25	0	0	0	0	: :	0.0%	0			
Greece	0	0	0	0	0	: :	0.0%	0			
Croatia	0	0	0	0	0	: :	0.0%	0			
Cyprus	:	0	0	0	0	: :	0.0%	0			
Malta	0	0	0	0	0	: :	0.0%	0			
Croatia	:	0	0	0	0	: :	0.0%	0			
Liechtenstein	0	0	5	20	0	↘ - 100	0.0%	0			
<b>Citizenship</b>						<b>Reporting country</b>					
Syria	75	260	3 055	6 510	14 700	↑ + 126	81%	663	United Kingdom (30%)		
Congo (DR)	685	755	880	1 120	850	↘ - 24	4.7%	11	Sweden (41%)		
Afghanistan	1 075	770	865	745	480	↘ - 36	2.6%	15	Norway (68%)		
Eritrea	650	565	710	325	400	↗ + 23	2.2%	78	Sweden (66%)		
Somalia	745	1 045	630	665	390	↘ - 41	2.1%	37	Sweden (56%)		
Iraq	430	360	365	270	295	↗ + 9	1.6%	8	United Kingdom (47%)		
Ethiopia	575	95	215	330	270	↘ - 18	1.5%	3	United Kingdom (52%)		
Stateless	175	170	155	255	210	↘ - 18	1.2%	n.a.	Sweden (57%)		
Sudan	355	250	195	470	205	↘ - 56	1.1%	5	United Kingdom (54%)		
South Sudan	0	5	20	10	55	↑ + 450	0.3%	4	United Kingdom (73%)		
Iran	170	335	130	30	45	↗ + 50	0.2%	1	Norway (44%)		
Burundi	5	45	10	15	45	↑ + 200	0.2%	4	Sweden (56%)		
Rwanda	25	20	40	35	30	↘ - 14	0.2%	3	France (33%)		
Palestine	5	5	15	20	25	↗ + 25	0.1%	n.a.	France (40%)		
Sri Lanka	45	45	80	20	20	↔ + 0	0.1%	1	France (100%)		
Other	1 170	1 135	485	355	150	↘ - 58	0.8%	n.a.	Sweden (39%)		
<b>EU+</b>	<b>6 185</b>	<b>5 860</b>	<b>7 850</b>	<b>11 175</b>	<b>18 170</b>	↗ +62.6		<b>35</b>	<b>Syria (81%)</b>		







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